

CITY OF PRAIRIE VILLAGE

September 16, 2013

Council Committee Meeting 6:00 p.m.

City Council Meeting 7:30 pm



**COUNCIL COMMITTEE OF THE WHOLE
Council Chambers
September 16, 2013
6:00 PM**

AGENDA

DALE WARMAN, COUNCIL PRESIDENT

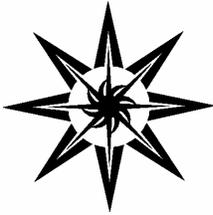
AGENDA ITEMS FOR DISCUSSION

Presentation by Commissioner Ed Peterson

COU2013-44 Consider renewing City's health, dental and vision insurance providers,
as recommended by City staff
Nicholas Sanders

EXECUTIVE SESSION

***Council Action Requested the same night**



COUNCIL COMMITTEE

Council Committee Meeting Date: September 16, 2013

City Council Meeting Date: October 7, 2013

COU2013-44: Consider renewing City's health, dental, and vision insurance providers, as recommended by City staff.

SUGGESTED MOTION

Move that the Committee:

- 1) Approve Blue Cross Blue Shield of Kansas City as the City's health insurance provider for the 2014 plan year, with a 3.43% increase in premiums.
- 2) Approve Delta Dental of Kansas as the City's dental insurance provider for the 2014 plan year, with a 3.50% increase in premiums.
- 3) Approve Superior Vision as the City's vision insurance provider for the 2014 plan year, with a 0.00% increase in premiums.

BACKGROUND

A CBIZ representative will be in attendance at Monday night's meeting.

After several years of 0% increases on the health insurance plan, this year's renewal rates are a 3.43% increase due to mandatory Affordable Care Act (ACA) taxes and fees. The City currently contracts with Blue Cross Blue Shield of Kansas City (BCBS) for its employee health insurance plans. The plan year ends in December and consequently, renewals were sought from BCBS for the 2014 plan year. The renewal is based on the claims incurred by plan participants over the twelve month period of July 2012 - June 2013; the City's loss ratio for this period was 74% which reflects positively on the employee's wellness efforts and reducing health care costs.

As part of the ACA there are taxes and fees that insurance providers are required to pay; these fees are passed on to the clients through premiums. The total percentage cost due to taxes and fees are a 3.85% increase.

ACA Taxes/Fees

Health Insurance Excise Tax	2.40%
Comparative Effectiveness Fee	0.04%
Reinsurer Fee	1.41%
<hr/>	
Subtotal ACA Taxes/Fees	3.85%

In addition to the taxes and fees, the ACA also requires that any co-pays count towards an individual's out-of-pocket maximum for the plan year. Beginning in 2014, all co-pays, with the exception of prescription drugs, will count towards the annual out-of-pocket maximum of the plan the employee elects. The out-of-pocket maximums will remain the same as they have been the last several years.

With the City's loss ratio and ACA taxes and fees, BCBS responded with a 3.43% renewal increase. Staff attributes a portion of the plan's outstanding performance to the ongoing wellness campaign and the health risk assessment. Based on the renewal information, the monthly cost sharing structure for the BCBS plans are attached and are essentially the same as 2013 with the 3.43% reflected. The City will continue to offer four types of plans for employees to select.

Beginning in 2011, employees who participated in a Health Risk Assessment (HRA) conducted by BCBS received a \$20 reduction in their monthly premium costs. Employees are required to go through a basic physical screening in to determine height, weight, and cholesterol level. With those results, the employee will enter them into an online questionnaire that provides recommendations based on their individual data. This differential will be continued for 2012 with employees participating in on-site HRA during the first quarter of 2014.

With the continuation of the HRA premium differential, City staff recommends that the differential for non-tobacco users covered on the City's health insurance plan (employee or dependent) continue in 2014. Those individuals who do not use tobacco products (cigarettes, pipes, chewing tobacco, cigars, etc.) more than once per week will receive a \$20 reduction in their monthly premium costs. The City will continue to offer reimbursement of any smoking cessation treatments up to \$100 per month. If a covered individual quits using tobacco product(s) then they will be eligible to begin receiving the monthly premium discount.

Delta Dental of Kansas, the City's dental insurance provider, has agreed to renew the dental plans for 2014 at a 3.50% increase. The dental insurance renewal is part of a three year rate agreement; this renewal also includes a rate cap for the 2015 renewal of 5.00%. The City's vision insurance provider, Superior Vision, has also agreed to a 0% increase in premium for 2014.

FUNDING SOURCE

Employee insurance premiums are funded with the General Fund. The 2013 budget anticipated an increase in City premium contributions of 10%. The renewal rates of 3.43%, 3.50%, 0.00% for the health, dental, and vision plans, respectively, fit within the budgeted funds.

ATTACHMENTS

- Medical Benefits Comparison

Prepared By:

Nicholas Sanders

Human Resources Manager, PHR, IPMA-CP

Date: September 10, 2013



City of Prairie Village Current and Renewal Medical Benefits and Rates Effective January 1, 2014

MEDICAL	Blue Cross Blue Shield of Kansas City QHDHP		Blue Cross Blue Shield of Kansas City BASE PPO		Blue Cross Blue Shield of Kansas City HMO		Blue Cross Blue Shield of Kansas City BUY-UP PPO	
Carrier Website	www.bluekc.com		www.bluekc.com		www.bluekc.com		www.bluekc.com	
Plan Type & Network	PREFERRED-CARE QHDHP w/HSA		PREFERRED-CARE BLUE PPO		BLUE CARE HMO		PREFERRED-CARE PPO	
	<i>In Network</i>	<i>Out of Network</i>	<i>In Network</i>	<i>Out of Network</i>	<i>In Network Only</i>	<i>In Network</i>	<i>Out of Network</i>	
Annual Deductible (calendar year)⁽¹⁾								
Individual	\$2,500		\$500		N / A	\$250	\$500	
Family	\$5,000		\$1,000		N / A	\$500	\$1,000	
Coinsurance								
Member Pays	0%	20%	20%	40%	30%	10%	30%	
Maximum Out-of-Pocket (calendar year)⁽²⁾								
Individual	\$2,500	\$5,000	\$2,500	\$5,000	\$4,000	\$750	\$1,500	
Family	\$5,000	\$1,000	\$5,000	\$10,000	\$8,000	\$1,500	\$3,000	
Lifetime Maximum								
Per Individual	Unlimited		Unlimited		Unlimited	Unlimited		
Physician Services								
Preventive Care	\$0	Ded. Then 20%	\$0	Ded. Then 40%	\$0	\$0	Ded. Then 30%	
Office Visits	Deductible Only	Ded. Then 20%	\$30 / \$60	Ded. Then 40%	\$30 / \$60	\$40	Ded. Then 30%	
Diagnostic (Non-routine) Lab and X-Ray	Deductible Only	Ded. Then 20%	\$0 / Ded. Then 20%	Ded. Then 40%	\$0	\$0 / Ded. Then 10%	Ded. Then 30%	
Urgent Care	Deductible Only	Ded. Then 20%	\$60	Ded. Then 40%	\$60	\$40	Ded. Then 30%	
Hospital Services								
Inpatient Care	Deductible Only	Ded. Then 20%	Ded. Then 20%	Ded. Then 40%	30%	Ded. Then 10%	Ded. Then 30%	
Outpatient Surgery	Deductible Only	Ded. Then 20%	Ded. Then 20%	Ded. Then 40%	30%	Ded. Then 10%	Ded. Then 30%	
Emergency room	Deductible Only	Ded. Then 20%	\$200 Then Ded. Then 20%		\$200	\$200 Then IN Ded. Then 10%	\$200 Then OON Ded. Then 10%	
Prescription Drugs								
Level 1	Deductible Only		\$12		\$12	\$12		
Level 2	Deductible Only	Ded. Then 50% after	\$35	Ded. Then 50% after	\$35	\$35	Ded. Then 50% after	
Level 3	Deductible Only	\$12 / \$35 / \$60	\$60	\$12 / \$35 / \$60	\$60	\$60	\$12 / \$35 / \$60	
Mail Order (102 Day Supply)	Deductible Only		2x		2x	2x		
MEDICAL RATES								
	Current	Renewal	Current	Renewal	Current	Current	Renewal	
Employee Only	\$346.46	\$358.35	\$398.87	\$412.56	\$432.31	\$530.87	\$549.09	
Employee + One	\$838.42	\$867.19	\$965.41	\$998.54	\$1,046.35	\$1,284.94	\$1,329.03	
Employee + Family	\$1,236.82	\$1,279.26	\$1,422.76	\$1,471.58	\$1,542.04	\$1,893.62	\$1,958.60	

Note: This is only a summary. Please refer to the booklet/certificate for specific details. If a conflict arises, the booklet/certificate will govern in all cases.

(1) Family deductible is embedded. An individual covered in a family will not pay more than the individual deductible.

(2) HDHP out-of-pocket maximum includes deductible, coinsurance, and prescription drugs. PPO and HMO out-of-pocket amount includes coinsurance, deductibles, copays, but excludes prescription drug copays.

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
September 16, 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 - September 3, 2013
- 2. Approve Claims Ordinance 2909
- 3. Approve Resolution 2013-04 expressing the City of Prairie Village's support for bringing the Republican National Convention to the Kansas City Region in 2016
- 4. Authorize the Mayor to execute a proclamation establishing September 20, 2013 as Lancer Day

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

Council Committee of the Whole

COU2013-27 Consider approval of website upgrade and homepage redesign

- VIII. **STAFF REPORTS**
- IX. **OLD BUSINESS**

Consider Resolution of Findings of Fact for PC2013-05

- X. **NEW BUSINESS**
- XI. **EXECUTIVE SESSION**
- XII. **ANNOUNCEMENTS**

XIII. 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

CONSENT AGENDA

CITY OF PRAIRIE VILLAGE, KS

SEPTEMBER 16, 2013

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
September 3, 2013**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, September 3, 2013, at 6:30 p.m. in the Fellowship Hall at The Village Presbyterian Church, 6641 Mission Road in Prairie Village.

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 (arrived late), Laura Wassmer, Brooke Morehead, Charles Clark, David Morrison, Ted Odell and David Belz.

Also present were: Captain Tim Schwartzkopf; Keith Bredehoeft, Interim Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; Lisa Santa Maria, Finance Director; Nic Sanders, Human Resources Specialist; Jeanne Koontz, Deputy City Clerk/Public Information Officer and Joyce Hagen Mundy, City Clerk.

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

PUBLIC PARTICIPATION

Mayor Shaffer opened public participation on any item not related to the Special Use Permit for 8500 Mission Road as those comments will be taken later in the meeting.

Chuck Dehner, 4201 West 68th Terrace, spoke again in protest to the giveaway of taxpayer dollars under the CID. He noted the Waid's building has been demolished and construction of a multiple use retail building is underway at the cost of \$4 million from

CID funds. The Cosentino brothers do not need the City to pay for their new buildings. This is “corporate welfare” taking money away from middle-class residents and giving it to the wealthy. He noted a reimbursement of over \$100,000 to Lane4 including \$75,000 in fees for which there is no documentation.

Mr. Dehner noted during the discussion of the CID agreement no mention was made of bonds. He believes the CID agreement commits the City to a bond liability of \$80 million. He questioned what the Council was doing in approving the CID and stated the agreement needs to be investigated. The Council should be ashamed of the way it is giving away its residents’ taxpayer dollars.

Mayor Shaffer acknowledged the presence of three Boy Scouts from Troop 007 in attendance for their “Citizenship in Community Badge” requirement.

With no one else to address the Council, Public Participation was closed at 6:40 p.m.

CONSENT AGENDA

Dale Warman moved the approval of the Consent Agenda for Tuesday, September 3, 2013:

1. Approve Regular Council Meeting Minutes - August 19, 2013
2. Authorize the Mayor to execute a proclamation recognizing September 8 - 14, 2013 as “Suicide Prevention Week.”
3. Approve a Letter of Understanding with Johnson County Human Services for participation in the 2014 Minor Home Rehabilitation Program in the amount of \$6,000.
4. Approve a Letter of Understanding with Johnson County Human Services for participation in the 2014 HOME Rehabilitation Program in the amount of \$20,000.
5. Approve the design agreement with Larkin Lamp Rynearson & Associates for the alternatives review study of the 83rd Street and Delmar Drainage Project at a cost not to exceed \$41,278.80.

6. Adopt Ordinance 2292 granting to Kansas City Power & Light Company, its successors and assigns, an Electric Power Franchise, prescribing the terms of the franchise and repealing Ordinance No. 1802.
7. Adopt Ordinance 2278 adopting the 2012 International Building Code.
8. Adopt Ordinance 2279 adopting the International Residential Code.
9. Adopt Ordinance 2280 adopting the 2012 International Plumbing Code.
10. Adopt Ordinance 2281 adopting the 2012 International Mechanical Code.
11. Adopt Ordinance 2282 adopting the 2012 International Fuel Gas Code.
12. Adopt Ordinance 2283 adopting the 2012 International Energy Conservation Code.
13. Adopt Ordinance 2284 adopting the 2011 National Electric Code.
14. Adopt Ordinance 2285 amending Chapter IV Article 9 of the Prairie Village Municipal Code entitled "Association Notification of Construction Activity".
15. Adopt Ordinance 2286 amending Chapter VII, Article 1 of the Prairie Village Municipal Code entitled "Fire Department".
16. Adopt Ordinance 2287 adopting the 2012 International Fire Code.
17. Adopt Ordinance 2288 amending Chapter VII, Article 3 of the Prairie Village Municipal Code entitled "Fireworks", Article 4 entitled "Explosive Blasting", Article 5 entitled "Flammable Liquids" and Article 6 entitled "Hazardous Materials Response; Recovery of Costs".
18. Adopt Ordinance 2289 adopting the 2012 International Property Maintenance Code.

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

MAYOR'S REPORT

Mayor Shaffer reported he represented the City at several events during the past weeks including a reception for Assistant City Administrator Dennis Enslinger who is leaving to take another position on the east coast, a Memorial Service for former Prairie Village Municipal Foundation President Doris Wieggers, the 2nd Annual Relay for Life at Franklin Park, Ukraine Independence Day event with the Sister City Committee, Employee Appreciation Event, Kansas City Chamber Board of Directors and MARC Board of Directors meetings.

STAFF REPORTS

Public Safety

- Captain Tim Schwartzkopf reported that the Department is looking at entering into an agreement with an outside firm to make police reports available on line for a fee.
- As part of the “Defense of Schools Initiative” the Department is assisting local schools with Lock-Down Drills. Drills are planned for all PV schools and have already been held at Shawnee Mission East, Belinder and Corinth Elementary Schools.

Public Works

- Keith Bredehoeft reported there are approximately two and a half months left for the street construction season and provided an update on ongoing and upcoming projects at Somerset & Belinder; 71st & Tomahawk Channel Replacement and near Fonticello between 67th & 71st. WaterOne is replacing mains on several streets and the City is doing rehabilitation on four streets in this area.

Administration

- Dennis Enslinger expressed his appreciation for the opportunity to work for the City of Prairie Village the past five years and provided an update on how his staff assignments have been delegated until a new Assistant City Administrator is hired.
- Ron Williamson will be handling planning issues and will have office hours at City Hall to meet with individuals.
- Quinn Bennion provided an update on the Public Works Director search. Six candidates will be interviewed the end of the month.
- The City will be receiving applications for the Assistant City Administrator position though the end of this week.
- Mr. Bennion noted that over the past several weeks comments have been made during public participation regarding the city’s CID agreements that have been inaccurate and provided the following corrections:
 - “The City may be paying for half of Standees” - No CID reimbursements have been paid for Standees nor are any anticipated.
 - “No limit to the amount of sales tax that can be demanded of the developer” - The sales tax is limited to the amount collected with the 1% tax within the identified districts for the term of the CID.
 - “The CID is an \$80 Million commitment for the City” - The only funds obligated are those collected by the 1% sales tax, which is estimated to be \$10 million for each center over a period of 22 years.
 - “The enhancement of Johnny’s is not eligible for CID reimbursement.” - An amendment to the CID was approved by the City Council and certain elements of the enhancements are eligible.
 - “The City must issue bonds if requested by the developer” - This is not true. The agreement states “Under no circumstances shall the City be obligated to extend credit support to any issuance of obligations.”

- “Double reimbursement is occurring” - There was not a double payment of the first invoices. The first two reimbursements were split between the two districts.

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

Committee meetings scheduled for the next two weeks include:

Tree Board	09/04/2013	6:00 p.m.
Jazz Fest Committee	09/04/2013	7:00 p.m.
Sister City Committee	09/09/2013	7:00 p.m.
Planning Commission	09/10/2013	7:00 p.m.
Parks & Recreation Committee	09/11/2013	7:00 p.m.
Council Committee of the Whole	09/16/2013	6:00 p.m.
City Council	09/16/2013	7:30 p.m.

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The Prairie Village Jazz Festival is Saturday, September 7th from 3 p.m. to 11 p.m. in Harmon Park. Brooke Morehead encouraged all to attend the event featuring an outstanding line-up of jazz musicians with excellent food vendors and merchandise for sale with the proceeds benefiting Heartland Habitat for Humanity’s work in Prairie Village.

The Prairie Village Arts Council is pleased to announce a mixed media exhibit by Jan Fellers in the R. G. Endres Gallery for the month of September. A reception will be held on Friday, September 13, from 6:30 to 8:30 p.m.

The Shawnee Mission Education Foundation’s Fall Breakfast is Wednesday, September 25, at 7 a.m. at the Overland Park Convention Center (6000 College Blvd.) Please RSVP to Jeanne at 913-385-4662 by Wednesday, September 11, if you plan to attend.

Flu shots will be offered for Council Members on September 25 from 7:30 a.m. to 9 a.m. at Public Works “B” Building or from 3:00 to 4:30 p.m. in the Multi-Purpose Room. The fee for the shot is \$27. Please notify Nic Sanders at 913-385-4664 if you plan to receive a shot.

Save the Date for the Northeast Johnson County Chamber of Commerce 2013 Annual Gala on Saturday, November 23, at the Overland Park Marriott.

COMMITTEE REPORTS

Planning Commission

PC2013-07 Request for Renewal of a Special Use Permit for the installation of wireless communication antenna at 1900 West 75th Street by T-Mobile

Dennis Enslinger stated this is a request to renew the Special Use Permit for the installation of antennas and equipment on the Capitol Federal Savings building on the northwest corner of 75th Street and State Line for T-Mobile USA. The original application was approved in 2002. Both the antennas and equipment cabinets are placed on the roof of the building. The equipment cabinets are mounted on a 12' x 20' structural platform and enclosed with a screen. There are three sets of antenna panels mounted on the frames and placed on the roof with each panel having three antennas mounted on it. They are located on the east, west and north sides of the roof. The antennas are about 12 feet in height from the roof to the top of the antenna. The individual antenna panels are approximately 56 inches long by 8 inches in width and are mounted on prefabricated steel support frames that are held on the roof with concrete ballast block. This type of installation is much less obtrusive than towers and a more compatible way of providing the necessary coverage to serve the residents of Prairie Village. The original applications were approved for five years.

The Planning Commission held a public hearing on this application at its August 6th meeting. No one was present to speak on this application. The Commission recommends approval of the request for renewal subject to 15 conditions stated in their minutes of August 6, 2013. Mr. Enslinger noted the city's wireless communication regulations allow for a ten year permit rather than the previous five year permits.

Dale Warman moved the Governing Body approve Ordinance 2293 approving a Special Use Permit for the installation, operation and maintenance of communication antenna and equipment by T-Mobile on top of the building located at 1900 West 75th Street, Prairie Village, Kansas. The motion was seconded by Steve Noll.

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

Mayor Shaffer noted the Council would consider the application for an adult senior dwelling community at 8500 Mission Road at 7:30 p.m. as published. He reviewed the procedures and timeline to be followed.

Laura Wassmer moved the City Council meeting be recessed until 7:30 p.m. The motion was seconded by Brooke Morehead and passed unanimously. The meeting was recessed at 7:05 p.m.

Mayor Shaffer reconvened the City Council meeting at 7:30 p.m.

Mayor Shaffer asked those wishing to address the Governing Body during public comments on the Mission Chateau application to sign in at the back of the room with City staff and receive a number. He thanked Village Presbyterian for their cooperation in allowing the City to use their facilities for this and past Planning Commission meetings in order to accommodate the number of individuals wishing to attend and participate in these meetings. Mayor Shaffer outlined the process and timetable to be followed in consideration of this application.

PC2013-05 Request for Special Use Permit for the operation of an Adult Senior Dwelling Community including an independent assisted living facility, a skilled nursing/memory care facility and villas at 8500 Mission Road

City Attorney Katie Logan stated that communications, including communications to the Planning Commission until its August 6th meeting, have been periodically posted on the Mission Valley Project page on the City's website as "public comments" with the date span indicated. The final posting occurred on August 30th at approximately 3 p.m. as the agenda packet for the September 3 City Council Meeting.

In order to insure that ex parte information has been publically shared in a timely fashion so that the applicant and the opponents have an opportunity to respond, Council members were advised not to accept any communications, oral or written, from any persons regarding this application after 3 p.m. on August 3, 2013. Information received by the City after that time will not be distributed or considered for this application.

Mrs. Logan asked each Council member the following questions:

- "Have you accepted any communications oral or written, from any persons regarding the above application after 3:00 p.m. on Friday, August 30?"
- If yes, "Did any of those communications included information which was not merely repetitive of information posted on the Mission Valley Project page of the City's website?"
- If yes, "Please share that information with the Governing Body at this time."
- If you have had ex parte communications, have they affected your ability to fairly and impartially consider this matter?"

Councilman Charles Clark responded that he had not accepted any communications. All other Council members responded that they had accepted communications after 3 p.m. on Friday, August 30; however, those communications included information which was merely repetitive of information posted on the Mission Valley Project page of the City's website and that the ex parte communications received have not affected their ability to fairly and impartially consider this matter.

City Attorney Katie Logan noted that during the past weeks two substantive issues have been raised in materials distributed to the public that were not addressed at the public hearing on this application. The first stating a quantified amount of sales tax revenue to be received from the proposed project and secondly, a statement reflects an increase in cost to the taxpayers by the increased need for city services. These are not to be considered as part of the official record. However, the City will grant the attorney for the applicant and for the Mission Valley Neighborhood Association the opportunity to respond to this information if desired.

Staff Presentation

Mayor Shaffer called upon Assistant City Administrator Dennis Enslinger and the City's Planning Consultant Ron Williamson for the Planning Commission Staff Report.

Dennis Enslinger stated that staff has been made aware that several numbers have been presented in the public realm through a direct mailing to residents. During the Planning Commission process the underlying concepts of tax benefits to the City and potential burden on city services were presented in a general nature and included an estimated portion of the city property tax and the associated stormwater utility fee. Staff has not calculated or verified any additional numbers.

The City has not conducted a cost benefit analysis on Planning and Zoning cases unless there is an associated request for city incentives. No request for city incentives has been made regarding this project. Staff did look at potential impacts on City Services of the proposed project as part of the staff review based on call loads of similar facilities in the community and did not see any adverse impacts on existing city services.

The numbers associated with the overall property tax revenue, the construction period sales tax or the tax burden have not been calculated or verified by City Staff. Any additional information presented regarding these numbers would be new information and should not be considered by the Governing Body. Mr. Enslinger noted that if the Governing Body would like to have that information, staff recommends it direct staff to work with the appropriate parties to have an estimate prepared and table this item until such information can be prepared.

The nature of the Special Use Permit process gathers information through a public hearing before the Planning Commission relative to identified factors and criteria. Three public hearings have been held on the application. The Governing Body shall consider the findings of the Planning Commission along with the information presented during the Planning Commission public hearings and other relevant information in making their decision. The Governing Body has received with their Council Packet and ten addendums of information relative to this application.

The decision of the Governing Body may differ from the recommendation of the Planning Commission and/or City Staff; however, it must be based on the “Golden Factors” and the factors set forth in Chapter 19.28.035 of the City’s zoning regulations.

MVS, LLC acquired Mission Valley Middle School site and is proposing to construct Mission Chateau which will be a senior residential community. Mission Chateau will be owned, managed and operated by the Tutera Group who owns and operates 40 senior living communities in eleven states.

The application includes the construction of 136 Independent Living Apartments and 54 Assisted Living Apartments in one building; 84 Skilled Nursing Units (100 beds) and 36 Memory Care Units in a second building; and 17 Villas in nine buildings. The

Independent Living/Assisted Living facility is proposed to be 228,340 square feet and will be two and three stories in height. It will set back 119 feet from Mission Road and 255 feet from the south property line.

The current middle school will be demolished. Currently there are three driveways that access the site from Mission Road. The proposed plan reduces the number of access points to two which will align with 84th Terrace and 85th Street. There will be no vehicular access to Somerset Drive, but access will be available for pedestrians. The interior of the project will be served with private drives.

The Skilled Nursing/Memory Care facility contains 91,200 square feet and is a one and two story building. It will set back 163 feet to 178 feet from the southwest property line and 91 to 94 feet from the northwest property line. A double row of Villas will be constructed along the south property line that will serve as a buffer or transition to the larger buildings that will be built on the north portion of the site. The total complex will include 327 units with a maximum of 412 residents at full occupancy.

Under the golden factors, City staff noted that the plan has evolved over several months and is consistent with the Amended Village Vision. Staff also noted that the project is a workable plan listing a number of specific comments related to the project which will require the applicant to provide additional information. The Planning Commission recommendation to the Governing Body for approval is contingent upon a number of conditions.

Since valid protest petitions were filed in excess of 20% of the property within 200 feet, the Governing Body shall make its findings of fact based on the criteria and either:

- A. Adopt the recommendation of the Planning Commission and adopt an ordinance approving the Special Use Permit including the conditions or revised conditions by a three-fourths majority or 10 affirmative votes, or

- B. Override the recommendation of the Planning Commission by a 2/3 vote of the Governing Body (9 affirmative 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.

Applicant Presentation

John Petersen, with Polsinelli Shughart and attorney for the applicant, appeared before the Governing Body. Mr. Petersen noted that also present were Joe Tutera, and Dr. Randy Bloom with Tutera, along with representatives of Olson & Associates and Hoefer Wysocki Architecture, the architects and engineers for this project which began in November of 2012 and has evolved through hundreds of hours of meetings, two Planning Commission Work sessions, three public hearings before the Planning Commission and extensive meetings with City Staff and six meetings with area residents. This has been one of the most extensive development processes he has been involved with. These meetings led to the proposed project which has been endorsed by the city's professional staff and recommended by a majority of the Planning Commission.

Mr. Petersen briefly reviewed a slide that reflected 27 changes/enhancements that have been made since the initial presentation. Fundamental to this application is the recognition of transition - where does this best fit - in the confines of both the property itself and the neighboring properties in this dramatic and eclectic area. This is the largest piece of ground available for development in the City and located on one of the City's major traffic ways.

Mr. Petersen quoted comments from Planning Commissioner Bob Lindeblad during the August 6th Planning Commission meeting as follows: “the City has limited opportunities for development and redevelopment. As the master plan states, more urban type, higher density development is needed. More housing options are needed to keep the city vibrant. . . . With the building of senior housing, existing residents will be able to stay in the area while moving out of their single family homes freeing up homes for young families. . . . With the revision of the plan and addition of the village, he is satisfied the revised plan is consistent with the master plan.”

The current Mission Road streetscape of sidewalk and pavement will be enhanced with landscape. The Independent/Assisted Living Complex covers only 32% of the frontage and has the exact setback of the existing school. The original three story structure has been reduced in size and scale. The plan includes a public 1.2 mile trail that connects with City sidewalks/trails. The villas match the design of the area, have full 50’ backyards and 15’ front yards. They are staggered to eliminate direct view of the Independent Living complex from the adjacent properties. There is also a 1.5 acre pocket park near the Memory Care Facility.

Mr. Petersen enumerated on several transition elements included in the plan including single-story structures between the neighboring properties and the three-story portions of their complexes, setbacks that are four times the minimum setback surrounding the property. Setbacks on the south side are 1.5 times what are required. The setbacks on the southwest are over 200 feet, the size of a football field. A site plan was presented with the measured setbacks along the south property line both from the transitional villas and from the main Independent/Assisted Living Facility.

Joe Tutera addressed his vision for this site. He noted that Prairie Village is not static and change is on its way. Standing still is not an option. Prairie Village's population peaked in the 1970's and now contains many empty nesters. The plan presented is the culmination of more than two years of planning, 30 years of industry experience selecting the best features of the best based on the needs and desires of today's seniors. A vision, plan and bricks will turn into a community if it is done right. Sizing is the most important factor in creating a community and sizing includes the ratio of one population to another along with the services and amenities provided. Those elements important to seniors are privacy, choice, community, companionship, dining, etc. Senior housing is not merely an alternate housing population, but a high quality of housing with choices.

The Independent Living Complex sets the character of the community. The proposed 136 unit facility is 20 units less than the average Johnson County facility size of 156. This complex is connected to the Assisted Living facility with many of the activities shared by both. The priority is the ability for socialization.

The Memory Care complex houses 36 units, which is in the middle of the range for Johnson County facilities. Currently, there is only 1 facility in Prairie Village providing memory care and they only have 12 units. These residents need to have space to bring things from their homes and have windows to the outside. The need for memory care facilities is great and continues to grow.

The Skilled Nursing Facility is located on one floor with 42 units. 45% of the community residents will need these services at some point. Their facility accounts for 26% of their population; Brighton Gardens is at 26% and Claridge Court is at 28%

Mr. Tuteru stated the Prairie Village Parks Master Plan and Village Vision both support the need. The market for continuing care facilities reflect a strong and growing need. Since the approval by the Planning Commission, they have received requests from 60 Prairie Village residents to be placed on the waiting list for Mission Chateau.

City Attorney Katie Logan ruled the last comment out of order as it represented information not available to the Planning Commission.

John Petersen noted the following actions taken by the City of Prairie Village, prior to the filing of this application to establish process and criteria:

1. Adopted design standards that are uniformly applied
2. Adopted a Comprehensive Plan identifying the goals, views and needs of the community at large.
3. Adopted an Amendment to the Comprehensive Plan specifically addressing this site.
4. Included reference to the Golden Factors in its Code.
5. Included additional findings
6. Delegated 100% of the approval of site plans to the City's Planning Commission.

The process is designed to be fair and impartial. The City has collectively set these items in place for the benefit of the City and those wanting to be part of the City. Mr. Petersen briefly referenced the City Attorney's response to two legal questions raised by the attorney for the opponents to this application regarding the interpretation of the provision of the Prairie Village Zoning Regulations - Section 19.28.070(I) governing the request for this special use permit. He also briefly reviewed the Golden Factors and the City's criteria for approval noting the findings of the City's professional staff and Planning Commission

Mr. Petersen presented site plans showing the building heights of structures within the project and on the adjacent properties. The variances were minimal with some instances where adjacent building heights were higher than those proposed.

John Petersen stated the ongoing comment “it’s too big” is very subjective. The Council has to focus on the facts. The City has adopted design criteria and to make a decision on public sentiment instead of the established design criteria would be arbitrary. The City has delegated the approval of the site plan to the Planning Commission and they have agreed there will not be parking or traffic problems. The established standards have been met or exceeded. The substantive objective evidence is overwhelming in support of this application. The City’s professional staff and the professionals sitting on the Planning Commission have studied the application and public comment in detail and have found favorably on the required findings of fact on which they based their recommendation.

The cases and studies referenced by the opponent in regard to negative impact on property values were based on installations of communication towers, not well designed senior communities. Todd Appraisal studied the impact of similar senior living communities in similar residential communities. The green space on the proposed plan is 70% greater than the earlier plan.

Charles Clark stated the central issue for the surrounding property owners is the density of the project, noting two-thirds of the site is surrounded by single family residences. Mr. Petersen reviewed the transitioning elements between the adjacent properties and the three story portion of the complex. He noted that due to the grade change the three-story structure is no higher than the adjacent two-story residential structures. Between these structures have been placed single family villas of comparable sign and design with the adjacent properties with 50’ rear yards and front setbacks comparable to most Prairie Village homes. Further, the line of sight once you take into consideration setback from Independent/Assisted Living Facility to the homes

on the south with the additional landscaping and villas and the movement of the main building to the north. For there to be a perception of density, it must be visual, with noise, stormwater and traffic. The differential density traffic will have less impact than the school.

Laura Wassmer asked about the three-year construction timeline. Mr. Petersen reviewed the proposed timeline including the following:

- 5 months of site work
- 8 months for the Skilled Nursing facility
- 14 months for the Independent and Assisted Living facility

Joe Tuteru noted that most of the heavy construction putting the main structures in place will be completed in 15 months. The remaining time all the construction activity will take place within the site. The three year projection includes contingencies for the multi-phased project.

Brooke Morehead asked what would prevent Tuteru from turning the project into a skilled nursing 120 bed hospital. Joe Tuteru responded the licensing for each component of the community is separate. Each of the components is designed to meet a specific and unique population lifestyle. Their business is to construct and operate senior living communities.

Mrs. Morehead asked how many part-time and full-time employees are anticipated. Mr. Tuteru responded they would have 85 employees on site; 25 employees for the shift beginning at 7 o'clock, 50 employees for the shift beginning at 3 o'clock and 20 employees for the shift beginning at 11 o'clock. Mrs. Morehead asked if they had any other skilled nursing facilities in the Kansas City area. Mr. Tuteru responded they have one in Wichita.

Mrs. Morehead asked about staffing of the facility and what are they doing to prevent off-site parking.

John Petersen stated the number of parking spaces required by code for this project is 268. The plan that they have submitted and is being recommended has 350 parking spaces. However, to address the ongoing comments of residents, the Planning Commission has added conditions #10 & #11 for approval requiring them to provide adequate guest parking on holidays and special events so that parking does not occur on streets in residential areas. #11 - The minimum parking shall be established by the drawing dated July 30, 2013. If parking becomes an issue, the applicant will work with the City to resolve the parking problem. Possible solutions could include, but not limited to, providing more spaces on site, providing employee parking at an off-site location or sharing parking with other uses in the area.

Mr. Petersen noted that traffic counts taken while the school was operating reflected AM traffic volumes of 270 vehicles and PM traffic volumes of 80. The PM vehicles. There is no intersection overload.

Mayor Shaffer called for a five-minute recess. The meeting was reconvened at 9:05 p.m.

Mission Valley Neighborhood Association Presentation

John Duggan, with Duggan Shadwick Doerr & Kurlbaum, LLC, representing the Mission Valley Neighbors Association with the question of why this project on this site. The primary issue the neighbors have with the proposed project is it is not an appropriate size for an eighteen acre site. It is approximately the same size as Shawnee Mission East High School which is located on 40 acres. Mr. Duggan

reviewed comments made by Planning Commission members at the June 4th public hearing on the initial plan regarding the size and their concerns with the density of the project.

Mr. Duggan noted the revised plan has a total square footage of 358,029 square feet for a reduction in size of only seven percent. If constructed, this would be the third largest care building in Johnson County behind Santa Marta and Claridge Court. Prairie Village would have two of the four largest residential senior communities within one mile of each other. Mr. Duggan went on to compare the density of the proposed project with that of the neighboring Corinth Square Retail Center with Mission Chateau having a density of 19,459 square foot per acre compared to 11,902 square foot per acre for Corinth Square.

Mr. Duggan presented a slide comparing area Senior Living Communities located in R-1 zoning in Johnson County and also comparing other Johnson County Continuing Care Residential Communities. Based on residents per acre, the proposed Mission Chateau project is well in excess of relevant comparisons.

Mr. Duggan shared comments from the Planning Commission minutes of August 6th including those of Ron Williamson noting this will be one of the largest buildings in the area and thus it will have some sort of impact. Ken Vaughn stated that he was concerned with the loss of green space and although he doesn't like it, the plan is reasonable. Gregory Wolf stated he still had concerns with the size based on the comments from the neighbors. He later stated "I don't believe the site's capable of a building this - this development. I think it's a very good development, I just think it should be on a bigger plot of land. And I just want to make that clear for the record."

Nancy Vennard stated the project was still big, but she thought it could work for the neighborhood as found in the review of the Golden Factors.

John Duggan referenced *R.H. Gump Revocable Trust v. City of Wichita* where the district court ruled the City's determination was based solely upon the visual impact and aesthetics of the proposed stealth tower. The court found the City was entitled under the law to make this interpretation in their denial of a conditional use permit. Also in *Rural Water District #2, Miami County v Miami County Board of County Commissioners* the court ruled that a proposed water tower would have a definite negative aesthetic impact on neighboring properties. Mr. Duggan stated ". . . Kansas appellate courts have long allowed aesthetics to be considered in zoning matters...The current trend of the decisions is to permit regulation for aesthetic reasons." From *Zimmerman v. Board of County Commissioners of Wabaunsee County* Mr. Duggan quoted ". . . we further observe that K.S.A. 12-755(a) expressly provides that 'The governing body may adopt zoning regulations which may include, but not be limited to provisions which. . . . (4) control the aesthetics of redevelopment or new development.'" As the Court of Appeals has observed when citing this statute, "regulation of redevelopment or new development is permitted for aesthetic reasons."

Mr. Duggan asked the Council to consider what is an appropriate use of these 18 acres. The neighborhood is not against development and feels that the density of the Benton House complex would be appropriate for this site. They have told that to the applicant several times, but their comments have been rebuffed.

Mr. Duggan stated in *Rodrock v. City of Olathe* the City determined a proposed project was not an appropriate use for a promising piece of land and was upheld by the

Kansas Appeals Court. He told the Council they have the capacity to turn down this application because there is a potential better use for this specific piece of land.

John Duggan stated that with 63% of the perimeter of this site are single family residences, which is higher than every nearby senior housing development in Johnson County except Benton House. These homes have an average density of 5,559 square feet per acre based on county records of lot size and home size for the 27 properties. The commercial area to the north is 11,902 square feet per acre. The proposed Mission Chateau is 19,459 square feet per acre. This is not transitional use. Mr. Duggan presented aerial views of Santa Marta, Aberdeen Village and Tall Grass Senior Living Communities, all of which are located on sites at least twice that of the Mission Valley site. Based on Benton House and other CCRCs in Johnson County, they feel this project should be 135,154 to 150,150 square feet.

The neighbors have concerns with the noise of traffic at shift changes, particularly vehicles leaving at 11 p.m. from this residential area. They are also concerned with parking and presented their own analysis of parking needs, which reflect a shortage of parking. They feel the determination should use square feet per acre and not units per acre. The fact that minimum parking standards have been met is not sufficient. You cannot only compare peak times of a school which has only two real traffic periods on 190 days a year with peak times of a facility that has varied peak times and operates 24 hours per day 7 days per week.

John Duggan again questioned the proposed skilled nursing facility as a subordinate accessory use noting its services will not be limited to residents of Mission Chateau. He noted the proposed skilled nursing facility which is twice the size of

Benton House and 91% the size of the existing school was not reduced in size from the initial proposal.

At the August 6th Planning Commission meeting, David Waters representing the City Attorney stated the City has the ability to interpret its own code. Planning Commissioner Bob Lindeblad noted both senior housing and skilled nursing facilities are allowed Special Use Permitted uses and he does not see a problem with the construction of either.

John Duggan presented his analysis of the Golden Factors relative to this application and how the proposed project addresses the goals of Village Vision and the Amendment to the City's Comprehensive Plan on this parcel of land.

The neighborhood association would support a community similar in size and density to that approved by the City for Benton House. The applicant was told this on multiple occasions and has failed to address the primary concerns of the neighborhood. This is not the right project for this site. Minimum standards are not the standard at which the Council should evaluate this - the bar should be set higher for this prime site. This is a unique and prominent parcel of land in Prairie Village and the Council is urged to do as the City of Olathe did and set the bar higher. The City can do better. The applicant can do better. He does not feel the Planning Commission sufficiently analyzed the findings of fact. This is not the right project for this part of town. Prairie Village is not an urban community, it is a suburban community.

David Morrison stated he has an issue with the density and the measurement by units per acre. John Duggan responded this project has substantial square feet in open shared community amenities and additional bulk. Therefore, to look at it by units per acre

is not an accurate reflection. Generally in the industry the measurement used is Floor Area Ratio (FAR).

Ted Odell asked for clarification on the Special Use Permit issue raised. Mr. Duggan responded the applicant wants to construct the Skilled Nursing Facility first and he does not see how an accessory use to a primary use can be constructed prior to the construction of the primary use. Unless the Independent/Assisted Living Facility, which is the primary use, is constructed prior to the Skilled Nursing Facility, he feels the City is violating its own ordinances.

Michael Kelly stated he did not feel the applicant made a good faith effort to address the concerns of the neighborhood. Mr. Duggan responded that a precedent was set with the approval of Benton House which is surrounded by single family residences and they would accept a community following that precedent.

Mayor Shaffer declared a five minute recess. The meeting was reconvened at 10 p.m.

Public Comment

Mayor Shaffer reconvened the meeting at 10:00 p.m. and opened the floor for public comment reminding the public to keep their comments limited to five minutes and that any new information not made available to the Planning Commission cannot be presented. Speakers will be accepted in order of the numbers given out when they signed in to speak. Speakers need to provide their name and address and speak clearly for the court reporter.

Wayne Vennard, 7921 Bristol Court, noted he previously served on the Kansas State Board of Tax Appeals and has not heard anything regarding this project that would lead him to conclude that this project would decrease the property values of neighboring

properties. He urged the Council to stick to the facts related to this application, noting the distribution of inaccurate information particularly on the cost to the city for services to this project. The project is self contained with private trash services, privately maintained private streets that will have an incremental impact of services from the City.

Christina Hoffman, 5304 West 72nd Street, noted the need for more housing options and senior options in Prairie Village. None of the current options offer services for all stages of aging. From her experience, Med Act and ambulance services to these facilities seldom enter with sirens. The current senior housing opportunities do not meet the future needs of Prairie Village residents wanting to remain in the City.

Olga Krug, 7300 West 107th Street, an Atriums resident for the past four and a half years, spoke of the excellent care provided by the Atriums, a Tutera Facility. She noted that with the absence of a continuing care facility, such as being proposed, she was separated from her husband for several years as he needed a higher level of care.

Debbie Kerr, 4020 West 86th Street, noted she lives directly behind the proposed project and objects to the proposed transition/buffer zone. She feels the City should have conducted a cost/benefit analysis on the proposed project. She noted some of the individuals that will be addressing the Council are from outside the Prairie Village community.

Frank Adler, 7300 West 107th Street, stated he was a former Prairie Village resident who had to move to the Atriums as there wasn't a facility with available space in Prairie Village. He would have preferred to remain in Prairie Village in the facility proposed and urged the City Council to look beyond the present to how are they going to address the needs of their aging population in the future.

Jim Chaar, 9101 Delmar, spoke in favor of the proposed project representing the silent majority who have no objection and are not attending this meeting. He asked the Council to look beyond the immediate neighborhood to what is best for the entire city of Prairie Village now and into the next decade. He commended the Council for the difficult decisions it has made over the last ten years looking toward the future with the investment in the Corinth and Prairie Village Shopping Centers.

Jori Nelson, 4802 West 69th Terrace, spoke in opposition to the application, stating this project would destroy the character of the neighborhood. She asked why the project was even being considered when it goes against Village Vision. There are 34 senior living facilities within a five mile radius of this site with 4,348 units that could accommodate 5,292 residents. The average age for residents to move into these facilities is 78 years old and above. There are only 1,569 seniors between the ages of 75-84 living in Prairie Village including those already living in senior facilities. There is not a need for another facility.

Mrs. Nelson feels the mere 7.5% reduction in size for the project reflects a disrespect and lack of concern by the developer for the neighborhood residents. The City Council has a responsibility and legacy to represent the citizens of Prairie Village. It is not too late.

Mrs. Nelson began presenting reasons why the traffic study conducted for this project was invalid. City Attorney Katie Logan ruled that was new information and not presented to the Planning Commission in their deliberations and therefore is not admissible.

Arlene Hart, 10150 El Monte, compared the proposed project to the upscale Town Villas of Leawood. She noted her friend who resides next to the Villas has had her property values increase. She spoke in favor of the project noting the reputation of the Tutera family for maintaining excellent affordable senior living communities. She feels the project would

be an improvement from looking out of your backyard into large ugly apartment building that is across from this property.

Mary Michael Sterchi, 8401 Linden Lane, stated she does not like the division this project has caused in the community. She does not support the project and feels that the developer can do better in responding to the concerns of the residents. A senior living center is acceptable to the neighborhood, just not one of this density. She urged the Council to send it back to the Planning Commission. The percentage of reduction in the size is minimal. She does not want to see this project set a precedent for future projects. She asked for reasonableness and would like to see more transition.

Barbara Dooley, 5301 West 69th Street, spoke in support of the proposed project. She stated the residents of Prairie Village who want to remain in Prairie Village do not have that option if they need continuing levels of care. Benton House offers only assisted care and memory care services. This is a project that will become more valuable to the City over time as it meets a growing and unique need of aging residents.

Bob Schubert, 3700 West 83rd Terrace, President of the Corinth Meadows Homes Association located across Mission Road from the project. He noted he was aware of only one homeowner Corinth Meadows that supports this project. Mr. Schubert stated a recent study revealed that 50 percent of aging adults are choosing to remain in their own homes with agencies coming to their residences to provide needed services. He feels that the proposed community is a dying lifestyle as more seniors choose not to live in massive senior communities.

Diane Sabenow, 8202 Maple Lane, spoke of a recent experience with a real estate client of hers who responded when asked about moving to Prairie Village responded that Prairie Village is an old community with declining schools. They wanted to be in the Blue

Valley School District with growing student populations for their children. She feels the property would be better developed with patio homes and disagrees with the results of the appraisal submitted by the applicant. She feels the proposed development will have a negative impact on property values in the adjacent area.

Russell Jones, 22 Coventry Court, stated there are a large number of senior citizens in Prairie Village, like himself, that want to remain in Prairie Village and strongly support this project. He views this as a valuable amenity for the community. A continuing care community is highly sought after commodity. He noted he was in real estate for 26 years and the proposed transition of villas is excellent and urged the City Council to approve the requested Special Use Permit.

Greg Zarubsky, 5869 Fontana, works for American Medical Response that provides non-emergency transportation to similar facilities and noted they seldom enter a facility with sirens. He is supportive of the project. City Attorney Katie Logan ruled Mr. Zarubsky's comments regarding transportation as outside the scope and not relevant.

Biagio Mazza, 6718 Granada Lane, noted he can see both sides of the issue and as a Physical Therapist working with several older clients stated there are several retirement facility options, but very few options with the level of care being proposed. He strongly supports this application.

Linda Cox, 6719 Granada Lane, spoke in support of the application and expressed her anger with the MVNA tactics and the distribution of false information. She encouraged the Council to look at the true facts related to this application. It meets or exceeds every criteria of the City. The fact is the demographics of the community have changed.

Betty Keim, 3608 West 71st Terrace, former Mayor of Mission Hills and current Prairie Village resident spoke in support of the application. She stated she had lived in a

similar continuing care community in Lawrence while recovering from surgery and it was wonderful and highly successful. This concept fills a very real need. Based on her experience, the residents of the community and their families often ate and shopped outside the community at area establishments. She believes Mission Chateau meets a need that is very important in this community allowing family members with different care needs to stay together. The demand for this concept is reflected in the proposed expansion going on at both the Santa Marta and Tall Grass Senior Communities mentioned.

Cameron Jones, 3605 West 85th Street, spoke in opposition to the project, particularly to the proposed skilled nursing care component. He views skilled nursing facilities as a commercial venture, not a residential venture noting that individuals receiving those services remain for relatively short periods of time.

Michael Grossman, 3731 West 87th Street, stated this property has been a source of frustration since the school district closed the school. He is angry that the school district did not sell the property to another school. He is not against seniors, but opposes the scale of the project. He is concerned with adequate parking and traffic and would be in support of a scaled down version of the proposed project. As it is currently proposed, he opposes the application.

Jim Blackwell, 4200 Homestead, has been a resident for 55 years; however, he is reaching the point where he cannot keep up with the demands of maintaining a large home and is looking for alternative housing options in Prairie Village. He noted his current property overlooks the Homestead Country Club and the paddle ball courts which look like coal cars, and they are adding two more. He is ready to move and strongly supports this application.

Margie Ronning, 4324 West 87th Street, stated she opposes the project. She noted she was a real estate agent and made comments regarding property values next to commercial properties which the City Attorney ruled out of order as that information was not made available to the Planning Commission. Ms Ronning noted bad experiences she has had with senior living facilities and noted clients that have had bad experiences with 5-Star rated senior care facilities.

David Feingold, 8004 Juniper, expressed support for the project noting he would love to have the opportunity to remain in Prairie Village as he ages. He noted the demographics of the entire nation are aging - every day over 10,000 in the country turn 65 years of age. The number of aging people being cared for by family and friends has decreased from 7.2% to 2.9%. Mr. Feingold stated that Prairie Village has been successful because it has anticipated the needs of the future in time to provide for them. The school did not close because of anything the city did, but because the school district could no longer support it. He believes older citizens are a source of vitality for communities. He urged the Council to consider the entire community and its needs. Most of the population will directly or indirectly avail themselves of senior living facilities at some point in their lifetime.

Marilyn Lucido, 7223 Mission Road, stated she loves Prairie Village and is a current resident of Normandie Court where she can stay as long as she is healthy, but where can she go next. Her children have lives and children of their own. It is very difficult to get 24-hour-a-day in-home care. She does not want to have to move multiple times and is seeking a long-term solution. She feels the proposed Mission Chateau project would be a wonderful solution for her. She thanked the Council for their consideration and reminded them this is not about statistics and bricks, it is about meeting the needs of people.

Kathleen Hepker, 4401 West 82nd Street, a 50 year resident spoke in opposition to the application stating that it does not meet Village Vision and does not fit the neighborhood. The Council needs to focus on getting young families with children into the City.

David Lilliard, 3607 West 84th Terrace, has lived in Prairie Village since the 1960's serving the city on several committee's throughout the years. The applicant is proposing a massive structure that, in his opinion, is not needed and will eliminate significant existing green space. Prairie Village is a neighborhood community. This site is surrounded on three sides by single family residents that would be overwhelmed by the massive project proposed. He doesn't believe there is a need for the project and that it is important for the City to retain the existing green space.

Jim Starcev, 3507 West 87th Street, stated it was feasible and quoted statistics from a Ziegler study. City Attorney Katie Logan stopped Mr. Starcev, questioning if this information had been shared with the Planning Commission. He responded he had sent the information in an e-mail. Mrs. Logan stated the issue is not whether the information had been submitted as part of the record, but whether it had been received prior to the Planning Commission action and made available to them for consideration in making their recommendation.

John Petersen stated the established record means something and it is inappropriate to keep adding new comments and information.

Dennis Enslinger stated the information considered by the Planning Commission contains 10 addendums and covers over four months of time. Staff cannot recall instantly every piece of information presented. It will take time to verify when the information was

submitted. Mayor Shaffer asked Mr. Starcev to step down while staff reviewed the record and called upon the next speaker.

Mary English, 4402 West 77th Terrace, stated the elephant in the room is the size of this development. The elephant in the room is the poor process for this project and the Planning Commission's disrespect for the residents in the process. There is a giant disconnect between the people that live in Prairie Village and the city government. There are plenty of senior housing beds available. If approved, her biggest investment is going to be devalued, her quiet community is going to be destroyed. This is not the community J.C. Nichols developed for Prairie Village. She is not against redevelopment, but against the massive size of the proposed redevelopment.

Courtney Kounkel, 8424 Fontana, which is three blocks west of the proposed development. Mrs. Kounkel commended the school district and the Planning Commission for having the strength to make the difficult decisions for what is best for an entire community. She noted her mother and many other older people in Prairie Village are staying in their homes longer than they want to in order to remain in Prairie Village because there is nowhere to go. The city needs to plan for its future. As facilities such as proposed are created within Prairie Village, older residents will move out of their homes opening housing stock for young families. The change will happen if you provide the opportunity for it. She wants her children to have that option. She supports the Planning Commission recommendation and urged the Council to do the same.

Edward Lapin, 13121 Reeds, stated he lived in Prairie Village for 40 years until 4 years ago, when in order to downsize, he had to move to Overland Park. He strongly supports the proposed project which will allow him the opportunity to move back to Prairie

Village. He noted the proposed development of this site could take several less desirable forms and urged the Council's approval of the application.

City Attorney confirmed Mr. Starcev's information had been presented to the Planning Commission and was in order.

Jim Starcev, 3507 West 87th Street, returned to the podium and stated he felt the project could be smaller. He quoted information from a Ziggler study that revealed a typical CCRC has less than 300 units. This facility can operate with fewer units and less square footage.

Dave Lantern, 15150 Glenwood stated he is a member of the society of senior advisors. He offered two observations regarding the proposed project. The continuing care residential community (CCRC) model and specifically as proposed by Mr. Tutera using rental option vs. purchase is not only needed but the need will continue to grow. The rental option will be very attractive and will continue to be sought after. Mr. Lantern stated he has worked with several senior facilities, many of those mentioned, and has found the Tutera communities have among the most caring and diligent staff. He feels Mission Chateau offers Prairie Village a very unique and desirable concept in senior living communities and he strongly supports its approval by the City Council.

Teri Powell, 7460 Cherokee Drive, has cared for a senior. Most facilities only provide for assisted living and when residents care needs get greater or run out of money, they have to find another place to live. There is a need, but there are good places available. In her experiences, these facilities never have sufficient parking spaces. The proposed project is too large and needs to be reduced. She stated the attorney has been condescending all night and she has not heard any reference to the cost to reside in the proposed facility.

Marc Baratta, 8335 Mission Road, lives across Mission Road from the proposed project. He is the next generation and opposes the project as he feels it will discourage young families from moving into Prairie Village. His home is his biggest investment. He expressed concern with the implied 10% decrease in his property value if this project is constructed.

Stacey Frisch, 8511 Delmar, stated that two years ago she purchased the property that abuts the west side. She reminded the Council that if construction of this project does result in devaluation of her and her neighbors' properties, the city will lose revenue.

Mayor Shaffer closed public comment at 12:00 p.m.

Rebuttal and final statements from Mission Valley Neighborhood Association

John Duggan stated their primary objection to the proposed project is the density levels and stated if a project following the Benton House scenario with 135,000 to 150,150 square feet were proposed, they would support it. The proposed duplexes are not beneficial to the adjacent property owners or the applicant and they should not be rental units. They don't make sense; the City can do better. All the individuals speaking in support of the application want it as a residence - no one spoke in favor of the skilled nursing facility. There is no evidence to justify the skilled nursing facility. It is the profit center that drives this project. There is no evidence that other facilities are not available. No one other than Mr. Tutera presented any good reason for the proposed density. A feasibility study should have been conducted to justify a 350,000 square foot development. This site is too valuable to the City to rely only on the applicant's word. There is no justification for placing a Santa Marta on 18 acres.

Rebuttal and final statements from Applicant

John Petersen stated that Mr. Duggan did not speak to the design criteria and standards for approval. He makes comparisons to Santa Marta which is still being developed. Commercial properties are not evaluated by the same criteria as residential. He compares apples to oranges. The legal references given on rulings based on aesthetics were from cases dealing with a stealth communication tower, a water tower and a wind turbine farm. The City Attorney has provided her professional legal opinion. The Planning Commission comments regarding the size of the project quoted were from the plan presented on June 6th and is not relevant to this submittal. Staff responded that a feasibility study is not conducted unless public financing is requested. No public funds will be used for this project. Staff have pointed out that both Brighton Gardens and Claridge Court Senior Living Centers in Prairie Village are more dense than the proposed plan. Benton House is a different senior housing concept. Mr. Tutera does not want to construct a template facility of a different senior living provider. Mr. Petersen presented a site plan for Benton House showing setbacks and proposed villas.

City Attorney ruled the slide out of order as it was new information not presented to the Planning Commission. Mr. Petersen stated it had been given to the Commission. Dennis Enslinger stated that the second phase villas for Benton House have not yet been approved by the Planning Commission. They were presented in a conceptual stage for future expansion. When asked to confirm whether the information presented had been presented to the Commission, Mr. Enslinger responded that the presentations to the Planning Commission covered five months and include 11 addendums of information. It will take staff time to verify the information.

Mr. Petersen stated the slide came from the Benton House file. He noted the Benton House template is not appropriate for this project.

City Attorney Katie Logan admonished the public for their rudeness and disrespect during these proceedings.

Dennis Enslinger reported that the slide had not been presented to the Planning Commission during its deliberations. Katie Logan ruled the slide out of order.

Mr. Petersen stated the percentage of skilled nursing units and beds is the same ratio as currently exists at Brighton Gardens and Claridge Court.

The proposed project is in compliance with the master plan, adheres to the Golden Factors and the city's code requirements. It is consistent with the site plan review criteria.

Joe Tutera noted that 75% of the comments made refer to the June 6th Planning Commission which addressed a totally different plan. A plan that the Planning Commission had specific problems with and that were satisfactorily addressed in the new plan presented to the Commission in August. Mr. Tutera reviewed the following 27 changes that have been made to their project:

Enhanced Transition Zones

- Created 300' transition zone to the South
- Moved the parking and ALF entrance from the Transition Zone
- Created a 4th Micro Park with connection to Mission Road

Reduce the Scale from Mission Road

- Reduced the size of the ILF/ALF by 30 units, 42,800 sq ft. (16%)
- Reduced the width from 520' to 348' (33%)
- Lowered the ILF entrance façade 1 story.

Make the Architecture More Compatible to Neighborhood

- Reduced roof heights and integrated dormers into the 3rd level
- Introduced brick veneer and incorporated more traditional elements
- Improved the southern façade of the Memory Care residences

Improve the Villas' Relationships to the Residences to the South

- Created a "Villa Village" in the expanded 300' transition
- Increased rear yard setbacks to 50' and front yard setbacks to 15'
- Improved drive configuration and side yard green space

Address Heights in Relationship to Adjacent Properties

- Lowered roof heights 4' on exterior elevations
- Lowered the Memory Care from 16' to 16' and 22'

Preserve the Quality of the Property, Services and Lifestyle

- Preserved the continuum of Care Lifestyle Choice
- Preserved unit sizes and amenities
- Maintained the same ratio of 1- and 2-bedroom units
- Preserved all private occupancy.

Mayor Shaffer confirmed that hospitals are an allowable special use in a residentially zoned property. Mr. Enslinger responded there are several specifically identified special uses, including the skilled nursing facility and adult senior living facilities. The applicant applied for a three phase project that includes multiple uses allowed with a special use permit. The City accepted the application as a single Special Use Permit under Section 19.28.070(I) of the zoning regulations with the interpretation that the skilled nursing facility (an allowed SUP use) is considered to be an accessory use to the adult senior dwelling project. Legal counsel reviewed that interpretation and made the following ruling:

“Section 19.28.070(I) does not require an adult senior dwelling project Which includes nursing care or continuous health care services as a Subordinate accessory use to provide those services in the same Building as the senior adult dwelling facilities. A separate care Facility may be approved for completion prior to the completion of the Primary dwelling facility, as long as the SUP is conditioned upon the Completion of the primary dwelling facility.”

Katie Logan noted the City has the ability to interpret its code and based on the regulations and zoning case law, she does not feel the subordinate accessory use has to be built after the primary use but can commence prior to the other facilities as long as conditions are in place to guarantee consideration thereafter.

City Attorney - Procedural Directions

City Attorney Katie Logan asked both attorneys if they felt that have had adequate time to review the record and respond and if either of them wished to have additional time. Mr. Petersen responded they have had adequate time to review and respond to the items in

the record. Mr. Duggan responded they are good with the record and do not seek a continuance.

Mrs. Logan outlined directions for the Governing Body as they consider this item. Stating that after their vote, Council members shall state the reason for their vote. If the motion fails, this information will be used to prepare a resolution summarizing the vote which will be brought before the City Council at the September 16th meeting.

Dennis Enslinger reported the Planning Commission found the findings of fact as set out in the zoning ordinance for Special Use Permits and the Golden Factors to be favorable for the reasons set forth in the Planning Commission Staff report and draft minutes of their August 6, 2013 meeting and recommends that the Governing Body approve the Special Use Permit for an adult senior dwelling community called Mission Chateau at 8500 Mission Road subject to 14 conditions. The first condition sets the maximum number of units for each component of the community and defines "senior" as persons at least 55 years of age as defined by the zoning regulations. Condition number two prevents the building setbacks from becoming any closer to adjacent properties than shown on the plans dated July 30, 2013. Condition #4 provides the guarantee that the primary use facility will begin construction prior to the issuance of an occupancy permit for the skilled nursing facility. Conditions #10 & #11 address the issue of parking. Condition #14 caps the maximum square footage of the project for each type of facility as shown on the plans dated July 30, 2013.

Mayor Shaffer closed the public comment on the application at 12:35 a.m. and opened the floor for questions and comments from the Council.

Laura Wassmer stated this is a transition property and in her mind for this project to work it needs to feel residential.

Charles Clark asked if Village Vision addressed this site. Mr. Enslinger responded an amendment to Village Vision was done specifically addressing this site and calls for R-1a zoning and uses, including allowable special use permit uses. Laura Wassmer stated Village Vision discusses providing alternate housing types. The concept of a continuing care residential community is not addressed.

Ted Odell noted the purpose and intent of the R-1a District states “. . . to protect and sustain the property values, prevent the decline of physical conditions of private property, prevent conversions of dwellings to uses that are not in harmony with the neighborhood . . .”

Mr. Enslinger stated the amendment to Village Vision specific to this site limits the uses to those allowed in the R-1A Single-Family District which also may include conditional use permits, special use permits and planned residential. The uses generally are residential, including senior housing and possibly a mixture of housing types. It does not address specific senior housing concepts such as Assisted Living Communities or Continuing Care Communities; however, senior residential facilities are an allowed use by special use permit.

Michael Kelly stated he does not have any issue with the use; however, he does with the scale and size.

Dale Warman moved the Governing Body adopt an Ordinance granting a Special Use Permit to allow the operation of an Adult Senior Dwelling Community for an Independent Living Facility, an Assisted Living Facility, a Skilled Nursing/Memory Care Facility and Villas at 8500 Mission Road subject to the conditions recommended by the Planning Commission. The motion was seconded by Ruth Hopkins.

Andrew Wang asked staff for clarification on how staff determined density. Dennis Enslinger responded staff used units per acre. There are other measurements that could

be used but they are not commonly used in the planning industry. Mr. Wang asked for a comparison of Brighton Gardens and Claridge Court to the proposed project.

Ron Williamson responded Brighton Gardens is 35 units per acre, Claridge Court is 37 units per acre and Benton House is just over 10 units per acre. The proposed Mission Chateau project is 17.8 units per acre.

David Morrison stated as a council representative for this district he is not in favor of this project. It is out of character with the neighborhood and its size will overwhelm the neighborhood. He does not believe it meets the Golden Factors. Prairie Village is a special unique place and made the analogy of placing the proposed structure in this neighborhood to placing LeBron James or Larry Bird in munchkin land of the Wizard of Oz. It is out of proportion and does not work. It will have a substantial negative impact on the surrounding neighborhoods. The school is a community asset and is a benefit to the neighborhood and should be retained.

Mayor Shaffer called for a vote on the motion. A roll call vote was taken with the following votes cast:

- Ashley Weaver - No - The project is too dense and not compatible with the surrounding neighborhood
- Dale Warman - Yes - The Planning Commission has done its due diligence and he supports their recommendation and accepts their findings. (Planning Commission findings referenced are attached to these minutes and identified as Exhibit A).
- Ruth Hopkins - Yes - The Planning Commission has spent months working with the applicant in redesigning the project. She supports its findings and believes the project to fit Village Vision. (Planning Commission findings referenced are attached to these minutes and identified as Exhibit A).
- Steve Noll - Yes - He agrees with the findings of the Planning Commission. The loss of the school is regrettable, but it is time to move forward. (Planning Commission findings referenced are attached to these minutes and identified as Exhibit A).
- Michael Kelly - No - Factor #1 out of character with surrounding neighborhood.
- Andrew Wang - Yes - He agrees substantially with the findings of the Planning Commission and views this project in keeping with the intent of the comprehensive plan. (Planning Commission findings referenced are attached to these minutes and identified as Exhibit A).

- Laura Wassmer - No - Factor #1 the proposed density is not in character with the surrounding neighborhood and she feels it will adversely affect the neighboring property owners, noting the two and half to three year construction timetable.
- Brooke Morehead - No - Factors #1 - she is opposed to the density and does not feel there is sufficient space for the project as proposed. She also referenced factors #4, #6 & #8
- Charles Clark - Yes - He agrees with the findings of the Planning Commission. (Planning Commission findings referenced are attached to these minutes and identified as Exhibit A).
- David Morrison - No - Factors #1 - disagreed with the size, magnitude, density - thought it would overwhelm the neighborhood; #2 - not in accord with zoning and use of property nearby; #3 - did not feel it was a suitable use as 63% of the adjacent properties are single family homes; #6 - he does not feel the relative gain outweighs the hardship & #8 - he does not feel it complies with the City's comprehensive plan.
- Ted Odell - No - Factor #1 Density and the proposed material/design. He did not think the plan matched the existing neighborhood.
- David Belz - Yes - He agrees with the findings of the Planning Commission. (Planning Commission findings referenced are attached to these minutes and identified as Exhibit A). He added this would be a great asset to this community. He noted the value of a Continuing Care Residential Community from his own recent experiences with his parents.
- Mayor Ron Shaffer - Yes - He agrees with the findings of the Planning Commission. (Planning Commission findings referenced are attached to these minutes and identified as Exhibit A).

The motion received 7 votes in favor and 6 votes in opposition. The motion carried a majority vote, but does not meet the requirements of the protest petition failing to receive a super-majority and fails.

Mayor Shaffer thanked the public for their input on this important issue.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 1:00 a.m.

Joyce Hagen Mundy
City Clerk

EXHIBIT A
Excerpt from the Planning Commission
Minutes of August 6, 2013
On PC2013-08
Requested Special Use Permit for 8500 Mission Road

FACTORS AS SET OUT IN THE ORDINANCE 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.**

For senior adult housing the ordinance requires 700 sq. ft. of land area per occupant for apartments or congregate quarters and 500 sq. ft. per bed for nursing or continuous care. The Skilled Nursing/Memory Care building has 136 beds which would require 68,000 square feet of land area. The Independent Living/Assisted Living building has 190 units with the potential occupancy of 242 people and at 700 sq. ft. per occupant the land area required is 169,400 sq. ft. The Villas have a potential of 34 occupants and at 700 sq. ft. per occupant the land area required is 23,800 sq. ft. The total land area required for the proposed use is 68,000 sq. ft. + 169,400 sq. ft. + 23,800 sq. ft. for a total of 261,200 sq. ft. The site is 801,504 sq. ft. and therefore the proposed development is well within the intensity of use requirements of the zoning ordinance.

The property is zoned R-1A which requires a 30' front yard setback. The front yard is adjacent to Mission Road and the Independent Listing/Assisted Living building sets back 119' at its closest point which exceeds the minimum requirements of the zoning ordinance. The side yard requirement is 5' or 14' between buildings. The north and south property lines are side yards and the Villas set back 50' from the south property line and the Skilled Nursing/Memory Care building sets back approximately 150 feet from the north property line. The rear yard setback requirement is 25 feet and the northwest and southwest property lines are the rear yards. The Villas set back a minimum of 50' and the Skilled Nursing/Memory Care building sets back 163' to 178' from the southwest property line. The Skilled Nursing/Memory Care building sets back 94.6' at its closest point to the northwest property line. The proposed project exceeds all the setback requirements of the zoning ordinance.

The maximum permitted height is 35 feet, however, in the R-1A district an additional 10 feet of height is permitted if the proposed buildings set back from the side property line a minimum of 35 feet. The project does meet the 35 foot setback requirement and therefore is permitted to build to a 45 foot height. The maximum height of the buildings is 40' to the roof peak which is well within the height maximum. By ordinance, building height is measured at the midpoint between the eave and the highest ridge and therefore, the maximum building height by ordinance is approximately 35 feet. The maximum building height proposed for this project, as defined by ordinance, is 32 feet.

The lot coverage in the R-1A district is 30%. The first floor footprint of the buildings is 178,133 sq. ft., but it does not appear that the carports were included. The 35 carports add 5,670 sq. ft. for a total of 183,803 sq. ft. or 22.9%. Therefore, the proposed project is within the maximum requirement of the zoning ordinance.

Off-street parking is required to setback 15 feet from a street and eight feet from all other property lines. Parking sets back a minimum of 35 feet from all property lines and meets the requirements of the ordinance.

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

The Traffic Impact Study indicates that the AM peak traffic will generate 169 less trips than the middle school, but the PM trips would increase by 22 trips. The traffic impact would be significantly better in the AM peak and slightly worse in the PM peak. The Traffic Impact Study has not been revised based on the new plan, but it found that the traffic operations were acceptable on the original plan. Since the revised plan has 24 (351 - 327) less units, the operations load should not increase. The two access drives have been designed to align with 84th Terrace and 85th Street. The convenience to the public should be minimally impacted and the impact should be less than the former school.

A Stormwater Management Study has been prepared for the proposed project. The project will increase the amount of impervious surface from what exists, but peak flows will not be increased. A detention basin will be constructed in the northeast corner of the site that will release stormwater at a designed rate. The Preliminary Stormwater Management Study has been reviewed by the City and the proposed improvements will handle the stormwater runoff. The Stormwater Management Plan has not been revised based upon the new plan, but the impervious area will only increase from 8.6 acres to 8.616 acres which is negligible.

The applicant has proposed a 35-foot wide landscape buffer along Mission Road and along the south and southwest property lines. The Villas have been moved north so that the landscape buffer is now 50 feet in width. The applicant also intends to retain the existing landscaping along the adjacent property lines.

The Mission Valley Middle School was originally built in 1958. For over 50 years this site was a public use and residents of the area were able to use it for recreational purposes. This opportunity will be diminished when it redevelops.

The neighbors have raised several issues that may have a negative impact. First, this operation will be 365 days a year rather than just the days school was in operation. Traffic, lights and noise are a concern. Lighting will be at a greater level than the school because the proposed facility is larger and is spread over more of the site. The project will be required to meet the outdoor lighting code which is restrictive. Glare will be eliminated but glow from the lights will still occur. Since this operation is staffed 24 hours a day, vehicles coming on site and leaving during shift changes which will create some noise. Parking during holidays could be a problem and the applicant will need to make

sure traffic can be accommodated without parking on adjacent streets. All these concerns will still be present regardless for what use the property is redeveloped perhaps other than another school.

The proposed project will have some adverse effects on the welfare and convenience of the public. It will, however, provide a senior housing community for area residents that are not currently being provided for in Prairie Village. The population is aging in northeast Johnson County and developments such as this provide accommodations for senior citizens to allow them to live near their former neighborhoods or relatives. It is anticipated that by providing senior housing, some single family dwellings will become available for occupancy by young families. This will help rebuild the community and make a more sustainable area.

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 property to the north and northwest is high density development. Corinth Garden Apartments are adjacent to the north and there are 52 units on 3.27 acres for a density of 15.9 units per acre. To the northwest is Somerset Inn Apartments and there are 31 units on 1.29 acres for a density of 24.0 units per acres. Also to the northwest is the Chateau Condominium and there are 39 units on 1.7 acres for a density of 22.9 units per acre. The proposed project has 327 units on 18.4 acres for a density of 17.8 units per acre. The density of the proposed project reasonably compares to the developed projects to the north and northwest.

While there is high density to the north and northwest, the development to the south and southwest is low density single-family development. Only eight single family residences abut the south and southwest property lines. The lots range in size from 28,248 sq. ft. to 52,272 sq. ft. in size and the density is one unit per .86 acres. The 17 Villas along the south and southwest property line are approximately one unit per 8,900 sq. ft. or 0.20 acres.

Because the project sets back over 100 feet from Mission Road with a 35-foot wide landscape buffer and Mission Road is a five lane wide major street, the project will have little effect on the property value of the residences on the east side of Mission Road. The higher density apartments and condominiums to the north and northwest were built in the early to mid-1960s and are nearly 50 years old. This new project built with quality design and materials should enhance the value of these properties.

The residences adjacent to the south and southwest property lines would be the most impacted. The duplex unit Villas that back into their properties are on what would be 17,800 sq. ft. lots. The minimum lot area for conventional single-family dwellings in the R-1A district is 10,000 sq. ft. per dwelling unit.

Two appraisal reports, both prepared by licensed appraisers, have been submitted to address the impact on the value of adjacent property. The report prepared by Dillon & Witt, Inc. for Steve Carman, an adjacent property owner, provided an opinion that the owner could expect a 10% diminution in value if the Mission Chateau Senior Community

was constructed. The primary concern of the appraiser is that the three-story wing would be within 200 feet of the rear property line and would be visible. In the revised plan, the Assisted Living/Independent Living building would be setback approximately 265 feet from the Carman rear property line. The house sets back approximately 75 feet from the property line so the distance is approximately 340 feet between the buildings. The appraiser did consider the Villas as a buffer, but did not give consideration for landscaping.

The second appraisal was prepared for the applicant by Todd Appraisal. This appraisal looked at other properties, schools and senior housing centers in residential neighborhoods. The appraiser prepared a case study on Brighton Gardens and concluded that adjacent residential values had a premium of 2.9% to 7.9%. This was potentially attributed to the exterior landscaping at the development. Village Shalom was another case study and adjacent residents had a premium of 3.7% to 5.8% in value. A case study was also prepared for Santa Marta, but it has a very limited number of adjacent residential properties and probably is not a good comparison. The appraiser further stated that, "There appears to be a correlation between properties with extensive landscaping and the finishing treatments for the exterior of the improvement immediately facing single family developments." Landscaping and 360° architecture are critical to protect adjacent property values.

Both appraisal reports were prepared by licensed Kansas residential appraisers. Both made valid points. The primary difference is that one just looked at one property and did not attempt to find similar developments. The other appraiser looked at other senior developments, but none of them are an exact match for Mission Chateau.

Most of the senior living projects in Johnson County are located adjacent to or near single-family developments. The key to protecting the values of property in the neighborhood is to insure that the quality of design and construction is compatible with the neighborhood and that the completed project is visually attractive. Landscaping is also a major factor and it is important that the project be landscaped to the same level as adjacent residential properties.

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 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

The proposed Mission Chateau has access from Mission Road which is a major street. According to the Traffic Study the traffic impact will be less for this project than it was for the school.

The size of the revised project is 358,040 sq. ft. which will make it one of the largest, if not the largest, development in Prairie Village. The height and mass of the buildings are an issue with the neighbors. It also will be similar to Claridge Court and Brighton Gardens in height. According to the Johnson County appraisers office Claridge Court has 241,073 sq. ft. This is also a large building, but it most likely includes the parking garage in the total area. Shawnee Mission East High School has 374,175 sq. ft. on 36.93 acres.

The taller buildings will be on the northern portion of the property, closer to the two- and three-story apartment buildings and condominiums. The Villas adjacent to the south and southwest property lines will be of a similar size, design and height of conventional single-family construction.

The height of the proposed Independent Living/Assisted Living building will be approximately the same height as the school gymnasium; however, the building is much larger and is closer to the residents on the south and southwest property lines.

b) the nature and extent of landscaping and screening on the site.

The applicant submitted a detailed landscape plan with the original submission that provides screening for the low density properties to the south. The landscape plan will need to be revised to conform to the revised site plan. The applicant proposes to retain the existing plant materials along the south, southwest and northwest property lines in order to retain as many mature trees as possible. Staff will provide a detailed review of the revised landscape plan. The Tree Board will also need to review and approve it. The applicant will need to work with the residents adjacent to the south and southwest property lines to develop a fence and/or landscape treatment to provide screening.

In summary, property around the proposed project is already developed. The mass of this project will dominate the area but through greater setbacks and landscaping, the use will not dominate the immediate neighborhood so as to hinder development or use of property.

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

The parking requirements for this use are three spaces for four apartments; one space for every five beds in a nursing home and one space per employee during the maximum shift. The Independent Living/Assisted Living facility has 190 units which require 143 spaces. The Skilled Nursing/Memory Care facility has 136 beds which require 27 spaces. The 17 Villas would require 13 spaces. The applicant projects the maximum shift would have 85 employees. The total parking requirement would be 268 spaces. Staff is concerned that parking may be a problem at the afternoon shift change. This occurs at 3:00 pm when the first shift leaves and the new shift arrives for work about 2:45. The first shift has 85 staff of which 60 will be leaving at that time and 50 new employees will come in for the second shift. The total need for employee parking at that

time will be 135 spaces. The applicant is providing 350 spaces on the site which is 82 spaces more than the ordinance requires and based on experience at other projects the applicant feels the number of spaces will be adequate. It should be noted, however, that 35 spaces will be in carports and will not be available for staff or visitor parking. This is a reduction from 51 carports as shown on the original plan.

The applicant will also need to make provisions for overflow parking on holidays and other special days that will generate a large number of visitors so that parking does not occur on adjacent residential streets.

The parking along Mission Road will be screened from view with a combination of a wall, a berm, and landscaping. Parking along the south and southwest property lines will be screened with the Villas and landscaping. Parking along the northwest property line is screened by the existing vegetation along the property line and additional plant materials will be provided to supplement the existing vegetation.

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

The applicant has prepared a Preliminary Stormwater Management Plan in accordance with the City's Stormwater Management Code. The amount of impervious area will increase from what currently exists on the site but peak flows will not increase. The stormwater will be managed by a variety of improvements. A storm drainage line currently exists along the south property line. The drainage area will be reduced from 5.4 acres to 0.80 acres and the line will be replaced. This area will drain to Mission Road and connect to an existing storm sewer line. Two rain gardens will be built on the south side of the Independent Living/Assisted Living building. Inlets will be installed and excess runoff will be piped to a detention pond on the northeast corner of the site.

The Preliminary Stormwater Management Study and Plan has been reviewed by Public Works and its consultant and it is consistent with the APWA and City of Prairie Village requirements. This document may need to be updated depending upon the amount of impervious area that occurs in the final site plan. The final design of the stormwater system will include appropriate best management practices.

The site has access to other utilities which are adequate to accommodate the proposed use. The water line and location of fire hydrants will need to be coordinated with the Fire Department to be certain that adequate fire protection is in place.

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.

Currently there are three access points to the site from Mission Road. The three will be reduced to two access points and they will be relocated to be in alignment with 84th Terrace and 85th Street on the east side of Mission Road. Both access points will have an entrance and two exit lanes. The 84th Terrace access will be the main entrance to the project.

The applicant has prepared a Traffic Impact Study and it indicates that after development an acceptable level of service will be available during the AM and PM peak hours. The number of trips will actually decrease by 169 trips during the AM peak and the PM peak will increase 22 trips compared to what existed with the school. With the reduction in the number of units on the revised plan, the peak hour traffic will also decrease about five (5) vehicles in the AM and seven (7) vehicles in the PM.

There is an existing pedestrian crossing signal on Mission Road just south of 84th Street. This signal was installed to serve school traffic. The applicant has agreed to retain or move the signal if requested. The City is still evaluating the need.

Public Works and the City's Traffic Engineer have reviewed the Traffic Impact Study and resolved any issues they discovered.

8. Adjoining properties and the general public 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 or odors. There will be some additional noise from vehicles arriving and departing at night, which will be different from what occurred when the site was used as a middle school. Also there will be additional emergency vehicle calls, however, they do not always respond with sirens.

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

The materials used on the project are compatible with those used in the neighborhood, which are wood, stone, brick and stucco. There will be a substantial amount of stone and traditional stucco used on the building facades. The roof will primarily be asphalt shingles with standing seam metal roof accents.

In general the overall design is compatible with the area; however, the details of the design will be addressed on the Site Plan Approval.

Nancy Wallerstein asked how many employees were on site. Mr. Williamson responded 85. Mrs. Wallerstein asked about shift change. Mr. Tutera responded 50 at 3 o'clock and 20 employees at the 11 o'clock shift.

Ken Vaughn expressed concern with the density of the project. Mr. Williamson noted it is higher than Benton House but less than both Claridge Court and Brighton Gardens. Staff feels it is in a reasonable range. There will be about 23% for building coverage with 9+ acres of green space.

Nancy Wallerstein asked about the alignment with Mission Road and about turning traffic. Keith Bredehoeft responded he does not anticipate the need for traffic signals. The turning lanes will be in alignment. Mrs. Wallerstein asked about delivery trucks. Mr. Bredehoeft responded he does not anticipate any problems. Mrs. Wallerstein asked approximately how many truck deliveries are made per day. Mr. Tutera responded -

food is delivered twice a week, medicine is delivered once a week and there will be miscellaneous deliveries in small trucks of daily prescriptions, etc.

Nancy Wallerstein questioned Mr. Petersen regarding the differing opinions on the appraisals. Mr. Petersen responded that both were done by licensed appraisals. Mr. Carmen's study was done for a particular property. The Todd Appraisal was presented case studies of similar neighborhoods and the impact both on adjacent properties and those one block away from similar types and sizes of developments. That study reflected a positive impact on property values.

GOLDEN FACTORS FOR CONSIDERATION:

1. The character of the neighborhood;

The neighborhood is a mixture of uses. Immediately to the north are apartments with a density of 15.9 units per acre. North of that is the south portion of Corinth Square Center that includes offices, restaurants and other retail uses. To the northwest are condominiums at 22.9 units per acre; apartments at 24.0 units per acre and a duplex. To the south and southwest are high end single-family dwellings. On 84th Terrace, east of Mission Road and to the north the lots are 12,000 to 15,000 sq. ft. On 85th Street, east of Mission Road and to the south the lots are 30,000 sq. ft. lots.

In summary the properties adjacent to the proposed project range from high density apartments to high-end large lot single-family dwellings. The Mission Valley School site has served as a buffer between the high density and low density residential uses.

2. The zoning and uses of property nearby;

North: R-3 Garden Apartment District - Apartments

West: R-3 Garden Apartment District - Apartments

South: R-1A Single-Family Residential District - Single Family Dwellings

East: R-1A Single-Family Residential District - Single Family Dwellings

(Leawood) R-1 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-1A which permits single-family dwellings, public parks, churches, public buildings, schools and conditional and special use permits. Most of the uses listed in the Conditional Use Chapter are uses that are accessory or supplemental to a primary use. The Special Use Permit list contains principal uses such as: country clubs, hospitals, nursing homes, assembly halls, senior housing, private schools, etc. Between the list of specific uses, the Conditional Use Permits, and the Special Use Permits, there are an adequate number of uses that could be economically viable for this property. Both Brighton Gardens and Benton House were approved as Special Use Permits in R-1A Residential Districts in Prairie Village.

The Special Use Permit for a private school is an obvious good use of an abandoned school building; however, that is a very limited market and the property owner has stated that their business is developing senior living projects and that is their goal for this site.

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

Traffic and storm drainage are issues with which neighbors have expressed concerns, however, the impact of those has been addressed by the technical reports that were prepared by the applicant and reviewed by the City. The mass and height of the buildings and the loss of open space have also been concerns of the neighbors.

The primary detriment will be to the single-family dwellings on the south and southwest and the multi-family on the northwest. The existing school is approximately 365 feet from the south property, 370 feet from the southwest property line and 340 feet from the northwest property line. They will lose the open green space they have enjoyed for many years. Also, the height and mass of the building are concerns. The existing school building is approximately 100,000 sq. ft. The Skilled Nursing/Memory Care building is 91,000 sq. ft. and the Independent Living/Assisted Living building is 228,340 sq. ft.; a little more than two times the size of the existing school. The height of the proposed Independent Living/Assisted Living building is about the same as the school gymnasium, but it is a much larger building and has a significantly greater impact because of its mass.

The applicant reduced the size and mass of the buildings by reducing the number of units in the Independent/Assisted Living building and reducing the height of the building. The maximum height to the roof peak of most of the building is 36 feet even on the three-story portion. There are a few areas where the roof peak is 40 feet but they are very limited. The roof peak of the Skilled Nursing/Memory Care building is 22 feet for the single-story portion and 29 ft. 6 inches for the two-story portion. This height is less than many single-family homes in Prairie Village.

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

The Mission Valley Middle School closed in the spring of 2011 so the property has been vacant for approximately two years. The property will start to deteriorate and become a negative factor in the neighborhood if it is not reused in a reasonable time.

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;

This is one of the largest tracts of land in Prairie Village available for redevelopment. There is no gain to the public health, safety and welfare by not allowing the property to be redeveloped. It is located in the middle of a mixed density residentially developed area and its depreciation in value would have a depreciating effect on surrounding property. The hardship created for other individual landowners is the loss of open space and use of the area for recreational purposes. This was a benefit as a result of public ownership which changed when the property was sold for private development.

7. **City staff recommendations;**

The plan has evolved over several months that included community meetings, meetings with City Staff and many modifications to the original plan. The revised plan is consistent with Amended Village Vision and in the opinion of Staff it is a workable plan. Some specific comments are as follows:

- a) A Traffic Impact Study was prepared by the applicant for the original submission, reviewed by Public Works and the City's Traffic Engineer and the issues have been resolved. The number of units in the revised plan is less, so the traffic impact will be somewhat less.
- b) A Stormwater Management Plan was prepared by the applicant for the original submission, reviewed by Public Works and the City's Stormwater Consultant and has been approved. The impervious area of the revised plan is slightly greater than the original plan but not enough to create a significant increase in runoff.
- c) The density of development is 17.8 units per acre which is on the lower end of other senior housing projects in the area that range in density from 10.5 units per acre to 37.1 units per acre. Two multi-family projects adjacent to this project have a density of 22.9 and 24 units per acre.
- d) The proposed plan has a double row of low density duplex Villas on the south and southwest property lines adjacent to the low density single-family residences and has higher density development further north on the site. This provides a transition from low density in the south to higher density in the north.
- e) The major buildings set back a minimum of 163 feet from the southwest property line, 255 feet from the south property line and 119 feet from Mission Road.
- f) The design of the buildings for the Special Use Permit is primarily conceptual. The detailed design of the buildings will need to be addressed as part of the approval of the Site Plan.
- g) There will be a loss of open space compared to what currently exists; however, 9.78 acres of the 18.4 acres will be green space when the project is completed, though only a portion will be useable open space.
- h) The bulk of the buildings will be less than three times the bulk of the existing school, but the floor area ratio (FAR) will be 0.45, which is low for urban development.
- i) The maximum peak height of the buildings will be 40' which is approximately the same height as the gymnasium, but this is only in a few locations. The roof peak for most of the three-story building will be 36'. Only the Independent

Living/Assisted Living building will be of this height, but it has been moved further north on the site and will be less dominant for the residents on the south and southwest. The density of the project is reasonable for the size of the land area. The mass and scale of the buildings have been reduced and even though they are still very large, the reduction in height and the buildings' articulation will reduce the appearance of mass.

- j) The applicant needs to submit a time schedule indicating when each phase of the development will be constructed and this schedule will be a condition attached to the Special Use Permit if it is approved.
- k) The proposed senior housing community provides a good transition between the low density residential development to the south and southwest and the higher density residential area to the north and northwest. The site is located within walking distance of Corinth Square Center which provides most of the merchandise and services required by the residents and guests of the facility.
- l) The applicant has proposed an extensive landscape treatment for the site including a buffer along Mission Road. The final landscape plan will be approved as a part of the site plan. The landscape plan will be a major component of the compatibility of the project with the surround neighborhood.

8. Conformance with the Comprehensive Plan.

It was not anticipated when Village Vision was proposed in 2006 that Mission Valley Middle School would be closed. As a result an amendment was prepared in 2012 to specifically address this site. The property owner, the neighbors and the community at large provided input in the development of the amendment to Village Vision. The Planning Commission held a public meeting on May 1, 2012 and recommended adoption to the Governing Body who adopted the amendment on May 21, 2012.

The recommendations of the Plan Amendment included two sections as follows:

1. Encourage developers to obtain community input.

The proposed developer has held a number of meetings with area neighbors as well as meetings open to all residents of Prairie Village. The neighbors and the applicant have not reached consensus on many issues. The neighbors countered that it is not compatible with the existing development in that it is too large and too tall and will create traffic and flooding problems. The applicant has submitted a Stormwater Management Plan and a Traffic Impact Study and has resolved these issues from a technical perspective. Both studies have been reviewed by the City's Traffic and Stormwater Management Consultants and are acceptable. The applicant has obtained input, made plan revisions; reducing the number of units, reducing the height of the buildings, and moving the buildings further north on the site, but still has not received endorsement from the neighbors. The use proposed is a senior housing development which is one of the uses identified in the plan.

2. Limit the uses to those allowed in the R-1A Single-Family District.

The plan restricted the uses to those listed in the R-1A district plus those included as Conditional Use Permits and Special Use Permits. The proposal is for a senior living development which is allowed if approved as a Special Use Permit.

One of the issues the Plan listed was density. The proposed project has 327 units on 18.4 acres of land for a density of 17.8 units per acre which is less than the apartments and condominiums on the northwest, but much greater than the single-family dwellings on the south and southwest property lines. The applicant has proposed low density villas on the south and increased the density on the north. Major buildings have been set back 163 to 178 feet from the southwest property line and 255 to 283 feet from the south property line to provide a distance buffer for the adjacent single-family residences. Also, a double row of Villas are proposed along the south and southwest property lines and will act as a buffer.

The proposed developer has met with the surrounding neighbors and has addressed density, access, traffic, and stormwater runoff. Although agreement has not been reached by both parties, it appears that the applicant has addressed the issues and proposed a use that is in conformance with the Comprehensive Plan Amendment, Chapter 8 Potential Redevelopment D. Mission Valley Middle School.

Village Vision also has pointed out in several areas of the plan that more housing choices should be available to the residents, particularly in the area of senior living.

Village Vision also addresses the fiscal condition of the City and pointed out that redevelopment needs to stabilize if not enhance the economic base of the community. The applicant has stated that this will be a \$50 million development. It is estimated, based on that value that the property would generate approximately \$112,000 in City property tax plus \$14,235 in Stormwater Utility revenues.

CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

September 16, 2013

Copy of Ordinance
2909

Ordinance Page No. ____

An Ordinance Making Appropriate for the Payment of Certain Claims.

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

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

NAME	WARRANT NUMBER	AMOUNT	TOTAL
EXPENDITURES:			
Accounts Payable			
5409-5507	8/2/2013	533,540.26	
5508-5513	8/7/2013	15,407.90	
5514-5596	8/16/2013	1,478,110.32	
5597-5598	8/23/2013	12,361.82	
5599-5691	8/30/2013	342,286.43	
Payroll Expenditures			
8/9/2013		273,924.75	
8/23/2013		267,682.93	
Electronic Payments			
Electronic Pmnts	8/6/2013	17,956.06	
Electronic Pmnts	8/7/2013	22,423.90	
Electronic Pmnts	8/12/2013	922.22	
Electronic Pmnts	8/13/2013	3,362.48	
Electronic Pmnts	8/20/2013	306.79	
Electronic Pmnts	8/22/2013	1,335.19	
Electronic Pmnts	8/23/2013	217.92	
Electronic Pmnts	8/26/2013	13,004.70	
Electronic Pmnts	8/27/2013	1,706.37	
Electronic Pmnts	8/28/2013	3,514.88	
TOTAL EXPENDITURES:			2,988,064.92
Voided Checks			
United Way of Greater Kansas City	#5500	(628.20)	
Jim Hohensee	#5550	(52.00)	
PV Retail Partners	#5668	(197,737.33)	
TOTAL VOIDED CHECKS:			(198,417.53)
GRAND TOTAL CLAIMS ORDINANCE			2,789,647.39

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

Passed this 16th day of September 2013.

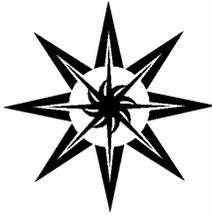
Signed or Approved this 16th day of September 2013.

(SEAL)

ATTEST: _____

City Treasurer

Mayor



MAYOR

**Council Meeting Date: September 16, 2013
Consent Agenda**

Consider RNC Resolution

RECOMMENDATION

RECOMMEND THE CITY COUNCIL APPROVE RESOLUTION 2013-04 EXPRESSING THE CITY OF PRAIRIE VILLAGE'S SUPPORT FOR BRINGING THE REPUBLICAN NATIONAL CONVENTION TO THE KANSAS CITY REGION IN 2016

BACKGROUND

Kansas and Missouri are working together on an initiative "Kansas City 2016" to host the 2016 Republican National Convention. This convention would bring an estimated 50,000 visitors to the Kansas City metropolitan area with a projected economic impact of \$250M. Area cities are adding their support by adopting resolutions in support of Kansas City's bid for this important event.

FINANCIAL IMPACT

None

ATTACHMENTS

Resolution

PREPARED BY

Joyce Hagen Mundy
City Clerk

Date: September 13, 2013

Resolution 2013-04

A RESOLUTION EXPRESSING THE CITY OF PRAIRIE VILLAGE'S SUPPORT FOR BRINGING THE REPUBLICAN NATIONAL CONVENTION TO THE KANSAS CITY REGION IN 2016.

WHEREAS, the Republican National Committee (the "RNC") is calling for bids this year from U.S. cities seeking to host the RNC in 2016; and

WHEREAS, cooperative efforts are now under way to bring the RNC to the Heart of America, Kansas City, Missouri/ Johnson and Wyandotte Counties in Kansas, for the first time since 1976; and

WHEREAS, a successful bid for the RNC would showcase and firmly establish the Greater Kansas City region as a major convention destination; and

WHEREAS, an historic national convention of this magnitude would have a significant, positive impression on our metropolitan area's economic prosperity and brand, bringing tremendous benefits to our local and state economies; and

WHEREAS, it is esimated that the RNC would attract 50,000 visitors to the Greater Kansas City region, create new jobs, and have a \$250 million net impact in our region; and

WHEREAS, hosting an RNC would not only bring immediate economic gains, but would place the entire metropolitan region in the national spotlight for years to come; and

WHEREAS, efforts to attract the RNC to our region are uniting Kansas and Missouri residents; city, state, and federal officials; and leaders in our business and arts communities, paving the way for future partnerships and regional collaborations benefiting our cities.

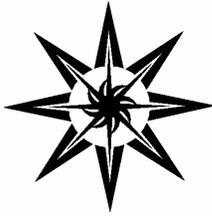
NOW, THEREFORE, BE IT RESOLVED that the City of Prairie Village expresses support for economic development endeavors to bring the 2016 RNC to the Greater Kansas City region, recognizing its potential contributions to the economic, social, and cultural well-being of Prairie Village.

ADOPTED BY THE GOVERNING BODY THIS 16TH DAY OF SEPTEMBER, 2013.

Ronald L. Shaffer, Mayor

ATTEST:

Joyce Hagen Mundy, City Clerk



MAYOR

Council Meeting Date: September 16, 2013

Consent Agenda: Consider Lancer Day Proclamation

RECOMMENDATION

Recommend the City Council authorize the Mayor to execute a proclamation establishing September 20, 2013 as Lancer Day.

BACKGROUND

The Lancer Day parade will be held on Friday, September 20th at 2:00 pm. The proclamation established Friday, September 20th as Lancer Day.

ATTACHMENT

Proclamation

PREPARED BY

Jeanne Koontz, Deputy City Clerk
September 13, 2013

CITY OF PRAIRIE VILLAGE

WHEREAS, a closer relationship between the citizens and associates of our excellent educational facility, Shawnee Mission East, is desired, we, hereby decree: That the City of Prairie Village, Kansas will be changed to Lancer Village, Kansas for the duration of one day – said day to be designated as LANCER DAY; and

WHEREAS, to properly note the occasion, blue, black and white will become the official colors and Lancer Village will be decorated with such colors; further those loyal to the cause will wear the previously designated colors to so note their allegiance; and

WHEREAS, such a momentous occasion should be duly celebrated, a parade beginning at 2:00 p.m. on the appointed day will proceed from LANCER HIGH SCHOOL (Shawnee Mission East) by way of LANCER AVENUE (Mission Road) to the parking area in front of the clock tower in LANCER VILLAGE (Prairie Village Shopping Center), where those assembled will be treated to a pep rally and addresses by dignitaries of the City and School; and

WHEREAS, Morgan Twibell, President of the Student Council, will with this proclamation take over the duties of Honorary Mayor of Lancer Village.

NOW, THEREFORE, I, Ronald L. Shaffer, Mayor of the City of Prairie Village, do hereby proclaim Friday, September 20, 2013 to be

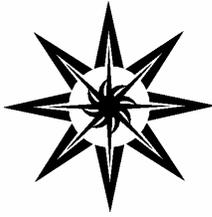
LANCER DAY

IN WITNESS THEREOF, I hereunto set my hand and cause the Seal of the City of Prairie Village, Kansas to be affixed this 16th day of September, 2013.

Mayor Ronald L. Shaffer

City Clerk

Date



ADMINISTRATION DEPARTMENT

Communications Committee Meeting Date: June 26, 2013

Council Meeting Date: August 5, 2013

Council Committee Meeting Date: August 19, 2013

Council Meeting Date: September 16, 2013

COU2013-27: Consider approval of website upgrade and homepage redesign

MOTION

Move the City Council approve the proposal from Vision Internet for upgrade to Vision CMS 6, Graphic Design services, and Responsive Design and Wireframe services in the amount of \$28,181 and authorize the Mayor to sign Addendum #7 and the Subscription Services Agreement pending review and approval by the City Attorney.

RECOMMENDATION

The Communications Committee recommends the City Council approve the proposal from Vision Internet for the upgrade to Vision CMS 6, Graphic Design Services, and Responsive Design in the amount of \$28,181.

BACKGROUND

In 2010, the City's website was upgraded to a Vision Internet Content Management System (CMS). At the same time, the website was redesigned by MMG Worldwide (a Kansas City marketing firm). The upgraded website with redesign was launched in January 2011. The CMS enables staff to more efficiently update the website, send e-notifications to subscribers, maintain project pages and communicate more effectively with residents.

The City began the website upgrade in 2009 with a thorough bidding and interview process. The Communications Committee conducted the interviews and ultimately, Vision Internet was selected as the web host and Content Management Solution.

The City website receives 10,000 unique visitors per month. Use continues to increase as more services, projects and information are added such as paying citations online. City staff frequently receive positive comments on the City website including ease of navigation and information available.

Since the website upgrade, Vision Internet has made significant upgrades to their CMS and presented these changes to staff. Staff requested a proposal from Vision Internet for upgrading to CMS 6 and for homepage redesign services. The proposal is outlined below. The significant cost is associated with the upgrade to the CMS 6 system. This is a one-time upgrade with all future components and CMS versions included.

Staff presented the proposal to the Communications Committee at the June 26th meeting. The draft minutes are attached. The major concerns of committee members were funding, usability for residents and reducing staff time.

This item was reviewed and discussed by Council at the August 5th meeting. The motion failed 5-6 for approval. Council asked staff to bring the item back to a future committee meeting for further review.

This item was reviewed and discussed by the Council Committee at the August 19th meeting. The committee unanimously recommended approval to the council. A few council members requested a written commitment from Vision Internet guaranteeing that the current platform would be supported as long as the City maintains the subscription service. Vision Internet has confirmed that the City will be upgraded to the latest version of the VCMS at no cost as long as the City maintains a non-interrupted Subscription Services Agreement.

Page 2 of the Subscription Service Agreement states: “To receive the Upgrade Services, a non-interrupted Subscription Services Agreement must be in place from time of website launch and the VCMs code must be unmodified. Provided that Client a has continuous, non-interrupted Subscription Services Agreement as provided hereunder, Client shall receive future updates to VCMS at no additional cost.”

COMMUNICATION & ADDITIONAL FEATURES

The City’s website is used for more than static information. Residents can stay informed not only by visiting the website but by receiving e-mail updates to projects, news, events, job opportunities, and bid opportunities. There are 1,186 active subscribers to the email updates. Below is a chart accounting for the # of subscribers and notices sent by type of notification in 2013.

Type	# of Subscribers	2013 Notices Sent
Event Calendar	3,688	113
Job Manager	207	2
News	2,494	91
Project Updates	2,401	39
Bid Opportunities	522	9

The project pages have been very useful in keeping residents informed on the status of Planning Applications and Major Construction Projects. Resident inquiries to staff have reduced due to the use of the project pages. The Mission Valley Project Page has had 8,503 visits and 26,466 pageviews. The website also sends updates to Facebook and Twitter.

In addition to the website’s communication abilities, a number of features have been added to increase transparency and facilitate online business including: e-checkbook, budget simulator, online ticket payment, and online business licensing renewal.

PROPOSAL

Major Features	Cost	Benefit
Content Management 6	\$20,785	<ul style="list-style-type: none"> • Future upgrades of CMS - Free • Newly developed CMS components • Free redesign every four years
Template Builder	Included in CMS cost	<ul style="list-style-type: none"> • Create custom interior page layouts for different look & feel • Flexibility for layout of project pages and event pages
GovTrack CRM	Included in CMS cost	<ul style="list-style-type: none"> • Residents can make service and information requests with comments and photos • System will automatically route to appropriate staff person • Users can log-in and track progress of their request • New feature provides added service for residents
Audio & Video Embedding	Included in CMS cost	<ul style="list-style-type: none"> • New feature
Drag and Drop Image and File Uploading	Included in CMS cost	<ul style="list-style-type: none"> • Reduce staff time
Calendar submission option for outside individuals & groups	Included in CMS cost	<ul style="list-style-type: none"> • Individuals can submit calendar items directly to the CMS for approval by staff • Reduce staff time
New Form Builder	Included in CMS cost	<ul style="list-style-type: none"> • Reduce staff time • Current form builder is difficult to use

In-page Content Editing	Included in CMS cost	<ul style="list-style-type: none"> • Reduce staff time • Allows page to be edited in the final view
Photo Gallery & Slideshow	Included in CMS cost	<ul style="list-style-type: none"> • New feature
Responsive Design	\$2,000	<ul style="list-style-type: none"> • Replaces need for mobile version • Website will automatically resize based on device
Graphic Redesign & Wireframe	\$7,675	<ul style="list-style-type: none"> • Update look for homepage • Includes one homepage design, wireframe of homepage and three interior page templates

The total cost of services, including a \$2,279 discount, is \$28,181.

FUNDING SOURCE

Equipment Reserve Fund - \$30,000 budgeted in 2013

ATTACHMENTS

1. Addendum #7 and Subscription Services Agreement
2. Proposal

PREPARED BY

Jeanne Koontz
Deputy City Clerk/Public Information Officer
September 11, 2013



Addendum #7

This Addendum #7 (“Addendum”) specifies additional work to the Website Development, Hosting and Maintenance Services Terms and Conditions dated August 26, 2010 (“Agreement”). City of Prairie Village, KS (“Client”) desires Vision Internet Providers, Inc. (“Contractor”) to perform work specified in Addendum #7 Scope of Services (“Scope”), attached hereto and incorporated herein by this reference.

1. Price: Contractor agrees to perform work in Scope for \$28,181.
 - A. Client agrees to pay Contractor as follows:
 - (i) An initial payment equal to 50% of the total cost;
 - (ii) A payment equal to 50% of the total cost upon completion of work in Scope.
2. Contractor will provide Client annual subscription services as defined in the visionLive™ Subscription Services Agreement, attached hereto and incorporated herein by this reference.

AGREED:

CITY OF PRAIRIE VILLAGE, KS

DATE: _____ By: _____

Print Name _____ Print Title _____

VISION INTERNET PROVIDERS, INC.

DATE: _____ By: _____

STEVEN CHAPIN Title: President

Client's Initials _____

Contractor's Initials _____



Addendum #7 Scope of Services

visionCMS™ Platform Upgrade

Because the City of Prairie Village is already a client, we can provide a cost effective upgrade to our advanced visionCMS™, retaining much of the functionality of your current site while providing many new features.

The latest visionCMS™ platform includes many enhancements and features that were created in direct response to suggestions from clients like you. We are excited to be able to offer even more advanced tools to allow for greater flexibility for website administrators.

Highlights include:

- **Page template builder** for creating new layouts on the fly.
- **Departmental page restrictions** so that you can control staff access to individual page templates.
- **Drag & drop** for uploading and sorting pictures, files, and documents in one simple step.
- **Personal toolbars** making it easy for your staff to access frequently used features with one click.
- **Backend dashboard** so that users can oversee site activity and tailor their workspace to their unique needs.
- **In-page editing** for updating content from a front-end view.
- **iOS friendly editing** to allow basic page editing on mobile devices like the iPad and iPhone.

A list of features in this version can be found in Attachment 1 to the Subscription Services Agreement.

While the most important tools and functions carry over to the new version, not all functionality from your current content management system will be identical in the new .NET version. We will do everything reasonably possible to ensure at least 95% similarity between your current design and that of the new site. Please note:

- If your staff has created customizations to the site files or database, they will not carry over to the new visionCMS™. Your staff may be responsible for identifying any customizations they have made and implementing them in the new system.
- The following components will be carried over.
 - E-Checkbook Records
 - Home Association Map
 - Ward Map
- The following components will not be carried over:
 - Agenda and Minutes Archiver
 - Blog
 - Projects Blog
 - Projects Component
- The listed price is valid for ninety (90) days after receipt of this document, provided no new components or customizations are added to your current site.

Client's Initials_____

Contractor's Initials_____



- We will migrate your existing content to the new site except from the following components. They have been revamped, and the City will need to recreate any entries currently used
 - Form Tool
 - Extranet (Members Only)

Responsive Design

Your site visitors utilize a wide variety of devices to access your website, including mobile phones, tablets, and computers with large and small monitors. Fortunately, with Responsive Design your website will detect the screen resolution of the user’s device and automatically respond, producing a view of the site optimized specifically for that screen. This ensures your site visitors will be able to easily use the site, no matter what device they are using.

Graphic Redesign

Vision Internet’s creative ability and expertise will allow us to develop compelling graphic design to make your website look great, while maintaining its usability. We will work very closely with your staff to establish a new design for the website that reflects your unique identity.

Included in our scope of work, we will implement a new homepage design for your website. We will provide the City with one homepage design concept with revisions. We will also create up to three interior page designs. These interior page templates can be applied to your website’s departmental pages, providing a consistent overall look.

Towards the end of the design phase, we will deliver the following:

- Approved homepage design
- Up to three interior page templates

Wireframe

Vision Internet can construct a wireframe for your website that shows the placement of key information and dynamic content.

Project Notes

N/A

Contact

Questions regarding the above mentioned item can be referred to Regional Sales Manager Adam Isern.

Price for Services

Item	Pricing
visionCMS™ Upgrade	\$20,785
Responsive Design	\$2,000
Graphic Redesign	\$7,000
Wireframe	\$675
Discount	(\$2,279)
Total	\$28,181

Client’s Initials_____

Contractor’s Initials_____

**visionLive™ Subscription Services Agreement
Vision Internet Providers Incorporated
Account Terms and Conditions**

These Terms and Conditions, and any addendum attached hereto, represents the complete agreement and understanding (“Agreement”) between Vision Internet Providers Inc. ("Vision Internet"), a California corporation, and CITY OF PRAIRIE VILLAGE, KS (the "Client"), and supersedes any other written or oral agreement with regard to the Subscription Services provided for herein. Client and Vision Internet are sometimes individually referred to as “Party” and collectively as “Parties.”

1. Ongoing Service Provisions

Pursuant to the terms herein, Vision Internet agrees to provide Hosting Services, Upgrade Services, and Support Services (collectively "Subscription Services") as provided below for the Client's website, which utilizes Vision Internet's Vision Content Management System (“VCMS”) developed under a prior or concurrent agreement by and between Vision Internet and Client (“Website Development Agreement”). To the extent that the Website Development Agreement and/or any other prior agreement entered into by and between Vision Internet and Client conflicts with this Agreement, then the terms and conditions of this Agreement shall supersede, replace, and amend any and all conflicting provisions of such prior agreement. Vision Internet will provide Subscription Services to the Client in exchange for payment of fees and compliance with the terms and conditions of this Agreement. Subscription Services include the following:

(a) **Hosting Services**

Vision Internet will provide shared website hosting on a Microsoft Windows Server and shared database hosting on a Microsoft SQL Server for one (1) unique domain.

(b) **Upgrade Services**

Vision Internet will provide Upgrade Services which include:

- Enhancements to the backend VCMS functionality.
- Enhancements to the Included Interactive Components that were developed under the Website Development Agreement or other prior agreement entered into by and between Vision Internet and Client.
- New Interactive Components released from time to time according to the visionLive™ Roadmap ("Roadmap").
- Bug fixes to the VCMS code.
- Updates to provide compatibility to future versions of Supported Web Browsers (as defined below) within three months of their release. Compatibility with previous versions of Supported Web Browsers is not guaranteed.

Client understands and agrees that the Supported Web Browsers for the frontend of the website currently are Firefox, Internet Explorer, Chrome, and Safari. Client understands and agrees that Supported Web Browsers for the backend of the website currently are the latest released versions at the time of Completion of Firefox and Internet Explorer. Client understands and agrees that Supported Web Browsers for visionMobile™ currently are iOS Safari, Android Chrome, and Windows Phone 7 Internet Explorer. All of the web browsers listed in this paragraph, and any others added by Vision Internet at its discretion are herein referred to collectively as the "Supported Web Browsers".

To receive the Upgrade Services, a non-interrupted Subscription Services Agreement must be in place from time of website launch and the VCMS code must be unmodified. Provided that Client has a continuous, non-interrupted Subscription Services Agreement as provided hereunder, Client shall receive future updates to VCMS at no additional cost.

Upgrade Services do not include:

- Optional Interactive Components.
- Modules, Programs, or Software Applications.
- Modification of third-party products.
- Updates to provide compatibility to third-party products, except for those included in VCMS.
- Upgrades that require modification to website design.
- System configuration, website content editing and/or formatting, website design, custom data updates, etc.

(c) **Support Services**

Support Services is defined as technical support for the unmodified VCMS. Vision Internet will provide Support Services to a designated Client account manager, system administrator or webmaster. Technical support is generally available by email and telephone from 6:00 AM to 6:00 PM Pacific Time Monday through Friday excluding holidays (“Business Hours”), with emergency support available 24 hours a day, 7 days a week. An emergency is defined as the website being down for more than ten (10) minutes.

(d) **Redesign Services**

At the conclusion of year four of an uninterrupted Subscription Services agreement, the Client will be entitled to a basic graphic redesign of one (1) website. Basic graphic redesign does not include Design Themes. Services shall include:

- Project Management
- Wireframe Development
- Graphic Design Development with one preliminary concept
- Graphic Production

Vision Internet will not develop a sitemap or new content as part of the redesign, but will assist the Client in transferring existing content into the new design

2. Fees

Rate: \$6,600 per year payable to Vision Internet in U.S. funds in advance, which rate shall be increased by five percent (5%) per year, for each year of the Initial Term (defined below), and any and all renewal terms, as provided in Section 3 below. Vision Internet shall invoice Client annually within thirty days of start of service or any renewal term as defined below. Any services not covered in this Agreement will be subject to additional fees and will be considered extra work (“Extra Work”). Extra Work will be billed at Vision Internet’s prevailing hourly rates, which are currently as follows: HTML Programming, Content Migration, \$85/hr; Graphic Production \$95/hr; Quality Assurance, Testing, Debugging, Technical Support, Webmaster Services, \$105/hr; Consulting, Project Management, Database Design, Dynamic Programming, \$135/hr; Graphic Design, Training, \$125/hr. Client shall be responsible for any or all additional fees including, without limitation: software, applications, online promotion, marketing, copy writing, redesign, change orders, mailings, and fees to any third party vendors if applicable. Calls outside of Business Hours not deemed an

emergency as defined above will be subject to a minimum fee of \$135.

3. Term

The Subscription Services will begin when the website is hosted on the production server and remain in effect for a period of four years thereafter (the "Initial Term") if approved in the Client's annual budget. With respect to the Initial Term, unless one party has given written notice to the other party of its intent not to renew this Agreement at least thirty (30) days prior to expiration of the Initial Term, this Agreement will continue in effect on a year-to-year basis thereafter until one party gives written notice to the other of its intent not to renew this Agreement at least thirty (30) days prior to the expiration of any renewal term. If the term of this Agreement is extended or renewed in accordance with the foregoing, all of the terms and conditions of this Agreement shall continue, unmodified, in full force and effect, until the end of the last applicable renewal or extension term, except that all rates, fees, charges, and compensation payable to Vision Internet hereunder shall be increased by five percent (5%) per year, for each annual renewal term extending the term hereof.

4. Subscription Services Website Usage

(a) The Client shall use the Subscription Services in strict accordance with, but not limited to, all local, state, and federal laws. The Client shall not use the Subscription Services for any unlawful or destructive purpose including, but not limited to, copyright and/or trademark infringement. The Client hereby represents and warrants that any text, data, graphics, or any other material displayed or published by the Client on its Website is, and shall continue to be, throughout the term of this Agreement, free from violation of or infringement upon copyright, trademark, service mark, patent, trade secret, statutory, common law or proprietary or intellectual property rights of others, and is free from obscene or libelous material.

(b) The Client represents and warrants that it has or has obtained all rights necessary to display all the images, data, information or other items being displayed at the Client's Website. The Client expressly authorizes Vision Internet to display those images, data, information or other items.

(c) The Client shall not misuse any of Vision Internet's resources or cause any disruption to Vision Internet's business ("Misuse"). Examples of Misuse include, but are not limited to, the display of pornography or linking to pornographic material, the sending of chain letters, advertisements, solicitations, or mass mailings to individuals who have not agreed to be contacted in this manner (including, but not limited to, what is commonly referred to as "Spam").

(d) The Client shall not use any process, program or tool via Vision Internet for gaining unauthorized access to the accounts of other parties, including but not limited to, other Vision Internet clients, customers or account holders or other Vision Internet systems. The Client shall not use Subscription Services to make unauthorized attempts to access the systems and networks of others. Client shall not use Vision Internet's services as a door or signpost to another server.

(e) The Client shall not use Subscription Services in a manner in which system or network resources are denied to other Vision Internet clients, customers or account holders. This includes, but is not limited, to excessive memory usage and programs that consume excessive CPU resources.

(f) The Client will have password access to the VCMS through the Subscription Services. The Client agrees to be responsible for keeping all passwords secure and will immediately notify Vision Internet if a password is lost, stolen or compromised in any way. The Client shall be responsible for all use of Subscription Services accessed through the Client's passwords. The Client's passwords are not

transferable to any third party and are subject to any limits established by Vision Internet.

5. Disclaimers and Acknowledgments

(a) The Internet

(i) The Client acknowledges that, when using the Internet, the Client is using a completely different physical network than the Vision Internet communications network and different content than available on Vision Internet. The reliability, availability and performance of resources accessed through the Internet are beyond Vision Internet's control and are not in any way warranted or supported by Vision Internet. The Client acknowledges that safeguards relative to copyright, ownership, decency, reliability and integrity of content may be entirely lacking with respect to the Internet and content accessible through it. Vision Internet makes no warranty that any systems accessed will be free of computer viruses. The Client is responsible for making backup copies of its files. The Client assumes all risk and liability of its use of the Internet.

(ii) The Client specifically acknowledges that Vision Internet provides access to other systems not controlled by Vision Internet including, but not limited to, discussion groups, websites and databases, that may contain pictures and language intended for adult audiences. The Client further understands that Vision Internet is not responsible for any damages that may result from exposure to such material and the Client shall hold Vision Internet harmless from any damages that may result.

(iii) Vision Internet does not warrant (a) any connection to, transmission over, nor results or use of, any network connection or facilities provided under this Agreement or (b) any third-party applications and software obtained by, for, or on behalf of Client. **VISION INTERNET MAKES NO WARRANTY OF ANY KIND, WHETHER EXPRESS OR IMPLIED, OF MERCHANTABILITY OR FITNESS OF THE SUBSCRIPTION SERVICES FOR ANY PARTICULAR PURPOSE WHATSOEVER.** Vision Internet assumes no responsibility for any damages suffered by the Client, including, but not limited to, server down time, loss of data, loss of business, mis-deliveries, delays, non-deliveries, access speed, service interruptions of any kind, or to third-party applications and software used by Client. In no event, at any time, shall the aggregate liability of Vision Internet exceed the amount of fees paid by Client to Vision Internet and Vision Internet shall not be responsible for any lost profits or other damages, including direct, indirect, incidental, special, consequential or any other damages, however caused.

(iv) The Client acknowledges that the information available through the Internet may not be accurate. Vision Internet has no ability or authority over the material. In addition, Vision Internet has no liability for the quality, accuracy, or validity of the data/information delivered over the Internet. Use of information gathered through the use of Vision Internet services is at the risk of the Client.

(b) Domain Name and Secure Digital Certificate

If agreed to under this Agreement, Vision Internet will apply for a custom domain name of the Client's choosing. Vision Internet cannot guarantee the availability of any particular name. Client is responsible for all fees charged by the registrar (i.e. Verisign or Dotster) including setup and renewal fees. Client shall be responsible for all licensing fees, if any, including but not limited to secure digital certificate renewal fees. Vision Internet shall not be responsible for maintaining or renewing domain names, digital certificates, or any other third party registrations.

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6. Indemnification

(a) Vision Internet will defend, hold harmless and indemnify Client from and against all liability costs and expenses including reasonable attorney fees resulting from claims of injury to person, damages to property, or monetary damages arising out of Vision Internet's negligence or intentional misconduct.

(b) The Client will defend, hold harmless and indemnify Vision Internet, its officers, directors, shareholders, employees and agents from and against all liability costs and expenses including reasonable attorney fees resulting from claims of injury to person, damages to property, or monetary damages arising out of the Client's negligence or intentional misconduct.

7. Defaults

The occurrence of any one or more of the following shall constitute an Event of Default under this Agreement:

- (a) Any Misuse of Vision Internet resources that disrupts Vision Internet's business.
- (b) The Client's breach of any representation, warranty, term or provision of this Agreement.

8. Remedies

(a) If Vision Internet discovers that the Client is displaying content that is in violation of any of the foregoing provisions, Vision Internet may discontinue or suspend access to the Client's Website without prior notice, until the violating item(s) have been resolved. However, the Client shall remain liable for all payments due under this Agreement as if access had not been interrupted;

(b) If an Event of Default occurs, Vision Internet may immediately discontinue or suspend access to the Client's Website without prior notice and may immediately terminate this Agreement. However, if access is only suspended, the Client shall remain liable for all payments due under this Agreement as if access had not been interrupted; and/or

(c) If an Event of Default occurs and remains uncured for at least ten (10) days after Vision Internet's delivery of written or email notice to Client, Vision Internet may immediately terminate Subscription Services and this Agreement.

9. Documents & Data; Licensing of Intellectual Property

This Agreement creates a non-exclusive and perpetual license for Client to copy, use, or modify for its own use, any and all copyrights, designs, and other intellectual property embodied in this website, which are prepared or caused to be prepared by Vision Internet under this Agreement ("Documents & Data"), to which Vision Internet retains ownership of all intellectual property rights. Notwithstanding anything to the contrary in any of the agreement documents, Client understands and agrees that Vision Internet shall retain all right, title, and interest to the Vision Content Management SystemTM (also known as the Vision Internet Content Management System, VCMT, VCMS and the Vision Content Management Tool), and Dynamic and Interactive Components.

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10. Other

(a) The headings in this Agreement are intended solely for convenience and shall be given no effect in the construction or interpretation of this Agreement.

(b) The Client agrees that a failure to exercise or delay in exercising any right, power or privilege on the part of Vision Internet will not operate as a waiver or estoppel thereof.

(c) Neither the course of conduct between parties nor any trade practice shall act to modify the provisions of this Agreement except as expressly stated herein.

(d) This Agreement shall be governed by and construed in accordance with the laws of the United States of America, and the State of Kansas. Any cause of action of the Client with respect to the services provided hereunder must be instituted within one year after the claim or cause of action has arisen or be forever barred. Further, jurisdiction and venue for any cause of action or claim with respect to the services provided hereunder must be instituted in the District Court of Johnson County, Kansas or, if federal jurisdiction exists, in the United States District Court for the District of Kansas.

(e) Except for any injunctive relief or similar remedy, which may be sought in any court of competent jurisdiction, any controversy, dispute, claim or counterclaim, whether it involves a disagreement about this Agreement or its meaning, interpretation, or application; the performance of the Agreement; questions of arbitrability as to subject matter of the dispute; whether an agreement to arbitrate exists and, if so, whether it covers the dispute(s) in question; or any other question of arbitrability or form of disagreement or conflict among the parties to the Agreement, shall be submitted to final and binding arbitration at the request of either party, in accordance with the Commercial Arbitration Rules of the American Arbitration Association, or the comparable rules promulgated by ADR Services or JAMS in Los Angeles, California. Each party shall be responsible for one-half of the costs for the arbitrator(s) and arbitration.

(f) Should a dispute, including but not limited to any litigation or arbitration be commenced (including any proceedings in a bankruptcy court) between the parties hereto or their representatives concerning any provision of this Agreement, or the rights and duties of any person or entity hereunder, the party or parties prevailing shall be entitled to attorneys' fees, expenses of counsel and court costs incurred by reason of such action.

(g) With the intent to be legally bound, each of the undersigned hereby covenants and acknowledges that he, she or it (i) has read each of the terms set forth herein, (ii) has the authority to execute this Agreement for such person or entity, and (iii) expressly consents and agrees that the person or entity upon behalf of which the undersigned is acting shall be bound by all terms and conditions contained herein.

(h) The parties have each been advised to seek independent legal counsel in entering into this Agreement and the transactions described herein. In the event a party chooses not to seek independent legal counsel, that party does so freely and knowingly and waives any such rights to counsel. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party.

(i) Any delay in the performance by either Party hereto of its obligations hereunder shall be excused when such delay in performance is due to any cause or event of any nature whatsoever beyond

the reasonable control of such Party, including, without limitation, any act of God; any fire, flood, or weather condition; any computer virus, worm, denial of service attack; any earthquake; any act of a public enemy, war, insurrection, riot, explosion or strike; provided, that written notice thereof must be given by such Party to the other Party within ten (10) days after occurrence of such cause or event.

(j) This Agreement, including any attached addendum, is the entire, complete, final and exclusive expression of the parties with respect to the Subscription Services and supersedes all other agreements or understandings, whether oral or written, or entered into between Client and Vision Internet prior to the execution of this Agreement related thereto. No amendment to this Agreement shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

(k) It is understood and agreed that if any interpretation is to be made of this Agreement, the same shall not be construed for or against any of the Parties. If any provision of this Agreement is determined to be invalid, all other provisions shall remain in full force and effect.

(l) This Agreement may be executed in counterparts, each of which shall be an original and all of which together shall constitute one and the same Agreement. This Agreement becomes effective upon Vision Internet's receipt of an executed copy of this Agreement and receipt of any sums of money that are provided for herein.

(m) All notices under this Agreement shall be in writing and effective on the date of delivery if delivered by personal service, Federal Express, or facsimile; or effective three (3) days after deposit in first class U.S. mail, postage prepaid, to each party as follows:

(1) Client: City of Prairie Village

Address: _____

Attn: _____

Fax: _____

(2) Vision Internet:

2530 Wilshire Boulevard, 2nd Floor

Santa Monica, California 90403

Attn: Steven Chapin

Cc: Rose De Vries

Fax: (310) 656-3103

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the dates set forth next to their signatures below.

CITY OF PRAIRIE VILLAGE

DATE: _____ By: _____

Print Name _____ Print Title _____

VISION INTERNET PROVIDERS, INC.

DATE: _____ By: _____

STEVEN CHAPIN Title: President

Attachment 1 to Subscription Services Agreement

Client and Vision Internet may have already entered into one or more separate agreements which specify (1) the inclusion of Included and/or Optional Interactive Components and Features and/or (2) browser compatibility, and/or (3) hosting provisions. To the extent that any prior agreement entered into by and between Vision Internet and Client conflicts with this Agreement, then the terms and conditions of this Agreement shall supersede, replace, and amend any and all conflicting provisions of such prior agreement.

1. Included Interactive Components and Features

The following are the initial Included Interactive Components and Features provided in Client’s project, subject to upgrades and revisions based on Vision Internet’s then current Included Interactive Components listed on the Roadmap. Additional options may be available and can be added for an additional fee:

SITE ADMINISTRATION AND SECURITY

- Audit Trail Log
- Backend Content Title Search
- Backend Dashboard
- Broken Link Reporter
- Content Review and Publishing
- Component Manager
- Content Scheduling
- Context Sensitive Online Help
- Departmental Page Restrictions
- Document Central
- Drag and Drop Multiple File and Image Uploading
- Email Address Masking
- Enhanced User Interface
- Flexible Site Variable Settings
- Image Library
- Page Template Library
- Personal Toolbar
- Role-Based Security
- Scheduled Content Review
- SiteMaster™ Template Builder
- Submission Validation (reCAPTCHA)
- Recycle Bin
- Updated and Expired Content Reporting
- Web Traffic Statistics
- Widget-based Layout Options
- Workspace

CONTENT EDITING

- Advanced WYSIWYG Editor
- Search and Replace
- Spell Checker
- Style Gallery
- Table Wizard
- Undo/Redo
- User Commenting
- Version Control

ADVANCED NAVIGATION MANAGEMENT

- Automatic Breadcrumbs
- Connected Pages
- Content Categories
- Dynamic Drop Down Menus
- Error 404 (Page Not Found) Handling
- External Link Splash Page
- Navigation Control
- Navigation Redirect
- Page Linking
- Quick Links
- Single-Source Publishing
- Site Search (Google CSE)

- Friendly URL Redirect
- Sitemap Generator

USER EXPERIENCE AND INTERACTIVITY

- Business Directory
- Community Spotlight
- Dynamic Calendar System
- Dynamic Homepage
- Facilities Directory
- Facilities Reservations
- Feedback Form
- Form Builder
- Frequently Asked Questions
- In-page Content Editing
- Job Posts
- News
- RFP Posts
- Rotating Homepage Banners
- Service Directory
- Staff Directory
- Sticky News
- Weather Update

DEPARTMENT MANAGEMENT

- Department-Level Administration
- Department-Level Navigation
- Department-Level Sitemap

OUTREACH, MEDIA, AND SOCIAL NETWORKING

- Audio and Video Embedding
- Bookmark and Share
- eNotification
- Emergency Alert (site wide)
- Facebook FeedReader™
- Forward to a Friend
- GovTrack CRM™
- OneClick Social Networking™
- Photo Gallery & Slideshow
- RSS FeedReader™
- Twitter FeedReader™

ACCESSIBILITY

- Automatic Alt-Tags
- Dynamic Font Resizing
- Dynamic Reader Download Links
- Google Translation Integration
- Printer Friendly Pages
- Table Accessibility Tools

ADDITIONAL INTERACTIVE COMPONENTS AND FEATURES

- Approval Cycle
- Extranet (Members Only)
- Responsive Design

2. Customizations

The following are customizations provided in Client's project:

- None.



vision internet
2530 wilshire blvd.
2nd fl
santa monica ca 90403
888.263.8847 /
310.656.3100
310.656.3103 fax
info@visioninternet.co

July 31st, 2013

Jeanne Koontz
Deputy City Clerk
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Re: visionCMS™ Upgrade Quote

Dear Jeanne,

We've enjoyed working you on the City of Prairie Village's website, and appreciate the opportunity to provide information about the most recent upgrade to the visionCMS™.

Our latest version has incorporated many innovations that will enhance your website management process. This system is built upon current .NET technology, incorporates new tools and improved functions, and is easier to use. Your staff will see and appreciate the difference!

Below is a brief summary of the additional functionality and services included with the upgrade. Please note that this is only an overview based on our initial discussions with you, and that we can discuss additional work as required by the City.

If you have any questions about this quote, please feel free to contact me. I look forward to speaking with you further about your website!

Respectfully submitted,

A handwritten signature in blue ink that reads "Adam D. Isern".

Adam Isern
Regional Sales Manager, Vision Internet
Providers, Inc.

Functionality Overview

The most recent version of the visionCMS™ includes many enhancements and features that were created in direct response to suggestions from clients like you. We are excited to be able to offer even more advanced tools to allow for greater flexibility for website administrators.

Highlights include:

- **Page template builder** for creating new layouts on the fly.
- **Departmental page restrictions** so that you can control staff access to individual page templates.
- **Drag & drop** for uploading and sorting pictures, files, and documents in one simple step.
- **Personal toolbars** making it easy for your staff to access frequently used features with one click.
- **Backend dashboard** so that users can oversee site activity and tailor their workspace to their unique needs.
- **In-page editing** for updating content from a front-end view.
- **iOS friendly editing** to allow basic page editing on mobile devices like the iPad and iPhone.

Included Interactive Components and Features

Included in your upgrade estimate are the following components and functionality:

SITE ADMINISTRATION AND SECURITY	
• Audit Trail Log	• Flexible Site Variable Settings
• Backend Content Title Search	• Image Library
• Backend Dashboard	• Page Template Library
• Broken Link Reporter	• Personal Toolbar
• Content Review and Publishing	• Role-Based Security
• Component Manager	• Scheduled Content Review
• Content Scheduling	• SiteMaster™ Template Builder
• Context Sensitive Online Help	• Submission Validation (reCAPTCHA)
• Departmental Page Restrictions	• Recycle Bin
• Document Central	• Updated and Expired Content Reporting
• Drag and Drop Multiple File and Image Uploading	• Web Traffic Statistics
• Email Address Masking	• Widget-based Layout Options
• Enhanced User Interface	

- Workspace

CONTENT EDITING

- Advanced WYSIWYG Editor
- Search and Replace
- Spell Checker
- Style Gallery
- Table Wizard
- Undo/Redo
- User Commenting
- Version Control

ADVANCED NAVIGATION MANAGEMENT

- Automatic Breadcrumbs
- Connected Pages
- Content Categories
- Dynamic Drop Down Menus
- Error 404 (Page Not Found) Handling
- External Link Splash Page
- Friendly URL Redirect
- Navigation Control
- Navigation Redirect
- Page Linking
- Quick Links
- Single-Source Publishing
- Site Search (Google CSE)
- Sitemap Generator

USER EXPERIENCE AND INTERACTIVITY

- Business Directory
- Community Spotlight
- Dynamic Calendar System
- Dynamic Homepage
- Facilities Directory
- Facilities Reservations
- Feedback Form
- Form Builder
- Frequently Asked Questions
- In-page Content Editing
- Job Posts
- News
- RFP Posts
- Rotating Homepage Banners
- Service Directory
- Staff Directory
- Sticky News
- Weather Update

DEPARTMENT MANAGEMENT

- Department-Level Administration
- Department-Level Navigation
- Department-Level Sitemap

OUTREACH, MEDIA, AND SOCIAL NETWORKING

- Audio and Video Embedding
- Bookmark and Share
- eNotification
- GovTrack CRM™
- OneClick Social Networking™
- Photo Gallery & Slideshow



- Emergency Alert (site wide)
- Facebook FeedReader™
- Forward to a Friend
- RSS FeedReader™
- Twitter FeedReader™

ACCESSIBILITY

- Automatic Alt-Tags
- Dynamic Font Resizing
- Dynamic Reader Download Links
- Google Translation Integration
- Printer Friendly Pages
- Table Accessibility Tools

ADDITIONAL INTERACTIVE COMPONENTS AND FEATURES

- Approval Cycle
- Extranet (Members Only)

While the most important tools and functions carry over to the new version, not all functionality from your current content management system will be identical in the new .NET version. We will do everything reasonably possible to ensure at least 95% similarity between your current design and that of the new site. Please note:

- If your staff has created customizations or integrations to the site files or database, they will not carry over to the new visionCMS™. Your staff may be responsible for identifying any customizations they have made and implementing them in the new system.
- The following components will not be immediately available after the initial upgrade. They will be made available later as part of the visionLive™ Roadmap specified in the Subscription Services Agreement.
 - E-Checkbook Records
 - Home Association Map
 - Ward Map
- If you have custom components created by Vision, they may not be carried over to the new visionCMS™ until after Q2 of 2013. These include:
 - Projects Blog
 - Projects Component
- The listed price for this upgrade is valid for ninety (90) days after receipt of this document, provided no new components or customizations are added to your current site.
- We will migrate your existing content to the new site except for content from the components above and from the Form Tool. The Form Tool has been revamped and the City will need to recreate any forms currently used on the website.



Key Component Descriptions

As outlined above, the upgrade includes many system enhancements and greatly expanded standard functionality. Key features are described below:

SITEMASTER™ TEMPLATE BUILDER

Unique to the visionCMS™ the SiteMaster™ Template Builder allows your website administrators to create and configure custom interior page layouts throughout website. Need to create a two column page that displays just news and calendar items? Have a special event that needs a unique landing page? No problem! Simply drag and drop your desired content and widgets and your new layout is set. Best of all, you can determine which department content editors are able to use individual templates, providing additional oversight. The SiteMaster™ Template Builder puts you in control and ensures you will be able to easily adapt to your organization's changing content needs.

GOVTRACK CRM™

With the govTrack CRM™ your residents will be able to make service and information requests based on categories defined by the City. Users can also send comments and files (such as photos of a street lamp requiring maintenance, graffiti that needs to be removed, etc.) to the case processor so that they will have a clearer idea of the work that needs to be done. These requests will be automatically routed to the appropriate case processor and a confirmation email will be sent to the user. Passwords provided to users will allow them to log-in and track the progress of their request throughout the process. Users will also receive emails updating them on their requests.

Additionally, because govTrack CRM™ is integrated with the included Frequently Asked Questions component, your users will also be able to check for common solutions to their problem before sending it to the City.

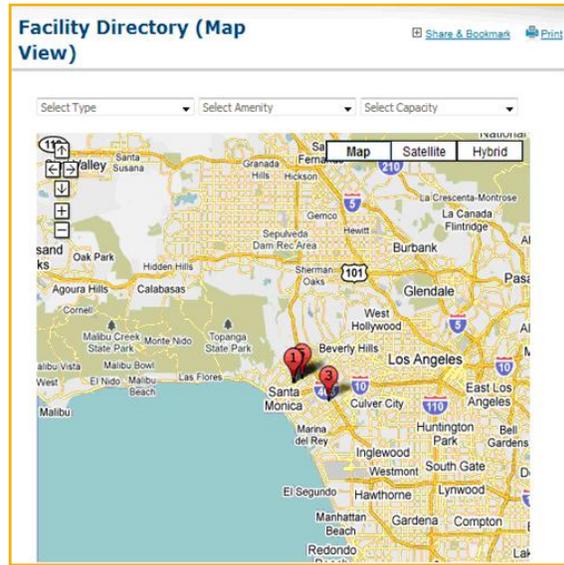
ONECLICK SOCIAL NETWORKING™

The innovative OneClick Social Networking™ component will allow your staff to post content to your website and to the most popular social networking sites, such as Twitter and Facebook, with one click - saving your staff precious time and helping you broadcast your news, alerts, events and other notices easily and selectively all across the web. OneClick Social Networking™ works by generating an RSS feed of each component, which can be connected to Twitter, Facebook and any other tool that allows importing of RSS feeds using a third party service.

Our OneClick Social Networking™ component integrates with the included Dynamic Calendar System, Job Postings, News, and RFP Postings components.

FACILITIES DIRECTORY WITH RESERVATIONS

The Facilities Directory provides citizens with a listing of all types of facilities in the community. Site users are able to search the listing by type (such as parks, recreation centers, and schools) amenities (such as swimming pool, meeting rooms, and kitchen), and capacity. Because the tool is designed to list all facilities in the community, it has a registration form where organizations can put in the necessary information about the facility they have available. Entered information does not become live on the website until after review and approval by your designated administrator.



Facilities listed on the directory can also be added to a Google map of your area, providing website visitors with a visual guide to City amenities.

Figure 1: Locations listed on the Facilities Directory can be posted onto a Google map.

As an additional function of the Facilities Directory, your users will be able to reserve facilities online, making it more convenient for your visitors and residents who are trying to plan events. With the Directory implemented with maps and reservation capabilities, your website will become a one-stop location for finding and using City amenities!

Responsive Design

Your site visitors utilize a wide variety of devices to access your website, including mobile phones, tablets, and computers with large and small monitors. Fortunately, with Responsive Design your website will detect the screen resolution of the user's device and automatically respond, producing a view of the site optimized specifically for that screen. This ensures your site visitors will be able to easily use the site, no matter what device they are using.

Graphic Redesign

Vision Internet's creative ability and expertise will allow us to develop compelling graphic design to make your website look great, while maintaining its usability. We will work very closely with your staff to establish a new design for the website that reflects your unique identity.

Included in our scope of work, we will implement a new homepage design for your website. We will provide the City with one homepage design concept with revisions. We will also create up to three interior page

designs. These interior page templates can be applied to your website's departmental pages, providing a consistent overall look.

Towards the end of the design phase, we will deliver the following:

- Approved homepage design
- Up to three interior page templates

Wireframe

Vision Internet can construct a wireframe for your website that shows the placement of key information and dynamic content.



visionLive™ Subscription Service

If you upgrade to the latest version of the visionCMS™, you will also become eligible to sign up for our visionLive™ maintenance plan, which bundles all essential on-going services into one, set fee. The subscription approach takes the guess-work out of future budgeting by including all essential post-launch services into a flat annual fee.

- Hosting
- Unlimited technical support¹
- CMS system upgrades
- Newly developed CMS components²
- Free redesign after 4 consecutive years of visionLive™ service

¹ Does not include updates to configuration, content, or formatting among other restrictions.

² Does not include new features that require design customization to implement.

visionCMS™ Upgrade

Our visionCMS™ package is comprehensive and includes:

- The newest version of the Vision Content Management System™
- Web-based consultation
- A web-based training session
- Content migration
- The above-listed interactive components
- Graphic redesign
- Sitemap Consultation

Service	Budget
visionCMS™ Upgrade	\$20,785
Responsive Design	\$2,000
Graphic Redesign	\$7,000
Wireframe	\$675
Discount ³	(\$2,279)
Total	\$28,181

visionLive™ Subscription Service

As described on page 7, we are offering the City our visionLive™ subscription service, allowing us to significantly improve the value of our post-launch services. For a low annual subscription rate of \$6,600 with a 5% annual increase, we are able to provide maintenance, unlimited hosting services, upgrades for the visionCMS™, newly developed CMS components and a free redesign after four years of visionLive™ service⁴.

³ This discount is only applicable if the City chooses for Vision Internet to perform all of the listed services.

⁴ Does not include updates to configuration, content, or formatting among other restrictions; does not include new features that require design customization to implement.

COUNCIL COMMITTEE OF THE WHOLE
August 19, 2013

The Council Committee of the Whole met on Monday, August 19, 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, Andrew Wang, Laura Wassmer, Brooke Morehead, David Morrison, Charles Clark, Ted Odell and David Belz. Staff Members present: 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 Dunn, Assistant to the City Administrator; Nic Sanders, Human Resources Specialist; Jeanne Koontz, Deputy City Clerk/Public Information Officer; Jim Brown, Building Official and Joyce Hagen Mundy, City Clerk.

COU2013-40 Consider Project DELN0001-83rd and Delmar Drainage Improvements Alternatives Review Study

Mayor Shaffer recused himself due to a professional conflict of interest and left the meeting.

Keith Bredehoeft provided a history on this area which has been studied since early 2000. The drainage problem is related to the drainage channel between Roe Avenue and Somerset Drive. There are two low water crossings: Delmar Lane and Fontana Street. Just east of Delmar the open channel drains into an underground box culvert. During significant rain events the water back up at this culvert causing significant roadway flooding as well as flooding of residential properties around the channel at Delmar. In 2007 a project was proposed, but due to the project costs for the City increasing more than a million dollars over the original estimate, the project was canceled. In June of 2010 a storm caused flooding in a home in this area.

The past project design included a new large box culvert to be constructed along 83rd Street and Somerset Drive which removed the drainage north of 83rd Street from the Delmar/Fontana drainage area. He has reviewed this design with the current engineers at Larkin Lamp Rynearson and they feel it may not be the best project. If the project was built as designed there would still be similar flooding at the low water crossing at Delmar. The past design only called for making repairs to the existing box culvert to the east of Somerset Drive that runs under the condominium parking area and to make repairs to the channel between Roe Avenue and Somerset Drive. Mr. Bredehoeft noted with additional deterioration over the last seven years reconstruction of these may be necessary. He would recommend further analysis of this project to review potential solutions that will address the flooding, maintain the low water crossings, maintain existing infrastructure and potentially cost less money.

Mr. Bredehoeft stated that after the analysis another neighborhood meeting would be held to get feedback. Then the project would be returned to City Council prior to

submittal to the County's SMAC program for funding. City portions of this project would be funded using dedicated drainage funds from the City's Stormwater Utility Fees. The project is in the 2014 CIP with anticipated construction taking place in 2015.

David Belz asked if this project would affect the proposed development of the Mission Valley site. Mr. Bredehoeft responded the proposed development has submitted storm drainage plans that would actually reduce the amount of water and if anything would have a positive impact on the project. The timing of either project is not impacted by the other.

Ruth Hopkins stated she understood that the earlier proposed plan would correct the ongoing problems. Charles Clark responded the project was designed to reduce 100 year flooding taking one-half of the water from the north; however, when it rains there will still be water in the channel making the low water crossing impassable. Mrs. Hopkins noted the resident approved of the earlier project and confirmed they are still in support of the project. Charles Clark stated the primary focus of the neighbors is that this project continues to move forward. He reviewed several of the options studied. Ruth Hopkins questioned spending money for a new plan when there is already a plan in place.

Keith Bredehoeft responded the additional study could reveal less expensive options to address the problems and he would like to look at all options before spending the proposed million plus dollars using the previous plan.

Ted Odell expressed concern with the expenditure of another \$41,000. Mr. Bredehoeft responded that through the process the submittal for SMAC funding would be developed. Mr. Odell confirmed the agreement is for a not to exceed amount.

Brooke Morehead asked how much money had been spent previously for design. Mr. Bredehoeft replied over \$200,000. Mrs. Morehead asked if the previous consultant was Larkin and questioned why it would not go out to bid. Mr. Bredehoeft replied the firm has new personnel that would provide a fresh set of eyes together with the historical data and analysis. A new firm would likely want to start over with the collection of data.

Laura Wassmer questioned if the city was not comfortable with the previous recommendation from that firm, why is it continuing to use them and if the area has already been studied, why is it being studied again. She doesn't believe there have been significant changes since the last study to merit a new study.

Curt Talcott with Larkin Lamp Rynearson noted he has been with Larkin for four years and doing SMAC projects for over twenty years. The original recommendation by Larkin was for a \$1.6M box culvert. The plan grew in scope to a cost of \$2.7M based on what the neighborhood would accept. He stated that one thing that has changed is the condition of the box culvert under the apartment complexes and noted over the past eight years utility lines may have been added that may impact the ability to build the proposed project.

Steve Noll confirmed that doing the study would add an additional year before the project could be constructed.

Dale Warman questioned if a box culvert would work, but stated the city needs to move forward to address what is a known liability.

Brooke Morehead feels there needs to be competition and that an RFP should be put out for the project. Laura Wassmer asked how many local firms do stormwater work. Mr. Bredehoeft responded there are several.

Quinn Bennion noted there will be additional design costs beyond the initial study if the city moves forward. Mr. Bredehoeft stated the earlier plans are not ready to bid plans. They are approximately 80% complete.

Ruth Hopkins asked if a new firm was brought in if there would be significant additional costs for them to develop the data that Larkin already has. Mr. Bredehoeft responded in his opinion there would be. He added that if the project were approved for SMAC funding, the county would cover 75% of the costs.

Ruth Hopkins made the following motion, which was seconded by Charles Clark and passed by a vote of 10 to 1 with Brooke Morehead voting in opposition:

**MOVED THE CITY COUNCIL APPROVE THE DESIGN AGREEMENT
WITH LARKIN LAMP RYNEARSON & ASSOCIATES FOR THE
ALTERNATIVES REVIEW STUDY OF THE 83RD STREET AND
DELMAR DRAINAGE PROJECT AT A COST NOT TO EXCEED
\$41,278.80**

**COUNCIL ACTION REQUIRED
CONSENT AGENDA**

Consider the renewal of franchise ordinance with KCP&L

City Attorney Katie Logan stated the City's 1992 Franchise Ordinance with KCP&L expired in April 2012. In the interim KCP&L has continued to perform under the expired ordinance and to pay the 5% franchise fee to the City. Mrs. Logan reviewed the following provisions of the proposed ordinance:

- The new term of the franchise is 10 years, with the City having the ability to increase the franchise fee after 5 years. (The expired franchise was for a period of 20 years)
- Franchise fee is 5% of gross receipts. (The expired franchise was the same.)
- KCP&L has use of the right of way subject to all applicable rules and regulations governing the use of public right-of-way. (The expired franchise had less detail regarding use of public right-of-way.)
- Relocations of KCP&L facilities resulting from public projects are at KPC&L expense. (The expired franchise did not specifically address this.)

- KCP&L indemnity and insurance requires. (The expired franchise had shorter indemnity clause and no insurance requirements.)

Mrs. Logan noted the proposed ordinance is substantially similar to the form of KCP&L franchise ordinances approved by other cities in Johnson County.

Steve Noll asked what benefit the 10 year period had over the previous 20 year. Mrs. Logan responded it gives the city more flexibility.

Charles Clark confirmed the 5% of gross receipts is the same as received by other cities.

David Morrison asked if Lathrop & Gage does any work for KCP&L. Mrs. Logan responded that they do not. She noted KCP&L has their own in-house legal staff.

Dale Warman asked if there was a lid on the percentage. Mrs. Logan replied none that she is aware of.

Steve Noll noted that KCP&L does not pay this fee but passes it on to customers. Mrs. Logan noted however this is a revenue source for the city.

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

**MOVED THE CITY COUNCIL APPROVE AN ORDINANCE
GRANTING TO KANSAS CITY POWER & LIGHT COMPANY,
ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER
FRANCHISE, PRESCRIBING THE TERMS OF THE
FRANCHISE AND REPEALING ORDINANCE NO. 1802
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

**COU2013-42 Consider Insurance Requirement Amendment to Ordinance Regulating
Parades and Street Races**

Chief Wes Jordan stated applicants for street races and parades have had difficulty acquiring liability insurance as specified by the city ordinance due to policy language and/or coverage availability. The proposed language changes will allow for applicants to obtain the required insurance through their respective companies. The City Attorney and City's Insurance Consultant have approved the proposed language.

**MOVE THE CITY COUNCIL ADOPT ORDINANCE 2291
AMENDING THE REQUIREMENTS FOR INSURANCE
COVERAGE FOR PARADES AND STREET RACES
COUNCIL ACTION TAKEN
08/19/2013**

COU2013-27 Consider approval of website upgrade and homepage redesign

Quinn Bennion noted that this item was discussed at the last city council meeting and failed by a vote of 5 to 6. After that vote, council members indicated that they wanted more information and asked for the item to be placed on the Council Committee agenda with a representative from Vision present. Mr. Bennion noted that Adam Isern with Vision was present as well as Jeanne Koontz, who is responsible for the operation of the website. However, since action was taken at the previous meeting, in order to discuss the item further there needs to be a motion to reconsider the item made by an individual who voted against the motion in order to go forward with discussion.

Ted Odell moved the Council Committee of the Whole reconsider item COU2013-27. The motion was seconded by Andrew Wang and passed unanimously.

Quinn Bennion stated the City received a proposal from Vision Internet for an upgrade to Vision CMS6, Graphic Design Services and Responsive Design and Wireframe services. The cost was a significant discussion among staff; however, at some point in time, the city will need to upgrade and the proposal provides for the city to receive all future upgrades at no cost. With this feature, staff felt it was an appropriate expenditure of funds at this time providing for future upgrades at no cost and took the item to the Communications Committee. The Communications Committee recommends the City Council Approval.

Jeanne Koontz demonstrated a few of the current uses of the website. Residents can not only stay informed by visiting the website, but by receiving e-mail updates to projects, news, events, job opportunities and bid opportunities. There are 1,186 active subscriptions receiving e-mail updates. The project pages have been very useful in keeping residents informed on the status of Planning Commission Applications and Major Construction Projects. Resident inquiries to staff have been reduced due the availability and use of the project pages. The Mission Valley Project Page has had 8,503 visits and 26,466 page views. The website also sends updates to Face book and Twitter.

In addition to the website's communication abilities, a number of features have been added to increase transparency and facilitate online business including: e-checkbook, budget simulator, online ticket payment and online business renewal.

Jeanne Koontz briefly reviewed the major features and benefits that will be provided by the upgrade. These include, but are not limited to, future upgrades of CMS at no cost; Newly developed CMS components; free redesign every four years; ability to create custom interior pay layouts, flexibility in layout for project and event pages; residents will be able to make service and information requests with comments and photos that will automatically be routed to the appropriate staff member and they will have the ability to track their request. The upgrade will reduce staff time to complete current functions. Individuals can submit calendar items directly to CMS. Responsive Design will automatically resize the website based on the type of device being used, i.e. phone, tablet, computer. The upgrade adds the photo gallery and slideshow feature and a new

form builder. The proposal also includes the graphic redesign of the home page and wireframe of the home page and three interior page templates.

Jeanne Knootz noted that Vision Internet provides services solely for government agencies. They are a leading edge provider for government sites.

David Belz noted that one of the selling points for the Communication Committee was the company's background, the future updates at no cost. This is a one-time expenditure that provides for ongoing benefits to the City.

Steve Noll expressed concern with the common provider statement "your current version will no longer be supported after this date" and noted that the agreement allows for a 5% increase annually.

David Belz stated the increase is part of the maintenance agreement and not related to the proposed upgrade. It will be charged whether the city receives the upgrade or not.

Laura Wassmer concurs with Mr. Noll's concern and asked if the city could receive a commitment in writing from Vision that the current platform will continue to be supported for "X" years.

Adam Isern with Vision Internet responded that with the upgrades committed to in the agreement, the city would always be on the latest version. However, he added, Vision does support its customers who are still operating on earlier versions.

Steve Noll stated he would like some assurance to a specified date.

Adam Isern presented a brief PowerPoint on Vision Internet and its services. He noted the upgrade builds the flexibility to grow into the future and easier interface has been created for the on-line tools.

Brooke Morehead asked if it would be able to work with Google Fiber. Mr. Isern responded it would.

Quinn Bennion added that when the City selected Vision Internet three years ago, they looked very closely at the ability of the provider to provide service into the future. Mr. Bennion noted the initial expenditures for the website came from the economic development fund; however, funds have been budgeted also in the equipment reserve. Funding is available in the equipment reserve for this upgrade.

Ruth Hopkins made the following motion, which was seconded by Andrew Wang:

**MOVE THE CITY COUNCIL APPROVE THE PROPOSAL FROM
VISION INTERNET FOR AN UPGRADE TO VISION CMS 6,
GRAPHIC DESIGN SERVICES AND RESPONSIVE DESIGN
AND WIREFRAME SERVICES AT A COST OF \$28,181.
COUNCIL ACTION REQUIRED
CONSENT AGENDA**

Brooke Morehead moved to amend the motion by adding a ten year guarantee. Mr. Isern stated he would look into the guarantee, but could not commit to that at this time. Steve Noll asked for a written response from Mr. Isern.

Quinn Bennion noted that this item will not come before the City Council for action until the second meeting in September.

Ted Odell stated a ten-year commitment is unrealistic in the technology field. David Belz stated there is sufficient time between now and Council action on September 16th for Mr. Isern to talk with his company regarding this issue and report back.

The motion was vote on as originally presented and passed unanimously.

COU2013-28 - COU2013-34 Consider Adoption of 2012 IBC, IRC, IPC, IMC, IECC and 2011 NEC

Dennis Enslinger stated the city is currently operating under the 2006 codes related to construction. Every three years new additions of the codes are published. Because of some controversy with the 2009 International Code Revision, many jurisdictions in our area did not adopt the 2009 editions.

The Board of Code Appeals is the body responsible for making a recommendation to the Governing Body regarding the adoption of the new codes. The Board of Code Appeals met on June 18, 2013 and reviewed the new codes along with proposed amendments prepared by the City's Building Official Jim Brown. The Board unanimously recommended approval.

Mr. Enslinger noted this year the Board is recommending the adoption of one additional code which has not been previously adopted by the City - the 2012 International Energy Conservation Code. This Code will be applied to commercial and new residential construction, not to remodels. Staff is also recommending the adoption of the 2012 International Property Maintenance Code which has not previously been adopted by the City. The IPMC would become the basis for property maintenance codes within Prairie Village.

Mr. Enslinger stated there has been a strong regional approach to the adoption of the proposed codes with area cities working together to adopt code provisions which are consistent between communities. Most of the discrepancies are in the Fire Codes from cities with their own Fire Departments. Mr. Enslinger acknowledged the extensive work and research done by Jim Brown in developing these codes.

Mayor Shaffer confirmed that most area cities are adopting the 2012 codes. Mr. Enslinger stated it has already been adopted by Overland Park, Merriam, Gardner, Olathe and others are planning on adopting it. Mayor Shaffer confirmed the amendments are generally consistent throughout all the cities.

Ted Odell asked for additional information on the Property Maintenance Code. Mr. Enslinger reviewed some of the changes. The new code does allow city staff to go on property with some restrictions. Overall the code provides more latitude. Regarding penalties they are two tiers for violations and only apply upon conviction. The City will be able to address repeat offenders at a later date.

David Morrison asked about the Homes Association Notification. Mr. Enslinger noted that policy was created by the City several years ago to keep homes association advised of potential construction in their neighborhoods. The building permit also states on it that local homes associations are to be notified by the applicant. The proposed amendment maintains the homes association notification.

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

- MOVE THE GOVERNING BODY ADOPT THE 2012**
- **INTERNATIONAL BUILDING CODE (ORDINANCE 2278)**
 - **INTERNATIONAL RESIDENTIAL CODE (ORDINANCE 2279)**
 - **INTERNATIONAL PLUMBING CODE (ORDINANCE 2280)**
 - **INTERNATIONAL MECHANICAL CODE (ORDINANCE 2281)**
 - **INTERNATIONAL FUEL GAS CODE (ORDINANCE 2282)**
 - **INTERNATIONAL ENERGY CONSERVATION CODE (ORDINANCE 2283)**
 - **INTERNATIONAL FIRE CODE (ORDINANCE 2287)**
 - **INTERNATIONAL PROPERTY MAINTENANCE CODE (ORDINANCE 2289)**
 - **2011 NATIONAL ELECTRIC CODE (ORDINANCE 2284)**
- AND ORDINANCE 2285 AMENDING CHAPTER IV ARTICLE 9 ENTITLED "ASSOCIATION NOTIFICATION OF CONSTRUCTION ACTIVITY"; ORDINANCE 2286 AMENDING CHAPTER VII, ARTICLE 1 ENTITLED "FIRE DEPARTMENT" AND ORDINANCE 2288 AMENDING CHAPTER VII ARTICLE 3 ENTITLED "FIREWORKS" ARTICLE 4 ENTITLED "EXPLOSIVE BLASTING"; ARTICLE 5 ENTITLED "FLAMMABLE LIQUIDS"; AND ARTICLE 6 ENTITLED "HAZARDOUS MATERIALS RESPONSE; RECOVERY OF COSTS"**
- COUNCIL ACTION REQUIRED
CONSENT AGENDA**

Dennis Enslinger noted that these codes will become effective on October 1, 2013, to allow the City to notify contractors and make necessary internal changes.

ADJOURNMENT

With no further information to come before the Council Committee of the Whole, Chairman Dale Warman adjourned the meeting at 7:26 p.m.

Dale Warman
Council President

MAYOR'S ANNOUNCEMENTS

September 16, 2013

Committee meetings scheduled for the next two weeks:

Prairie Village Arts Council	09/18/2013	7:00 p.m.
Environmental/Recycle Committee	09/25/2013	7:00 p.m.
JazzFest Committee	09/25/2013	7:00 p.m.
Planning Commission	10/01/2013	7:00 p.m.
Tree Board	10/02/2013	6:00 p.m.
Council Committee of the Whole	10/07/2013	6:00 p.m.
City Council	10/07/2013	6:30 p.m.

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The Prairie Village Arts Council is pleased to announce a mixed media exhibit by the Jan Fellers in the R.G. Endres Gallery for the month of September.

The Shawnee Mission Education Foundation's Fall Breakfast is Wednesday, September 25, at 7:00 am at the Overland Park Convention Center (6000 College Blvd).

Prairie Village Peanut Butter Week is September 30 - October 4. Please bring some peanut butter to the September 16 Council Meeting or stop by City Hall the week of the collection.

The October exhibit in the R. G. Endres Gallery will be the annual State of the Arts. The reception will be held on Friday, October 11, from 6:00 - 8:00 p.m. with the awards being announced at 7:30 p.m.

Flu shots will be offered for Council Members on September 25 from 7:30 - 9:00 a.m. at Public Works 'B' Building or from 3:00 - 4:30 p.m. in the Multi-Purpose Room. The fee for the shot is \$27. Please notify Nic Sanders at 913-385-4664 if you plan to receive a shot.

Save the Date for the Northeast Johnson County Chamber of Commerce 2013 Annual Gala on Saturday, November 23, at the Overland Park Marriott.

INFORMATIONAL ITEMS

September 16, 2013

1. Parks and Recreation Committee Minutes - May 8, 2013
2. Jazz Fest Committee Minutes - June 6, 2013
3. Prairie Village Arts Council Minutes - June 19, 2013
4. Environment/Recycle Committee Minutes - June 26, 2013
5. Village Fest Committee Minutes - June 27, 2013
6. Planning Commission Minutes - August 6, 2013
7. Mark Your Calendars

PARK AND RECREATION COMMITTEE

May 8, 2013

Porter Park

Park and Recreation Committee met at 6:00 pm. In attendance: Laura Wassmer, Chair, Eric Blevins, Kevin Letourneau, Tim O'Toole, Peggy Couch, Diane Mares, Dianne Pallanich. Staff: Quinn Bennion, Keith Bredehoeft, Danielle Dulin. Also present: Bert Darling.

Ms. Wassmer called the meeting to order at 6 PM.

PUBLIC PARTICIPATION

CONSENT AGENDA

The consent agenda was approved unanimously as submitted.

1. Minutes from April 10, 2013

REPORTS

1. Public Works Report

Mr. Bredehoeft stated that the Public Works Department was beginning work on the parks. He indicated there were several maintenance items that would be included in upcoming budget discussions such as repairs to the stone wall at Santa Fe Pavilion, play equipment repairs, and \$4,000 for turf work in addition to what is already budgeted. He stated these items would make the parks look better year round and needed to happen to maintain the park system.

2. Recreation Report

No report.

3. Chairperson's Report

No report.

NEW BUSINESS

1. Discuss Prairie Park Lease Addendum

Ms. Dulin stated that the Johnson County Park and Recreation Department (JCPRD) has contacted the City about amending the current lease agreement for Prairie Park to include language stating that JCPRD will deed the Prairie Park property to the City of Prairie Village once they have finished paying off the debt incurred to purchase the property. An example of the addendum was included in the packet for review. It was moved and seconded to move forward with amending the current Prairie Park lease agreement with Johnson County Parks and Recreation District (JCPRD). Motion passed unanimously.

2. Discuss Kansas Historical Society nomination of Santa Fe Trail Remnant in Santa Fe Trail Park for the National Register

Ms. Dulin explained that the City received a letter from the Kansas Historical Society (KSHS) stating that they believe 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. She explained that pursuing the nomination would automatically put the site on the Register of Historic Kansas Places and subject any project within 500' of the property to a review by the State Historic Preservation Officer to determine if the project would have an impact on the environs of the property; this could include projects in Harmon and Santa Fe Trail Parks, the Pool Complex, municipal buildings, and other nearby properties. Ms. Wassmer asked what the benefits of being listed on the National Register were. Ms. Dulin stated that she had spoke with Amanda Loughlin with KSHS who indicated that a marker would be provided and that properties listed on the National Register can apply for funding for maintenance; however, due to the nature of the Santa Fe Trail Remnant site, it was unlikely that it would qualify for maintenance funding. Ms. Dulin noted that the Kansas Legislature would be voting on removing the environs review from the Kansas Historic Preservation Act, but it would not be decided until the end of the session in June. The Parks and Recreation Committee agreed that it was not interested. It was moved and seconded to recommend that City Council not pursue nomination to the National Register at this time. Motion passed unanimously.

OLD BUSINESS

1. Park priorities and maintenance needs

The Parks and Recreation Committee commenced their tour of the seven parks that are on the priority list. While touring the parks, the Committee changed a few of their priorities: the play set scheduled for Porter Park in 2016 would be postponed, and the play set for Taliaferro would be advanced to 2016; instead of installing a shade structure in Windsor Park, the \$4,000 would be used to replace tables and benches in 2016; and Harmon Park would be scheduled for a new play set and a nature play area in 2017.

Ms. Wassmer noted several trees that appeared to be dead or dying, and Mr. Bredehoeft explained that the recent drought was particularly hard on the trees, and his crews were watching them very carefully to determine if the tree was actually dead or just getting off to a slow start. However, he agreed that there were dead trees that needed to be removed.

The Committee noted that it was beneficial to actually get out and walk around the parks.

The next meeting will be Wednesday, September 11, 2013 at 7:00 PM.

Meeting adjourned at 8:40 PM.

JAZZ FEST COMMITTEE
June 6, 2013
7:00 p.m.

Present: Jack Shearer, Chris Huff, Donelea Hespe, Dan Andersen, Larry Kopitnik, JD Kinney, Kate Fields, Diane Mares, Brian Peters, Peggy Wright, Rod Atteberry, Brooke Morehead and Joyce Hagen Mundy.

Minutes

The minutes of the May 8, 2013 meeting were approved as amended.

Fundraising

Jack Shearer distributed a report from Brenda Pelosky on her fundraising activities over the past months and future activities planned. To date approximately \$40,000 has been raised through returning sponsors and Brenda's new contact. Significant sponsors included UMB at \$10,000; LegaC Properties at \$5,000; Tuteria at \$5000 and Regnier Family Foundation/Bank of Blue Valley at \$2500 and Bill Dunn and Dunn Foundation at \$3,000. Joyce distributed a financial report showing a current balance of \$28,315.69. There is \$13,430 committed including anticipated talent advance payments.

Talent

Larry Kopitnik presented the attached proposed line-up. Peggy Wright noted that Monique Danielle has a conflict on the 7th and Larry stated he would find another female vocalist. Jack Shearer commended Larry on the strength of the proposed line-up. He feels this line-up will take the reputation of the festival up a notch. Larry suggested because of the recognized artists in the line-up that press release information be sent to large regional cities such as Des Moines, Omaha, Columbia, St. Louis, etc. He would also like to see it advertised in the "DownBeat" publication for September. He will get Joyce the contact information.

Budget Review

Jack presented a projected revised budget for discussion with anticipated revenue of \$87,702 and anticipated expenses of \$75,800. It was noted that catering expenses had not been included.

Advertising

Brooke Morehead stated she would like to see the event advertised in a magazine. It was noted it will be advertised in JAM. Jack stated he has talked with "KC Lifestyles" and noted Scott Sjoberg, who is handling marketing, also has contacts. Once the contracts are signed for the talent, he will work with Scott to develop a marketing plan.

Catering Options

Catering options as well as vendors for the event were discussed. Jack suggested Claridge Court as a possible caterer for the VIP and Corporate Tents or he could contact Jack Stack BBQ. He has contacted BRGR regarding serving as a vendor, SPIN Pizza will be a vendor also. Based on the current Corporate Tents and Tables. The estimated

number of individuals for catering includes 8 corporate tables for 64 people, 50 VIP w/o Council and three corporate tents (40 per tent) for a total of 234 people.

Tents

Dan Andersen asked for clarification on how many tents are going to be needed for vendors, for VIPs, for Corporate Tents and Tables. Currently there are eight corporate tables, three corporate tents, 2 VIP tents, 4 vendor tents (Tutera, Bank of Blue Valley, Renewal by Andersen & Heartland Habitat). Dan asked to be kept advised as additional tents were purchased.

Talent Announcement

Larry Kopitnik stated he hopes to have all contracts signed by the end of the week for approval by the City Council at their next meeting. No formal announcement can be made until that point.

Based on the excellent talent line-up the committee discussed having an announcement event for primary sponsors and volunteers. Brooke will check with UMB regarding hosting the event at their facility. One representative and guest from each coming contributing \$500 or more will be invited to attend. This will not include purchases of corporate tents or tables. The volunteers will also be invited. It was suggested that Marcia Gradinger and/or a representative from Heartland Habitat for Humanity be present to talk about the "Brush with Kindness" program that will be benefitting from the event. Diane Mares will talk with Mary Rimann regarding liquor for the event. Brooke will ask UMB if they have a preferred caterer. Larry will find musicians to entertain at the event. Brooke will get back to Joyce with an acceptable date for UMB and she notify the committee and send invitations.

Web Site/Facebook/Twitter

Chris Huff is still unable to access the previous Twitter account and will open a new account. He will post talent information on the web site as soon as it becomes official.

VillageFest

The City will have a table at Villagefest and hand out line-up cards. Joyce will send out a worker sign-up closer to July 4th.

Banners/Printing

Joyce and Jack will meet with Strouse next week regarding what banners are needed and anticipated printing.

Adjournment

The meeting was adjourned at 8:30 p.m.

Prairie Village Arts Council
Wednesday, June 19, 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, Ted Odell, Art Weeks and Jack Shearer. Staff: Dennis Enslinger.

Minutes

The minutes from the February meeting were approved as submitted.

Financial Reports

Mr. Enslinger noted that he had included the Financial Reports in the packet for review.

City Council Report

Councilmember Odell noted that City Council had very positive comments about the Prairie Village Art Fair. He also indicated that the 2014 budget was moving forward with the same budget amount as last year for the Arts Council.

Exhibit/Receptions

June Exhibit/Reception – Susan Tower (Oil), June 14th from 6:30 -7:30 p.m. Mr. Enslinger noted that the reception was well attended and the artist also provided musical accompaniment.

July Exhibit/Reception - Senior Arts Council (Mixed Media), July 19th from 6:30-8:00 p.m.

New Business

Review of Artist Application: Jan Fellers, Oils and Mixed Media.

The Council reviewed the application materials and decided to consider this at the next meeting pending additional applications.

Old Business

The Council held a brief discussion regarding the Prairie Village Art Fair. Everyone agreed that the event was well executed. Some of the suggestions for improvement were to make sure that artists knew that assistance during sign-in was for minimal help in setup. The artists should be prepared to setup booths on their own. It was also suggested that the Arts Council might consider only serving wine on Friday night. There was no decision on this issue with the idea the Council would consider this when discussing the issue for next years event.

Meeting was adjourned at 8:00 p.m.

Prairie Village Environment and Recycling Committee Meeting Minutes – June 26, 2013

In attendance: Deb English, Margaret Goldstein, Barbara Brown, Dennis Enslinger, Al Pugsley, Polly Swafford, Bob Pierson, Pete Jarchow, Thomas O'Brien, Amy Bell, Benjamin Claypool, Penny Mahon and Caitlin Dix, visitor.

Pete Jarchow called the meeting to order at 7:05 p.m.

Additions to agenda: none

Blue River Watershed Association Presentation by Leslie Alford: Started 15 years ago as a non-profit; unique as it is really the only such local organization. They promote education, not advocacy. They are passionate about getting students on the water, but their programs include adults and children. Many areas in and outside of the watershed proper quality for programs to be presented. These programs include clean streams, rain gardens, critter count and both rain gardens and rain barrels. Leslie talked about the main pollutants in the watershed. Questions were raised regarding native plants, and she suggested the best locations to purchase these in the KC area. Some cities have matching funds for planting native plants. We could do this, and Dennis has talked to Public Works regarding this program.

The May meeting minutes were approved as written.

Committee Reports:

Village Fest- A sign-up sheet was passed around. Bob will purchase prizes for the fishing game, which should be healthy snacks with minimal packaging. The bicycle is a go but a sign is needed. Dennis will pick up and return. Deb offered to make a tri-fold poster for our booth. We will have a Community Gardens fact sheet and a sign-up sheet for those who might wish to join our committee. Anne-Marie will be receiving the Spirit Award at the morning ceremony. Ed will have his electric cars also. Dennis will try and get Public Works to take care of recycling following the event.

Community Garden – They are in year two and have nearly 50 families – 10 at Cherokee and 38 at Harmon Park. They will spend their \$800 but still have some left as of now, but they have a plan for the rest of their budget. A Summer Solstice Garden Party was held and was very successful. Donating the planting of one new tree convinced the Tree Board to allow the committee to cut down two trees for a sunnier garden. The leadership committee this year has been very organized, and the committee is hopeful that next year will be as well, as positions on the board are one-year terms. Extra food has been grown by individuals as well as from plots

that were not used and is being donated to either the Village Church or Hillcrest Covenant. Some of this is food for back-pack snacks.

Community Forum – October 3rd. Speakers have been chosen and a title is being considered from several suggestions. During our August meeting invitations will be prepared for mailing.

Earth Fair – Jared is unsure if he will still be in Kansas City next year, but we have offered the job again to him if he is able.

Education – Needs to meet again. Margaret has given Penny the name of the person attached to Belinder. Caitlin mentioned the organization “Eating from the Garden”, which has an in-school curriculum for elementary grades. Briarwood has a Healthy Planet Team and Highlands a science club. Deb suggested using or hosting a science fair.

Old Business – 2014 Budget

New Business – There is still an opening on the Steering Committee. Community Garden grant fees are in our budget now, according to Dennis. The “chicken man” is on the agenda for July. Dennis does not believe that Prairie Village will allow the raising of chickens because the homes associations would disapprove, and, even if it were somehow approved, it would be impossible for all residents to have them.

Adjourned

Submitted by Penny Mahon

VILLAGEFEST COMMITTEE

June 27, 2013

The VillageFest Committee met June 27, 2013 at 7:00 pm. Present and presiding, Marianne Noll. Members present: Cindy Clark, Deke Rohrbach, Susan Forrest, Toby Fritz, Ted Fritz, Ed Roberts, Beth Cavanaugh, George Stewart, Patty Jordan, Danielle Dulin, Wes Jordan, Byron Roberson, Keith Bredehoeft and Jeanne Koontz.

Minutes

Ed Roberts moved approval of the minutes of the June 27, 2013 meeting. The motion was passed unanimously.

Staff Reports

A. Administration

Jeanne stated the Northeast Johnson County Democratic Club has applied for a booth space at VillageFest to promote the 50th Anniversary of JFK's visit to Shawnee Mission East. They would pay \$125 for a tent, table and two chairs. Marianne reviewed the booth packages and criteria.

They would hand out flyers and jolly ranchers. Patty noted jolly ranchers are a choking hazard. Committee members expressed concern with setting a precedent to allowing politicians to have booths. Marianne noted that in the past politicians have been required to become sponsors in order to get a booth. Patty suggested not allowing politics at VillageFest. Ed stated the 4th of July is a political holiday. Toby said they should be allowed to come. Danielle suggested they create an educational display instead of handing out candy.

Patty moved to allow the Northeast Johnson Democratic Club to have a booth space with educational component to promote the 50th Anniversary of JFK's visit to Shawnee Mission East. Toby seconded the motion which passed unanimously.

Jeanne reported that Tom Geha (Sizzle, Sporting KC Blue and Calvin mascot) would be available to come to VillageFest with one or more of the mascots. The committee agreed to have Sporting KC and Sizzle come from 10:30 to 12:30. The committee requested to have one of the mascots in the children's parade at 11:00 am.

Jeanne informed the committee that NBC Action News Channel 41 will be interviewing Marianne at 11:15 am on Monday, July 1st.

B. Public Works

Keith stated Public Works will begin setting up next week.

C. Police Department

Bryon stated that 3 Med-Act personnel will be working the event. Unattended backpacks will be confiscated.

D. Fire Department

George said the Fire Department is ready. They will not bring the ladder truck since the Mayor will not be going up in it.

Budget Report

Marianne noted the expenses are less than revenues.

Decorations

Flags will be placed along Mission Rd and up the hill to the pancake breakfast. Six 8 foot columns of balloons and 24 loose balloons will be placed throughout the event. Flags will be strung at the pavilion. Meet at 6:30 am if you can help decorate.

Volunteers

Beth reported that Mr. Goodcents will provide discounted sandwich trays for \$40.00 each. The committee decided to purchase 4 trays.

Planning Group Reports

A. Entertainment - Deke Rohrbach

Deke asked committee members to email her any announcements for the DJ. The DJ will make announcements regarding lost children.

B. Marketing - Marianne Noll, Jeanne Koontz

Jeanne reported the VillageFest Flyer and article are in the current newsletter. Facebook posts are scheduled for each day until the event. The banners and yard signs have been placed in the parks.

C. Child Craft Center - Patty Jordan

Patty showed the committee the completed crafts.

D. Crafts - Cindy Clark

There are 22 vendors. She requested the signs be placed near the craft fair location.

E. Patriotic Service

The patriotic service will include the presentation of the Community Spirit Awards.

F. Food - Susan Forrest

Susan reported that Hy-Vee will be serving pastries and rolls beginning at 9 am. Parisi donated coffee and cups. The Boy Scouts will sell water.

G. History Display - Ted Fritz

Ted gave an update on the display. He reported that a group of Native American dancers will be performing at the pavilion at 8:30, 9:30 and 10:45.

H. Pie Baking Contest - Danielle Dulin

Danielle gave an update on the pie baking contest.

I. Children's Parade

Jim Cosgrove will lead the Children's Parade again this year.

J. Information Booth - Beth Cavanaugh

Beth said she will be at the Information Booth all day.

K. Community Spirit Award - Toby Fritz

Toby reported there were 4-5 submissions and awards were given in the following categories: Individual, Business and Lifetime.

L. Bike Rodeo

Byron said the Bike Rodeo is ready to go.

M. Children's Fingerprinting - Ed Roberts

They are ready to go.

The next meeting is July 25, 2013 at 6:00 pm at Wes and Patty Jordan's house. The meeting adjourned at 8:25 pm.

Marianne Noll
Chair

PLANNING COMMISSION MINUTES
August 6, 2013

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, August 6, 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, 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; Danielle Dulin, Assistant to the City Administrator; Quinn Bennion, City Administrator; Keith Bredehoeft, Interim Public Works Director, Andrew Wang, Council Liaison and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Nancy Vennard moved approval of the Minutes of July 2nd as written. The motion was seconded by Randy Kronblad and passed unanimously.

AGENDA

Chairman Ken Vaughn noted that Commissioner Dirk Schafer was not present due to his resignation from the Commission after moving to Kansas City, Missouri. Prior to this meeting the Board of Zoning Appeals heard an application that also needs Planning Commission action and requested the Commission's approval to move PC2013-117 to the beginning of the agenda

**PC2013-117 Site Plan Approval - Building Elevation Change from 105.1 to 106.1
4319 West 69th Street**

Brad and Katie Trenkle, 6748 El Monte, addressed the Commission requesting approval of a building elevation for their property at 4319 West 69th Street from 105.1 to 106.1. Mr. Trenkle stated this property is very vulnerable to basement flooding at the intersection of 69th Street and Oxford Road. The previous owners of the house have had water problems. They would like to raise the finished floor level so that they can grade properly and run water away from the house. They would maintain a 9 foot setback from the property line on the east side which is 5 feet greater than what is required. They will also maintain a 25 foot setback from the property line on the west side. They can by code raise the finished floor level by six inches by providing the greater setbacks making the requested increase only six additional inches. Mr. Trenkle noted the adjacent property owner is present and supports the requested elevation increase.

Dennis Enslinger stated in 2001, the Commission revised its ordinances to address the concerns with significant first floor elevation on rebuilds that could change the character of development in the neighborhood.

The applicant is requesting a first floor elevation change of 1 foot and has submitted a site plan that shows how the change would be accommodated. The existing house was built in 1951 and has the typical low basement ceilings that were built at that time. The applicant would like to increase the ceiling height in the basement and provide a greater slope away from the house. The applicant would be allowed a 6 inch elevation change without Planning Commission approval under the current zoning regulations because they have provided greater side yard setbacks of 9 feet on the east and 25 feet on the west.

The existing house (105.1) is slightly higher than W. 69th Street and El Monte. The proposed first floor elevation is 4 feet higher than the house to the east (102.1) and slightly over 4 feet higher than the house to the southeast (102.0). The ground slopes to the southwest corner of the lot.

Chairman Ken Vaughn led the Commission in the following review of the criteria for consideration of an elevation change:

1. That there are special circumstances or conditions affecting the property;

The land in this area has only moderate elevation changes. The neighborhood is predominately Cape Cod or ranch style residences. The existing residence and the residence to the immediate east and southeast are similar in nature and are one story ranch structures. The applicant is proposing to construct a one-and-a-half story cape cod structure which will be approximately 27 feet in height which is taller than the adjacent residential structures which are approximately 22 feet.

A 1-foot elevation change will be noticeable based on the existing conditions surround the property without adequate landscaping. The property owner would be allowed a 6 inch elevation change under the current zoning regulations because they have provided greater side yard setbacks of 9 feet on the east and 25 feet on the west.

2. That the elevation change is necessary for reasonable and acceptable development of the property in question;

In today's market, taller ceilings are highly desirable and they make basement space more livable. When opportunities occur for properties to be rebuilt, a reasonable effort should be made to allow the new building to meet current market demands, provided that it is compatible with the neighborhood. Current zoning code provisions would allow the applicant to raise the finished floor elevation 6 inches based upon the proposed side-yard setbacks.

Increasing the finish floor elevation by only 6 inches allows the applicant to achieve positive water flow to the street along El Monte. However, the 6 inch elevation change will still pose some challenge to provide adequate slope away from the house along W. 69th Street.

3. That the granting of the building elevation change will not be detrimental to the public welfare or injurious to, or adversely affect, adjacent property or other property in the vicinity in which the particular property is situated.

The proposed house will maintain the existing platted side yard setback along El Monte and along W. 69th Street. The proposed house will reduce the east side yard from 24.4 feet to just over 10 feet at its greatest point. The front yard, side yard, and rear yard setbacks exceed the requirements of the zoning ordinance.

Dennis Enslinger noted that staff has some concerns of increasing the building elevation with regard to proper grading along the east property line if a total of 1 foot in elevation change would be granted. It may be difficult to provide for proper drainage along east side of the structure which does not impact the adjacent property owner. Staff recommends that the applicant be granted a maximum of 1 foot in elevation change with the condition that the applicants work with staff to provide for proper drainage along the east property line. If a proper drainage plan cannot be achieved the applicant should reduce the overall elevation change of the garage/dwelling structure.

Gregory Wolf moved the Planning Commission approve PC2013-117 granting a maximum increase of one foot to the first floor elevation at 4319 West 69th Street subject to the following conditions:

1. Submission for staff approval of a foundation landscaping plan to minimize the visual impact of the elevation change;
2. The applicant work with staff to ensure a proper drainage plan with particular attention devoted to the east property line. If a proper drainage plan cannot be achieved the applicant shall reduce the overall all elevation change to provide proper drainage along the east property line.
3. Approval of a Drainage Permit from the Public Works Department;
4. The applicant provide a letter from the Prairie Village Homes Association indicating that it has approved the proposed project; and
5. The applicant provide a survey document showing the height of the finished floor at (TBD) as part of the building inspection process.

The motion was seconded by Bob Lindeblad and passed unanimously.

PUBLIC HEARINGS

PC2013-05 Request for Special Use Permit for Adult Senior Dwellings 8500 Mission Road

Chairman Ken Vaughn noted this is a continuation of a public hearing begun at the May 7th meeting of the Planning Commission. He stated the Commission has received all the correspondence that has been sent regarding this application and ask that any comments be brief and contain new information to allow the Commission time for its deliberations. He asked that the formal presentations by the applicant and opposition be limited to 30 minutes with a 45 minute maximum. He reconvened the public hearing and called upon the applicant for their presentation.

John Petersen, with Polsinelli Shughart, 6201 College Blvd., attorney for the applicant, introduced the Mission Chateau development team in attendance. He noted the format of their presentation begins with Joe Tutera walking through the plan with the revisions made and then he would address the application within the context

of the process and the standards. He noted the opponents question “Why is it so Big?” Their response is “It is not” and noted the more relative questions is “Why is it the size that is proposed?”.

Joe Tutera, reviewed the following checklist of Mission Chateau Enhancements:

Enhanced Transition Zones

- Created 300’ transition zone to the South
- Moved the parking and ALF entrance from the Transition Zone
- Created a 4th micro Park with connection to Mission Road

Reduce the Scale from Mission Road

- Reduced the size of the ILF/ALF by 30 units, 42,800 square feet (16%)
- Reduced the width from 520’ to 348’ (33%)
- Lowered the ILF entrance façade to 1-story

Make the Architecture More Compatible to Neighborhood

- Reduced roof heights and integrated dormers into the 3rd level
- Introduced brick veneer and incorporated more traditional elements
- Improved the Southern façade of the Memory Care residences

Improve the Villas’ Relationships to the Residences to the South

- Created a “Villa Village” in the Expanded 300’ Transition
- Increased Rear Yard Setbacks to 50’ and Front Yard to 15’
- Improved Drive Configuration and Side Yard Green Space

Address Heights in Relationship to Adjacent Properties

- Lowered Roof Heights 4’ on Exterior Elevations
- Lowered the Memory Care from 16’ to 16’ and 22’

Preserve the Quality of the Property, Services and Lifestyle

- Preserved the Continuum of Care Lifestyle Choice
- Preserved Unit Sizes and Amenities
- Maintained the Same Ratio of 1- and 2-Bedroom Units
- Preserved All Private Occupancy

Mr. Tutera noted the biggest change in the site plan is the creation of the “Villa Village” on the southeast corner preserving greenspace on the perimeter of the site plan. The transition buffer zone on the site is approximately six acres that is entirely one story or open space. The second most important change in the villas is making them more a traditional residence size and style. Both from the front and back they have the appearance of a traditional neighborhood. The driveways enter from the front and there is greater distance between the units.

Mr. Tutera reviewed the site plan showing the setbacks surrounding the site. The closest major building to the properties on the south is 255.3 feet; the southwest corner is 163.4 feet; the northwest corner is 150.4 feet; the north is 174.7 feet and the setbacks off Mission Road are 119.5 feet at the ends and 286 feet to the center entrance. The revised building heights which generally are in the 970 elevation range

are roughly equivalent to the heights of the surrounding single family residential properties and lower than the adjacent multi-family structures. The closest structure to the north has been reduced to two stories. Mr. Tutera reviewed a slide showing both a comparison of the elevations of the villas and the adjacent single family residences and the setback between structures for each.

Mr. Tutera presented architectural renderings of the Villas, Memory Care Neighborhood, Skilled Care Neighborhood, Assisted and Independent Living Communities. The following is the breakdown of the number in each community:

Floor Plans of the proposed units were distributed to

Independent Living Apartments (ILA)	136 units
Assisted Living Apartments (ALA)	54 units
Skilled Care Units (SNF)	84 units
Memory Care Units	36 units
Independent Living Villas	<u>17 units</u>
Total	327 units

Joe Tutera noted the average number of ILA in communities is 180 in order to provide a choice of unit types and have sufficient numbers to be able to offer related lifestyle activities. There 54 ALA units is less than average. All units are private occupancy, one- or two-bedrooms following a residential model. The Memory Care Community is a standalone building with private occupancy units with 36 being the minimum number required. The proposed 84 units for skilled nursing care is based on being able to provide services for 26% of the total community based on industry averages. In Johnson County the average facility provides for 44% of their Assisted Living population.

John Petersen addressed the Commission on the process and criteria. He noted the process by law a quasi-judicial based on confirmed and documented facts. They have had significant neighborhood comment and input as demonstrated by the initial review of enhancements presented by Mr. Tutera. Mr. Petersen noted there is still opposition from some of the neighboring residents, which is common. However, Kansas law requires that land use decisions be considered within a broader context and be based on the benefit or harm to the community at large. The Kansas Supreme Court has stated: "Zoning is not to be based upon a plebiscite of the neighbors, and although their wishes are to be considered, the final ruling is to be governed by consideration of the benefit or harm involved to the community at large."

The framework for the review will follow the eight Golden Factors; City's own criteria as set out in Section 19 of the Prairie Village Municipal Code and the specific site plan criteria as established by code. Mr. Petersen commented on two foundational considerations.

- 1) Conformance of the requested change to the adopted or recognized master plan be utilized by the City.

The Comprehensive Plan amendment adopted May 21, 2012 relative to this site specified that use of the property be restricted to R-1a, which specifically includes senior living development with a Special Use Permit. In addition Village Vision points out in several areas of the plan that more housing choices should be available to the

residents, particularly in the area of senior living. Mr. Petersen stated to limit redevelopment to single-family development would be contrary to Village Vision and the Plan Amendment.

2) The recommendation of permanent or professional staff.

In regard to this application for a Special Use Permit and related Site Plan, the Prairie Village Professional Staff has concluded: "The plan has evolved over several months that included community meetings, meetings with City Staff and many modifications to the original plan. The revised plan is consistent with the Amended Village Vision and is in the opinion of Staff it is a workable plan . . ."

In addressing the findings as established by code, Mr. Petersen noted the project meets or exceeds all of the design standards established by code. There is no negative impact on traffic or storm water flow. A substantial transition buffer zone has been created between the project and the neighboring properties. There is no discernible hardship to the community at large or adjacent property owners.

Mr. Petersen stated that the applicant has reviewed the staff report and accepts the conditions of approval recommended by staff. He noted these conditions address many of the concerns raised by the neighboring residents.

Condition #4 addresses the concerns with the phasing of the project. It states "prior to the issuance of a building permit for the Skilled Nursing/Memory Care facility the owner shall provide evidence of financing for the entire project. That prior to the issuance of a certificate of occupancy for the Skilled Nursing/Memory Care facility, construction shall commence on the Independent/Assisted Living facility including material completion of construction including foundations, structural framing, three floors and roof enclosed.

In addition, the City Attorney in a letter to the Commission dated May 6, 2013, stated "A reasonable interpretation of the Zoning Regulations is that a Special Use Permit may be issued under Section 19.28.070(I) for a project in which a separate nursing or health care facility will be built prior to the completion of the primary senior adult dwelling facility if the Governing Body determines that there is a reasonable likelihood that the primary dwelling facility will be built within a reasonable period of time after completion of the subordinate facility, and if the SUP is conditional upon the completion of the primary dwelling facility."

Mr. Petersen reviewed the parking requirements for Mission Chateau passed on the city's code. The code requires 268 parking spaces. The site plan provides for 350 parking spaces. One of the concerns of the neighborhood was parking for special events and holidays. Conditions of approval #10 & #11 state "10 - That the applicant will provide adequate guest parking on holidays and special events so that parking does not occur on streets in residential areas." "11 - That the minimum parking shall be established by the drawing dated July 30, 2013. If parking becomes an issue, the applicant will work with the City to resolve the parking problem. Possible solutions could include, but not limited to, providing more spaces on site, providing employee parking at an off-site location or sharing parking with other uses in the area."

As they are so closely related, Mr. Petersen also responded to the staff report for PC2013-114 Site Plan Approval noting that the applicant has reviewed the report and accepts the conditions of approval recommended by staff. In closing Mr. Petersen directed the Commission to consider the presentation of facts and confirmation of facts as proposed and documented by professional staff and requested a recommendation for approval.

Chairman Ken Vaughn asked for questions from the Commission members.

Nancy Vennard asked Mr. Tutera the reasoning on the number of skilled nursing units. Mr. Tutera responded the industry has found an average of 25% of the residents in a continuing care community will at some point in time need the services of a skilled nursing facility. Most Johnson County facility build to accommodate 44%. He noted Claridge Court has 45 units to accommodate its 180 residents (26%) and Brighton Gardens has 45 units to accommodate its 164 residents (26-27%).

Randy Kronblad clarified that the 310 foot buffer on the southwest corner of the site plan reflected the green space to the two story structure and that the 300' buffer zone is measured from the property line.

Nancy Wallerstein asked if the height of the building could be brought down to 1 story. Mr. Tutera responded the overall roof height was lowered by four feet and 27 feet in the middle of the project. The units in the pod were designed so that all are able to look out on greenspace and have the opportunity for natural light. This cannot be accomplished with all the units on one floor. John Petersen added the two story building is adjacent to structures that are very high elevations (988 to 994 feet).

Nancy Wallerstein stated one of the comments received questioned why this building is not attached to the main building. Mr. Tutera responded this building is separate to meet the needs of the residents who need a calm and secure environment. Mr. Petersen stated they understand the concerns expressed that as a separate building it can operate on its own. The project was designed to ensure the entire community with walk ability, mass and scale necessary to provide for their needs. He stressed again that condition #4 of approval requires that the entire project be constructed.

Joe Tutera added that construction cannot begin without available financing for the entire project. He anticipates the completion of the entire project to take two and a half years. Six months after the start of the skilled nursing facility, the rest of the site infrastructure and storm drainage will be put into place and then vertical construction will begin with the perimeter details constructed last. Mr. Tutera explained the licensing requirements for the skilled nursing and memory care community. The first step in that process is the issuance of a certificate of occupancy by the City. The opening of a community is roughly a three month process for licensing, hiring and training. The villas will be constructed immediately after the Independent and Assisted Living Communities open. Mrs. Wallerstein asked how long the villa construction would take. Mr. Tutera responded 6 months. Mrs. Wallerstein confirmed the estimated completion of the entire project is three years.

Nancy Wallerstein asked if there was public access to the greenspace and if there would be rooms in the building available for community use. She noted Village

Vision's call for more greenspace. Mr. Tutera responded the project includes 5.5 acres of public park and 1.2 miles of walking trails with connections to city trails and sidewalks. Mr. Petersen added that condition #12 requires that the trail and park areas be open to the public.

Nancy Wallerstein noted that residents were requesting underground retention on the site rather than open retention as proposed and noted this might allow for additional greenspace. She noted the planned large scale storm drainage project from Delmar/Fontana low water crossing. Mr. Tutera responded the greenspace calculations do not include the creek or the retention area. The proposed storm drainage plan is intended to reduce the volume of water throughout the project area. The design follows established best practices and is identical in design to several systems in place throughout Prairie Village.

Nancy Wallerstein asked why not an underground installation. John Petersen responded it does not improve the quality of the water and would cost more than a million dollars to construct. The proposed system addresses a 100 year storm in 24 to 40 hours. The area will be heavily landscaped and fenced. An underground installation would not have any aesthetic benefit, safety benefit, water quality improvement and no further benefit in terms of flood control.

Nancy Wallerstein asked what the status was on the storm drainage project at Delmar. Keith Bredehoeft responded that a study is being done this year for possible inclusion in future CIP programs. The reduction of water from this site based on the proposed retention will benefit that project as well as reduce water flow from this site. There are situations where it is necessary to use open detention and it is very effective.

Nancy Wallerstein stated there has been much concern with on-site parking and overflow parking into the neighborhoods. She noted there are times when school is not in session and suggested that perhaps an agreement could be worked out with the school district for the use of the Corinth Elementary School parking lot and/or the neighboring office buildings to the north.

Joe Tutera responded they have talked with the owners of the neighboring office buildings. He stressed they have 82 more parking spaces than required by code with only 30 of those used during shift changes. They have more than 40 communities and have been able to handle parking for special events internally with staff scheduling, adjusting shifts and having employees park in designated off-site areas.

Nancy Wallerstein questioned the 13 ADA parking spaces shown on the site plan. Mr. Tutera responded they have twice what is required by code, but would look at their other facilities to reevaluate need. Mrs. Wallerstein asked how many buses they would have. Mr. Tutera responded at least one large bus and a smaller bus. These would park in the employee parking area.

Mrs. Wallerstein asked what their maximum population would be. Mr. Tutera replied with every bed filled - 100% occupancy would be 412 residents. They expect to operate around 90%.

Nancy Wallerstein asked what the parameters were for a “senior living facility”. Joe Tutura replied generally there is a minimum age of 55 with no children being standard. These are addressed in residency agreements. 78 years of age is the average age for those in the Independent Living Communities.

Chairman Ken Vaughn open the hearing for comments in support of the application.

David Feingold, 8004 Juniper, a 25-year resident of the City, felt this was a quality development for Prairie Village that would provide a safe facility close to home for aging Prairie Village residents. He noted that when the school was open and there were special events cars were parked for blocks and blocks throughout the adjacent residential neighborhoods and no one complained. The demographics of the area are changing, resulting in the closure of the school. Every day over 10,000 people turn 65 and life expectancy is increasing creating a huge demand for alternative lifestyles and needs which this proposal provides. The developer have been in the community for many years with quality developments and an excellent track record. We would be very fortunate to have one of his facilities in Prairie Village.

Barbara Dooley, 5301 West 69th Street, stated she would not have returned to Prairie Village except that her parents wanted to stay in their community and that required that they remain in their home . They did not want to change everything about their life by moving to another area, so she came back to care for them. She works with several seniors as a hospice volunteer and she would be happy to have family in a Tutura facility. This project is needed and meets City code.

Chairman Ken Vaughn called a five minute break stating the Commission would recess until 8:35 p.m.

Chairman Ken Vaughn reconvened the meeting at 8:35 p.m. and called upon John Duggan, attorney for the Mission Valley Homes Association, for comments.

John Duggan, of Duggan Shadwick Doerr & Kurlbaum, LLC., representing the Mission Valley Neighbors Association, began his presentation stating that this project is still too big. He feels the proposed project needs to be on 30 to 40 acres of land, not 18. He stress that the applicant carries the burden of proof and encouraged the Commission to look at similar communities, particularly the direction given by this Commission in the review and approval of the Benton House Community on what was once the Somerset Elementary School site. Mr. Duggan reviewed comments and directions given by the Planning Commission to the applicant at their July 2nd work session.

However, the re-design submitted to the City on July 19th is actually 6,789 square feet bigger than what was presented at the July work session. The total square footage is now 358,029 - only a 7.5% reduction. They do not feel the applicant made a good effort to address the concerns expressed by the Commission and residents. This plan would be in a tie for the third largest residential building in Johnson County behind Santa Marta and Claridge Court giving Prairie Village two of the four largest residential buildings in Johnson County each serving seniors within one mile of each other. Mr. Duggan stated the comparison to Claridge Court is not applicable as that site is zoned for commercial development. He believes the Santa Marta facility is an

accurate visual comparison for this project. He likened it to putting Shawnee Mission High School on an 18 acre site.

Mr. Duggan presented a comparison of the density of the proposed project with the density of the Corinth Area Office and Retail Shops. He also presented a comparison of density with Benton House and average densities for CCRC's in Johnson County. The square foot of Mission Chateau is three times the density of Benton House and more than twice the average size of the other CCRC's in Johnson County. He feels the City is losing a valuable irreplaceable asset - green space from this former school site.

In regards to the proposed Skilled Nursing Facility, they contend it should be connected to the "primary" building and should be much smaller. If connected to the primary building the building timeframe would also be reduced. He noted the SNF is twice the size of the entire Benton House project and 91% the size of the existing Mission Valley School. They do not believe the SNF is subordinate and accessory and that its services will be limited to the residents of Mission Chateau. His research has shown that on the average only 20% of SNF patients come from the CCRC residents. Clearly the size of the SNF is not dictated by "lifestyle" of the community. John Duggan stated he stands on his earlier interpretation that the proposed Skilled Nursing Facility cannot be a subordinate accessory if it is the first phase of the project and reviewed court rulings supporting his interpretation.

Mr. Duggan also noted the recommendation given in the staff report begins "If the Planning Commission recommends approval to the Governing Body, it is recommended the following conditions be required . . ." All of the objections of the Mission Valley Neighborhood Association are related to the proposed size of the project. The size impacts the lack of transition, lack of green space, parking, safety issues, storm water detention, construction time period, property values and traffic.

They feel that Parking is a significant problem and presented an analysis of four other similar CCRC's in the area. If you apply the minimum requirements of the Prairie Village code to Mission Chateau, you come up significantly short on daily parking. Their conservative projections were for a shortage of 89 parking spaces. They do not agree with the calculations formula used by City staff for parking requirements. If daily parking needs are not met, clearly special event parking will not be adequate.

The two and half year construction period is not reasonable for an R-1a zoned development. They still feel the transition area of 300 feet is too small with a three story building out of character in an R-1a zone. It was also noted the buffer calculations include 75 feet of neighboring property and thus is exaggerated. It was noted that 63% of the perimeter of this site is single family residential, which is higher than every nearby senior housing development in Johnson County except Benton House.

The applicant has not given an explicit explanation on why it has to be so big. With the proposed development Prairie Village will have more senior facilities per capita than any city in Johnson County.

The MVNA feels that for safety reasons an underground detention facility should be required. They also feel you cannot only compare peak times of a school which has only two real traffic periods (on 190 days per year) with peak times of a facility that has varied peak times and operates 24 hours per day 7 days per week. The staff report does not state staff recommends approval.

Mr. Duggan briefly review comments made by speakers at the initial public hearing in June which are reflected in the minutes of that meeting.

Mission Valley Neighborhood Association presented the following conceptual framework for the Development of the Principles in Village Vision:

Principle #1: Integrating Development: Development should help “repair” or enhance existing neighborhood or create new ones and **should not take the form of an isolated project.**

Principle #2: Incorporating open space: **Development should incorporate open space** in the form of plazas, squares, and **parks that may include civic uses.**

Principle #3: Creating safe and stable neighborhoods: The physical design of a neighborhood should **create a sense of identity.** Buildings should be oriented to face the street in order to keep more “eyes on the street” and **enhance public safety.**

Principle #4: Promoting high quality design in the built environment: the image and character of development should respond to the **best traditions of residential architecture in the area.** Building **height and bulk should be consistent** even though buildings may be of various shapes and sizes.

Principle #5: Create a range of housing choices: **create a range of housing types** and price levels should be provided to **bring people of diverse ages, races and incomes into daily interaction.**

Principle #6: Leveraging investment: areas within existing neighborhoods or along corridors should be reclaimed by using redevelopment strategically to **leverage current investment and strength social fabric.**

John Duggan referenced comments from developer J. C. Nichols. He also compared the staff comments on the Commission’s earlier approval of a Special Use Permit for Benton House to the staff comments on Mission Chateau. They strongly believe the proposed project will have some adverse effects on the welfare and convenience of the public. They do not feel parking has been adequately addressed.

Mr. Duggan presented his analysis of this project relative to the criteria for a Special Use Permit and Golden Factors as summarized below:

- A. **Proposed special use complies with all applicable provisions of these regulations.** Staff failed to address the requirement that the SNF and Villas be a subordinate and accessory use. This site was platted as one lot to avoid a number of requirements. Although the lot coverage falls within the 30% ratio, the floor area ratio does not take into account the height of the structures.

- B. Proposed special use will not adversely affect welfare & convenience of public.** For reasons of density, lack of transition, traffic and parking the welfare and convenience of the public will be adversely affected.
- C. Proposed special use will not cause substantial injury to value of other property in neighborhood.** They believe the size of the project will negatively impact property values on the east side of Mission Road. The use of “units per acre” is misleading in addressing the impact on the value of other properties. Proposed grading will negatively impact vegetation on south property line. The project is an overbuild of the available land.
- D. The location and size, nature and height of buildings, structures, walls on site will dominate the immediate area.** 365 day use of property will create more intensive traffic. Comparisons to Claridge Court not appropriate as it is zoned C-2. This project will be one of the largest, if not the largest development in Prairie Village. The mass of the project will dominate the area.
- E. Off-street parking and loading areas in accordance with standards and screened.** Although minimum parking requirements have been met, they appear inadequate based on comparisons with similar facilities. Concern expressed with parking during the afternoon shift change and parking during holidays and special events may be a problem.
- F. Adequate utility, drainage and other facilities are provided.** For safety reasons, they believe an underground drainage facility should be required.
- G. Adequate access roads or entrance and exit drives provided.** They feel the proposed single private road that is approximately 26 feet wide creates potential hazards.
- H. Adjoining property protected from hazardous or toxic materials, obnoxious odors or unnecessary intrusive noised.** No analysis of this has been done regarding the shift changes during the late evening hours.
- I. Architectural style and exterior materials compatible.** The villas should not all be designed the same and they should be owner occupied.

Golden Factors

- 1. The character of the neighborhood.** The density of this project is unprecedented. The average floor area of the five commercial centers in Prairie Village is 15% while the average floor area for this project is 23%.
- 2. The zoning and uses of property nearby.** 63% of the perimeter of this project is single family residences. This percentage is the second highest of any senior dwelling facility in Johnson County.
- 3. The suitability of the property for the uses to which it has been restricted under its existing zoning.** The size of this project is a distinct and drastic change in use.
- 4. The extent that a change will detrimentally affect the neighboring property.** A primary loss will be that of open green space. There is concern with the height and the mass of the buildings proposed. They feel the proposed Skilled Nursing Facility is essentially a commercial enterprise that is not intended to merely serve the senior dwelling facility. The Landscaping and setbacks are not enough to protect the neighboring property due to the size of the proposed project.
- 5. The length of time of any vacancy of the property.** Although the site has been vacant for two years, there is a great demand for other residential uses of this

property. The fact the school is not operating does not mean the athletic fields have gone unused by the public.

6. **The relative gain to the public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on the property owner.** The MVNA believes the adjoining property values will decrease if this project is approved and that there are projects or uses that will enhance the property values of the adjoining property. All Prairie Village residents will be negatively impacted by the loss of the open space and use of the area for recreational purposes.
7. **City Staff Recommendations.** Mr. Duggan noted several areas of disagreement with the staff analysis, findings and recommendation.
8. **Conformance with the Comprehensive Plan.** Although there have been several meetings to gather community input, the primary point of contention - the size of the project - has not been addressed. The MVNA believes the goals of the Comprehensive Plan can be satisfied with a development comparable to Benton House. The proposed massive size is not necessary.

John Duggan noted the number of conditions that have been recommended by staff for the approval of this project. This project is still too big. The developer has not met the burden of addressing the "elephant in the room".

Chairman Ken Vaughn opened the public hearing to comments in opposition to the proposed application.

Charles Schollenberger, 3718 West 79th Terrace, stated these hearings have gone on too long. The question is whether big dollars with a bad idea will prevail tonight. This vote will be the Planning Commission's legacy and he urged commissioners to vote for controlled growth, for Village Vision and the preservation of the character of Prairie Village.

Harold Marien, an 85 year old resident stated he was happy with how things are and does not want to see any changes to the property.

Mary English, 4402 West 77th Terrace, stated the proposed project will have a giant impact on Mission Road and likened it to the placement of a hospital next to single family homes. The project would destroy access to open space. She believes the property values of surrounding residential properties would be negatively impacted. She doesn't understand how this project got this far in the process. The proposed project should be no greater than the footprint of the existing school retaining all of the current open greenspace. Buildings of this size belong in a city, not a village. Tutera is a bad/negligent operator,

Bob Schubert, 3700 West 83rd Terrace,, stated he was president of the Corinth Meadows Homes Association located across Mission Road from the proposed development. The neighborhood meetings with the developer were a constant sales pitch. The revised proposal ignores the primary concerns expressed by the neighborhood from the first meeting. This project is too big for this site. Mr. Schubert stated the minutes from the neighborhood meeting held on July 11th do not do justice to the vehement opposition expressed by those in attendance. MVNA and Corinth

Meadows are still waiting for serious negotiation and compromise to take place with the developer.

Edward Harper, 7869 Howe, noted that the Lakeview Senior Facility has 8 residents per acre compared to the proposed Mission Chateau with 23 residents per acre. There is nothing like this in Prairie Village and it is not needed in Prairie Village. He feels it should be moved to the suburbs or country. He is also concerned about the noise from the construction.

Steve Carman, 8521 Delmar, presented an appraisal update based on the revised plan proposal. The new proposal does not change the fact that this is an extremely high density project. The appraisal found the potential for negative impact on the value of his property remains at tens of thousands of dollars. This along with the three year construction period for the largest construction project in the city taking place in his backyard will prevent him from being able to sell his home

Cameron Jones, 3605 West 85th Street, the proposed Skilled Nursing Facility is a step down from a hospital and is not appropriate for a residential community. The proposed villas are 12 feet from the interior road with back yards that are significantly smaller than the neighboring properties. Mr. Jones stated he would not have any objection to a project the size of Benton House to be constructed on this site.

Tom Brill, 68 LeMans Court, stated this would be a fine project for another city. It is too big for this site. He has strong concerns with the proposed parking noting their calculations show an 89 spaces shortfall for daily parking, parking for special events and holidays has not been adequately addressed. Mr. Brill referenced the parking problems experienced at the Claridge Court facility with employees parking at the library or office building across the street.

Whitney Kerr, 4020 West 86th Street, pointed out that in the last 60 days the size of this building has actually gotten larger. He expressed concern that if approved, this project could increase in size with staff approval and no input from the Commission or City Council. He noted the meeting on July 11th was very contentious. The neighboring community is far from on board with the revised plan. Mr. Kerr discussed other types of development for this site. He does not feel the proposal is the best that can be done on this property. He feels the villas should not be rental property, but owner occupied. He is not anti-development and feels that owner occupied single-family homes like Corinth Downs would be appropriate. He believes a project similar to the Benton House project is a better option for this site as it is size appropriate and in character with the neighborhood.

Nancy Wallerstein asked if the Benton House Project was built out. Ron Williamson responded the site plan approved by the Commission was for 71 units. Only 59 units have been construction. The future villas proposed for the site were discussed but not presented for approval and may or may not be built.

Chairman Ken Vaughn called for a five minute break.

Chairman Vaughn reconvened the meeting at 10:10 p.m. and closed the public hearing.

Bob Lindeblad asked for clarification on the staff comments. Ron Williamson stated the staff is recommending approval.

Nancy Wallerstein asked what the project costs would be for a typical unit. Mr. Tutera responded in the Independent Living community a 1 bedroom would be \$2350/monthly and a two bedroom \$3300/monthly. The villas would be in the high \$3000.

Gregory Wolf asked if there was sufficient on-site parking. Ron Williamson responded they have more than is required by code and added more than required by code for Leawood and Lenexa, slightly less than required in Overland Park. Nancy Wallerstein asked what the requirement was for ADA parking. Mr. Williamson stated that would be reviewed on the final plan.

Nancy Wallerstein asked Mr. Petersen for an explanation of the appraisal reports. Mr. Petersen responded that both were completed by licensed appraisers. Their report focused on case studies of area surround similar developments. Mr. Carmen's study focused on the proposed impact for his property.

Ron Williamson reviewed with the Commission the changes made from the original submittal in April to the revised submittal reflecting both comments from the Planning Commission at the July 2, 2013 workshop and at the July 11, 2013 neighborhood meeting.

UNITS	Plans Dated: April 15, 2013	July 30, 2013
Independent Living Apartments	160	136
Assisted Living Apartments	60	54
Skilled Nursing Units	84	84
Memory Care Units	36	36
<u>Independent Living Villas</u>	<u>11</u>	<u>17</u>
Total Units	351	327

The number of units has been decreased by 24 or 6.8%.

GROSS BUILDING SQ. FT.	Sq. Ft.	Sq. Ft.	
Skilled Nursing/Memory Care	91,189	91,200	+11
Assisted Living/Independent Living	271,140	228,340	(42,800) 15.8%
<u>Independent Living Villas</u>	<u>24,915</u>	<u>38,500</u>	+13,585 54.5%
Total Gross Building Sq. Ft.	387,244	358,040	(29,204) 7.5%

The total square feet of the complex has been reduced by 29,204 sq. ft. or 7.5%, but the significance is that the Assisted Living/Independent Living building, which is the largest building, has been reduced in size by 42,800 sq. ft. or about 15.8%.

The Skilled Nursing/Memory Care building has remained unchanged. The footprint is 58,268 sq. ft.; total sq. ft. is 91,200 and it has 120 units. The one story section, which is the Memory Care part of the building, is 22'0" in height, reduced from 26'3". The second story height is 29'6" compared to 34'6" on the earlier plan.

The greatest reduction occurred in the Assisted Living/Independent Living building. The gross building was reduced from 271,140 sq. ft. to 228,340 sq. ft. The footprint was reduced from 100,824 sq. ft. to 81,365 sq. ft.; a reduction of 19,459 sq. ft. or about 19.3%. The two-story has been reduced in height from 32'4" to 26'0". The three-story has been reduced from 40'10" to a range of 36'0" - 40'0".

The number of Villas has increased from 11 to 17 and since they are all ground level, the footprint has increased from 24,915 sq. ft. to 38,500 sq. ft. These are one-story buildings and the height of 21'4" has not changed.

The total footprint of the revised plan is 184,133 sq. ft. compared to the original plan of 184,007 sq. ft. The total increase was not much but was a result of the increase in the number of Villas.

Sidewalks increased from 43,665 sq. ft. or 1.23 miles to 45,527 sq. ft. or 1.28 miles. The number of parking spaces remained the same at 350, but the paved area for streets and parking was increased from 129,373 sq. ft. to 151,670 sq. ft.

The area covered by buildings, sidewalks, streets and parking increased from 357,045 sq. ft. to 375,330 sq. ft. or 18,285 sq. ft. Total lot coverage is 46.8% compared to 44.4% on the original plan. Therefore, the stormwater runoff will be increased slightly. It should be noted that the Preliminary Stormwater Management Plan was based on 8.6 acres or 374,616 sq. ft. of impervious area which is nearly the same as the revised site plan.

The Site Plan has changed significantly, in addition to the reduction in the building footprint. The Independent Living/Assisted Living building has been reoriented and moved further north. The north-south façade facing Mission Road was approximately 520 feet long and it is 348 feet long on the revised plan. The building sets back 119 feet from Mission Road compared to 111 feet on the original plan. More significant is the west wing of the south elevation is 255 feet at its closest point compared to 167 feet on the original plan. The east wing is 283 feet compared to 147 feet on the original plan.

Villas have been added to the north side of the south drive, increasing the number from 11 to 17 units. The front yards have been increased so that most units have a 15-foot setback. The rear yards have also been increased from 35 feet on the original plan to a minimum of 50 feet from the buildings. Patios will extend into this area. Another change is that the garage access is from the drive rather than the side as proposed on the original plan. This has several benefits: access to garages will be easier for the tenants; lights will not shine into the properties to the south; and guest parking will be available in the driveways. The Villas on the north side of the drive have been located to provide a visual buffer between the Independent Living/Assisted Living building and the single-family properties to the south.

The floor plan of the Skilled Nursing/Memory Care building is essentially the same as the original plan. It sets back farther from the southwest property line; 163' to 178' versus 131 feet. The building has also been moved away from the northwest property line by about three feet, 91.5' to 94.6'.

The applicant has submitted a phasing plan sheet AS2, but did not include a time schedule. Phase 1 will be the Skilled Nursing/Memory Care building, Phase 2 will be the Assisted Living/Independent Living building, and Phase 3 will be the Villas. As previously discussed, Phase 2 will need to be built concurrently with Phase 1 or follow very closely. It is recommended that Phase 2 construction begin prior to Phase 1 being complete and that the occupancy permit for Phase 1 not be granted until significant construction has been completed for Phase 2. The scheduling of Phase 3 construction should commence within two years of the completion of Phase 2.

The total number of residents for all three phases is 412 compared to 450 on the original submission.

The revised Mission Chateau plan will provide 327 units on 18.4 acres for a density of 17.8 units per acre. In comparison, Brighton Gardens has 164 units on 4.42 acres for a density of 37.1 units per acre; Claridge Court has 166 units on 4.74 acres for a density of 35.0 units per acre and Benton House which was approved for 71 units on 6.79 acres for a density of 10.46 units per acre (only 59 units were built initially).

There have been discussions regarding a comparison of building square feet to land area rather than using density as the guideline. Historically; density, number of units per acre, has been the criteria used to evaluate residential projects. Square feet to land area is Floor Area Ratio (FAR) and is a criterion that is used to evaluate office, commercial and mixed use developments. Mission Chateau is offering larger units and larger common areas while still staying within a reasonable density. Also, the building coverage is 23% which is well below the 30% maximum for the R-1A zoning district.

The applicant held a neighborhood meeting for the revised plan on July 11, 2013 and approximately 80 people were in attendance. The concerns expressed were the height of the buildings, the size, traffic, flooding, green space, compatibility with the neighborhood, density, public safety and crime.

Mr. Williamson noted a court decision has ruled 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 were presented. He added no one factor is controlling and not all factors are equally significant, but the Commission should identify the evidence and factors it considered in making its recommendation. In making its decision, consideration should be given to any of the following factors that are relevant to the request and Mr. Williamson reviewed the factors with the Commission in detail:

FACTORS AS SET OUT IN THE ORDINANCE 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.**

For senior adult housing the ordinance requires 700 sq. ft. of land area per occupant for apartments or congregate quarters and 500 sq. ft. per bed for nursing or continuous care. The Skilled Nursing/Memory Care building has 136 beds which would require 68,000 square feet of land area. The Independent Living/Assisted Living building has 190 units with the potential occupancy of 242 people and at 700 sq. ft. per occupant the land area required is 169,400 sq. ft. The Villas have a potential of 34 occupants and at 700 sq. ft. per occupant the land area required is 23,800 sq. ft. The total land area required for the proposed use is 68,000 sq. ft. + 169,400 sq. ft. + 23,800 sq. ft. for a total of 261,200 sq. ft. The site is 801,504 sq. ft. and therefore the proposed development is well within the intensity of use requirements of the zoning ordinance.

The property is zoned R-1A which requires a 30' front yard setback. The front yard is adjacent to Mission Road and the Independent Listing/Assisted Living building sets back 119' at its closest point which exceeds the minimum requirements of the zoning ordinance. The side yard requirement is 5' or 14' between buildings. The north and south property lines are side yards and the Villas set back 50' from the south property line and the Skilled Nursing/Memory Care building sets back approximately 150 feet from the north property line. The rear yard setback requirement is 25 feet and the northwest and southwest property lines are the rear yards. The Villas set back a minimum of 50' and the Skilled Nursing/Memory Care building sets back 163' to 178' from the southwest property line. The Skilled Nursing/Memory Care building sets back 94.6' at its closest point to the northwest property line. The proposed project exceeds all the setback requirements of the zoning ordinance.

The maximum permitted height is 35 feet, however, in the R-1A district an additional 10 feet of height is permitted if the proposed buildings set back from the side property line a minimum of 35 feet. The project does meet the 35 foot setback requirement and therefore is permitted to build to a 45 foot height. The maximum height of the buildings is 40' to the roof peak which is well within the height maximum. By ordinance, building height is measured at the midpoint between the eave and the highest ridge and therefore, the maximum building height by ordinance is approximately 35 feet. The maximum building height proposed for this project, as defined by ordinance, is 32 feet.

The lot coverage in the R-1A district is 30%. The first floor footprint of the buildings is 178,133 sq. ft., but it does not appear that the carports were included. The 35 carports add 5,670 sq. ft. for a total of 183,803 sq. ft. or 22.9%. Therefore, the proposed project is within the maximum requirement of the zoning ordinance.

Off-street parking is required to setback 15 feet from a street and eight feet from all other property lines. Parking sets back a minimum of 35 feet from all property lines and meets the requirements of the ordinance.

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

The Traffic Impact Study indicates that the AM peak traffic will generate 169 less trips than the middle school, but the PM trips would increase by 22 trips. The traffic impact would be significantly better in the AM peak and slightly worse in the PM peak. The Traffic Impact Study has not been revised based on the new plan, but it found that the

traffic operations were acceptable on the original plan. Since the revised plan has 24 (351 - 327) less units, the operations load should not increase. The two access drives have been designed to align with 84th Terrace and 85th Street. The convenience to the public should be minimally impacted and the impact should be less than the former school.

A Stormwater Management Study has been prepared for the proposed project. The project will increase the amount of impervious surface from what exists, but peak flows will not be increased. A detention basin will be constructed in the northeast corner of the site that will release stormwater at a designed rate. The Preliminary Stormwater Management Study has been reviewed by the City and the proposed improvements will handle the stormwater runoff. The Stormwater Management Plan has not been revised based upon the new plan, but the impervious area will only increase from 8.6 acres to 8.616 acres which is negligible.

The applicant has proposed a 35-foot wide landscape buffer along Mission Road and along the south and southwest property lines. The Villas have been moved north so that the landscape buffer is now 50 feet in width. The applicant also intends to retain the existing landscaping along the adjacent property lines.

The Mission Valley Middle School was originally built in 1958. For over 50 years this site was a public use and residents of the area were able to use it for recreational purposes. This opportunity will be diminished when it redevelops.

The neighbors have raised several issues that may have a negative impact. First, this operation will be 365 days a year rather than just the days school was in operation. Traffic, lights and noise are a concern. Lighting will be at a greater level than the school because the proposed facility is larger and is spread over more of the site. The project will be required to meet the outdoor lighting code which is restrictive. Glare will be eliminated but glow from the lights will still occur. Since this operation is staffed 24 hours a day, vehicles coming on site and leaving during shift changes which will create some noise. Parking during holidays could be a problem and the applicant will need to make sure traffic can be accommodated without parking on adjacent streets. All these concerns will still be present regardless for what use the property is redeveloped perhaps other than another school.

The proposed project will have some adverse effects on the welfare and convenience of the public. It will, however, provide a senior housing community for area residents that are not currently being provided for in Prairie Village. The population is aging in northeast Johnson County and developments such as this provide accommodations for senior citizens to allow them to live near their former neighborhoods or relatives. It is anticipated that by providing senior housing, some single family dwellings will become available for occupancy by young families. This will help rebuild the community and make a more sustainable area.

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 property to the north and northwest is high density development. Corinth Garden Apartments are adjacent to the north and there are 52 units on 3.27 acres for a density of 15.9 units per acre. To the northwest is Somerset Inn Apartments and

there are 31 units on 1.29 acres for a density of 24.0 units per acres. Also to the northwest is the Chateau Condominium and there are 39 units on 1.7 acres for a density of 22.9 units per acre. The proposed project has 327 units on 18.4 acres for a density of 17.8 units per acre. The density of the proposed project reasonably compares to the developed projects to the north and northwest.

While there is high density to the north and northwest, the development to the south and southwest is low density single-family development. Only eight single family residences abut the south and southwest property lines. The lots range in size from 28,248 sq. ft. to 52,272 sq. ft. in size and the density is one unit per .86 acres. The 17 Villas along the south and southwest property line are approximately one unit per 8,900 sq. ft. or 0.20 acres.

Because the project sets back over 100 feet from Mission Road with a 35-foot wide landscape buffer and Mission Road is a five lane wide major street, the project will have little effect on the property value of the residences on the east side of Mission Road. The higher density apartments and condominiums to the north and northwest were built in the early to mid-1960s and are nearly 50 years old. This new project built with quality design and materials should enhance the value of these properties.

The residences adjacent to the south and southwest property lines would be the most impacted. The duplex unit Villas that back into their properties are on what would be 17,800 sq. ft. lots. The minimum lot area for conventional single-family dwellings in the R-1A district is 10,000 sq. ft. per dwelling unit.

Two appraisal reports, both prepared by licensed appraisers, have been submitted to address the impact on the value of adjacent property. The report prepared by Dillon & Witt, Inc. for Steve Carman, an adjacent property owner, provided an opinion that the owner could expect a 10% diminution in value if the Mission Chateau Senior Community was constructed. The primary concern of the appraiser is that the three-story wing would be within 200 feet of the rear property line and would be visible. In the revised plan, the Assisted Living/Independent Living building would be setback approximately 265 feet from the Carman rear property line. The house sets back approximately 75 feet from the property line so the distance is approximately 340 feet between the buildings. The appraiser did consider the Villas as a buffer, but did not give consideration for landscaping.

The second appraisal was prepared for the applicant by Todd Appraisal. This appraisal looked at other properties, schools and senior housing centers in residential neighborhoods. The appraiser prepared a case study on Brighton Gardens and concluded that adjacent residential values had a premium of 2.9% to 7.9%. This was potentially attributed to the exterior landscaping at the development. Village Shalom was another case study and adjacent residents had a premium of 3.7% to 5.8% in value. A case study was also prepared for Santa Marta, but it has a very limited number of adjacent residential properties and probably is not a good comparison. The appraiser further stated that, "There appears to be a correlation between properties with extensive landscaping and the finishing treatments for the exterior of the improvement immediately facing single family developments." Landscaping and 360° architecture are critical to protect adjacent property values.

Both appraisal reports were prepared by licensed Kansas residential appraisers. Both made valid points. The primary difference is that one just looked at one property and did not attempt to find similar developments. The other appraiser looked at other senior developments, but none of them are an exact match for Mission Chateau.

Most of the senior living projects in Johnson County are located adjacent to or near single-family developments. The key to protecting the values of property in the neighborhood is to insure that the quality of design and construction is compatible with the neighborhood and that the completed project is visually attractive. Landscaping is also a major factor and it is important that the project be landscaped to the same level as adjacent residential properties.

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 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

The proposed Mission Chateau has access from Mission Road which is a major street. According to the Traffic Study the traffic impact will be less for this project than it was for the school.

The size of the revised project is 358,040 sq. ft. which will make it one of the largest, if not the largest, development in Prairie Village. The height and mass of the buildings are an issue with the neighbors. It also will be similar to Claridge Court and Brighton Gardens in height. According to the Johnson County appraisers office Claridge Court has 241,073 sq. ft. This is also a large building, but it most likely includes the parking garage in the total area. Shawnee Mission East High School has 374,175 sq. ft. on 36.93 acres.

The taller buildings will be on the northern portion of the property, closer to the two- and three-story apartment buildings and condominiums. The Villas adjacent to the south and southwest property lines will be of a similar size, design and height of conventional single-family construction.

The height of the proposed Independent Living/Assisted Living building will be approximately the same height as the school gymnasium; however, the building is much larger and is closer to the residents on the south and southwest property lines.

b) the nature and extent of landscaping and screening on the site.

The applicant submitted a detailed landscape plan with the original submission that provides screening for the low density properties to the south. The landscape plan will need to be revised to conform to the revised site plan. The applicant proposes to retain the existing plant materials along the south, southwest and northwest property lines in order to retain as many mature trees as possible. Staff will provide a detailed review of the revised landscape plan. The Tree Board will also need to review and

approve it. The applicant will need to work with the residents adjacent to the south and southwest property lines to develop a fence and/or landscape treatment to provide screening.

In summary, property around the proposed project is already developed. The mass of this project will dominate the area but through greater setbacks and landscaping, the use will not dominate the immediate neighborhood so as to hinder development or use of property.

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

The parking requirements for this use are three spaces for four apartments; one space for every five beds in a nursing home and one space per employee during the maximum shift. The Independent Living/Assisted Living facility has 190 units which require 143 spaces. The Skilled Nursing/Memory Care facility has 136 beds which require 27 spaces. The 17 Villas would require 13 spaces. The applicant projects the maximum shift would have 85 employees. The total parking requirement would be 268 spaces. Staff is concerned that parking may be a problem at the afternoon shift change. This occurs at 3:00 pm when the first shift leaves and the new shift arrives for work about 2:45. The first shift has 85 staff of which 60 will be leaving at that time and 50 new employees will come in for the second shift. The total need for employee parking at that time will be 135 spaces. The applicant is providing 350 spaces on the site which is 82 spaces more than the ordinance requires and based on experience at other projects the applicant feels the number of spaces will be adequate. It should be noted, however, that 35 spaces will be in carports and will not be available for staff or visitor parking. This is a reduction from 51 carports as shown on the original plan.

The applicant will also need to make provisions for overflow parking on holidays and other special days that will generate a large number of visitors so that parking does not occur on adjacent residential streets.

The parking along Mission Road will be screened from view with a combination of a wall, a berm, and landscaping. Parking along the south and southwest property lines will be screened with the Villas and landscaping. Parking along the northwest property line is screened by the existing vegetation along the property line and additional plant materials will be provided to supplement the existing vegetation.

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

The applicant has prepared a Preliminary Stormwater Management Plan in accordance with the City's Stormwater Management Code. The amount of impervious area will increase from what currently exists on the site but peak flows will not increase. The stormwater will be managed by a variety of improvements. A storm drainage line currently exists along the south property line. The drainage area will be reduced from 5.4 acres to 0.80 acres and the line will be replaced. This area will drain to Mission Road and connect to an existing storm sewer line. Two rain gardens will be built on the south side of the Independent Living/Assisted Living building. Inlets

will be installed and excess runoff will be piped to a detention pond on the northeast corner of the site.

The Preliminary Stormwater Management Study and Plan has been reviewed by Public Works and its consultant and it is consistent with the APWA and City of Prairie Village requirements. This document may need to be updated depending upon the amount of impervious area that occurs in the final site plan. The final design of the stormwater system will include appropriate best management practices.

The site has access to other utilities which are adequate to accommodate the proposed use. The water line and location of fire hydrants will need to be coordinated with the Fire Department to be certain that adequate fire protection is in place.

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.

Currently there are three access points to the site from Mission Road. The three will be reduced to two access points and they will be relocated to be in alignment with 84th Terrace and 85th Street on the east side of Mission Road. Both access points will have an entrance and two exit lanes. The 84th Terrace access will be the main entrance to the project.

The applicant has prepared a Traffic Impact Study and it indicates that after development an acceptable level of service will be available during the AM and PM peak hours. The number of trips will actually decrease by 169 trips during the AM peak and the PM peak will increase 22 trips compared to what existed with the school. With the reduction in the number of units on the revised plan, the peak hour traffic will also decrease about five (5) vehicles in the AM and seven (7) vehicles in the PM.

There is an existing pedestrian crossing signal on Mission Road just south of 84th Street. This signal was installed to serve school traffic. The applicant has agreed to retain or move the signal if requested. The City is still evaluating the need.

Public Works and the City's Traffic Engineer have reviewed the Traffic Impact Study and resolved any issues they discovered.

8. Adjoining properties and the general public 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 or odors. There will be some additional noise from vehicles arriving and departing at night, which will be different from what occurred when the site was used as a middle school. Also there will be additional emergency vehicle calls, however, they do not always respond with sirens.

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

The materials used on the project are compatible with those used in the neighborhood, which are wood, stone, brick and stucco. There will be a substantial amount of stone and traditional stucco used on the building facades. The roof will primarily be asphalt shingles with standing seam metal roof accents.

In general the overall design is compatible with the area; however, the details of the design will be addressed on the Site Plan Approval.

Nancy Wallerstein asked how many employees were on site. Mr. Williamson responded 85. Mrs. Wallerstein asked about shift change. Mr. Tutera responded 50 at 3 o'clock and 20 employees at the 11 o'clock shift.

Ken Vaughn expressed concern with the density of the project. Mr. Williamson noted it is higher than Benton House but less than both Claridge Court and Brighton Gardens. Staff feels it is in a reasonable range. There will be about 23% for building coverage with 9+ acres of green space.

Nancy Wallerstein asked about the alignment with Mission Road and about turning traffic. Keith Bredehoeft responded he does not anticipate the need for traffic signals. The turning lanes will be in alignment. Mrs. Wallerstein asked about delivery trucks. Mr. Bredehoeft responded he does not anticipate any problems. Mrs. Wallerstein asked approximately how many truck deliveries are made per day. Mr. Tutera responded - food is delivered twice a week, medicine is delivered once a week and there will be miscellaneous deliveries in small trucks of daily prescriptions, etc.

Nancy Wallerstein questioned Mr. Petersen regarding the differing opinions on the appraisals. Mr. Petersen responded that both were done by licensed appraisals. Mr. Carmen's study was done for a particular property. The Todd Appraisal was presented case studies of similar neighborhoods and the impact both on adjacent properties and those one block away from similar types and sizes of developments. That study reflected a positive impact on property values.

GOLDEN FACTORS FOR CONSIDERATION:

1. The character of the neighborhood;

The neighborhood is a mixture of uses. Immediately to the north are apartments with a density of 15.9 units per acre. North of that is the south portion of Corinth Square Center that includes offices, restaurants and other retail uses. To the northwest are condominiums at 22.9 units per acre; apartments at 24.0 units per acre and a duplex. To the south and southwest are high end single-family dwellings. On 84th Terrace, east of Mission Road and to the north the lots are 12,000 to 15,000 sq. ft. On 85th Street, east of Mission Road and to the south the lots are 30,000 sq. ft. lots.

In summary the properties adjacent to the proposed project range from high density apartments to high-end large lot single-family dwellings. The Mission Valley School site has served as a buffer between the high density and low density residential uses.

2. The zoning and uses of property nearby;

North: R-3 Garden Apartment District - Apartments

West: R-3 Garden Apartment District - Apartments
South: R-1A Single-Family Residential District - Single Family Dwellings
East: R-1A Single-Family Residential District - Single Family Dwellings
(Leawood) R-1 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-1A which permits single-family dwellings, public parks, churches, public buildings, schools and conditional and special use permits. Most of the uses listed in the Conditional Use Chapter are uses that are accessory or supplemental to a primary use. The Special Use Permit list contains principal uses such as: country clubs, hospitals, nursing homes, assembly halls, senior housing, private schools, etc. Between the list of specific uses, the Conditional Use Permits, and the Special Use Permits, there are an adequate number of uses that could be economically viable for this property. Both Brighton Gardens and Benton House were approved as Special Use Permits in R-1A Residential Districts in Prairie Village.

The Special Use Permit for a private school is an obvious good use of an abandoned school building; however, that is a very limited market and the property owner has stated that their business is developing senior living projects and that is their goal for this site.

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

Traffic and storm drainage are issues with which neighbors have expressed concerns, however, the impact of those has been addressed by the technical reports that were prepared by the applicant and reviewed by the City. The mass and height of the buildings and the loss of open space have also been concerns of the neighbors.

The primary detriment will be to the single-family dwellings on the south and southwest and the multi-family on the northwest. The existing school is approximately 365 feet from the south property, 370 feet from the southwest property line and 340 feet from the northwest property line. They will lose the open green space they have enjoyed for many years. Also, the height and mass of the building are concerns. The existing school building is approximately 100,000 sq. ft. The Skilled Nursing/Memory Care building is 91,000 sq. ft. and the Independent Living/Assisted Living building is 228,340 sq. ft.; a little more than two times the size of the existing school. The height of the proposed Independent Living/Assisted Living building is about the same as the school gymnasium, but it is a much larger building and has a significantly greater impact because of its mass.

The applicant reduced the size and mass of the buildings by reducing the number of units in the Independent/Assisted Living building and reducing the height of the building. The maximum height to the roof peak of most of the building is 36 feet even on the three-story portion. There are a few areas where the roof peak is 40 feet but they are very limited. The roof peak of the Skilled Nursing/Memory Care building is 22 feet for the single-story portion and 29 ft. 6 inches for the two-story portion. This height is less than many single-family homes in Prairie Village.

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

The Mission Valley Middle School closed in the spring of 2011 so the property has been vacant for approximately two years. The property will start to deteriorate and become a negative factor in the neighborhood if it is not reused in a reasonable time.

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;

This is one of the largest tracts of land in Prairie Village available for redevelopment. There is no gain to the public health, safety and welfare by not allowing the property to be redeveloped. It is located in the middle of a mixed density residentially developed area and its depreciation in value would have a depreciating effect on surrounding property. The hardship created for other individual landowners is the loss of open space and use of the area for recreational purposes. This was a benefit as a result of public ownership which changed when the property was sold for private development.

7. City staff recommendations;

The plan has evolved over several months that included community meetings, meetings with City Staff and many modifications to the original plan. The revised plan is consistent with Amended Village Vision and in the opinion of Staff it is a workable plan. Some specific comments are as follows:

- a) A Traffic Impact Study was prepared by the applicant for the original submission, reviewed by Public Works and the City's Traffic Engineer and the issues have been resolved. The number of units in the revised plan is less, so the traffic impact will be somewhat less.
- b) A Stormwater Management Plan was prepared by the applicant for the original submission, reviewed by Public Works and the City's Stormwater Consultant and has been approved. The impervious area of the revised plan is slightly greater than the original plan but not enough to create a significant increase in runoff.
- c) The density of development is 17.8 units per acre which is on the lower end of other senior housing projects in the area that range in density from 10.5 units per acre to 37.1 units per acre. Two multi-family projects adjacent to this project have a density of 22.9 and 24 units per acre.
- d) The proposed plan has a double row of low density duplex Villas on the south and southwest property lines adjacent to the low density single-family residences and has higher density development further north on the site. This provides a transition from low density in the south to higher density in the north.
- e) The major buildings set back a minimum of 163 feet from the southwest property line, 255 feet from the south property line and 119 feet from Mission Road.

- f) The design of the buildings for the Special Use Permit is primarily conceptual. The detailed design of the buildings will need to be addressed as part of the approval of the Site Plan.
- g) There will be a loss of open space compared to what currently exists; however, 9.78 acres of the 18.4 acres will be green space when the project is completed, though only a portion will be useable open space.
- h) The bulk of the buildings will be less than three times the bulk of the existing school, but the floor area ratio (FAR) will be 0.45, which is low for urban development.
- i) The maximum peak height of the buildings will be 40' which is approximately the same height as the gymnasium, but this is only in a few locations. The roof peak for most of the three-story building will be 36'. Only the Independent Living/Assisted Living building will be of this height, but it has been moved further north on the site and will be less dominant for the residents on the south and southwest. The density of the project is reasonable for the size of the land area. The mass and scale of the buildings have been reduced and even though they are still very large, the reduction in height and the buildings' articulation will reduce the appearance of mass.
- j) The applicant needs to submit a time schedule indicating when each phase of the development will be constructed and this schedule will be a condition attached to the Special Use Permit if it is approved.
- k) The proposed senior housing community provides a good transition between the low density residential development to the south and southwest and the higher density residential area to the north and northwest. The site is located within walking distance of Corinth Square Center which provides most of the merchandise and services required by the residents and guests of the facility.
- l) The applicant has proposed an extensive landscape treatment for the site including a buffer along Mission Road. The final landscape plan will be approved as a part of the site plan. The landscape plan will be a major component of the compatibility of the project with the surround neighborhood.

8. Conformance with the Comprehensive Plan.

It was not anticipated when Village Vision was proposed in 2006 that Mission Valley Middle School would be closed. As a result an amendment was prepared in 2012 to specifically address this site. The property owner, the neighbors and the community at large provided input in the development of the amendment to Village Vision. The Planning Commission held a public meeting on May 1, 2012 and recommended adoption to the Governing Body who adopted the amendment on May 21, 2012.

The recommendations of the Plan Amendment included two sections as follows:

1. Encourage developers to obtain community input.

The proposed developer has held a number of meetings with area neighbors as well as meetings open to all residents of Prairie Village. The neighbors and the applicant have not reached consensus on many issues. The neighbors countered that it is not compatible with the existing development in that it is too large and too tall and will create traffic and flooding problems. The applicant has submitted a Stormwater Management Plan and a Traffic Impact Study and has resolved these issues from a technical perspective. Both studies have been reviewed by the City's Traffic and Stormwater Management Consultants and are acceptable. The applicant has obtained input, made plan revisions; reducing the number of units, reducing the height of the buildings, and moving the buildings further north on the site, but still has not received endorsement from the neighbors. The use proposed is a senior housing development which is one of the uses identified in the plan.

2. Limit the uses to those allowed in the R-1A Single-Family District.

The plan restricted the uses to those listed in the R-1A district plus those included as Conditional Use Permits and Special Use Permits. The proposal is for a senior living development which is allowed if approved as a Special Use Permit.

One of the issues the Plan listed was density. The proposed project has 327 units on 18.4 acres of land for a density of 17.8 units per acre which is less than the apartments and condominiums on the northwest, but much greater than the single-family dwellings on the south and southwest property lines. The applicant has proposed low density villas on the south and increased the density on the north. Major buildings have been set back 163 to 178 feet from the southwest property line and 255 to 283 feet from the south property line to provide a distance buffer for the adjacent single-family residences. Also, a double row of Villas are proposed along the south and southwest property lines and will act as a buffer.

The proposed developer has met with the surrounding neighbors and has addressed density, access, traffic, and stormwater runoff. Although agreement has not been reached by both parties, it appears that the applicant has addressed the issues and proposed a use that is in conformance with the Comprehensive Plan Amendment, Chapter 8 Potential Redevelopment D. Mission Valley Middle School.

Village Vision also has pointed out in several areas of the plan that more housing choices should be available to the residents, particularly in the area of senior living.

Village Vision also addresses the fiscal condition of the City and pointed out that redevelopment needs to stabilize if not enhance the economic base of the community. The applicant has stated that this will be a \$50 million development. It is estimated, based on that value that the property would generate approximately \$112,000 in City property tax plus \$14,235 in Stormwater Utility revenues.

David Waters representing the city attorney advised the Commission that it does not have to find specifically on each factor.

Gregory Wolf asked Mr. Waters to review the city's interpretation on the accessory use question.

David Waters stated Mr. Duggan contends that an accessory use (Skilled Nursing Facility) may only be provided the same building as the primary use (Assisted/Independent Living Community). He feels it is a reasonable interpretation of the code that the subordinate accessory use of a nursing or health care facility may be provided in a separate building. The second legal issue raised is can the accessory use be constructed prior to the primary dwelling.

Legal counsel feel it is a reasonable interpretation of the zoning regulations that a SUP may be issued under Section 19.28.070(l) for a project in which a separate nursing or health care facility will be built prior to the completion of the primary senior adult dwelling facility if the Governing Body determines that there is a reasonable likelihood that the primary dwelling facility will be built within a reasonable period of time after completion of the subordinate facility and if the SUP is conditioned upon the completion of the primary dwelling facility.

Bob Lindeblad asked if a special use permit for the memory care and skilled nursing facility would be helpful. Dennis Enslinger responded that the skilled nursing facility is also listed as a special use permit, but this is a combined project and the uses cannot be separated out. Mr. Lindeblad stated since they are all listed as special use permits, he doesn't see a problem.

Ron Williamson noted there is no delineation in the ordinance as to what is considered "senior facility" but stated such clarification could be added to condition #1. Nancy Vennard stated she does not see this as a problem. John Petersen stated the applicant would be acceptable to the addition of clarifying language.

Bob Lindeblad stated there was concern expressed with once the preliminary plan was approved the building size could grow and asked if there should be an additional condition stating a maximum built out number of square feet for the project. Mr. Enslinger noted the square footages are reflected on the plans. Mr. Lindeblad feels in this circumstance the written maximum would be good.

Gregory Wolf asked fellow commission members if they felt the project was too big.

Ken Vaughn stated he was concerned with the loss of greenspace, but the proposed project is reasonable.

Bob Lindeblad stated this site will be redeveloped at some point and the Commission has to deal with the plan that has been submitted under the established criteria for evaluation.

Randy Kronblad noted if the site was developed entirely into single family homes there would be less greenspace and none of it would be available for use by the public.

Bob Lindeblad stated the city has limited opportunities for development and redevelopment. As the master plan states, more urban type, higher density development is needed. More housing options are needed to keep the city vibrant. We cannot continue to lose families. With the building of senior housing, existing residents will be able to stay in the area while moving out of their single family homes

freeing up homes for families. The commission needs to look at the facts. He believes one of the most important criteria is the value of property. He is not convinced from reading the two studies there will be a significant negative impact on existing properties. In residential neighborhoods, there's not going to be additional traffic, the street traffic from this project is all going to go out on Mission Road. This is probably your lowest traffic generator development that you can have of any development. This is substantially lower than almost any other kind of development. With the revision of the plan and addition of the villas, he is satisfied the revised plan is consistent with the master plan.

Ken Vaughn noted that whatever the Commission decides will be a recommendation to the Governing Body which will make the final decision.

Ron Williamson suggested the addition of the following condition #14 to address Mr. Lindeblad's concern with changes to the square footage: #14. That the maximum square footage of the project for each type of facility shall be as shown on the plans dated July 30, 2013.

Nancy Wallerstein stated she has a problem with the two to three year build-out and feels it could be done more quickly. Dennis Enslinger replied the Code Enforcement Department will be responsible to enforce timely construction.

Nancy Vennard noted if single family homes were constructed on the site, construction could take years to complete. Mrs. Wallerstein stated she wanted to make sure the project doesn't stop before it is completed. Ron Williamson noted the applicant does not receive any revenue until it opens. Mrs. Wallerstein stated she want to see a solid plan to keep this moving forward if approved. Dennis Enslinger responded typically this is a Council issue if a project stops. Building permits are valid for six months without activity. It would be very difficult for staff to come up with a condition to address this.

Nancy Vennard stated her concerns with the size of the buildings were addressed in the changes made on the revised plans both to size and to elevations and layout re-proportioning the buildings.

Randy Kronblad stated he concurs with Mr. Lindeblad and Mrs. Vennard. The neighborhood is asking for a major reduction in size. He feels the developer made considerable changes including reduction in size and square footage, redesign of exterior, buffering and transition. The revised plan is a significant improvement over the first plan presented and a step in the right direction. As he reviewed the case law from Golden vs. the city of Overland Park, he is comfortable approving the project.

Gregory Wolf complemented the applicant on the design of the project. However, he is not comfortable with the size of the project for this site. He does not feel the project meets the criteria for approval for many of the reasons presented by the opposition.

Nancy Vennard moved the Planning Commission find favorably on the ordinance factors and the Golden Factors and forward PC2013-05 to the Governing Body with a recommendation for approval subject to the following conditions:

1. That the senior dwelling project be approved for a maximum of 84 Skilled Nursing Units; 36 Memory Care Units; 136 Independent Living Units; 54 Assisted Living Units; and 17 Villa Units. The maximum number of residents shall not exceed 412. Senior is defined as persons at least 55 years of age.
2. That the project not exceed the building height or area and the buildings shall not be setback closer to the property lines than shown on the plans dated July 30, 2013.
3. That the Special Use Permit not have a termination or expiration time established for it; however, if construction has not begun within twenty-four (24) months from the approval of the Special Use Permit by the Governing Body, the permit shall expire unless the applicant shall reappear to the Planning Commission and Governing Body to receive an extension of time prior to the expiration.
4. That prior to the issuance of a building permit for the Skilled Nursing/Memory Care facility the owner shall provide evidence of financing for the entire project. That prior to the issuance of a certificate of occupancy for the Skilled Nursing/Memory Care facility, construction shall commence on the Independent/Assisted Living facility including material completion of construction including foundations, structural framing, three floors and roof enclosed.
5. The applicant shall prepare a final landscape plan for the entire project and will work with the residential neighbors to the south and southwest to develop a fence and/or landscape treatment which shall be reviewed and approved by the Planning Commission and the Tree Board.
6. That the applicant relocate the pedestrian crosswalk and signal if required by the City.
7. That the applicant plat the property in accordance with the subdivision regulations prior to obtaining a building permit.
8. That the applicant meet all the conditions and requirements of the Planning Commission for approval of the Site Plan.
9. That the applicant submit the outdoor lighting for review and approval by Staff prior to obtaining a building permit.
10. That the applicant will provide adequate guest parking on holidays and special events so that parking does not occur on streets in residential areas.
11. That the minimum parking shall be established by the drawing dated July 30, 2013. If parking becomes an issue, the applicant will work with the City to resolve the parking problem. Possible solutions could include, but not limited to, providing more spaces on site, providing employee parking at an off-site location or sharing parking with other uses in the area.

12. That the trail and park areas will be open to the public, but the owner may establish reasonable rules for its use and hours of operation.
13. If the applicant violates any of the conditions of approval or the zoning regulations and requirements as a part of the Special Use Permit, the permit may be revoked by the Governing Body.
14. That the maximum square footage of the project for each type of facility shall be as shown on the plans dated July 30, 2013.

The motion was seconded by Randy Kronblad and passed by a vote of 5 to 1 with Gregory Wolf voting in opposition.

Dennis Enslinger announced that this application will go before the Governing Body on Tuesday, September 3rd.

PC2013-114 - Site Plan Approval - Mission Chateau 8500 Mission Road

John Petersen noted the site plan relates so closely to the special use permit application that they have no further presentation. They have reviewed the staff report and accept the 17 conditions recommended by staff.

Nancy Vennard stated she would like to see the trash bins and dumpsters not only screened, but also moved away from the property line. She stressed following LEED Principles particularly in the materials used and landscaping. Mr. Petersen responded they would work with staff to use more environmentally friendly irrigation, but does not want to be prohibited from using sprinklers. He noted the design team is very familiar with LEED principles and will be seeking to implement them wherever possible.

Joe Tutera stated they planned to demolish the existing facility in environmentally friendly ways allowing for the reuse of materials

The applicant has met with neighbors on numerous occasions and has attempted to revise the plans so that the project is more compatible with the concerns of the neighbors.

Ron Williamson reviewed the following criteria for approval of a site plan:

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

The site is 18.4 acres with a total footprint of 184,133 sq. ft. for all the buildings, including the carports, which is 23% of lot coverage. Approximately 9.4 acres of the 18.4 acres will be open space and landscape. The open space calculation does not include sidewalks, drives and parking areas. Some of the open space will be used for rain gardens and a detention basin, but it still will be undeveloped area. The site is more than adequate in size to accommodate the proposed development.

The applicant will need to work with the residents adjacent to the south and southwest property line to develop a fence and/or landscape plan to provide adequate screening.

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

Since the site was developed as a middle school utilities are available at the site. The applicant has worked with the various utilities and adequate capacity is available to serve the development. The applicant will need to work with the Fire Department to ensure that fire hydrants are properly located.

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

The applicant has prepared a Preliminary Stormwater Management Plan which has been reviewed by the City's Consultant and Public Works and is consistent with the requirements of the City's Stormwater Management code. The Preliminary Stormwater Management Plan was prepared based on the earlier plan and used a number of 8.6 acres of impervious area. The impervious area on the revised plan increased to 8.16 acres. This is an insignificant increase in runoff. The applicant will need to work with Public Works in the final design of the system.

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

The proposed development will reduce the number of drives on Mission Road from three to two. The new drives will be in alignment with 84th Terrace and 85th Street. A Traffic Impact Study has been submitted and reviewed by the City's Traffic Consultant and Public Works. Traffic issues have been resolved. The applicant will need to work with Public Works on the final design of the driveways on Mission Road. The driveways will be 26 ft. wide back of curb to back of curb which will easily allow for two cars to pass and speed limits will be low.

There is an existing pedestrian crossing signal on Mission Road just south of 84th Street. This signal was installed to serve school traffic. The applicant has agreed to retain or move the signal if requested. The City is still evaluating the need.

The Site Vehicle Mobility Plan, Sheet C-5, shows how the buildings will be served with emergency and delivery vehicles. The emergency vehicles and delivery trucks appear to be adequately accommodated.

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

The applicant has located a double row of the lower density housing, the Villas, along the south and southwest property lines and they back up to existing single family dwellings. The size of the Villas is significantly less than the existing residences but they do serve as a transition between the single-family dwellings and the larger buildings. The design has also located the two large buildings away from Mission Road and away from the south and southwest property lines. The Skilled Nursing/Memory Care facility was located 131.5 ft. from the southwest property line and this has been increased to 163 - 178 ft. The distance from the northwest property line was increased from 91.5 ft. to 94.6 ft. A parking lot is proposed along the northwest property line and there are some steep slopes that will be created in that

area. Additional landscaping is proposed in that area to supplement existing vegetation. This will need to be looked at in more detail as final landscape plans are prepared. There needs to be adequate screening between this project and the apartments and condominiums to the northwest.

There are some retaining walls proposed along the north drive and the detailed design will need to be submitted for review and approval by Public Works.

The first floor elevation of all the proposed buildings has been set at 951.50 feet. The floor elevation of the existing gymnasium is 954.50 feet so these buildings are three feet lower. The buildings will set below the grade of Mission Road for the most part.

The applicant has proposed a 35 foot wide buffer along Mission Road which will have a berm, screening wall and landscaping. This should screen the parking along Mission Road and provide screening for the buildings as well.

The applicant has reduced the height of the buildings from the previous submittal which will bring those more in line in terms of mass and scale. The single-story portion of the Memory Care facility is now 22'0" and the two-story Skilled Nursing facility is 29'6". The majority of the three-story portion of the Assisted Living/Independent Living facility has been reduced to 36 ft. in height. A few areas will reach 40 ft. in height.

The two large buildings have been moved further north on the site to provide a greater buffer for the adjacent single-family dwellings.

Mr. Williamson stated in general the Site Plan works; however, there will be a number of details that will need to be worked out with Staff as final plans are prepared.

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

The applicant has presented elevations of all facades of the buildings to indicate the general concept of the appearance of the buildings. The proposed materials are traditional stucco, hardie board, cultured stone veneer, brick veneer and wood trim on the building facades. The roofs will be asphalt shingles with standing seam metal roof at certain locations. The combination of materials and quality is good, and the ratio of stone and brick to stucco seems appropriate. Staff had requested that the applicant provide more masonry on the building facades, which has been done. These are large buildings and at the scale presented are difficult to show detail. There are many design details that will need to be worked out and Staff will do that with the architect and owner. The carport design needs additional thought and Staff will work with the applicant to prepare a more compatible design.

The drawings are at a scale that can only show the concept of the design. It will be necessary for Staff to work with the developer on the details as final plans are prepared.

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

It was not anticipated when Village Vision was proposed in 2006 that Mission Valley Middle School would be closed. As a result an amendment was prepared in 2012 to specifically address this site. The property owner, the neighbors and the community at large provided input in the development of the amendment to Village Vision. The Planning Commission held a public meeting on May 1, 2012 and recommended adoption to the Governing Body who adopted the amendment on May 21, 2012.

The recommendations of the Plan Amendment included two sections as follows:

3. Encourage developers to obtain community input.

The proposed developer has held a number of meetings with area neighbors as well as meetings open to all residents of Prairie Village. The neighbors and the applicant have not reached consensus on many issues. The neighbors countered that it is not compatible with the existing development in that it is too large and too tall and will create traffic and flooding problems. The applicant has submitted a Stormwater Management Plan and a Traffic Impact Study and has resolved these issues from a technical perspective. Both studies have been reviewed by the City's Traffic and Stormwater Management Consultants and are acceptable. The applicant has obtained input, made plan revisions, but still has not received endorsement from the neighbors. The use proposed is a senior housing development which is one of the uses identified in the plan.

4. Limit the uses to those allowed in the R-1A Single-Family District.

The plan restricted the uses to those listed in the R-1A district plus those included as Conditional Use Permits and Special Use Permits. The proposal is for a senior living development which is allowed is approval as a Special Use Permit.

One of the issues the Plan listed was density. The proposed project has 327 units on 18.4 acres of land for a density of 17.8 units per acre which is less than the apartments and condominiums on the northwest but much greater than the single-family dwellings on the south and southwest property lines. The applicant has proposed low density on the south and increased the density on the north. Major buildings have been set back 131 feet from the southwest property line and 147 feet from the south property line to provide a distance buffer for the adjacent single family residences. Also, Villas are proposed along the south and southwest property lines and will act as a buffer.

The proposed developer has met with the surrounding neighbors and has addressed density, access, traffic, and stormwater runoff. Although agreement has not been reached by both parties, it appears that the applicant has addressed the issues and proposed a use that is in conformance with the Comprehensive Plan Amendment, Chapter 8 Potential Redevelopment D. Mission Valley Middle School.

Village Vision also has pointed out in several areas of the plan that more housing choices should be available to the residents, particularly in the area of senior living.

Village Vision also addresses the fiscal condition of the City and pointed out that redevelopment needs to stabilize if not enhance the economic base of the community. The applicant has stated that this will be a \$50 million development. It is

estimated, based on that value that the property would generate approximately \$112,000 in City property tax plus \$14,235 in Stormwater Utility revenues.

Bob Lindeblad moved the Planning Commission find favorably on the criteria and approve PC2013-114 Site Plan for Mission Chateau at 8500 Mission Road subject to the following conditions:

1. That the applicant prepare a plan showing the location and design of all signs for review and approval by the Planning Commission.
2. That the applicant submit a final outdoor lighting plan in accordance with the Outdoor Lighting Ordinance for Staff review and approval after the outdoor lighting has been specified for the buildings and prior to obtaining a building permit.
3. That the applicant will review the Stormwater Management Plan and submit final plans for the stormwater improvements for review and approval by Public Works.
4. That the applicant shall obtain all necessary permits from the Corps of Engineers and State of Kansas regarding drainage and flood control and shall prepare erosion control plans as required.
5. That all HVAC units except wall units be screened from adjacent streets and properties.
6. That all trash bins and dumpsters be screened and located as shown on the plans dated July 30, 2013.
7. That final plan details shall be reviewed and approved by Staff based upon the conceptual plans approved by the Planning Commission.
8. That the applicant incorporate LEED principles and practices as reasonable and practical in the demolition and final design of the project.
9. That the applicant submit the final Landscape Plan to the Planning Commission and Tree Board for review and approval.
10. That the applicant install an irrigation system for the lawn and plant materials and the plan be approved by Staff.
11. That the applicant fence the detention pond and the final fencing plan be approved by Staff.
12. That the internal drives and roads be constructed to City Standards. Plans and specifications to be approved by Public Works.
13. That pedestrian access remain open to Somerset Drive.
14. That the applicant will install fire hydrants at locations designated by the fire department.

15. That the applicant will be responsible for plan review and inspection costs associated with the construction of the facility.
16. That the applicant will work with Staff to redesign the carports so they are more compatible with the buildings.
17. That the applicant shall submit final plans for the retaining walls to Public Works for review and approval.

The motion was seconded by Nancy Vennard and passed by a 5 to 1 vote with Gregory Wolf voting in opposition stating he does not feel the site can accommodate development of this size, although it is a very good project.

Chairman Ken Vaughn asked the public to leave the room quietly as the Commission has remaining applications on its agenda to consider.

PC2013-07 Renewal of Special Use Permit for installation of wireless communication antenna at 1900 West 75th Street

Tommy Beeler, 9900 West 109th Street, Suite 300, Overland Park, with Selective Site Consultants representing T-Mobile, addressed the Commission for renewal of a Special Use Permit for the installation of antennas and equipment on the Capitol Federal Savings building on the northwest corner of 75th Street and State Line for T-Mobile USA Inc. There have been no changes to their installation.

Ron Williamson noted Nextel also had an installation on the building and the Planning Commission approved the renewal of the Nextel Antennas on August 1, 2006; however, that installation has been removed.

At its regular meeting on December 4, 2007, the Planning Commission found the findings of fact to be favorable and recommended approval of the special use permit renewal to the Governing Body subject to eight conditions and the Governing Body approved the Planning Commission recommendation.

The five-year renewal period has expired and T-Mobile is requesting another renewal for five years. The Wireless Communications Ordinance was approved in 2009 and it permits ten-year renewals. The antennas and equipment were installed in accordance with the plans submitted and the applicant has complied with the eight conditions. The applicant has submitted a statement that this location is necessary to provide coverage for its current and future users, and no changes are proposed to the equipment or antennas.

When the original application was filed in 2002, the applicant held a neighborhood meeting and four persons attended but none were opposed. They were concerned about the visibility of the equipment. A neighborhood meeting was held on November 20, 2007 and no one attended. Since no one attended at the last renewal and no changes are proposed, a neighborhood meeting was not required.

Both the antennas and equipment cabinets were placed on the roof of the building. The equipment cabinets were mounted on a structural platform, which is 12' x 20' and

was enclosed with a screen. There are three sets of antenna panels mounted on frames and placed on the roof and each panel has three antennas mounted on it. They are located on the east, west and north sides of the roof. The antennas are about 12 feet in height from the roof to the top of the antenna. The individual antenna panels are approximately 56 inches long by 8 inches in width and are mounted on prefabricated steel support frames that are held on the roof with concrete ballast blocks. This type of installation is much less obtrusive than towers with the large antennas placed on them and perhaps is a more compatible way of providing the necessary coverage to serve the residents of Prairie Village.

The City has not received any complaints on the installation since it was originally installed in 2002.

This application for renewal of the Special Use Permit is under the new Wireless Communications Facilities ordinance. Ron Williamson reviewed the following application information:

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

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

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

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

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

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

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

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

Since this is the second renewal of an existing installation, the City has not required a study of alternative locations within a one-mile radius. The City has encouraged the use of existing buildings in order to minimize the impact on the surrounding neighborhood. The applicant has indicated that this installation is an important location in servicing their customers and has modified it to provide better services.

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

Since the antennas are installed, Staff has submitted photos of the actual installation.

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

The agreement between T-Mobile and the building owner will not prohibit other providers from placing antennas on the building.

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

Not applicable.

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

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

Not applicable.

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

Not applicable.

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

Submitted with previous renewal.

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

Not applicable since it is a building and not a tower.

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

None requested.

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

- A. The character of the neighborhood.**

The building is located on the northwest corner of 75th Street and State Line Road. There is an office building to the north and commercial businesses on the other three corners of the intersection. There are some residences in the area northeast and northwest of the site, but the property is in the center of a business area.

- B. The zoning and uses of property nearby.**

North: CP-O Planned Office Building District - Office Building
East: KCMO Commercial - Service Station
KCMO Residential - Single-Family Dwellings
South: C-1 Restricted Business - Offices
R-1B Single-Family Residential - Single-Family Dwellings
West: C-O Office Building District - Retail
R-1B Single-Family Residential - Single-Family Dwellings

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

This is the renewal of an existing Special Use Permit that will not have a detrimental effect on neighboring property. The installation has been in place since 2002, and the City has not received any complaints.

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

This is a renewal of an existing installation with no changes proposed, and therefore it will not create any hardship on adjacent landowners.

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

The proposed antenna installation meets all the setback, height and area regulations contained in the Zoning Ordinance.

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

This application will have no adverse effect on the welfare or convenience of the public. The applicant held a public meeting for the renewal in 2007 and no one appeared. The City has not received any complaints regarding this installation.

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

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

The installation of the antennas on this building has had relatively little impact and has not dominated the immediate neighborhood as to hinder development. It also should be pointed out that the neighborhood is totally developed and the only equipment that will be visible from the exterior are the mounting frames and panel antennas. No landscaping or screening on the site is necessary.

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

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

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

Since there are not external improvements on the site, existing utility, drainage, and other facilities should be adequate.

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

The site and the equipment should require only service vehicles for periodic maintenance. The traffic generated by the use is so minimal that it will not create any additional congestion on the streets.

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

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

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

The equipment platform has been screened with architectural steel sheeting. The antennas are exposed on the roof and are not compatible in design with the building but they, as well as the architectural sheeting, are painted to match the color of the building.

- M. City Staff recommendations.**

It is the opinion of Staff that the proposed renewal of the Special Use Permit favorably meets the Factors for Consideration and recommends that it be approved subject to the conditions of the renewal in 2007 and the new conditions contained in the ordinance. Under the new ordinance, the Special Use Permit Renewal may be extended for ten years rather than five and it is recommended that this be done.

Gregory Wolf moved the Planning Commission find favorably on the Special Use Permit factors and the wireless communications criteria and recommend the Governing Body approve renewal of the Special Use Permit for wireless communication antenna at 1900 West 75th Street subject to the following conditions:

- 1) The approval of the Special Use Permit Renewal shall be for a maximum of ten years. At the end of the ten-year period, and any subsequent ten-year renewal periods, the applicant shall resubmit the application and shall demonstrate to the satisfaction of the Planning Commission and the Governing Body that a need still exists for the antennas and that all the conditions of approval have been met. The permit may then be extended for an additional ten years and new conditions may be required.
- 2) The installation includes only the existing equipment and panel antennas.
- 3) All equipment cabinets and wiring shall be screened from view of adjacent streets and properties, and the equipment screening shall not exceed 12 feet in height measured from the top of the roof. The antennas shall not exceed the height as shown on the plans submitted with this application.
- 4) The antennas and the frames for mounting them shall be painted a color that blends with the building so that their visibility is minimized and shall be maintained appropriately.
- 5) The applicant shall not prevent other users from locating on the building.

- 6) If the antenna and equipment installation is not operated for a continuous period of twelve (12) months, it shall be considered abandoned and the owner of the installation shall remove the same within 90 days after receiving notice from the City. If the installation is not removed within that 90 days period, the Governing Body may order the installation removed and may authorize the removal of the same at the permittee's expense.
- 7) The installation shall be structurally maintained to a suitable degree of safety and appearance (as determined by the City and any applicable law, statute, ordinance, regulation or standard) and if it is found not to be in compliance with the conditions of approval of the Special Use Permit, it will become null and void within 90 days of notification of noncompliance unless the noncompliance is corrected. If the Special Use Permit becomes null and void, the applicant will remove the installation and all appurtenances and restore the site to its original condition.
- 8) In the future should the levels of radio frequency radiation emitted be determined to be a threat to human health or safety, the wireless communication installation shall be rectified or removed as provided for herein. This finding must be either mandated by any applicable law, by federal legislative action, or based upon regulatory guidelines established by the FCC.
- 9) In order to ensure structural integrity, the antennas shall be constructed and maintained in compliance with all applicable local building codes and the applicable standards for such antennas that are published by the Electronic Industries Alliance.
- 10) The installation shall meet or exceed all minimum structural and operational standards and regulations as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are changed, then the installation shall be brought into compliance within six (6) months of the effective date of the new standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.
- 11) The permit holder shall promptly resolve any electromagnetic interference problems in accordance with any applicable law or FCC regulation.
- 12) A copy of the lease between the applicant and the landowner containing the following provisions:
 1. The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.
 2. The landowner shall be responsible for the removal of the communications facility in the event that the leaseholder fails to remove it upon abandonment.
- 13) The applicant shall obtain all other government approvals and permits to construct and operate communications facilities, including but not limited to approvals by the Kansas Corporation Commission.
- 14) Additional carriers may locate on the building subject to the approval of a site plan by the Planning Commission and an amended Special Use Permit will not be required.
- 15) Alterations or improvements to the installation are subject to Section 19.33.055 Existing Site Improvements.

The motion was seconded by Randy Kronblad and passed unanimously.

Ron Williamson noted Section 19.33.045 of the Wireless Communications Ordinance requires site plan approval. Since this is the renewal of an existing installation with no proposed changes, it is the recommendation of Staff that the as-built drawings submitted with the application be approved as the Site Plan.

Nancy Wallerstein moved the Planning Commission approve the as-built drawings submitted with application PC2013-07 as the Site Plan. The motion was seconded by Gregory Wolf and passed unanimously.

OTHER BUSINESS

The September meeting of the Planning Commission will include a site plan application for Homestead Country Club, a rezoning of 3101 West 75th Street, site plan approval for outdoor seating at two Prairie Village Shopping Center locations, possible renewals of expired Special Use Permit for the Before & After School Daycare Program at Belinder Elementary School and the Texaco stations at the Village and 8120 Mission Road. Mr. Enslinger noted that the Hen House at Corinth Square will be back before the Commission.

Mr. Enslinger stated that he will be sending out a memo to the Commission on the legal interpretation of the city's parking requirements for the Corinth Square and the Prairie Village Shops. It is a change from the traditional interpretation that has been used and will require the recalculation of parking with each new tenant going into the shopping centers.

Nancy Vennard thanked Mr. Enslinger for his leadership and direction to the Planning Commission during the past six years and wished him well in his new position. Her sentiments were echoed by the other Commission members adding that he will be missed.

ADJOURNMENT

Chairman Ken Vaughn adjourned the meeting at 11:40 p.m.

Ken Vaughn
Chairman

**Council Members
Mark Your Calendars
September 16, 2013**

September 2013	Jan Fellers exhibit in the R.G. Endres Gallery
September 16	City Council Meeting
September 25	Shawnee Mission Education Foundation Fall Breakfast
October 2013	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
November 2013	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 23	Northeast Johnson County Chamber of Commerce 2013 Annual Gala
November 28	City offices closed in observance of Thanksgiving
November 29	City offices closed in observance of Thanksgiving
December 2013	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
January 2014	
January 6	City Council Meeting
January 10	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
January 20	City offices closed in observance of Martin Luther King, Jr. Day
January 21	City Council Meeting
February 2014	
February 3	City Council Meeting
February 14	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
February 17	City offices closed in observance of President's Day
February 18	City Council Meeting
March 2014	
March 3	City Council Meeting
March 14	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
March 17	City Council Meeting
April 2014	
April 7	City Council Meeting
April 11	Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
April 21	City Council Meeting

May 2014

May 5 City Council Meeting
May 9 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
May 19 City Council Meeting
May 26 City offices closed in observance of Memorial Day

June 2014

June 2 City Council Meeting
June 13 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
June 16 City Council Meeting

July 2014

July 4 City offices closed in observance of Independence Day
July 4 VillageFest
July 7 City Council Meeting
July 11 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
July 21 City Council Meeting

August 2014

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

September 2014

September 1 City offices closed in observance of Labor Day
September 2 City Council Meeting
September 12 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
September 15 City Council Meeting

October 2014

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

November 2014

November 3 City Council Meeting
November 14 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
November 17 City Council Meeting
November 27 City offices closed in observance of Thanksgiving
November 28 City offices closed in observance of Thanksgiving

December 2014

December 1 City Council Meeting
December 11 Artist reception in the R. G. Endres Gallery 6:30 - 7:30 p.m.
December 15 City Council Meeting
December 25 City offices closed in observance of Christmas