

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, AUGUST 5, 2014
7700 MISSION ROAD
7:00 P.M.**

I. ROLL CALL

II. APPROVAL OF PC MINUTES - JULY 1, 2014

III. PUBLIC HEARINGS

**PC2014-04 Consider ordinance revisions to Chapter 19.33
"Wireless Communications" Section 19.33.055
"Existing Site Improvements"**

IV. NON-PUBLIC HEARINGS

V. OTHER BUSINESS

Proposed Revisions to Off-Street Parking Requirements

VI. ADJOURNMENT

Plans available at City Hall if applicable
If you cannot be present, comments can be made by e-mail to
Cityclerk@Pvkansas.com

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

PLANNING COMMISSION MINUTES
July 1, 2014

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, July 1, 2014, in the Municipal Building Council Chambers at 7700 Mission Road. Chairman Bob Lindeblad called the meeting to order at 7:00 p.m. with the following members present: Jim Breneman, Nancy Vennard, Larry Levy, Randy Kronblad and Gregory Wolf.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, City Planning Consultant; Kate Gunja, Assistant City Administrator; Jim Brown, Building Official and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary. Also present was Council Liaison Terrence Gallagher.

APPROVAL OF MINUTES

Randy Kronblad moved the approval of the Planning Commission minutes of June 3, 2014, as written. The motion was seconded by Jim Breneman and passed by a vote of 5 to 0 with Vennard abstaining.

PUBLIC HEARINGS

There were no Public Hearings scheduled.

NON PUBLIC HEARINGS

**PC2013-120 Final Plat Approval
Chadwick Court**

Bob Royer, 7805 Mission Road, stated that he had received the staff report and recommended conditions for approval and accepted the staff recommendation. However, he noted that he may want to file the plat prior to the construction and installation of the proposed improvements to the property. He will determine if this is the route he would like to take within the next 30 to 45 days. If so, he would post a bond with the city to cover the estimated cost of the improvements.

Mr. Williamson stated that either the posting of a bond or the provision of an installation guarantee would be acceptable and noted this option could be added to condition #2.

Jim Breneman noted that in the proposed declaration of restrictions under "13. Common Areas" only the streets are referenced. There is no reference to maintenance of the common areas and to Tract A. Mr. Royer responded it is his intent for Tract A and the common areas between homes to be maintained by the Homes Association and would change to language to clearly reflect that intention.

Nancy Vennard confirmed that the references to the maintenance of driveways also includes walkways/sidewalks.

Ron Williamson noted that the Tree Board met and reviewed the proposed landscape plan. They changed some of the tree species and stated that there will be no trees in the detention area. Mr. Royer stated he was in agreement with the Tree Board recommendation.

Ron Williamson reviewed the proposed Final Plat as it related to the conditions established by the Planning Commission.

At its regular meeting on June 3, 2014, the Planning Commission approved the Preliminary Plat and authorized the preparation of the Final Plat, subject to the following conditions:

1. Dedicate an additional 10' of right-of-way for the south side of 75th Street.
The 10' dedication is shown on the Final Plat
2. Indicate who will maintain the water line and fire hydrant located on the west side of the private road.
Water One will maintain the water line.
3. Identify those trees that will be removed and protect the trees on the east and west property lines.
The applicant resubmitted the tree removal plan. The applicant plans to preserve the major trees on the east and west property lines, but all the internal trees will be removed.
4. Revise the covenants that will be filed to guarantee the maintenance of the private roadway, the stormwater detention area, and any other private improvements on the property as requested by Staff.
The applicant has submitted preliminary covenants that are being reviewed by Staff and some revisions will be necessary.
5. Provide gas, water, and sewer easements to Lot 7.
The applicant is coordinating this with the utilities and will indicate the appropriate easements when the utilities decide on the location and width of those easements. Proposed easements for water and sanitary sewer were shown on the Preliminary Plat, but are not shown on the Final Plat.
6. Resolve any issues with Public Works regarding stormwater management and submit construction drawings.
The applicant has met with Public Works, resubmitted the stormwater plan and resolved all design issues with the exception of proposed trees in the detention ponds. The Tree Board will address this issue. The fence detail has been revised and the pickets are 4" on center.
7. Design the private drive to City standards and submit the plans and specifications to Public Works for review and approval.
The applicant has submitted plans and specifications to Public Works and they are adequate for construction.
8. Clarify the size of the water line.
The water line will be 6" in diameter to the fire hydrant and will be 2" in diameter from the hydrant south to serve lots 3, 6 and 7.

9. Revise the covenants to reflect that the Homes Association is responsible for compliance with BMP for natural vegetation as set forth in the drainage study.
This has been done.
10. Resubmit an updated final landscape plan showing compliance with the BMP requirements.
This has been submitted and will be reviewed by the Tree Board.
11. Submit the following information with the Final Plat:
 - a. A copy of the revised covenants.
This has been submitted.
 - b. A title opinion or attorney's opinion stating the name of the owner and the names of all other persons or institutions that have an interest or encumbrance on the property.
This has been submitted.
 - c. A receipt showing all taxes due and payable have been paid.
This has been submitted and all taxes due and payable have been paid.
 - d. Construction documents for all proposed improvements.
Documents have been submitted to Public Works.
 - e. An engineer's estimate of probable construction cost in order to determine the amount of the bond or other surety required to guarantee the improvements.
The engineer's estimate of probable cost has been submitted and the estimate for improvements is \$330,000.

Ron Williamson noted that prior to the recording of the Final Plat, it will be necessary for the property owner to either construct all the proposed improvements or provide a financial guarantee to the City that the proposed improvements will be constructed. It is the responsibility of the City to ensure that all improvements are made and the lots are buildable when the Final Plat is approved.

Randy Kronblad moved the Planning Commission approve the Final Plat for Chadwick Court and forward it on to the Governing Body for its acceptance of rights-of-way and easements, subject to the following conditions:

1. That the applicant show easements for water, sewer and gas on the Final Plat, subject to approval of Staff. The Final Plat will not be released for recording until such time as the easements are shown on the plat.
2. That the applicant construct and install or guarantee the construction and installation of all proposed improvements prior to the recording of the Final Plat. The Mayor and City Clerk shall not sign the Final Plat and the City will not release the Final Plat for recording until all improvements are installed or the city receives a financial guarantee to cover the cost of the improvements, subject to the approval of Public Works.
3. That the applicant submit three (3) copies of the revised Final Plat to Staff for final review and approval.
4. That the applicant revise the Declaration of Conditions and Covenants, and the Declaration of Restrictions as recommended by Staff and with the clarification on the maintenance of common areas as requested by the Commission. The applicant shall submit three (3) revised copies to the City for the record.

The motion was seconded by Jim Breneman and passed by a vote of 5 to 0 vote with Mr. Levy abstaining.

OTHER BUSINESS

Consider Revisions to Wireless Communication Ordinance regarding the approval of Existing Site Improvements

Ron Williamson noted at its regular meeting on June 3, 2014, the Planning Commission discussed the issue of minor improvements to existing wireless communications facilities and directed Staff to prepare an amendment to the regulations.

Recently there have been several minor facility changes to wireless communications installations as they upgrade to meet the level of competitors. Most of these have been very minor changes, but the Wireless Communications Ordinance Section 19.33.055 Existing Site Improvements Section C, Additional Antennae states, "additional antennae or replacement of current antennae may be added through an application for a revised site plan and will require submission to and approval by the Planning Commission." And Section E states, "Any proposal by a permit holder to replace a current antenna or to alter and improve an existing facility, tower or antenna in a manner to make the same less obtrusive such as lessening the tower height, converting the structure to an alternative tower structure, or modifying the antenna to a "slim line" or internal design shall be considered as an amended site plan and will only require submission to and approval by the Planning Commission."

Mr. Williamson reviewed the following suggested revisions to Section 19.33.055. Text to be deleted is lined out and text to be added is shown in italics.

19.33.055 Existing Site Improvements.

Alterations or improvements to existing wireless communication sites shall be allowed when these alterations or improvements are implemented to:

- A. Accommodate additional wireless service providers, provided that the alterations or improvements meet all applicable requirements of this Chapter. ~~Unless otherwise provided for by the current Special Use Permit, application for such alteration or improvement to an existing site will require approval through an amended Special Use Permit. However, if provided by the current Special Use Permit,~~ Such application shall be considered a revised final site plan and will only require submission to and approval of the Planning Commission.
- B. Any such alteration or improvement shall meet any and all current applicable design and technical standards and requirements. The cumulative effect of any additional antennae and related facilities must comply with the radio frequency radiation emission guidelines established by the FCC.
- C. Additional Antennae. When provided for in the approved capacity limit of a multi-user tower's current Special Use Permit, additional antennae or replacement of current antenna *and other support equipment* may be added through an application for ~~a revised site plan and will only require submission to and approval by the Planning Commission.~~ *an Administrative Review and approval by*

Staff. The applicant shall submit three copies of the proposed plans and the Structural Analysis for Administrative Review and will be responsible for the costs of the review and approval. Any additional antennae that exceed the ~~originally approved structural~~ capacity limit shall be considered a revised application, and shall require an amended ~~Special Use Permit~~ ***Site Plan approved by the Planning Commission*** to locate.

Any additional antennae or replacement of current antennae shall meet any and all current applicable design and technical standards and requirements ***including the structural capacity of the tower.*** The cumulative effect of any additional antennae and related facilities must comply with the radio frequency radiation emission guidelines established by the FCC.

- D. In the event that new technology provides a better alternative to the design requirements herein, the Planning Commission, ***by Site Plan approval,*** may reasonably approve or require design modification of a wireless communication facility, tower or antenna when the appearance of the same is deemed to be less obtrusive than the requirements permitted herein.
- E. Any proposal by a permit holder to replace ~~a current antenna~~ or to alter and improve an existing facility, ~~or tower or antenna~~ in a manner to make the same less obtrusive such as lessening the tower height, converting the structure to an alternative tower structure, or modifying the antenna to a "slim line" or internal design shall be considered as an amended site plan and will only require submission to and approval by the Planning Commission.
- F. Any such alteration or improvement shall meet any and all current applicable design and technical standards and requirements, and the cumulative effect of any additional antennae and related facilities must comply with the radio frequency emission guidelines established by the FCC ***and the structural capacity of the tower.***

Mr. Williamson noted that until the code is revised any approval for Administrative Reviews will be made by the Planning Commission Chairman.

Nancy Vennard moved the Planning Commission authorize a public hearing on the proposed revisions for the August 5, 2014 Planning Commission meeting. The motion was seconded by Randy Kronblad and passed unanimously.

APA Membership

Bob Lindeblad noted the information included in the packet regarding the availability of Planning Commission Members joining the American Planning Association. He reviewed the opportunities provided by the APA for Commissioners to stay up to date on planning issues throughout the country and to grow as Commissioners. The City would pay for the membership. The Commission members agreed that it would be valuable and directed staff to obtain membership for each of the Planning Commission members. Mr. Lindeblad noted there is also an affiliate membership available to City Council members.

Next Meeting

The filing deadline for the August 5th meeting is the end of this week. No applications have been filed yet. Mr. Williamson noted the KU Eye Center will be seeking approval for revisions to their parking regulations at the August meeting. It was noted that Bob Lindeblad and Randy Kronblad would not be at the August meeting; however, the remaining members would constitute a quorum with Nancy Vennard serving as Chair.

Mrs. Vennard asked about the lack of landscaping surrounding the communications box by Meadowbrook Country Club. Mr. Williamson responded that he and Keith Bredehoeft have contacted AT&T representatives who have agreed to take action.

ADJOURNMENT

With no further business to come before the Commission, Chairman Bob Lindeblad adjourned the meeting at 8:25 p.m.

Bob Lindeblad
Chairman

MEMORANDUM

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
SUBJECT: **Wireless Communication, Existing Site Improvements**
DATE: July 1, 2014

Project # 000009686

COMMENTS:

At its regular meeting on June 3, 2014, the Planning Commission discussed the issue of minor improvements to existing wireless communications facilities and directed Staff to prepare an amendment to the regulations.

Recently there have been several minor facility changes to wireless communications installations as they upgrade to meet the level of competitors. Most of these have been very minor changes, but the Wireless Communications Ordinance Section 19.33.055 Existing Site Improvements Section C, Additional Antennae states, "additional antennae or replacement of current antennae may be added through an application for a revised site plan and will require submission to and approval by the Planning Commission." And Section E states, "Any proposal by a permit holder to replace a current antenna or to alter and improve an existing facility, tower or antenna in a manner to make the same less obtrusive such as lessening the tower height, converting the structure to an alternative tower structure, or modifying the antenna to a "slim line" or internal design shall be considered as an amended site plan and will only require submission to and approval by the Planning Commission."

The following is a suggested revision to Section 19.33.055. In reviewing the entire section, revisions should be made in several paragraphs. Text to be deleted is lined out and text to be added is shown in italics.

19.33.055 Existing Site Improvements.

Alterations or improvements to existing wireless communication sites shall be allowed when these alterations or improvements are implemented to:

- A. Accommodate additional wireless service providers, provided that the alterations or improvements meet all applicable requirements of this Chapter. ~~Unless otherwise provided for by the current Special Use Permit, application for such alteration or improvement to an existing site will require approval through an amended Special Use Permit. However, if provided by the current Special Use Permit,~~ Such application shall be considered a revised final site plan and will only require submission to and approval of the Planning Commission.
- B. Any such alteration or improvement shall meet any and all current applicable design and technical standards and requirements. The cumulative effect of any additional antennae and related facilities must comply with the radio frequency radiation emission guidelines established by the FCC.
- C. Additional Antennae. When provided for in the approved capacity limit of a multi-user tower's current Special Use Permit, additional antennae or replacement of current antenna *and other support equipment* may be added through an application for ~~a revised site plan and will only require submission to and approval by the Planning Commission.~~ *an Administrative Review and approval by*

LOCHNER

Staff. The applicant shall submit three copies of the proposed plans and the Structural Analysis for Administrative Review and will be responsible for the costs of the review and approval. Any additional antennae that exceed the ~~originally approved structural~~ capacity limit shall be considered a revised application, and shall require an amended ~~Special Use Permit Site Plan approved by the Planning Commission~~ to locate.

Any additional antennae or replacement of current antennae shall meet any and all current applicable design and technical standards and requirements **including the structural capacity of the tower.** The cumulative effect of any additional antennae and related facilities must comply with the radio frequency radiation emission guidelines established by the FCC.

- D. In the event that new technology provides a better alternative to the design requirements herein, the Planning Commission, **by Site Plan approval,** may reasonably approve or require design modification of a wireless communication facility, tower or antenna when the appearance of the same is deemed to be less obtrusive than the requirements permitted herein.
- E. Any proposal by a permit holder to replace ~~a current antenna~~ or to alter and improve an existing facility, ~~or tower or antenna~~ in a manner to make the same less obtrusive such as lessening the tower height, converting the structure to an alternative tower structure, or modifying the antenna to a “slim line” or internal design shall be considered as an amended site plan and will only require submission to and approval by the Planning Commission.
- F. Any such alteration or improvement shall meet any and all current applicable design and technical standards and requirements, and the cumulative effect of any additional antennae and related facilities must comply with the radio frequency emission guidelines established by the FCC **and the structural capacity of the tower.**

(Ord. 2189, Sec. II, 2009)

RECOMMENDATION:

It is the recommendation of Staff that the Planning Commission review and revise the proposed amendments as it deems appropriate and authorize a public hearing for the August 5, 2014, Planning Commission Meeting.

LOCHNER

MEMORANDUM

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
SUBJECT: Off-Street Parking Requirements
DATE: August 5, 2014

Project # 000009686

The primary purpose of the proposed revisions to the Off-Street Parking and Loading Regulations is to resolve the parking requirements for the KU EYE Surgical Center. However, there are a couple of other amendments that are needed to revise other sections of the Chapter. It should be pointed out that excessive parking requirements result in under-developed property, which is a concern for cities like Prairie Village, that are built out communities. On the other hand, the City must be cautious that parking does not become a problem in adjacent residential neighborhoods.

KU EYE

At its regular meeting on April 2, 2013, the Planning Commission approved the Site Plan for KU EYE, located at 7400 State Line Road. This is a multi-tenant building that has general office space and the KU EYE Ambulatory Surgical Center. The parking regulation has a standard for general office space which is one space for each 300 sq. ft. of gross floor area. The parking requirements do not include a standard for surgical centers so the medical clinic standard was used, which is one space for each 200 sq. ft. of gross floor area. General office space in the building is 28,678 sq. ft., requiring 96 parking spaces; and the medical area is 17,827 sq. ft., requiring 90 parking spaces; for a total of 186 required parking spaces. The site has 167 spaces and is 19 spaces short of meeting the parking requirement. In order to move forward on this project, the building owner leased 19 spaces from the Capitol Federal building, adjacent to the south, to meet the requirement. The applicant maintained that they had surplus parking and that the ordinance requirement was excessive for their use. The leasing of the 19 spaces was proposed as an interim measure until the parking requirement could be analyzed and a new standard developed.

Staff met with the applicant's representative and requested that a Traffic Engineer be retained to prepare a parking analysis after the use opened. The Surgical Center opened May 1st, 2014. The Traffic Engineer collected data on April 16th and 17th, prior to the opening, and collected data on May 7th and 8th for comparison purposes. Data collection was done during the peak hours of operation which is from 10:00 a.m. to 2:00 pm. The data indicated the parking occupancy at 68% - 72% prior to the surgery center being open and 69% to 75% after the surgery center opened. The result was approximately 42 parking spaces in excess of the spaces required for the use. Staff has visited the site three times since it opened and also noted over 40 parking spaces vacant during its operation.

For this particular use, it appears that the parking requirement is greater than needed. The surgical rooms are larger than exam rooms and the turnover rate is much lower for

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engineering | planning | architecture

surgical rooms. This is a new use for which there is very little information on required parking.

KU EYE has 26 administrative staff, 9 full-time physicians, 2 part-time physicians and 3 residents; for a total of 40 employees. KU EYE has a total of 23,477 sq. ft. The KU EYE Surgical Center has a potential for 3 operating rooms and a Lasik suite.

The building has a total of 46,505 sq. ft. of leasable area, which at one space per 300 sq. ft. requires 155 parking spaces.

The KU EYE Surgical Center is a hybrid use which has characteristics of both a medical clinic and a hospital. The parking requirements for a medical clinic are too high and the parking requirements for a hospital are too low.

The first step is to prepare a definition for “Ambulatory Surgical Center”. There are definitions from both the Federal Government and the State of Kansas as follows:

Federal definition of ambulatory surgery center

An “*Ambulatory surgery center*” or ASC means any distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization and in which the expected duration of services would not exceed 24 hours following admission.

Kansas definition of ambulatory surgery center

“*Ambulatory surgical center*” means an establishment with an organized medical staff of one or more physicians; with permanent facilities that are equipped and operated primarily for the purpose of performing surgical procedures; with continuous physician services during surgical procedures and until the patient has recovered from the obvious effects of anesthetic and at all other times with physician services available whenever a patient is in the facility; with continuous registered professional nursing services whenever a patient is in the facility; and which does not provide services or other accommodations for a patient to stay more than 24 hours.

The State of Kansas definition is more descriptive and Staff recommends that it be added to the Definitions Chapter of the Ordinance.

The Zoning Ordinance does not have a definition for “Medical or Dental Clinics or Offices”. A definition had been included in a previous edition of the City Code which is as follows:

“Medical or Dental Clinic *or Office*. An establishment where patients, who are not lodged overnight except for observation or emergency treatment, are admitted for examination and treatment by a person or group of persons practicing any form of healing or health building services, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State.”

The next step is to determine a parking requirement for Ambulatory Surgical Centers. Based upon the Parking Analysis of the actual use it appears that the Off-Street Parking Requirement for general office use is adequate for ambulatory surgical centers as well and it is recommended that the use require one space per 300 sq. ft., the same as required for general offices.

In reviewing the parking requirements for medical services, the City of Prairie Village and Lenexa both require one space per 200 sq. ft., which is the highest in the area. The City of Mission is 2.84 spaces per 1,000 sq. ft.; Leawood is 3.0 to 4.0 spaces per 1,000 sq. ft., which may be modified by the City. Overland Park assigns a parking requirement to uses by either the Planning Commission or Governing Body. Olathe does not differentiate between medical and general offices, and uses 3.8 spaces per 1,000 sq. ft. The parking requirements are varied for medical office uses, but it appears that Prairie Village is on the high side. From an administrative perspective it is very difficult for the Building Official to assess parking requirements for different office uses when they are located in the same building. Therefore, it is recommended that medical offices use the same standard as general offices, one space per 300 sq. ft. of net leasable area.

Assignment of Parking for Uses Not Listed and Reduction of Parking Requirements:

Overland Park, Olathe, Mission, and Lenexa all include a provision for assigning a parking requirement for uses not listed. The following is the proposed text for this provision.

Add Section 19.46.030.D. Assignment of Parking for Uses Not Listed

Any use not included in the parking requirements in the Zoning Ordinance shall be assigned a parking requirement by the Planning Commission.

Mixed Uses:

When the parking requirements were established for large shopping centers it was the intent that basement storage was not included as net leasable floor area. It was not intended that storage areas in retail businesses on the main floor would be removed from the calculation. Therefore, the following revision is recommended:

D. Mixed Uses. When a building or development contains mixed uses and has less than 300,000 square feet of net leasable floor area, the off-street parking requirements shall be calculated for each individual use and the total parking requirement shall be the sum of individual parking requirements. When a building or development contains mixed uses excluding residential uses and has greater than 300,000 square feet of net leasable floor area and located in a C-2 General Business District, the off-street parking shall be calculated as set out in Mixed Business and Commercial Center Standard. Net Leasable Floor Area does not include *basement* storage areas.

14. Mixed Office and Commercial Centers that exceed 300,000 square feet in net leasable floor area and are located in District C-2 General Business District shall provide a minimum of 3.5 spaces per 1,000 square feet of *net* leasable area.

Net Leasable Area:

A definition for “net leasable area” should be established for all uses. Gross area would normally include common areas, such as foyers, elevators, and stairwells that do not generate traffic. In the ordinance “gross area” would be replaced by net leasable area. The following is a suggested definition:

Net Leasable Area: The area devoted to sales or service, but excludes restrooms, common hallways, employee lounges, common foyers, stairwells, elevators, and basement storage areas.

RECOMMENDATION:

It is the recommendation of Staff that the Planning Commission review and revise the proposed amendments as it deems appropriate and authorize a public hearing for the September 9, 2014, Planning Commission Meeting.

PARKING RATIOS FOR MEDICAL USES IN CITIES SURROUNDING PRAIRIE VILLAGE, SUGGESTED APPROACH ON ORDINANCE REVISIONS

Information Developed by Tower Properties on Parking Ratios for Medical Uses in Prairie Village and Surrounding Cities

Prairie Village

Medical (5:1000)

Kansas City, Missouri

Medical (4:1000)

Overland Park, Kansas (as assigned by the planning commission but typically is required as shown below)

Medical (4:1000)*

* Deviations from the requirement are reviewed on a case by case basis and are to be submitted to the planning commission for review.

Leawood, Kansas (parking requirements for business uses must fall within the range of 3-4:1000)

Medical (4:1000)**

** Preliminary information indicates that the ratio for medical uses is the same as for businesses (3-4:1000). A ratio of 4:1000 is included to be safe.

Suggested Approach on Revising Parking Requirements in the Prairie Village Municipal Code

1. Revise the relevant code section to require a parking ratio of 4:1000.
2. Adopt the Overland Park approach and include a Code section that authorizes deviations from the required number, subject to Prairie Village Planning Commission approval.

Submitted June 24, 2014, by:

Fred J. Logan, Jr.
Logan Logan & Watson, L.C.
Corinth Office Building
8340 Mission Road, Suite 106
Prairie Village, KS 66206
913-381-1121

Williamson, Ronald

From: Fred Logan <FLogan@loganlaw.com>
Sent: Tuesday, July 01, 2014 11:27 AM
To: Williamson, Ronald
Cc: kgunja@pvkansas.com
Subject: Information on KU Eye

Ron:

When we met at Prairie Village City Hall last Wednesday, we agreed that I would provide you (1) information on the number of employees at KU Eye at the 7400 State Line Road location and (2) my thoughts on an appropriate definition of "surgicenter" or "surgery center."

We have undertaken a very thorough review on the surgery center question and have reviewed the approaches taken by other cities. I will provide you several definitional approaches and I will also provide you some information on approaches taken by other cities. I will provide all of that information in a separate e-mail.

The purpose of this e-mail is to provide the requested information on KU Eye at 7400 State Line Road:

KU Eye staffing

1. KU Eye has 26 administrative staff members at the 7400 State Line Road facility.
2. It has 9 full-time physicians at the 7400 State Line Road facility. It has 2 part-time physicians but they are never on-site at the same time. One of those part-time physicians is on site on Tuesday morning and the other part-time physician is on-site on Wednesday morning.
3. KU Eye has 3 residents at the 7400 State Line Road facility.
4. At the KU Eye surgery center, there are 3 full-time employees and 1 part-time employee. There are 3 prn nurses but they are on the site only periodically.
5. The surgery center is not open on Fridays.

Surgery Center

1. The surgery center has 2 operating rooms, expandable to 3; 4 examination rooms; and a Lasik suite that is a procedure room, not an operating room. To answer your question, I confirmed that the Lasik procedures are performed in the Lasik suite.

That completes the information that you requested on the staffing at the KU Eye facility at 7400 State Line Road.

As I said above, we have extensive information to present on the surgery center issue. I will address that issue in a separate e-mail.

Fred

Fred J. Logan, Jr.
Logan Logan & Watson, L.C.

Williamson, Ronald

From: Fred Logan <FLogan@loganlaw.com>
Sent: Wednesday, July 02, 2014 7:20 PM
To: Williamson, Ronald
Cc: kgunja@pvkansas.com; Andy Logan
Subject: Definition of outpatient surgery center or "ambulatory surgery center"

Ron:

When we met last week, you indicated that it would be very helpful for us to provide you some suggestions on defining "surgery center" or "surgicenter." We have undertaken a thorough survey and want to offer three or four different alternatives.

In one alternative, we have focused on the definition of "ambulatory surgery center." That clearly is what KU Eye is operating. There is a definition of "ambulatory surgery center" in the Code of Federal Regulations that you may find of interest.

We also surveyed Kansas law and discovered that there is a statutory definition of "ambulatory surgical center." We will provide that to you.

You were correct that there is a scarcity of outpatient surgery center definitions in the planning and zoning arena. However, the City of Dallas, Texas has tackled the issue. You may be interested in the approach that city is taking – it is using the definition in setting requirements for parking spaces.

Finally, the City of Prairie Village has a definition of "medical clinic" that it adopted in conjunction with massage therapy operations. I consider the definition a bit dated. I thought we should give it to you, however.

Federal definition of ambulatory surgery center

Under 42 CFR sec. 416.2, "Definitions," an "Ambulatory surgery center or ASC means any distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization and in which the expected duration of services would not exceed 24 hours following an admission."

Kansas definition of ambulatory surgical center

Pursuant to K.S.A. 65-425(f), "Ambulatory surgical center means an establishment with an organized medical staff of one or more physicians; with permanent facilities that are equipped and operated primarily for the purpose of performing surgical procedures; with continuous physician services during surgical procedures and until the patient has recovered from the obvious effects of anesthetic and at all other times with physician services available whenever a patient is in the facility; with continuous registered professional nursing services whenever a patient is in the facility; and which does not provide services or other accommodations for a patient to stay more than 24 hours."

A planning and zoning approach: the City of Dallas, Texas

For planning and zoning purposes, the City of Dallas, Texas has adopted a definition that combines medical clinics, generally, and ambulatory surgery centers:

"Medical Clinic or Ambulatory Surgical Center

“Definition

“A facility for examining, consulting with, and treating patients with medical, dental, or optical problems on an out-patient basis.”

Here is a link to the relevant section of the Dallas zoning code; it shows how that city addresses the parking requirements under the definition: http://www.dallascityhall.com/zoning/html/office_-_medical_clinic_or_amb.html]

Prairie Village

Prairie Village adopted a definition of medical clinic in the article pertaining to massage therapy (the strike-through section pertains to massage therapy):

“Medical or Dental Clinic: An establishment where patients, who are not lodged overnight except for observation or emergency treatment, are admitted for examination and treatment by a person or group of persons practicing any form of healing or health building services, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State, ~~and also includes establishments which provide massage therapy subject to the licensing provisions in this Code.~~” [Prairie Village Municipal Code § 5-527(g)]

Conclusion

I hope this material is helpful. I will provide you one final bit of commentary in a subsequent e-mail on the important issue of building discretion into the code on the subject of medical clinics and ambulatory surgery centers. There is simply too much variation in these clinics to come up with a hard and fast rule that is fair. I think allowing some discretion or a deviation under specified standards is crucial to avoid what you aptly called “oceans of vacant parking.”

Fred

Fred J. Logan, Jr.
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Williamson, Ronald

From: Fred Logan <FLogan@loganlaw.com>
Sent: Saturday, July 12, 2014 1:03 PM
To: Williamson, Ronald
Cc: kgunja@pvkansas.com
Subject: Building staff discretion into the parking requirements for medical uses

Ron:

I provided you a memo on staffing at KU Eye and a separate memo on the subject of defining a surgery center or ambulatory surgery center. I promised you a final memo on the subject of building discretion into Prairie Village parking requirements for medical uses. In our view, that discretion could be exercised by staff, working with the planning commission and city council, or by way of a process in which either the planning commission or the Board of Zoning Appeals were authorized by ordinance to grant deviations from, or exceptions to, specific requirements.

Tower Properties thinks that building some discretion into the ordinance with respect to medical uses is important. As we have discussed, you may have one kind of medical use that generates high patient traffic and another medical use (the KU Eye ambulatory surgery center is a good example) that generates very little additional parking by staff or patients. It makes sense for the planning staff to be in a position to either apply a variable standard or recommend to some governmental body that an exception be granted.

Our first recommendation would be for the city to adopt some variation of the Overland Park approach. Overland Park Unified Development Ordinance §18.430.160 authorizes the planning commission or governing body to assign a parking requirement when the ordinance does not set such a requirement for a particular use. It would be most helpful, in our view, to allow an application to have the planning commission or city council set the requirement for a particular medical use based on planning staff recommendation and upon evidence, perhaps a parking study similar to the one presented by Tower Properties, that has been presented by the applicant.

A second approach would be to set the requirements but then allow either the planning commission or board of zoning appeals to grant deviations or exceptions after considering staff recommendations and evidence presented by the applicant.

This is an important issue to Tower Properties. Tower believes that there are opportunities to attract very high quality medical uses to buildings in Prairie Village. A more favorable parking ordinance is essential, however, before Tower will be able to pursue those opportunities.

We are very grateful for the city's consideration of these issues. I will follow up with you to make sure that we have provided the city all the information it needs to be able to formulate appropriate parking requirements for medical uses.

Fred

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June 6, 2014

Mr. Chris Erdley
Tower Properties
100 Walnut, Suite 900
Kansas City, MO 64106

**Re: Parking Analysis for 7400 State Line Road
Prairie Village, Kansas**

Dear Mr. Erdley,

In response to your request and authorization, TranSystems completed a parking analysis for the existing office building at 7400 State Line Road in Prairie Village, Kansas. The purpose of this study was to assess the impact on parking of a new tenant, the KU Ophthalmology Surgery Center. An aerial photograph of the study area is shown on **Figure A-1** in the Appendix. The photograph shows that there are two buildings on the block. The other building on the block is 1900 West 75th Street building, which is occupied by Capitol Federal bank and other offices.

Prior to May 1, 2014, the 7400 State Line Road building was occupied by KU Ophthalmic Clinic and other professional offices. After May 1, the KU Ophthalmology Surgery Center occupied roughly 8,000 square feet of the building that was previously unoccupied. The surgery center will have a different function than the existing clinic, as outpatient procedures will be performed at the surgery center. The total rentable area of the building is roughly 47,000 square feet.

To study the surgery center's impact on parking demand, parking occupancy data was collected before and after the surgery center opened. Data was collected on Wednesday, April 16, 2014 and Thursday, April 17, 2014 for the before analysis, and the data collection with the surgery center occurred on Wednesday, May 7, 2014 and Thursday, May 8, 2014. The results of the parking occupancy data collection is summarized in hourly intervals on Tables A-1, A-2, A-3, and A-4 in the Appendix.

The parking supply was divided into areas for data collection, as shown on **Figure A-2** in the Appendix. Area 1 includes surface parking with no posted restrictions just to the west of the 7400 State Line Road building. Area 2 includes surface and garage parking for the 7400 State Line Road building that is largely reserved for employees or visitors of the building. Areas 3, 4, and 5 are surface parking lots for the Capitol Federal building. Area 3 is convenient to the 7400 State Line Building and a few employees or visitors to the 7400 State Line building were observed parking in that area, as there are no restrictions. Areas 4 and 5 were observed to be used exclusively by employees or visitors to the Capitol Federal building. The curb is painted in Area 5 indicating that it is reserved for Capitol Federal. As such, Areas 1, 2, and 3 were determined to be the locations where employees or visitors to the 7400 State Line Road building could potentially park.

The hourly demand for parking can be determined from the parking occupancy data collected. The daily peak demand for parking occurred at either 10:00 A.M. or 2:00 P.M., which is typical of office land uses. The peak parking demand before and after the surgery center opened is shown in **Table 1** on the following page. The results shown in the table indicate that the surgery center had a minimal impact on

the peak demand for parking, as the demand before the surgery center was 114 and 120 on April 16 and April 17, respectively. With the surgery center, the demand increased to 115 and 125 spaces on May 7 and May 8, respectively. **Figure A-3** in the **Appendix** shows a comparison of the average parking demand measured before the surgery center opened and after it opened.

Table I
Daily Peak Parking Demand

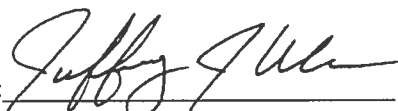
Scenario	Before Surgery Center		With Surgery Center		
	Date	April 16, 2014	April 17, 2014	May 7, 2014	May 8, 2014
Time of Day	10:00 AM	2:00 PM	10:00 AM and 2:00 PM	2:00 PM	
Parking Supply	167	167	167	167	
Peak Demand	114	120	115	125	
Occupancy	68%	72%	69%	75%	

The parking supply is shown as 167 spaces, which equates to the supply on the property of the 7400 State Line building. The peak demand includes Area 3, which is part of the Capitol Federal property. The parking demand in Area 3 includes employees and visitors to both properties. Therefore this analysis is conservative because all the parking demand in Area 3 is included in table, but an undetermined portion of that demand can be attributed to the Capitol Federal building.

We trust that this analysis proves beneficial to Tower Properties and the City of Prairie Village. We appreciate the opportunity to be of service to you and we will be available to review this study with you at your convenience.

Sincerely,

TranSystems

By: 
 Jeffrey J. Wilke, PE, PTOE

By: 
 Baylee Mobley, EI

JJW:BEM/jw:P101140101



Appendix

Study Area.....	Figure A-1
Data Collection Areas	Figure A-2
Hourly Parking Occupancy Counts.....	Tables A-1 to A-4
Parking Demand Comparison.....	Figure A-3

Figure A - 1. Study Area

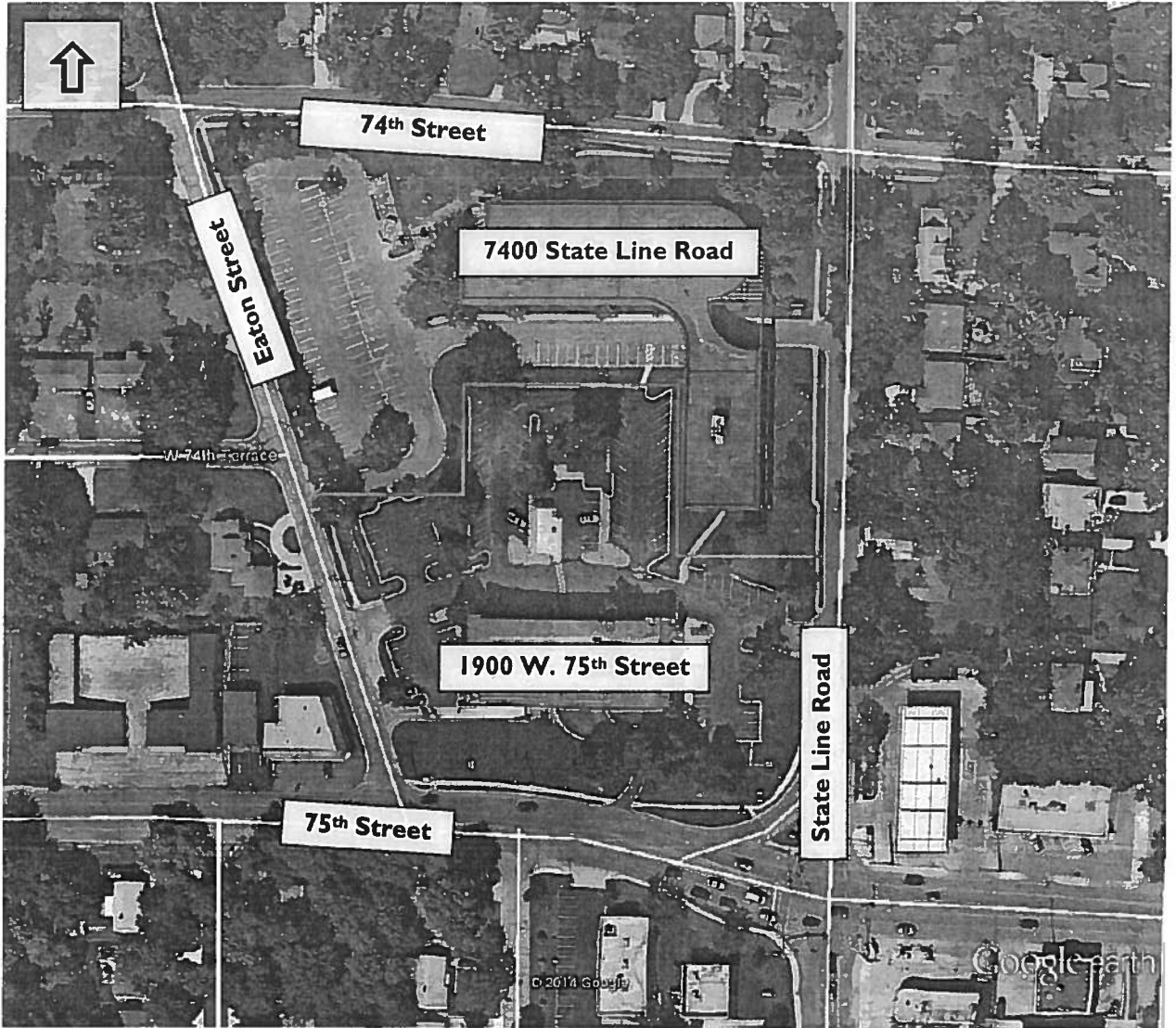


Figure A - 2. Data Collection Areas

