

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
April 6, 2015**

The City Council of Prairie Village, Kansas, met in regular session on Monday, April 6, 2015 at 7:30 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas.

ROLL CALL

Mayor Laura Wassmer called the meeting to order and roll call was taken with the following Council members present: Ashley Weaver, Jori Nelson, Ruth Hopkins, Steve Noll, Eric Mikkelson, Andrew Wang, Brooke Morehead, Dan Runion, David Morrison, Ted Odell and Terrence Gallagher.

Staff present were: Tim Schwartzkopf, Interim Chief of Police; Keith Bredehoeft, Director of Public Works; Katie Logan, City Attorney; Quinn Bennion, City Administrator; Wes Jordan, Assistant City Administrator; Nolan Sunderman, Assistant to the City Administrator; Lisa Santa Maria, Finance Director and Joyce Hagen Mundy, City Clerk.

Also attending were Teen Council members Bailey Ricker, Max Keeter, Gabe Altenbernd, Kyle Baker and Denisa Butas.

Mayor Laura Wassmer led all present in the Pledge of Allegiance.

PUBLIC PARTICIPATION

Mayor Wassmer recognized three high school students from Shawnee Mission North attending for their American Government class and three Boy Scouts attending for their "Citizenship and the Community" badge.

Michael Riley, 4000 West 74th Street, addressed the Council on behalf of a group of residents concerned with pedestrian safety along Mission Road from 71st to 75th Street. Residents whose children walk along that road to get to St. Ann's or to Shawnee Mission East don't feel safe having the children so close to the traffic. Mr. Riley noted that a section of the sidewalk has a retaining wall on the west side compounding the danger.

Mr. Riley stated a possible solution would be to shift the street section from four traffic lanes to three with a northbound lane, a southbound lane and a turn lane. The space freed up by eliminating the fourth lane could be used to widen the sidewalk and add a bike lane. The residents would like to see this action moved up on the city's priority listing for street projects including it in the 2016 budget.

Lynn Thornburg, 3901 West 73rd Terrace, noted that 73rd Street is off set and has reduced visibility for those turning. She has several vehicles going over the sidewalk while turning. She feels this intersection is a serious situation and safety concern.

Mayor Wassmer advised that the April 13th meeting is a Council Worksession and will not have open public participation as there is during regular council meetings.

PRESENTATIONS

Mayor Wassmer presented each Council member with their Council Check in the amount of one dollar for their service over the past year. Council President Ashley Weaver presented Mayor Wassmer with her check for her service as former Ward 4 Council Representative.

CONSENT AGENDA

Eric Mikkelson asked that item #5 be removed for discussion. Terrence Gallagher asked that item #4 be removed for discussion. Council President Ashley Weaver moved the approval of the Consent Agenda for Monday, April 6, 2015 with items #1 - 3:

1. Approve Revised City Council Minutes - March 2, 2015
2. Approve Claims Ordinance No. 2927
3. Authorize the Mayor to execute the following proclamations:
 - Carmen Cantrell Day - April 8, 2015
 - Fair Housing Month - April, 2015
 - National Crime Victims' rights Week - April 19-25, 2015
 - Earth Day - April 22, 2015
 - Arbor Day - April 24, 2015
4. Approve the following VillageFest contracts in the amount of \$8,552.00:
 - American Waste Systems, Inc. - Main Stage
 - A-Z Exotic Animal Entertainment - Petting Zoo and Pony Rides
 - Boogie Wonderland - Entertainment
 - Fun Services of KC - Rock Wall, Trackless Train, Tubs of Fun and Rock & Roller
 - Giggles and Jiggles - Human Hamster Balls
 - Jane Christison/Janie Next Door - Children's Entertainment
5. Approve Interlocal Agreement with Johnson County for Project ROAV0003: Roe Avenue - 75th Street to 83rd Street

A roll call vote was taken with the following members voting "aye": Weaver, Nelson, Hopkins, Noll, Mikkelson, Wang, Morehead, Runion, Morrison, Odell and Gallagher.

Eric Mikkelson asked for further information on the work to be done for Project ROAV0003: Roe Avenue - 75th Street to 83rd Street. Keith Bredehoeft responded the project included the customary street maintenance and repair with concrete and sidewalk repair and improvements. Mr. Mikkelson confirmed this was totally a maintenance project without any significant changes.

Eric Mikkelson moved the City Council approve the Interlocal Agreement with Johnson County for Project ROAV0003: Roe Avenue - 75th Street to 83rd Street. The motion was seconded by Steve Noll and passed unanimously.

Terrence Gallagher noted that in the past there has been concern expressed with the blanket approval of contracts from committees without review to assure that the costs are appropriate and funding available. Quinn Bennion responded the VillageFest contracts presented are in line with past costs for the same or similar services. He noted the committee is aware of their funding which comes from city funds and outside sponsorships as well as money made at the previous year's event. The requested contracts are within their established budget.

Terrence Gallagher moved the City Council approve the following VillageFest contracts in the amount of \$8,552.00:

American Waste Systems, Inc. - Main Stage
A-Z Exotic Animal Entertainment - Petting Zoo and Pony Rides
Boogie Wonderland - Entertainment
Fun Services of KC - Rock Wall, Trackless Train, Tubs of Fun and Rock & Roller
Giggles and Jiggles - Human Hamster Balls
Jane Christison/Janie Next Door - Children's Entertainment

The motion was seconded by Eric Mikkelson and passed unanimously.

COMMITTEE REPORTS

Planning Commission

PC2013-11 Consider request for extension to SUP for Mission Chateau

Mayor Wassmer noted that the City Council has been continuing action on this item since November. Mr. Bloom stated earlier that they would like to have action taken and the MVNS representative stated they feel action is premature and do not support an extension.

Ted Odell thanked both parties for their work over the past three months. He sees the following options: delay action for another month, stop the clock for a month while negotiations continue between both parties with the hope that an agreement can

be reached and this becomes a non-issue or grant the Planning Commission's recommendation to extend the date for commencement of construction on the approved project. He is happy with the progress that has been made.

Eric Mikkelson stated that he was encouraged by the mutual good faith negotiation between parties and feels it is in the city's best interest to have the two parties come to an agreement.

David Morrison stated he supports the stance of the MVNA as residents of his ward and would like to keep the pressure on by not granting an extension.

Ted Odell moved the City Council grant an extension of 30 days to the expiration of the Special Use Permit. The motion was seconded by Steve Noll.

Jori Nelson noted that it was difficult to get both parties together during the past month because of Spring Break.

Eric Mikkelson stated he supported the motion feeling it sends a message that the city would like to have this resolved in the next 30 days. If it is not resolved, the Council could then deny further extensions or grant further extensions.

The motion was voted on and passed by an 8 to 3 vote with Nelson, Morrison and Gallagher voting in opposition.

PC2015-03 Consider request for Rezoning of 3101 West 75th Street from RP-lb (Planned Single Family Residential) to RP-1a (Planned Single Family Residential) and approving a preliminary development plan

On December 2, 2013, the Governing Body approved the rezoning of the 3101 West 75th Street from R-1a to RP-lb for a Single Family infill project referred to as "Chadwick Court" consisting of the existing dwelling and six new lots. At the request of builders interested in development, Mr. Royer redesigned the development with the

assistance of Corey Childers and Evan Talon with four lots, downsizing the density of the project. He requested the waiver of the following four zoning requirements for R-1a zoning districts:

- 1) Required 30 foot front setback reduced to 15 feet
- 2) Required 25 foot rear yard setback reduced to 20 feet
- 3) Increase in the maximum allowed lot coverage from 30% to 35%
- 4) Required lot depth from 125 feet to 99 feet.

Ron Williamson noted the proposed application area consists of approximately 117,519 sq. ft. or 2.70 acres. The existing dwelling is large and is located on the south portion of the tract. It will have a lot area of 45,775 sq. ft. The water detention area and private street adjacent to 75th Street is 17,869 sq. ft. so the net area left for the four dwellings is 51,714 sq. ft. or an average of 12,928 sq. ft. per dwelling unit which exceeds the minimum lot area in the R-1A District.

The proposed development will be served with a private street 26 feet in width back of curb to back of curb. The proposed building setbacks will be 15 feet from the front, 20 feet from the rear and 10 feet on each side.

The Storm Water Management Plan has been reviewed by Public Works and the City's Stormwater Consultant. Due to the reduction of lots from seven to five, the detention area has decreased in size and will only be on the west side of the private drive. The design will be a sloped turf swale rather than a stone wall and pond which will be better than the previous proposal. Details on the drainage design will be worked out on the construction drawings.

The Planning Commission considered the application at their March 3rd meeting. They expressed concern with the requested increase in lot coverage from 30% to 35% noting that the square footage of the house can be significantly greater if a second story

was added. For that reason, they felt it is important that these homes meet the required rear yard setback and lot coverage. With the larger lot size as a result of the reduction in the number of lots, the Commission was comfortable with recommending approval of the 99' lot depth, a private street and approval of the 15' front setback.

In addition to the two waivers approved, the following conditions were recommended for the approval of the Preliminary Development Plan for Chadwick Court:

1. That a revised storm drainage plan be submitted to Public Works for their review and approval prior to the submission of the Preliminary Development Plan to the Governing Body. This will determine the size of the detention facility and how it will connect to the existing storm sewer system.
2. That the internal streets be private, and be built to City standards in terms of pavement depth and materials. The plans and specifications shall be reviewed and approved by Public Works.
3. That the applicant dedicate 10 feet of right-of-way for 75th Street.
4. That lot coverage of 30% be approved for the Preliminary Development Plan, but not specific floor plans.
5. That the building elevations as submitted shall be approved as to the general style, design concept and building materials.
6. That the property be platted prior to obtaining any building permits.
7. That the Homes Association agreement be submitted with the Final Plan guaranteeing the maintenance of the private street and stormwater detention area designated as Tract A.
8. That the existing trees and vegetation along the east and west property lines be preserved and protected during construction.
9. That a landscape plan be submitted with the Final Development Plan.
10. That any subdivision identification sign be submitted to the Planning Commission for approval.
11. That the Preliminary Development Plan be revised based upon the action of the Planning Commission prior to it being submitted to the Governing Body for its consideration.
12. That the building elevations and floor plans be approved as the concept plan for the development.

Mr. Williamson noted that one neighbor was present at the public hearing and requested information but did not oppose the application. No one attended the neighborhood meeting held by the applicant.

No protest petition has been submitted; therefore, a simple majority vote of the Governing Body (seven votes) is required for approval.

The Governing Body shall make its findings of fact based on the “Golden Factors” and either:

- A. Adopt the recommendation of the Planning Commission and approve the rezoning and Preliminary Development Plan which requires a simple majority of the Governing Body (seven votes), or
- B. Override the recommendation of the Planning Commission, which includes changing the conditions by a two-thirds majority vote of the Governing Body (nine votes), and deny or revise the rezoning and Preliminary Development Plan, or
- C. Return the recommendation to the Planning Commission by a simple majority vote of the quorum present with a statement specifying the basis for the Governing Body’s failure to approve or disapprove the recommendation.
- D. Continue the item to a designated meeting by a simple majority of the quorum present.

The recommendation of the Planning Commission is that the Governing Body approve the requested rezoning and the revised Preliminary Development Plan subject to 12 conditions with the following two deviations from ordinance requirements granted to reduce the front yard setback from 30 feet to 15 feet and reduce the lot depth from 125 feet to 99 feet.

Ruth Hopkins noted that on the earlier application the Governing Body approved all four requested waivers from code and did not understand why the Planning Commission would deny the waivers when earlier directed by the Governing Body to approve them. Mrs. Hopkins stated she liked the smaller rear yards in Mr. Royer’s earlier development. Mr. Williamson responded the Commission did not see a justification for rear yards smaller than that required by code throughout Prairie Village.

Mr. Williamson noted the lots in Mr. Royer's earlier development with reduced rear yards have remained unsold and vacant for the past ten years.

Terrence Gallagher stated he disagreed with the recommendation of the Planning Commission. He felt the Governing Body had provided clear direction in its granting of all four waivers on the initial approval of this project.

Eric Mikkelson confirmed the rear yard setback was the distance from the house to the neighboring property line and that both the staff and Planning Commission had recommended that rear yard meet city code of 25 feet.

Robert Royer, 7801 Mission Road, read a prepared statement providing background for the revised plan incorporating the wishes of Cory Childress with Evan-Talon who will be the builders for the development that felt larger lots would be more marketable. As indicated by Mr. Williamson this also eliminates the need for a large walled and fenced storm detention structure on both sides of the private drive entrance.

Mr. Royer noted they requested the same variances from code for the project as were approved on the initial submittal, but were only granted the variances to the front yard setback and lot depth. The Planning Commission felt that with the larger lots, the builder should be able to work within the 30% lot coverage and the required 25 foot rear setback. However, Mr. Royer pointed out the lots are only 99 feet in depth. Shallow building lots will force the front elevations of the houses to be largely comprised of garage doors, which they had hoped to have placed perpendicular to the private street. He added that a platted 20 foot rear yard would allow for the construction of a screened-in back patio but does not necessary mean the actual setback could be less than 20 feet.

Mr. Royer noted that Planned Development allows for a 60% reduction in setback dimensions, which would allow for a 15 foot setback and they are only requesting 20 feet. The Comprehensive Plan calls for higher density development, while permitting deviations from established and customary development techniques.

Andrew Wang asked if alternative B, with 30% lot coverage and 20' rear yard setback, on the sheet distributed would be acceptable to Mr. Royer. Mr. Royer responded it would.

Ted Odell stated that he doesn't have any problem with the 20' rear yard setback and asked if there was a proposed building timetable. Mr. Royer stated they would like to have the plat recorded by July. Evan-Talon has committed to building on the lots.

Eric Mikkelson confirmed that the adjacent property owners did not object to the reduced rear yard setback and greater lot coverage.

Mayor Wassmer confirmed that Alternative A would provide the builder with the most flexibility and options.

Jori Nelson asked what the price would be for these homes. Mr. Royer replied the larger lots would sell for \$100,000 with the general rule of thumb the homes would be in the \$400,000 to \$500,000 range.

Terrence Gallagher moved the Governing Body adopt Ordinance 2329 rezoning the property located at 3101 West 75th Street, Prairie Village, Kansas from RP-1b (Planned Single Family Residential District) to RP-1a (Planned Single Family Residential District) granting the four requested waivers and directing the amendment of the Official Zoning Map of the City of Prairie Village, Kansas; and reincorporating said zoning map by reference. The motion was seconded by Ruth Hopkins.

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

MAYOR’S REPORT

Mayor Wassmer reminded the Council of the upcoming Large Item Pick-up this Saturday and Saturday, April 18th. She encouraged all present to vote in the General Election on April 7th for Mayor, School Board Members, Johnson County Community College Trustees and Water District Board. She has been invited to participate in the 20th anniversary of Claridge Court on Wednesday, April 29th at 3 o’clock. They will be opening the time capsule buried during the initial construction by former Mayor Monroe Taliaferro.

STAFF REPORTS

Administration

- Wes Jordan provided a brief update on the RV and truck ordinance revisions that will become effective July 1st. He noted these changes were highlighted in the Village Voice. Generally with new regulations offenders are given a 20 day warning prior to a ticket being issued.
- Nolan Sunderman stated summer recreational program registration is being taken. A Synchronized Swim Coach has been hired and there will be an open house on the program held on April 16th.
- Quinn Bennion noted the annual sewer line warranty program letter has gone out.
- The first three days of the textile recycling program went very well. Jori Nelson asked when the company would be making payments to the Foundation. Mr. Bennion responded they would be making monthly payments.
- The Council will meet at 5:30 on Monday, April 13th for a worksession on Council priorities
- Council pictures will be taken on April 20th at 5:30 prior to the Council Committee meeting.

OLD BUSINESS

Discussion regarding modifications to the Island at Prairie Lane and Oxford Road

Keith Bredehoeft provided an update on the construction on the island at Prairie Lane and Oxford that was brought to the Council's attention in December. Construction was stopped for the Homes Association and City staff to further review the construction. The homes association voted not to oppose the installation, but they will not provide any funding.

The plan is essentially the same as presented earlier. The circular stone seating area has central circular table (formerly the fire pit) and the plan includes landscaping added to the island as well. The urn/planter that was on the island previously will be incorporated in the landscaped area between the two existing Red Bud trees. It has been determined that ADA access will be required and will be added to the Prairie Lane side of the circle.

Mr. Bredehoeft reported that the City will not be responsible for any of the costs related to these modifications, including the cost to install ADA access. To insure quality of construction, it is proposed to utilize the City's 2015 Concrete Repair Program contractor to construct the ADA access but only after payment has been made to the City for the work. The quality of construction of the stone circle and additional planned work is considered to be acceptable by Public Works. Future general maintenance and regular clean up of the area will be provided by the residents. If not maintained adequately it would be subject to removal. A right-of-way permit will need to be obtained from the Public Works Department.

Andrew Wang confirmed that a fire pit could still be placed on top of the table.

The question was raised regarding repair from the island possibly being damaged by a vehicle. Steve Noll responded that hopefully the driver would be covered by

insurance and a claim could be filed. It was noted that this is City property. Quinn Bennion noted the residents have made a verbal indication to handle general maintenance and cleanliness.

Dan Runion asked if this would be treated as a park and if traffic markings would be needed. Mr. Bredehoeft responded traffic markings would not be required.

Andrew Wang confirmed the Homes Association was not taking any responsibility and asked if the City had the names of the residents who have agreed to maintain this and an agreement. Jori Nelson asked what happens when these residents move.

Ted Odell stated he feels this area benefits the city as well as the residents, but he feels there should be an established time frame for the completion of the improvements.

Ted Odell moved the City Council approve the modifications to the island at Prairie Lane and Oxford Road as proposed by the residents. The motion was seconded by Eric Mikkelson.

Andrew Wang stated he is not supportive but noted he may have been if he had seen a plan for completion and/or written agreement. Ruth Hopkins agreed with Mr. Wang and noted that the fact that Homes Association would not support it concerns her.

David Morrison suggested that the residents could post a bond to cover possible costs.

Eric Mikkelson stated the issue is being overcomplicated. He suggested giving the residents a deadline for completion and if it is not done, then the council can revisit the issue.

Brian Stouse, 4300 Prairie Lane, stated he has the materials to finish the construction at his shop. The only thing he doesn't have is the landscaping material and he is working with Prairie Village Shop owners for assistance with that. He can guarantee that it will be completed.

Chuck Dehner, 4201 West 68th Terrace, stated they have cash commitments and commitments of time for most of the remaining work. They need the city's approval to go forward to complete their fundraising efforts.

The motion was voted on and passed by a vote of 7 to 4 with Hopkins, Wang, Runion and Gallagher voting in opposition.

NEW BUSINESS

Mayor Wassmer commended the members of the teen council for their attendance at several City Council meetings. Jori Nelson reminded the members to schedule their meetings with the Director of Public Works and Interim Chief of Police for tours. Eric Mikkelson offered congratulations to Teen Councilmember Max Keeter who was a member of Shawnee Mission East State Champion Swim Team.

Mr. Mikkelson also encouraged the City Council to attend the annual arbor Day celebration sponsored by the Tree Board on April 25th at 10 a.m. at Porter Park.

ANNOUNCEMENTS

Committee meetings scheduled for the next two weeks include:

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|------------------------------|------------|-----------|
| Planning Commission | 04/07/2015 | 7:00 p.m. |
| Park & Recreation Committee | 04/08/2015 | 6:00 p.m. |
| JazzFest Committee | 04/09/2015 | 7:00 p.m. |
| Council Worksession | 04/13/2015 | 5:30 p.m. |
| Sister City Committee | 04/13/2015 | 7:00 p.m. |
| Prairie Village Arts Council | 04/15/2015 | 7:00 p.m. |

Council Committee of the Whole
City Council

04/20/2015
04/20/2015

6:00 p.m.
7:30 p.m.

The Prairie Village Arts Council is pleased to present a photography exhibit by The Saturday Group in the R. G. Endres Gallery during the month of March. The artist reception will be Friday, March 13, from 6:00 - 7:30 p.m.

Remember to vote in the General Election tomorrow.

Recreation sales have begun. Pool memberships purchased in April will be discounted by \$10.

Mark your calendar for Council Photos at 5:30 on April 20th (outdoor, weather permitting).

It's time - The 2015 annual large item pick up will take place the next two weekends in Prairie Village. Items from homes on 75th Street and north of 75th Street will be collected on Saturday, April 11th. Items from homes south of 75th Street will be collected on Saturday, April 18th.

EXECUTIVE SESSION

Ashley Weaver moved pursuant to KSA 75-4319 (b) (6) that the Governing Body, recess into Executive Session in the Multi-Purpose Room for a period not to exceed 30 minutes for the purpose of discussing possible acquisition of property. Present will be the Mayor, City Council, City Administrator, Assistant to the City Administrator and City Attorney. The motion was seconded by Eric Mikkelson and passed unanimously.

Mayor Wassmer reconvened the City Council meeting at 9:35 p.m.

ADJOURNMENT

With no further business to come before the City Council the meeting was adjourned at 9:37 p.m.

Joyce Hagen Mundy
City Clerk