

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
October 6, 2014**

The City Council of Prairie Village, Kansas, met in regular session on Monday, October 6, 2014 at 7:30 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas.

ROLL CALL

Mayor Ron Shaffer called the meeting to order and roll call was taken with the following Council members present: Ashley Weaver, Jori Nelson, Steve Noll, Eric Mikkelson, Andrew Wang, Brooke Morehead, Dan Runion, Courtney McFadden, Ted Odell and Terrence Gallagher.

Also present were: Wes Jordan, Chief of Police; Keith Bredehoeft, Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Kate Gunja, Assistant City Administrator; Nolan Sunderman, Assistant to the City Administrator; Lisa Santa Maria, Finance Director; Meghan Buum, Deputy City Clerk/Public Information Officer; Ron Williamson, City Planning Consultant and Joyce Hagen Mundy, City Clerk.

Mayor Shaffer led those present in the Pledge of Allegiance.

PUBLIC PARTICIPATION

Chuck Dehner, 4201 West 68th Terrace shared his feelings regarding the CID agreement between the City of Prairie Village and the owners of the Prairie Village and Corinth Square Shops. He feels the Mayor did not have the legal authority to execute the CID and expressed concern with the potential bond liability he sees in the

agreement. Mr. Dehner reviewed some of the approved CID reimbursements made under the agreement questioning their validity. He felt they were ridiculous and questioned the ability of staff in approving the reimbursements. He discussed the “but-for” test for economic development and questioned how the city could say the shopping centers were blighted properties for the approval of the CID. Mr. Dehner also addressed the approval of a Conditional Use Permit for Starbucks.

With no one else present to address the City Council public participation was closed at 7:36.

CONSENT AGENDA

Ashley Weaver moved the approval of the Consent Agenda for Monday, October 6, 2014. Terrence Gallagher clarified that Kellie O’Toole is a student of Teresa’s Academy, not Shawnee Mission East.

1. Approve Regular Council Meeting Minutes - September 15, 2014
2. Ratify the Mayor’s appointment of Kellie O’Toole to the Prairie Village Parks and Recreation Committee
3. Authorize the Mayor to execute the following proclamations: Breast Cancer Awareness Month - October, 2014; Indian Hills Junior High/Middle School 60th Celebration - October 10 - 24, 2014 and Lights on Afterschool Day - October 23, 2014
4. Approve the purchase of a replacement 4x4 pickup truck from Shawnee Mission Ford for \$32,936.00 and the disposal of Asset #1461 by auction.
5. Approve the agreement with the Mid-America Regional Council (MARC) for funding operations of Operation Green Light Traffic Control Systems (OGL) in Prairie Village for 2015 and 2016 in the amount of \$10,800.00

A roll call vote was taken with the following members voting “aye”: Weaver, Nelson, Noll, Mikkelson, Wang, Wassmer, Morehead, Runion, McFadden, Odell and Gallagher.

MAYOR'S REPORT

Mayor Shaffer reported he represented the City at several events during the past three weeks including the Northeast Johnson County Chamber luncheon, Greater Kansas City Chamber of Commerce Board meeting, Shawnee Mission Educational Foundation Breakfast, United Community Services Board Meeting, MARC Board meeting, retirement celebration for Officer Kyle Shipps and other Northeast Johnson County events.

COMMITTEE REPORTS

Council Committee of the Whole

Mayor Shaffer noted the items listed on the agenda from the earlier Council Committee of the Whole Meeting would not be coming forward for Council Action.

Planning Commission

PC2014-04 Consider Amendments to the Zoning Ordinances Chapter 1933 regarding improvements to existing wireless communications facilities

A map of the City showing the locations of existing wireless communication facilities was distributed and reviewed. Ron Williamson stated the Planning Commission reconsidered its earlier recommended ordinance revision for approval of improvements to existing wireless communications facilities at their September 9th meeting based on the concerns raised by the City Council. The revised ordinance provides more definition as to what constitutes minor improvements that can be approved by Administrative Review. These would include additional antenna or replacement of current antenna that are the same size or smaller with all the equipment

to be contained within the existing equipment compound or all the antenna located inside the pole whether replacement or additional or the installation is a stealth facility.

Section A was not changed with the primary changes being found in Section B.

Courtney McFadden stated she cannot vote on this issue due to a professional conflict of interest, but stressed the importance of the City to be seen as being favorable to technology.

Eric Mikkelson asked for clarification on Section B as it is not consistent. Mr. Williamson stated the beginning of Section B describes those applications which can be approved administratively and the end of the section describes those that would require Planning Commission approval. Mr. Mikkelson asked what a “stealth” application was. Mr. Williamson responded a stealth application is one that is integrated as an architectural feature of a structure or the landscape so it is not readily apparent to a casual observer. An example of a stealth facility is the antennas that are located on St. Ann’s Church.

Mr. Mikkelson asked if there was a limit on the number of antenna that staff could approve. Mr. Williamson responded there was not.

Mr. Mikkelson noted there were discrepancies in the language in the proposed ordinance and the Planning Commission minutes of September 9th. Terrence Gallagher stated he was in attendance at the Planning Commission meeting and the ordinance reflects what was recommended by the Commission. It was noted the minutes of September 9th are draft minutes and have not yet been approved by the Commission.

Andrew Wang moved the Governing Body adopt Ordinance 2314 amending Chapter 19.33 of the Prairie Village Municipal Code, entitled “Wireless Communication

Facilities” by amending Section 19.33.055 entitled “Existing Site Improvements”. The motion was seconded by Laura Wassmer.

Dan Runion asked how other supporting equipment was defined. Mr. Williamson replied that if the footprint of the equipment compound is changed the application would need approval by the Planning Commission of the amended site plan.

The motion was voted on a failed by a vote of 5 to 6 with Weaver, Nelson, Mikkelson, Morehead, Runion and Gallagher voting in opposition.

PC2014-05 Consider Ordinance Revisions to Chapter 19.46 “Off-Street Parking Requirements” and Chapter 19.02 “Definitions”

Ron Williamson noted that 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 a general office space and the KU EYE Ambulatory Surgical Center. The parking regulations has a standard for general office space however, the regulations do not include a standard for surgical centers so the medical clinic standard was used. The site was 19 spaces short of the required parking spaces and the applicant was required to enter into an agreement to lease spaces from the neighboring Capitol Federal Building as an interim measure until the parking requirements could be analyzed and a new standard developed.

A traffic engineer was retained by KU EYE and conducted a parking analysis both prior and after the opening of the surgical center. The result was approximately 42 parking spaces in excess of the spaces required for use during peak operation times. Staff has visited the site multiple times and also noted over 40 vacant parking spaces during its hours of operation.

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. To address this three new definitions have been proposed to be added to the zoning regulations for “Ambulatory Surgical Center, Medical or Dental Clinic or Office and Net Leasable Floor Area.”

To prevent this situation from occurring again, new language is proposed following that of the City of Overland Park and other cities to allow the Planning Commission to assign a parking requirement for uses not specifically listed.

Another area needing clarification in addressing parking requirements is the means of measurement for determining square footage upon which the requirements are based. When 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. A definition of “Net Leasable Area” is proposed to clarify the basis for the square footage calculations.

A public hearing was held on August 5th with Fred Logan addressing the Commission in support of the proposed revisions.

Jori Nelson asked how the proposed regulations would impact the Mission Chateau application. Mr. Williamson responded they would not as the parking for Mission Chateau has been set by the conditions of the Special Use Permit.

Eric Mikkelson pointed out a typographical error in the proposed ordinance header fourth line Section 29.46.030 should be 19.46.030.

With the deletion of Hotels and Motels, Mr. Mikkelson asked how parking would be determined for these if an application was received. Mr. Williamson responded that

it would be addressed under the new language in Paragraph D that allows the Planning Commission to assign parking requirements for any use not included in Sections A - C. Mr. Mikkelson asked if that would be subject to Council review. Mr. Williamson responded that if the parking was established as part of a Special Use Permit it would be subject to Council review. If the parking was established as part of a site plan approval, it would be determined by the Planning Commission and not come before the City Council.

Mr. Mikkelson stated he is concerned with the quality of life for residents and noted when shopping in Prairie Village he likes to be able to park close to the store and does not want business shopping to overflow onto public residential streets. He feels the change in measurement from “gross floor area” to “net leasable floor area” may significantly decrease the number of parking spaces required. He asked if any comprehensive parking study had been done on the impact and affect of these changes on neighborhoods. Mr. Williamson replied that he had not looked at several other uses in detail.

Eric Mikkelson asked for a definition of “sales or service” as referenced in the definition of net leasable floor area. Mr. Williamson responded that it does not include storage areas as these areas do not generate people coming into the store.

Ted Odell asked what other options were available to address this other than an ordinance change. Mr. Williamson replied that the site plan criteria are based on the zoning regulations.

Fred Logan, with Logan & Logan 8340 Mission Road, noted the proposed change takes the parking requirement base of 200 square feet to 300 square feet for medical and dental clinics and offices. This makes it consistent with the regulations of the

surrounding area cities. The current more restrictive parking requirements are negatively impacting the ability of Prairie Village to secure high quality medical tenants. He noted he had worked with staff for over a year researching and drafting the proposed revision. From a leasing standpoint, it is important that the cities regulations are consistent with those of other cities. Recognizing that a city can't foresee all potential uses, he supports the addition of paragraph D, taken from the Overland Park regulations, which allows the Planning Commission to determine parking requirements for hybrid uses.

Dan Runion questioned the importance of consistency with other cities noting the city is not lacking for tenants. Mr. Logan noted in the 1980's the Windsor Office Building began to lose its medical tenants and has had trouble attracting quality tenants. Professional offices and medical offices provide a quality and stable tenant base for the City. He urged the City Council to adopt the proposed ordinance.

Jori Nelson stated Prairie Village is not like other cities and doesn't believe its parking requirements should be lumped together. She feels they need to be more specific to the office use. Mr. Logan responded the existing parking requirements are not being changed. The only change is to the parking requirements for medical uses.

Mr. Mikkelson responded that by determining parking by "net leasable square footage" rather than "gross area square footage" all parking requirements are being loosened. However, he stated he does support the changes to the ordinance that address Mr. Logan's issues.

Terrence Gallagher stated he supports the revisions addressing the medical offices but not the change from "gross floor area" to "net leasable floor area" for determination of the number of parking spaces.

Ron Williamson stated that the Prairie Village and Corinth Square Shopping Centers have separate parking provisions based on the uses of the entire square footage of the centers.

Chief Jordan referenced a previous tenant “Lockton” at the KU Eye Clinic location and asked what would happen if they returned, noting the significant parking problems caused by their operation. Mr. Williamson responded the code does not address a “call service” business, so under the provisions of paragraph D, the Planning Commission would determine the required parking.

Laura Wassmer felt it made more sense to look at each situation on a case by case basis. Mayor Shaffer responded that architects need to have established parking requirements when designing a building.

Dan Runion stated he supported the change for medical uses but not beyond that. He does not agree with the change from “gross floor area” to “net leasable floor area”. Mr. Williamson noted that medical uses have the same requirements as dental and office uses and are not considered high traffic generators.

Brooke Morehead questioned who would be verifying how much space is sales space versus storage. Mr. Williamson replied the city currently is required to do that at the Prairie Village and Corinth Square Shopping Centers.

Terrence Gallagher moved to approve the proposed ordinance removing all proposed changes from “gross floor area” to “net leasable floor area”. The motion was seconded by Laura Wassmer. Several Council members stated they were not comfortable voting on the proposed ordinance without seeing the final language. Mr. Gallagher withdrew his motion and moved that this item be continue to the next City Council Meeting at which time staff will present the proposed ordinance with the

revisions proposed. The motion was seconded by Laura Wassmer and passed unanimously.

STAFF REPORTS

Public Safety

- Chief Jordan reported on the retirement celebration for Officer Kyle Shipps and thanked Council members for their attendance.
- The Roy Manny Case on the fatality accident will have its preliminary hearing this week.
- Shawnee Mission East will be having fireworks and a bon fire this Thursday evening in conjunction with Homecoming.
- Sgt. Roberson will be participating in an NAACP forum this Saturday.

Public Works

- Keith Bredehoeft reported that he had received communication from KDOT with a new estimate for the 75th Street Project which is higher than the city's consultant's estimate. He briefly reviewed the city's options if the estimate was higher than anticipated.
- The Disc Golf Course at Santa Fe Park is almost complete.
- Work on the renovation of the tennis courts is continuing.
- The Prairie Park & McCrum Park improvements are continuing with an anticipated completion of McCrum in November.

Administration

- Kate Gunja announced the State of the Arts reception will be this Friday, October 10th.
- A new Building Official has been hired and will officially begin work on October 20th.
- The public hearing on the removal of the RV regulations from the zoning regulations will be held on Tuesday's Planning Commission meeting. The regulations will come back to the City Council for action on November 3rd.
- There will be a brief presentation on code enforcement efforts at the October 20th meeting.
- The city's transition to IT services provided by Johnson County IT Department has gone well. Council members were sent contact information any IT problems they may encounter.
- The City received a press release announcing the purchase of Deffenbaugh Industries by Waste Management
- The City is joining Leawood and Overland Park in a recycling extravaganza at the Black & Veatch officers in Overland Park on Saturday, October 18th.
- Nolan Sunderman announced the coming visit from a sister city delegation from the Ukraine the end of October
- Lisa Santa Maria requested that any council reimbursements for 2014 be submitted to her as it is the final quarter of the fiscal year.

- The results of the cost recovery study will be presented to the Council in December.
- Quinn Bennion announced that KCP&L would be doing some tree trimming near Homestead that is unrelated to the possible redevelopment.
- The Finance Committee met to consider the process for the review of the pending CID transfer and agreed to have a third party review the submittal. The anticipated date for action is November 17th.
- The lock system transition is underway. Council members should have received an e-mail with directions.

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	10/07/2014	6:30 p.m.
Planning Commission	10/07/2014	7:00 p.m.
Park & Recreation Committee	10/08/2014	7:00 p.m.
Sister City Committee	10/13/2014	7:00 p.m.
JazzFest Committee	10/14/2014	7:00 p.m.
Environment/Recycle Committee	10/15/2014	7:00 p.m.
Council Committee of the Whole	10/20/2014	6:00 p.m.
City Council	10/20/2014	7:30 p.m.

The Prairie Village Arts Council is the annual State of the Arts reception in the R. G. Endres Gallery. The artist reception will be Friday, October 10, from 6:00 - 8:00 p.m., with the awards being announced at 7:30 p.m.

Remember this is Peanut Butter Week. Bring your donation to City Hall or area schools or churches.

Save the Date for the Northeast Johnson County Chamber of Commerce 2014 Annual Gala on Saturday, November 22, 2014 at the Overland Park Marriott.

ADJOURNMENT

With no further business to come before the City Council the meeting was adjourned
at 9:12 p.m.

Joyce Hagen Mundy
City Clerk