COUNCIL MEETING AGENDA CITY OF PRAIRIE VILLAGE

June 2, 2008 7:30 p.m.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- 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 May 5, 2008
- 2. Approve contracts for VillageFest 2008

VIII. STAFF REPORTS

IX. COMMITTEE REPORTS

Council Committee of the Whole – David Voysey

COU2007-27 Consider Project 190864: 2008 Street Resurfacing Program
Construction Change Order #1

COU2007-27 Consider Project 190864: 2008 Street Resurfacing Program
Construction Change Order #2

COU2007-62 Consider Project 190863: Shawnee Mission East High School Parking

Lot Expansion

COU2008-39 Consider Highway Rock Salt Bid Award

COU2008-40 Consider Project 190648: El Monte Fountain Replacement Design Agreement

Planning Commission – Andrew Wang

COU2008-35 Consider Amendment to Special Use Permit for Veterinary Clinic at 8823 Roe Ave

COU2008-36 Consider rezoning of 91st & Nall from R-1a (Single family residential) to MXD (Mixed Use District)

COU2008-37 Consider Special Use Permit for wireless communication tower and equipment compound at 4805 W 67th Street

- X. OLD BUSINESS
- XI. NEW BUSINESS

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 381-6464, Extension 4616, no later than 48 hours prior to the beginning of the meeting.

If you are unable to attend this meeting, comments may be received by e-mail at cityclerk@PVKANSAS.COM

CITY COUNCIL CITY OF PRAIRIE VILLAGE JUNE 2, 2008

The City Council of Prairie Village, Kansas, met in regular session on Monday, June 2, 2008, at 7:30 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL

Mayor Ron Shaffer called the meeting to order and roll call was taken with the following Council members present: Al Herrera, Bill Griffith, Ruth Hopkins, David Voysey, Michael Kelly, Andrew Wang, Laura Wassmer, Dale Beckerman, Charles Clark, David Morrison, Diana Ewy Sharp and David Belz.

Also present were: Quinn Bennion, City Administrator; Katie Logan representing the City Attorney; Wes Jordan, Chief of Police; Bob Pryzby, Director of Public Works; Karen Kindle, Finance Director; Chris Engel, Assistant to City Administrator and Joyce Hagen Mundy, City Clerk.

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

Mayor Shaffer announced due to receipt of new information the order of the agenda will be changed to address the request to withdraw the Special Use Permit Application at 4805 West 67th Street by the applicant..

COU2008-37 Consider Special Use Permit for wireless communication tower and equipment compound at 4805 W 67th Street

Scott Beeler, 10851 Mastin, Counsel for T-Mobile, stated after discussions with their technical staff it was determined the proposed 120' tower at this location could effectively be constructed at a significantly lower height. Therefore, T-Mobile is withdrawing PC Application 2008-02 on the Council's agenda for consideration and will

be resubmitting a new application for Planning Commission consideration on July 1st for this location at a height of 85 feet.

David Voysey moved the City Council remove from the agenda COU2008-37.

The motion was seconded by Ruth Hopkins and passed unanimously.

Mayor Shaffer stated there would be no discussion on this item by the City Council this evening.

PUBLIC PARTICIPATION

Mary Cordill, 4904 West 68th Street, requested the status on discussions initiated last February regarding establishing a task force to study the City's existing cell tower regulations and establishing a moratorium on further applications until this has been completed.

Quinn Bennion responded additional research has been completed by City Staff and was presented to the City Council in March. The Council forwarded the information to the Planning Commission with direction to reconsider the City's regulations in response to the issues raised. Ron Williamson stated the Commission hasn't discussed the information yet because of its consideration of the existing application and past full agendas.

Mrs. Cordill asked the City Council to put into place a moratorium on cell tower applications until the regulations have been reviewed by the Planning Commission.

Stephen Horner, Assistant City Attorney, stated the applicant had withdrawn his application with the understanding that he would be able to file a new application for consideration by the Planning Commission July 1st and it would be inappropriate for the Council to set a moratorium at this time.

Kate Faerber, 4806 West 68th Street, expressed her frustration with the City Council not considering this application and the 5-0 recommendation of the Planning

Commission against this application. She noted considerable time and effort has been extended by the Commission and the residents on this application. Now the Council is requiring its residents to again expend significant time and energy to protect their property.

Mayor Shaffer noted the process in place needs to be followed and noted residents would be notified of the hearing before the Planning Commission on the new application. With no one else wishing to address the Council, Mayor Shaffer closed public participation.

CONSENT AGENDA

David Voysey moved the approval of the Consent Agenda for Monday, June 2 2008:

- 1. Approve Regular Council Meeting Minutes May 5, 2008
- 2. Approve contracts for VillageFest 2008

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

STAFF REPORTS

Mayor Shaffer stated Staff Reports were given at the earlier Council Committee of the Whole meeting.

COMMITTEE REPORTS

Council Committee of the Whole

COU2007-27 Consider Project 190864; 2008 Street Resurfacing Program

On behalf of the Council Committee of the Whole, David Voysey moved the City Council approve Construction Change Order #1 with O'Donnell & Sons Construction for an increase of \$241,750.20 and Construction Change Order #2 for an increase of \$69,183.90 to Project 190864: 2008 Street Resurfacing Program bringing the final contract amount to \$1,942,450.40. The motion was seconded by Laura Wassmer and passed unanimously

COU2007-62 Consider Project 190863: Shawnee Mission East High School Parking Lot Expansion.

On behalf of the Council Committee of the Whole, David Voysey moved the City Council approve the transfer of \$117,000.00 from the Economic Development Fund to the Capital Improvement Fund (Project 190863: SME High School Parking Lot Expansion) for design, construction, construction administration and testing services. The motion was seconded by Ruth Hopkins and passed by a vote of 11 to 1 with Bill Griffith voting "nay".

COU2008-39 Consider Highway Rock Salt Bid Award

On behalf of the Council Committee of the Whole, David Voysey moved the City Council award the Highway Rock Salt bid to Cargill, Inc. for the 2008-2009 winter season with a unit cost of \$44.06 per ton. The motion was seconded by Ruth Hopkins and passed unanimously.

COU2008-40 Consider Project 190648: El Monte Fountain Replacement Design Agreement

On behalf of the Council Committee of the Whole, David Voysey moved the City Council approve the Design Agreement with The Larkin Group for \$7,000.;00 for Project 190648: El Monte Fountain Replacement. The motion was seconded by Laura Wassmer and passed unanimously.

Mayor Shaffer stated he had a professional conflict of interest with the next item on the agenda and turned the Chair over to Council President David Voysey.

Planning Commission

COU2008-35 Consider Amendment to Special Use Permit for Veterinary Clinic

Andrew Wang reported the Somerset Veterinary Clinic has been operating at 8823 Roe Avenue under a Special Use Permit issued by the City since July 1, 1991. On May 6, 2008, the Planning Commission held a public hearing on an application to expand the Special Use Permit to include the adjacent suite at 8825 Roe Avenue. This would increase the square footage of the use by approximately 2,888 square feet. There will be no exterior changes to the building. The additional suite will add two additional exam rooms, a state of the art surgical suite and radiology and treatment rooms. The boarding of animals is limited to treatment and observation.

The City has not received any complaints regarding this use and no opposition was expressed at the public hearing or the neighborhood meeting held by the applicant.

On behalf of the Planning Commission, Andrew Wang moved the City Council adopt Ordinance 2167 amending the Special Use Permit to allow the expansion of a veterinary clinic at 8823 Roe Avenue to include Suite 8825 Roe Avenue subject to the conditions recommended by the Planning Commission. The motion was seconded by David Belz.

Charles Macheers, 21704 West 57th Terrace, representing the applicant, confirmed there would be no external changes to the site.

A roll call vote was taken with the following votes cast: "aye" Herrera, Griffith, Hopkins, Voysey, Kelly, Wang, Wassmer, Beckerman, Clark, Morrison, Ewy Sharp and Belz.

Mayor Shaffer resumed the Chair.

COU2008-36 Consider a request for Rezoning Meadowbrook Country Club

Mayor Shaffer called upon Ron Williamson, City Planning Consultant to present the Planning Commission's findings on this application.

Mr. Williamson stated the Planning Commission considered this application on April 1st and May 6th. They unanimously recommended the requested MXD "Planned Mixed Use District" rezoning and preliminary development plan be approved by the City Council.

The application is for a mixed residential project combined with the rebuilding of a Meadowbrook Golf Course, swimming pool, tennis and clubhouse facilities. The existing clubhouse and swimming pool pavilion will be demolished and rebuilt. The swimming pool was recently renovated and a new pavilion will be built in that area. The new clubhouse, however, will be built near the proposed condominiums on the north side of the lake.

The proposed project includes two housing types: condominiums and senior living. The proposed condominiums will be located near the lakes on the interior part of the site on 5.33 acres. There will be approximately 96 units in two five-story buildings. The units will be one to three bedrooms with an average unit size of 1,750 sq. ft. Parking will be provided underground for 162 cars and 30 surface spaces will be provided for visitors, for a total of 192 spaces.

The proposed senior living building (Stratford) will be located at the southwest corner of the site on 8.68 acres. The proposed building will be three and four stories high and contain 232 units which include 172 independent living units; 20 Alzheimer's living units (24 beds) and 40 assisted living units (48 beds). This will be a full service facility with wellness, spa, restaurant and lounge facilities. It will be similar in operation

to Claridge Court. Parking will be provided underground for 174 spaces and on the surface for 161 spaces, for a total of 335 spaces. Required parking is 104 spaces for the units plus one space for each employee.

The two residential uses will occupy 14.01 acres. The golf clubhouse and parking will occupy 2.84 acres, including 156 parking spaces. The swimming pool/tennis center, including 77 parking spaces, will occupy 3.80 acres. The gross area of the site is 138.70 acres; after all the developed area is deducted (20.65 acres), the net area of the actual golf course including drainage areas will be 118.05 acres.

Since this is the first application for MXD District, Mr. Williamson restated the Purpose and Intent of the District :

The zoning of property of the MXD, Planned Mixed Use District, is intended to encourage a variety of land uses in closer proximity to one another than would be possible with more conventional zoning districts, to promote sustainable development with projects that achieve a high level of environmental sensitivity and energy efficiency, to encourage design and construction using Leadership in Energy and Environmental Design "LEED" principles and practices; and to encourage building configurations that create a distinctive and memorable sense of place. Developments in this district are allowed and expected to have a mixture of residential, office and retail uses in a single structure or multiple structures along with public spaces, entertainment uses, and other specialty facilities that are compatible in both character and function and incorporate a coordinated consistent theme throughout the development. Developments are also expected to utilize shared parking facilities linked to multiple buildings and uses by an attractive and logical pedestrian network that places more emphasis on the quality of the pedestrian experience that is generally found in typical suburban development. Buildings are intended to be primary multi-story structures with differing uses organized vertically rather than the horizontal separation of uses that commonly results from conventionally zoning districts.

The applicant held two public information meetings on February 21st and 26th. Approximately 30 people attended the first meeting and 60 at the second meeting. Many questions were asked. The questions that were of concern to the rezoning application relate to traffic, access to Nall Avenue, access south to 94th Terrace, offstreet parking, green space, setbacks, sewer service, location, height, and size of the Stratford building, design of the Stratford building, and project financing. The applicant

responded to these questions as noted in the detailed meeting memorandums and for the most part satisfied the Prairie Village residents in attendance. Several of the items are addressed in more detail in the associated staff reports.

At its regular meeting on April 1, 2008, the Planning Commission opened the public hearing on the Meadowbrook project and listened to many comments both pro and con regarding the proposal. At the conclusion of the public comments, the Planning Commission discussed the proposal at length and moved to continue the application to the May 6, 2008 Planning Commission Meeting in order for the applicant to address several concerns which were as follows:

- A. Setback of the building along Nall;
- B. Parking;
- c. Elevation & Grading;
- D. Safe access to and from the drives for emergency vehicles and residents;
- E. Photo simulations demonstrating the design of the building;
- F. Elevation with the street showing the street contour relationship to the building;
- G. Outline of the deed restrictions concept; and
- H. If project not MXD now, is there some way to keep option open to future integration and development; to the south along the edge of the property.

The applicant addressed each of these issues at the May 6, 2008 Planning Commission meeting and the public had an opportunity to respond to their presentation.

Prior to making its recommendation, the Planning Commission is required to make findings of fact based on the "Golden Factors" which are listed as follows:

- 1. The character of the neighborhood;
- 2. The zoning and uses of property nearby;
- 3. The suitability of the property for the uses to which it has been restricted under its existing zoning;
- 4. The extent that a change will detrimentally affect neighboring property;
- 5. The length of time of any vacancy of the property;
- The relative gain to public health, safety, and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners;
- 7. City staff recommendations; and
- 8. Conformance with the Comprehensive Plan.

The Commission felt the following "Golden Factors" were relevant to this rezoning. They consider this a 138 acre tract of which 13 acres will be intensely developed leaving the majority of the site as open space. The character of the neighborhood will largely remain low-density residential. The impact of the majority of the development is at the southwest corner of the 138 acres adjacent to office development, a church and single family residence across Nall. The larger portion of the site will remain open space within the character of the neighborhood.

Regarding the zoning and uses of property nearby, they noted the property to the south is CP-1 which is a planned commercial district. Putting a multi-family residential development next to offices is an accepted type of land use. They stressed the need to keep in focus that the rezoning is about the entire area, not simply the southwest corner. When talking about the zoning of nearby property in view of the entire site, the proposal is an appropriate land use. The relative gain to the public is the retention of the open space.

Regarding conformance to the Comprehensive plan, the Commission noted that Meadowbrook discussion was based on the area being totally redeveloped. This application is about keeping the golf course along with viable redevelopment. The Commission created a zoning district that was broad enough to allow flexibility to consider several options to be considered based on a specific development plan. This is not a perfect rezoning for "MXD", as envisioned by the ordinance; but this is a real application on a real site to keep the country club and golf course, encourage redevelopment, and add different housing options within the City, increasing property values. Village Vision does not encourage Prairie Village to stay exactly as it is. The City needs to expand its horizons and opportunities. Village Vision did envision the total redevelopment of the area. The proposed development has maintained a considerable

amount of green space while introducing greater density into Prairie Village which is part of the Village Vision.

The Planning Commission unanimously found favorably on several of the Golden Factors as stated above and recommends the rezoning of PC2008-03 from R-1a to MXD at 91st & Nall and approval of the preliminary development plan with the following conditions:

- 1. The applicant submits an outdoor lighting plan in accordance with the outdoor lighting regulations with the final development plan.
- 2. The applicant submits detailed plans for the monument sign façades with the final development plan.
- 3. The applicant obtains approval from the City of Prairie Village Public Works
 Department and the City of Overland Park for the Stormwater Management Plan
 prior to submitting the final development plan.
- 4. The applicant submits a copy of the final covenant documents preserving the open space and guaranteeing maintenance of improvements with the final development plan.
- 5. The applicant submits a detailed landscape plan with the final development plan for review and approval by the Planning Commission and Tree Board.
- 6. The applicant provides better pedestrian access to the commercial area to the south.
- 7. The golf course entrance road is a private street.
- 8. The split rail fence along Nall Avenue is relocated so that it does not cause sight problems for traffic exiting on Nall Avenue.
- 9. The applicant meet with emergency service providers to be sure that the golf course entrance road is adequate to accommodate emergency vehicles.

If the Council approves the rezoning and preliminary development plan, Staff recommends a 10th condition be added as follows:

10. The applicant shall file a final Development Plan within 18 months of the approval of the Preliminary Development Plan and the ordinance approving the rezoning and Preliminary Development Plan shall not be published until such time as the Final Development Plan is approved.

Mr. Williamson also stated staff has expressed concerns with how the City can ensure the entire development is completed at one time as this is an entire package/project.

Mr. Williamson stated a valid protest petition has been submitted that includes approximately 39% of the area within 200 feet of this site. Since the protest area is

more than 20%, it requires a ¾ vote of the Governing Body (City Council and Mayor) to approve the application, and that is 10 votes.

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 10 favorable votes, 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
- 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.

Charles Clark stated he felt it was very important to include the staff's recommended condition #10 and asked who will review the final development plan. Mr. Williamson responded the Final Development Plan is reviewed by the Planning Commission and can not vary much from the preliminary development plan. Mr. Clark asked if it would return to the City Council. Mr. Williamson responded "No". However, he noted the final plat including easements, right-of-way dedications and deed restrictions will come back to the Council.

Mr. Clark asked what details would be included in the final development plan. Mr. Williamson stated it would identify specific design of buildings, locations, grading, storm drainage, final landscape plans etc. Mr. Clark asked if it would address the questions raised, such as phasing of construction. Mr. Williamson stated the schedule for the development will be included.

Dale Beckerman asked what happens if the developer fails to return within 18 months, does it change the zoning. Mr. Williamson replied staff is recommending that the ordinance approving the zoning change and the preliminary development plan not be published until such time as the final development plan is approved. The zoning

could be approved by the City Council, but it does not become effective until publication of the ordinance.

Al Herrera confirmed the 18 months is not for completion but only for the submittal of the final development plans.

Mayor Shaffer reviewed the public comment process to be followed stating the applicant will present their application, then public comment will be received, the applicant will then be able to respond to questions raised by the public. Upon copmpletion, the public comment portion will be closed and the City Council will consider the application.

David Harrison, 4407 West 92nd Terrace, began his presentation with an aerial of the property. In May of 1996, they responded to a request for proposal from the Meadowbrook Country Club. The initial proposal called for 250 - 300 condominiums in the middle of the golf course with the condos ranging in height from 4 stories to 12 stories. In October of 2006, they looked at grouping six buildings around the central lake. In April, 2007, Stratford was added to the project. At that time the Stratford building was located at the northwest corner of the project at the intersection of Nall Avenue and Somerset and the number of condominiums was reduced. In October of 2007, they reduced the size of the Stratford complex from six and seven stories in height to five to six stories in height. The February 2008 Plan has the three story building on Nall going to a four-story building on the internal portion of the golf course because of the drop in the elevation of the land. Mr. Harrison noted they have also tucked the building in to the southwest corner of the site and the elevation changes will allow them to keep some of the existing mature trees. This resulted in using more ground area so the number of condominiums was reduced to two buildings and three villas along the entry drive were removed. They also relocated the golf course entrance

based on conversations with the neighbors. The new drive is located further to the east midway between Rosewood and Birch.

Mr. Harrison pointed out changes made to address traffic, life safety, building elevation, vision lines, etc. He noted this plan retains a larger amount of water on the site helping to address storm water concerns.

- They looked at sight distances and sight line to make sure they were at their optimum
- Corrected existing problems on Somerset & Nall regarding turning radius Turn lanes and stacking lanes were added.
- Created a building with character, the buildings have been designed with several elevation changes and roofline changes to provide a residential look, not a commercial look.
- The loop roads around the condominiums and around the Stratford were redone
 with the assistance to the Fire District to ensure all the turning radiuses were
 appropriate for access.
- All parking for the residents is underground to preserve green space. To address potential headlights from cars parked in the northwest corner lot, they have added an architectural screening wall and landscaping.

Mr. Harrison stated a lot of time and detail has gone into the plan to address the questions and concerns of the Planning Commission and neighboring residents.

- Photo simulations of the Stratford building were shown with the following views:
- Looking southeast towards the northwest corner of Stratford
- Looking southeast towards front entry of Stratford
- From the United Presbyterian Church Exit Drive looking northeast towards the southwest corner of the Stratford

Mr. Harrison reviewed the progression of changes to the height of the Stratford building from 122 feet in August of 2007, to 89 feet in October of 2007 to 46 feet in February of 2008. He noted residential story height is 10 to 11 feet while office/commercial story height is 14 feet floor to floor.

Mr. Harrison stated they began working with the club in May of 2006 and at that time there was the desire to keep as much green space as possible for the club. The 2006 plan included approximately 5 acres of development land. By October, 2007, this

had grown to approximately 6 acres and the current plan covers 8 acres. The lowering of the height of the project caused more ground to be taken from the golf course.

Mr. Harrison stated the Country Club has signed off on the proposed development. They feel this is a very good piece of real estate which addresses the need for redevelopment. He acknowledged this is a big project covering over 136 acres while preserving green space and providing 330 new places for residents to live freeing up single family homes within the City. There is a strong local demand for this project as people want to stay in their communities as they move out of their homes.

Ruth Hopkins asked how many condominium units were being constructed. Mr. Harrison replied the current plan has 96 units at most there will be 99 units. They have received a lot of interest from qualified buyers. He does not feel there is a better setting for the location of these units and is confident that the real estate market will come back.

Charles Clark asked Mr. Harrison to respond to the 10th condition recommended by staff, and confirm that at the time the final development plan is filed, the City will have a firm construction schedule and financing will be in place, in addition to engineering details. Mr. Harrison stated the applicant is fine with the 18-month sunset on the submittal of the final development plan. They have been working on this for a couple of years and want to keep it moving forward. Mr. Clark stressed the importance of having a firm final development plan including schedule for construction and financing presented to the City.

Diana Ewy Sharp stated she is looking at this as an entire mixed use project and is looking for assurance that the entire project will be constructed as presented. Mr. Harrison stated all parts of the plan have to come together for the plan to be feasible.

Laura Wassmer asked why the building was not proposed with the back towards 95th Street instead of Nall. Mr. Harrison replied the current configuration is less

obtrusive and follows the drop of the grade to the east. He noted Stratford also desires to be located on the golf course and to have those views of the course for their residents. Ms. Wassmer noted the suggested change would place the building near commercial buildings which are taller and more compatible in character. Mr. Harrison stated if the building was turned, more of the building would be visible from Nall.

Michael Kelly asked how many square feet are in the Stratford. Mr. Harrison responded 417,000 square feet.

Dale Beckerman asked Mr. Harrison to address traffic along Somerset, particularly at the entrance to the development, also coming down the hill on Nall towards 95th Street and at the entrance at 92nd. Mr. Harrison preferenced his response with the statement that the traffic generation of the proposed project is low and is lower than single family residents. He stated their engineers have spent a great deal of time on sight distances, traffic counts, stacking and called upon Norm Bowers, who conducted the traffic study and Judd Claussen with Phelps Engineering.

Judd Claussen reviewed the improvements to Somerset which included removing the south curb and widening the street to provide 10' turn lanes. The Somerset widening will extend from Nall to a point east of the new entrance street and include reconstruction the southeast curb return at the Nall intersection. A right turn lane is included on the new street for eastbound traffic on Somerset Drive. Mr. Claussen noted a sidewalk has also been added along Somerset and Nall Avenue.

Bill Griffith asked how far the offset was between Rosewood and the entrance to the development. Mr. Claussen stated the entrance is centered approximately half way between the two streets. Originally the entrance was aligned with Rosewood on the north; however, in response to residents' concerns with increased traffic it was moved to

the east. The other impacting element was the location of the existing swimming pool for the club. The pool will not be replaced and the road must provide access to it.

Mr. Claussen reviewed the two main entrances into the Stratford, one at 92nd Place and one at 92nd Terrace. The north entrance at 92nd Terrace is the primary entrance for employee use, residents and deliveries to the back of the building. This has been designed with a more gradual curve into the intersection with Nall. The south entrance at 92nd Place is the front entrance and secondary entrance. The concern with the south entrance is that there would be sufficient sight distance looking south for traffic to safely turn left out of the development. Calculations confirmed there was sufficient sight distance.

David Belz asked what entrance would be used by the residents. Steve Armstrong, Chief Construction Officer for Stratford, responded the north entrance is the main entrance for the project where residents will enter and exit. All residents will have underground parking. The lot off the north entrance will be used for employees. Visitors will park in the visitor spaces located at the front of the building and along the south side where the alheimizer's unit is located. Service vehicles will also enter from the north and will drive to the service area on the east side of the building.

Laura Wassmer noted one of the diagrams she saw did not show parking in front. Mr. Armstrong stated there is parking in front, however because of the higher elevation of Nall, the parked vehicles will not be visible from Nall at the south end of the project. On the north side there is an architecturally screened wall that will prevent parked vehicles from being seen. Only in the center area will parked vehicles be seen. Ms. Wassmer asked how many buses the Stratford would have and where would they be parked. Mr. Armstrong stated they have two community vehicles, a 8-12 person bus for activities and a full-sized limo-type car for appointments. They will be parked in the

employee parking area or on the south side of the building near the health care wing.

They will not be parked in front.

Dale Beckerman asked if it would be possible to screen off the north boundary of the parking lot. Mr. Armstrong said it would be possible. It is their intention to integrate them into the golf course as much as possible. Mr. Claussen noted the grading plans were designed to show the changes in elevation throughout the property and this demonstrated the need for screening along the north end of the parking lot. Mr. Harrison stated that as part of the final development plans, a full detailed landscape and grading plan will be presented.

Michael Kelly asked what level of LEED certification was anticipated for this project. Mr. Harrison stated they expect to seek LEED certification on the residential condos. Mr. Kelly asked if it would be basic certification. Mr. Harrison stated they would also look at silver level certification and noted that the certification process for residential properties are in a pilot stage at this time. His company, OPUS, has more than 150 accredited LEED professionals and have sustainable design and best practices incorporated into their mission statement. Mr. Harrison feels good real estate will demand sustainable design and they are a huge advocate for sustainable design.

Mayor Shaffer opened the floor to the public for comment.

Jan Durrett, 9049 Birch, questioned giving Mixed Use Zoning only to the areas that are being developed and not to the entire area. She felt then the City could keep more control for the future.

Sylvia Craig-Lococo, 5500 West 92nd Terrace, stated she lives diagonally from the entrance to Stratford and has not been contacted by the developer. She has several questions and concerns regarding traffic and screening. She asked what was meant by architectural screening, an 8' concrete wall, green netting, etc.

Doug Patterson, 4630 West 137th Street, representing the Meadowbrook Neighborhood Alliance, consisting of commercial and residential property owners. They are not NIMBYS but are opposed to what appears to be a piecemeal, non-compliant, mixed use plan that does not incorporate any of the significant policy decisions made in the City's Village Vision and does not comply with even the basic purpose of intent established for zoning district. Mr. Patterson stated this is singularly the largest commercial development in Johnson County. This is over 11.3 acres under roof on 8.8 acres of land which is essentially over one half million square feet of structure. He believes this is not the new urbanism mixed use development, it is the construction of a giant box.

Mr. Patterson stated under the City's regulations, this area could be developed as a golf course surrounded by single family homes with lots of more than 10,000 square feet, building heights of less than 35 feet and a building structure ratio of 30%. This could all be done without any rezoning. The senior living center could be applied for under the city's Special Use Permit regulations as was done with the other senior living centers in the city. However, under the existing regulations, the massive structure proposed by Stratford would require 44 acres of land to meet the 30% lot coverage requirements and a 30 foot, not 25 foot front setback would be required.

Mr. Patterson stated the Stratford building is the equivalent of 10.5 football fields with a FAR (floor area ratio) of the residence portion only of 114%, if the underground parking was considered in the calculations the FAR would be 128%. By comparison the floor area ratio for Town Center Plaza in Leawood is 27%, Park Place in Leawood is 100%, Corporate Woods in Overland Park is 28.3% and the Sprint campus is 48%. The only structure with a similar ratio is Arrowhead stadium. The Stratford building exceeds the floor area ratio of the largest office building in Corporate Woods by 160%. It is

larger in mass than the Prairie Village and Corinth Square Shopping centers combined.

Using good design and planning standards, this building should be located on 45 acres of land, not eight.

The proposed mixed use development covers 13.73 acres out of the 145 acres being rezoned. Less than 9% of the area being rezoned is being developed. The remaining 131 acres are being restricted to a private golf course, not to be used by the public unless they are guests or residents of the Stratford or condominiums. If the club does not survive, the land is conveyed to the Stratford and condominium owners. There is no public space, retail development, no entertainment or restaurants to benefit the City.

Mr. Patterson stated the proposed development is inconsistent with the definition of "Mixed Use District". Village Vision identifies this area as the gateway to Prairie Village. It is a highly visible site that must be planned as a comprehensive community within Prairie Village. Village Vision says it should be a "Village within a Village". It referenced an overlay district ensure appropriate development. Mr. Patterson stated this is not the best plan and the City has only one shot at developing this area. It is the only plan that has been submitted to date, but is it the best plan for the site?

Craig Salvay, 8826 Birch Lane, made the following five points:

- 1) This does not seem to be in harmony with the Village Vision.
- 2) The size of the building 500 feet from side to side and 300 feet deep if placed in a rectangle creates a footprint of 150,000 square feet. The offices adjacent to this are minuscule compared to this building.
- 3) 39% of the property owners of the land adjacent to this area oppose this development.
- 4) If the deed restrictions are not acceptable to the City, can the zoning be denied. Ms Logan responded, stating the condition being proposed requires that the City not publishing the zoning until certain information required with the final development plan has been accepted.
- 5) It was stated that these units would provide residences for Prairie Village residents, however, he felt these residences are already available in the large metropolitan area of which Prairie Village is part and therefore, necessary.

Roy Blazek, 5600 West 92nd Place, Overland Park, stated he has 32 years of traffic safety experience in this area. He compared this area to the roadway from 65th to 71st Street along Metcalf with four lanes, high density traffic, many exceeding the speed limit where there have been many significant head-on collisions. Many of these are the result of having no left turn lanes, just as there are no left turn lanes on this section of Nall Avenue. They currently make only right turns from their home because of the difficulty in making left turns onto Nall. They would prefer to see the entrance off 94th Terrace. There is insufficient line of sight from 92nd Place to the top of the hill.

Carol Pisano, 5500 West 92nd Place, expressed the following concerns: She feels Nall has become a small Metcalf, it is dangerous with traffic exceeding the speed limit. She does not want the sidewalk along Nall eliminating green space and placing walkers at danger from the speeding traffic. The developers have stated this is the not the best location. She noted she has not had problems getting through Somerset and Nall with the traffic signal making it safer. Decisions should involve the people located on all sides of the area.

Jackie Cordill, 5500 West 87th Terrace, stated she does not feel there will be a strong interest in purchasing the condominiums noting their view of the massive Stratford building, the 24-hour operations, with frequent emergency vehicle visits.

Wolfgang Trost, 5300 West 94th Terrace, is disappointed with the scale and mass of the Stratford. He stated this will have a dramatic affect on the aesthetics for the golf course asking people to envision the structure on the west side of the course. He is not sure the club members appreciate this impact and stated this may not be the best solution for the course and club. He stated there are other options available, including

remodeling and the renovation of the club and course. Most importantly the Council should remember this is not mixed use and this is an extremely large structure.

JoAnn Westra, 9070 Birch, on the Birch cul-de-sac, noted this evening the Council has been told the entrance to Meadowbrook is a small offset from Rosewood, it was stated it is half way between Rosewood and Birch. Mrs. Westra stated the middle of the entrance to the middle of Birch is 160 feet while the middle of the entrance to the middle of Rosewood is 245 feet. It is not halfway between Rosewood toward Birch. Her driveway is located directly across from the new entrance and is concerned with the difficulty this will cause getting in and out of her driveway safely. If approved, she would welcome the opportunity to talk with the developer regarding these concerns. She noted she has not had any communication with the developer.

John Byram, 4415 West 74th Terrace, stated this development would have a significant negative impact on the views from the office buildings adjacent to this site. It would make these offices very difficult to lease. He noted the signatures for the protest petition were very easily gathered and noted they did not even contact the large non-residential properties such as churches and the KCP&L property. He asked the Council to please consider the voice of these neighboring residents.

Micha Feingold, 9114 Walmer, spoke on behalf of the Country Club membership, providing history on how they arrived at this point. Meadowbrook has been at this location for more than 50 years. As a country club it provides benefits to not only to its membership but to the Prairie Village community. Three years ago they formed a development committee to explore ways to utilize their property as a means to subsidize the club. From the outset, total liquidation, relocation or total sale of the property was never considered. They have received numerous inquiries about selling. They are seeking a way to maintain the club, improve their facilities and benefit the entire

community. When they sent out requests for proposals, they were elated to receive a proposal from OPUS for the development of a portion of their club. The club's primary focus is to maintain their golf club and improve their facilities. Fourteen of 130 acres are being developed. He noted the Stratford facility will be one of the highest quality facilities in the area. The proposed condominiums will be well received with more than twenty of the club members expressing interest in purchasing units.

Mr. Feingold stated there is no Plan B. They feel this is a plan that benefits not only the County Club but the entire community by providing a financially secure improved country club, preserving over 100 acres of open space and providing unique living opportunities for the citizens of Prairie Village.

Larry Winn, 8305 Outlook Lane, is not concerned with the size of this development. He stated the Golden Criteria does not require neighborhood approval. His only concern is as the City moves forward to other opportunities. If the Council can not work through this project with the development of only 13 of 130 acres with significant open space with neighbors on all four sides, what will happen on smaller more tightly located in-fill projects. This ought to be one of the easiest redevelopment projects the City will ever see. He commended the Planning Commission and staff for their efforts.

Joan Nordquist, 5501 West 92nd Terrace, stated she never received any communication from the developer or was asked for any input. She feels there are several wonderful ideas that have not even been addressed. She feels the City is jumping on the first idea presented. She would like to see something happen at this location, but does not feel this is the best answer. She is very concerned with the enormous size of the Stratford building.

Mayor Shaffer called upon David Harrison to respond to the comments and questions.

Mr. Harrison stated the Floor Area Ratio comparisons made by Mr. Patterson do not compare apples to apples. He noted Claridge Court has the same density as being proposed. The application for rezoning of the entire parcel was done at the City's request. The original application only involved rezoning the areas being developed. The density of this project, including the underground parking, has 670,000 to 700,000 square feet. If you were to compare it to the Leawood development of Park Place, there could be almost 6 million square feet of development on this parcel.

Mr. Harrison stated the required notification area for this are included 19 properties. They sent out notices to over 190 properties and held several neighborhood meetings. At those meetings, there was a huge push to keep the green space. The plan was designed with that focus. Mr. Harrison noted this is not a standard out of the book plan, but is two years of work by several professionals. He stated this is not mixed use as some people perceive with retail locations below residential and offices. To do that development on this parcel would require millions of square feet.. This is a horizontal mixed-use project that encompasses all 136 acres, maintains green space and has multiple uses - recreational uses from the standpoint of the country club, it has all the facilities provided by the Stratford, multi-family housing, condominium single family units. There is a mix of uses.

Mr. Harrison noted he is proud of his organization, one of the largest in the country. It is 55 years old and recognized throughout the country. They are successful and profitable; and, he noted 10% of their pre-tax profits are given to area charities.

This is good real estate, the Planning Commission has seen that in their recommendation for approval. He feels this will be an award winning development project.

Richard Horn, Chairman of Stratford Company, stated senior housing means a lot of different things to different people. What they are seeking to do is to provide a wide array of activities within their community resulting in giving residents a full and active life.

When you talk about a 417,000 square foot building, 283,000 feet are the individual living units the remaining square feet is common area - pools, spas, fitness centers, etc. They are proud of their size and the options it provides senior citizens.

With no one else to speak, Mayor Shaffer closed the public comment at 9:50 p.m.

Bill Griffith confirmed mixed use zoning broadens the perameters within the area, but heightens the site plan approval process. He asked if the City maintains control over the development if market conditions do not allow for the development of the area as proposed? Mr. Williamson stated the plan and zoning does control and if the market changes, they would have to come back through the process for an amendment to the plan. What is approved on the plan is what it is. Mr. Griffith confirmed the Council was both approving the zoning and approving the preliminary site plan.

Mr. Williamson stated the rationale for the staff's recommendation of the tenth condition is that requiring completion of the entire project at one time maintains the integrity of the entire plan as presented.

Ms Logan added with the additional condition, the Governing Body retains control in that the zoning does not become effective until the final plan, that is consistent with this plan, is approved.

Laura Wassmer asked what happens if half-way through the project it isn't working. Mr. Williamson stated at some point there may be a development agreement between the developer and the City that would address that. Ms. Wassmer likes that the plan only develops 14 acres. She does not see a busy mixed use district at this location with its impact on traffic and noted several people do not want single family development as it would take away too much green space. This is the crown jewel of Prairie Village and that is what she wants to maintain.

She wants to make sure that in the future, if this does not work, it doesn't become dotted with single family homes. The City could come back and maintain the open space. Ms. Wassmer noted this is a huge amount of information and she is slightly overwhelmed and needs more time to digest it.

Ms. Wassmer feels this project is being short-sighted in that it involves only a piece of land owned by Meadowbrook. She feels the development needs to go beyond one parcel of land. She feels this redevelopment, for the good of the community, should involve the entire area from 95th and Nall to Somerset. With these parcels of land, a true mixed-use development project involving residential, commercial and retail could be constructed.

She would like to see the City, think outside the box and get more businesses involved to truly provide the best redevelopment possible. She feels there are many things that have not been explored and could be addressed. She is not ready to make a decision this evening.

Andrew Wang noted the concept of preserving green space as described in the proposed development is preserving green space for the sake of green space. He noted Prairie Village residents overall will not be able to use or benefit from the green space. It only benefits the country club members and condo property owners.

David Voysey noted this is not the City's property to develop. The property owner has sought proposals for the development of their property. He feels this does comply with the Village Vision.

Ruth Hopkins agreed with Mr. Voysey. We are being asked to look at the development of the country club's property, not the entire 95th Street area. The proposed development represents the best plan for them and allows for the maintenance of a majority of the green space on the parcel. She is strongly in support of the project.

Michael Kelly noted Prairie Village reflects excellent design and planning. The creation of the Village Vision is a road map offering a sustainable vision for Prairie Village's future. The Village Vision specifically addresses the development of the Meadowbrook area as a significant area of the City. Mr. Kelly quoted the findings in Village Vision on the redevelopment of the Meadowbrook area. It states there should be a redevelopment plan for the area and that any thoughtful plan for the country club should consider the shops as well and include uses that are neighborhood oriented and serve the entire community. Community input should be sought on the development of the area, not simply input on a presented plan and the plan should allocate a portion of the site for public recreation/green space with connectivity. This plan fails in all recommendations of the Village Vision. This property should be treated as a gateway property, an entrance to the City. Mr. Kelly feels the plan before the Council is a patchwork development.

He stated the future will not be determined by the resources available to us, but rather by our scarcity of resources. The amount of land available for development is limited and requires the best use of this resource. This proposal does not match our comprehensive plan.

Al Herrera stated this is not public land, but is a piece of private property. He feels Mr. Kelly is confusing the role of the Village Vision. This is the development of private property with a plan determined by the property owner to best meet their needs and he totally supports this plan. He noted only 14% of the parcel is being developed. If additional retail and restaurants were added, there would be a significant traffic problem.

Andrew Wang asked for the zoning of Claridge Court and Brighton Gardens. Mr. Williamson responded Claridge Court is C-2 with a Special Use Permit and Brighton Gardens is Single Family residential with a Special Use Permit. Senior Living Facilities are allowed in any zoning district with a Special Use Permit. Mr. Wang asked if this project could be done without rezoning the property. Mr. Williamson responded there would have to be variances granted to address the height and setback questions. Mr. Wang acknowledged that the City does not own this property and the property owner has the right to develop the property as they wish; however, when that development needs the approval of the City, it needs to be looked at from the perspective of its impact on the City.

Charles Clark noted this plan is not perfect but it is a very good plan and feels it is unfair to compare this to whatever each of councilmember can imagine for that location in a perfect world. We must vote on what is before us. This has been thoroughly investigated with months of planning and involvement by the City through staff and the Planning Commission and he feels very strongly that action needs to be taken this evening. He added the condition #10 recommended by staff is very important and should be included in the approval.

Dale Beckerman stated he has some concerns about this and if it is approved, he would like to see the developers spend some more time with the neighbors. We have

heard too many neighbors say they have not had any communication with the developers. He is not influenced by the notion that Meadowbrook owns the property, because it is the responsibility of the Governing Body to determine zoning. What does concern him is he has not heard any discussion of a viable option, not just options. He noted the City does not have another three to four years to get this done. He feels this has been an example of the Planning process at work with the progression of the plan from the initial 14-story buildings to the plan before us. He supports the plan with some reservations.

Diana Ewy Sharp noted there has been much discussion about Village Vision and having spent two years on the steering committee she feels she can speak on that issue. She feels the proposed development does meet what was talked about by the stakeholders, the residents and the Governing Body. The City has discussed for years the need for alternative housing stock. The maintenance of open space it being strongly addressed by this plan. The Vision talks about amenities that are available to residents and she feels having a viable country club is an important amenity the city has to offer. She also noted this is a \$130 million investment in the City. This is significant and she feels the Council is getting caught up with minutia. Developers are not the bad guys, they are investing in our community. She is very supportive of the project.

Bill Griffith asked if the vote does not gain the necessary number of affirmative votes, does the Council need to come up with findings of fact. Ms Logan stated if a motion is made to approve the Planning Commission recommendation, which is to approve the zoning, and there are not sufficient votes, findings are not required as to why the motion was defeated. If it was challenged, the court would look at the rationale stated in this meeting by the members opposing the application and determine if it was reasonable.

Mr. Griffith asked if the number of parking spaces is driven by the City regulations and how does the plan compare. Mr. Williamson stated the proposed parking spaces on the Plan exceed what is required by the City and it is based on the applicant's experience with their other projects. Mr. Williamson noted Claridge Court is a very successful operation which meets the parking requirements, but they are leasing additional parking spaces to meet their needs. Independent senior citizens are keeping their vehicles longer than in the past creating a greater need for parking.

Mr. Griffith would like to see the parking revisited. He would like to see if there is a way to provide entrance through 94th Terrace rather then coming out on residential streets. Mr. Griffith stated the developments have to be economically viable. He feels this is the best project taking into consideration today's economics. This is a project that will work, it is a project that will preserve green space, the project has taken huge steps to be less obtrusive and he feels the Council should be supportive.

David Belz stated he is not in love with the project, but he feels it is a good enough project for this property. He does not think traffic will be an issue. The plan preserves the green space and keeps Meadowbrook viable. He feels this is a good first step for redevelopment.

Quinn Bennion noted when the Council looks at mixed use development, it is looking at the plan and the zoning. The plan includes the building of Stratford, the condos, renovating the golf course and facilities. He questioned what happens if the zoning is approved for the entire plan and only one portion is developed. This is a possibility. Once the zoning is approved, the City does not have any mechanism, that he is aware of, to require the development of the rest of the site.

Laura Wassmer noted the City is looking at redevelopment as a way to increase city revenues and asked if once this is built, could the Stratford become a non-profit, tax-

exempt entity. Quinn Bennion responded that is a question for the Stratford representatives. He noted that Claridge Court, approved as a for profit entity, has gone non-profit. Currently they have an agreement with the City to pay in lieu of taxes, but once that expires they will not be paying property taxes. Ms Wassmer stated this is a huge issue to be resolved - 417,000 square feet of non-taxable property.

Steve Horn responded that Stratford is a for-profit developer and operator of senior communities. Their 100% intention is to develop this as a for-profit operation. Ms Wassmer asked if there was any way to guarantee it remains for profit. Mr. Horn stated they would not be opposed to a stipulation added stating it shall stay as a for-profit enterprise and tax-paying entity. Katie Logan stated there would have to be an agreement between the City and the Stratford that they would develop it as a for-profit and if they chose to become non-profit, they would make payment in lieu of taxes to the City. Mr. Horn responded they would agree to a development agreement.

Dale Morrison stated he has economic concerns based on the history of the country club. The club made assurances the last time they sold off property that they would not sell off any more, but here they are back again. Mr. Morrison questioned the impact of construction on the property to the desirability of the course. The course will be smaller, the view will be the back side of a 417,000 square foot building, not open green space. Is this another short-term solution that will require future sell-offs and piecemeal development of this property?

David Morrison noted while he was campaigning the the City Council, he visited most homes in his ward where the development is located. Over 70% of Ward 5 residents oppose this development. The comments this evening also indicate that surrounding commercial properties oppose this development. This development is not

in keeping with the residential neighborhood and will negatively impact the property values of surrounding property. Mr. Morrison stated he strongly opposes this project.

Charles Clark stated an additional condition can be added requiring a development agreement guaranteeing the for-profit status of the Stratford perhaps addressing the complete building of everything planned on the site, addressing having the deed restriction language presented before the final development plan is approved. Upon Mr. Williamson's suggestion, Mr. Clark stated this agreement shall also include any financial issues and the status of the street (public vs. private).

Bill Griffith moved the City Council postpone discussion of the rezoning of 91st & Nall from R-1a to MXD and the approval of the preliminary development plan until the Council meeting on July 7th. The motion was seconded by Ruth Hopkins.

Diana Ewy Sharp agreed with the motion in that this is so much to digest and is such an important decision, she would be more comfortable acting on it in July.

Charles Clark stated he is definitely opposed to postponing this, there have been several opportunities to gather and review information, ask questions and a large amount of information has been made available to the Council. Dale Beckerman agreed with Mr. Clark in opposing the postponement of this item. He also noted he will not be present at the July 7th meeting.

Mayor Shaffer confirmed the absence of a Council member would be considered a "no" vote on the motion.

Laura Wassmer stated this is a huge decision. Her experience with past SUP's has clearly demonstrated the failure to dot all I's and cross all the t's is a major error. It is essential that all details are clearly worked out and included in the decision in writing, nothing should be taken for granted. She has several issues she feels needs to be

more fully addressed before Council action being taken. She still feels it would be a much better development if it looked at and included the entire area.

Al Herrera noted there are 12 members present. This is an important decision and all members need to be present. He stated there are a lot of checks and balances in this process. His primary concern is getting the entire Council and Mayor back together at one meeting.

Michael Kelly stated he has no problem with postponing.

Katie Logan noted this could be postponed to a special meeting called for the purpose of discussing this. It does not have to be a regular meeting.

Bill Griffith amended the motion to postpone discussion of this issue to a special meeting date to be decided amongst the Mayor, staff and Council. Ruth Hopkins agreed to the amendment. The motion was voted on and passed by a vote of 10 to 2 with Wang & Clark voting "nay". It was decided to poll Council members to come up with a date.

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:

Board of Zoning Appeals	06/03/2008	6:30 p.m.
Planning Commission	06/03/2008	7:00 p.m.
Council Committee of the Whole	06/09/2008	6:00 p.m.
Sister City	05/12/2008	7:00 p.m.
75 th Street Steering Committee	06/10/2008	7:00 p.m.
Park & Recreation Committee	06/11/2008	7:00 p.m.
Council Committee of the Whole	06/16/2008	6:00 p.m.
City Council	06/16/2008	7:30 p.m.

The Prairie Village Arts Council is pleased to feature a digital art exhibit by Steve Karol in the R. G. Endres Gallery for the month of June. The reception will be held on June 13th from 6:30 to 7:30 p.m.

National League of Cities Conference, November 11-15 in Orlando, FL RSVP to Jeanne Koontz if you plan to attend. <u>jkoontz@pvkansas.com</u>

Council Photos will be taken Monday, June 16th from 5 to 6 p.m. in the Council Chambers.

Recreation memberships are on sale at the City Clerk's office.

Prairie Village Gift Cards are on sale at the Municipal Building. This is a great way to encourage others to "Shop Prairie Village."

The 50th Anniversary books, **Prairie Village Our Story** are being sold to the public.

<u>ADJOURNMENT</u>

With no further business to come before the Council, the meeting was adjourned at 11:10 p.m.

Joyce Hagen Mundy City Clerk