

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
October 7, 2013**

The City Council of Prairie Village, Kansas, met in regular session on Monday, October 7, 2013, at 6:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Council President Dale Warman called the meeting to order and roll call was taken with the following Council members present: Ashley Weaver, Dale Warman, Ruth Hopkins, Steve Noll, Andrew Wang, Brooke Morehead, Charles Clark, David Morrison, Ted Odell and David Belz.

Also present were: Wes Jordan, Chief of Police; Keith Bredehoeft, Interim Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Lisa Santa Maria, Finance Director; Nic Sanders, Human Resources Specialist; Danielle Dulin, Assistant to the City Administrator and Joyce Hagen Mundy, City Clerk. Also present was City Planning Consultant Ron Williamson.

The Police Honor Guard presented the colors and led all those present in the Pledge of Allegiance.

PRESENTATION

Chief Wes Jordan presented the Department's Supervisory Recognition Award to Officer Josh Fahlgren for his efforts on the morning of June 17th in recognizing a house fire, alerting the Fire Department and getting the two elderly residents safely out of the home preventing potential extensive fire damage to the home and possible loss of life.

Officers Matt Boggs, Louis Curtis and Seth Meyer were presented with Life Saving Awards for their efforts on June 10th when Officer Curtis found a man slumped

over in his vehicle unresponsive and not breathing. He radioed dispatch for Med Act and began CPR. Officers Boggs and Meyers arrived on the scene and attached the AED and continued CPR until Med Act arrived.

The officers and family members present for the presentation of the awards were acknowledged.

PUBLIC PARTICIPATION

Council President Dale Warman recognized Dr. Brandon Hunter as a new Prairie Village business owner. Hunter Family Vision opened at Somerset and Mission Road in August.

Mr. Warman acknowledged three high school students in attendance from Rockhurst High School for their American Government class.

No one was present to address the Council and public participation was closed.

CONSENT AGENDA

Charles Clark moved the approval of the Consent Agenda for Monday, October 7, 2013:

1. Approve Regular Council Meeting Minutes - September 16, 2013
2. Ratify the Mayor's appointment of Glenn Ferdman and Susan Giffen to the Communications Committee; Shervin Razavian, Kim Horgan and Wayne Wilkes to the Prairie Village Arts Council; and the reappointment of Marie Ramirez as the City's representative to the Drug & Alcoholism Council of Johnson County.
3. Authorize the Mayor to execute a proclamation recognizing October 20 - 26, 2013 as "Male Breast Cancer Awareness Week"
4. Approve Ordinance 2294 amending Section 11-804 (B) & (D) of the Prairie Village Municipal Code entitled "Notice to Owner of Towed Vehicle"
5. Approve Construction Change Order #1 (Final) with Wm White and Son's Construction for Project CONC2013: 2013 Concrete Repair Program for \$17,337.08
6. 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; Approve Delta Dental of Kansas as the City's Dental Insurance provider for the 2014

plan year with a 3.5% increase in premiums; and Approve Superior Vision as the City's Vision Insurance provider for the 2014 plan year with a 0.0% increase in premiums.

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

MAYOR'S REPORT

There was no Mayor's Report due to his absence.

COMMITTEE REPORTS

Planning Commission

PC2013-08 Consider request for rezoning of 3101 West 75th Street from R-1a (Single Family Residential District) to RP-1b (Planned Singled Family Residential District) and approval of Preliminary Development Plan.

Ron Williamson stated the proposed rezoning is for a planned single family residential in-fill project named Chadwick Court at 3101 West 75th Street requiring rezoning from R-1a to RP-1b for a proposed development named Chadwick Court. The RP stands for Residential Planned District. He noted this is the first planned zoning district that has come before the Governing Body in many years. It will be necessary to consider the change in zoning classification by evaluating the factors commonly referred to as the "golden" factors. In addition to this evaluation, the applicant has also submitted a preliminary plan which will need to be reviewed, considered and approved. This is a two-step process: the zoning change request and the preliminary plan are reviewed and recommended for approval, conditional approval or denial by the Planning Commission and that recommendation is sent forward to the Governing Body for its action. Upon approval of the Governing Body, the applicant is then authorized to prepare a final plan which is then submitted to the Planning Commission for final approval. The planned

zoning district allows deviations in yard requirements, setbacks, lot coverage, etc. provided that it is deemed by the Planning Commission and Governing Body that other amenities or conditions will be gained to the extent that an equal or higher quality development will be produced.

The objective of the planned district is to permit the applicant to deviate from established and customary development techniques. It is intended to encourage efficient development and redevelopment of small tracts, innovative and imaginative site planning, conservation of natural resources, and a minimum waste of land. In return for approving a plan that is unique, the applicant is required to submit more detailed information on his proposal and the plan becomes an approved part of the rezoning.

The proposed application area consists of approximately 117,519 sq. ft. or 2.70 acres. The applicant has requested the RP-1B district because it allows one dwelling unit per 6,000 sq. ft. rather one unit per 10,000 sq. ft. as required in the R-1A district. The applicant has proposed six new dwelling units for the site in addition to the existing single-family dwelling for a total of seven lots. It should be pointed out that this is the same district (RP-1B) that Mission Pines is zoned; which is located on the northeast corner of 79th and Mission Road. Mission Pines was originally approved for more units than have actually been built and the current plan is for 25 units on 4.3 acres of land, which is a density of 7,549 sq. ft. per unit. This compares with a density of 16,788 sq. ft. per unit for the proposed plan. The existing dwelling is large and is located on the south portion of the tract. It will have a lot area of 50,555 sq. ft. The water detention area adjacent to 75th Street is 7,308 sq. ft. so the net area left for the six dwellings is 49,605 sq. ft. or 8,268 sq. ft. per dwelling unit. If the detention area is included in the calculation the area would be 9,489 sq. ft. per dwelling unit for the six units.

The applicant has submitted a plan generally showing how the proposed dwellings will be located on each lot. The proposed development will be served with a private street 26 feet in width back of curb to back of curb. The building setbacks will be 15 feet from the front, 25 feet from the rear and 6 feet on each side. Lots 1, 2, 4 and 5 are 79 feet wide by 99 feet deep. Lots 3 and 6 are 108 feet wide by 99 feet deep.

The building setbacks in the R-1B district are 30 feet for the front yard; 4 feet on the side yard with 12 feet between dwellings; and 25 feet for the rear yard. The minimum lot width is 60 feet, the minimum lot depth is 100 feet and the minimum lot area is 6,000 sq. ft. The proposed development meets the minimum side yard, lot width and lot area requirements of the traditional district. Modifications will need to be approved for the front yard and lot depths.

Under the Planned District, modifications may be made to the setbacks, lot area coverage and other requirements provided the proposed development produces a better development than under the standard zoning regulations.

The applicant held a neighborhood meeting on August 26th and three neighbors attended. Concerns expressed were verification of the east property line and maintaining the trees along the east property line. The east property line has been verified by a survey and the application proposes maintaining the trees along the east property line.

At its regular meeting on September 10, 2013, the Planning Commission held a public hearing on the proposed rezoning. No one was present to speak in opposition to the application. Prior to making its recommendation, the Planning Commission made its

findings of fact based on the “Golden Factors” which are reflected in the attached Planning Commission Minutes of September 10, 2013.

The applicant requested the following four deviations from the ordinance requirements:

1. Reduce the front yard setback from 30 feet to 15 feet.
2. Reduce the rear yard setback from 25 feet to 20 feet.
3. Increase the lot coverage from 30% to 35%.
4. Reduce the lot depth from 100 feet to 99 feet.

The Commission had concerns with the size of the proposed homes and the requested reduction in yard setbacks and increase in lot coverage. In their recommendation for approval of the application, they are requiring the required 25 foot rear yard setback and the required maximum 30% lot coverage.

The Planning Commission found favorably on the ordinance factors and the Golden Factors and forward PC2013-08 to the Governing Body with a recommendation for approval of the requested rezoning from R-1a to RP-lb for the property at 3101 West 75th Street subject to the following conditions:

1. Approve the front yard setback of 15 feet.
2. Approve the rear yard setback for 25 feet.
3. Approve the lot coverage for 30%.
4. Approve the lot depth of 99 feet.

In addition to the above, the following conditions need to be included in a favorable recommendation to approve the Preliminary Development Plan for Chadwick Court subject to twelve conditions recommended by staff.

No protest petition has been submitted; therefore, a simple majority vote of the Governing Body is required for approval. The Governing Body shall make its findings of fact based on the “Golden Factors” and either:

- A. Adopt the recommendation of the Planning Commission and approve the rezoning and Preliminary Development Plan which requires a simple majority, or
- B. Override the recommendation of the Planning Commission by a 2/3 vote of the Governing Body (9 votes), and deny the rezoning and Preliminary Development Plan, or revise the conditions of approval, or
- C. Return the recommendation to the Planning Commission by a simple majority vote with a statement specifying the basis for the City Council's failure to approve or disapprove the recommendation.
- D. Continue the item to a designated meeting by a simple majority.

Mr. Williamson noted the applicant has requested to address the Governing Body on the rezoning request.

Robert Mogren, owner of the property at 3101 West 75th Street, stated that the reduction of lot coverage from 35% to 30% reduces the building footprint by 400 square feet or the equivalent of a 20' x 20' room. They are looking to market these homes to "empty nesters" that will require a master bedroom and bath on the first floor as well as kitchen/dining and living area. They have three builders interested in building on the proposed lots.

Bob Royer, 7805 Mission Road, provided some background on the development of this property. They have shared the proposed floor plan with the builders interested in building on the lots and they felt that they would not have a marketable product with the removal of 400 square feet.

Mr. Royer stated he believes his requested modifications are reasonable and referenced Village Vision which encourages higher density developments. He noted that buildable area has already been reduced by the 10' right-of-way along 75th Street to the City and the 27 foot roadway required by the Fire Department.

David Belz asked why the Planning Commission wanted the 25' rear yard setback. Mr. Williamson responded that if the proposed street were a public street it would have to be 50' in width and the Commission felt that was already a significant

concession allowed. They felt the proposed footprint was too large for the proposed lots.

Ruth Hopkins confirmed the staff recommendation was for approval as requested. She noted with the limited available land in Prairie Village, in-fill developments should be encouraged.

Andrew Wang asked for a review of the requested variances. Mr. Williamson responded the requested variances by Mr. Royer are to increase the lot coverage from 30% to 35% and noted the two lots on the south already meet that requirement. Mr. Wang asked if the neighbors had any objections. Mr. Williamson stated they had no objections to the proposed lot sizes or proposed size of the homes. They were concerned with the maintenance of the existing trees which has been added by staff as a condition of approval and agreed upon by Mr. Royer.

David Belz confirmed the information given to the Planning Commission was the plan desired by Mr. Royer.

Brooke Morehead asked what the projected list price of the homes. Mr. Royer replied \$650,000 to \$750,000. She asked if these would take as long to fill as the Crescent Court development across the street from City Hall. Mr. Royer stated he has builders committed to build his proposed plan.

Ted Odell asked if the proposed rear elevations conflicted with the existing homes on Aberdeen. Mr. Mogren responded they did not. Mr. Royer stated they were very similar in height.

City Attorney Katie Logan confirmed it would require a 2/3 vote of the Governing to approve the rezoning with different conditions than recommended by the Planning Commission.

Ruth Hopkins moved the Governing Body Commission find favorably on the ordinance factors and the Golden Factors as found by the Planning Commission and approve the requested rezoning from R-1a to RP-1b for the property at 3101 West 75th Street subject to the following conditions:

1. Approve the front yard setback of 15 feet.
2. Approve the rear yard setback for 20feet.
3. Approve the lot coverage for 35%.
4. Approve the lot depth of 99 feet.

and approval of the Preliminary Development Plan for Chadwick Court with the conditions stipulated by the Commission. The motion was seconded by David Belz.

David Belz confirmed if the motion fails to get the required 9 votes it could then be sent back to the Planning Commission for reconsideration.

David Morrison stated the Planning Commission has studied this application in detail and he feels the Governing Body should give serious consideration to its recommendation. He will not be voting in support of the proposed motion.

Bob Mogren stated that three years ago he proposed the redevelopment of this area with three larger homes but the infrastructure costs to do so were over \$500,000.

Steve Noll confirmed that there was not any public opposition. Andrew Wang asked if there was a particular reason or risk put forth by the Planning Commission. Mr. Williamson responded they felt there was too much house for the size of the lots and that most R-1a homes have a 25' rear yard setback and they felt it would be a better development with the required rear yard and lot coverage regulations.

Ruth Hopkins stated the people she has talked to want less yard to take care of.

Ted Odell asked if the proposed detention area would negatively impact the proposed work on 75th Street. Keith Bredehoeft stated with the 10' right-of-way required there will be no negative impact on possible placement sidewalk.

A roll call vote was taken with the following members voting “aye”: Weaver, Warman, Hopkins, Noll, Wang, Odell and Belz and “nay” Morehead, Clark, Morrison. The motion failed to obtain the required 9 votes.

Charles Clark asked the applicant if he would prefer the Governing Body approve the rezoning as recommended or send it back to the Planning Commission..

Ron Williamson noted that if the same recommendation comes back from the Planning Commission after reconsideration, the Governing Body can change the recommendation by a simple majority vote. This was confirmed by the City Attorney.

Charles Clark moved the City Council return PC2013-08 to the Planning Commission for reconsideration of the rear yard setback and required lot coverage. The motion was seconded by Brooke Morehead and passed unanimously.

Prairie Village Arts Council

Ted Odell announced the October Art Exhibit will be the Annual State of the Arts Exhibit with the artist reception on Friday, October 11th from 6 to 8 p.m.

STAFF REPORTS

Staff reports were given during the earlier Council Committee of the Whole Meeting.

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:

Parks & Recreation Committee	10/09/2013	7:00 p.m.
Sister City Committee	10/14/2013	7:00 p.m.
Prairie Village Arts Council	10/16/2013	7:00 p.m.
Council Committee of the Whole	10/21/2013	6:00 p.m.
City Council	10/21/2013	7:30 p.m.

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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.

The League of Kansas Municipalities will hold its annual conference in Overland Park, October 12 - 14. Council members are encouraged to attend.

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

Charles Clark noted the feature article on Prairie Village resident and world acclaimed opera singer Joyce DiDonato.

ADJOURNMENT

With no further business to come before the City Council, the meeting was adjourned at 8:20 p.m.

Joyce Hagen Mundy
City Clerk