

CITY OF PRAIRIE VILLAGE

September 21, 2015

Council Committee Meeting 6:00 p.m.

City Council Meeting 7:30 p.m.



Back Row: Ashley Weaver, Eric Mikkelson, Sheila Myers, Dan Runion, Terrence Gallagher, David Morrison, Ted Odell
Front Row: Ruth Hopkins, Jori Nelson, Laura Wassmer, Brooke Morehead, Steve Noll (Not pictured: Andrew Wang)

**COUNCIL COMMITTEE OF THE WHOLE
Council Chambers
Monday, September 21, 2015
6:00 PM**

AGENDA

BROOKE MOREHEAD, COUNCIL PRESIDENT

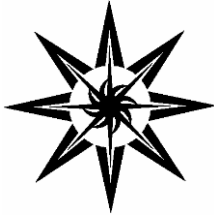
AGENDA ITEMS FOR DISCUSSION

Presentation and discussion regarding the wireless facility at 63rd and Mission with Selective Site Consultants (SSC)

Discussion regarding changing local election ordinances and terms to comply with new state statutes
Katie Logan

COU2015-33 Consider approval of the removal of the traffic signal located at Somerset Drive and Belinder Avenue and approve \$8,858.64 payment to Kansas City Power and Light for the removal
Keith Bredehoeft

***Council Action Requested the same night**



Committee of the Whole Meeting: September 21, 2015

Discussion Regarding Changing Local Election Ordinances and Terms to Comply with New State Statutes

Background:

The Kansas Legislature passed House Bill 2104 which moves local elections from the spring to November. This subject has been debated for the last few years in Topeka. Some state legislators supporting the change claimed it was to save election costs and increase voter turnout. Many believe the change is designed as the first step to move local offices to partisan elections. The city officially opposed this legislation. The final legislation contains numerous issues which the League of Kansas Municipalities, Kansas Secretary of State's Office, and the Johnson County Election Office disagree depending on their interpretation of the bill. Katie Logan, City Attorney, is prepared to discuss the legal interpretations of the new law.

Local elections in Prairie Village for City Council have been held in the April of even-years, with the elected member being seated at the first meeting following certification of the election. These elections must now be held in November, with the term of office commencing on the second Monday in January following certification of the election. City staff recommends these elections occur in the fall of odd-years to avoid national, state, and other elections.

Major Discussion Point for the City Council to Consider:

- Hold City Council elections in the fall of even years or odd-years?
- Continue to stagger terms with the City Council members and the Mayor?

The attached diagram illustrates two options both of which assume the preference is to continue to stagger the Mayoral term. Group 1 is for those terms which expire in April 2016 – Council members Ashley Weaver, Ruth Hopkins, Andrew Wang, Brooke Morehead, David Morrison, and Ted Odell. Group 2 is for those terms which expire in April 2018 – Jori Nelson, Steve Noll, Eric Mikkelson, Sheila Myers, Dan Runion, and Terrence Gallagher. Option 1 details fall of odd-year elections for City Council members and the Mayor's election to occur in the fall of even years. Option 2 details the fall of even-year elections for City Council members with the Mayor's election to occur in the fall of odd-years. Other options may be identified during discussion and can be illustrated.

April 2016 candidates will need to file for office in late January 2016. A charter ordinance will be required to modify the election cycle which requires a 60 day protest period. Based on discussions with the City Council, a draft ordinance will be presented in October or November for City Council consideration.

Attachments:

1. HB 2104 (Pages 6-8 and 28-31)
2. League of Kansas Municipalities Kansas Government Journal Best Practices – *Transitioning to November Elections*
3. List of Offices Elected During Upcoming Elections
4. Election Transition Diagram

Prepared By:

Nolan Sunderman
Assistant to the City Administrator
Date: September 17, 2015

son agrees to accept the nomination. The chairperson or vice-chairperson shall transmit such certificate and the nominee's written statement accepting the nomination to the secretary of state or appropriate county election officer, as the case may be, within 14 days of receipt of the notice that the vacancy has occurred or will occur.

(e) For the purposes of this section, the word "shall" imposes a mandatory duty and no court may construe that word in any other way.

New Sec. 6. Each political party which is a recognized political party in accordance with K.S.A. 25-302a, and amendments thereto, shall have procedures to select a presidential nominee and shall select a presidential nominee in accordance with such party procedures for the 2016 presidential election, and every fourth year thereafter.

New Sec. 7. (a) On and after January 1, 2017, all primary elections for members of the governing body and other elected officials of any municipality shall be held on the first Tuesday in August of 2017 and on such date thereafter of odd-numbered years, and all general elections for members of the governing body and other elected officials of any municipality shall be held on the Tuesday succeeding the first Monday in November of 2017 of odd-numbered years and on such date thereafter.

(b) The term of members of governing bodies and other elected officials of any municipality that would expire at any time in 2017 shall expire on the second Monday in January of 2018, when newly elected members of the governing body and other newly elected officials shall take office.

(c) The governing body of the municipality shall establish by ordinance or resolution terms of office of elected officials to comply with this act.

(d) Primary elections for any municipality shall be conducted as provided in K.S.A. 25-202, and amendments thereto. A primary election shall only be required as provided in K.S.A. 25-2021 and 25-2108a, and amendments thereto, or as otherwise required by law.

(e) The filing deadline for all candidates for any municipality, unless otherwise provided by law, shall be as provided in K.S.A. 25-205, and amendments thereto.

(f) Any person who meets the qualifications for the office sought may become a candidate for municipal office by filing a declaration of intent to become a candidate with the county election officer accompanied by a filing fee of \$20.

(g) "Municipality" means: (1) Any city, consolidated city-county created under K.S.A. 12-340 et seq., and amendments thereto, and K.S.A. 2014 Supp. 12-360 et seq., and amendments thereto, school district, any board of public utilities created under K.S.A. 13-1220 et seq., and amendments thereto, community college, drainage district, extension district created under K.S.A. 2-623 et seq., and amendments thereto, irrigation district, improvement district created under K.S.A. 19-2753 et seq., and amendments thereto, water district created under K.S.A. 19-3501 et seq., and amendments thereto, and hospital district created under K.S.A. 80-2501 et seq., and amendments thereto.

(2) The term does not include any special district where the election of members of the governing body is conducted at a meeting of the special district.

(h) Cities may provide for elections of elected officials in even-numbered years in order to provide for staggered terms of office or for three-year terms of office for elected officials.

New Sec. 8. (a) A city shall continue to operate under its current form of government whether established at an election, or by adoption of a charter ordinance or ordinance until such time that the city's form of government is changed as provided by law.

(b) All existing ordinances and charter ordinances relating to a city's form of government, except those provisions relating to the timing of city primary and general elections, shall remain in effect until amended or repealed by such city.

New Sec. 9. (a) Subject to subsection (b) and section 10, and amendments thereto, any city may adopt by ordinance one of the following forms of government:

- (1) Commission;
- (2) mayor-council;

- (3) commission-manager;
- (4) mayor-council-manager;
- (5) council-manager; or
- (6) any other form of government authorized by law or by ordinance or charter ordinance of the city.

(b) Any city which has operated for four or more years under a form of government may abandon such form and adopt a different form of government. The provisions of K.S.A. 12-184, and amendments thereto, shall govern the procedure for the adoption or abandonment of such form of government.

(c) The governing body of the city may establish by ordinance any of the following:

- (1) The powers and duties of the governing body, including the mayor and other elected officials;
- (2) the terms of office of members of the governing body, including the mayor and other elected officials of either two, three or four years;
- (3) the election by ward or district of members of the governing body, if applicable;
- (4) the powers and duties of the city manager, if applicable;
- (5) the administrative departments of the city; and
- (6) other matters deemed appropriate by the governing body.

New Sec. 10. (a) Any city may adopt the commission-manager, mayor-council manager or council manager form of government in the manner herein provided and shall thereafter be governed by the provisions of this act. A proposition to adopt such form of government must first be submitted to a vote of the qualified electors of the city at any primary or general election. The governing body of the city may submit the proposition by resolution and must submit it upon the filing of a petition signed by at least 10% of the qualified electors of the city. The petition shall be headed "Petition for an election of the city of _____, Kansas, to vote on the adoption of the _____ (commission-manager, mayor-council manager or council manager) form of government," and shall be addressed to the governing body of the city, and be filed with the election officer of the county in which the city is located. The petition shall conform to the requirements of article 36 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and its sufficiency shall be determined in the manner therein provided and shall be certified to the city clerk by the county election officer.

(b) The resolution or the petition shall establish the membership and terms of office of the governing body. Upon the adoption of a resolution or the certification of a petition as provided in this section, the governing body of the city shall submit the proposition at the next primary or general election. Notice thereof shall be published in the manner provided by K.S.A. 25-105, and amendments thereto.

(c) The form of the ballots to be used at the election shall be as follows:

"Shall the city of _____ adopt the _____ (commission-manager, mayor-council manager or council manager) form of government and become a city operating under such form of government?"

Yes No

If a majority of the votes cast shall be in favor of adopting the commission-manager, mayor-council manager or council manager plan of government, then at the next regular city election the governing body of the city shall be elected as provided in the resolution or petition.

New Sec. 11. (a) The governing body shall establish by ordinance the qualifications, oath and powers and duties and terms of office of the governing body.

(b) Any action taken by the city governing body shall be by a majority vote of the members unless a greater number of votes are specifically required by another provision of law.

(c) The city governing body shall appoint a city manager to be responsible for the administration and affairs of the city. The city manager shall see that all laws and ordinances are enforced. The city manager shall serve at the pleasure of the governing body.

(d) The city manager shall appoint and remove all heads of departments and all subordinate officers and employees of the city. All appointments shall be made upon merit and fitness alone.

New Sec. 12. Any city operating under the provisions of this act may abandon the commission-manager, mayor-council manager or council manager form of city government in the same manner as is provided in section 10, and amendments thereto, for the adoption of such form of city government except as herein otherwise provided, and except that the word "abandonment" instead of the word "adoption" shall be used in the petition therefor, and the word "abandon" instead of the word "adopt" shall be used in the form of the ballot and in the election proclamation. If a majority of votes cast upon the proposition shall be in favor of abandoning the commission-manager, mayor-council manager or council manager form of city government, then the city shall operate under the alternative form of government established in the resolution or petition.

New Sec. 13. (a) All unified school districts shall make suitable school buildings available for polling places at the request of a county election officer for the county in which all or any portion of the school district is located.

(b) The county election officer shall give notice on or before January 1 of each year to the superintendent of the school district of the need to use one or more school buildings as polling places for any primary or general election.

(c) The terms "primary election" and "general election" shall have the meanings as provided in K.S.A. 25-2502, and amendments thereto.

New Sec. 14. (a) The secretary of state shall develop a public information program to inform the public generally of changes made as a result of moving spring elections to fall elections. Such public information program shall include, at a minimum, the explanation of which public office elections are being transferred from spring to fall elections. The program shall include the use of advertisements and public service announcements as well as posting of information on the opening pages of the official internet websites of the secretary of state and county election officers. The secretary of state and county election officers shall develop dedicated websites to provide voter education and sample ballots for elections.

(b) The county election officers in consultation with the secretary of state shall develop ways to reduce the ballot length and expedite the voting process on election days.

New Sec. 15. (a) The secretary of state shall develop the style and form of the official primary ballot and the official general election ballot for municipal offices.

(b) The declaration of intent to become a candidate shall be prescribed by the secretary of state. The declarations shall be filed with the county election officer not later than 12 noon, June 1, prior to the primary election in both even-numbered and odd-numbered years, or if such date falls on a Saturday, Sunday or holiday, then before 12 noon of the next day that is not a Saturday, Sunday or holiday.

(c) For municipalities where a primary election is not authorized or otherwise required by law, the declaration of intent to become a candidate shall be filed with the county election officer not later than 12 noon, September 1, prior to the general election in odd-numbered years, or if such date falls on a Saturday, Sunday or holiday, then before 12 noon of the next day that is not a Saturday, Sunday or holiday.

(d) The secretary of state shall establish primary election procedures for primary elections for municipalities.

(e) The secretary of state shall establish general election procedures for general elections for municipalities.

(f) County election officers shall conduct municipal elections in odd-numbered years and elections in even-numbered years if needed.

(g) The secretary of state shall adopt rules and regulations to implement this section on or before July 1, 2016.

New Sec. 16. Sections 7, 8 and 13 through 16, and amendments thereto, may be cited as and shall be known as the help Kansas vote act.

Sec. 17. K.S.A. 2-623 is hereby amended to read as follows: 2-623. (a) Prior to July 1 of any year, any two or more county extension councils may establish an extension district composed of all of the counties of such councils by entering into an agreement in accordance with this section to combine the extension programs for each county involved into one extension program serving the extension district. No such agreement shall be effective unless such agreement has received the prior approval of: (1)

shall hold office until a successor is elected or appointed and qualified and shall serve for a term of four ~~(4)~~ years.

Sec. 49. K.S.A. 2014 Supp. 25-2102 is hereby amended to read as follows: 25-2102. (a) "General election" means the ~~election~~ *elections* held on the Tuesday succeeding the first Monday in November of ~~both odd-numbered and even-numbered years, the elections held for officers on the first Tuesday in April;~~ and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the ~~election~~ *elections* held on the first Tuesday in August of ~~both odd-numbered and even-numbered years, the election held five weeks preceding the election on the first Tuesday in April, and any other preliminary election at which part of the candidates for special election to any national, state, county, city or school office are eliminated by the process of the election but at which no officer is finally elected.~~

(c) "District method" means the election of city officers where the city is divided into member districts or wards.

(d) "Election at large method" means the election of city officers without member districts or wards.

Sec. 50. K.S.A. 25-2107 is hereby amended to read as follows: 25-2107. ~~(a) The general election of city officers shall be held on the first Tuesday in April. Except as otherwise provided by law or as provided by charter ordinance passed after April 30, 1968, pursuant to article 12, section 5, of the constitution of Kansas, every city shall have an election of city officers in odd-numbered years only, and the terms of city officers shall be two (2) years. Provided, however, That the provisions of this section shall not invalidate, repeal or otherwise affect any charter ordinance of any city of the third class having a population of not less than one thousand five hundred (1,500) nor more than two thousand (2,000) located in a county having a population of not less than fifty thousand (50,000) nor more than one hundred thousand (100,000), which ordinance had become effective prior to April 30, 1968 Tuesday following the first Monday in November of each odd-numbered and even-numbered years, if needed.~~

~~(b) A primary may be held on the first Tuesday in August of each odd-numbered and even-numbered year, if needed, as prescribed in K.S.A. 25-205 and 25-2108a, and amendments thereto.~~

Sec. 51. K.S.A. 2014 Supp. 25-2108a is hereby amended to read as follows: 25-2108a. (a) There shall be a primary election of city officers on the ~~first Tuesday preceding by five weeks the first Tuesday in April of every year that such city has a city election, except as otherwise provided in subsection (b) or subsection (c) of this section in August of each odd-numbered and even-numbered year, if needed.~~

(b) In cities in which a district method of election is in effect, if there are more than three qualified candidates for any member district, the county election officer shall call, and there shall be held, a primary election in each such member district. The names of the two candidates receiving the greatest number of votes for any such member district at the primary election shall appear on the ballots in the general election. If there are three or fewer qualified candidates for any member district there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(c) In cities in which the election at large method of election is in effect, if there are more than three times the number of candidates as there are members to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are members to be elected who received the greatest number of votes at the primary election shall appear on the ballots in the general election. If there are not more than three times the number of candidates as there are members to be elected there shall not be a primary election and the names of the candidates shall be placed on the ballots in the general election.

(d) On the ballots in general city elections, blank lines for the names of write-in candidates shall be printed at the end of the list of candidates for each different office. The number of blank lines for each elected office shall be equal to the number of candidates to be elected thereto. The

purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for such office. No lines for write-in candidates shall appear on primary city election ballots.

Sec. 52. K.S.A. 25-2109 is hereby amended to read as follows: 25-2109. The filing deadline for all city elections shall be ~~12:00 o'clock noon~~ of the Tuesday preceding by 10 weeks the first Tuesday in April at 12 noon on June 1 as provided in K.S.A. 25-205, and amendments thereto.

Sec. 53. K.S.A. 2014 Supp. 25-2110 is hereby amended to read as follows: 25-2110. (a) ~~In cities of the first and second class, any person desiring to become a candidate for a city office elected at large shall file with the city clerk before the filing deadline a statement of such candidacy on a form furnished by the county election officer as specified by the secretary of state. The city clerk of any city upon receiving any filing under this section shall record the same and transmit it, together with the filing fee or petition herein provided, within three business days to the county election officer. In cities of the third class, Any person desiring to become a candidate for city office elected at large shall file with the county election officer of the county in which the city is located, or of the county in which the greater population of the city is located if the city extends into more than one county, or the city clerk, before the filing deadline, established in K.S.A. 25-205, and amendments thereto, a statement declaration of candidacy on a form furnished by the county election officer as specified by the secretary of state.~~

(b) ~~In cities having a population of less than 5,000, each such filing shall be accompanied by a filing fee of \$5 or, in lieu of such filing fee, by a petition signed by 25 qualified electors of the city or by a number of such qualified electors of the city equal to not less than 10% of the ballots cast at the last general city election, whichever is less.~~

(c) ~~In cities having a population of not less than 5,000 nor more than 100,000, each such filing shall be accompanied by a filing fee of \$10 or, in lieu of such filing fee, by a petition signed by 50 qualified electors of the city or by a number of such qualified electors of the city equal to not less than 1% of the ballots cast and counted at the last general city election, whichever is less.~~

(d) ~~In cities having a population of more than 100,000, each such filing shall be accompanied by a filing fee of \$50, or, in lieu of such filing fee, by a petition signed by 100 qualified electors of the city or by a number of qualified electors of the city equal to 1% of the ballots cast at the last general city election, whichever is less. The number of qualified electors of the city which must sign a nomination petition, shall be established by the city governing body by passage of an ordinance.~~

~~(e)(c)~~ Within three days from the date of the filing of a nomination petition or a declaration of intention to become a candidate for a city office elected at large, the county election officer shall determine the validity of such petition or declaration.

~~(f)(d)~~ If a nomination petition or declaration is found to be invalid, the county election officer shall notify the candidate on whose behalf the petition or declaration was filed that such nomination petition or declaration has been found to be invalid and the reason for the finding. Such candidate may make objection to the finding of invalidity by the county election officer in accordance with K.S.A. 25-308, and amendments thereto.

~~(g)(e)~~ All city elections shall be conducted by the county election officer of the county in which such city is located, or of the county in which the greater population of the city is located if the city extends into more than one county.

Sec. 54. K.S.A. 25-2113 is hereby amended to read as follows: 25-2113. ~~(a) Except as provided in subsection (b) of this section, City elections shall be nonpartisan or partisan as determined by the governing body and shall be conducted in accordance with chapter 25 of the Kansas Statutes Annotated, and amendments thereto. Laws applicable to elections occurring at the same time as city elections shall apply to city elections to the extent that the same are not in conflict with the provisions of this act.~~

~~(b) The provisions of this subsection (b) shall apply to cities of the first class in counties which have been declared urban areas as authorized~~

~~by article 2, section 17, of the constitution of Kansas. Election laws of a general nature which are applicable to partisan elections and which are not in conflict with this subsection (b) or any specific law applicable to election of city officers in any city to which this subsection (b) applies, shall apply to elections held under the provisions of this subsection (b). The county election officer shall prescribe the forms, ballots and ballot labels for every election conducted under this subsection (b), and shall make such rules and regulations not inconsistent with this subsection (b) as may be necessary for the conduct of such elections.~~

Sec. 55. K.S.A. 25-2115 is hereby amended to read as follows: 25-2115. Names of candidates appearing on the ballots in primary and general city elections in cities of the first and second class shall be listed in the various possible orders in rotation *and as provided in K.S.A. 25-212 and 25-610, and amendments thereto.*

Sec. 56. K.S.A. 25-2118 is hereby amended to read as follows: 25-2118. The city clerk shall certify to the county election officer a list of all city offices to be voted upon at each city election not later than ~~January~~ *May 1* of every year that such city has a city election.

Sec. 57. K.S.A. 25-2120 is hereby amended to read as follows: 25-2120. The county election officer who conducts the city election shall promptly certify to the city governing body the determination of election results made by the county board of canvassers. The term of office shall commence ~~with and include the first regular meeting of the governing body on the second Monday in January~~ following certification of the election.

Every person elected or appointed to city office, before entering upon the duties of such office, shall take and subscribe an oath or affirmation as specified in K.S.A. 54-106, *and amendments thereto*, and every such oath or affirmation shall be filed with the city clerk.

Sec. 58. K.S.A. 2014 Supp. 25-2311 is hereby amended to read as follows: 25-2311. (a) County election officers shall provide for the registration of voters at one or more places on all days except the following:

(1) Days when the main offices of the county government are closed for business, except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;

(2) days when the main offices of the city government are closed for business, in the case of deputy county election officers who are city clerks except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312, and amendments thereto;

(3) the 20 days preceding the day of primary and general state elections;

~~(4) the 20 days preceding the day of primary city and school elections, if either has a primary;~~

~~(5) the 20 days preceding each first Tuesday in April of odd numbered years, being the day of city and school general elections;~~

~~(6)~~(4) the 20 days preceding the day of any election other than one specified in paragraphs (2), (4) and (5) of this subsection; and

~~(7)~~(5) the day of any primary or general election or any question submitted election.

(b) For the purposes of this section in counting days that registration books are to be closed, all of the days including Sunday and legal holidays shall be counted.

(c) The secretary of state shall notify every county election officer of the dates when registration shall be closed preceding primary and general ~~state, city and school~~ elections. The days so specified by the secretary of state shall be conclusive. Such notice shall be given by the secretary of state by mail at least 60 days preceding every primary and general ~~state, city and school~~ election.

(d) The last days before closing of registration books as directed by the secretary of state under subsection (c) ~~of this section~~, county election officers shall provide for registration of voters during regular business hours, during the noon hours and at other than regular business hours upon such days as the county election officers deem necessary. The last three business days before closing of registration books prior to ~~state~~ primary and general elections, county election officers may provide for registration of voters until 9 p.m. in cities of the first and second class *any city.*

(e) County election officers shall accept and process applications received by voter registration agencies and the division of motor vehicles not later than the 21st day preceding the date of any election; mailed voter registration applications that are postmarked not later than the 21st day preceding the date of any election; or, if the postmark is illegible or missing, is received in the mail not later than the ninth day preceding the day of any election.

(f) The secretary of state may adopt rules and regulations interpreting the provisions of this section and specifying the days when registration shall be open, days when registration shall be closed, and days when it is optional with the county election officer for registration to be open or closed.

(g) Before each primary and general election held in even-numbered and odd-numbered years, and at times and in a form prescribed by the secretary of state, each county election officer shall certify to the secretary of state the number of registered voters in each precinct of the county as shown by the registration books in the office of such county election officer.

Sec. 59. K.S.A. 25-2502 is hereby amended to read as follows: 25-2502. (a) "General election" means the ~~election~~ elections held on the Tuesday ~~succeeding~~ following the first Monday in November of both even-numbered and odd-numbered years, ~~the elections held for officers on the first Tuesday in April,~~ and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the ~~election~~ elections held on the first Tuesday in August of both even-numbered and odd-numbered years, ~~the election held five weeks preceding the election on the first Tuesday in April,~~ and any other preliminary election at which part of the candidates for special election to any national, state, county, township, city or school or other municipal office are eliminated by the process of the election but at which no officer is finally elected.

Sec. 60. K.S.A. 25-2804 is hereby amended to read as follows: 25-2804. (a) Each person recommended as provided in ~~subsection (a) of~~ K.S.A. 25-2803(a), and amendments thereto, shall be a resident of the area served by the voting place in which such person is to be a judge or clerk.

(b) Except as otherwise provided by this subsection, all judges and clerks shall have the qualifications of an elector in the election at which they serve, and no judge or clerk shall be a candidate for any office, other than the office of precinct committeeman or precinct committeewoman, to be elected at such election. The county election officer may appoint persons who are at least 16 years of age to serve as election judges or clerks if such persons meet all other requirements for qualification of an elector and have a letter of recommendation from a school teacher, counselor or administrator. ~~No more than one person under the age of 18 may be appointed to each election board 1/3 of the persons appointed to each election board may be under the age of 18.~~

(c) The county election officer may establish a pool of trained judges and clerks who shall be recommended by the county chairpersons specified in ~~subsection (a) of~~ K.S.A. 25-2803(a), and amendments thereto. Judges and clerks in such pool may serve at voting places other than their own if:

(1) The chairpersons specified in ~~subsection (a) of~~ K.S.A. 25-2803(a), and amendments thereto, or either of them, have failed to make appropriate recommendations;

(2) it is impossible to obtain judges and clerks for a voting place in any other way; or

(3) voting machines are used, in which case the third judge, who shall be trained in the use of voting machines, need not necessarily live in the area of the voting place.

(d) Any judge or clerk serving in a voting place not located in the area in which such judge or clerk resides or serving on a special election board established under ~~subsection (c) of~~ K.S.A. 25-1133(c), and amendments thereto, shall be allowed to vote an advance voting ballot in accordance with the provisions of K.S.A. 25-1119, and amendments thereto,

Best Practices

by Michael Koss

Transitioning to November Elections

This year, the Kansas Legislature passed HB 2104 (the Act), which moved city elections from April of odd-years to November of odd-years. Because the Act is a compromise version of multiple bills, it contains numerous ambiguities and contradictions. This article provides guidance on what cities should do to comply with the Act and to adjust for the timing changes.

Timing, Terms, and Primary Elections

Three subsections of the Act authorize cities to continue using numerous combinations of staggered or non-staggered terms:

- L. 2015, ch. 88, sec. 7(c) requires that cities establish by ordinance the terms of office of their elected officials;
- L. 2015, ch. 88, sec. 9(c)(2) allows governing bodies to establish by ordinance terms of two, three, or four years; and
- L. 2015, ch. 88, sec. 7(h) allows cities to hold elections in November of even-numbered years for the purposes of staggering elections or to establish three-year terms of office.

Whatever election cycles a city establishes, terms of office must now begin on the second Monday in January following the certification of the election.¹ Previous language from K.S.A. 25-2120 stated that these terms began at the “first regular meeting of the governing body following certification of the election results.” If your city has incorporated this statutory language into an ordinance, that ordinance should be changed to reflect the new commencement date. Since commencement is now tied to a specific date rather than a meeting, it may also be appropriate for cities to amend their regular meeting ordinance. Creating an additional regular meeting on the second Monday in January following certification of an election would allow all newly elected officials to take their oaths of office on the day that their terms begin. Alternatively, cities could call a special meeting on that date, specifically for newly elected officials to take their seats.

Many cities of the second and third class have chartered out of K.S.A. 14-201, K.S.A. 14-1204, K.S.A. 15-201, and K.S.A. 15-1302 to change the length or stagger the terms of their governing body.² Cities do not need to change these charter ordinances unless they specifically reference an April election. If the charter ordinance does reference April, the city should amend it to reflect the November election date. Cities of the first class should also amend their ordinances to reflect this change. For cities that do not have any ordinance or charter ordinance establishing the terms of office for their governing body members, the Act requires the city to adopt an ordinance establishing terms.³ The League has developed several

model ordinances for this purpose, which you can view at <http://www.lkm.org/resources/ordinances/elections>.

Some cities have passed charter ordinances exempting themselves from the provisions of K.S.A. 25-2107 in order to hold elections in April of even-years, and/or exempted themselves from K.S.A. Supp. 25-2108a to avoid holding a primary election. Because K.S.A. 25-2101, *et seq.* has been made uniform by the Act, it is the League’s opinion that these charter ordinances are now repealed.⁴ For cities that have held elections in April of even-years, the League recommends that they pass an ordinance establishing a new election cycle using either odd-year or even-year November elections. For cities that had exempted themselves from the statutory primary election rules, they now must comply with K.S.A. 25-2108a. For cities with odd-year elections, that have also adopted ordinances incorporating the old April odd-year election language in K.S.A. 25-2107, these ordinances should be amended to reflect the changes to the statute.

The Act authorizes cities to hold partisan elections after passing an ordinary ordinance. However, the Hatch Act prohibits federal employees and active duty military officers from running for partisan offices. Changing to partisan elections would also impact a city’s primary election process. Any city considering holding partisan elections is encouraged to call the League to discuss these issues.

Transitions

Once a city establishes terms, it needs to consider how current office-holders will transition their terms to the new election cycle. The Act only contains one section controlling term transitions. L. 2015, ch. 88, sec. 7(a) states that terms that would have ended in April 2017 will now end in January 2018, when the officials elected in the November 2017 general election take office.⁵ The Act does not address the transition for city officials whose terms end in April 2016, 2018, or 2019. It is the League’s opinion that, because all filing deadline and primary election statutes accommodating spring elections have been amended or repealed, cities that previously held even-year elections do not have the authority to hold a final April general election in 2016. The League is considering introducing legislation next session that will extend officials’ terms that end in April 2016, 2018, or 2019, until the January of the following year when those elected in the November general election take office. However, it’s not certain that that legislation will pass, and even if it does, it may not be in time to deal with those officials whose terms would have ended in April 2016.

Because a legislative solution is uncertain, it may be advisable for cities with terms ending in April 2016 to use the authority in L. 2015, ch. 88, sec. 7(c) to pass an ordinance extending those terms to January 2017 (if the city wants to stay on the even-year cycle) or January 2018 (if the city wants to move those terms to the odd-year cycle).⁶ This extension should be included in the same ordinance that establishes or amends the terms of office of the elected officials.

Cities could also choose to do nothing, and the current office-holders would continue in office until the next election for that office.⁷ *Murray v. Payne*, 137 Kan. 685 (1933), explains that, where the legislature has changed municipal terms of office so that there is an interim period between when one term was to end and the new term is to begin, the current office-holders continue in office until the newly-elected officials take office. Therefore, if no action is taken regarding the extension of terms for elected officials whose terms were to end in April 2016, those officials will continue in office until the term commences for the next person elected to that position (the commencement date would be determined by the city's ordinance). The same rule applies to officials whose terms end in 2018 or 2019 – an ordinance can be passed extending their terms, or the city can do nothing, and the officials will continue in office until the term commences for the next person elected to that office.

Some officials have expressed concern that action taken by officials during these interim transition periods will not be binding, which could expose cities to potential litigation from parties seeking to invalidate governing body actions during this period. Luckily, the Kansas Supreme Court has already addressed this issue. In *Hale v. Bischoff*, 53 Kan. 301 (1894), the Court stated that, “[a]n officer whose official term has expired, but who remains in possession of the office, having full control thereof and exercising the functions of the same, is an officer de facto, and all of his acts, within the limits of his official power, are valid as respects the public and third persons.” Therefore, cities should not worry that action taken during these interim periods could be invalidated by subsequent litigation.

Appointments and Statement Of Substantial Interests Deadlines

Several city officials have pointed out that the new term commencement dates no longer correspond to appointment dates for city officers. However, only mayor-council cities of the third class are required to make appointments during a specific month. K.S.A. 15-204 states that appointments for these cities are to be made “at the first regular meeting in May of each year...” For cities that have chartered out of this statute, it may be advisable to amend the charter ordinance so that the appointment date is the first regular meeting in February (or whatever month the council chooses). For mayor-council cities of the third class that have not chartered out of K.S.A. 15-204, or do not plan on doing so, appointments should continue to take place at the first regular meeting in May. The League is considering introducing legislation to amend this statute so the appointment month corresponds to the new commencement day for elected officials.

For mayor-council cities of the second class, and commission cities of the second and third class, state statutes do not designate a specific month for appointments; they only designate that the terms of appointed officers be for one year.⁸ However, since those appointments likely have taken place during meetings in April or May in the past (depending on the city's ordinance), without action, new officials who take office in January would now have to wait three to four months to vote on renewing the city appointee's one-year terms. Any cities that have not chartered out of these statutes may want to consider amending their ordinances so that appointments take place at a regular meeting in February (or whatever month works best for the city). Once that change is made, the end of the current appointee's one-year terms in April or May can simply be ignored, so those officials continue in office as “holdovers” until the next, newly-established February appointment meeting. Cities of the first class that have not chartered out of K.S.A. 13-527 must establish terms of city officers by ordinance, so they may need to consider a similar ordinance amendment and transition process.

Another statute that was not changed to correspond to the new election cycle is K.S.A. 75-4302a, which requires that statements of substantial interests be filed:

- By an individual appointed on or before April 30 of any year to fill a vacancy in an elective office of a governmental subdivision, between April 15 and April 30, inclusive, of that year.
- By an individual appointed after April 30 of any year to fill a vacancy in an elective office of a governmental subdivision, within 15 days after the appointment.
- By any individual holding an elective office of a governmental subdivision, between April 15 and April 30, inclusive, of any year if, during the preceding calendar year, any change occurred in the individual's substantial interests.

These dates continue in effect even though they no longer correspond with municipal election dates. The League is considering legislation to amend the dates in this statute.

Filing Deadlines and Requirements

The Act also contains numerous changes to candidate filing requirements. Unfortunately, it has contradictory language regarding the new candidate filing deadline. Read together, L. 2015, ch. 88, sec. 15(b) and L. 2015, ch. 88, sec. 15(c) seem to indicate that, for cities meeting the primary election thresholds in K.S.A. 25-2108a, the candidate filing deadline is June 1, and for cities not meeting the thresholds, the filing deadline is September 1. However, L. 2015, ch. 88, sec. 52 of the Act states that the filing deadline for all city candidates is June 1.⁹ The League believes the intent was for L. 2015, ch. 88, sec. 52 to apply only to cities required to have a primary election under K.S.A. Supp. 25-2108a. We are seeking

clarification on this issue from the secretary of state, pursuant to his authority under L. 2015, ch. 88, sec. 15(d) and L. 2015, ch. 88, sec. 15(g). However, until that occurs, or there is legislation resolving the conflict, cities should operate under the assumption that the filing deadline for all city candidates is June 1.

The Act also changed rules for the notification of vacant offices, candidate filing fees, where candidates must file for office, and nomination petitions. City clerks must now inform the county election officer of all city offices to be voted on at the next election not later than May 1 of every year that the city has an election.¹⁰ Also, the filing fee for city office is now \$20 for all sizes of cities.¹¹ Additionally, candidates may no longer file through the city clerk's office - all candidate filings must take place at the county election office.¹² Finally, cities must establish by ordinance the number of qualified electors of the city that must sign a nomination petition.¹³ The League has developed a model ordinance to meet this requirement.¹⁴ Because of the increased filing fee for cities of the second and third class, the League encourages cities to create a low threshold for nomination petitions, so that potential candidates have an inexpensive means of filing for city office.

City Manager Form of Government

To move elections to November for all cities, the legislature repealed what was commonly known as the City Manager Plan Act (the CMPA), which over sixty Kansas cities had used to adopt the city manager form of government. City managers and city attorney's across the state expressed alarm at the repeal of these statutes, and the potential to use ordinary ordinances to overturn voter-approved adoptions of the CMPA for those city governments. The League responded by introducing an amendment recodifying the core parts of the CMPA, and retaining the continued operation of the CMPA for those cities that had adopted it. In L. 2015, ch. 88, sec. 8(a), the League amendment establishes that cities shall continue to operate under current forms of government adopted via an election (which is how cities were required to adopt the CMPA). In L. 2015, ch. 88, sec. 9(a), our amendment makes a city's ability to adopt a new form of government with an ordinance subject to the recodified version of the CMPA, which continues to require an election for adoption. Finally, L. 2015, ch. 88, sec.'s 10 through 12 contain the new language of the uniform CMPA, including provisions requiring that its abandonment can only occur via an election. For these reasons, it is the League's opinion that cities that have adopted the city manager form of government by election now operate under the provisions in L. 2015, ch. 88, sec.'s 10 through 12. If a city desires, it may affirm this fact by stating as much in an ordinary ordinance. The League has developed a model ordinance for this purpose.¹⁵

The savings clause in L. 2015, ch. 88, sec. 8 for existing forms of government also applies to all existing charter ordinances related to a city's form of government. Therefore, it is the League's opinion that cities that have adopted the CMPA via election, but have chartered out of some of its provisions, continue to operate under L. 2015,

ch. 88, sec.'s 10 through 12, and those sections are supplemented by the city's charter ordinances relating to its form of government.

Filling Governing Body Vacancies


The Act also creates new rules for filling governing body vacancies. The intent of L. 2015, ch. 88, sec.'s 71 through 73 is to require cities to hold special elections to fill vacancies in the governing body if those vacancies are not filled within sixty days. However, these sections conflict with a number of current statutes, and there are numerous ways to interpret their effect. L. 2015, ch. 88, sec. 71 requires vacancies in the governing body be filled by a majority vote of its remaining members if a city does not have a policy to fill governing body vacancies. This directly conflicts with K.S.A. 15-201, which requires that mayors in mayor-council cities of the third class fill vacancies with the consent of the council. The League has identified two different ways to interpret L. 2015, ch. 88, sec.'s 71 through 73:

- Treat these sections as a separate, standalone vacancy-filling process, which would allow cities to choose to use them OR ignore them and use the city's own vacancy-filling process or the statutory process for its respective class and form of city. If the city chose the latter interpretation, it could ignore the special election requirement for vacancies not filled within sixty days; OR
- Read L. 2015, ch. 88, sec.'s 71 through 73 together with existing vacancy-filling statutes. Under this interpretation, cities may fill their vacancies using their own procedure for filling vacancies (or, if none, a majority of the remaining governing body members), and if the vacancy isn't filled after sixty days, a special election must be held to fill it.

The League anticipates that L. 2015, ch. 88, sec.'s 71 through 73 will be codified in a non-uniform article of the statute books, and we encourage cities to consider chartering out of their requirements.

Conclusion

Ending 154 years of spring elections will be a cumbersome process for many cities, but the legislature has created several mechanisms to deal with the move to November. We hope this article provides useful guidance for your city's transition, but if you have any questions, please do not hesitate to contact the League or your city attorney.

 *Michael Koss is Legal Counsel & Member Services for the League of Kansas Municipalities. He can be reached at mkoss@lkm.org or (785) 354-9565. He would like to thank the League staff and city officials who contributed to the creation of this article.*

**You can view the sources for this article on the next page.*

Actions required of cities by the Act

- If an ordinance, charter ordinance, or city code section states that the commencement date of terms of office for elected officials is the "first regular meeting of the governing body following certification of the election results," it should be changed to "the second Monday in January following certification of odd-year elections" (or even-year elections, if the city chooses to have an even-year cycle).
- Any ordinances, charter ordinances, or city code sections that reference an April election should be amended to reflect the new November election day.
- For cities that do not have any ordinance or charter ordinance establishing the terms of office for their governing body members, the Act requires the city to adopt an ordinance establishing their terms.
- Cities that have held elections in April of even-years should pass an ordinance establishing a new odd-year November or even-year November election cycle.
- City clerks should update their annual calendars to reflect the new May 1 deadline for notifying county election officers of all city offices to be voted on at the next election every year that the city has an election.
- Cities must establish by ordinance the number of qualified electors of the city which must sign a nomination petition.

Actions that cities may take to help transition to November elections

- To allow elected officials to take office on the day their terms begin, cities should consider amending their regular meeting ordinance so that there is a regular meeting held on the second Monday in January following certification of odd-year elections (or even-year elections, if the city chooses to have an even-year cycle).
- Since charter ordinances exempting cities from the primary election rules in K.S.A. Supp. 25-2108a are now ineffective, to reduce confusion, the city should consider repealing those charter ordinances.
- For mayor-council cities of the third class that have chartered out of K.S.A. 15-204, it may be advisable to amend the charter ordinance so that the appointment date is the first regular meeting in February (or whatever month the council chooses).
- Mayor-council cities of the second class, commission cities of the second and third class, and cities of the first class that have not chartered out of K.S.A. 13-527, should consider amending their ordinances so that officer appointments take place at a regular meeting in February (or whatever month works best for the city). Once that change is made, the end of all current appointee's one-year terms in April or May can simply be ignored, and the officials can continue in office as "holdovers" until the next, newly-established appointment meeting.
- For cities with terms ending in April 2016, it may be advisable to use the authority in New Section 7(c) to pass an ordinance extending those terms to January 2017 (if the city wants to stay on the even-year cycle) or January 2018 (if the city wants to move those terms to the odd-year cycle). The same can be done for officials whose terms end in April of 2018 or 2019.
- Cities may affirm that they continue to operate under the city manager form of government by passing an ordinance stating as much.
- Depending on where L. 2015, ch. 88, sec.'s 71 through 73 are placed in the statute book, cities should consider chartering out of their requirements.

Sources

1. L. 2015, ch. 88, sec. 57.
2. For example, to lengthen terms from two to four years, with three council members elected in one year and two council members and the mayor elected two years later.
3. L. 2015, ch. 88, sec. 7(c).
4. See generally *Biggs v. City of Wichita*, 271 Kan. 455 (2001) (discussing the Legislature's ability to make a nonuniform state law uniform by amending the nonuniform provision, and that any charter ordinances opting out of those statute are repealed).
5. See generally *Murray v. Payne*, 137 Kan. 685 (1933) (discussing the Legislature's power to require incumbent city officials holding four-year terms of office to continue in office until the next city election).
6. See generally *Molinari v. Bloomberg*, 564 F.3d 587 (2d Cir. 2009) (discussing the authority of municipalities to extend the terms of sitting elected officials).
7. But see *Wilson v. Clark*, 63 Kan. 505 (1901) (indicating that cities may have Home Rule authority to declare offices with interim terms as vacant).
8. See K.S.A. 14-201, K.S.A. 14-1501 and K.S.A. 15-1601.
9. A similar reference is made in L. 2015, ch. 88, sec. 7(d), but its reference to K.S.A. 25-202 appears to be a drafting error.
10. L. 2015, ch. 88, sec. 56.
11. L. 2015, ch. 88, sec. 7(f); L. 2015, ch. 88, sec. 29(i).
12. L. 2015, ch. 88, sec. 53(a).
13. L. 2015, ch. 88, sec. 53(b).
14. <http://www.lkm.org/resources/ordinances/elections>
15. <http://www.lkm.org/resources/ordinances/elections>

Potential legislative and regulatory actions by the League

- Potential amendment to K.S.A. 15-204 so that the appointment of city officers occurs closer to the time when elected officials take office.
- Potential amendment to the statement of substantial interest filing deadlines in K.S.A. 75-4302a.
- Potential creation of term extensions for officials whose terms are to end in April of 2016, 2018, or 2019, until January of the following year when those elected in the November general election take office.
- The League will seek clarification from the Secretary of State regarding the apparent conflict between L. 2015, ch. 88, sec. 15(c) and L. 2015, ch. 88, sec. 52.

Find sample documents to help with your city's transition at <http://www.lkm.org/resources/ordinances/elections>

- Sample ordinances establishing terms of office, and sample ordinances and resolutions extending terms of office.
- A sample ordinance establishing the number of qualified electors of the city which must sign a nomination petition.
- Sample ordinance affirming that a city continues to operate under the city manager form of government.

Johnson County Election Office

Calendar 2016

Scheduled elections, deadlines and positions to be elected in 2016 in Johnson County

Primary Election - March 1, 2016

General Election - April 5, 2016

Election of Officials in the following cities

- Leawood - Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Mission - Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Prairie Village Council Members Wards 1, 2, 3, 4, 5, 6 - 4 Year Term
- Westwood - Mayor - 4 Year Term, 2 Council Members At-Large - 4 Year Term
- City Candidates file at their respective city halls

January 26

Filing and Withdrawal Deadline (12 noon) - ten weeks prior to general election
 KSA 25-2106, KSA 25-2109
 Deadline for questions to be placed on the Primary Election ballot

February 9

Registration books close - last day to register KSA 25-2311(a)(4)

February 10

Advance voting by mail begins - 20 days prior to Election Day
 KSA 25-1123(a)

February 23

Advance voting in person begins at Election Office

February 29

Advance voting in person closes (12 noon) KSA 25-1122(f)

March 1

SPRING PRIMARY ELECTION KSA 25-2102(b), KSA 25-2502(b)

March 7

Primary Canvass KSA 25-3104
 Deadline for questions to be placed on the General Election ballot

March 15

Registration books close - last day to register KSA 25-2311(a)(5)

March 16

Advance voting by mail begins - 20 days prior to Election Day
KSA 25-1123(a)

March 29

Advance voting in person begins at Election Office

April 4

Advance voting in person closes (12 noon) KSA 25-1122(f)

April 5

SPRING GENERAL ELECTION KSA 25-2107, KSA 25-2502(a)

April 11

General Canvass KSA 25-3104

Primary Election - August 2, 2016 General Election - November 8, 2016

Election of National Officials

- President and Vice President - 4 Year Term
- United States Senator - 6 Year Term
- United States Representative (District 3) - 2 Year Term

Election of State Officials

- State Senators (Districts 6 - 11, 21, 23, 37) - 4 Year Term
- State Representatives (Districts 8, 14 - 30, 38, 39, 43, 48, 49, 78, 121) - 2 Year Term
- District Attorney (District 10) - 4 Year Term
- State Board of Education - District 2 - 4 Year Term
- Supreme Court Justices (November General Election only) - 6 Year Term
- Kansas Court of Appeals Judges (November General Election only) - 4 Year Term
- 10th Judicial District Judges - Divisions 2-6, 8, 12-13, 15-19 - (November General Election only) - 4 Year Term
- District Magistrate Judges, 10th Judicial District, Positions 1, 2, 3 - (November General Election only) - 4 Year Term
- The above offices file at the Secretary of State Office

Election of County Officials

- County Commissioner - Districts 2, 3, 6 - 4 Year Term (non-partisan)
- Sheriff - 4 Year Term
- Precinct Committeeman (August Primary Election only) - 2 Year Term

- Precinct Committeewoman (August Primary Election only) - 2 Year Term
- Township Trustee - 4 Year Term
- Township Treasurer - 4 Year Term

- The above offices file at the Johnson County Election Office

June 1

Filing and Withdrawal Deadline (12 noon) KSA 25-205, KSA 25-305(a), KSA 25-306(a)
Deadline for questions to be placed on the Primary Election ballot

July 12

Registration books close - last day to register KSA 25-2311(3)

July 13

Advance voting by mail begins - 20 days prior to Election Day
KSA 25-1123(a)

July 18

Advance voting in person begins - 14 days prior to Election Day

August 1

Advance voting in person closes (12 noon) KSA 25-1122(f)
Filing deadline for Independent nominations (12 noon) KSA 25-305(b)
Filing deadline for District Court Retention of Judges (12 noon) KSA 25-2908

August 2

FALL PRIMARY ELECTION KSA 25-203, KSA 25-2502(b)

August 8

Primary Canvass KSA 25-3104

September 1

Deadline for questions to be placed on the General Election ballot
Deadline for State Board of Canvassers to meet (Primary) KSA 25-3205

September 9

Filing deadline for Supreme Court and Court of Appeals Judges to file for retention
Kansas Constitution Article 3 Section 5(c) KSA 20-3006(b)

October 18

Registration books close - last day to register KSA 25-2311(a)(3)

October 19

Advance voting by mail begins - 20 days prior to Election Day
KSA 25-1123(a)

October 24

Advance voting in person begins - 15 days prior to Election Day

November 7

Advance voting in person closes (12 noon) KSA 25-1122(f)

November 8

FALL GENERAL ELECTION

Tuesday after the first Monday in November in even numbered years
KSA 25-101, KSA 25-2502(a)

November 14

General Canvass KSA 25-3104

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Johnson County Election Office

Calendar 2017

Scheduled elections, deadlines and positions to be elected in 2017 in Johnson County

Primary Election - August 1, 2017

General Election - November 7, 2017

Election of Officials in the following cities

- Bonner Springs - Mayor - 2 Year Term, Council Member Ward 4 - 4 Year Term
- De Soto - Mayor - 4 Year Term, 2 Council Members At-Large - 4 Year Term
- Edgerton - Mayor - 4 Year Term, 2 Council Members At-Large - 4 Year Term
- Fairway - Mayor - 4 Year Term, Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Gardner - Mayor - 4 Year Term, 2 Council Members At-Large - 4 Year Term
- Lake Quivira - Mayor - 2 Year Term, 2 Council Members At-Large - 4 Year Term
- Lenexa - Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Merriam - Mayor - 4 Year Term, Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Mission Hills - Mayor - 4 Year Term, 2 Council Members At-Large - 4 Year Term
- Mission Woods - Mayor - 2 Year Term, 5 Council Members At-Large - 2 Year Term
- Olathe - 1 Council Member At-Large - 4 Year Term, Council Members Wards 3, 4 - 4 Year Term
- Overland Park - Mayor - 4 Year Term, Council Members Wards 1, 2, 3, 4, 5, 6 - 4 Year Term
- Roeland Park - Mayor - 4 Year Term, Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Shawnee - Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Spring Hill - Mayor - 4 Year Term, 2 Council Members At-Large - 4 Year Term
- Westwood Hills - Mayor - 2 Year Term, 5 Council Members At-Large - 2 Year Term

Election of Board Positions for:

- USD 229 Blue Valley Board Members - Positions 4, 5, 6 - 4 Year Term
- USD 230 Spring Hill Board Members - Positions 4, 5, 6 - 4 Year Term
- USD 231 Gardner Edgerton Board Members - Positions 4, 5, 6 - 4 Year Term
- USD 232 De Soto Board Members - Positions 4, 5, 6 - 4 Year Term
- USD 233 Olathe Board Members - Positions 3, 5, 6 - 4 Year Term
- USD 289 Wellsville Board Members - Positions 4, 5, 6 - 4 Year Term
- USD 491 Eudora Board Members - 3 At-Large Positions - 4 Year Term
- USD 512 Shawnee Mission Board Members - Positions 2, 4, 6 At-Large - 4 Year Term
- Johnson County Community College Trustees - 4 At-Large Positions - 4 Year Term
- Water District #1 of Johnson County - Positions 3, 4, 5 - 4 Year Term
- The above offices file at the Johnson County Election Office.

Exceptions: USD 289 candidates file at the Franklin County Clerk's Office,
 USD 491 candidates file at the Douglas County Clerk's Office,
 Bonner Springs candidates file at the Wyandotte County Election Office.

June 1

Filing and Withdrawal Deadline (12 noon) - ten weeks prior to general election

KSA 25-2106, KSA 25-2109

Deadline for questions to be placed on the Primary Election ballot

July 11

Registration books close - last day to register KSA 25-2311(a)(4)

July 12

Advance voting by mail begins - 20 days prior to Election Day

KSA 25-1123(a)

July 25

Advance voting in person begins at Election Office

July 31

Advance voting in person closes (12 noon) KSA 25-1122(f)

August 1

FALL PRIMARY ELECTION KSA 25-2102(b), KSA 25-2502(b)

August 7

Primary Canvass KSA 25-3104

Deadline for questions to be placed on the General Election ballot

October 17

Registration books close - last day to register KSA 25-2311(a)(5)

October 18

Advance voting by mail begins - 20 days prior to Election Day

KSA 25-1123(a)

October 31

Advance voting in person begins at Election Office

November 6

Advance voting in person closes (12 noon) KSA 25-1122(f)

November 7

FALL GENERAL ELECTION KSA 25-2107, KSA 25-2502(a)

November 13

General Canvass KSA 25-3104

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Johnson County Election Office

Calendar 2018

Scheduled elections, deadlines and positions to be elected in 2018 in Johnson County

Primary Election - August 7, 2018 **General Election - November 6, 2018**

Election of National Officials

- United States Representative (District 3) - 2 Year Term

Election of State Officials

- Governor/Lieutenant Governor - 4 Year Term
- Secretary of State - 4 Year Term
- Attorney General - 4 Year Term
- State Treasurer - 4 Year Term
- Commissioner of Insurance - 4 Year Term
- State Representatives - Districts 8, 14 - 30, 38, 39, 43, 48, 49, 78, 121 - 2 Year Term
- State Board of Education - Districts 1, 3 - 4 Year Term
- Kansas Supreme Court Justices - 6 Year Term (November General Election only)
- Kansas Court of Appeals Judges - 4 Year Term (November General Election only)
- 10th Judicial District Judges - Divisions 1, 7, 9, 10, 11, 14, 15, 16, 17 (November General Election only) - 4 Year Term
- District Magistrate Judges, 10th Judicial District - Position 4 - 4 Year Term (November General Election only)
- *The above offices file at the Secretary of State Office*

Election of County Officials

- County Commissioner Chair - 4 Year Term (non-partisan)
- County Commissioner - Districts 1, 4, 5 - 4 Year Term (non-partisan)
- Precinct Committeeman (August Primary Election only) - 2 Year Term
- Precinct Committeewoman (August Primary Election only) - 2 Year Term
- Township Clerk - 4 Year Term

Election of Officials in the following cities

- Leawood - Mayor - 4 Year Term, Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Mission - Mayor - 4 Year Term, Council Members Wards 1, 2, 3, 4 - 4 Year Term
- Prairie Village Council Members Wards 1, 2, 3, 4, 5, 6 - 4 Year Term
- Westwood - 3 Council Members At-Large - 4 Year Term

- *The above offices file at the Johnson County Election Office*

June 1

Filing and Withdrawal Deadline (12 noon) KSA 25-205, KSA 25-305(a), KSA 25-306a
 Deadline for questions to be placed on the Primary Election ballot

July 17

Registration books close - last day to register KSA 25-2311(3)

July 18

Advance voting by mail begins - 20 days prior to Election Day
 KSA 25-1123(a)

July 23

Advance voting in person begins

August 6

Advance voting in person closes (12 noon) KSA 25-1122(f)
 Filing deadline for Independent nominations (12 noon) KSA 25-305(b)
 Filing deadline for District Court Judges Retention of Judges (12 noon) KSA 20-2908

August 7**FALL PRIMARY ELECTION**

First Tuesday in August in even numbered years KSA 25-203, KSA 25-2502(b)

August 13

Primary Canvass KSA 25-3104

September 1

Deadline for questions to be placed on the General Election ballot
 Deadline for State Board of Canvassers to meet (Primary) KSA 25-3205

September 7

Filing deadline for Supreme Court and Court of Appeals judges to file for retention
 Kansas Constitution Article 3 Section 5(c) KSA 20-3006(b)

October 16

Registration books close - last day to register KSA 25-2311(a)(3)

October 17

Advance voting by mail begins - 20 days prior to Election Day KSA 25-1123(a)

October 22

Advance voting in person begins

November 5

Advance voting in person closes (12 noon) KSA 25-1122(f)

November 6**FALL GENERAL ELECTION**

Tuesday after the first Monday in November in even numbered years
KSA 25-101, KSA 25-2502(a)

November 12

General Canvass KSA 25-3104

Last Updated: August 08, 2013 04:29 PM

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Johnson County Election Office 2101 East Kansas City Road Olathe, KS 66061

Office Hours: Monday - Friday 8:00 AM - 5:00 PM

Phone: (913) 782-3441

Fax: (913) 791-1753

[Directions to the Election Office](#)

E-mail: election@jocoelection.org

Prairie Village - Transition to November Elections

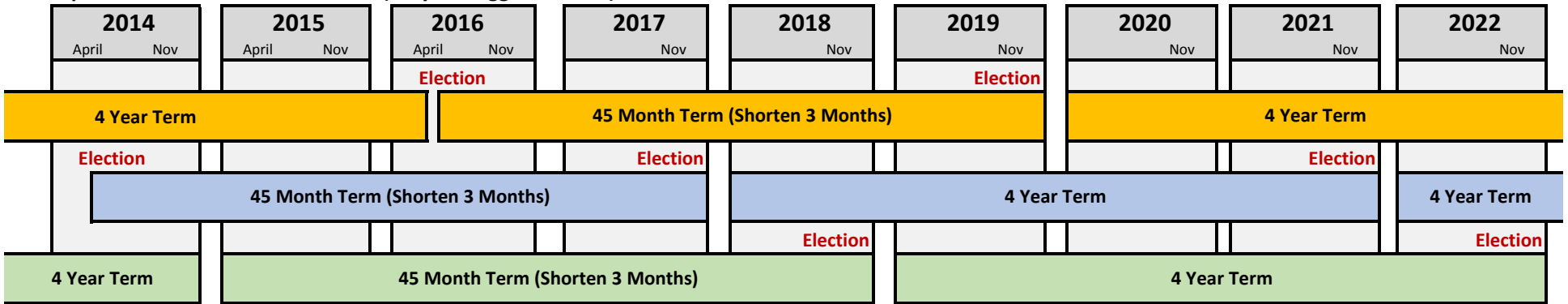
Two possible options illustrated are the least impact to terms and term extensions. Other options may be identified during City Council discussion.

Group 1 - Council Members - Terms Expire April 2016

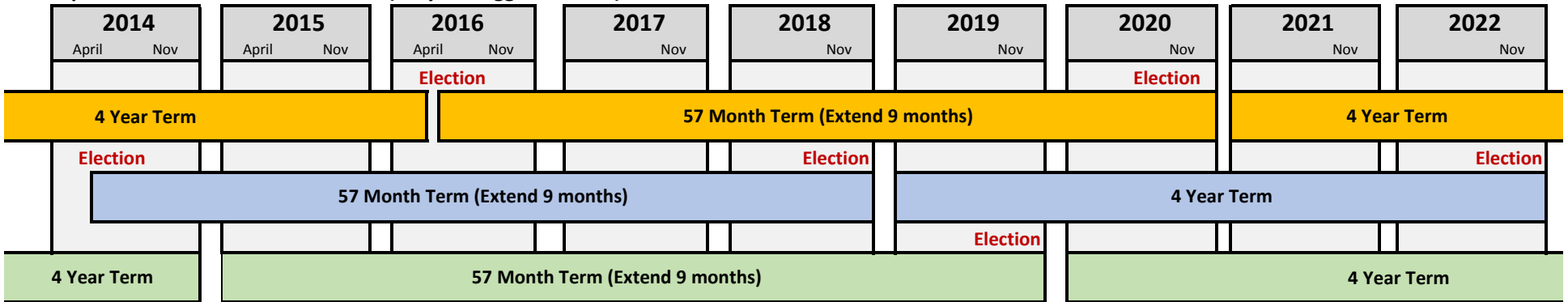
Group 2 - Council Members - Terms Expire April 2018

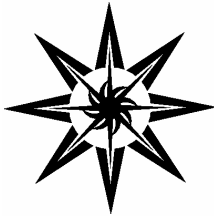
Group 3 - Mayor Term Expires April 2019

Option 1 - Fall Odd-Year Elections (Mayor Staggered Term)



Option 2 - Fall Even-Year Elections (Mayor Staggered Term)





PUBLIC WORKS DEPARTMENT

Council Committee Meeting Date: September 21, 2015

Council Meeting Date: October 5, 2015

CONSIDER REMOVAL OF TRAFFIC SIGNAL AT SOMERSET DRIVE AND BELINDER AVENUE

RECOMMENDATION

Move to approve the removal of the traffic signal located at Somerset Drive and Belinder Avenue and approve \$8,858.64 payment to Kansas City Power and Light for the removal.

BACKGROUND

Since the school at Somerset Drive and Belinder Ave was closed the Police Department and Public Works felt the signal might not be warranted. TranSystems performed a traffic signal warrant analysis which confirmed that the signal does not meet warrants. Given this, TranSystems traffic engineers, the Police Department, and Public Works feel the signal should be removed. This signal is owned by KCPL and we lease 50% of this signal and Leawood pays for the other 50% of this signal. The Kansas Corporation Commission allows KCPL to charge an unexpired life cost when leased assets are removed. That cost is \$17,717.28 for this signal and the City of Leawood will share that cost with us. Leawood has reviewed the warrant analysis by TranSystems and agrees that the signal should be removed. Prairie Village currently pays \$3,582.00 per year for this signal which we will no longer pay with the removal of the signal.

The removal study/process will take a few months and is described below.

1. Public Notification of the removal process.
2. Operate the signal in flash for 45 days. Belinder in red flash and Somerset in yellow flash.
3. After the 45 days install stop signs on Belinder and turn off the signal.
4. After another 45 days if the operations are acceptable the signal will be removed.

FUNDING SOURCES

Funding will come from the City's Operating Budget

ATTACHMENTS

None

PREPARED BY

Keith Bredehoeft, Public Works Director

November 21, 2015

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
Monday, September 21, 2015
7:30 PM**

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **INTRODUCTION OF STUDENTS & SCOUTS**
- V. **PUBLIC PARTICIPATION**

(5 minute time limit for items not otherwise listed on the agenda)

VI. **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 the regular City Council meeting minutes - September 8, 2015
- 2. Approve claims ordinance 2933
- 3. Approve the 2016 Mission Hills Agreement for Police and Court Services
- 4. Approve Construction Change Order #1 (Final) with Metro Asphalt, Inc. for Project P5001:2015 Street Repair Program for \$4,330.28

VII. **COMMITTEE REPORTS**

VIII. **MAYOR'S REPORT**

IX. **STAFF REPORTS**

X. **OLD BUSINESS**

Consider a Request for Rezoning 7930 State Line Road from R-1b (Single Family Residential) and C-0 (Office Building District) to CP-1 (Planned Restricted Business District) and Approval of a Preliminary Development Plan

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 385-4616, 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

CONSENT AGENDA
CITY OF PRAIRIE VILLAGE

September 21, 2015

**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
September 8, 2015**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, September 8, 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, Sheila Myers, David Morrison, and Terrence Gallagher.

Staff present was: Captain Byron Roberson; Keith Bredehoeft, Public Works Director; David Waters representing the 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 present were P.J. Novick with Confluence, Gary Andersen with City Bond Counsel with Gilmore & Bell and Jeff White, City Financial Consultant with Columbia Capital

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

PUBLIC HEARING

Mayor Wassmer opened the public hearing on the creation of a TIF Redevelopment District in the City of Prairie Village and called upon City Administrator Quinn Bennion to introduce the proposed project involving the City of Prairie Village,

Johnson County Park & Recreation District, Johnson County Wastewater and VanTrust Real Estate, LLC. for the redevelopment of the former Meadowbrook Country Club property. As currently proposed, the Meadowbrook redevelopment project would establish a nearly 90 acre public park and a mixed-use development to include a senior living project, luxury apartments, townhomes, single-family residential homes, and a boutique hotel.

Mr. Bennion stated the Meadowbrook redevelopment project anticipates the creation of a TIF district to fund the park acquisition, park improvements and other public infrastructure items. Kansas state statutes outline the authority and process of creating and administering a TIF district. A TIF district is an economic development tool for financing certain eligible redevelopment costs from future revenues as a result of increased property taxes and other local taxes (sales taxes, transient guest taxes) within a defined geographic area. A TIF establishes a base level at the current property tax assessed valuation and any increase or increment in the property tax assessed valuation within the defined geographic area is then captured over a defined period and used to pay for eligible redevelopment costs within the TIF district/development area. The process for establishing and administering a TIF is detailed in Kansas State Statutes (KSA 12-1770 et seq.). Cities have the authority to create TIF districts after their governing bodies hold a public hearing and find the area to be eligible.

Mr. Bennion stated the current plans include TIF financing for 20 years or less. All property taxes which the owner is currently required to pay will continue. Once improvements are made to the property the increment or increase in the property tax revenue is captured to pay for eligible redevelopment costs for the proposed project including parkland acquisition, public streets, sewer, public infrastructure, street lighting,

lakes, community center, trails, etc. The project elements financed by TIF funds will be detailed in the development agreement by and between the City and VanTrust and through other related agreements. The amount of TIF financing is currently estimated between \$15M to \$18M.

As part of the establishment of a TIF district, notifications were sent to other governmental entities and all property owners and tenants within the proposed district. The Johnson County Board of Commissioners and the Shawnee Mission School District Board of Education each have 30 days following the conclusion of the public hearing related to the creation of the TIF district to pass a resolution that the establishment of the TIF district would have an adverse effect on the County or School District.

An informational meeting was held Thursday, August 27th at the Meadowbrook clubhouse. The purpose of the meeting was to present information regarding the TIF district with the business and property owners. There were approximately six business owners in attendance at the meeting.

Mr. Bennion stated that creating the TIF district is the first step in the TIF process; however, noting that creating the TIF district does not bind the City to approve the project, provide any funding, issue any bonds or approve any TIF project plans within the TIF district.

City Staff has been assisted by Bond Counsel Gary Anderson with Gilmore & Bell, Financial Advisor Jeff White with Columbia Capital Management, City Attorney Katie Logan with Lathrop & Gage, and planning consultant PJ Novick with Confluence.

To assist the City Council in their determination, Confluence, the planning consultant retained for this project, completed a conservation district eligibility study which summarizes the age and status of the property within the proposed TIF district.

The proposed TIF district area includes the former Meadowbrook Country Club and the commercial properties within the Meadowbrook Shopping Village at 95th Street and Nall Avenue.

P.J. Novick, with Confluence, stated that the Village Vision Strategic Investment Plan adopted by the City of Prairie Village, Kansas, in 2007 as the City's Comprehensive Plan, identifies the Meadowbrook Country Club and the adjoining Meadowbrook Village Shopping Center as a potential site for redevelopment. The Country Club site is one of the last relatively undeveloped properties in Prairie Village and both properties are strategically located at the southwestern edge of the community at the intersection of two major roadways. However, the Country Club property does not have adequate sanitary sewer service and the Shopping Center is underutilized and retail space has been converted to office space.

The proposed TIF district, which includes both the Country Club property and the Shopping Center, is generally bound by West 95th Street on the south, Nall Avenue on the west, West 90th Street on the north and Roe Avenue on the east.

A TIF district must meet at least one of the eligible area definitions outlined in the TIF Act as determined by the Governing Body. An eligible area can be a "blighted area, conservation area, enterprise zone, intermodal transportation area, major tourism area or a major commercial entertainment and tourism area or bioscience development area." The proposed ordinance will designate the Meadowbrook and adjoining commercial area on the South as a conservation area per K.S.A 12-1770a(d).

Mr. Novick stated the proposed TIF district has been found eligible for TIF financing as a "Conservation area" as defined in the State of Kansas Statute (K.S.A. 12-1770a). A "Conservation area" means any improved area comprising 15% or less of the

land area within the corporate limits of a city in which 50% or more of the structures in the area have an age of 35 years or more, which area is not yet blighted, but may become a blighted area due to the existence of a combination of two or more of the following factors:

- (1) Dilapidation, obsolescence or deterioration of the structures;
- (2) Illegal use of individual structures;
- (3) the presence of structures below minimum code standards;
- (4) building abandonment;
- (5) excessive vacancies;
- (6) overcrowding of structures and community facilities; or
- (7) inadequate utilities and infrastructure.

Mr. Novick stated the proposed TIF district is approximately 172 acres. The total land area contained within the corporate limits of the City is 3,968 acres. The proposed TIF district is therefore 4.34% of the total land area of the City and under the 15% threshold identified by State Statute.

There are 15 individual structures within the proposed TIF district. In review of the Johnson County land records, 12 of these structures (80%) were constructed prior to 1981 and are 35 years of age or older, more than the 50% as required by the State Statute.

Mr. Novick stated that an analysis of the existing site conditions revealed that four (4) of the seven(7) State defined factors within the proposed TIF district are present. Based on the lack of sanitary sewer service to a significant portion of the proposed district condition #7 "inadequate utilities and infrastructure" is found to exist.

A review of the 15 structures within the proposed TIF district identified several have dated building architecture that may make them more difficult to retain tenants and lease or sell to new tenants, as their building style and layout/configuration may not fit

the needs and desires of today's typical retail and office user. Additionally, due to the age of the structure it can be assumed that most have some nonconformity with current building codes as code requirements have evolved and changed over the past 35 years. These findings identifies with the first and third factors of the State Statutes "Dilapidation, obsolescence or deterioration of the structures" and "the presence of structures below minimum code standards".

It was also observed that several properties within the subject area do not appear to have room for building and/or parking lot expansion. This site crowding hinders the ability to add additional parking, outdoor pedestrian spaces, patios, etc. further impacting their ability to evolve and remain viable tenant spaces. As a result, the proposed TIF district identifies with the sixth factor of the State Statutes "overcrowding of structures and community facilities".

Mr. Novick concluded that the proposed TIF district conforms to the Kansas Statute as a "Conservation area". The proposed TIF district is less than 15% of the total land area of the City. More than 50% of the structures within the proposed TIF district are 35 years of age or older, and the proposed TIF district identifies with two or more of the seven factors listed in the state statute.

Mayor Wassmer opened the hearing for public comments. With no one wishing to address the City Council, the public hearing was closed at 7:42 p.m.

David Morrison moved the Governing Body adopt Ordinance 2337 making findings and establishing a redevelopment district (TIF District) for the Meadowbrook area pursuant to KSA 12-1770. The motion was seconded by Steve Noll.

A roll call vote was taken with the following votes cast: "aye" Weaver, Nelson, Hopkins, Noll, Mikkelson, Wang, Myers, Morehead, Morrison, Gallagher and Wassmer.

PUBLIC PARTICIPATION

With no one wishing to address the Council, public participation was closed at 7:45.

Mayor Wassmer introduced Melissa Brown, the proposed Planning Commission appointee, to the City Council. Ms Brown reviewed her background and stated she was pleased to be able to help preserve the Prairie Village character that she has grown up with.

CONSENT AGENDA

Eric Mikkelson asked for the minutes to be amended to reflect his point of order at the August 17th meeting regarding the Mayor's ruling of Councilman Morrison out of order. Mr. Morrison asked that his objection to the Mayor's ruling be noted in the minutes.

Council President Brooke Morehead moved for the approval of the Consent Agenda for September 8, 2015 with the requested amendments to the minutes:

1. Approve regular City Council Minutes - August 17, 2015 as amended
2. Approve claims ordinance #2932
3. Approve request for Alcoholic Beverage Waiver for Harmon Park for the Prairie Village Jazz Festival
4. Ratify the Mayor's appointment of Melissa Brown to the Planning Commission with a terming expiring in April, 2016
5. Approve the issuance of a Cereal Malt Beverage License for Minit Mart at 9440 Mission Road
6. Authorize the Mayor to execute a proclamation recognizing October 5 - 9, 2015 as "Peanut Butter Week" in Prairie Village
7. Approve a request to have KCP&L install a new street light on the south side of west 63rd Street near 4618 West 63rd Street

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

COMMITTEE REPORTS

Council Committee of the Whole

COU2015-32 Consider approval of a construction contract with Linaweaver Construction for the 2015 Drainage Repair Program

On behalf of the Council Committee of the Whole, Council President Brooke Morehead moved the City Council authorize the Mayor to execute the Construction Contract with Linaweaver Construction, Inc. in the amount of \$110,000 for Project DRAIN15x - 2015 Drainage Repair Program. The motion was seconded by Terrence Gallagher and passed unanimously.

Mayor's Report

Mayor Wassmer reported she participated in the Lancer Day parade on Friday and will be attending the Shawnee Mission Education Foundation Breakfast on Thursday morning. She has spent a lot of time on the Meadowbrook Project working with the development agreement committee. The Johnson County Park & Recreation District has invited the city to have representation on their Master Plan Committee for Meadowbrook. She will be participating along with Quinn Bennion and Ted Odell, chair of the Park & Recreation Committee with Terrence Gallagher serving as an alternate. Participating will be on her recent activities centered on discussion on the settlement agreement for the Mission Chateau project.

STAFF REPORTS

Public Safety

- Captain Byron Roberson reported on AED/CPR training attended by the Mayor and other Council members.
- The next "Coffee with a Cop" will be on Friday, September 18th from 7 to 9 a.m. at Starbucks in the Village.
- The PD Citizens Academy will begin on Wednesday, September 16th. There are currently 8 individuals enrolled so more spaces are available.

- Captain Roberson reported the detectives are currently following up on leads in the recent attempted armed robbery in the Prairie Village Shopping Center.

Public Works

- Keith Bredehoeft provided an update on 75th Street construction.
- Posting of construction related signage, i.e. lane changes, closures, were discussed noting some recent confusion. It was recommended that signage be posted as far in advance as possible.
- The Public Works staff is assisting with the setup for the Jazz Festival on Saturday. A public works staff person will be on site the day of the event.
- The second subcommittee meeting was held on the Mission Road 71st to 75th Street Project.
- Follow-up letters will be mailed to those property owners with EAB trees that are being treated.
- The traffic light at 83rd & Somerset has been installed. Ward 4 representatives expressed their appreciation.
- Google is getting ready to install fiber and AT&T is continuing their preparatory work.

Andrew Wang expressed his disappointment that the Google website still lists web sign-up for this area in 2016. Nolan Sunderman responded that Google is tightlipped regarding the dates for implementation.

Administration

- Nolan Sunderman distributed a project map for the AT&T fiber installations. He reviewed the process followed with both contractors including specific directions, weekly meetings and required coverage of all holes prior to the weekend. Those meetings are coordinated by Melissa Prenger.

Ms. Nelson noted that reviewing the map that there are some areas of Prairie Village that will not be covered. Mr. Sunderman replied the map reflects 2015 work, he does not have their future plans.

- Nolan Sunderman reported the first puppy swim held earlier in the evening was very successful with more than 80 dogs participating.
- Wes Jordan reported on Airbnbs located within the city and noted that they are not clearly designated in the city's code; however, staff feel that the language in the city's rental licensing requirements is applicable and recommend following that process to track these. He noted that there currently are not many (1 renting the entire house and 6 renting rooms) located within the city; however, the city continues to get calls regarding requirements for them. The zoning regulations do only allow bed and breakfast establishments in commercially zoned areas.

Mayor Wassmer stated she likes the rental license approach as it provides the city with data as far as where these are located and it is consistent with other rental property owners who are required to get a license. Mr. Jordan noted it is a form of a business running out of a home and the annual license fee is minimal.

Terrence Gallagher noted that when he views the website it shows 21 located in Prairie Village. Mr. Jordan noted the map reflects the general area and when you zoom in you

get the actual city boundaries. Mr. Gallagher agreed with the proposed rental license requirement.

- Wes Jordan stated that as staff reviews some Planning applications, it feels that sometimes it would be beneficial to both the Planning Commission and the applicant to make a pre-application presentation to the City Council before making application. This is the case with an application by AT&T for communications facility at the Fire District property on 63rd. The goal would be to get objective input from the Council on what is acceptable before making formal submittal to the Planning Commission. Planning staff have met with representatives of SSC on behalf of Sprint twice and they have requested permission to appear before the City Council. They will make their presentation at the September 21st meeting.
- Quinn Bennion stated that after the presentation of the potential benefit program with Lifelock several council members expressed concern. After further investigation the city will be using the services of IDshield for this benefit.
- Mr. Bennion announced that the election cycle changes required by recent legislation will be discussed at the September 21st meeting. There are several differing interpretations of how the transition can be done. These will all be presented as well as research on what other cities are considering.
- Mr. Bennion announced that Lathrop & Gage has a conflict of interest with communications facility applications requiring the city to reach out for outside legal assistance on cell tower applications. Shannon Marcano with White/Goss has been secured to provide these services and will be in attendance at the meeting on September 21st.
- A revised Meadowbrook schedule was distributed and it was noted that to keep progress moving forward a special city council meeting has been scheduled for Tuesday, October 13th at 7:30 p.m.
- Council members will be getting a food survey via e-mail to assist staff in the selection of council meals.

OLD BUSINESS

Terrence Gallagher asked for an update on the Textile Recycling Program. Quinn Bennion reported that staff met with the company last week. They are continuing to collect materials making approximately 20 stops per day; however, they are not collecting the volume that was anticipated originally. Based on the agreement, there has been only two weeks when collections were sufficient to merit a donation to the Prairie Village Foundation. They have expanded their materials to include household items. Jori Nelson noted the Prairie Village Homes Association is having their annual

garage sale this weekend which would provide an opportunity for them to pick-up unsold items from households. She will put out information on their Facebook page.

JazzFest

Final preparations are underway for the 6th annual Jazz Festival to be held this Saturday. The publicity for the event has been excellent with a strong line up and good weather, record attendance is anticipated. The City Council members were distributed their VIP passes for the event and thanked for their support.

Ward Meetings

Mayor Wassmer noted that Ward meetings were discussed at the last Council meeting. The budget has been reviewed and there is funding available for two Ward meetings per year. Ward 4 and 6 were approved for meetings in 2015.

Sister City Art Exhibit

Jori Nelson announced the reception for the Dolyna Photo Club photos on display in the R.G. Endres Gallery this month will be Friday, September 11th from 6:30 to 7:30 p.m.

NEW BUSINESS

There was no New Business to come before the City Council.

Committee meetings scheduled for the next two weeks:

Prairie Village Arts Council	09/09/2015	5:30 p.m.
Park & Recreation Committee	09/09/2015	6:30 p.m.
JazzFest Committee	09/10/2015	5:30 p.m.
Council Committee of the Whole	09/21//2015	6:00 p.m.
City Council	09/21/2015	7:30 p.m.

=====

The Prairie Village Arts Council is pleased to present a photo exhibit by the Dolyna Photo Club in the R. G. Endres Gallery during the month of September. The artist reception will be Friday, September 11th from 6:30 - 7:30 p.m.

The 6th Annual Prairie Village Jazz Festival will be held on Saturday, September 12th opening at 2:30 p.m. with the Shawnee Mission East Blue Knights and concluding at 10:30 p.m. with the McFadden Brothers with the Kansas City Jazz Orchestra.

The 2015 Citizens Police Academy will begin September 16th. Classes are held on Wednesday evenings from 6:30 to 9:30 p.m. for 11 weeks. Contact Chief Schwartzkopf or Captain Roberson if interested.

ADJOURNMENT

With no further business to come before the City Council the meeting was adjourned at 8:55 p.m.

Joyce Hagen Mundy
City Clerk

CITY TREASURER'S WARRANT REGISTER

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

September 21, 2015

Copy of Ordinance
2933

Ordinance Page No. _____

An Ordinance Making Appropriate for the Payment of Certain Claims.

Be it ordained by the governing body of the City of Prairie Village, Kansas.

Section 1. That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of funds in the City treasury the sum required for each claim.

NAME	DATE	AMOUNT	TOTAL
EXPENDITURES:			
Accounts Payable			
10556-10559	8/7/2015	11,879.29	
10560-10654	8/14/2015	164,046.49	
10655-10656	8/21/2015	607.79	
10657-10738	8/28/2015	923,165.16	
Payroll Expenditures			
8/7/2015		289,094.69	
8/21/2015		284,444.03	
Electronic Payments			
Electronic Pmnts	8/6/2015	20,434.71	
Electronic Pmnts	8/7/2015	762.92	
Electronic Pmnts	8/11/2015	5,677.21	
Electronic Pmnts	8/18/2015	1,677.23	
Electronic Pmnts	8/24/2015	771,375.00	
Electronic Pmnts	8/25/2015	2,376.93	
Electronic Pmnts	8/28/2015	24,082.97	
Electronic Pmnts			
Electronic Pmnts			
Electronic Pmnts			
Electronic Pmnts			
TOTAL EXPENDITURES:			2,499,624.42
Voided Checks	Check #	(Amount)	
TOTAL VOIDED CHECKS:			-
GRAND TOTAL CLAIMS ORDINANCE			2,499,624.42

Section 2. That this ordinance shall take effect and be in force from and after its passage.

Passed this 21st day of September 2015.

Signed or Approved this 21st day of September 2015.

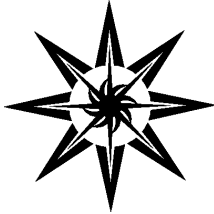
(SEAL)

ATTEST:

Sullivan A. Kerton Jr 9-11-15
City Treasurer

ATTEST:

Jim Scott 9-14-15
Finance Director



CONSENT AGENDA

Council Meeting Date: September 21, 2014

Consider Approval of the 2016 Mission Hills Contract and the 2016 Mission Hills Budget

RECOMMENDATION

The Prairie Village Police Department recommends the City Council formalize its law enforcement relationship with the City of Mission Hills for the 2016 calendar year by approving the attached 2016 Mission Hills Contract and the 2016 Mission Hills Budget.

COUNCIL ACTION REQUESTED ON: September 21, 2015

BACKGROUND

Each year the Cities of Prairie Village and Mission Hills formalize their law enforcement relationship with an agreement between the municipalities. The budgetary costs for each law enforcement program are derived from formulas based on percentages of the Prairie Village Budget for services that include manpower allocation, calls for service, reported crimes, and vehicular accidents. The current method of calculating shared costs has been in place for ten years.

The 2016 Mission Hills Budget is calculated to be \$1,271,896 which is a 1.24 percent increase (\$15,624) compared to 2015. A breakdown of program costs is specified in the attached 2016 Mission Hills Budget spreadsheet.

The Mission Hills Contract does reflect a 3.5 percent increase, \$37.99 to \$39.32 per hour, in Animal Control Services to account for merit and benefit costs.

The Mission Hills City Administrator has agreed with the contents of the attached 2016 Mission Hills Contract, as well as the 2016 Mission Hills Budget.

ATTACHMENTS: 2016 Mission Hills Contract, 2016 Mission Hills Budget Comparison and 2016 Mission Hills Shared Costs.

Prepared By:

Tim M. Schwartzkopf
Chief of Police

Date: September 9, 2015

MISSION HILLS AGREEMENT – 2016

THIS AGREEMENT, made this ____ day of _____, 2015, between the City of Prairie Village, Kansas, a municipal corporation, hereinafter referred to as “Prairie Village,” and the City of Mission Hills, Kansas, a municipal corporation, hereinafter referred to as “Mission Hills.”

WHEREAS, Prairie Village and Mission Hills are adjoining cities and share many of the same problems and concerns for police protection; and

WHEREAS, in the opinion of the governing bodies of Prairie Village and Mission Hills, the consolidated operation of law enforcement and policing of the two cities will be to the mutual benefit and the general welfare of the persons and properties of both municipalities; and

WHEREAS, K.S.A. 12-2908, and amendments thereto, authorize the parties hereto to enter into a contract with respect to performance of government services; and

WHEREAS, the governing bodies of said cities have determined to enter into an agreement as authorized and provided by K.S.A. 12-2908 and amendments thereto,

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein made and contained, it is mutually agreed as follows:

A. Services Provided. Prairie Village shall furnish to Mission Hills during the term of this agreement, the following items:

1. Police Vehicles. It is agreed and understood that Mission Hills has previously paid for four police vehicles that are currently being used primarily in the City of Mission Hills and said vehicles are identified as:

Unit 549 - 2015 Ford Explorer
VIN 1FM5KJ8AR6FGC40967
registered to the City of Prairie Village;

Unit 348 – 2013 Ford Explorer
VIN - 1FM5K8AR2DGC73218
registered to the City of Prairie Village;

Unit 449 - 2014 Ford Explorer
VIN - 1FM5K8AR3EGB95985
registered to the City of Prairie Village, and

Unit 448 – 2014 Ford Explorer
VIN 1FM5K8AR1EGB95984
registered to the City of Prairie Village.

During the terms of this agreement, Mission Hills shall be responsible for the replacement costs of any new vehicles needed. The Chief of Police shall notify the Mission Hills City Administrator when fleet bids are being offered. Replacement vehicles for Mission Hills will be offered as part of the fleet purchase, above the costs of this contract, if desired and approved by Mission Hills. New vehicles will be titled to the City of Prairie Village. Collision and liability insurance on the vehicles purchased by Mission Hills shall be maintained and paid for by Prairie Village.

Mission Hills shall pay all expenses relating to the maintenance of said vehicles, including, but not limited to, gasoline, oil, lubrication, tires, repairs and equipment changeover. Maintenance of said vehicles shall be under the direction and supervision of the Chief of Police. Routine maintenance will be provided by a vendor agreed upon by the Mission Hills City Administrator and the Chief of Police. Gasoline shall be provided through the Prairie Village gasoline pump. A monthly itemized bill shall be prepared and forwarded to Mission Hills for payment, which shall be above the costs of the contract agreement listed in Paragraph B. Major repair items such as engine or transmission overhaul shall be approved by the Mission Hills City Administrator prior to work being performed and will be billed directly to Mission Hills. If a Mission Hills police unit is inoperable for a period of time - as determined by a Police Department Shift Supervisor or Command Staff member, due to the vehicle being unable to be operated safely, or where further use may cause damage to the vehicle - Prairie Village shall provide a replacement vehicle and may bill Mission Hills at the rate equal to the 2016 IRS standard mileage rate per mile for a car used for business purposes for its use, above the costs of this contract.

It is agreed and understood that if both parties agree to terminate the conditions of this contract, those vehicles purchased by the City of Mission Hills, but titled to the City of Prairie Village, shall be transferred back to the ownership of Mission Hills for the sum of **\$1.00**.

2. Police Personnel. Prairie Village shall provide to Mission Hills the services of police officers, detectives, and other personnel as adopted by budget formulas to provide efficient and effective law enforcement services. The Chief of Police will approve staffing/scheduling in consultation with the Mission Hills City

Administrator. With respect to the additional officers, Prairie Village shall not be required to provide a replacement officer or effect a reduction in the amount due Prairie Village by Mission Hills under this Agreement when such an officer is unavailable due to an excused absence. An "excused absence" is an absence provided for under Prairie Village's personnel policies and for which the officer receives monetary compensation or compensatory time directly from Prairie Village for the absence, but does not include any such absence for which the officer is receiving monetary compensation for the absence from Workers' Compensation or other insurance. If any additional officer is unavailable for any reason other than an excused absence, Prairie Village shall either assign a replacement officer for the position or effect an appropriate reduction in the amount due Prairie Village by Mission Hills under this Agreement. Prairie Village shall use its best efforts to ensure that excused absences of police officers assigned to Mission Hills shall not be disproportionately higher than excused absences of police officers assigned to Prairie Village.

Prairie Village shall provide the services of such supervisory and support personnel as shall be necessary for the operation of said police cars and to provide normal police services.

Prairie Village shall pay the salaries, payroll taxes, Workers' Compensation and related benefits and shall bear all expenses and liabilities with respect to said police personnel, which may accrue from or be attributable to the employer-employee relationship.

All Prairie Village Police officers, and all cars used by such police officers, including the vehicles designated as the Mission Hills police vehicles, shall be subject to the jurisdiction of the Prairie Village Chief of Police, whether operating in Mission Hills or Prairie Village. The Prairie Village Chief of Police shall have exclusive supervision of the operation of the police vehicles designated as the Mission Hills cars and the personnel operating same, and shall handle all complaints or calls for services through the Police Department's offices at 7710 Mission Road, Prairie Village, Kansas. The Chief of Police will consult and cooperate with Mission Hills in scheduling and supervising the operation of Mission Hills vehicles and personnel operating same.

Mission Hills will designate an individual who shall serve as its representative to consult with the Chief of Police. All Prairie Village Police officers shall be deputized to act as police officers in Mission Hills and all Prairie Village personnel, in carrying out the police functions for Mission Hills as contemplated by this Agreement, shall be deemed to be acting for, and as the police arm of, Mission Hills.

It is further mutually agreed by the governing bodies of the respective cities hereto that each will respectively do all acts necessary and proper as provided in K.S.A. 19-2645 and K.S.A. 19-2646, and acts amendatory and supplemental thereto, for carrying out the applicable provisions of this Agreement.

3. Court Personnel. Prairie Village shall also provide a Clerk of the Court for the Mission Hills Municipal Court for two court sessions per month. Said Clerk shall be assigned by the Court Administrator of the Prairie Village Municipal Court. Said Clerk of the Court shall perform all duties as required by law and shall be deemed to be acting for and on behalf of the City of Mission Hills while performing said duties. Prairie Village shall not be liable in any manner for the actions of said clerk of the Court in the performance or nonperformance of said duties. Prairie Village shall be reimbursed for the costs of providing said Court personnel, which amount is included in the total contract amount as provided in Paragraph B of this Agreement.

4. Humane Officer. For purposes of animal control, Prairie Village shall provide to Mission Hills the services of a humane officer, when such services are needed. Said humane officer shall be under the supervision of the Chief of Police. It is agreed that when on duty, the humane officer shall respond to calls for service within Mission Hills that are the normal function of this service. In addition, the Mayor or City Administrator of Mission Hills can request scheduled hours in Mission Hills on a regular basis, which shall be provided if personnel are available. The cost of this service is not included in the contract amount as provided in Paragraph B, and shall be documented and billed at the rate of **\$39.32** per hour.

It is further agreed that Prairie Village has entered into a contract agreement with Great Plains SPCA for the professional care, impounding and boarding of animals taken into custody by the Police Department. This service is not included in the contract amount as provided in Paragraph B, and shall be billed to Mission Hills by Prairie Village as required by the service provided by Great Plains SPCA.

5. General Law Enforcement Services. Prairie Village shall provide to Mission Hills law enforcement services necessary to efficiently maintain public safety in the City of Mission Hills. These services include, but are not limited to, administration of the Police Department; 9-1-1 and non-emergency PSAP for communications to the Police Department and police vehicles; Records for maintaining law enforcement files; Crime Prevention Program for education to reduce community vulnerability to crime and establish "community-oriented policing;" Investigations function that provides for the investigation of Part I and Part II crimes perpetrated by adults and youths; D.A.R.E. to provide a prevention aspect to adolescent drug use; the Property Room and evidence system, and the Department's comprehensive training.

B. Reimbursement Costs. Mission Hills shall reimburse Prairie Village for the cost of services and equipment provided to the City of Mission Hills as heretofore provided, the total amount of One Million, Two Hundred and Seventy One Thousand, Eight Hundred and Ninety Six and 00/100 Dollars (**\$1,271,896.00**), said amount to be paid by Mission Hills at the rate of One Hundred and Five Thousand, Nine Hundred and Ninety One and 33/100 Dollars (**\$105,991.33**), per month during the term of this Agreement, said payment to be made not later than the 15th day of each month.

Said amount is based on the standard employee work schedule of the City of Prairie Village and includes the cost of supervision and insurance, radio dispatching, officer supplies, uniform replacement, salary of personnel, overhead and other costs which will be incurred by Prairie Village in fulfilling the obligations of this Agreement. The estimated costs of services and equipment to be provided under this Agreement have been compiled in a proposed budget for the year 2016, previously furnished to Mission Hills by Prairie Village. This budget was used in determining the costs to be

reimbursed by Mission Hills; however, the parties recognize that the actual costs for the items furnished may differ from those estimated.

In the event of a difference which results from a change in the wage structure of Prairie Village personnel from that contemplated in the proposed budget, or pursuant to Paragraph A., 2., any additional officer is unavailable for any reason other than an excused absence and Prairie Village elects not to assign a replacement officer, an appropriate increase or decrease will be made in the amount due Prairie Village by Mission Hills hereunder. However, the parties agree that no other difference, if any, in the actual costs of the services and equipment provided from that contemplated in the proposed budget will be cause for increasing or decreasing the amount due Prairie Village from Mission Hills hereunder.

C. Reports. The Chief of Police of Prairie Village shall at least once a month submit to Mission Hills a complete written report of the police activity and protection provided within said city.

D. Liability Insurance and Uninsured Claims. The parties recognize that actions (or omissions) in connection with services to be provided by Prairie Village under this Agreement may result in, or give rise to, claims against Mission Hills or Prairie Village, or both, for alleged damages or injuries. For the purpose of limiting financial exposure with respect to such claims, Prairie Village has obtained liability insurance relating to the operation of the Police Department and relating to the operation of vehicles used in providing the services contemplated by this Agreement. Part of the cost of these policies is allocated to Mission Hills and included in the total contract amount as provided in Paragraph B of this Agreement. Mission Hills shall at all times be named as an insured party on both such insurance policies.

In addition, both Prairie Village and Mission Hills carry general liability insurance and both parties agree that they will use their best efforts to cause the insurance companies providing such insurance coverage to waive any subrogation rights, which such companies may have against Prairie Village or Mission Hills, as the

case may be, with respect to expenses incurred and amounts paid under such policies on behalf of the party carrying such insurance.

The parties also recognize that claims may be made against Mission Hills or Prairie Village or both for alleged injuries or damages which are not covered by any of such insurance policies. With respect to such uninsured claims: The parties agree that Mission Hills should bear all or most of the costs related to such claims (including defense costs and payments for settlement or judgment) in those situations in which the action or omission which gives rise to the claim relates primarily to a risk that would not have been incurred by Prairie Village, if Prairie Village were not providing services to Mission Hills under this Agreement; and Prairie Village should bear all or most of the costs related to such claims (including defense costs and payments for settlement or judgment) in those situations in which the action or omission which gives rise to the claim relates primarily to the operation or policies of the Prairie Village Police Department and services provided to Mission Hills under this Agreement are only incidental to the situation.

Accordingly, the parties agree that the circumstances surrounding any claim, which is not covered by insurance and which relates to or arises from actions (or omissions) in connection with services provided or to be provided by Prairie Village under this Agreement, will be examined at the time such claim is made for the purpose of determining the appropriate percentage of the costs related to such claim, which are to be paid by Mission Hills and the appropriate percentage of such costs, which are to be paid by Prairie Village.

E. Effective Date. This Agreement shall be in effect from January 1, 2016, through December 31, 2016, and shall not be assigned. It is agreed that during the term of this Agreement neither party may terminate or modify the Agreement without the consent of the other, except as otherwise provided by this Agreement.

IN WITNESS WHEREOF, the Mayor of Prairie Village, Kansas, has signed this Agreement on behalf of the City of Prairie Village, as such mayor, and the City of Prairie Village has caused these presents to be attested by its Clerk and the seal

of said city to be hereto attached; and the Mayor of Mission Hills, Kansas, has signed this Agreement on behalf of the City of Mission Hills, as such mayor, and the City of Mission Hills has caused these presents to be attested by its Clerk, and the seal of said City to be hereto attached, the day and year first above written.

THE CITY OF PRAIRIE VILLAGE, KANSAS

By: _____
Laura Wassmer - Mayor

ATTEST:

Joyce Hagen Mundy - City Clerk

APPROVED AS TO FORM:

Catherine P. Logan - City Attorney

THE CITY OF MISSION HILLS, KANSAS

By: _____
Rick Boeshaar - Mayor

ATTEST:

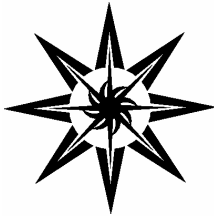
Nicole Hoffman – City Clerk

APPROVED AS TO FORM:

Pete Heaven - City Attorney

PROGRAM	2013	2014	2015	2016	2015-2016 COMPARISON	%
Administration	\$66,439	\$68,752	\$68,997	\$73,351	\$4,354	6.3%
Staff Services	\$140,799	\$138,245	\$142,814	\$142,237	(\$577)	-0.4%
Community Services	\$0	\$0	\$0	\$0	\$0	0.0%
Crime Prevention	\$9,394	\$9,233	\$9,632	\$10,510	\$878	9.1%
Patrol	\$850,875	\$841,584	\$860,795	\$874,978	\$14,183	1.6%
Investigations	\$68,154	\$70,384	\$66,701	\$70,647	\$3,946	5.9%
Special Investigation	\$0	\$0	\$0	\$0	\$0	0.0%
D.A.R.E.	\$7,603	\$7,809	\$8,294	\$8,445	\$151	1.8%
Professional Standards	\$22,249	\$23,495	\$24,268	\$23,127	(\$1,141)	-4.7%
Traffic	\$0	\$0	\$0	\$0	\$0	0.0%
Court	\$76,280	\$75,326	\$74,771	\$68,601	(\$6,170)	-8.3%
School Crossing	\$0	\$0	\$0	\$0	\$0	0.0%
Accounting	\$0	\$0	\$0	\$0	\$0	0.0%
TOTAL	\$1,241,793	\$1,234,828	\$1,256,272	\$1,271,896	\$15,624	1.24%
% OF INCREASE						1.24%

PROGRAM	2016 BUDGET SHARED COSTS	MISSION HILLS PERCENTAGE	MISSION HILLS COST
Administration	\$536,980	13.66%	\$73,351
Staff Services	\$839,228	16.86%	\$142,237
Community Services	\$0	0.00%	\$0
Crime Prevention	\$90,752	11.58%	\$10,510
Patrol	\$2,814,024	27.33% 13.66%	\$874,978
Investigations	\$610,082	11.58%	\$70,647
Special Investigation	\$0	0.00%	\$0
D.A.R.E.	\$84,450	10.00%	\$8,445
Professional Standards	\$169,302	13.66%	\$23,127
Traffic	\$0	0.00%	\$0
Court	\$323,501	20.41%	\$68,601
School Crossing	\$0	0.00%	\$0
Accounting	\$0	0.00%	\$0
TOTAL	\$5,468,319	23.26%	\$1,271,896



PUBLIC WORKS DEPARTMENT

Council Meeting Date: September 21, 2015

CONSIDER PROJECT P5001: 2015 STREET REPAIR PROGRAM CONSTRUCTION CHANGE ORDER #1 (FINAL)

RECOMMENDATION

Move to approve Construction Change Order #1 (Final) with Metro Asphalt, Inc. for Project P5001:2015 Street Repair Program for \$4,330.28.

BACKGROUND

This Final Change Order reflects the final field measured quantities for all bid items. This item includes repairs to deteriorated asphalt at various locations in the City.

Additional asphalt repairs were required to complete the project.

The final contract amount with Metro Asphalt, Inc. for the project will be \$154,330.28.

FUNDING SOURCE

Funds for this work will come from the Street Operating Budget in the amount of \$4,330.28.

RELATED TO VILLAGE VISION

TR1c. Ensure that infrastructure improvements meet the needs of all transportation users.

ATTACHMENTS

1. Construction Change Order #1 (FINAL) with Metro Asphalt, Inc.

PREPARED BY

Melissa Prenger, Senior Project Manager

September 17, 2015



CITY OF PRAIRIE VILLAGE
PUBLIC WORKS DEPARTMENT
CONSTRUCTION CHANGE ORDER NO. 1

City's Project: P5001 2015 Street Repair Program

Date Requested: August 21, 2015

Contract Date: May 4, 2015

Consultant's Name: N/A

Contractor's Name: Metro Asphalt, Inc.

REQUIRED CHANGES TO PRESENT CONTRACT

Contract Quantity	Previous Amount	Unit	Item Description	Adj. Quant.	Unit Price	Adjusted Amount
0	\$0.00	LS	Finalizing Quantities for the 2015 Street Repair Program	LS	\$4,330.28	\$4,330.28

TOTAL

NET TOTAL
 Increase

EXPLANATION OF CHANGE - This change order is to cover the following items:

Finalizing quantities for the 2015 Street Repair Program- Funding- Street Operating Budget \$4,330.28

The Consultant does **not** anticipate a related Engineering Change Order.

	Contract Value	Contract Days
Original Contract	\$150,000.00	
Current Contract including previous Change Orders	\$150,000.00	
NET This Change Order	\$4,330.28	
New Contract Price	\$154,330.28	

 Contractor

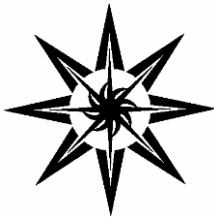
 Date

 Melissa Prenger, Senior Project Manager
 City of Prairie Village, KS

 Date

 Laura Wassmer, Mayor
 City of Prairie Village, KS

 Date



PLANNING COMMISSION

Council Meeting Date: September 21, 2015

PC2015-06 Consider a Request for Rezoning 7930 State Line Road from R-lb (Single Family Residential) and C-0 (Office Building District) to CP-1 (Planned Restricted Business District) and Approval of a Preliminary Development Plan.

RECOMMENDATION

Recommend the Governing Body adopt Ordinance 2333 approving the rezoning of 7930 State Line Road from R-lb and C-0 to CP-1 (Restricted Business District) and the revised Preliminary Development Plan subject to 16 conditions recommended by the Planning Commission.

BACKGROUND

This application was first heard by the Planning Commission on June 2, 2015, and then again on July 7, 2015. The Planning Commission recommended approval of the rezoning and preliminary site plan subject to 15 conditions. Additionally the Planning Commission approved a Conditional Use Permit for a drive through based on the site plan, subject to 3 conditions - one it being contingent upon approval of the Zoning and Preliminary Site Plan by the Governing Body. The Governing Body considered the application at its August 3 meeting and failed to approve the application. A motion was approved to send the application back to the Planning Commission to look at specific issues associated with the drive through and relationship with abutting residential property. A revised site plan based on this motion was created by the applicant.

The primary issues from the City Council were the drive-through and noise. A new site plan was developed to further address these issues. While the new plan addresses these issues, other issues are created. The applicant is willing to move forward with either plan. A revised landscape plan has been created using more plants and trees suggested at the Council meeting. The revised landscape plan will be implemented with either site plan recommended by the Planning Commission. An engineering firm was hired to conduct a noise analysis of the proposed drive through speakers and the existing noise levels. The dumpster has been moved further from the residential properties to minimize noise.

A study was completed by Henderson Engineers, Inc. on August 19th and 20th. Noise levels were measured on the proposed site and the existing Slim Chickens restaurants in Independence, Missouri and Overland Park, Kansas at noon. The results indicate the intercom noise is primarily inaudible except at times of no traffic, though locust, wind noise and other typical outdoor ambient noises will be approximately equivalent or louder than the intercom system. Based on testing, the estimated level from the drive through speaker at the northwest property line

on the proposed site is 42.2 decibels with the existing ambient noise level of 51.5 decibels. Noise from the two locations tested revealed noise levels at 10 and 15 feet from the speakers to be less than existing traffic noise from the street.

The revised site plan includes additional landscape materials, and a revised circulation plan that does not circulate parking and drive-through traffic as far back (west) on the site. Instead, two stacking lanes turn into the drive-through closer to the building on the central part of the lot. The speaker boxes for the drive through remain in the same location as the original application and are oriented to the south west - towards the office property to the south. While additional landscape materials and reduced potential for all traffic circulating to the back portion of the lot could reduce perceived noise impacts on abutting residential property, the revised plan also presents a potential circulation issue. There is only one drive lane to the majority of the site parking on the north side of the lot, and if more than 12 cars begin to stack at the drive-through area, there is the potential for customers trying to access parking to stack in that line along the east side of the applicants property. This option was originally proposed by the applicant prior to the initial application, but due to potential stacking issues staff requested the circulation option shown on the original application.

After significant discussion by the Planning Commission (see attached Minutes of September 1, 2015), the Planning Commission voted to return its original recommendation to the City Council. The primary reasons for not selecting the revised plan were pedestrian safety concerns for patrons walking from the parking lot to the restaurant and potential stacking of vehicles interfering with traffic flow created by the new plan proposed. Based on the findings of the noise study they amended condition #15 and added condition #16 stipulating the enhanced landscaped plan prepared be implemented.

Specifically the Planning Commission discussed the following with respect to these issues:

- Drainage - since the proposed application is reducing impervious surface and further increasing landscape elements, an improvement over current conditions is possible.
- Traffic - while the proposed use could increase traffic for the site, the traffic study found that the current capacity of State Line road can handle the proposed uses traffic patterns and site configuration.
- Lighting - the final development plan will be required to meet all outdoor lighting standards which require design standards to ensure no light spill over onto adjacent residential property.
- Smell and Noise - the operation, performance standards and site design are arranged in a manner to best mitigate any potential impacts of noise and smell.

The Planning Commission found favorably on the Golden Factors (see July 7th minutes) and recommended the Governing Body approve the request for

rezoning of 7930 State Line Road from R-1b and C-0 to CP-1 subject to the conditions listed below:

1. That prior to obtaining a permit for construction the applicant shall submit a Final Development Plan for review and approval by the Planning Commission.
2. That an exterior lighting plan be included with the submission of the Final Development Plan and be designed in accordance with the outdoor lighting regulations of the zoning ordinance.
3. That any HVAC units are installed externally, either on the roof or on the ground, be screened from adjacent properties and State Line Road.
4. That the applicant submit the landscape plan to the Tree Board for review and approval prior to submitting the Final Development Plan to the Planning Commission for approval. That the landscape plan, as approved, shall be installed as a part of the development construction. Additionally that the proposed landscape plan be amended as follows:
 - a. Replace Red Maple trees with White Oak, Swamp White Oak, Kentucky Coffeetree, Autumn Gold Ginkgo or other hardy varieties of large landscape trees.
 - b. Continue the massing of the Green Giant Arborvitae and connect the western grouping of evergreens to the northwestern grouping as a replacement for the two shrubs and one tree.
 - c. Add 3 to 4 street trees along State Line along the sidewalk and/or in islands using appropriate shade trees such as, Swamp White Oak, Silver Linden, Bald Cypress and Emerald Sunshine Elm or other varieties.
5. That the sidewalk adjacent to State Line Road be five feet in width aligned to connect to the existing sidewalk on the commercial property to the north.
6. That the applicant submit a sign package which includes the monument sign, menu board, wall signs and directional signs for review and approval by the Planning Commission.
7. That the approval of the Preliminary Development Plan is subject to approval of the Conditional Use Permit for the drive-through window and if the Conditional Use Permit is not approved, the applicant shall revise the site plan and resubmit it for approval by the Planning Commission.
8. That the applicant submit detail for the 8-foot fence that will be used to screen adjacent residences for review and approval by Staff.
9. That the applicant plat the property prior to obtaining a building permit.
10. That the landscape area along the north and south property lines be approved for 5 feet which is reduced from the standard 8-foot requirement.
11. That the applicant work with the Public Works Department for approval of the stormwater drainage.

12. That the applicant install filters in the venting system to control odors from cooking and provide information on the filters during the building permitting process.
13. That the business operator or manager work with staff to reduce noise during operation hours, as well as, during clean-up time after the business closes.
14. That the hours of operation are 10:30 a.m. to 10:00 p.m.
15. That the drive through speaker systems be maintained at decibel levels that are not audible above evening ambient noise levels from any residential property abutting the site.
16. That the landscape plan associated with the revised site plan (or a comparable plan in terms of species, location and quantity) be required.

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 simple majority vote of the Governing Body (seven votes), and deny or revise the rezoning and Preliminary Development Plan, or
- C. Continue the item to a designated meeting by a simple majority of the quorum present.

Related to Village Vision:

- | | |
|-------|--|
| PRS1B | "Encourage the development of small, independent businesses" |
| PRS2B | "Consider more aggressively marketing Prairie Village to attract new business establishments and expand the tax base." |

ATTACHMENTS

Agenda Cover with Proposed Ordinance
Planning Commission Minutes - June 2, 2015
Staff Report Dated - June 2, 2015
Site Plans Dated 5/22/2015
Planning Commission Minutes - July 7, 2015
Supplement to Staff Report Dated July 7, 2015
Revised Site Plans Dated - 7/1/2015
Planning Commission Minutes - September 1, 2015
Staff Report Dated - 9/1/2015
Revised Site Plan Dated 8/12/2015

ORDINANCE 2333

AN ORDINANCE REZONING PROPERTY LOCATED AT 7930 STATE LINE ROAD, PRAIRIE VILLAGE, KANSAS FROM R-1b (SINGLE FAMILY RESIDENTIAL DISTRICT) and C-0 (OFFICE BUSINESS DISTRICT) TO CP-1 (PLANNED RESTRICTED BUSINESS DISTRICT) AND DIRECTING THE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF PRAIRIE VILLAGE, KANSAS; AND REINCORPORATING SAID ZONING MAP BY REFERENCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section I. Planning Commission Recommendation.

That having received a recommendation from the Planning Commission; having found favorably on the findings of fact, proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Zoning Regulations of the City of Prairie Village, Kansas, the zoning classification or districts of the lands hereinafter legally described are changed from R-1b (Single Family Residential District) and C-0 (Office Building District) to CP-1 (Planned Restricted Business District) and a Preliminary Development Plan is adopted as set forth in Sections II and III.

Section II. Rezoning of Property.

That the real estate located at 7930 State Line Road, Prairie Village, Kansas, and hereinafter described, to Wit: PART OF LOT 3, NEL-ARO, AND PART OF LOT 14, BLOCK 8, MEADOW LAKE, BOTH BEING SUBDIVISIONS IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID LOT 3 WITH THE WEST LINE OF STATE LINE ROAD, AS NOW ESTABLISHED; THENCE NORTH 2'50" EAST, ALONG THE WEST LINE OF STATE LINE ROAD, A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER OF LOT 15, IN SAID BLOCK 8; THENCE WEST, ALONG THE SOUTH LINE OF SAID LOT 15 A DISTANCE OF 150.00 FEET, TO THE SOUTHWEST CORNER THEREOF; THEN NORTH 17'10" WEST, ALONG A LINE WHICH MAKES A SOUTHWEST ANGLE OF 90 DEGREES WITH THE EASTERLY LINE OF SAID LOT 14, A DISTANCE OF 123.00 FEET; THENCE NORTH 2 DEGREES 50' EAST, A DISTANCE OF 63.37 FEET, TO A POINT ON THE NORTHWESTERN LINE OF SAID LOT 14, THENCE SOUTH 66 DEGREES 21' 16" WEST, ALONG THE NORTHWESTERLY LINE OF SAID LOT 14, A DISTANCE OF 421.97 FEET, TO THE SOUTHWEST CORNER THEREOF; THENCE EAST, ALONG THE SOUTH LINE OF SAID LOTS 14, AND 3 A DISTANCE OF 651.33 TO THE POINT OF THE BEGINNING and commonly referred to as

7930 State Line Road Street, Prairie Village, Kansas

is hereby rezoned in its entirety from R-1b Planned Single Family Residential District and C-0 Office Building District to CP-1 Planned Restricted Business District.

Section III. Preliminary Development Plan.

That a Preliminary Development Plan as presented to the Planning Commission on July 7, 2015 and revised September 1, 2015 is hereby approved subject to the following conditions:

1. That prior to obtaining a permit for construction the applicant shall submit a Final Development Plan for review and approval by the Planning Commission.
2. That an exterior lighting plan be included with the submission of the Final Development Plan and be designed in accordance with the outdoor lighting regulations of the zoning ordinance.
3. That any HVAC units are installed externally, either on the roof or on the ground, be screened from adjacent properties and State Line Road.
4. That the applicant submit the landscape plan to the Tree Board for review and approval prior to submitting the Final Development Plan to the Planning Commission for approval. That the landscape plan, as approved, shall be installed as a part of the development construction. Additionally that the proposed landscape plan be amended as follows:
 - a. Replace Red Maple trees with White Oak, Swamp White Oak, Kentucky Coffeetree, Autumn Gold Ginkgo or other hardy varieties of large landscape trees.
 - b. Continue the massing of the Green Giant Arborvitae and connect the western grouping of evergreens to the northwestern grouping as a replacement for the two shrubs and one tree.
 - c. Add 3 to 4 street trees along State Line along the sidewalk and/or in islands using appropriate shade trees such as, Swamp White Oak, Silver Linden, Bald Cypress and Emerald Sunshine Elm or other varieties.
5. That the sidewalk adjacent to State Line Road be five feet in width aligned to connect to the existing sidewalk on the commercial property to the north.
6. That the applicant submit a sign package which includes the monument sign, menu board, wall signs and directional signs for review and approval by the Planning Commission.
7. That the approval of the Preliminary Development Plan is subject to approval of the Conditional Use Permit for the drive-through window and if the Conditional Use Permit is not approved, the applicant shall revise the site plan and resubmit it for approval by the Planning Commission.
8. That the applicant submit detail for the 8-foot fence that will be used to screen adjacent residences for review and approval by Staff.
9. That the applicant plat the property prior to obtaining a building permit.
10. That the landscape area along the north and south property lines be approved for 5 feet which is reduced from the standard 8-foot requirement.
11. That the applicant work with the Public Works Department for approval of the stormwater drainage.

12. That the applicant install filters in the venting system to control odors from cooking and provide information on the filters during the building permitting process.
13. That the business operator or manager work with staff to reduce noise during operation hours, as well as, during clean-up time after the business closes.
14. That the hours of operation are 10:30 a.m. to 10:00 p.m.
15. That the drive through speaker systems be maintained at decibel levels that are not audible above evening ambient noise levels from any residential property abutting the site.
16. That the landscape plan associated with the revised site plan (or a comparable plan in terms of species, location and quantity) be required.

Section IV. Reincorporation By Reference of Prairie Village, Kansas, Zoning District Map as Amended.

That the Official Zoning District Map of the City is hereby amended in accordance with Section II, of this ordinance and is hereby reincorporated by reference and declared to be the Official Zoning District Map of the City as provided for and adopted pursuant to the provisions of Section 19.04.010 of Title 19 Zoning of the Prairie Village Zoning Regulations.

Section V. Take Effect.

That this ordinance shall take effect and be in force from and after its publication in the official City newspaper as provided by law.

PASSED AND APPROVED THIS 21st DAY OF SEPTEMBER, 2015.

Mayor Laura Wassmer

ATTEST:

APPROVED AS TO FORM

Joyce Hagen Mundy, City Clerk

Catherine P. Logan, City Attorney

**PLANNING COMMISSION MINUTES
June 2, 2015**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, June 2, 2015, in the Municipal Building Council Chambers at 7700 Mission Road. Acting Commission Secretary Meghan Buom called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Gregory Wolf, James Breneman, Nancy Wallerstein, Patrick Lenahan, and Jeffrey Valentino. Absent: Jonathon Birkel.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, City Planning Consultant; Wes Jordan, Assistant City Administrator; Mitch Dringman, Building Official; Eric Mikkelson, Council Liaison and Meghan Buom, Deputy City Clerk.

INTRODUCTION OF NEW COMMISSION MEMBERS & COUNCIL LIAISON

Wes Jordan introduced and welcomed new appointed Planning Commission members Patrick Lenahan and Jeffrey Valentino as well as new Council Liaison Eric Mikkelson. New commissioner Jonathan Birkel was unable to attend.

ELECTION OF OFFICERS

Meghan Buom called for nominations for the position of Planning Commission Chairman. James Breneman nominated Nancy Wallerstein. The motion was seconded by Randy Kronblad and passed unanimously.

Newly elected chairman Nancy Wallerstein called for nominations for the position of Planning Commission Vice Chairman. James Breneman nominated Randy Kronblad. The motion was seconded by Jeffery Valentino and passed unanimously.

Nancy Wallerstein nominated Joyce Hagen Mundy to serve as Planning Commission Secretary. The nomination was seconded by James Breneman and passed unanimously.

APPROVAL OF MINUTES

James Breneman moved the approval of the minutes of the Planning Commission for May 5, 2015 as submitted. The motion was seconded by Greg Wolf and passed by a vote of 4 to 0 with Lenahan and Valentino abstaining.

PUBLIC HEARINGS

PC2015-06 Request for Rezoning from C-0 & R-1b to CP-1 (Planned Restricted Business District and approval of Development Plan

7930 State Line Road**PC2015-07 Request for Conditional Use Permit for Drive-Thru Service Window
7930 State Line Road**

Chairman Wallerstein opened the public hearing and asked the applicants to present their proposal. Mitch DiCarlo, Development Coordinator for Block and Co., and Jeff Bartz, BHC Rhodes, were present to represent Slim Chickens.

The applicant is proposing to rezone this property from R-1B Single-Family Residential and C-0 Office Building to CP-1 Planned Restricted Business District. This property is located south of the Panda Express which was rezoned to CP-1 in 2007. The parcel has 100 feet of frontage on State Line Road and has a depth of 651 feet along the south property line. The parcel has an irregular boundary and contains approximately 1.37 acres. The site is occupied by an office building that was built in 1968 and the applicant proposes to demolish that building and construct a fast food restaurant called Slim Chickens. The proposed restaurant will have a drive-thru window and a Conditional Use Permit has been requested along with this application. Both applications are on the Agenda and need to be considered together but will require separate action.

This area has become a fast food corridor with McDonald's, Wendy's and Culver's on the east side of State Line Road in Kansas City and Latteland and Panda Express on the west side of State Line Road in Prairie Village.

The property consists of several lots or portions of lots and needs to be platted.

The applicant proposed to construct a 3,564 sq. ft. building that will be setback approximately 80 feet from the front property line. The required front yard setback in the C-1 District is 15 feet. The restaurant will have a seating capacity of 122 which will require 49 parking spaces. Both driveways on State Line Road will be retained. The north drive will have an entrance while the south drive will be a two-lane exit.

The applicant held a meeting for the neighborhood property owners on May 28, 2015 and a summary was submitted by separate attachment.

This is a request for a Planned Business District and the Planning Commission will need to recommend approval of the rezoning and a Preliminary Development Plan to the Governing Body. After approval of the rezoning and Preliminary Plan by the Governing Body, a Final Development Plan will need to be submitted for approval by the Planning Commission.

Mitch DiCarlo stated that the existing building is an outdated office building that is no longer leasable. Jeff Bartz presented an overview of the existing site and the proposed site. He stated that the building is significantly smaller with a patio and additional grass to be added. The building is designed to maintain traffic flow on the site rather than State Line Road. The proposed landscaping includes a 6 foot wood privacy fence and additional landscaped buffer to limit noise and light.

James Breneman stated that the proposed plans do not indicate the raised sidewalks.

Greg Wolf asked about the residents' response to the landscaping and screening plan. Bartz responded that while he can't speak for the residents, they heard many opinions; some in favor and some in opposition.

Patrick Lenahan asked if there was discussion regarding the placement of the trash enclosure on the site. Bartz responded that there was not.

Nancy Wallerstein asked if there would be alcohol sold on the site. DiCarlo responded that he was not aware of intent to sell alcohol.

Wallerstein asked about the left and right turn at the exit of the property and if a traffic study had been conducted. Ron Williamson stated that Panda Express has a similar setup and no traffic study had been conducted. There is an existing left and right turn to exit the existing building.

Jeffery Valentino asked what the landscape screen look like in the interim before trees matured. Bartz responded that many of the trees would be planted at close to full size, and smaller shrubs and bushes would provide a full barrier. Additionally, the existing tree line will be maintained. Nancy Wallerstein noted that the plan presented via the PowerPoint by Bartz was different than the one included in the packet, and shows significantly less landscaping. Ron Williamson stated that he approved the plan included in the original reviewed submission.

Nancy Wallerstein called for public comment.

David Wooldridge, 2115 Somerset Drive, stated that he is a design engineer and very familiar with mixed use development. He stated he was not notified about the public hearing by registered mail as required. He commented on the noise levels from Panda Express including drive through orders, hip hop music, and bad language. He stated that when he purchased the property, there were two quiet office buildings. Panda Express created a circus. He stated that residents were promised an 8 foot fence, but the majority of the fencing installed ended up being only four feet. He is afraid the lights on the property will cause extreme brightness. He shared his concerns related to security issues such as car burglaries and theft. He doesn't believe a 6 foot fence would properly shield his property. Residents haven't been able to get a straight story on the hours of operation and he stated that employees at Panda Express stay beyond the posted hours, either cleaning or just hanging out, and lights remain on for security purposes. He would not have purchased his home if he knew he would be living behind two fast food restaurants.

Jeff Bartz has a certified receipt stating notification was sent. Mr. Wooldrige stated that they were not notified, however they were able to attend the public hearing after being informed by a neighbor. However, he stated he did not have significant time to prepare.

Nancy Wallerstein stated that the Planning Commission was told that the hours would be similar to the Independence Slim Chickens location: 10:30 a.m. - 10 p.m.

Paul Flose, owner of Culvers at 7359 State Line Road, stated that the additional fast food restaurants located in the area have actually helped his business. However, he has concerns with the traffic on State Line Road. It is becoming increasingly difficult for his patrons to leave parking lot. He wondered if a traffic study had been completed.

Harlan Birkhead, 7909 Sagamore, Leawood KS, stated that he hoped an independent traffic study would be completed. It is getting increasingly dangerous on that road and a legitimate public safety concern. It does not enhance his property or the enjoyment of his property. He asked for additionally landscaping shielding the south side of the property. The current office building shields their yard and deck from Panda Express, and when it is demolished, they believe more noise and light will come in.

Carly Bailey, 2021 Somerset Drive, stated that 25% of her property line abuts the existing building. She reiterated the comments stating that the Panda Express fence was not what they were promised. The fence is flimsy at best, only 3.5 feet tall with enough room to crawl underneath. She stated her belief that there is a security issue for women and elderly in this community as people can drive to the fence line and look into the yards and homes. She stated the home has been in her family since 1957 and Prairie Village has generated taxes from them for over 50 years. However, she stated that property values have plummeted due to the changes in the area.

Ms. Bailey shared several complaints about Panda Express. The noise pollution has been unbelievable. The dumpsters are right by their window and the trash truck is unbelievably loud. The lights are on like a stadium all night and shine right in the windows, regardless of the hours. Employees are loud and keep all hours. The smell is overwhelming. Adding a new restaurant multiplies those issues.

She stated that the residents shared concerns and the response received from the applicant was dismissive at best. She stated that Mr. Bartz was falsely representing the opinions of the residents when asked earlier in the meeting.

Bill Randall, 2123 Somerset, stated that the drive thru seems significantly larger than Panda Express, and because it goes into the West portion of the property, it increases issues for residents. He would like to see the drive thru closer to State Line with more green space. He wondered if a left turn signal could be added at Somerset and State Line.

Stephanie McEntire, 2107 Somerset, stated that the proposed landscaping and trees are a great idea in theory; however due to the utility lines, existing trees are constantly getting trimmed back and mutilated.

Carolyn Bailey, 2021 Somerset Drive, stated that while noise and security are a major concern, it is not restaurant patrons that cause the issues. She believes people are living in their cars in the parking lots. She has issue with the lack of night security. She

stated that there is a water and drainage problem in the area and the grates that let the water through do not accommodate heavy rains. The electrical lines don't accommodate all the homes and the area has frequent outages. The neighborhood cannot accommodate another restaurant. Residents need help, not another problem.

Nancy Wallerstein closed the public hearing and asked the representatives of Slim Chickens to respond.

Mitch DiCarlo responded to the comments related to the noise. He pointed out that the ordering takes place close to the building, with sound traveling south which will alleviate the problem. He is disappointed that residents think they were being misled which was not the intent. He wants to work with the adjacent homeowners to allow the least amount of disruption to the property and will address those issues in the interim.

Jeff Bartz stated that additional screening along the south side will help with concerns and additional screening along the north edge will be included in the final development plan. They will work to improve the site lighting there, which will be shown in the final development plan. The drainage on south side will reuse the inlet and retain existing flow plan. There is actually a decrease in impervious runoff area.

Greg Wolf asked for a response to traffic study inquiries. Jeff Bartz stated that one was not required. Mr. Wolf asked if they were willing to conduct a traffic study. Mitch stated he didn't know what the protocol is in the City was but they are willing to work with the planning commission to alleviate the concerns. Ron Williamson stated that a traffic study is performed by a consultant with a review by Public Works. Mr. DiCarlo stated that they would be willing to conduct a traffic study.

James Breneman asked how the grading plan related to the elevation in the existing homes. Mr. Bartz stated that they trying to maintain existing elevations. The homes are elevated above the property.

Jeff Bartz stated that the privacy fence will be placed 5 feet in front of the property line. James Breneman asked if they would consider a taller fence in response to the privacy concerns. Ron Williamson stated the Planning Commission can require a higher fence. Mr. DiCarlo stated that it should not be an issue and they will reflect that on the final plan for approval.

Patrick Lenahan asked if the drive thru is integral to the Slim Chicken facility? Mr. DiCarlo said that yes, it is part of each facility.

Nancy Wallerstein summarized that the major issues include drainage, traffic, screening, lighting, noise, and smell. She stated that a restaurant planned in Leawood (Slab and Pickle at 95th and Mission) used a "smell buffer" of sorts so the cooking odors did not emit into the neighborhood. Mr. DiCarlo stated that there are many types of filtration systems that can be used, however haven't delved into that at this point in the process but can look into it. Nancy Wallerstein encouraged him to investigate that.

Ron Williamson stated that Public Works will review the site drainage when it is submitted for a permit review. He reiterated that the new plan has 13,000 square feet less impervious material and will help with drainage.

Nancy Wallerstein stated that the face of State Line on both sides of the road has changed drastically over the years and this development will surely add to the traffic in the area with a lot of movement in and out of the parking lots. While the entry and exits will be the same physical location there will be more cars due to the nature of a fast food establishment. Randy Kronblad and Jeffery Valentino shared that concern.

Nancy Wallerstein encouraged more mature shrubbery on the landscape plan. Ron Williamson stated he would like to see a revised landscape plan.

Nancy Wallerstein stated a desire to see innovative ways for the property to be lit.

Wes Jordan stated that noise is governed by an ordinance. He encouraged residents to call the police department on all of those issues they shared related to safety and noise. It is important that residents report issues so the city has a record of the complaints.

Ron Williamson suggested moving trash bins to the south side of the property.

Ron Williamson stated the lighting ordinance includes zero foot candles at property lines. At the time they get a permit, Slim Chickens will be required to submit a lighting plan. He stated that the City will look at the lighting plan at Panda Express as well as the fence

Nancy Wallerstein asked if the committee had additional comments before going through the golden factors.

Patrick Lenahan stated that many issues discussed at the meeting are inherently baked into the layout of the site, not the use of the property. He would like to see the issues mitigated before giving approval.

Greg Wolf asked if they would have time to clarify issues prior to the July meeting. Ron Williamson stated he believed they could hopefully respond to most of the issues; however the traffic study may be difficult.

Randy Kronblad stated that the enough significant issues were raised that he can't support the rezoning at this time.

Randy Kronblad moved to continue PC2015-06, Request for Rezoning from C-0 & R-1b to CP-1 (Planned Restricted Business District and approval of Development Plan at 7930 State Line Road, to the July 7, 2015 Planning Commission meeting and Jeffery Valentino seconded the motion.

James Breneman would like to see them relocate trash bins in addition to addressing the previously discussed issues. The motion passed unanimously.

James Breneman moved to continue PC2015-07, Request for Conditional Use Permit for Drive-Thru Service Window at 7930 State Line Road to the July 7, 2015 Planning Commission meeting. Patrick Lenahan seconded the motion and it passed unanimously.

Nancy Wallerstein asked Jeff Bartz to forward receipt of certified mail to Mr. Woolridge.

OTHER BUSINESS

Ron Williamson shared a revised site plan for Westlake Ace Hardware at 4049 Somerset. They have revised their parking lot storage area to the East Side of the lot instead of the West as originally indicated. They are not using any additional space. The change was made to improve parking. Greg Wolf moved to approve the revised site plan. Randy Kronblad seconded the motion and it passed unanimously.

Next Meeting

The filing deadline for the July meeting is Friday, June 5th. Two BZA applications are anticipated to be filed. Site Plan approval for Briarwood Elementary School is expected. The Monument Sign for Homestead Estates is also anticipated.

Interviews are being held on Wednesday, June 9, 2015 for the position of Planning Consultant. Three proposals were received. It is anticipated that the contract will be approved at the June 15th City Council meeting. Ron Williamson will prepare the staff reports for the July meeting with both Ron and the new Planning Consultant in attendance.

ADJOURNMENT

With no further business to come before the Commission, Chairman Nancy Wallerstein adjourned the meeting at 8:42 p.m.

Nancy Wallerstein
Chairman

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
DATE: June 2, 2015, Planning Commission Meeting

Project # 000009686

Application: PC 2015-06

Request: Rezoning from R-1B Residential and C-0 Office Building to CP-1 Planned Restricted Business District

Property Address: 7930 State Line Road

Applicant: 7930 State Line LLC (Block and Company)

Current Zoning and Land Use: R-1B Single-Family Residential and C-0 Office Building - Office Building

Surrounding Zoning and Land Use: North: CP-1 Planned Restricted Business - Panda Express and R-1B Single-Family Residential - Single-Family Dwellings
East: Commercial (KCMO) - CVS and Wendy's
South: R-1 Single-Family Residential - Single-Family Dwellings and SD-O Business Office District - Financial Institution
West: R-1B Single-Family Residential - Single-Family Dwellings

Legal Description: Multiple Lots

Property Area: 1.37 acres

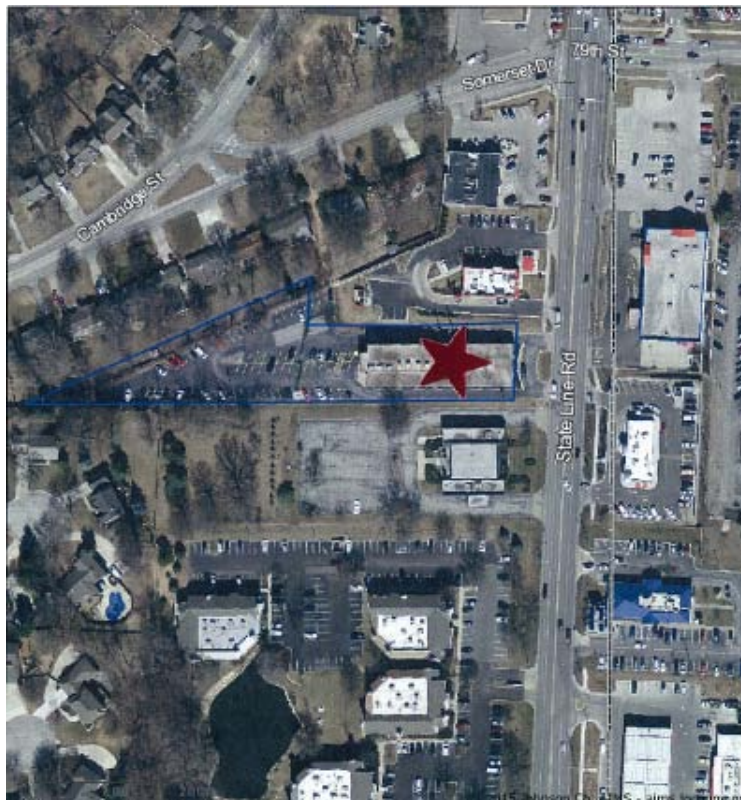
Related Case Files: PC 2015-07 Conditional Use Permit for Drive-Thru Window

Attachments: Application, Plans and Photos

General Location Map



Aerial Map



COMMENTS:

The applicant is proposing to rezone this property from R-1B Single-Family Residential and C-0 Office Building to CP-1 Planned Restricted Business District. This property is located south of the Panda Express which was rezoned to CP-1 in 2007. The parcel has 100 feet of frontage on State Line Road and has a depth of 651 feet along the south property line. The parcel has an irregular boundary and contains approximately 1.37 acres. The site is occupied by an office building that was built in 1968 and the applicant proposes to demolish that building and construct a fast food restaurant called Slim Chicken. The proposed restaurant will have a drive-thru window and a Conditional Use Permit has been requested along with this application. Both applications are on the Agenda and need to be considered together but will require separate action.

This area has become a fast food corridor with McDonald's, Wendy's and Culver's on the east side of State Line Road in Kansas City and Latteland and Panda Express on the west side of State Line Road in Prairie Village.

The property consists of several lots or portions of lots and needs to be platted.

The applicant proposed to construct a 3,564 sq. ft. building that will be setback approximately 80 feet from the front property line. The required front yard setback in the C-1 District is 15 feet. The restaurant will have a seating capacity of 122 which will require 49 parking spaces.

Both driveways on State Line Road will be retained. The north drive will have an entrance while the south drive will be a two-lane exit.

The applicant held a meeting for the neighborhood property owners on May 28, 2015 and a summary is submitted by separate attachment.

This is a request for a Planned Business District and the Planning Commission will need to recommend approval of the rezoning and a Preliminary Development Plan to the Governing Body. After approval of the rezoning and Preliminary Plan by the Governing Body, a Final Development Plan will need to be submitted for approval by the Planning Commission.

In considering a change in zoning classification, the Planning Commission must consider a number of factors commonly referred to as the "golden factors" in approving or disapproving the request and they are as follows:

1. The character of the neighborhood;

The general character of this area is business on both sides of State Line Road. Culvers, Wendy's, CVS Pharmacy and McDonald's are located on the east side of State Line Road and all four have drive-thru windows. There are residential uses to the northwest of this property which have their rear yards adjacent to this site. To the south are offices. The immediate area to the north is developed with restaurants and retail uses.

2. The zoning and uses of property nearby;

North: CP-1 Planned Restricted Business – Panda Express and R-1B Single-Family Residential – Single-Family Dwellings

East: Commercial (KCMO) – CVS and Wendy's

South: R-1 Single-Family Residential – Single-Family Dwellings and SD-0 Business Office District – Financial Institution

West: R-1B Single-Family Residential – Single-Family Dwellings

3. The suitability of the property for the uses to which it has been restricted under its existing zoning;

The existing building is currently being used for office space. The office market in Prairie Village is weak for this type of space. This building is older, having been built in 1968, and its appearance is not such that it would command the interest of a lot of potential tenants. The existing building probably is at a state where a teardown and rebuild is a logical solution to more economically and effectively use the site. Since this property is on State Line Road, redevelopment for commercial use has a strong potential. In order to redevelop the site, the new use needs to generate a higher revenue to offset the redevelopment costs.

4. The extent that a change will detrimentally affect neighboring property;

The properties to the north, south and east are developed for business uses and the redevelopment of this property will not detrimentally affect them. There will be additional traffic because a fast food restaurant generates more traffic than an office, but State Line Road can accommodate it. The residential use to the northwest and southwest would be most affected by the restaurant because of noise and lights. Fencing and landscaping will be required to screen the use from the residential properties which should mitigate negative effects. The restaurant will be required to follow the outdoor lighting regulations which will minimize the impact on outside lighting.

5. The length of time of any vacancy of the property;

The building has been continually occupied by office uses since it was built and has not been totally vacant for any length of time. As pointed out earlier the market for office space of this type is weak in the City of Prairie Village.

6. 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;

The redevelopment of this site will permit the removal of one structure that is not at the quality that is desired by the market and will allow the redevelopment for a use that will be of higher value and be a greater generator of revenue to the City. The redevelopment of the site should provide a structure that is better designed and more attractive which would be an asset to the neighborhood rather than create a hardship on the other adjacent owners.

7. City staff recommendations;

It is the opinion of Staff that this is a logical request for CP-1 Planned Restricted Business District Zoning because this is a mixed office retail area; the property needs renovation; it is located on a very highly traveled arterial street; and it will be an extension of the commercial property to the north. There are nine residential lots that abut the property and those can be protected through landscaping and proper screening controls. There are very limited areas in Prairie Village where a fast food restaurant would be appropriate and this location works for that use.

8. Conformance with the Comprehensive Plan.

The Village Vision has pointed out that Prairie Village retail is slightly oversupplied with marginally performing uses and that reinvestment and repositioning are needed to improve the performance of the retail sector. The Village Vision encourages the upgrading of uses to create higher density and intensity development. This is an underperforming property that needs reinvestment.

9. Approval of the Preliminary Development Plan.

Prior to recommending approval of a planned zoning district, the Planning Commission must also recommend approval of a Preliminary Development Plan. The criteria for evaluating the Preliminary Development Plan will be the same criteria as is used in site plan approval which is as follows:

a. The site is capable of accommodating the buildings, parking areas, and drives with the appropriate open space and landscaping.

The site is an irregular shape which contains approximately 1.37 acres and it has been laid out to accommodate 4,235 sq. ft. of restaurant area with 49 parking spaces. The proposed plan shows 94 indoor seats and 28 outdoor seats for a total of 122 dining and patio seats which require 49 off-street parking spaces so the project is meeting the minimum requirements. Less of the site will be covered with impervious surface than it is now which will reduce stormwater runoff and create more green space. The far west corner of the site will be heavily landscaped which will improve the appearance for adjacent residents.

b. Utilities are available with adequate capacity to serve the proposed development.

The property is currently served with water, sewer, gas, electric, telephone and cable. The size of the proposed building does not appear that it would require anything out of the ordinary and the utilities that are available should be adequate to handle the project.

c. The plan provides for adequate management for stormwater runoff.

The area of the site is 59,663 sq. ft. and currently 50,027 sq. ft. is covered with impervious material which includes a building and pavement. The proposed project will have 36,805 sq. ft. of impervious area. This is a reduction of 13,222 sq. ft. of impervious area. Since the impervious area has been reduced, a stormwater master plan will not be required at this time. The stormwater will be reviewed by Public Works as a part of the building permit process.

d. The plan provides for safe easy ingress/egress and internal traffic circulation.

Ingress and egress will be provided from two locations off State Line Road. The north driveway will provide for a one-lane entrance. The south drive will provide two lanes for exit only. The placement of the drive-thru window allows an ample number of stacking spaces so that it should not be a traffic problem on State Line. The volume of traffic generated by the restaurant is not significant enough to affect State Line Road.

e. The plan is consistent with good planning and site engineering design principles.

The site plan appears to be well laid out considering its limited size. The plan has added additional landscape area and fencing over what exists, which will certainly be a benefit for both the residential neighbors and the environment. More open area allows for more landscaping which should provide more screening for adjacent residents as well as reduce stormwater runoff.

When the Planning Commission has considered other redevelopment projects, one of the issues that have been identified is providing pedestrian access. The applicant has provided a sidewalk adjacent to State Line Road which should connect to the property to the north. The sidewalks in this area do not really connect very well to the neighborhood but it is hoped that sidewalks will be installed as redevelopment occurs and the area will have a complete network of sidewalks that will be beneficial to the community as a whole at some time in the future.

f. An appropriate degree compatibility will prevail between the architectural quality of the proposed building and the surrounding neighborhood.

The proposed use is a fast food restaurant which has the distinct architectural style of the Slim Chicken brand. The design is not compatible with typical Prairie Village architecture and probably would not fit well in other locations in the City. This location is on State Line Road where there is a McDonald's, Wendy's and Culvers Restaurant across the street and a Panda Express to the north. By those standards the architecture is compatible with the surrounding neighborhood. The proposed building is 24.5 feet in height compared to the Panda Express building adjacent to the north that is 23 feet in height. The building is within scale of others in the area.

The applicant has not submitted a monument sign or menu board design for approval by the Planning Commission. The monument sign height cannot exceed 5 feet including the base; the sign face cannot exceed 20 sq. ft. and the sign must be placed at least 12 feet back of curb on private property. A sign package will need to be submitted at a later date for Planning Commission review and approval.

g. The plan presents an overall development pattern that is consistent with the Comprehensive Plan and other adopted plan policies.

The Village Vision has pointed out that Prairie Village retail is slightly oversupplied with marginally performing uses and that reinvestment and repositioning are needed to improve the performance of the retail sector. The Village Vision encourages the upgrading of uses to create higher density and intensity development. This is an underperforming property that needs reinvestment.

- h. The Planning Commission and Governing Body may, in the process of approving preliminary and final plans, approve deviations from the standard requirements as follows, provided any deviations approved shall be in keeping with accepted land planning principles and must be clearly set out in the minutes as well as on exhibits in the record:**

The setbacks of buildings from a property line other than a public street may be reduced to 60% of the standard requirement and setbacks at paved areas adjacent to property lines, other than street lines, to zero if existing or proposed development on said adjacent land justifies the same.

The ordinance requires 8 feet of landscape area between paved areas and the property line. The proposed plan shows approximately 6 feet of landscape area along the south property and 5 feet of landscape area along the north property line for approximately 210 feet. The setback adjacent to the residential area is much greater than the minimum 8 feet.

The above deviation may be granted by the Planning Commission and Governing Body only when compensating open space is provided elsewhere in the project, whether there is ample evidence that said deviation will not adversely affect the neighboring property nor will it constitute a mere granting of a privilege.

The proposed deviation is on the east portion of the site that is between a fast food restaurant and an office use. Significant green space has been provided on the western portion of the site adjacent to the residential properties. In addition to the landscaping, a six-foot privacy fence will also be constructed adjacent to the residential properties.

It is the opinion of Staff that the deviation of the landscape area will not adversely affect the neighborhood and will be more than compensated for on the western portion of the site.

RECOMMENDATIONS:

It is the recommendation of Staff that the Planning Commission recommend approval of the zone change from R-1B and C-0 to CP-1 Planned Restricted Business Restricted Business District along with the Preliminary Development Plan to the Governing Body subject to the following conditions:

1. That prior to obtaining a permit for construction the applicant shall submit a Final Development Plan for review and approval by the Planning Commission.
2. That if the applicant intends to have any exterior lighting on the project, a plan be included with the submission of the Final Development Plan and be designed in accordance with the outdoor lighting regulations of the zoning ordinance.
3. That if the HVAC units are installed externally, either on the roof or on the ground, they shall be screened from adjacent properties and State Line Road.
4. That the applicant submit the landscape plan to the Tree Board for review and approval prior to submitting the Final Development Plan to the Planning Commission for approval. That the landscape plan, as approved, shall be installed as a part of the development construction.
5. That the sidewalk adjacent to State Line Road be aligned to connect to the existing sidewalk on the commercial property to the north.
6. That the applicant submit a sign package which includes the monument sign, menu board, wall signs and directional signs for review and approval by the Planning Commission.
7. That the approval of the Preliminary Development Plan is subject to approval of the Conditional Use Permit for the drive-thru window and if the Conditional Use Permit is not approved, the applicant shall revise the site plan and resubmit it for approval by the Planning Commission.

8. That the applicant submit a fence detail that will be used to screen adjacent residences for review and approval by Staff.
9. That the applicant plat the property prior to obtaining a building permit.
10. That the landscape area along the north and south property lines be approved for 5 feet which is reduced from the standard 8-foot requirement.
11. That the applicant work with the Public Works Department for approval of stormwater management.



Existing Building



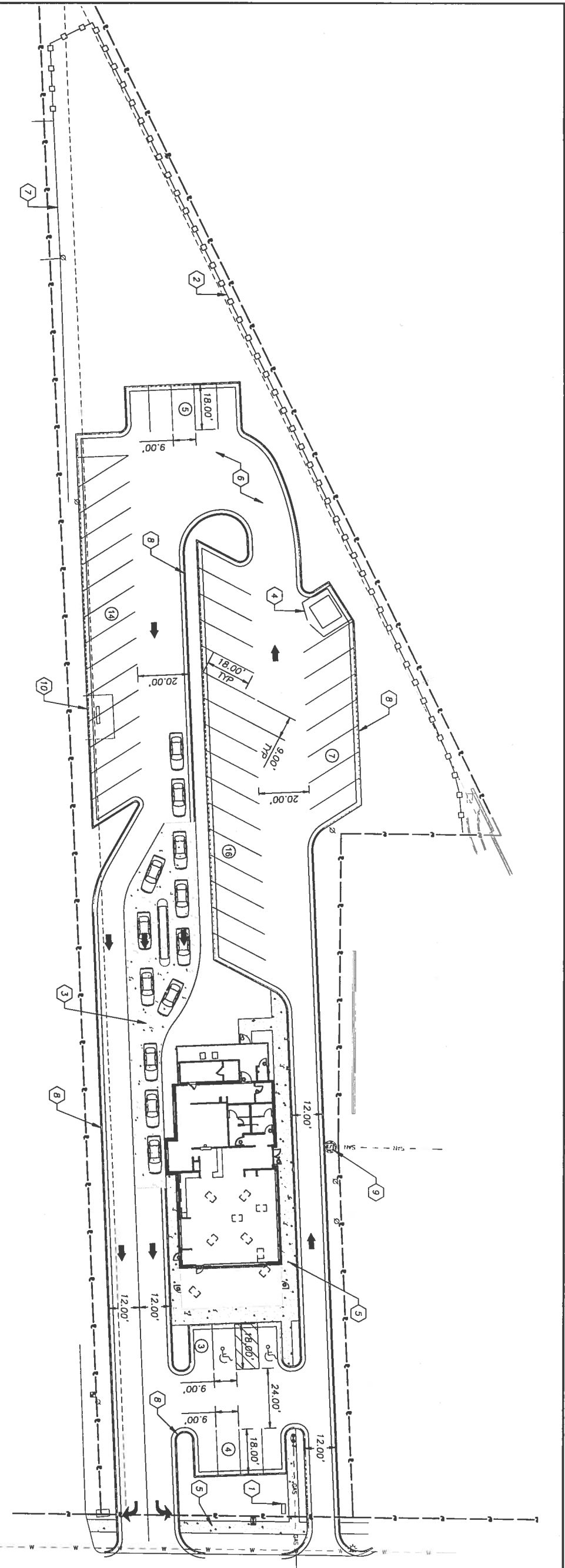
West End of Site



Northwest Property Line



Northwest Property Line



CONSTRUCTION NOTES

- 01 MONUMENT SIGN, REFER TO ARCHITECTURAL
- 02 6' WOOD PRIVACY FENCE.
- 03 CONCRETE PAVEMENT
- 04 DUMPSTER ENCLOSURE
- 05 CONCRETE SIDEWALK
- 06 ASPHALT PAVEMENT
- 07 PROJECT EXISTING WOOD PRIVACY FENCE
- 08 CONCRETE CURB AND GUTTER
- 09 PROJECT EXISTING SEWER MANHOLE
- 10 PROJECT EXISTING STORM DRAIN

SITE DATA

SITE AREA: 1.37 ACRES/59,663 SQ FT
EXISTING: 50,027 SQ FT (83.8%)
IMPERVIOUS AREA: PROPOSED: 36,805 SQ FT (61.7%)

BUILDING EXISTING BUILDING: 11,962 SF
PROPOSED BUILDING: 3,564 SF + 671 SF PATIO

PARKING STALLS: 49 STALLS
TOTAL PARKING STALLS: 49 STALLS
REQUIRED PARKING: 49 STALLS
1/2.5 SEATS (122 SEATS/2.5 = 48.8)

REQUIRED HANDICAPPED STALLS: 2 (1 VAN)
(26-50 STALLS REQUIRES 2 HC STALLS PER ADA)

HANDICAP STALLS PROVIDED: 2 (2 VAN)

LEGAL DESCRIPTION

PART OF LOT 3, NEL-ARO, AND PART OF LOT 14, BLOCK 8, MEADOW LAKE, BOTH BEING SUBDIVISIONS IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID LOT 3 WITH THE WEST LINE OF STATE LINE ROAD, AS NOW ESTABLISHED; THENCE NORTH 2° 50' EAST, ALONG THE WEST LINE OF STATE LINE ROAD, A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER OF LOT 15, IN SAID BLOCK 8; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF 150.00 FEET, TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 87° 10' WEST, ALONG A LINE WHICH MAKES A SOUTHWEST ANGLE OF 90 DEGREES WITH THE EASTERLY LINE OF SAID LOT 14, A DISTANCE OF 123.00 FEET; THENCE NORTH 2° 50' EAST, A DISTANCE OF 63.37 FEET, TO A POINT ON THE NORTHWESTERN LINE OF SAID LOT 14, THENCE SOUTH 66° 21' 16" WEST, ALONG THE NORTHWESTERLY LINE OF SAID LOT 14, A DISTANCE OF 421.97 FEET, TO THE SOUTHWEST CORNER THEREOF; THENCE EAST ALONG THE SOUTH LINE OF SAID LOTS 4, AND 3 A DISTANCE OF 651.33 TO THE POINT OF BEGINNING.

PROJECT ADDRESS

7930 STATE LINE ROAD
 PRAIRIE VILLAGE, KS 66208

GENERAL NOTES

1. All work in public easement and Right-of-Way shall be installed per the requirements and specifications of the City of Prairie Village, Kansas.
2. All existing topographic survey, and utility information shown was provided to BHC Rhodes in the form of an Topographic Survey prepared by Viking Surveys and dated October 3, 2014. BHC Rhodes makes no guarantee as to the accuracy of the existing information shown hereon. Contractors shall satisfy themselves as to the existing conditions of the site and have all utilities located prior to commencing construction.
3. The Contractor shall be required to obtain all Federal, State, and local permits required for this project prior to commencing construction.
4. Any work adjacent to or crossing existing streets requires proper traffic control devices. Traffic control devices shall be placed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
5. The contractor shall be required to demolish, remove and dispose of all existing structures, pavements, and features necessary to construct the improvements shown hereon. Any waste materials generated during construction shall be removed from the site by the Contractor and disposed of in accordance with all local, State, and Federal regulations governing such disposal.
6. The contractor shall prevent any trash, debris, or liquid wastes from being disposed of in sanitary sewers, storm sewers, or open drainage systems.
7. The Contractor shall be solely responsible to protect adjacent property, structures, and other improvements from damage during construction. In the event of damage to adjacent property, structures, or improvements, the contractor shall repair or replace such damage to the Owners's satisfaction at the Contractor's expense.
8. Contractors at the site shall be solely responsible for jobsite safety for all aspects of work shown hereon.
9. All work and materials used in the construction of the improvements shown hereon shall comply with all referenced standards, specifications, and plan notes.
10. All buildings shall be located and constructed per the Architectural drawings prepared by others.
11. Contractor shall be responsible for contacting all utility companies for field locations of underground utilities affected by the project. All existing utilities indicated on these plans are according to the best information available to the engineer, however, all utilities actually existing may not be shown. Utilities damaged through the negligence of the contractor to obtain the location of same shall be repaired or replaced at the expense of the contractor.
12. Any and all hazards shall be properly identified and barricaded from access during all non-construction periods.

LEGEND

- (#) PARKING STALL COUNT
- MEDIUM DUTY PCCP PAVEMENT
- LIGHT DUTY ASPHALT PAVEMENT
- CONCRETE SIDEWALK
- CONCRETE CURB & GUTTER
- PROPERTY LINE
- 6' WOOD PRIVACY FENCE

SCALE: 1"=20'
 0 20 40



Rev.	Date	Description	By	App.

BHC RHODES
 Civil Engineering • Surveying • Utilities
 7101 College Blvd, Suite 400
 Overland Park, Kansas 66210
 p. (913) 663-1900 f. (913) 663-1633
BHC Rhodes is a subsidiary of Brueggli Heintz and Company, PA

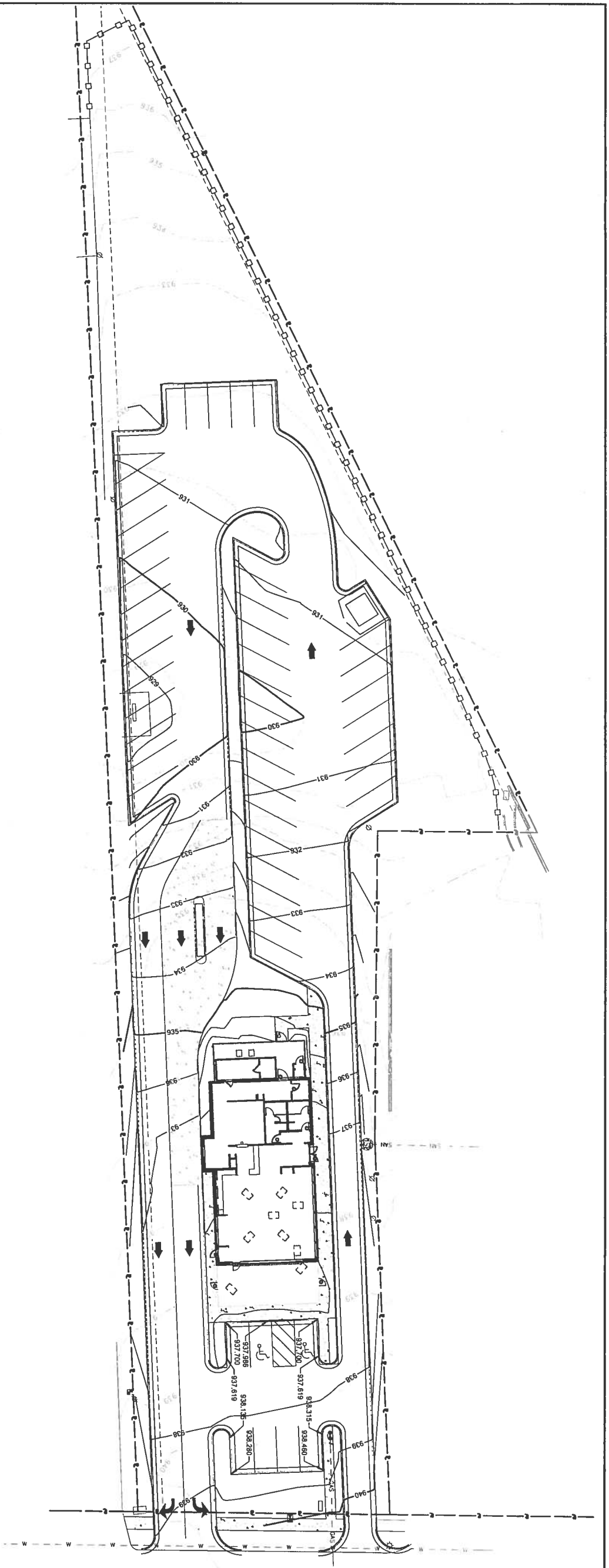
Prepared For
 BLOCK AND COMPANY, INC.
 605 WEST 47TH STREET
 SUITE 200
 KANSAS CITY, MO 64112
 P. (816) 753-6000

**7930 STATE LINE ROAD
 PRELIMINARY DEVELOPMENT PLANS
 PRAIRIE VILLAGE, KANSAS**

SITE PLAN

Design: JWB/Drum: JWB
 Checked: RAE
 Issue Date: 05/22/2015
 Project Number: 021220

C1 of 5



GRADING NOTES

1. Contractor shall operate under the terms and permits included in the Stormwater Pollution Prevention Plan (SWPPP) prepared for this project and permitted through the State of Kansas. Contractor shall employ a qualified person to conduct regular inspections of the site erosion control measures and document such inspections in the SWPPP document maintained by the Contractor.
2. All topsoil, vegetation, root structures, and deleterious materials shall be stripped from the ground surface prior to the placement of embankments. Contractor shall obtain the On-site geotechnical representative's acceptance of the existing ground surface materials and the proposed fill material prior to the placement of fill.
3. All proposed contour lines and spot elevations shown are finish ground elevations. Contractor shall account for pavement depths, building pads, topsoil, etc when grading the site.
4. All disturbed areas that are not to be paved (green spaces) shall be finish graded with a minimum of six inches of topsoil.
5. All excavation and embankments shall comply with the recommendations provided by the Geotechnical Engineer.
6. Prior to placing any concrete or asphalt pavement the contractor shall perform a proof roll of the pavement sub-grade with a fully loaded tandem axle dump truck. The proof roll shall be conducted in the presence of the Engineer and the On-Site Geotechnical Representative. Areas that display rutting or pumping that are unsatisfactory to the Engineer shall be re-worked and a follow-up proof roll shall be conducted prior to acceptance of the sub-grade for paving. The contractor may, at its own expense, stabilize the sub-grade using Class C fly ash or quicklime.
7. Finished grades shall not be steeper than 3:1.
8. All grading work shall be considered unclassified. No additional payments shall be made for rock excavation. Contractor shall satisfy himself as to any rock excavation required to accomplish the improvements shown hereon.
9. A 1/4" per foot maximum cross slope shall be maintained on all pedestrian sidewalks and paths.

LEGEND

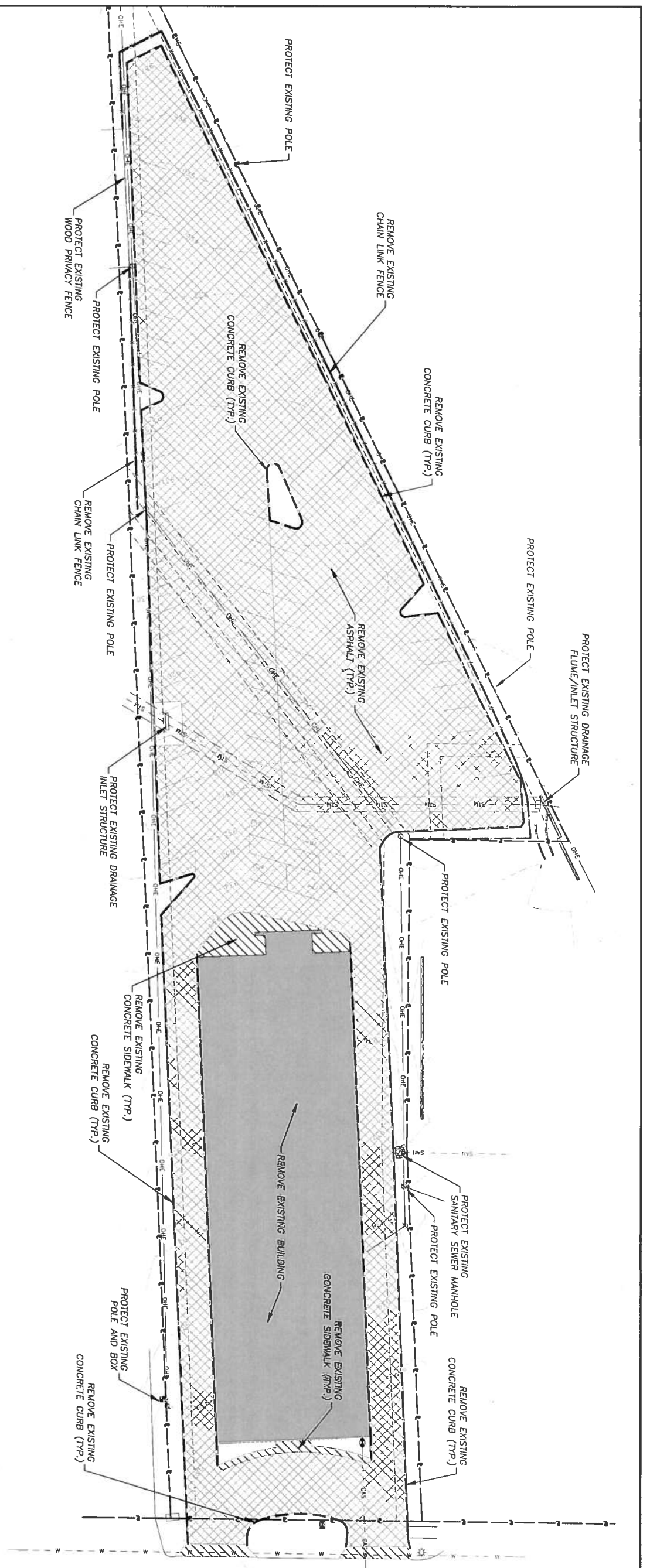
- 980 — FINISH GRADE 5' CONTOURS
- 980 — FINISH GRADE 1' CONTOURS
- 980 — EXISTING GRADE 10' CONTOURS
- 930 — EXISTING GRADE 1' CONTOURS
- — PROPERTY LINE








<p>7930 STATE LINE ROAD PRELIMINARY DEVELOPMENT PLANS PRAIRIE VILLAGE, KANSAS</p> <p>GRADING PLAN</p>	<p>Prepared For: BLOCK AND COMPANY, INC. 605 WEST 47TH STREET SUITE 200 KANSAS CITY, MO 64112 P. (816) 753-6000</p>	<p>BHC RHODES Civil Engineering • Surveying • Utilities 7101 College Blvd., Suite 400 Overland Park, Kansas 66210 P. (913) 663-1900 F. (913) 663-1633 <small>BHC RHODES is a trademark of Broughton, Hornum & Company, P.A.</small></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Rev.</th> <th style="width: 10%;">Date</th> <th style="width: 50%;">Description</th> <th style="width: 10%;">By</th> <th style="width: 10%;">App.</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Rev.	Date	Description	By	App.																				
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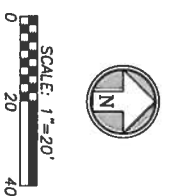
C2

Design: JWB, JWB
Checked: JWB, JWB
Issue Date: 05/22/2015
Project Number: 021220
C2 of 5



- GENERAL NOTES**
1. ALL MATERIALS SHALL BE REMOVED AND NOT DISPOSED OF ON-SITE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MEET ALL APPLICABLE LAWS AND REGULATIONS PERTAINING TO THE DISPOSAL OF CONSTRUCTION/DEMOLITION MATERIAL.
 2. ALL PROTECTION FENCING SHALL BE INSTALLED PRIOR TO DEMOLITION/CONSTRUCTION ACTIVITY.
 3. CONTRACTOR SHALL VERIFY LOCATION OF ALL UTILITIES PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITY.
 4. EXISTING STORM & STRUCTURES SHALL BE PROTECTED FROM ANY DAMAGE RESULTING FROM CONSTRUCTION ACTIVITY.

- DEMOLITION LEGEND**
-  REMOVE ASPHALT PAVEMENT
 -  REMOVE CONCRETE PAVEMENT
 -  REMOVE BUILDING
 -  REMOVE CONCRETE CURB
 -  REMOVE CHAIN LINK FENCE

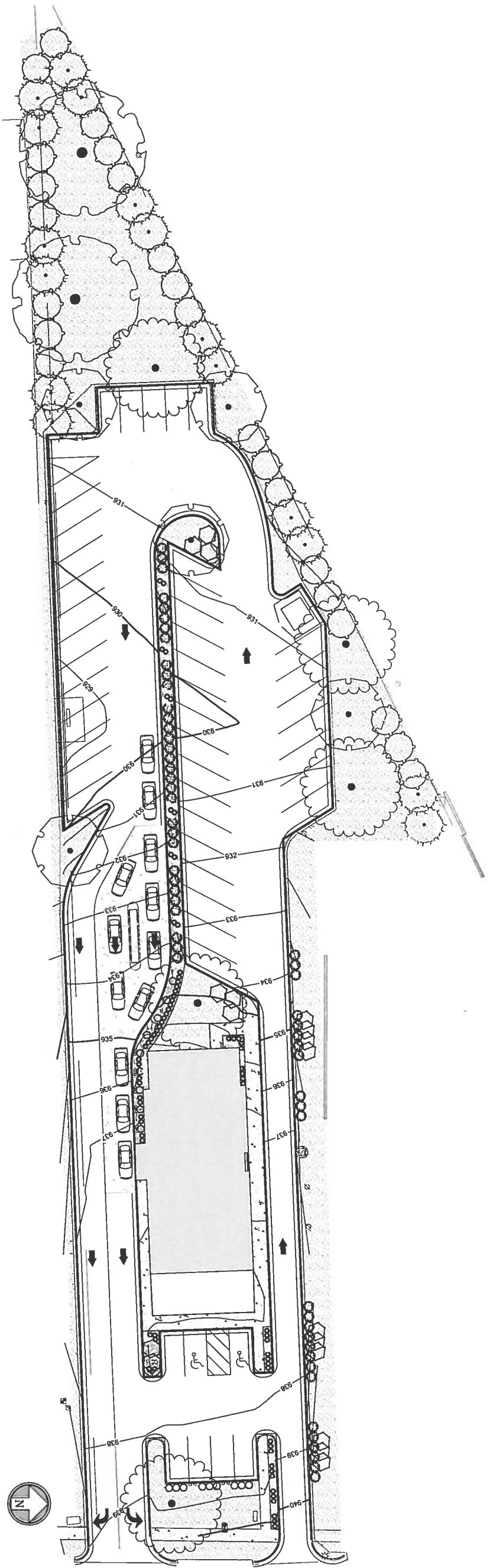


<p>7930 STATE LINE ROAD PRELIMINARY DEVELOPMENT PLANS PRAIRIE VILLAGE, KANSAS</p> <p style="text-align: center;">DEMOLITION PLAN</p>	<p>Prepared For:</p> <p>BLOCK AND COMPANY, INC. 605 WEST 47TH STREET SUITE 200 KANSAS CITY, MO 64112 P: (816) 753-6000</p>	<p>BHC RHODES Civil Engineering • Surveying • Utilities</p> <p>7101 College Blvd, Suite 400 Overland Park, Kansas 66210 P: (913) 663-1900 F: (913) 663-1633 <small>BHC RHODES is a trademark of Beougher Houshold & Company, P.A.</small></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Rev.</th> <th style="width: 10%;">Date</th> <th style="width: 50%;">Description</th> <th style="width: 10%;">By</th> <th style="width: 10%;">App.</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Rev.	Date	Description	By	App.																																																		
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Design: JWB Drawn: JWB
Checked: RAE
Issue Date: 05/22/2015
Project Number: 021220

D1

D1 of 5



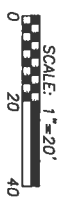
LANDSCAPING NOTES

1. ALL DISTURBED AREAS SHALL BE SODED WITH TURF-TYPE TALL FESCUE SOD WITH A MINIMUM OF THREE CULTIVARS.
2. ALL LANDSCAPED AREAS SHALL RECEIVE A MINIMUM 8-INCH DEPTH OF TOPSOIL COMPACTED TO 85% DENSITY AT OPTIMUM MOISTURE CONTENT.
3. THE ENTIRE SURFACE TO BE LANDSCAPED SHOULD BE REASONABLY SMOOTH AND FREE FROM STONES, ROOTS OR OTHER DEBRIS.
4. SOD SHALL BE MACHINE STRIPPED AT A UNIFORM SOIL THICKNESS OF APPROXIMATELY ONE INCH (PLUS OR MINUS 1/4-INCH). THE MEASUREMENT FOR THICKNESS SHALL EXCLUDE TOP GROWTH AND HATCH, AND SHALL BE DETERMINED AT THE TIME OF CUTTING IN THE FIELD. PRECAUTIONS SHALL BE TAKEN TO PREVENT DRYING AND HEATING. SOD DAMAGED BY HEAT AND DRY CONDITIONS, AND SO CUT MORE THAN 18 HOURS BEFORE BEING INCORPORATED INTO THE WORK SHALL NOT BE USED.
5. HANDLING OF SOD SHALL BE DONE IN A MANNER THAT WILL PREVENT TEARING, BREAKING, DRYING AND OTHER DAMAGE. PROTECT EXPOSED ROOTS FROM DEHYDRATION. DO NOT DELIVER MORE SOD THAN CAN BE LAID WITHIN 24 HOURS.
6. MOISTEN PREPARED SURFACE IMMEDIATELY PRIOR TO LAYING SOD. WATER THOROUGHLY AND ALLOW SURFACE TO DRY BEFORE INSTALLING SOD. FERTILIZE, HARROW OR RAKE FERTILIZER IN THE TOP 1-1/2-INCHES OR TOPSOIL, AT A UNIFORM RATE.
7. FERTILIZER SHALL BE 20-10-5 COMMERCIAL FERTILIZER OF THE GRADE, TYPE, AND FORM SPECIFIED AND SHALL COMPLY WITH THE RULES OF THE STATE OF KANSAS AGRICULTURE DEPT. OF AGRICULTURE. FERTILIZER SHALL BE IDENTIFIED ACCORDING TO THE PERCENT N,P,K IN THAT ORDER.
8. SATURATE SOD WITH FINE WATER SPRAY WITHIN TWO HOURS OF PLANTING. DURING THE FIRST WEEK AFTER PLANTING, WATER DAILY OR MORE FREQUENTLY AS NECESSARY TO MAINTAIN MOIST SOIL TO A MINIMUM DEPTH OF FOUR INCHES.
8. CONTRACTOR SHALL PROVIDE FULL MAINTENANCE FOR NEWLY LANDSCAPED AREAS FOR A PERIOD OF 30 DAYS AFTER THE DATE OF FINAL ACCEPTANCE. AT THE END OF THE MAINTENANCE PERIOD, A HEALTHY, WELL-ROOTED, EVEN-COLORED, VISIBLE TURF AND LANDSCAPED AREAS MUST BE ESTABLISHED. THE LANDSCAPED AREAS SHALL BE FREE OF WEEDS, OPEN JOINTS, BARE AREAS AND SURFACE IRREGULARITIES.

PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT.
	5	Acer rubrum / Red Maple	15 gal
	2	Coloia speciosa / Northern Catalpa	15 gal
	5	Gleditsia triacanthos Inermis 'Shoddomster' TM / Shoddomster Locust	15 gal
	16	Juniperus virginiana 'Comeriti' / Comeriti Juniper	15 gal
	23	Amelanchier arborea / Downy Serviceberry	5 gal
	57	Celastrus dielaniensis 'Early Amethyst' / Amethyst Berry	3 gal
	19	Euroygnus oculus 'Odora' TM / Little Moses Dwarf Burning Bush	3 gal
	18	Rhus glabra / Smooth Sumac	3 gal
	21	Achillea millefolium / Common Yarrow	1 gal
	74	Eragrostis spectabilis / Purple Love Grass	3 gal
	6	Schizanthus litoralis / Little Bluestem Grass	3 gal
	QTY	BOTANICAL NAME / COMMON NAME	CONT.
	18,746 sf	Festuca ovinduifera 'Watersever Bend' / Watersever Bend of Top Fescue	sod
	QTY	BOTANICAL NAME / COMMON NAME	SIZE
	1,595 sf	Native Cobblestone	4" - 8" stones

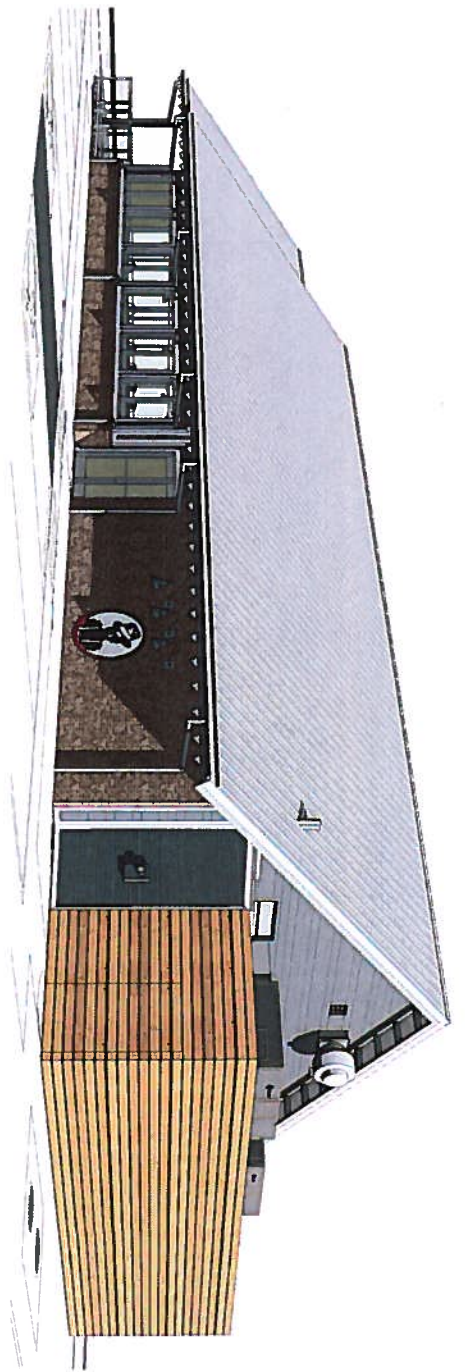
SLIM CHICKEN LANDSCAPING PLAN



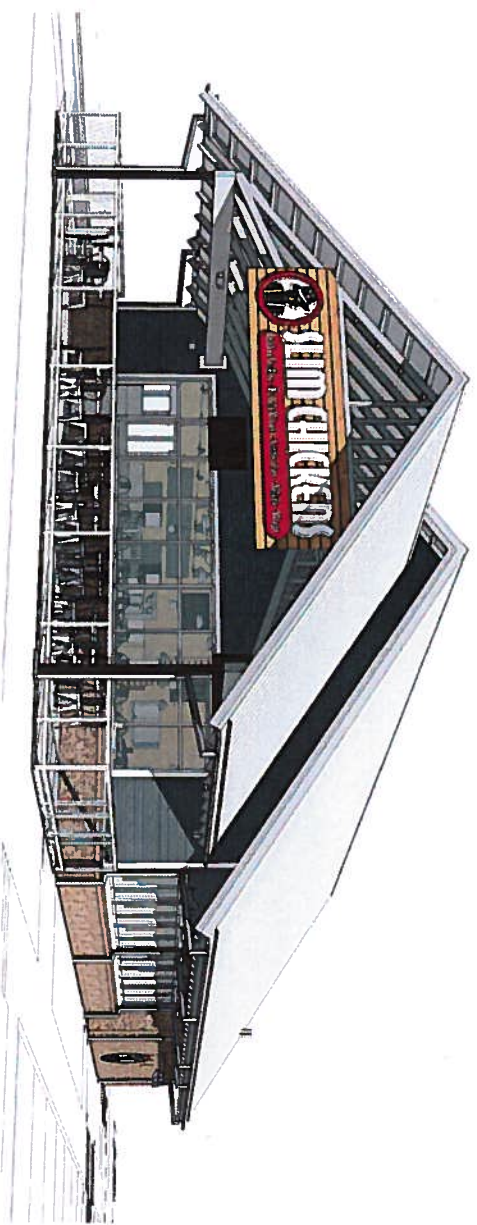
<p>7930 STATE LINE ROAD PRELIMINARY DEVELOPMENT PLANS PRAIRIE VILLAGE, KANSAS</p> <p style="text-align: center;">LANDSCAPE PLAN</p>	<p>Prepared For:</p> <p>BLOCK AND COMPANY, INC. 605 WEST 47TH STREET SUITE 200 KANSAS CITY, MO 64112 P. (816) 753-8000</p>	<p>BHC RHODES Civil Engineering • Surveying • Utilities 7101 College Blvd, Suite 400 Overland Park, Kansas 66210 P. (913) 663-1900 F. (913) 663-1633 <small>BHC RHODES is a trademark of Blough & Company, P.A.</small></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Rev.</th> <th style="width: 10%;">Date</th> <th style="width: 50%;">Description</th> <th style="width: 10%;">By</th> <th style="width: 10%;">App.</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Rev.	Date	Description	By	App.																									
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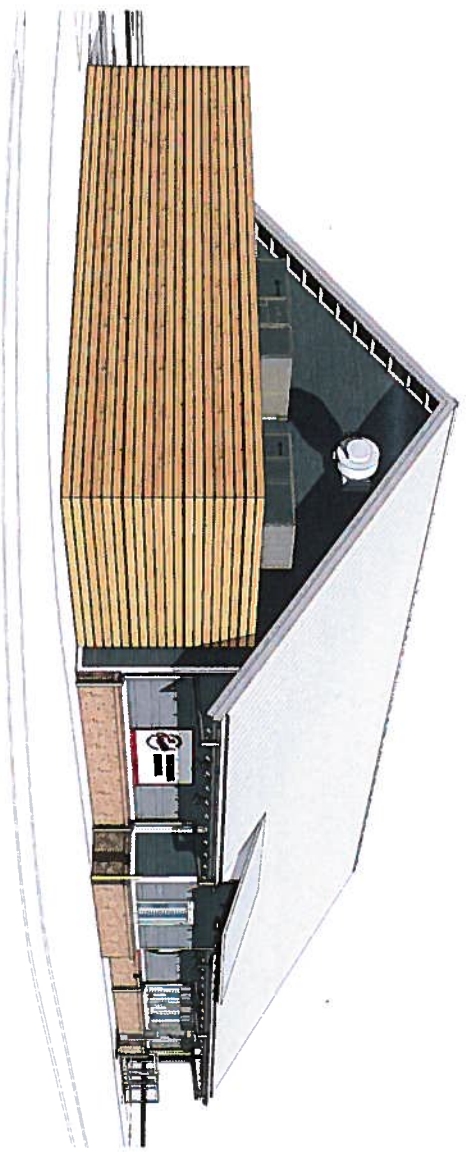
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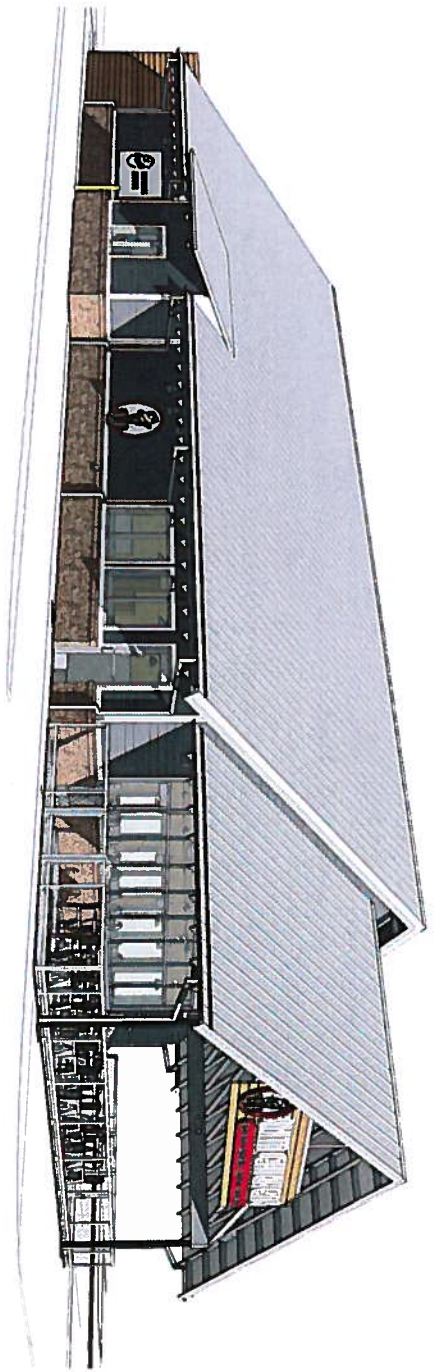
4 EXTERIOR PERSPECTIVE



3 EXTERIOR PERSPECTIVE



2 EXTERIOR PERSPECTIVE



1 EXTERIOR PERSPECTIVE

HEA
 ARCHITECTS
 ENGINEERS
 INTERIORS

LAMBRSON BRENNEL
 ARCHITECTS
 210 S. Walnut Blvd., Suite 1
 Bensenville, Illinois 60015
 630.271.7780
 630.271.7685
 www.heia.com

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HIDE CHICKENS
 CITY #0
 JOB NUMBER: 17-14-090001

STREET ADDRESS
 CITY, STATE 00000

ISSUE BLOCK	DATE	DESCRIPTION

CHECKED BY: Checker
 DRAWN BY: Author
 ISSUE: PHOTO SET
 ISSUE DATE: 00/00/00
 PROJECT CYCLE: 2015-01-23

FOR REVIEW / REFERENCE ONLY
 NOT FOR CONSTRUCTION

PERSPECTIVES

SHEET
DRB.2.0

**PLANNING COMMISSION MINUTES
July 7, 2015**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, July 7, 2015, in the Municipal Building Council Chambers at 7700 Mission Road. Chairman Nancy Wallerstein called the meeting to order at 7:15 with the following members present: Randy Kronblad, Gregory Wolf, James Breneman, Nancy Wallerstein, Patrick Lenahan, Jonathan Birkel and Jeffrey Valentino.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, City Planning Consultant; Wes Jordan, Assistant City Administrator; Mitch Dringman, Building Official; Eric Mikkelson, Council Liaison; Keith Bredehoeft, Public Works Director; Sgt. James Carney and Joyce Hagen Mundy, Commission Secretary.

Chairman Nancy Wallerstein announced a change in the agenda noting that the Commission would first consider the applications related to Mission Chateau.

**PC2015-08 Request for Special Use Permit for Adult Senior Dwelling & Site Plan Approval
8500 Mission Road**

**PC2015-110 Request for Preliminary Plat Approval - Mission Chateau
8500 Mission Road**

Michael Flanagan, legal counsel for MVS, LLC., addressed the Commission requesting that these to items be continued. Mr. Flanagan explained that they learned today of a problem with the mailing that was sent out for this meeting. Due to change in the mailing rate resulting in an error in postage, several of the intended recipients did not receive the notice.

However, the applicant would like to keep progress moving on this project and to continue to application to the next regularly scheduled meeting on August 4th would result in the application not being heard by the Governing Body until September 21st. Mr. Flanagan respectfully requested the Planning Commission consider holding a special meeting for the purpose of hearing this application on Wednesday, July 29th or Thursday, July 30th. This would give sufficient time for proper notice to be resent and for the application to be considered by the Governing Body on September 8th. It was noted that Brian Doerr, representing the Mission Valley Neighborhood Association, is supportive of the requested special meeting.

Gregory Wolf moved the Planning Commission continue applications PC2015-08 requesting a Special Use Permit for an Adult Senior Dwelling & Site Plan and PC2015-110 for Preliminary Plat Approval to a special Planning Commission meeting on

Wednesday, July 29th at 7 p.m. The motion was seconded by Randy Kronblad and passed unanimously.

APPROVAL OF MINUTES

Randy Kronblad noted the omission of the word “have” in the second to the last sentence on page 3. Gregory Wolf moved for the approval of the minutes of the Planning Commission for June 6, 2015 with the correction noted. The motion was seconded by Randy Kronblad and passed by a vote of 4 to 0 with James Breneman moved the approval of the minutes of the Planning Commission for May 5, 2015 as submitted. The motion was seconded by Greg Wolf and passed by a vote of 6 to 0 with Jonathan Birkel abstaining.

PUBLIC HEARINGS

PC2015-06 Request for Rezoning from C-0 & R-1b to CP-1 (Planned Restricted Business District and approval of Development Plan 7930 State Line Road

PC2015-07 Request for Conditional Use Permit for Drive-Thru Service Window 7930 State Line Road

Chairman Wallerstein opened the public hearing and asked the applicants to present their proposal. Mitch DiCarlo, 11210 Madison Avenue, the Development Coordinator for Block and Co. introduced Danny Potts, Klover Architects; Ryan Elam, Project Manager with BHC Rhodes and Mo Yaganeh, President Operating Partner with KC Slim LLC were present to address any questions.

Danny Potts, 10955 Lowell #700, Overland Park, KS gave a PowerPoint presentation reviewing the application. The location is currently zoned R-1B Single-Family Residential and C-0 Office Building. They are seeking rezoning to CP-1 Planned Restricted Business District. This property is located south of the Panda Express which was rezoned to CP-1 in 2007. The parcel has 100 feet of frontage on State Line Road and has a depth of 651 feet along the south property line. The parcel has an irregular boundary and contains approximately 1.37 acres. The site is occupied by an office building that was built in 1968 and the applicant proposes to demolish that building and construct a fast food restaurant called Slim Chickens.

The applicant proposed to construct a 3,564 sq. ft. building that will be setback approximately 80 feet from the front property line. The required front yard setback in the C-1 District is 15 feet. The restaurant will have a seating capacity of 122 which will require 49 parking spaces. Both driveways on State Line Road will be retained. The north drive will have an entrance while the south drive will be a two-lane exit.

Mr. Potts noted this building is significantly smaller with a patio and additional grass to be added. The building is designed to maintain traffic flow on the site rather than State Line Road. The site has a 19% reduction in impervious surface. The dumpster has been relocated to the southwest as far to the south as possible. The proposed landscaping includes an 8 foot wood privacy fence and additional landscaped buffer to limit noise and light. Mr. Breneman noted the plans still show a six foot fence. Mr. Potts confirmed it will be an eight foot fence.

Gregory Wolf asked if there were any conditions recommended by staff that they were not in agreement with. Mr. Potts responded #13 requiring the removal of the second menu board to reduce noise from the operation. He stated the second board does not add additional noise as only one menu board is active at a time. One employee answers both boards. The second board reduces the wait time for customers and allows for orders to be processed more quickly. It also functions to get more traffic maintained on site and reduces the amount of time in line, thus reducing the noise from waiting vehicles.

Mr. Breneman confirmed that they would stipulate in their operations protocol that only one board will be operated at a time. Mr. Lenahan was skeptical of the acoustical value of the fence and asked if they would be willing to consider adding a masonry wall backing up the menu board to reduce that sound. Mr. Potts responded that the additional landscaping added will buffer the sound before it gets to the fence.

Mo Yaganeh stated the second menu board expedites the same level of traffic through the drive through and serves as a needed enhancement. Slim Chickens is not a typical fast food that can be processed very quickly and the second menu board allows for faster processing of orders.

Wes Jordan stated staff recommendation against the second menu board is that it would encourage greater use of the drive through by offering shorter lines. Mo Yaganeh stated the additional lane does not increase the traffic volume. A single lane has a longer backup of cars waiting to order and slows down the processing of orders.

Nancy Wallerstein expressed concern with the flow of traffic and cars crossing in front of one another when leaving. Mr. Elam stated the vehicles would merge going into the pickup area with only one car leaving at a time from there. There should be ample distance for the vehicles to merge going to pick up

Jeff Valentino noted the menu boards are located further back, vehicles at the pick-up window would be more of a noise issue. Mr. Valentino noted the revised landscape plan provides better screening. Nancy Wallerstein noted there was nothing indicated in a large triangular space. Mr. Elam noted that area would simply contain grass. Mr. Valentino asked what time deliveries would be made. Mr. Jordan replied city code prohibits deliveries prior to 7 a.m.

Mitch DiCarlo noted several issues have been raised by the neighbors regarding the Panda Express operations. He stated Block & Company does not own that property, but

he has reached out to them with the concerns expressed. Wes Jordan stated a fence permit for an 8 foot fence has been applied for by Panda Express. Mr. DiCarlo reviewed Block & Company's investment along State Line Road with several other properties.

Jim Breneman asked about the parking requirements. Mitch DiCarlo noted they are driven by the city's code. Mr. Breneman asked if they would have as much parking as shown if not required by the city. Mo Yaganeh replied they would probably not.

Chairman Nancy Wallerstein opened the public hearing for comment, noting that comments were heard at the June meeting and asking residents to keep their comments brief and not repeat what had been stated previously.

David Woolridge, 2115 Somerset, expressed concern with the drainage indicating the reduction in impervious surface was not sufficient. He felt there would be flooding issues. He is concerned with the hours of operation and feels that there are already too many fast food businesses in the area. He is opposed to the double drive thru, lighting pollution and having a business operating 85 feet from his property seven days a week.

Jim Lichty, 4064 West 69th Street, stated this use will generate more traffic than the existing office building. He feels the traffic study should have been conducted by an independent firm and noted the data used for the study was from 2011, not 2015. There is a concentration of too many businesses in this area. He feels Prairie Village deserves better than what is proposed.

Carly Bailey, 2021 Somerset Drive, stated the opposition to this project by the neighbors on Somerset has not diminished. Concerns remain regarding security, noise pollution, light pollution, traffic, water runoff and employees hanging out around the property. She felt the addition of yet another fast food business would further negatively impact their property values. Ms Bailey does not feel that Johnson County residents will support a "Slim Chickens" and that the building will become vacant. She requested the rezoning be denied.

Chairman Nancy Wallerstein closed public participation at 8:22 p.m.

Gregory Wolf asked how strong staff felt regarding the second menu board. Mr. Williamson stated the concern was with the noise. He noted it does keep the traffic away from the back of the property.

Keith Bredehoeft stated based on the storm drainage study the plan submitted will provide better storm drainage than currently exists. Randy Kronblad confirmed that no drainage retention is required on the property. A more detailed site drainage review will occur during the permitting process.

The Traffic Study concludes the proposed use will result in average daily traffic that is greater than the existing office use, but it will decrease during the PM peak hour when traffic on State Line Road is the highest. Also, it is estimated that approximately 50% of

the traffic generated by Slim Chickens are passerby trips, which is an intermediate stop made by a vehicle travelling to another location, not new traffic.

Sgt. James Carney stated the Police Department looked at traffic/accident records for the past three years at this location and noted there had been none on the Prairie Village side. The four lane State Line Road is sufficient to handle any increased traffic.

Nancy Wallerstein asked what the hours of operation would be. Mo Yaganeh stated that normal operating hours are 10:30 a.m. to 10:00 p.m. Wes Jordan added the city code addresses noise and encouraged the residents to call in any complaints or concerns with security to the police department. Mrs. Wallerstein asked that the hours be stipulated as a condition of approval.

Ron Williamson stated the applicant will be required to submit an outdoor lighting plan at the time of application for a building permit. At that time all exterior lighting fixtures on the building and in the parking lot will be known and an accurate photometric drawing can be prepared. The ordinance requires 0.0 foot candles at the property line when adjacent to residences.

Mr. Williamson noted the revised Site Plan shows an 8-foot fence along the north, west, and a portion of the south property lines. This should screen parked vehicles and lights from cars for the residents located on the north side of the property. The landscape plan has also been revised to provide better screening for the neighbors.

The smell of cooking food will need to be addressed by installing filters in the venting system. Mr. Valentino asked how the city could better address that this occurs. A stipulation will be added to condition #14 requiring the applicant to submit information on the filters with the Building Permit process.

The trash bins have been moved to the south side of the lot which should help reduce noise for the neighbors to the north. It would be more desirable to move the trash bins further east along the south property line, but trash trucks would have a difficult time backing into the space to pick-up and unload the trash bins.

Jonathan Birkel expressed concern with the heavy concentration of commercial establishments along State Line Road and the negative impact on the residential property owners and neighborhoods on Somerset that back up to State Line.

Jeff Valentino confirmed there would be no breakfast operation - only lunch and dinner.

Randy Kronblad stated he would like to see a use with less impact on the adjacent residential properties and shared Mr. Birkel's concerns.

Gregory Wolf stated a restaurant is consistent with the zoning and uses along State Line Road. Patrick Lenahan noted the odd size and shape of this property restricts its possible uses with a restaurant being the probable use, although it could be done without a drive-thru window.

The Planning Commission made the following review of the “Golden Factors”:

1. The character of the neighborhood;

The general character of this area is business on both sides of State Line Road. Culvers, Wendy’s, CVS Pharmacy and McDonald’s are located on the east side of State Line Road and all four have drive-thru windows. There are residential uses to the northwest of this property which have their rear yards adjacent to this site. To the south are offices. The immediate area to the north is developed with restaurants and retail uses.

2. The zoning and uses of property nearby;

North: CP-1 Planned Restricted Business - Panda Express and R-1B Single-Family Residential - Single-Family Dwellings

East: Commercial (KCMO) - CVS and Wendy’s

South: R-1 Single-Family Residential - Single-Family Dwellings and SD-0 Business Office District - Financial Institution

West: R-1B Single-Family Residential - Single-Family Dwellings

3. The suitability of the property for the uses to which it has been restricted under its existing zoning;

The existing building is currently being used for office space. The office market in Prairie Village is weak for this type of space. This building is older, having been built in 1968, and its appearance is not such that it would command the interest of a lot of potential tenants. The existing building probably is at a state where a teardown and rebuild is a logical solution to more economically and effectively use the site. Since this property is on State Line Road, redevelopment for commercial use has a strong potential. In order to redevelop the site, the new use needs to generate higher revenue to offset the redevelopment costs.

4. The extent that a change will detrimentally affect neighboring property;

The properties to the north, south and east are developed for business uses and the redevelopment of this property will not detrimentally affect them. There will be additional traffic because a fast food restaurant generates more traffic than an office, but State Line Road can accommodate it. The residential use to the northwest and southwest would be most affected by the restaurant because of noise and lights. Fencing and landscaping will be required to screen the use from the residential properties which should mitigate negative effects. The restaurant will be required to follow the outdoor lighting regulations which will minimize the impact on outside lighting.

5. The length of time of any vacancy of the property;

The building has been continually occupied by office uses since it was built and has not been totally vacant for any length of time. As pointed out earlier the market for office space of this type is weak in the City of Prairie Village.

6. 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;

The redevelopment of this site will permit the removal of one structure that is not at the quality that is desired by the market and will allow the redevelopment for a use that will be of higher value and be a greater generator of revenue to the City. The redevelopment of the site should provide a structure that is better designed and more attractive which would be an asset to the neighborhood rather than create a hardship on the other adjacent owners.

7. City staff recommendations;

It is the opinion of Staff that this is a logical request for CP-1 Planned Restricted Business District Zoning because this is a mixed office retail area; the property needs renovation; it is located on a very highly traveled arterial street; and it will be an extension of the commercial property to the north. There are nine residential lots that abut the property and those can be protected through landscaping and proper screening controls. There are very limited areas in Prairie Village where a fast food restaurant would be appropriate and this location works for that use.

8. Conformance with the Comprehensive Plan.

The Village Vision has pointed out that Prairie Village retail is slightly oversupplied with marginally performing uses and that reinvestment and repositioning are needed to improve the performance of the retail sector. The Village Vision encourages the upgrading of uses to create higher density and intensity development. This is an underperforming property that needs reinvestment.

9. Approval of the Preliminary Development Plan.

Prior to recommending approval of a planned zoning district, the Planning Commission must also recommend approval of a Preliminary Development Plan. The criteria for evaluating the Preliminary Development Plan will be the same criteria as is used in site plan approval which is as follows:

a. The site is capable of accommodating the buildings, parking areas, and drives with the appropriate open space and landscaping.

The site is an irregular shape which contains approximately 1.37 acres and it has been laid out to accommodate 4,235 sq. ft. of restaurant area with 49 parking spaces. The proposed plan shows 94 indoor seats and 28 outdoor seats for a total of 122 dining and patio seats which require 49 off-street parking spaces so the project is meeting the minimum requirements. Less of the site will be covered with impervious surface than it is now which will reduce stormwater runoff and create more green space. The far west corner of the site will be heavily landscaped which will improve the appearance for adjacent residents.

b. Utilities are available with adequate capacity to serve the proposed development.

The property is currently served with water, sewer, gas, electric, telephone and cable. The size of the proposed building does not appear that it would require anything out of the ordinary and the utilities that are available should be adequate to handle the project.

c. The plan provides for adequate management for stormwater runoff.

The area of the site is 59,663 sq. ft. and currently 50,027 sq. ft. is covered with impervious material which includes a building and pavement. The proposed project will have 36,805 sq. ft. of impervious area. This is a reduction of 13,222 sq. ft. of impervious area. Since the impervious area has been reduced, a stormwater master plan will not be required at this time. The stormwater will be reviewed by Public Works as a part of the building permit process.

d. The plan provides for safe easy ingress/egress and internal traffic circulation.

Ingress and egress will be provided from two locations off State Line Road. The north driveway will provide for a one-lane entrance. The south drive will provide two lanes for exit only. The placement of the drive-thru window allows an ample number of stacking spaces so that it should not be a traffic problem on State Line. The volume of traffic generated by the restaurant is not significant enough to affect State Line Road.

e. The plan is consistent with good planning and site engineering design principles.

The site plan appears to be well laid out considering its limited size. The plan has added additional landscape area and fencing over what exists, which will certainly be a benefit for both the residential neighbors and the environment. More open area allows for more landscaping which should provide more screening for adjacent residents as well as reduce stormwater runoff.

When the Planning Commission has considered other redevelopment projects, one of the issues that have been identified is providing pedestrian access. The applicant has provided a sidewalk adjacent to State Line Road which should connect to the property to the north. The sidewalks in this area do not really connect very well to the neighborhood but it is hoped that sidewalks will be installed as redevelopment occurs and the area will have a complete network of sidewalks that will be beneficial to the community as a whole at some time in the future.

f. An appropriate degree compatibility will prevail between the architectural quality of the proposed building and the surrounding neighborhood.

The proposed use is a fast food restaurant which has the distinct architectural style of the Slim Chicken brand. The design is not compatible with typical Prairie Village architecture and probably would not fit well in other locations in the City. This location is on State Line Road where there is a McDonald's, Wendy's and Culvers Restaurant across the street and a Panda Express to the north. By those standards the architecture is compatible with the surrounding neighborhood. The proposed building is 24.5 feet in height compared to the Panda Express building adjacent to the north that is 23 feet in height. The building is within scale of others in the area.

The applicant has not submitted a monument sign or menu board design for approval by the Planning Commission. The monument sign height cannot exceed 5 feet including the base; the sign face cannot exceed 20 sq. ft. and the sign must be placed at least 12 feet back of curb on private property. A sign package will need to be submitted at a later date for Planning Commission review and approval.

g. The plan presents an overall development pattern that is consistent with the Comprehensive Plan and other adopted plan policies.

The Village Vision has pointed out that Prairie Village retail is slightly oversupplied with marginally performing uses and that reinvestment and repositioning are needed to improve the performance of the retail sector. The Village Vision encourages the upgrading of uses to create higher density and intensity development. This is an underperforming property that needs reinvestment.

h. The Planning Commission and Governing Body may, in the process of approving preliminary and final plans, approve deviations from the standard requirements as follows, provided any deviations approved shall be in keeping with accepted land planning principles and must be clearly set out in the minutes as well as on exhibits in the record:

The setbacks of buildings from a property line other than a public street may be reduced to 60% of the standard requirement and setbacks at paved areas adjacent to property lines, other than street lines, to zero if existing or proposed development on said adjacent land justifies the same.

The ordinance requires 8 feet of landscape area between paved areas and the property line. The proposed plan shows approximately 6 feet of landscape area along the south property and 5 feet of landscape area along the north property line for approximately 210 feet. The setback adjacent to the residential area is much greater than the minimum 8 feet.

The above deviation may be granted by the Planning Commission and Governing Body only when compensating open space is provided elsewhere in the project, whether there is ample evidence that said deviation will not adversely affect the neighboring property nor will it constitute a mere granting of a privilege.

The proposed deviation is on the east portion of the site that is between a fast food restaurant and an office use. Significant green space has been provided on the western portion of the site adjacent to the residential properties. In addition to the landscaping, a eight-foot privacy fence will also be constructed adjacent to the residential properties.

It is the opinion of Staff that the deviation of the landscape area will not adversely affect the neighborhood and will be more than compensated for on the western portion of the site.

Gregory Wolf moved the Planning Commission find favorably on the Golden Factors and recommend the Governing Body approve the request for rezoning of 7930 State Line Road from R-1b and C-0 to CP-1 subject to the conditions listed below:

1. That the Preliminary Development Plan if approved by the Planning Commission is dated 07/01/2015 and includes sheets C1, C2, D1, L1, L2, DRB1.0, DRB2.0, and DRB3.0.
2. That prior to obtaining a permit for construction the applicant shall submit a Final Development Plan for review and approval by the Planning Commission.

3. That an exterior lighting plan be included with the submission of the Final Development Plan and be designed in accordance with the outdoor lighting regulations of the zoning ordinance.
 4. That any HVAC units installed externally, either on the roof or on the ground, be screened from adjacent properties and State Line Road.
 5. That the applicant submit the landscape plan to the Tree Board for review and approval prior to submitting the Final Development Plan to the Planning Commission for approval. That the landscape plan, as approved, shall be installed as a part of the development construction.
 6. That the sidewalk adjacent to State Line Road be five feet in width and aligned to connect to the existing sidewalk on the commercial property to the north.
 7. That the applicant submit a sign package which includes the monument sign, menu board, wall signs and directional signs for review and approval by the Planning Commission with the Final Development Plan.
 8. That the approval of the Preliminary Development Plan is subject to approval of the Conditional Use Permit for the drive-thru window and if the Conditional Use Permit is not approved, the applicant shall revise the site plan and resubmit it for approval by the Planning Commission.
 9. That the applicant submit detail for the 8-foot fence that will be used to screen adjacent residences for review and approval by Staff.
 10. That the applicant plat the property prior to obtaining a building permit.
 11. That the landscape area along the north and south property lines be approved for 5 feet which is reduced from the standard 8-foot requirement.
 12. That the applicant work with the Public Works Department for final approval of the stormwater drainage.
 13. That the applicant install filters in the venting system to control odors from cooking and provide information on the filters during the building permitting process.
 14. That the business operator or manager work with staff to reduce noise during operation hours, as well as, during clean-up time after the business closes.
 15. That the hours of operation are 10:30 a.m. to 10:00 p.m.
- The motion was seconded by Jim Breneman and passed by a vote of 5 to 2 with Randy Kronblad and Jonathan Birkel voting in opposition.

PC2015-07 Request for Conditional Use Permit for Drive-Thru Service Window

Chairman Nancy Wallerstein led the Planning Commission made the following review of the factors for consideration of Conditional Use Permits:

1. **The proposed conditional use complies with all applicable provisions of these regulations including intensity of use regulations, yard regulations, and use limitations.** The proposed drive-thru window meets all the yard regulations of the ordinance.

2. **The proposed conditional use at the specified location will not adversely affect the welfare or convenience of the public.**

The properties to the north, south and east are developed for business and this proposed use will not adversely affect them. The properties that may be adversely affected are the residences on the northwest side of the site. Traffic entering the site might cause problems with headlights; however, the adjacent properties will be screened with a solid or semi-solid fence and landscaping that will help mitigate this problem. It is also possible that noise from the ordering box could affect the neighbors but it has been placed on the south side of the building, away from the residences.

3. **The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.**

The business properties on State Line Road will not be adversely affected. Some injury to the value of the adjacent residential properties might occur but fencing and landscaping should improve the appearance from what is there now.

4. **The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this conditional use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to: a) the location, size and nature of the height of the building, structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.**

The proposed building is small; approximately one-third of the size of the existing building so it will not dominate the area by size. The neighborhood is completely developed so it will not hinder development in the area. The building will be approximately 24.5 feet in height. Less land will be devoted to hard surface, buildings and parking, which will open more area for green space. The residential neighbors will also be screened with a solid/semi-solid fence.

5. **Off-street parking and loading areas will be provided in accordance with standards set forth in these regulations and said areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious affect.**

The applicant is providing the required off-street parking and adequate vehicle stacking for the drive-thru window. The residential areas will be screened from the parking area.

6. **Adequate utility, drainage and other necessary utilities have been or will be provided.**

Since this is a redevelopment project, utilities are already available at the site. Drainage will be addressed in the final plans, but less area will be impervious than under the current conditions so there will be less runoff.

7. **Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent hazards and to minimize traffic congestion in public streets and alleys.**

The property will be accessed by one entrance drive on the north and a two-lane exit drive on the south. Stacking area for a minimum of 15 cars has been provided for the drive-thru window. Adequate access is being provided and internal circulation should be adequate.

8. **Adjoining properties and the general public will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessary intrusive noises.**

There should not be any hazardous materials or obnoxious odors associated with this project. There could, however, be some noise associated with the use, primarily cars. This will be mitigated by landscaping and fencing.

Chairman Nancy Wallerstein open the public hearing on this application:

David Woolridge, 2115 Somerset, requested proof of notification of this hearing and repeated concerns expressed at the June 2nd meeting particularly regarding increased congestion.

Board Secretary Joyce Hagen Mundy presented the documentation received from the applicant on the notification of residents certifying that a notice was mailed to his wife on May 13, 2015.

Jim Breneman moved the Planning Commission find favorably on the findings of fact for the proposed Conditional Use Permit to allow a drive-thru window for Slim Chicken and approve the Conditional Use Permit subject to the following conditions:

1. That the Conditional Use Permit approval is contingent upon approval of the CP-1 Zoning and the Preliminary Development Plan. If the rezoning and Preliminary Development Plan are not approved by the Governing Body the approval of this Conditional Use Permit will be null and void.
2. That the applicant maintains the fencing and landscaping and replace any plant materials that die and fence that is damaged so that the integrity of the landscaping/screening is maintained throughout the life of the project.
3. That the Conditional Use Permit shall terminate when the site is no longer used for a fast food restaurant.

The motion was seconded by Gregory Wolf and passed by a vote of 5 to 2 with Randy Kronblad and Jonathan Birkel voting in opposition.

PC2015-111 Request for Site Plan Approval for Fence 3104 West 71st Street

James Lichty, 4064 West 79th Street, stated he is proposing to construct a series of brick columns with limestone caps that are 2-foot square, 3-foot 9-inches in height and approximately 13 feet apart. The chain-link fence will be removed and replaced with

wrought iron. The fence will be extended through the property to the west owned by Indian Hills Country Club. The west 75 feet of the original lot was sold off to the Country Club so they could have access for maintenance purposes. The entrance is used infrequently and he has obtained approval from the Country Club to relocate the gates. The new gates will be wrought iron rather than chain link. The gate to the Country Club will open towards the Club. Mr. Lichty noted that Jeff White with the Country Club was present. The proposed fence will be four feet from the property line and will be west of the new driveway.

Jim Breneman noted the gate needs to be at least 19' from the street. Mr. Williamson replied it is 17 feet to the column and 19 feet at the back of the column with the gate opening back. Mr. Lichty noted the fence follows the right-of-way until it gets to the bridge. Mr. Williamson noted another column is needed at the end of the golf course.

Randy Kronblad noted the ordinance requires 30". Mr. Williamson stated the Commission could approve a variation.

Nancy Wallerstein expressed frustration with the number of changes to what was submitted for the Commission to review.

Jeffrey Valentino asked why he was proposing the 40" fence instead of following code. Mr. Lichty replied it is necessary to coordinate with existing fencing on the Country Club property. The goal for the fence is to create a visible entrance to the golf club.

Randy Kronblad noted if using brick masonry the column would be 40" in height and two square feet with additional four or more inches for the capstone. He confirmed the wrought iron fence is 40" in height and the setback from the road is 19 feet and four feet off the property line.

The proposed brick column/boxwood fence would eliminate the chain-link fence and provide a more compatible appearance to the west end of the lot and it would in a sense reclaim the west 75 feet of the originally platted lot so that it has a more aesthetic appearance rather than a maintenance entrance. Therefore, it is the opinion of Staff that the request meets the criteria as set out in the ordinance.

Chairman Nancy Wallerstein led the Commission through the following criteria:

A. The site is capable of accommodating the building, parking areas and drives with appropriate open space and landscape.

N/A

B. Utilities are available with adequate capacity to serve the proposed development.

N/A

C. The plan provides for adequate management of stormwater runoff.

Stormwater runoff does not appear to be a problem; site grading was reviewed by Public Works during the normal permitting process.

D. The plan provides for safe and easy ingress, egress, and internal traffic circulation.
The relocated gate will still provide approximately 19 feet from the edge of 71st Street to allow a vehicle to park there while opening the gate and the gate opens into the golf course.

E. The plan is consistent with good land planning and good site engineering design principles.

The proposed fence will be a combination of brick columns and plants which will replace chain-link fence and certainly provide a more compatible appearance.

F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building and the surrounding neighborhood.

The proposed fence will be brick columns with limestone caps and wrought iron fence will be compatible with other materials used in the surrounding neighborhood. The brick will be the same brick as that used on the new residence.

G. The plan represents an overall development pattern that is consistent with the comprehensive plan (Village Vision) and other adopted planning policies.

One of the principles of the Prairie Village Comprehensive Plan is to encourage reinvestment in the community provided that it is compatible. This proposed improvement appears to be compatible in design with the neighborhood and therefore is consistent with the Comprehensive Plan.

Gregory Wolf moved the Planning Commission find the proposed fence to be compatible in design with the existing dwellings and fencing in the area, and approved the proposed fence with a maximum column height of 45", fence height of 40" with t3 feet between columns to be located four feet off the property line and 19 feet back from the street as shown on the submitted plan including property owned by the Indian Hills Country Club, provided the applicant submits written approval from the Country Club prior to obtaining a permit. The motion was seconded by Jim Breneman and passed unanimously.

**PC2015-108 Request for Site Plan Approval - Briarwood Elementary
5300 West 86th Street**

Justin Durham, with Hollis + Miller Architects, 8205 West 108th Terrace, stated the Shawnee Mission School District is proposing to tear down the existing Briarwood Elementary School and build an entirely new facility. Briarwood was originally constructed in 1966 and a gym was added at a later date. The District will be adding a Pre-Kindergarten element to the building that will consist of three classrooms of approximately 17 children. The estimated enrollment for 2016/2017 is 618 students and the full capacity of the new facility will be 669 students. The existing school is one-story and the new school will be two-stories. The site is small for an elementary school by today's standards so changing to a two-story facility will allow the site to be better used for traffic circulation.

Traffic congestion has been the biggest concern in the neighborhood in both the morning and afternoon peak periods, however, the afternoon peak period tends to be more congested because all classes let out at one time. In the morning drop-off occurs during a longer period depending upon the schedule of parents.

Mr. Durham stated a neighborhood meeting was held on June 11th, in accordance with the Planning Commission Citizen Participation Policy, and 125 people attended. The concerns expressed were drainage, traffic, site layout and building design. The current site allows for the stacking of 35 cars on site. The proposed plan with double stacked traffic accommodates 90 vehicles and two turn lanes expedite leaving to Juniper and 86th Street.

Nancy Wallerstein questioned the lack of expansion to accommodate future growth. Mr. Durham stated the design has flexible classrooms that can be restructured to accommodate growth variations in different classrooms. Their instruction from the District was to design for 550 students.

Jeffrey Valentino asked how parking for assembly type events will be handled. Mr. Durham noted the biggest concern is with the daily drop-off and pick-up. Nancy Wallerstein confirmed exiting traffic can only turn right.

Mr. Durham stated the school district has decided to initially go with single stacking.

Brian Dill, 11827 West 87th Street, representing the school district, stated that single stacking would be used on site and evaluated after school is in session. The District felt that there would be too much confusion with double stacking as well as the other changes and it would create a safety hazard.

Wes Jordan stated he thought there was agreement that double stacking would be used. He noted the significant issues that double stacking would address and reviewed past traffic problems at the school.

Nancy Wallerstein felt that parents should be instructed on Day 1 as to the new operation with double stacking as agreed upon with staff.

Ron Williamson confirmed the parking lot was being designed and built to accommodate double stacking. Mr. Dill stated the school district wants to begin with single stacking and if necessary move to double stacking in a more organized fashion later in the school year.

Sgt. Carney stated he would prefer that the plan be set and followed from the beginning. He understands the school's view; however, from the Police Department perspective it is important to train the parents from the beginning. Patrick Lenahan confirmed that there is nothing from the design standpoint that would prevent double stacking. Jim Breneman stated the city needs a commitment from the school district. Sgt. Carney stated the Police Department has no authority on a private parking lot. Mr. Lenahan asked what would happen if they were required to double stack and it didn't work. Sgt.

Carney stated the police department would approve of a period for review of the situation. Ron Williamson stated that condition 5 of the staff recommendation could be amended to require double stacking.

Wes Jordan expressed concern with the number of students being pushed into the streets and a school with an enrollment of 600 being designed for 550. He stated the city expends a lot of city resources at schools to assist with traffic concerns, he noted teachers' contracts prohibit them from being assigned to work parking lots.

Sgt. Carney stated there would be advance notice to the traffic on Nall that no left turns will be allowed by the lighted sign board.

Jonathan Birkel asked where there was a clear access provided for walking students. Sgt. Carney replied on 86th Street. The crossing guard and school crossing will be moved over to Juniper.

Sgt. Carney stated he would like to see the school district consider free busing for all in the attendance area instead of only those students residing over two miles from the school. He noted it has been done in other situations.

Jeffrey Valentino asked if the Certificate of Occupancy could have any conditions of approval. Mitch Dringman responded it is best to have the conditions or requirements upfront on the approved documents for it is the responsibility of the property owner to maintain the structure as agreed.

Nancy Wallerstein stated it appears that there is an impasse.

Ron Williamson proposed the following change to condition 5 "Once the previous recommendations are implemented, fine-tuned , and fully operational, it will be frequently monitored and a traffic study may be required to evaluate stacking and the intersection operations which allow left turn movements."

Jim Breneman noted he resides in this area and that the neighbors were generally pleased with what was presented at the neighborhood meeting. Mr. Breneman asked for clarification on the proposed grading plan. Mr. Breneman also confirmed that the retaining wall had a fence/hand rail along the top of it. Keith Bredehoeft briefly reviewed the proposed storm drainage plan and noted that revisions that have been requested by staff are being made.

Randy Kronblad noted the main entrance to the school faces 86th Street, but there is only 1 ADA parking space at the main entrance. Mr. Durham noted this is being designed primarily for drop-off. The other required ADA spaces are along the west drive near the south door.

Chairman Nancy Wallerstein led the Commission in review of the following criteria:

- A. **The site is capable of accommodating the building, parking areas and drives with appropriate open space and landscape.**

The site is 9.18 acres which is small by today's standards and the west and north sides have grade and drainage conditions that further reduce the usable portion of the site. Ideally, the site should be 10 acres plus one acre for each 100 students; and therefore, it should be about 17 acres of usable site. Unfortunately, additional land is not available so the site must be carefully designed. By designing the new facility as a two-story building the site can be better utilized for traffic and other outdoor activities. The proposed plan increases the vehicle stacking from 35 spaces to a potential 90 spaces which should help handle the traffic during peak periods. The parking requirement for elementary schools is two spaces per classroom. The proposed new school has 36 classrooms, including music, art, gym, etc., which require 72 parking spaces. The plan provides 90 parking spaces which is more than the ordinance requires. Currently there are 87 parking spaces on the site.

As a result of input from the Police Department, Public Works and a Traffic Consultant the applicant has redesigned the east parking lot/driveway to accommodate additional stacking spaces as shown on Sheet C101 dated 6/29/15. The drive will be one-way with a 25-foot wide driveway between the parking bays. This will allow a double-wide row of stacking spaces which could add as many as 30 stacking spaces. Also, the east driveway will have an entrance and two exit lanes (one each for right and left turns) and each lane shall be 11 feet in width. Although the site is small, it is capable of accommodating the building, parking area and landscape.

B. Utilities are available with adequate capacity to serve the proposed development.

The property is currently served with all utilities and it is not anticipated the proposed new school will create the demand for additional utilities. No additional utilities are contemplated for water and sewer services.

C. The plan provides for adequate management of stormwater runoff.

The applicant has submitted a Stormwater Management Plan which is being reviewed by Public Works. Currently there are 4.11 acres of impervious area and the new plan will reduce the impervious area slightly to 3.73 acres. Any reduction in impervious area will help the overall drainage of the site. The applicant will obtain approval from Public Works for the design and implementation of the Stormwater Management Plan.

D. The plan provides for safe and easy ingress, egress, and internal traffic circulation.

The plan provides potentially 90 stacking spaces compared to the current 35 stacking spaces which will improve circulation in the area. The afternoon pick-up time is the most congested time. An average of 200 vehicles is observed during afternoon pick-up. The number varies depending on the weather. Rain, snow and cold temperatures increase the traffic at pick-up time. The following is an excerpt from the Traffic Analysis prepared by the applicant's Traffic Engineer:

Key challenges with the current system

During field visits and analysis explained above the key challenges with the traffic flow around the school may be summarized as follows:

- Frequency of "car riders" is high because of the fee structure for bus usage; low number of busses needed to serve the school.

- Insufficient storage for about 165 cars. (Only about 35 cars can currently store within the school.)
- Chaotic storage on all available city streets around the school campus.
- Limited ability to travel through on 86th Street because cars stack on both sides. (This could be very challenging if emergency services need to access 86th Street.)
- Left turns from 86th Street into the school effectively block any traffic movement into and out of the school.

Suggestions for improving traffic flow

In addition to changing the number of cars that can be stored on-site, it is believed that the following changes should also be addressed to assist with a smoother traffic flow:

1. Continue providing a crossing guard for students walking home.
2. Prohibit left turns from 86th Street into the school during drop-off and pick-up. (This could ensure that at least one lane will remain open for traffic flow on 86th Street.)
3. Limit the stacking of cars to east of the school driveway and the north side of 86th Street. (This will allow traffic to flow into the school easier and quicker.)
4. Offer either a left turn or a right turn option when exiting from the school. (Combined with prohibiting left turns into the school, this could assist in quick dispersal of traffic allowing the queue to dissipate efficiently.)
5. Once the previous suggestions are implemented, fine-tuned, and fully operational for a full school year, complete a traffic study to evaluate the intersection operations which allow left turn movements. (Currently, at the Nall Avenue intersection left turns are prohibited from westbound 86th Street to southbound Nall Avenue. It is doubtful that this traffic movement will change.)
6. The police department does not enforce pick-up/drop-off procedures on school property. The school administration will need to educate parents/transporters and enforce drop-off and pick-up locations and queue/storage path. (This is essential to the success of improving traffic flow.)
7. That the Shawnee Mission School District consider offering free busing to all students within the attendance area. The entire school attendance area is within the 2.5 mile radius so this encourages parents to drive students to school. This area is already extremely congested, and while the proposed changes and traffic plan may help some; it is likely to remain the most congested school neighborhood in Prairie Village. A reduction in cost for busing or free busing would encourage parents to consider busing as opposed to driving students to school.

E. The plan is consistent with good land planning and good site engineering design principles.

The proposed plan improves traffic congestion, increases parking, increases on-site vehicle stacking, reduces impervious area and provides a good design on a small and

difficult site. The applicant has submitted a lighting plan that meets the requirements of the outdoor lighting ordinance.

F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building and the surrounding neighborhood.

The proposed design of the building will be more contemporary than the existing school building, but will utilize materials similar to those used in the neighborhood. The architect has done a good job of providing relief on the elevations of the building either by color, texture or material. The building will provide a high quality appearance in the neighborhood. The location of the trash and recycling bins are shown on the plans but the detail of the enclosure is not shown.

G. The plan represents an overall development pattern that is consistent with the comprehensive plan (Village Vision) and other adopted planning policies.

One of the goals of the Village Vision is to support a high quality educational environment for the residents of Prairie Village which includes investment and upgrading of facilities. The proposed project is very consistent with the Comprehensive Plan.

Randy Kronblad moved the Planning Commission approve PC2015-108 - Site Plan for Briarwood Elementary School subject to the following amended conditions:

1. That the applicant works with Public Works for approval and implementation of the Stormwater Management Plan.
2. That the school continues providing a crossing guard for students walking home.
3. That left turns from 86th Street into the school during drop-off and pick-up be prohibited.
4. That a double row of stacking in the drive will be required on the east side of the school.
5. Once the previous recommendations are implemented, fine-tuned and fully operational, it will be frequently monitored and a traffic study may be required to evaluate stacking and the intersection operations which allow left turn movements.
6. That the school administration educates parents/transporters and enforce drop-off and pick-up locations and queue/storage path.
7. That the east entrance off 86th Street be increased in width to accommodate three lanes of traffic; one entrance lane and two exit lanes (one for right turns and one for left turns).
8. That the School District consider offering free or reduced cost busing within the attendance area to reduce car traffic and congestion in the area.
9. That the applicant submits plans for the enclosure of the trash and recycling bins to Staff for review and approval.
10. That the proposed landscape plan be submitted to the Tree Board for review and approval prior to installation.
11. That any monument sign proposal be submitted to the Planning Commission for review and approval.
12. That the revised sheet C101, dated 6/29/15, be included with the other drawings submitted and that the applicant submit three copies of the revised Final Site Plan drawings to the City.

The motion was seconded by Greg Wolf and passed unanimously.

**PC2015-109 Request for Preliminary & Final Plat - Briarwood Elementary
5300 West 86th Street**

Ron Williamson stated the Briarwood Elementary School site is unplatted and contains approximately 9.18 acres. One of the conditions of approval for the site plan for the new school is the platting of this site. There are a number of unplatted tracts in Prairie Village and as redevelopment occurs, the Planning Commission has required tracts to be platted.

Since this is the platting of an existing developed area and is relatively uncomplicated, Staff has agreed to allow the applicant to submit both the Preliminary and Final Plats at the same time.

PRELIMINARY PLAT

The Preliminary Plat contains the information normally required and is a one lot plat. The lines on the plat marked as SW are stormwater pipes, but are not identified in the Legend. They handle internal drainage on the site. All easements identified in the Title Report are shown on the Preliminary Plat.

FINAL PLAT

The Final Plat contains essentially all the information required.

The name of the Chairman of the Planning Commission will need to be changed to Nancy Wallerstein.

Gregory Wolf moved the Planning Commission approve the Preliminary and Final Plats of Briarwood Elementary School subject to the following conditions:

1. That the name of the Chairman of the Planning Commission be changed to Nancy Wallerstein.
2. That the Final Plat as approved be revised and three (3) copies submitted to the City for their records.
3. That the applicant submits the Final Plat to the Johnson County surveyor for review.

and forward the Final Plat to the Governing Body for acceptance of easements and rights-of-way. The motion was seconded by James Breneman and passed unanimously.

OTHER BUSINESS

Election of Vice Chairman

James Breneman nominated Gregory Wolf to serve as Vice Chairman of the Planning Commission. The nomination was seconded by Patrick Lenahan and passed unanimously.

Next Meeting

The next meeting will be the Special Meeting of the Planning Commission to be held on Wednesday, July 29th for consideration of PC2015-08 Request for Special Use Permit for an Adult Senior Dwelling at 8500 Mission Road and PC2015-110 Preliminary Plat approval for Mission Chateau at 8500 Mission Road.

The regularly scheduled meeting on Tuesday, August 4th will be preceded by a Board of Zoning Appeals meeting and will include a Platted Building Line Modification for 6842 Granada Lane, Site Plan Approval for wireless antenna at 5000 West 95th Street and Site Plan Approval for Building Height Elevation at 2309 West 71st Terrace.

Ron Williamson was thanked for his 22 years of service to the Planning Commission and City of Prairie Village and wished well in his retirement. Chris Brewster with Gould Evans was welcomed as the new Planning Consultant for the City of Prairie Village.

ADJOURNMENT

With no further business to come before the Commission, Chairman Nancy Wallerstein adjourned the meeting at 10:25 p.m.

Nancy Wallerstein
Chairman

SUPPLEMENT TO STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
SUBJECT: PC 2015-06 Rezoning 7930 State Line Road
DATE: July 7, 2015

Project # 000009686

COMMENTS:

This is a supplemental memorandum to address the issues raised at the June 2, 2015 Planning Commission meeting. The rezoning request was continued in order for the applicant to provide more information. The issues were drainage, traffic, screening, lighting, noise, smell and the location of the trash bins.

DRAINAGE: The impervious area on the site is reduced by 13,000 square feet. Public Works has reviewed the Site Plan and the drainage is acceptable. A more detailed site drainage review will occur during the permitting process.

TRAFFIC: The applicant prepared a Traffic Study and its conclusion is that the average daily traffic will increase over the existing office use, but it will decrease during the PM peak hour when traffic on State Line Road is the highest. Also, it is estimated that approximately 50% of the traffic generated by Slim Chickens are passerby trips. A passerby trip is an intermediate stop made by a vehicle travelling to another location. The Police Department has no reported accidents in this area for the past three years. Public Works is satisfied that State Line Road has the capacity to accommodate the additional increase in traffic.

SCREENING: The applicant has submitted a revised Site Plan showing an 8-foot fence along the north, west, and a portion of the south property lines. This should screen parked vehicles and lights from cars for the residents located on the north side of the property. The landscape plan has also been revised to provide better screening for the neighbors.

LIGHTING: The applicant will be required to submit an outdoor lighting plan at the time of application for a building permit. At that time all exterior lighting fixtures on the building and in the parking lot will be known and an accurate photometric drawing can be prepared. The ordinance requires 0.0 foot candles at the property line when adjacent to residences.

NOISE: This is primarily an operations issue and the applicant will need to control the noise through education of staff. The noise from the speaker at the menu boards can be controlled. The applicant has proposed two menu boards, which may not be necessary. Consideration should be given to removing one menu board to reduce the noise.

SMELL: The smell of cooking food will need to be addressed by installing filters in the venting system.

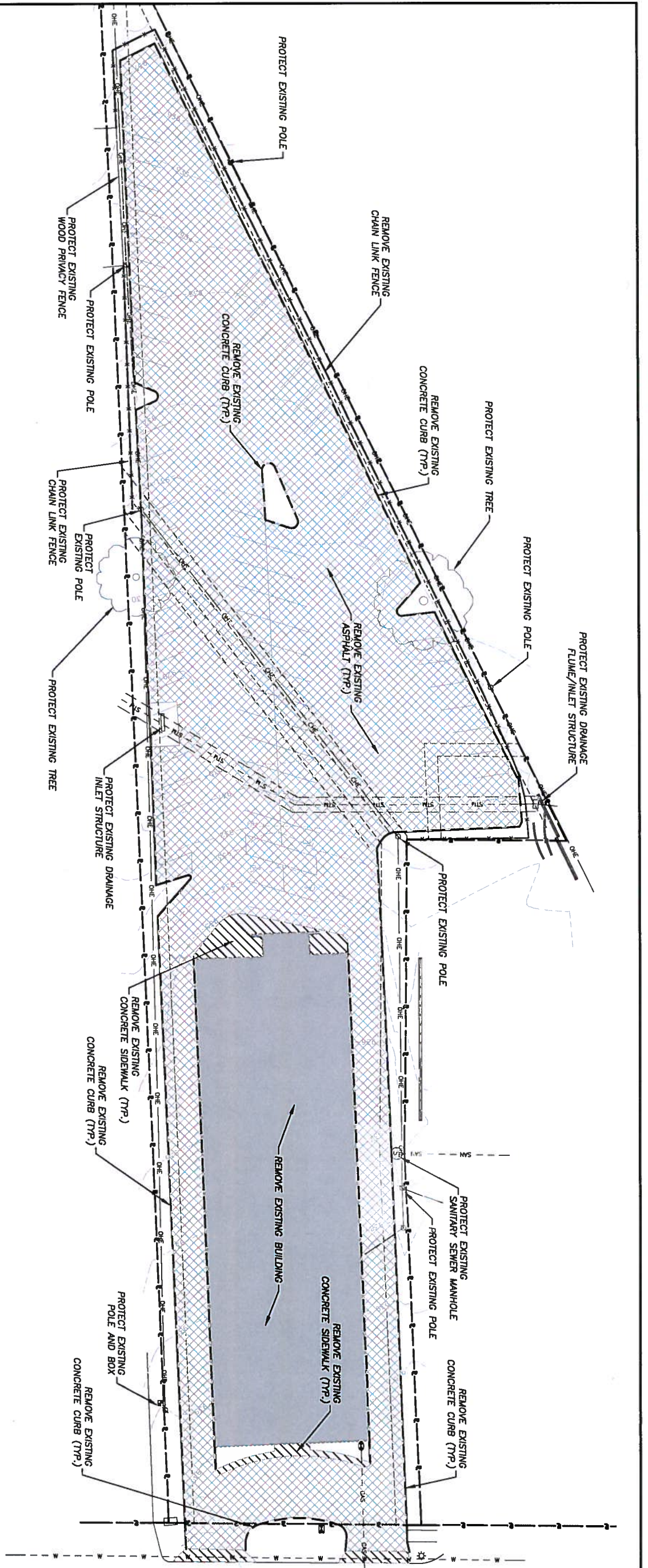
TRASH BINS: The trash bins have been moved to the south side of the lot which should help reduce noise for the neighbors to the north. It would be more desirable to move the trash bins further east along the south property line, but trash trucks would have a difficult time backing into the space to pick-up and unload the trash bins.

RECOMMENDATION:

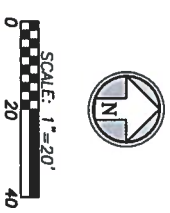
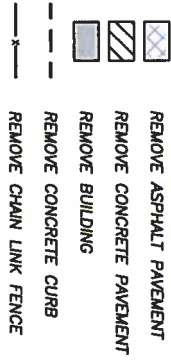
It is the recommendation of Staff that the Planning Commission recommend approval of the zone change from R-1B and C-0 to CP-1 Planned Restricted Business Restricted Business District along with the Preliminary Development Plan to the Governing Body subject to the following conditions, which includes the conditions from the original staff report:

LOCHNER

1. That the Preliminary Development Plan approved by the Planning Commission is dated 6/19/2015 and includes sheets C1, C2, D1, L1, L2, DRB1.0, DRB2.0, and DRB3.0.
 2. That prior to obtaining a permit for construction the applicant shall submit a Final Development Plan for review and approval by the Planning Commission.
 3. That an exterior lighting plan be included with the submission of the Final Development Plan and be designed in accordance with the outdoor lighting regulations of the zoning ordinance.
 4. That any HVAC units installed externally, either on the roof or on the ground, be screened from adjacent properties and State Line Road.
 5. That the applicant submit the landscape plan to the Tree Board for review and approval prior to submitting the Final Development Plan to the Planning Commission for approval. That the landscape plan, as approved, shall be installed as a part of the development construction.
 6. That the sidewalk adjacent to State Line Road be five feet in width and aligned to connect to the existing sidewalk on the commercial property to the north.
 7. That the applicant submit a sign package which includes the monument sign, menu board, wall signs and directional signs for review and approval by the Planning Commission with the Final Development Plan.
 8. That the approval of the Preliminary Development Plan is subject to approval of the Conditional Use Permit for the drive-thru window and if the Conditional Use Permit is not approved, the applicant shall revise the site plan and resubmit it for approval by the Planning Commission.
 9. That the applicant submit detail for the 8-foot fence that will be used to screen adjacent residences for review and approval by Staff.
 10. That the applicant plat the property prior to obtaining a building permit.
 11. That the landscape area along the north and south property lines be approved for 5 feet which is reduced from the standard 8-foot requirement.
 12. That the applicant work with the Public Works Department for final approval of the stormwater drainage.
 13. That the applicant remove the second menu board and drive to reduce noise from the operation.
 14. That the applicant install filters in the venting system to control odors from cooking.
 15. That the business operator or manager work with staff to reduce noise during operation hours, as well as, during clean-up time after the business closes.
-



- GENERAL NOTES**
1. ALL MATERIALS SHALL BE REMOVED AND NOT DISPOSED OF ON-SITE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MEET ALL APPLICABLE LAWS AND REGULATIONS PERTAINING TO THE DISPOSAL OF CONSTRUCTION/DEMOLITION MATERIAL.
 2. ALL PROTECTION FENCING SHALL BE INSTALLED PRIOR TO DEMOLITION/CONSTRUCTION ACTIVITY.
 3. CONTRACTOR SHALL VERIFY LOCATION OF ALL UTILITIES PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITY.
 4. EXISTING STORM & STRUCTURES SHALL BE PROTECTED FROM ANY DAMAGE RESULTING FROM CONSTRUCTION ACTIVITY.



**7930 STATE LINE ROAD
PRELIMINARY DEVELOPMENT PLANS
PRAIRIE VILLAGE, KANSAS**

DEMOLITION PLAN

Design: JTB Drawn: JTB
 Checked: RAE
 Issue Date: 06/19/2015
 Project Number: 021220

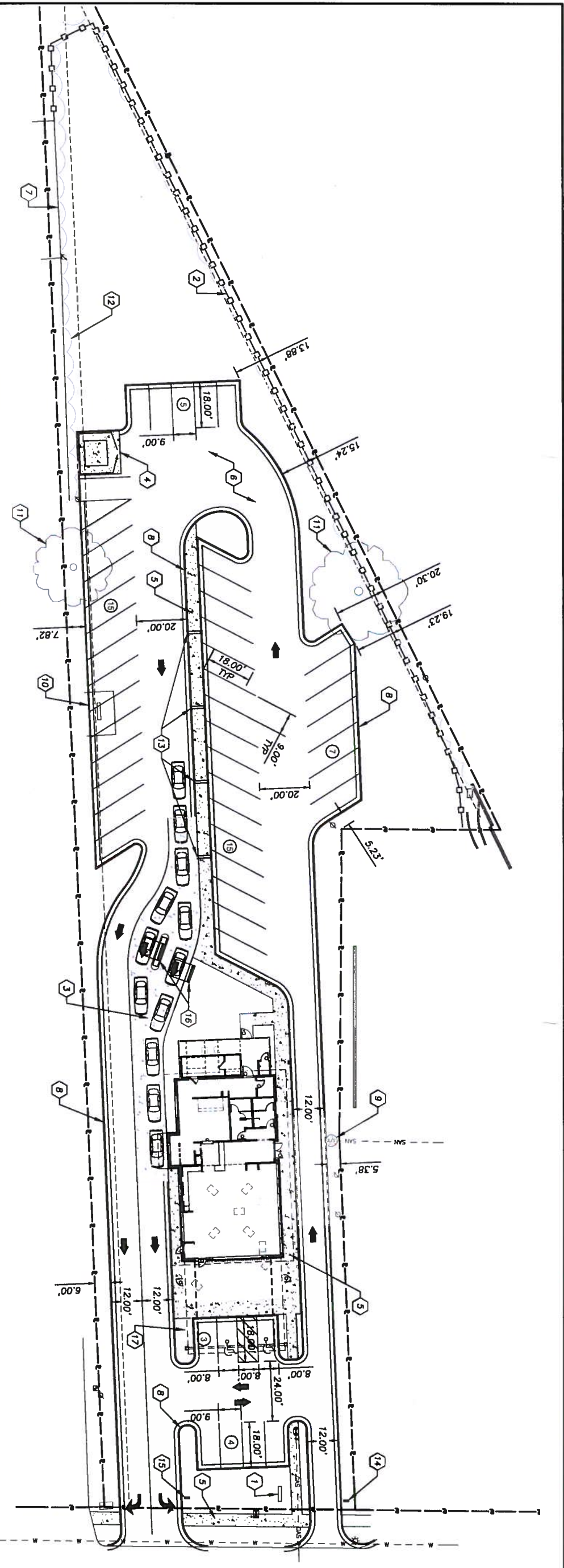
Prepared For:
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 P. (913) 663-1900 f. (913) 663-1633

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Rev.	Date	Description	By	App.
1	07/01/15	REVISED PER CITY COMMENTS	JWB	JWB



CONSTRUCTION NOTES

- 01 MONUMENT SIGN, REFER TO ARCHITECTURAL
- 02 8' TALL WOOD PRIVACY FENCE
- 03 CONCRETE PAVEMENT
- 04 DUMPSTER ENCLOSURE
- 05 CONCRETE SIDEWALK
- 06 ASPHALT PAVEMENT
- 07 PROJECT EXISTING WOOD PRIVACY FENCE
- 08 CONCRETE CURB AND GUTTER
- 09 PROJECT EXISTING STORM DRAIN
- 10 PROJECT EXISTING TREE
- 11 PROJECT EXISTING TREE LINE
- 12 TRENCH DRAIN WITH GRATE
- 14 ENTRANCE DIRECTIONAL SIGN
- 15 EXIT DIRECTIONAL SIGN
- 16 MENU BOARD
- 17 ROOF CANOPY

SITE DATA

SITE AREA: 1.37 ACRES/59,663 SQ FT
 IMPERVIOUS AREA: 50,027 SQ FT (83.8%)
 BUILDING EXISTING: 36,252 SQ FT (60.8%)
 PROPOSED BUILDING: 11,962 SQ FT
 3,564 SF + 671 SF PATIO

PARKING STALLS

TOTAL PARKING STALLS: 49 STALLS
 REQUIRED PARKING: 94 INDOOR SEATS/2.5 = 37.6 STALLS
 1/2.5 SEATS 28 OUTDOOR SEATS/2.5 = 11.2 STALLS
 = 48.8 STALLS

REQUIRED HANDICAPPED STALLS: 2 (1 VAN)
 (26-50 STALLS REQUIRES 2 HC STALLS PER ADA)

HANDICAP STALLS PROVIDED: 2 (2 VAN)

LEGAL DESCRIPTION

PART OF LOT 3, NEL-ARG, AND PART OF LOT 14, BLOCK 8, MEADOW LAKE, BOTH BEING SUBDIVISIONS IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID LOT 3 WITH THE WEST LINE OF STATE LINE ROAD, AS NOW ESTABLISHED; THENCE NORTH 2° 50' EAST, ALONG THE WEST LINE OF STATE LINE ROAD, A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF LOT 15, SAID BLOCK 8; THENCE WEST, ALONG THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF 130.00 FEET, TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 87° 10' WEST, ALONG A LINE WHICH MAKES A SOUTHWEST ANGLE OF 90 DEGREES WITH THE EASTERLY LINE OF SAID LOT 14, A DISTANCE OF 123.00 FEET; THENCE NORTH 2° 50' EAST, A DISTANCE OF 63.37 FEET, TO A POINT ON THE NORTHWESTERN LINE OF SAID LOT 14, THENCE SOUTH 66° 21' 16" WEST, ALONG THE NORTHWESTERLY LINE OF SAID LOT 14, A DISTANCE OF 421.97 FEET, TO THE SOUTHWEST CORNER THEREOF; THENCE EAST, ALONG THE SOUTH LINE OF SAID LOT 14, AND 3 A DISTANCE OF 651.33 TO THE POINT OF BEGINNING.

PROJECT ADDRESS

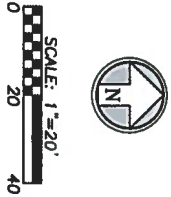
7930 STATE LINE ROAD
 PRAIRIE VILLAGE, KS 66208

GENERAL NOTES

1. All work in public easement and Right-of-Way shall be installed per the requirements and specifications of the City of Prairie Village, Kansas.
2. All existing topographic, survey, and utility information shown was provided to BHC Rhodes in the form of a Topographic Survey prepared by Viking Surveys and dated October 3, 2014. BHC Rhodes makes no guarantee as to the accuracy of the existing information shown hereon. Contractors shall satisfy themselves as to the existing conditions of the site and have all utilities located prior to commencing construction.
3. The Contractor shall be required to obtain all Federal, State, and Local permits required for this project prior to commencing construction.
4. Any work adjacent to or crossing existing streets requires proper traffic control devices. Traffic control devices shall be placed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
5. The contractor shall be required to demolish, remove and dispose of all existing structures, pavements, and features necessary to construct the improvements shown hereon. Any waste materials generated during construction shall be removed from the site by the Contractor and disposed of in accordance with all local, State, and Federal regulations governing such disposal.
6. The contractor shall prevent any trash, debris, or liquid wastes from being disposed of in sanitary sewers, storm sewers, or open drainage systems.
7. The Contractor shall be solely responsible to protect adjacent property, structures, and other improvements from damage during construction. In the event of damage to adjacent property, structures, or improvements, the contractor shall repair or replace such damage to the Owner's satisfaction at the Contractor's expense.
8. Contractors at the site shall be solely responsible for jobsite safety for all aspects of work shown hereon.
9. All work and materials used in the construction of the improvements shown hereon shall comply with all referenced standards, specifications, and plan notes.
10. All buildings are shown as a reference only. All buildings shall be located and constructed per the Architectural drawings prepared by others.
11. Contractor shall be responsible for contacting all utility companies for field locations of underground utilities affected by the contract. All existing utilities indicated on these plans are according to the best information available to the engineer; however, all utilities actually existing may not be shown. Utilities damaged through the negligence of the contractor to obtain the location of same shall be repaired or replaced at the expense of the contractor.
12. Any and all hazards shall be properly identified and barricaded from access during all non-construction periods.

LEGEND

- (#) PARKING STALL COUNT
- MEDIUM DUTY PCP PAVEMENT
- LIGHT DUTY ASPHALT PAVEMENT
- CONCRETE SIDEWALK
- CONCRETE CURB & GUTTER
- PROPERTY LINE
- 6' WOOD PRIVACY FENCE



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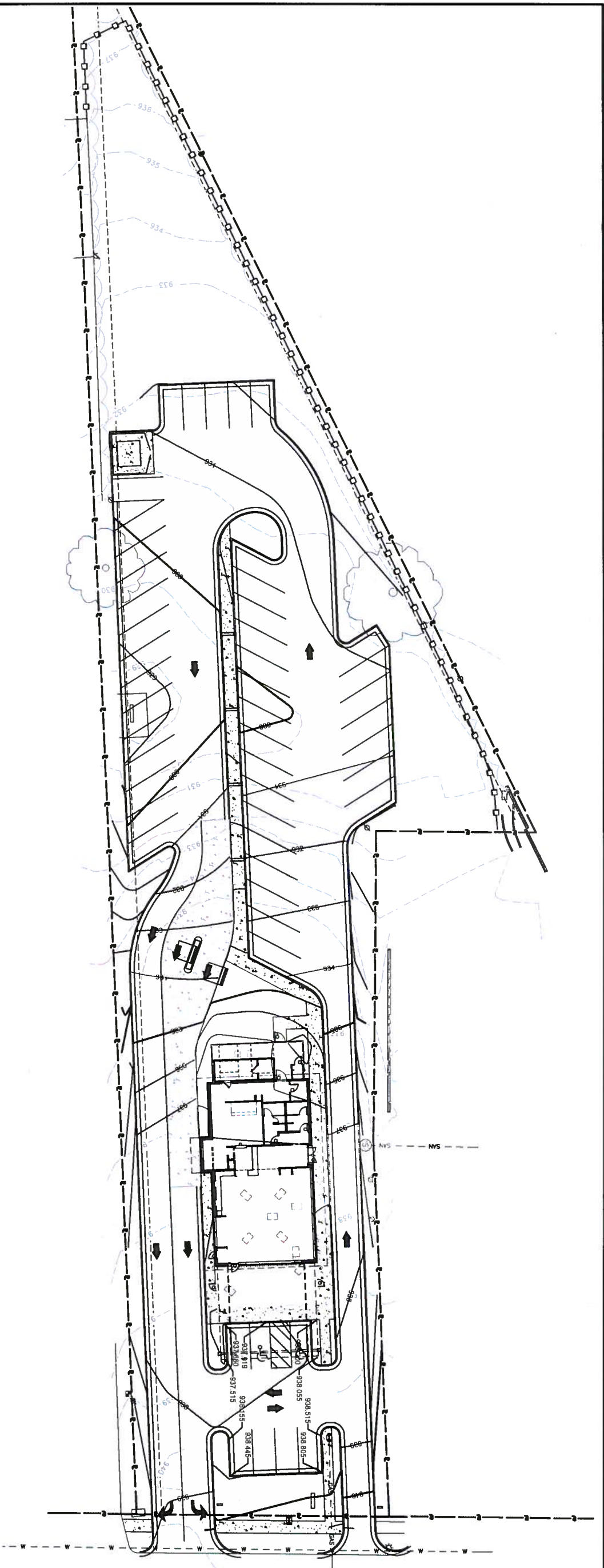
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**7930 STATE LINE ROAD
 PRELIMINARY DEVELOPMENT PLANS
 PRAIRIE VILLAGE, KANSAS**

SITE PLAN

Design: JWB | Drawn: JWB
 Checked: RAE
 Issue Date: 06/19/2015
 Project Number: 021220
C1 of 5



GRADING NOTES

1. Contractor shall operate under the terms and permits included in the Stormwater Pollution Prevention Plan (SWPPP) prepared for this project and permitted through the State of Kansas. Contractor shall employ a qualified person to conduct regular inspections of the site erosion control measures and document such inspections in the SWPPP document maintained by the Contractor.
2. All topsoil, vegetation, root structures, and deleterious materials shall be stripped from the ground surface prior to the placement of embankments. Contractor shall obtain the On-site geotechnical representative's acceptance of the existing ground surface materials and the proposed fill material prior to the placement of fill.
3. All proposed contour lines and spot elevations shown are finish ground elevations. Contractor shall account for pavement depths, building pads, topsoil, etc when grading the site.
4. All disturbed areas that are not to be paved (green spaces) shall be finish graded with a minimum of six inches of topsoil.
5. All excavation and embankments shall comply with the recommendations provided by the Geotechnical Engineer.
6. Prior to placing any concrete or asphalt pavement the contractor shall perform a proof roll of the pavement sub-grade with a fully loaded tandem axle dump truck. The proof roll shall be conducted in the presence of the Engineer and the On-Site Geotechnical Representative. Areas that display rutting or pumping that are unsatisfactory to the Engineer shall be re-worked and a follow-up proof roll shall be conducted prior to acceptance of the sub-grade for paving. The contractor may, at its own expense, stabilize the sub-grade using Class C fly ash or quicklime.
7. Finished grades shall not be steeper than 3:1.
8. All grading work shall be considered unclassified. No additional payments shall be made for rock excavation. Contractor shall satisfy himself as to any rock excavation required to accomplish the improvements shown hereon.
9. A 1/4" per foot maximum cross slope shall be maintained on all pedestrian sidewalks and paths.

LEGEND

- 980 — FINISH GRADE 5' CONTOURS
- 980 — FINISH GRADE 1' CONTOURS
- - - 980 - - - EXISTING GRADE 10' CONTOURS
- - - 980 - - - EXISTING GRADE 1' CONTOURS
- — — — — PROPERTY LINE



SCALE: 1"=20'
0 20 40

**7930 STATE LINE ROAD
PRELIMINARY DEVELOPMENT PLANS
PRAIRIE VILLAGE, KANSAS**

GRADING PLAN

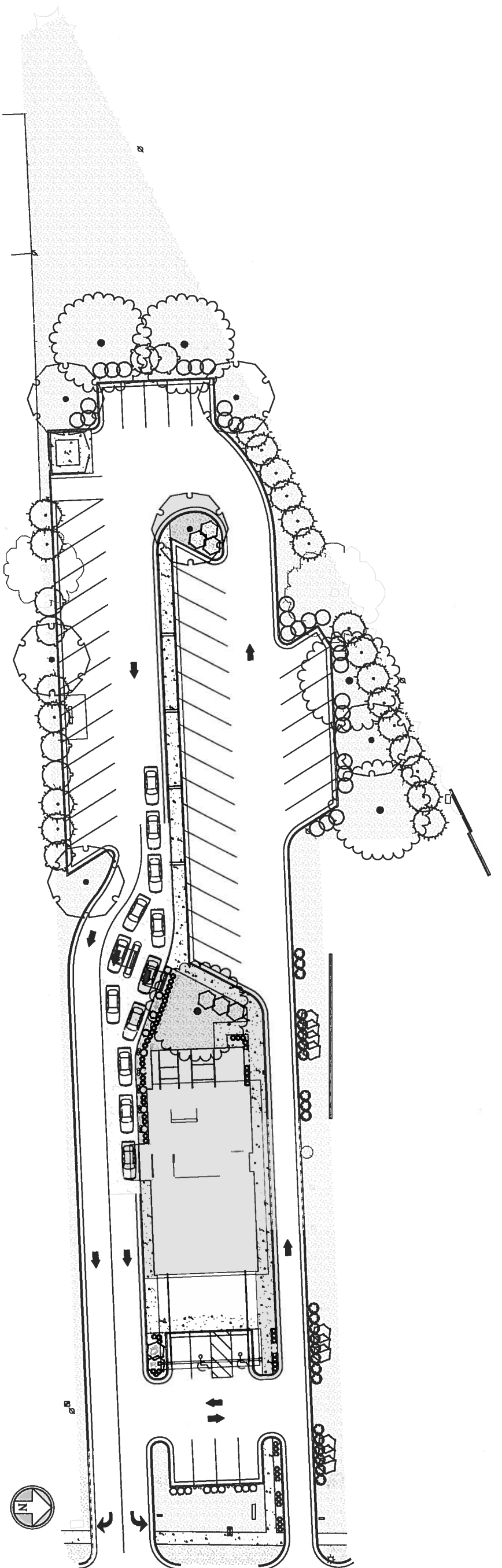
Client: JMB | Designer: JMB
Checker: RAE
Issue Date: 06/19/2015
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Rev.	Date	Description	By	App.
1	07/01/15	REVISED PER CITY COMMENTS	JWB	JWB

C2 of 5



LANDSCAPING NOTES

1. ALL DISTURBED AREAS SHALL BE SODED WITH TURF-TYPE TALL FESCUE SOD WITH A MINIMUM OF THREE CULTIVARS
2. ALL LANDSCAPED AREAS SHALL RECEIVE A MINIMUM 6-INCH DEPTH OF TOPSOIL, COMPACTED TO 85% DENSITY AT OPTIMUM MOISTURE CONTENT.
3. THE ENTIRE SURFACE TO BE LANDSCAPED SHOULD BE REASONABLE SMOOTH AND FREE FROM STONES, ROOTS OR OTHER DEBRIS.
4. SOD SHALL BE MACHINE STRIPPED AT A UNIFORM SOIL THICKNESS OF APPROXIMATELY ONE INCH (PLUS OR MINUS 1/4-INCH). THE MEASUREMENT FOR THICKNESS SHALL EXCLUDE TOP GROWTH AND THATCH, AND SHALL BE DETERMINED AT THE TIME OF CUTTING IN THE FIELD. PRECAUTIONS SHALL BE TAKEN TO PREVENT DRYING AND HEATING. SOD DAMAGED BY HEAT AND DRY CONDITIONS, AND SOD CUT MORE THAN 18 HOURS BEFORE BEING INCORPORATED INTO THE WORK SHALL NOT BE USED.
5. HANDLING OF SOD SHALL BE DONE IN A MANNER THAT WILL PREVENT TEARING, BREAKING, DRYING AND OTHER DAMAGE. PROTECT EXPOSED ROOTS FROM DEHYDRATION. DO NOT DELIVER MORE SOD THAN CAN BE LAID WITHIN 24 HOURS.
6. MOISTEN PREPARED SURFACE IMMEDIATELY PRIOR TO LAYING SOD. WATER THOROUGHLY AND ALLOW SURFACE TO DRY BEFORE INSTALLING SOD. FERTILIZE HARROW OR RAKE FERTILIZER IN THE TIP 1-1/2-INCHES OR TOPSOIL, AT A UNIFORM RATE.
7. FERTILIZER SHALL BE 20-10-5 COMMERCIAL FERTILIZER OF THE GRADE, TYPE, AND FORM SPECIFIED AND SHALL COMPLY WITH THE RULES OF THE STATE OF ARKANSAS DEPT. OF AGRICULTURE. FERTILIZER SHALL BE IDENTIFIED ACCORDING TO THE PERCENT N-P-K IN THAT ORDER.
8. SATURATE SOD WITH FINE WATER SPRAY WITHIN TWO HOURS OF PLANTING. DURING THE FIRST WEEK AFTER PLANTING, WATER DAILY OR MORE FREQUENTLY AS NECESSARY TO MAINTAIN MOIST SOIL TO A MINIMUM DEPTH OF FOUR INCHES.
9. CONTRACTOR SHALL PROVIDE FULL MAINTENANCE FOR NEWLY LANDSCAPED AREAS FOR A PERIOD OF 30 DAYS AFTER THE DATE OF FINAL ACCEPTANCE. AT THE END OF THE MAINTENANCE PERIOD, A HEALTHY, WELL-ROOTED, EYE-COLORED, VIABLE TURF AND LANDSCAPED AREA MUST BE ESTABLISHED. THE LANDSCAPED AREAS SHALL BE FREE OF WEEDS, OPEN JOINTS, BARE AREAS AND SURFACE IRREGULARITIES.

PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT.	CAL.	TREE HT.
	6	Acer rubrum / Red Maple	8 & 8	2' Cal	12-15' H
	5	Qediilia thornthos hermia 'Shademaster'™ / Shademaster Locust	8 & 8	2' Cal	12-15' H
	23	Juniperus virginiana 'Concertif' / Concerti Juniper	8 & 8		7-8' H
	8	BOTANICAL NAME / COMMON NAME Amenelcher arborea / Downy Serviceberry	7 gal	2' height	
	25	Callierpa dichotoma 'Early Amethyst' / Beautberry	7 gal	2' height	
	30	Euonymus alatus / Winged Euonymus	15 gal	3' height	
	19	Euonymus alatus 'Odora'™ / Little Moses Dwarf Burning Bush	3 gal		
	18	Rhus glabra / Smooth Sumac	3 gal		
	21	BOTANICAL NAME / COMMON NAME Achyillea millefolium / Common Yarrow	1 gal	SIZE	
	60	Eragrostis spectabilis / Purple Love Grass	3 gal	SIZE	
	34	Schizochyllum scoparium / Little Bluestem Grass	3 gal	SIZE	
	QTY	BOTANICAL NAME / COMMON NAME	CONT.		
	19,050 sf	Festuca arundinacea 'Watersewer Blend' / Watersewing Blend of Tall Fescue	sod		
	QTY	BOTANICAL NAME / COMMON NAME	SIZE		
	737 sf	Native Cobblestone	4" - 8" stones		

SLIM CHICKEN LANDSCAPING PLAN

**7930 STATE LINE ROAD
PRELIMINARY DEVELOPMENT PLANS
PRAIRIE VILLAGE, KANSAS**

LANDSCAPE PLAN

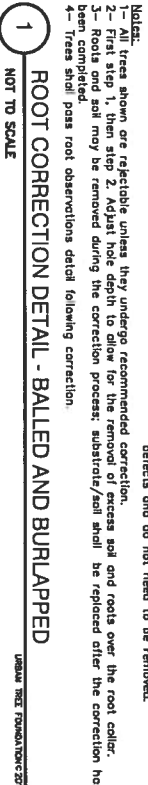
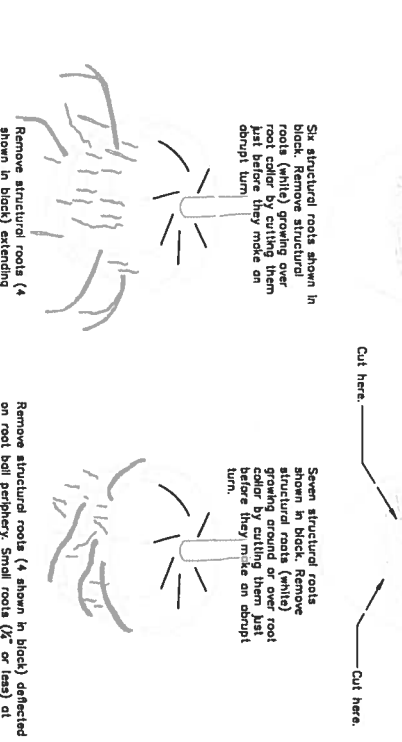
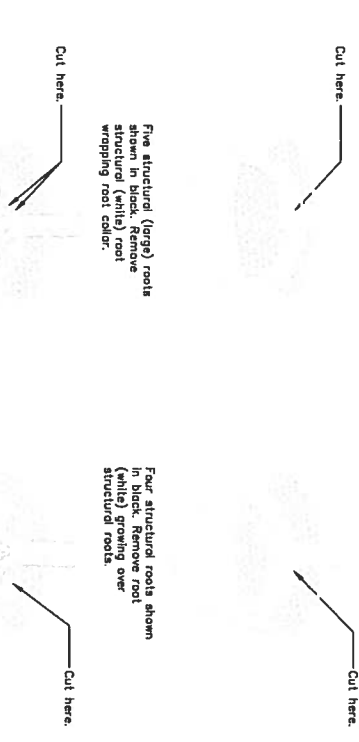
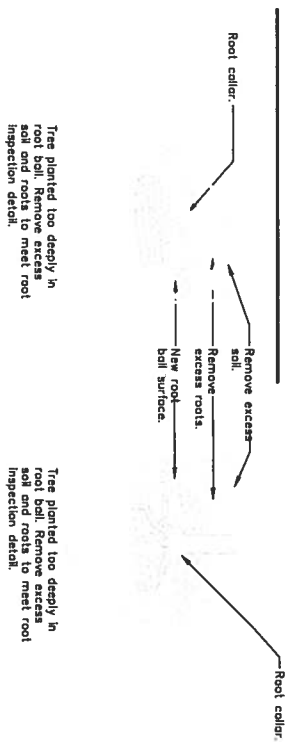
Prepared For:
BLOCK AND COMPANY, INC.
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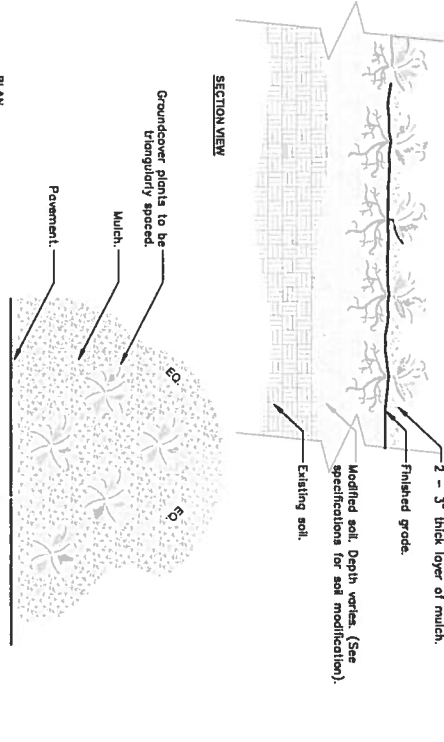
Rev.	Date	Description	By	App.
1	07/01/15	REVISED PER CITY COMMENTS	NAB	JWB

PLANTING NOTES

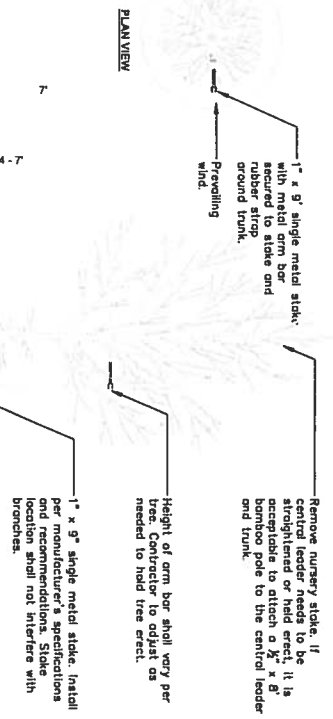
1. LOCATION OF ALL EXISTING UTILITIES NEEDS TO BE DONE BEFORE COMMENCING WORK.
 2. THE PLANTING PLAN GRAPHICALLY ILLUSTRATES OVERALL PLANT MASSINGS. EACH PLANT SPECIES MASSING SHALL BE PLACED IN THE FIELD TO UTILIZE THE GREATEST COVERAGE OF GROUND PLANE. THE FOLLOWING APPLIES FOR INDIVIDUAL PLANTINGS:
 - A. CREEPING GROUNDCOVER SHALL BE A MINIMUM OF 6" FROM PAVING EDGE.
 - B. ALL TREES SHALL BE A MINIMUM OF 3' FROM PAVING EDGE.
 - C. ALL PLANTS OF THE SAME SPECIES SHALL BE EQUALLY SPACED APART AND PLACED FOR BEST AESTHETIC VIEWING.
 - D. ALL SHRUBS SHALL BE A MINIMUM OF 2' FROM PAVED EDGE.
 3. MULCH ALL PLANTING BED AREAS TO A MINIMUM DEPTH OF 3". MULCH INDIVIDUAL TREES TO A MINIMUM DEPTH OF 4".
 4. NOTE: IF PLANTS ARE NOT LABELED - THEY ARE EXISTING AND SHALL REMAIN.
 5. ALL LANDSCAPED AREAS IN ROW SHALL BE SOODED AND IRRIGATED UNLESS OTHERWISE SPECIFIED.
- MATERIALS:**
1. PLANT MATERIAL SHALL BE HEALTHY, VIGOROUS, AND FREE OF DISEASE AND INSECTS AS PER AM STANDARDS
 2. SHREDED BARK MULCH INSTALLED AT TREES SHALL BE FINELY CHIPPED AND SHREDED HARDWOOD CHIPS, CONSISTING OF PURE WOOD PRODUCTS AND FREE OF ALL OTHER FOREIGN SUBSTANCES. PINE BARK COMPOST MULCH INSTALLED AT PLANTING BED AREAS SHALL BE FREE OF ALL OTHER FOREIGN SUBSTANCES.
- INSTALLATION:**
1. ALL COMPACTED SOIL AND ROLL SPLIT WITHIN THE AREA TO BE LANDSCAPED SHALL BE REMOVED TO A DEPTH OF NOT LESS THAN TWO (2) FEET AND SHALL BE BACKFILLED WITH TOPSOIL.
 2. ALL PLANTING BEDS SHALL BE AMENDED WITH 1 CUBIC YARD OF PEAT MOSS PER 1,000 SQUARE FEET. TILL PEAT MOSS INTO SOIL TO A 6" DEPTH. A 10-10-10 FERTILIZER SHALL BE SPREAD OVER ALL PLANTING AREAS PRIOR TO PLANTING. AT A RATE OF 50 POUNDS PER 2,000 SQUARE FEET.
 3. AFTER PLANTS HAVE BEEN INSTALLED, ALL PLANTING BEDS SHALL BE TREATED WITH DACTHAL PRE-EMERGENT HERBICIDE PRIOR TO MULCH APPLICATION.
 4. PLANT PIT BACKFILL FOR TREES AND SHRUBS SHALL BE 50% PEAT OR WELLS COMPOSTED MANURE AND 50% TOPSOIL.
 5. TREES PLANTED IN LANDSCAPED PLANTING AREAS SHALL BE SITUATED A MINIMUM OF THREE (3) FEET FROM ANY CURB.
 6. PLANT MATERIAL SHALL BE MAINTAINED AND GUARANTEED FOR A PERIOD OF TWO YEARS AFTER OWNERS ACCEPTANCE OF FINISHED JOB. ALL DEAD OR DAMAGED PLANT MATERIAL SHALL BE REPLACED AT LANDSCAPE CONTRACTOR'S EXPENSE. LANDSCAPE CONTRACTOR SHALL MAINTAIN ALL PLANT MATERIAL UNTIL FINAL ACCEPTANCE AT WHICH POINT THE TWO YEAR GUARANTEE BEGINS.
 - 7.



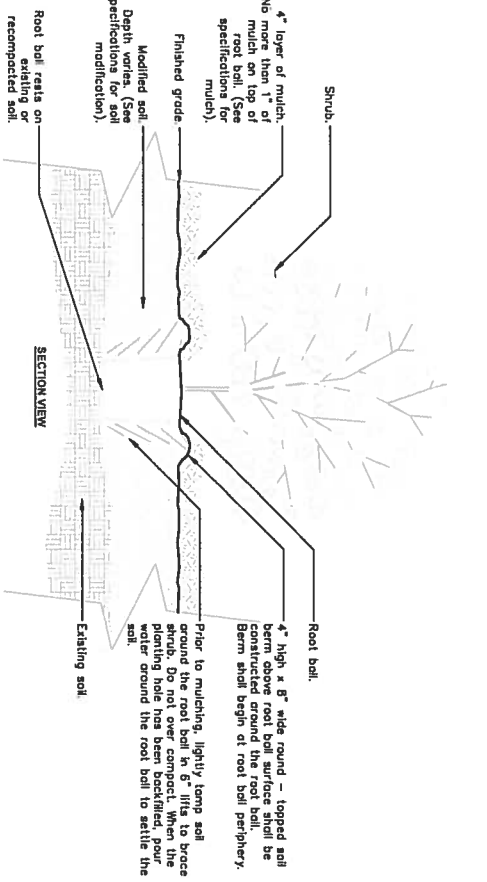
1 ROOT CORRECTION DETAIL - BALLED AND BURLAPPED
NOT TO SCALE



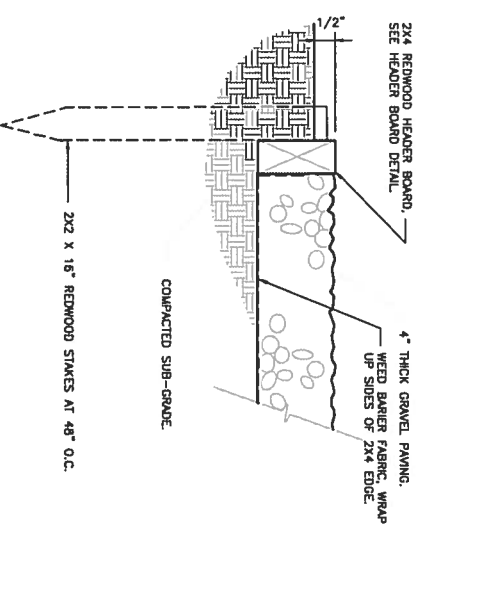
4 GROUNDCOVER
NOT TO SCALE



2 TREE STAKING - SINGLE METAL STAKE
NOT TO SCALE



3 SHRUB - MODIFIED SOIL
NOT TO SCALE



5 EDGE AT GRAVEL PAVING
NOT TO SCALE

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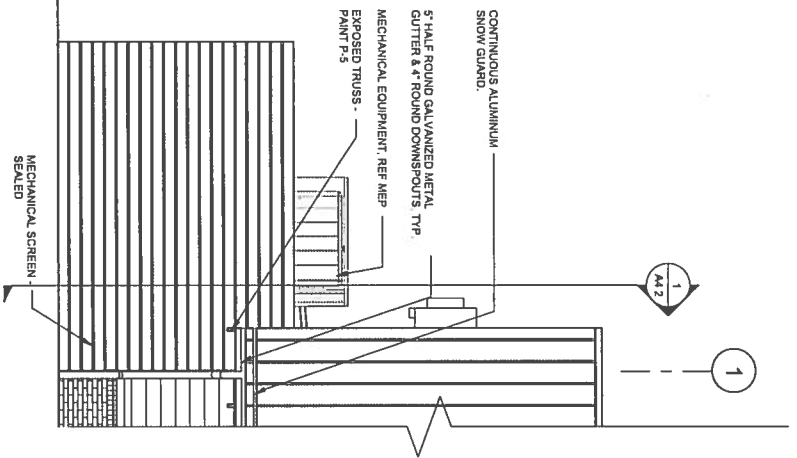
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7930 STATE LINE ROAD
PRELIMINARY DEVELOPMENT PLANS
PRAIRIE VILLAGE, KANSAS

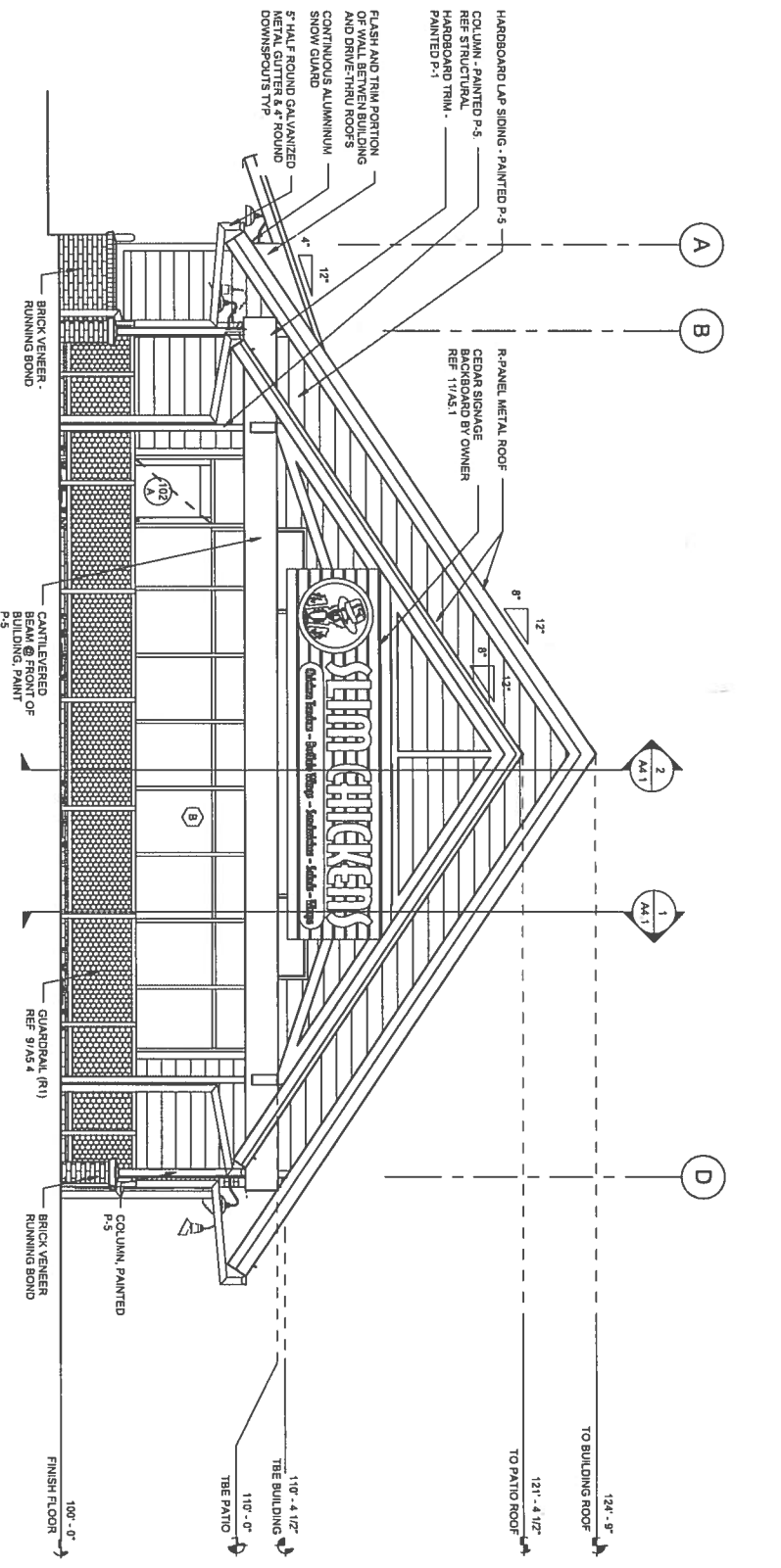
LANDSCAPE DETAILS

Design: JWB
Checked: JWB
Issue Date: 06/19/2015
Project Number: 021220

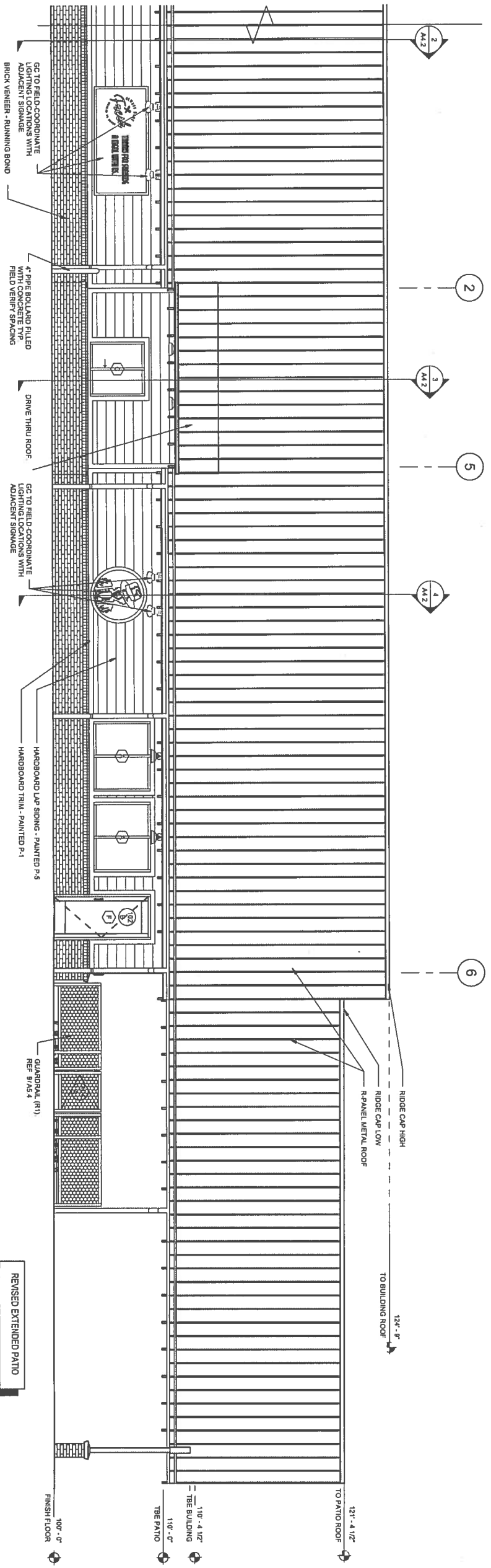
L2 of 5
12



1 EAST ELEVATION - CONT.
1/4" = 1'-0"



2 NORTH ELEVATION
1/4" = 1'-0"



1 EAST ELEVATION
1/4" = 1'-0"

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SLIM CHICKENS
PRAIRIE VILLAGE, KS

project number
15133.001
drawing issuance
OWNER REVIEW 7/11/15
drawing revisions
No. Description Date:

Professional Seal

drafting title
drawing number
A2.1

PLANNING COMMISSION MINUTES
September 1, 2015

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, September 1, 2015, in the Municipal Building Council Chambers at 7700 Mission Road. Chairman Nancy Wallerstein called the meeting to order at 7:00 with the following members present: James Breneman, Nancy Wallerstein, Patrick Lenahan, Jonathan Birkel and Jeffrey Valentino.

The following persons were present in their advisory capacity to the Planning Commission: Graham Smith, City Planning Consultant; Wes Jordan, Assistant City Administrator; Mitch Dringman, Building Official; Eric Mikkelson, Council Liaison and Joyce Hagen Mundy, Commission Secretary.

APPROVAL OF MINUTES

Patrick Lehanan requested that the wording of the first sentence in the third paragraph on page five be changed from "Patrick Lehanan confirmed that the" to "Patrick Lehanan questioned if the". James Breneman moved for the approval of the minutes of the Planning Commission for August 4, 2015 with the change requested. The motion was seconded by Jeffrey Valentino and passed by a vote of 5 to 0.

PUBLIC HEARINGS

There were no Public Hearings scheduled before the Commission.

NON PUBLIC HEARINGS**PC2015-115 Request for Site Plan Approval - Wireless Antenna
7700 Mission Road**

Emily Roseberry, with Selective Site Consultants 9900 West 109th Street, representing Verizon Wireless who is requesting approval to replace six antennas on the existing cell tower at 7700 Mission Road. The existing antenna are on the middle platform at approximately 122 feet. There are 12 existing antenna on the platform - 4 per each array. This application will replace the 3 LTE and 3 CDMA antennas on each array. The proposed antenna are about 96 inches x 12 inches x 7 inches - a similar size to the largest existing antenna on each array. The accessory equipment and coaxial cables will be replaced according to the existing cable and equipment placements.

Graham Smith noted this location is on the northwest portion of the City Hall grounds. The property is zoned R1-A and the installation has a valid special use permit that was renewed in 2009, (PC 2009-17) and continues through 2019.

The property fronts on Mission Road and is setback substantially from the streetscape. The closest abutting property to the north is used for the parking lot for Shawnee Mission East High School, and the school building and facilities are setback at a substantial distance from this site across the parking lot.

In October 2009, the Planning Commission approved the Special Use Permit Renewal for this tower and the approval was based on the new Wireless Communications Ordinance. Changes in the installation for carriers are required to be submitted to the Planning Commission for site plan review and approval. The Planning Commission approved similar upgrades for AT&T, Verizon Wireless and Sprint in 2014.

It is the opinion of Staff that the request does not substantially change the installation and should be approved. The proposed antenna is a replacement of existing antenna, is consistent with the existing antenna on the facility, and there will be little or no perceived change or change in the impact on adjacent property.

The Planning Commission concurred with the following staff analysis of the application per the site plan criteria:

A. The Site is capable of accommodating the building, parking areas and drives with appropriate open space and landscape.

The capacity of the site to accommodate all equipment was addressed in the renewal of the Special Use Permit. The proposed antenna exchange will not increase any impacts that would require a change to that permit or conditions.

B. Utilities are available with adequate capacity to serve the proposed development.
This is an existing installation and adequate utilities are available to serve the location.

C. The plan provides for adequate management of stormwater runoff.
No additional impervious area will be created and therefore a stormwater management plan is not required.

D. The plan provides for safe and easy ingress, egress, and internal traffic circulation.

The site is an existing installation and utilizes the driveway and parking for the site. The ability of the site to accommodate ingress and egress was addressed in the renewal of the Special Use Permit. The proposed antenna will not increase any impacts for ingress and egress to the site.

E. The plan is consistent with good land planning and good site engineering design principles.

This is an existing installation, and maintenance and upgrades of current facilities are supported by the City's current policies and regulations. Site plan review of exchange of equipment is still required; however this plan is consistent with all existing approvals and standards.

F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building and the surrounding neighborhood.

The proposed antenna will be the same as the existing antenna and located away from the streetscape, and abutting property is a large parking area so there will be little impact on the surrounding area.

G. The plan represents an overall development pattern that is consistent with the comprehensive plan and other adopted planning policies.

This is an existing site. While Wireless communication facilities are not specifically addressed in Village Vision, the City's wireless communication policies and regulations promote upgrade and maintenance of existing facilities.

Patrick Lenahan moved that the Planning Commission find favorably on the site plan criteria and approve the proposed site plan application PC2015-114 for the installation of six replacement antenna at 7700 Mission Road for Verizon Wireless based on drawings dated 6/11/2015 subject to the following conditions:

1. That the replacement antenna be installed as shown on the proposed site plan.
2. That all wiring be contained inside the tower.
3. That the new equipment be installed in the existing cabinets.

The motion was seconded by James Breneman and passed unanimously.

**PC2015-115 Request for Site Plan Approval
7501 Mission Road**

Chris Hafner, with Davidson Architects, appeared before the Commission to request site plan approval for a new two-story office building and associated site improvements. The new building would replace the existing two-story, multi-tenant office building on the site. The lot is located on the southeast corner of 75th Street and Mission Road. The property is zoned C-O, Office Building District.

The property addressed on Mission Road, but the long-axis of the building is oriented toward 75th Street and has similar scale office and commercial uses to the north. Shawnee Mission East High School, a more intense and larger scale development is across Mission Road to the west. The site is adjacent to single family residential uses to the east and south. The site sits below Mission Road and below the residential uses along Mission Road to the south of the site. The proposed office building on the site is compatible with the ranch, split-level and two story homes adjacent to the site.

The location of the new building on the site is being pushed north near the right-of-way for 75th Street, allowing the parking to be accommodated behind (south) and to the east the building. The location of the building on the site is similar to that of the buildings on the north side of 75th Street.

Currently access to the site is from Mission Road and from 75th Street. The proposed site plan has access to the site at two points:

- From Mission Road, generally in the same location as existing access;

- From Mohawk Drive, on the east side of the site.

After discussion with the Director of Public Works that applicant has agreed to remove the earlier proposed access from 75th Street after concerns expressed with traffic impact from the proposed 75th Street access. The proposed access to Mohawk Drive could have impacts on the neighborhood to the east.

Nancy Wallerstein asked if the access shown onto 75th Street would be replaced with additional parking spaces.

New parking totaling 79 spaces, including 4 handicap accessible spaces, is proposed to serve the building. Per Section 19.46, Off-Street Parking and Loading Regulations, Section 030, Require Spaces, 69 spaces are required based on the size and use of the building.

James Breneman noted the proposed location of the trash dumpster is near residential properties. Mr. Hafner replied the location of the dumpster has not been changed from its current location but a new enclosure is proposed. Mr. Breneman questioned the second story of the building meeting code with only one exit shown on the plans. Mr. Hafner replied the plans prepared for site plan approval are not fully developed and noted the second floor will meet code and will include an elevator.

Jonathan Birkel suggested a possible alternate location for the trash enclosure. Mr. Hafner noted the proposed location is designed for the ease of movement for the trash service trucks.

Nancy Wallerstein noted this is an opportunity to improve dumpster noise with relocation of the dumpster. Mr. Hafner stated the dumpster could not be located along Mohawk due to a sanitary sewer easement.

James Breneman suggested the dumpster be located in the northwest corner noting this would be closer to the office building it services.

Jeffrey Valentino questioned the elevation of the proposed building in relation to the existing building and the compatibility of the building with others on 75th Street. Mr. Hafner replied the elevation would not be the same as 75th Street buildings. It will be tucked in on the lot and the proposed roof would be very reminiscent of other office buildings on 75th Street.

Jonathan Birkel asked if the applicant had a materials board. Mr. Hafner replied he did not. The primary building materials proposed include stone, aluminum composite material (ACM) and glazing (glass). The ACM or metal panel is not widely used in this area. Two colors of the ACM are proposed, Alabaster (cream) and Anodic Satin Mica (beige). Its application does not make up more than 50% of any façade of the building. The stone application is generally around the base of the building.

Jeffrey Valentino noted these materials are not similar to other Prairie Village office buildings. Jonathan Birkel noted on the north elevation the east side wall is a very large blank surface.

Nancy Wallerstein agreed stating she sees this building as very “vanilla” with no architectural detail. She would like to see something more reminiscent of Prairie Village. This is a very cold building and she would like to see something done to warm it up.

Patrick Lenahan noted that one of the site plan criteria addresses an appropriate degree of compatibility with prevailing architectural quality of the proposed building and the surrounding neighborhood. Mr. Hafner replied that a more global view of Prairie Village reflects several buildings of a more modern design along 75th Street and Mission Road. He noted the proposed brick on the building and other texture features.

Mr. Hafner pointed out the recent approval of the Commission of the renovation of the old IRS building on 75th Street. He noted they are seeking a very clean architectural design that is often used for medical office buildings. They are not looking at replicating the existing building on this site. Mr. Hafner pointed out the variety of office building architecture along 75th Street.

Mr. Lenahan replied the surrounding office buildings architecture involves detail, texture and color. Mr. Birkel views the plans submitted as early working documents to which an additional level of detail will be added for final design.

Nancy Wallerstein stated she would like to see sample boards, more detail and texture in the building design that is more in conformance with the city.

Jeffrey Valentino asked about the monument sign and light reflected on the plan and if they are included in the site plan approval. Graham Evans replied the monument sign approval would be a separate process and that staff will work with the applicant on the lighting plan. Nancy Wallerstein asked about the landscape plan. Mr. Smith noted a landscaped plan has been submitted and is addressed in staff comments.

Jeffrey Valentino moved the Planning Commission continue this application to their October 6th meeting directing the applicant to bring in a materials sample board, the relocation of the trash enclosure, and to investigate adding architectural features to the building that would provide more compatibility with the surrounding area. The motion was seconded by Jonathan Birkel and passed by a vote of 5 to 0.

OTHER BUSINESS

PC2015-06 Request for Rezoning from C-0 & R-lb to CP-1 7930 State Line Road

This application was first heard by the Planning Commission on June 2, 2015, and then again on July 7, 2015. The Planning Commission recommended approval of the

rezoning and preliminary site plan subject to 15 conditions. Additionally the Planning Commission approved a Conditional Use Permit for a drive through based on the site plan, subject to 3 conditions - one it being contingent upon approval of the Zoning and Preliminary Site Plan by the Governing Body. The Governing Body considered the application at its August 3 meeting and failed to approve the application. A motion was approved to send the application back to the Planning Commission to look at specific issues associated with the drive through and relationship with abutting residential property. A revised site plan based on this motion has been developed by the applicant.

Mitch DiCarlo, with Block & Company, noted the primary issues from the City Council were the drive-through and noise. A new site plan has been developed to further address those. While the new plan addresses these issues, other issues are created. Mr. DiCarlo stated that applicant is willing to move forward with either plan. A revised landscape plan has been created using more plants and trees suggested at the Council meeting. The revised landscape plan will be implemented with either site plan recommended by the Planning Commission. An engineering firm was hired to conduct a noise analysis of the proposed drive through speakers and the existing noise levels. The dumpster has been moved further from the residential properties to minimize noise.

Jeff Bartz with BHC Rhodes and Danny Potts with Klover Architects presented a comparison of the proposed site plans.

The revised site plan includes additional landscape materials, and a revised circulation plan that does not circulate parking and drive-through traffic as far back (west) on the site. Instead, two staking lanes turn into the drive-through closer to the building on the central part of the lot. The speaker boxes for the drive through remain in the same location as the original application and are oriented to the south west - towards the office property to the south. While additional landscape materials and reduced potential for all traffic circulating to the back portion of the lot could reduce perceived noise impacts on abutting residential property, the revised plan also presents a potential circulation issue. There is only one drive lane to the majority of the site parking on the north side of the lot, and if more than 12 cars begin to stack at the drive-through area, there is the potential for customers trying to access parking to stack in that line along the east side of the applicants property. This option was originally proposed by the applicant prior to the initial application, but due to potential stacking issues staff requested the circulation option shown on the original application.

Wes Jordan noted that if five or six cars are in the drive through lanes access parking would be impacted. However, the Council has requested a shorter drive-through area with less impact on the neighborhood. Thus, the applicant has been given differing direction from the planning staff and the city council.

Nancy Wallerstein asked how many cars can be stacked. Jeff Bartz responded there is room for 10 cars to stack back to State Line Road. Wes Jordan noted that counting back from the speaker boxes on five or six cars can stack without blocking cars in the parking lot. Jeffrey Valentino noted the proposed site plan is similar to that of the McDonald's at 78th & Metcalf which has had the stacking lane filled at times and he

believed this could occur at this location also. Mr. Lenahan noted the stacking issues on the proposed site would be inconvenient for customers on the site, but would not impact traffic on State Line Road.

Mitch DiCarlo stated that a new Slim Chickens recently opened on 135th Street in Overland Park. Drive-through business represents approximately 30% of its business as opposed to a McDonald's where drive-through business can represent up to 80% of their business.

Nancy Wallerstein asked for clarification of the comments from the City Council. Wes Jordan reported that some council members said this is not the right place for a restaurant; some said it is not the right place for a drive-through, concerns were raised with the volume of noise from its operation, particularly the order boxes and concern with lighting from vehicles shining unto residential properties.

Nancy Wallerstein stated her primary concern with the new design is that it has families crossing the vehicular traffic in the drive-through lanes to get to the restaurant. She is concerned for the safety of children, who generally do not pay attention to traffic in parking lots. Mr. Bartz replied that there is a marked crosswalk for pedestrians and signage.

Eric Mikkelson asked if the length of the drive-through could be less than the initial plan and more than the revised plan. Mr. Bartz explained they are reviewed that option; however, it created more problems, including car lights shining unto the residential properties, also it would not allow sufficient room for fire and emergency vehicles and was not feasible.

Jeffrey Valentino agreed that parking at the back of the lot would create a car lights issue and liked the new proposed plan.

James Breneman asked how critical the drive-through feature was for the business and if there could be a "park & carry" service area instead. Jeff Bartz replied the drive-through was essential to the operation of the business.

Danny Potts with Klover Architects noted the applicant has addressed the headlights shining unto residential properties, are constructing an eight foot fence, are providing denser landscaping, have moved the dumpster further away from the residential properties, sound boards and landscaping have been added at the order spots.

Nancy Wallerstein stated she felt providing drive-through service is essential for this location in today's mobile society.

Jeff Bartz goal of new plan is to minimize noise. They have done so with additional landscaping using recommended trees and adding landscaping around the sound boards and moving dumpster further away from residents. Only parking will be located in the deepest part of the lot by the residential properties.

A study was completed by Henderson Engineers, Inc. on August 19th and 20th. Noise levels were measured on the proposed site and the existing Slim Chickens restaurants in Independence, Missouri and Overland Park, Kansas at noon. The results indicate the intercom noise is primarily inaudible except at times of no traffic, though locust, wind noise and other typical outdoor ambient noises will be approximately equivalent or louder than the intercom system. Based on testing, the estimated level from the drive through speaker at the northwest property line on the proposed site is 42.2 decibels with the existing ambient noise level of 51.5 decibels. Noise from the two locations tested revealed noise levels at 10 and 15 feet from the speakers to be less than existing traffic noise from the street.

Patrick Lenahan commended the applicant for addressing the noise issue; however, he noted the time of day the residents are concerned with noise levels is not at noon, but rather the evening hours when there will be less traffic noise to cover the sound.

Jeff Bartz noted the other sound reduction steps taken to protect the residential properties including the construction of an 8 foot fence with dense landscaping added and the direction of the sound boxes being directed away from the residents. Mr. Bartz added that the steps taken by the applicant will also address current noise the residents are hearing from the operations of Panda Express.

James Breneman confirmed that the fence will be eight feet in height at all locations, noting plans reference a six foot fence. He noted that due to the slope of the land light from headlights may be visible over the fence. Mr. Lenahan noted that such lighting would only be for a minimal time, noting when the vehicles turned the headlights would be below the fence height.

Jonathan Birkel asked what the hours of operation would be. Nancy Wallerstein replied a condition of approval set by the Planning Commission limits operation to no later than 10 p.m.

Nancy Wallerstein noted that many of the initial concerns raised on this project were the result of the operations of the Panda Express located on the adjacent property. The city has been proactive in addressing these concerns with Panda Express.

Eric Mikkelson asked if the applicant would consider a ten foot fence. Mr. Bartz stated the maximum fence height allowed by the city is eight feet. Mrs. Wallerstein noted an eight foot fence would be consistent with the fence on the adjacent property.

Patrick Lenahan stated he has concerns with pedestrians crossing the parking lot to get to the restaurant through the drive-through area. He feels that the initial plan with the improved landscaping better addresses the concerns expressed than the revised plan.

Nancy Wallerstein noted the city council's recent concerns with pedestrian safety and asked Mr. Mikkelson if he had any concerns with customers crossing two lanes of drive-through traffic to enter the restaurant. Mr. Mikkelson responded the Council was

concerned with pedestrian safety and noted the revised plan did present safety issues as well as stacking issues.

Jonathan Birkel stated he feels the applicant has done everything he can do to minimize the impact of the drive through. He is still concerned with the high retail use taking place next to residential properties.

Nancy Wallerstein noted this is on an arterial street with businesses with similar uses throughout the area. She feels this is an appropriate location. She prefers the original plan due to the safety issues created with the revised plan. Mr. Mikkelson replied that although this is on an arterial street, this is a rezoning request changing zoning from the most restrictive commercial use to the broadest commercial use - from C-0 Business Office District to C-2 General Commercial District and he feels that places the burden on the applicant. Mrs. Wallerstein replied that she felt the applicant did a remarkable job meeting the site plan criteria and addressing the concerns expressed.

Patrick Lenahan requested that condition #15 be changed to read "evening ambient noise levels" rather than "daytime ambient noise levels".

Graham Smith advised the Commission that this site plan is considered a preliminary site plan approval and if the rezoning request is granted by the Governing Body, the applicant will return to the Planning Commission for final site plan approval with more detailed final design plans.

James Breneman stated that he understands the concerns expressed regarding pedestrian safety with the revised plan, but noted that with the original also has pedestrians crossing the parking lot in front of vehicles. He feels the revised plan is better than the original plan.

Nancy Wallerstein stated she does like the short lanes. Mr. Bartz noted that both the operations in Independence and Overland Park follow the revised plan and have not had any problems with stacking. Mr. Potts added the restaurant has a longer wait time which is one of the reasons for the double lanes.

James Breneman moved the Planning Commission recommend the Governing Body approve the requested zoning based on the revised site plan subject to the conditions of approval recommended by staff with the amendment to condition #15 requested by Mr. Lenahan.

The motion failed for the lack of a second.

Patrick Lenahan moved the Planning Commission recommend the Governing Body approve the requested rezoning based on the original site plan approved by the Planning Commission on July 7, 2015 with the revised landscape plan and subject to the 15 conditions of approval recommended by staff as revised by the Planning Commission. The motion was seconded by Jeffrey Valentino.

Mr. Valentino stated he would like to see the positives of both site plans combined. Nancy Wallerstein asked how many parking spaces are usually filled at the existing locations and if it was possible to make the loop larger moving some parking spaces next to the restaurant. Mr. Potts replied he did not know the amount of parking spaces used at other locations. Mr. Bartz stated they did look at changing the size of the loop internally and moving the loop would only allow for 6 or 7 close parking spaces.

Eric Mikkelson asked if 49 spaces were necessary based on an estimated 30% drive-through customers and also questioned the proposed outdoor patio seats were critical to business operations or if this area could be reduced or removed.

Danny Potts replied that this is a feature that is common in restaurants today and their client wants to be able to provide that. Mr. Valentino stated he views that feature for sit-down restaurants, not drive-through facilities.

Graham Smith advised the Commission that the parking is based on the city's code and does address drive-through operations. However, he noted that they are requesting a planned zoning district which does allow the commission flexibility to code requirements.

Mitch DiCarlo noted that 80% of the business is done between the hours of 11 - 1:30 and 4 to 7 p.m. It would be rare that parking would extend to outside the central area. He noted that the four parking spaces on the western most parking lot could be removed reducing available parking from 49 to 45 spaces. Mrs. Wallerstein stated she would like to have those spaces available for vehicles with trailers or large trucks.

Chairman Nancy Wallerstein called for a vote on the motion to recommend approval of rezoning based on the original site plan. The motion was voted on and passed by a vote of 3 to 2 with Birkel and Breneman voting in opposition.

The applicant and the public were advised that this item will go back to the City Council for action on Monday, September 21st.

PC2015-07 Request for Conditional Use Permit for Drive-Through Service Window 7930 State Line Road

The Planning Commission approved a Conditional Use Permit for a drive through based on the site plan, subject to 3 conditions - one it being contingent upon approval of the Zoning and Preliminary Site Plan by the Governing Body. The Governing Body considered the application at its August 3 meeting and failed to approve the application. A motion was approved to send the application back to the Planning Commission to look at specific issues associated with the drive through and relationship with abutting residential property. .

Regarding the drive-through noise, the speaker boxes are located approximately 120 feet or more from the closes residential property boundary, and are oriented away from this boundary to the southwest. An additional condition on this application is recommended below, that the speakers be operated at levels that are not audible above

ambient noise levels from this boundary. This would mean that any speaker noise would not be distinguishable above other noise that is ordinarily heard from the street and other operations of adjacent sites.

Wes Jordan reported that the City Council's concerns relative to the drive-through primarily focused on noise and the appropriateness of a drive-through window.

Patrick Lenahan moved the Planning Commission approve the requested Conditional Use Permit for the operation of a drive-through window at 7930 State Line Road subject to the following conditions:

1. That the Conditional Use Permit approval is contingent upon approval of the CP-1 Zoning and the Preliminary Development Plan. If the rezoning and Preliminary Development Plan are not approved by the Governing Body the approval of this Conditional Use Permit will be null and void.
2. That the applicant maintain the fencing and landscaping according to the revised approved landscape plan and replace any plant materials that die and fence that is damaged so that the integrity of the landscaping/screening is maintained throughout the life of the project.
3. That the drive-through speaker systems be maintained at decibel levels that are not audible above evening ambient noise levels from any residential property abutting the site.
4. That the Conditional Use Permit shall terminate when the site is no longer used for a fast food restaurant.

The motion was seconded by Jeffrey Valentino and passed by a vote of 4 to 0 with Jonathan Birkel voting in opposition.

INTRODUCTIONS

Chairman Nancy Wallerstein introduced Melissa Brown who was in attendance and has been recommended by Mayor Wassmer for appointment to the Planning Commission filling Randy Kronblad's seat. Her appointment will go before the City Council on Tuesday, September 8th.

NEXT MEETING

Planning Commission Secretary Joyce Hagen Mundy announced that the filing deadline for the October Planning Commission meeting is Friday, September 4th. No new applications have been filed. The continue consideration of the site plan for 7501 Mission Road will be on the agenda. Staff is expecting to receive an application for the rezoning of the Meadowbrook property.

ADJOURNMENT

With no further business to come before the Commission, Chairman Nancy Wallerstein adjourned the meeting at 9 p.m.

Nancy Wallerstein

Chairman

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, AICP, Gould Evans, Planning Consultant
DATE: September 1 2015, Planning Commission Meeting

Application: PC 2015-06 - Revised

Request: Rezoning from R-1B Residential and C-0 Office Building to CP-1 Planned Restricted Business District

Property Address: 7930 State Line Road

Applicant: 7930 State Line LLC (Block and Company)

Current Zoning and Land Use: R-1B Single-Family Residential and C-0 Office Building - Office Building

Surrounding Zoning and Land Use: **North:** CP-1 Planned Restricted Business - Panda Express and R-1B Single-Family Residential - Single-Family Dwellings
East: Commercial (KCMO) - CVS and Wendy's
South: R-1 Single-Family Residential - Single-Family Dwellings and SD-O Business Office District - Financial Institution
West: R-1B Single-Family Residential - Single-Family Dwellings

Legal Description: Multiple Lots

Property Area: 1.37 acres

Related Case Files: PC 2015-07 Conditional Use Permit for Drive-Through Window

Attachments: Application, Plans and Photos

COMMENTS:***Status Update:***

This application was first heard by the Planning Commission on June 2, 2015, and then again on July 7, 2015. The Planning Commission recommended approval of the rezoning and preliminary site plan subject to 15 conditions. Additionally the planning commission approved a Conditional Use Permit for a drive-through based on the site plan, subject to 3 conditions – one it being contingent upon approval of the Zoning and Preliminary Site Plan by the Governing Body. The Governing Body considered the application at its August 3 meeting and failed to approve the application. A motion was approved to send the application back to the Planning Commission to look at specific issues associated with the drive-through and relationship with abutting residential property. A revised site plan based on this motion is included in this packet that presents an alternative layout for the property.

Background:

The applicant is proposing to rezone this property from R-1B Single-Family Residential and C-0 Office Building to CP-1 Planned Restricted Business District. This property is located south of the Panda Express which was rezoned to CP-1 in 2007. The parcel has 100 feet of frontage on State Line Road and has a depth of 651 feet along the south property line. The parcel has an irregular boundary and contains approximately 1.37 acres. The site is occupied by an office building that was built in 1968 and the applicant proposes to demolish that building and construct a fast food restaurant called Slim Chicken. The proposed restaurant will have a drive-through window and a Conditional Use Permit has been requested along with this application. Both applications are on the Agenda and need to be considered together but will require separate action.

This area has become a fast food corridor with McDonald's, Wendy's and Culver's on the east side of State Line Road in Kansas City and Latteland and Panda Express on the west side of State Line Road in Prairie Village.

The property consists of several lots or portions of lots and needs to be platted.

The applicant proposed to construct a 3,564 sq. ft. building that will be setback approximately 80 feet from the front property line. The required front yard setback in the C-1 District is 15 feet. The restaurant will have a seating capacity of 122 which will require 49 parking spaces.

Both driveways on State Line Road will be retained. The north drive will have an entrance while the south drive will be a two-lane exit.

The applicant held a meeting for the neighborhood property owners on May 28, 2015 and a summary is submitted by separate attachment.

This is a request for a Planned Business District and the Planning Commission will need to recommend approval of the rezoning and a Preliminary Development Plan to the Governing Body. After approval of the rezoning and Preliminary Plan by the Governing Body, a Final Development Plan will need to be submitted for approval by the Planning Commission.

In considering a change in zoning classification, the Planning Commission must consider a number of factors commonly referred to as the "golden factors" in approving or disapproving the request and they are as follows:

1. The character of the neighborhood;

The general character of this area is business on both sides of State Line Road. Culvers, Wendy's, CVS Pharmacy and McDonald's are located on the east side of State Line Road and all four have drive-through windows. There are residential uses to the northwest of this property which have their rear yards adjacent to this site. To the south are offices. The immediate area to the north is developed with restaurants and retail uses.

2. The zoning and uses of property nearby;

- North:** CP-1 Planned Restricted Business – Panda Express and R-1B Single-Family Residential – Single-Family Dwellings
East: Commercial (KCMO) – CVS and Wendy's
South: R-1 Single-Family Residential – Single-Family Dwellings and SD-0 Business Office District – Financial Institution
West: R-1B Single-Family Residential – Single-Family Dwellings

3. The suitability of the property for the uses to which it has been restricted under its existing zoning;

The existing building is currently being used for office space. The office market in Prairie Village is weak for this type of space. This building is older, having been built in 1968, and its appearance is not such that it would command the interest of a lot of potential tenants. The existing building probably is at a state where a teardown and rebuild is a logical solution to more economically and effectively use the site. Since this property is on State Line Road, redevelopment for commercial use has a strong potential. In order to redevelop the site, the new use needs to generate a higher revenue to offset the redevelopment costs.

4. The extent that a change will detrimentally affect neighboring property;

The properties to the north, south and east are developed for business uses and the redevelopment of this property will not detrimentally affect them. There will be additional traffic because a fast food restaurant generates more traffic than an office, but State Line Road can accommodate it. The residential use to the northwest and southwest would be most affected by the restaurant because of noise and lights. Fencing and landscaping will be required to screen the use from the residential properties which should mitigate negative effects. The restaurant will be required to follow the outdoor lighting regulations which will minimize the impact on outside lighting.

5. The length of time of any vacancy of the property;

The building has been continually occupied by office uses since it was built and has not been totally vacant for any length of time. As pointed out earlier the market for office space of this type is weak in the City of Prairie Village.

6. 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;

The redevelopment of this site will permit the removal of one structure that is not at the quality that is desired by the market and will allow the redevelopment for a use that will be of higher value and be a greater generator of revenue to the City. The redevelopment of the site should provide a structure that is better designed and more attractive which would be an asset to the neighborhood rather than create a hardship on the other adjacent owners.

7. City staff recommendations;

It is the opinion of Staff that this is a logical request for CP-1 Planned Restricted Business District Zoning because this is a mixed office retail area; the property needs renovation; it is located on a very highly traveled arterial street; and it will be an extension of the commercial property to the north. There are nine residential lots that abut the property and those can be protected through landscaping and proper screening controls. There are very limited areas in Prairie Village where a fast food restaurant would be appropriate and this location works for that use.

8. Conformance with the Comprehensive Plan.

The Village Vision has pointed out that Prairie Village retail is slightly oversupplied with marginally performing uses and that reinvestment and repositioning are needed to improve the performance of the retail sector. The Village Vision encourages the upgrading of uses to create higher density and intensity development. This is an underperforming property that needs reinvestment.

9. Approval of the Preliminary Development Plan.

Prior to recommending approval of a planned zoning district, the Planning Commission must also recommend approval of a Preliminary Development Plan. The criteria for evaluating the Preliminary Development Plan will be the same criteria as is used in site plan approval which is as follows:

a. The site is capable of accommodating the buildings, parking areas, and drives with the appropriate open space and landscaping.

The site is an irregular shape which contains approximately 1.37 acres and it has been laid out to accommodate 4,235 sq. ft. of restaurant area with 49 parking spaces. The proposed plan shows 94 indoor seats and 28 outdoor seats for a total of 122 dining and patio seats which require 49 off-street parking spaces so the project is meeting the minimum requirements. Less of the site will be covered with impervious surface than it is now which will reduce stormwater runoff and create more green space. The far west corner of the site will be heavily landscaped which will improve the appearance for adjacent residents.

b. Utilities are available with adequate capacity to serve the proposed development.

The property is currently served with water, sewer, gas, electric, telephone and cable. The size of the proposed building does not appear that it would require anything out of the ordinary and the utilities that are available should be adequate to handle the project.

c. The plan provides for adequate management for stormwater runoff.

The area of the site is 59,663 sq. ft. and currently 50,027 sq. ft. is covered with impervious material which includes a building and pavement. The proposed project will have 36,805 sq. ft. of impervious area. This is a reduction of 13,222 sq. ft. of impervious area. Since the impervious area has been reduced, a stormwater master plan will not be required at this time. The stormwater will be reviewed by Public Works as a part of the building permit process.

d. The plan provides for safe easy ingress/egress and internal traffic circulation.

Ingress and egress will be provided from two locations off State Line Road. The north driveway will provide for a one-lane entrance. The south drive will provide two lanes for exit only. The placement of the drive-through window allows an ample number of stacking spaces so that it should not be a traffic problem on State Line. The volume of traffic generated by the restaurant is not significant enough to affect State Line Road.

e. The plan is consistent with good planning and site engineering design principles.

The site plan appears to be well laid out considering its limited size. The plan has added additional landscape area and fencing over what exists, which will certainly be a benefit for both the residential neighbors and the environment. More open area allows for more landscaping which should provide more screening for adjacent residents as well as reduce stormwater runoff.

When the Planning Commission has considered other redevelopment projects, one of the issues that have been identified is providing pedestrian access. The applicant has provided a sidewalk adjacent to State Line Road which should connect to the property to the north. The sidewalks in this area do not really connect very well to the neighborhood but it is hoped that sidewalks will be installed as redevelopment occurs and the area will have a complete network of sidewalks that will be beneficial to the community as a whole at some time in the future.

f. An appropriate degree compatibility will prevail between the architectural quality of the proposed building and the surrounding neighborhood.

The proposed use is a fast food restaurant which has the distinct architectural style of the Slim Chicken brand. The design is not compatible with typical Prairie Village architecture and probably would not fit well in other locations in the City. This location is on State Line Road where there is a McDonald's, Wendy's and Culvers Restaurant across the street and a Panda Express to the

north. By those standards the architecture is compatible with the surrounding neighborhood. The proposed building is 24.5 feet in height compared to the Panda Express building adjacent to the north that is 23 feet in height. The building is within scale of others in the area.

The applicant has not submitted a monument sign or menu board design for approval by the Planning Commission. The monument sign height cannot exceed 5 feet including the base; the sign face cannot exceed 20 sq. ft. and the sign must be placed at least 12 feet back of curb on private property. A sign package will need to be submitted at a later date for Planning Commission review and approval.

g. The plan presents an overall development pattern that is consistent with the Comprehensive Plan and other adopted plan policies.

The Village Vision has pointed out that Prairie Village retail is slightly oversupplied with marginally performing uses and that reinvestment and repositioning are needed to improve the performance of the retail sector. The Village Vision encourages the upgrading of uses to create higher density and intensity development. This is an underperforming property that needs reinvestment.

h. The Planning Commission and Governing Body may, in the process of approving preliminary and final plans, approve deviations from the standard requirements as follows, provided any deviations approved shall be in keeping with accepted land planning principles and must be clearly set out in the minutes as well as on exhibits in the record:

The setbacks of buildings from a property line other than a public street may be reduced to 60% of the standard requirement and setbacks at paved areas adjacent to property lines, other than street lines, to zero if existing or proposed development on said adjacent land justifies the same.

The ordinance requires 8 feet of landscape area between paved areas and the property line. The proposed plan shows approximately 6 feet of landscape area along the south property and 5 feet of landscape area along the north property line for approximately 210 feet. The setback adjacent to the residential area is much greater than the minimum 8 feet.

The above deviation may be granted by the Planning Commission and Governing Body only when compensating open space is provided elsewhere in the project, whether there is ample evidence that said deviation will not adversely affect the neighboring property nor will it constitute a mere granting of a privilege.

The proposed deviation is on the east portion of the site that is between a fast food restaurant and an office use. Significant green space has been provided on the western portion of the site adjacent to the residential properties. In addition to the landscaping, a six-foot privacy fence will also be constructed adjacent to the residential properties.

It is the opinion of Staff that the deviation of the landscape area will not adversely affect the neighborhood and will be more than compensated for on the western portion of the site.

Revised Application:

Based upon the Governing Body action described above, the Planning Commission is reconsidering this application, and the applicant has submitted a revised site plan. This site plan includes additional landscape materials, and a revised circulation plan that does not circulate parking and drive-through traffic as far back (west) on the site. Instead, two staking lanes turn into the drive-through closer to the building on the central part of the lot. The speaker boxes for the drive-through remain in the same location as the original application and are oriented to the south west – towards the office property to the south. While additional landscape materials and reduced potential for all traffic circulating to the back portion of the lot could reduce perceived noise impacts on abutting residential property, the revised plan also presents a potential circulation issue. There is only one drive lane to the majority of the site parking on the north side of the lot,

and if more than 12 cars begin to stack at the drive-through area, there is the potential for customers trying to access parking to stack in that line along the east side of the applicants property. This option was originally proposed by the applicant prior to the initial application, but due to potential stacking issues staff requested the circulation option shown on the original application.

Regarding the drive-through noise, the speaker boxes are located approximately 120 feet or more from the closes residential property boundary, and are oriented away from this boundary to the southwest. An additional condition on this application is recommended below, that the speakers be operated at levels that are not audible above ambient noise levels from this boundary. This would meant that any speaker noise would not be distinguishable above other noise that is ordinarily heard from the street and other operations of adjacent sites.

Regarding landscape improvements there are two recommendations that can improve the plan – (1) regarding a continuation of the evergreen massing across the northwest edge; and (2) to use street trees along the front landscape areas to improve the relationship to the streetscape. This site includes a small surface parking lot, and additional trees can create shad along the side walk and better frame the streetscape.

RECOMMENDATIONS:

Based on these events the Planning Commission is presented with two options – (1) to make a recommendation based on the revised plan, which may have potential benefits to any perceived noise issues; or (2) to make a recommendation based on the original plan, which has benefits to potential stacking issues that could occur in the applicant's parking lot.

It is the opinion of Staff that the findings of fact for the zone change from R-1B and C-0 to CP-1 Planned Restricted Business Restricted Business District along with the Preliminary Development Plan are favorable; if the Planning Commission feels that the revised site plan improves the previous recommendation it should recommend approval to the Governing Body based on the following 15 conditions.

Alternatively, if the potential stacking of cars internal to the site is a concern and the original layout is preferred, the previous recommendation should be amended to include an additional condition 16. that the landscape plan associated with the revised site plan (or a comparable plan in terms of species, location and quantity) should be required.

Recommended conditions:

1. That prior to obtaining a permit for construction the applicant shall submit a Final Development Plan for review and approval by the Planning Commission.
 2. That an exterior lighting plan be included with the submission of the Final Development Plan and be designed in accordance with the outdoor lighting regulations of the zoning ordinance.
 3. That any HVAC units are installed externally, either on the roof or on the ground, be screened from adjacent properties and State Line Road.
 4. That the applicant submit the landscape plan to the Tree Board for review and approval prior to submitting the Final Development Plan to the Planning Commission for approval. That the landscape plan, as approved, shall be installed as a part of the development construction. Additionally that the proposed landscape plan be amended as follows:
 - a. Replace Red Maple trees with White Oak, Swamp White Oak, Kentucky Coffeetree, Autumn Gold Ginkgo or other hardy varieties of large landscape trees.
 - b. Continue the massing of the Green Giant Arborvitae and connect the western grouping of evergreens to the northwestern grouping as a replacement for the two shrubs and one tree.
 - c. Add 3 to 4 street trees along State Line along the sidewalk and/or in islands using appropriate shade trees such as, Swamp White Oak, Silver Linden, Bald Cypress and Emerald Sunshine Elm or other varieties.
 5. That the sidewalk adjacent to State Line Road be five feet in width aligned to connect to the existing sidewalk on the commercial property to the north.
-

6. That the applicant submit a sign package which includes the monument sign, menu board, wall signs and directional signs for review and approval by the Planning Commission.
 7. That the approval of the Preliminary Development Plan is subject to approval of the Conditional Use Permit for the drive-through window and if the Conditional Use Permit is not approved, the applicant shall revise the site plan and resubmit it for approval by the Planning Commission.
 8. That the applicant submit detail for the 8-foot fence that will be used to screen adjacent residences for review and approval by Staff.
 9. That the applicant plat the property prior to obtaining a building permit.
 10. That the landscape area along the north and south property lines be approved for 5 feet which is reduced from the standard 8-foot requirement.
 11. That the applicant work with the Public Works Department for approval of the stormwater drainage.
 12. That the applicant install filters in the venting system to control odors from cooking and provide information on the filters during the building permitting process.
 13. That the business operator or manager work with staff to reduce noise during operation hours, as well as, during clean-up time after the business closes.
 14. That the hours of operation are 10:30 a.m. to 10:00 p.m.
 15. That the drive-through speaker systems be maintained at decibel levels that are not audible above daytime ambient noise levels from any residential property abutting the site.
-



Existing Building



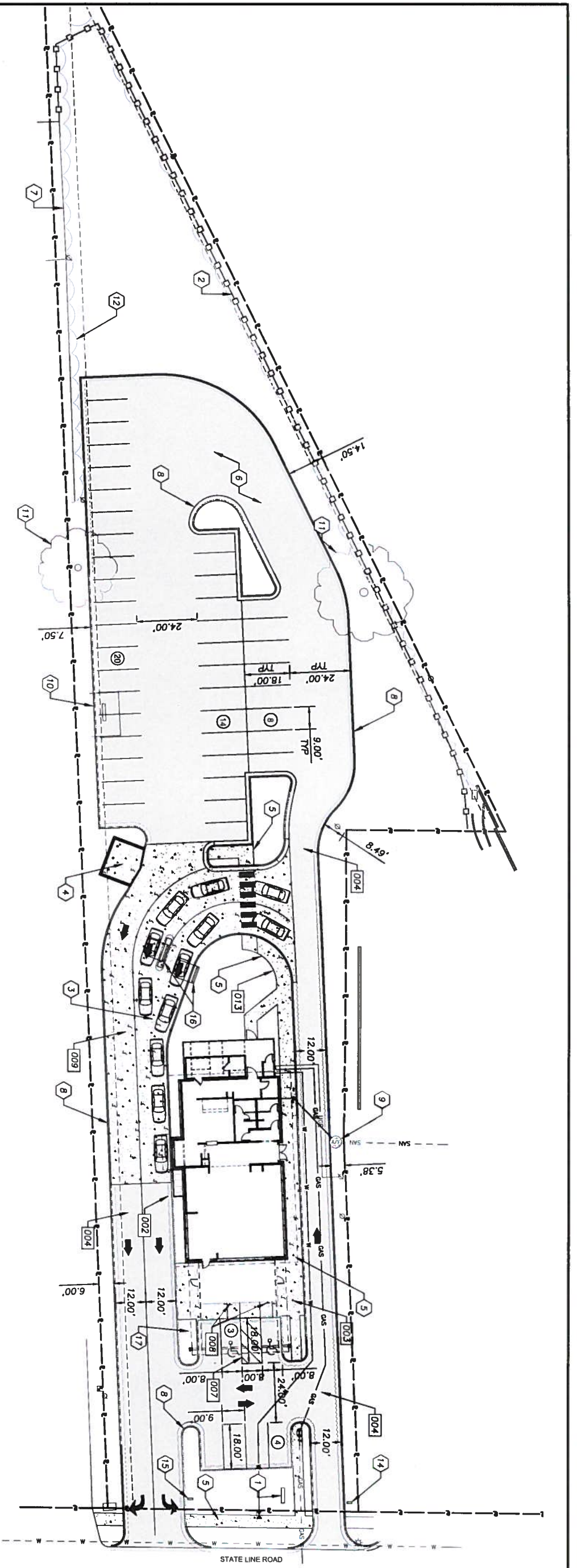
West End of Site



Northwest Property Line



Northwest Property Line



CONSTRUCTION NOTES

- 01 MONUMENT SIGN, REFER TO ARCHITECTURAL
- 02 8' TALL WOOD PRIVACY FENCE
- 03 CONCRETE PAVEMENT
- 04 DUMPSTER ENCLOSURE
- 05 CONCRETE SIDEWALK
- 06 ASPHALT PAVEMENT
- 07 PROTECT EXISTING WOOD PRIVACY FENCE
- 08 CONCRETE CURB AND GUTTER
- 09 PROTECT EXISTING SEWER MANHOLE
- 10 PROTECT EXISTING STORM DRAIN
- 11 PROTECT EXISTING TREE LINE
- 12 PROTECT EXISTING TREE
- 13 REMOVED
- 14 ENTRANCE DIRECTIONAL SIGN
- 15 EXIT DIRECTIONAL SIGN
- 16 MENU BOARD
- 17 ROOF CANOPY

SITE DATA

SITE AREA:
 EXISTING: 1.37 ACRES/59,663 SQ FT
 IMPERVIOUS AREA: 50,027 SQ FT (83.8%)
 PROPOSED: 36,942 SQ FT (61.9%)

BUILDING:
 EXISTING BUILDING: 11,982 SF
 PROPOSED BUILDING: 2,897 SF BUILDING + 539 SF SERVICE ± 548 SF BALDO ± 3,984 SF TOTAL

PARKING STALLS:
 TOTAL PARKING STALLS: 49 STALLS

REQUIRED PARKING:
 94 INDOOR SEATS/2.5 = 37.6 STALLS
 1/2.5 SEATS = 28 OUTDOOR SEATS/2.5 = 11.2 STALLS
 REQUIRED HANDICAPPED STALLS: 2 (1 VAN)
 (26-50 STALLS REQUIRES 2 HC STALLS PER ADA)
 HANDICAP STALLS PROVIDED: 2 (2 VAN)

GENERAL NOTES

1. All work in public easement and Right-of-Way shall be installed per the requirements and specifications of the City of Prairie Village, Kansas.
2. All existing topographic, survey, and utility information shown was provided to BHC Rhodes in the form of an Topographic Survey prepared by Viking Surveys and dated October 3, 2014. BHC Rhodes makes no warranties as to the accuracy of the existing information shown hereon. Contractors shall satisfy themselves as to the existing conditions of the site and have all utilities located prior to commencing construction.
3. The contractor shall be required to obtain all Federal, State, and Local permits required for this project prior to commencing construction.
4. Any work adjacent to or crossing existing streets requires proper traffic control devices. Traffic control devices shall be placed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
5. The contractor shall be required to demolish, remove and dispose of all existing structures, pavements, and features necessary to construct the improvements shown hereon. Any waste materials generated during construction shall be removed from the site by the Contractor and disposed of in accordance with all local, State, and Federal regulations governing such disposal.
6. The contractor shall prevent any trash, debris, or liquid wastes from being disposed of in sanitary sewers, storm sewers, or open drainage systems.
7. The Contractor shall be solely responsible to protect adjacent property, structures, and other improvements from damage during construction. In the event of damage to adjacent property, structures, or improvements, the contractor shall repair or replace such damage to the Owners's satisfaction at the Contractor's expense.
8. Contractors at the site shall be solely responsible for jobsite safety for all aspects of work shown hereon.
9. All work and materials used in the construction of the improvements shown hereon shall comply with all referenced standards, specifications, and plan notes.
10. All buildings are shown as a reference only. All buildings shall be located and constructed per the Architectural drawings prepared by others.
11. Contractor shall be responsible for contacting all utility companies for field locations of underground utilities affected by the contract. All existing utilities indicated on these plans are according to the best information available to the engineer; however, all utilities actually existing may not be shown. Utilities damaged through the negligence of the contractor to obtain the location of same shall be repaired or replaced at the expense of the contractor.
12. Any and all hazards shall be properly identified and barricaded from access during all non-construction periods.

LEGEND

- (#) PARKING STALL COUNT
- MEDIUM DUTY PCCP PAVEMENT
- LIGHT DUTY ASPHALT PAVEMENT
- CONCRETE SIDEWALK
- CONCRETE CURB & GUTTER
- CONCRETE DRY CURB & GUTTER
- PROPERTY LINE
- 6' WOOD PRIVACY FENCE

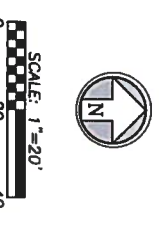
DETAILS

SEE CONSTRUCTION DETAILS - SHEETS CS-D-6.0
 TYPE "B" CONCRETE CURB & GUTTER
 TYPE "B" DRY CONCRETE CURB & GUTTER
 ASPHALT PAVEMENT
 CONCRETE SIDEWALK
 CONCRETE SIDEWALK SECTION
 SIDEWALK RAMP
 (ADA) HANDICAP PARKING STRIPING
 (ADA) HANDICAP PARKING SIGNAGE

LEGAL DESCRIPTION

PART OF LOT 3, NE1/4RD, AND PART OF LOT 14, BLOCK 8, MEADOW LAKE, BOTH BEING SUBDIVISIONS IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF SAID LOT 3 WITH THE WEST LINE OF STATE LINE ROAD, AS NOW ESTABLISHED; THENCE NORTH 2° 50' EAST, ALONG THE WEST LINE OF STATE LINE ROAD, A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER OF LOT 15, IN SAID BLOCK 8; THENCE WEST, ALONG THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 97° 10' WEST, ALONG A LINE, WHICH MAKES A SOUTHWEST ANGLE OF 90 DEGREES WITH THE EASTERLY LINE OF SAID LOT 14, A DISTANCE OF 123.00 FEET; THENCE NORTH 2° 50' EAST, A DISTANCE OF 63.37 FEET, TO A POINT ON THE NORTHWESTERN LINE OF SAID LOT 14, THENCE SOUTH 66° 21' 16" WEST, ALONG THE NORTHWESTERLY LINE OF SAID LOT 14, A DISTANCE OF 421.97 FEET, TO THE SOUTHWEST CORNER THEREOF; THENCE EAST, ALONG THE SOUTH LINE OF SAID LOTS 14, AND 3 A DISTANCE OF 651.33 TO THE POINT OF BEGINNING.

PROJECT ADDRESS
 7930 STATE LINE ROAD
 PRAIRIE VILLAGE, KS 66208



Rev.	Date	Description	By	App.
2	08/12/15	REVISED PER CITY COMMENTS	JWB	JWB
1	07/01/15	REVISED PER CITY COMMENTS	JWB	JWB

BHC RHODES
 Civil Engineering • Surveying • Utilities
 7101 College Blvd., Suite 400
 Overland Park, Kansas 66210
 P: (913) 663-1900 F: (913) 663-1633
BHC RHODES is a trademark of Broussard Management & Company, PA

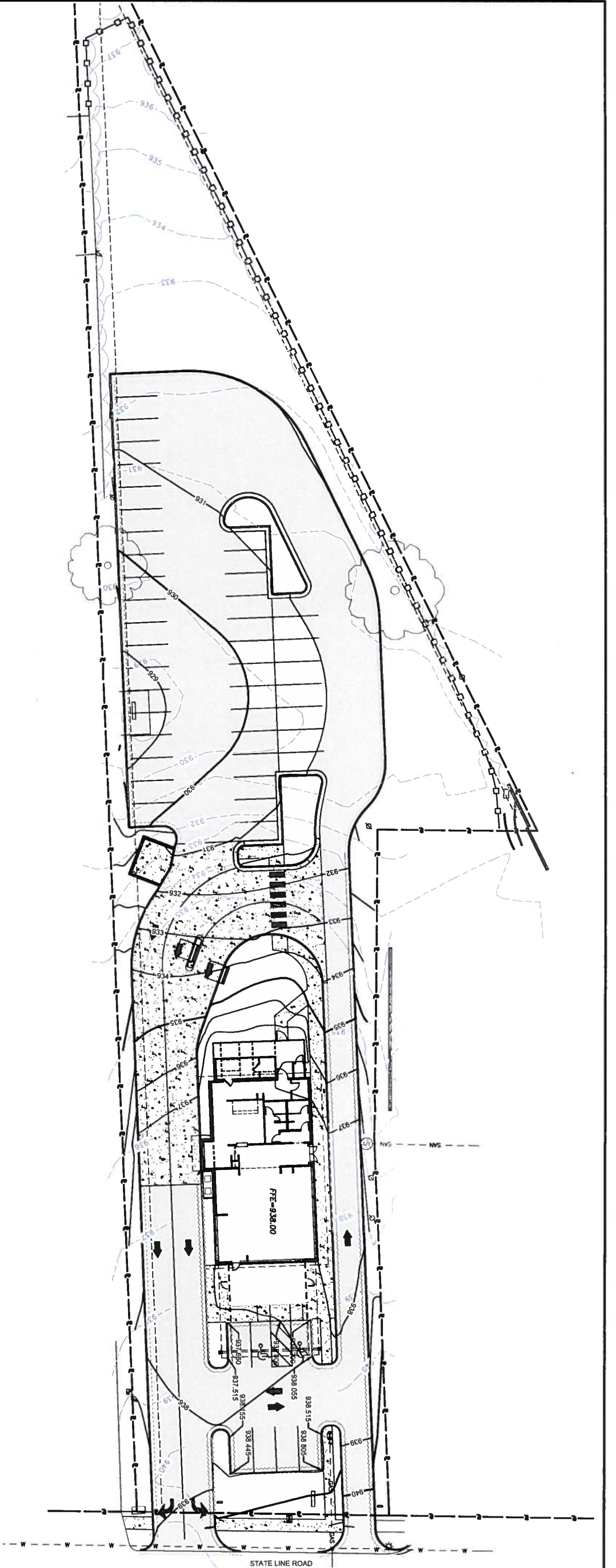
Prepared For:
 BLOCK AND COMPANY, INC.
 605 WEST 47TH STREET
 SUITE 200
 KANSAS CITY, MO 64112
 P: (816) 753-6000

**7930 STATE LINE ROAD
 FINAL DEVELOPMENT PLANS
 PRAIRIE VILLAGE, KANSAS**

SITE PLAN

Design: JWB/Dmw: JWB
 Checked: RAE
 Issue Date: 08/19/2015
 Project Number: 021220

2 of 5
C1



GRADING NOTES

1. Contractor shall operate under the terms and permits included in the Stormwater Pollution Prevention Plan (SWPPP) prepared for this project and permitted through the State of Kansas. Contractor shall employ a qualified person to conduct regular inspections of the site erosion control measures and document such inspections in the SWPPP document maintained by the Contractor.
2. All topsoil, vegetation, root structures, and deleterious materials shall be stripped from the ground surface prior to the placement of embankments. Contractor shall obtain the On-site geotechnical representative's acceptance of the existing ground surface materials and the proposed fill material prior to the placement of fill.
3. All proposed contour lines and spot elevations shown are finish ground elevations. Contractor shall account for pavement depths, building pads, topsoil, etc when grading the site.
4. All disturbed areas that are not to be paved (green spaces) shall be finish graded with a minimum of six inches of topsoil.
5. All excavation and embankments shall comply with the recommendations provided by the Geotechnical Engineer.
6. Prior to placing any concrete or asphalt pavement the contractor shall perform a proof roll of the pavement sub-grade with a fully loaded tandem axle dump truck. The proof roll shall be conducted in the presence of the Engineer and the On-Site Geotechnical Representative. Areas that display rutting or pumping that are unsatisfactory to the Engineer shall be re-worked and a follow-up proof roll shall be conducted prior to acceptance of the sub-grade for paving. The contractor may, at its own expense, stabilize the sub-grade using Class C fly ash or quicklime.
7. Finished grades shall not be steeper than 3:1.
8. All grading work shall be considered unclassified. No additional payments shall be made for rock excavation. Contractor shall satisfy himself as to any rock excavation required to accomplish the improvements shown hereon.
9. A 1/4" per foot maximum cross slope shall be maintained on all pedestrian sidewalks and paths.

LEGEND

- 980 — FINISH GRADE 5' CONTOURS
- 980 — FINISH GRADE 1' CONTOURS
- 980 — EXISTING GRADE 10' CONTOURS
- 980 — EXISTING GRADE 1' CONTOURS
- — PROPERTY LINE



**7930 STATE LINE ROAD
FINAL DEVELOPMENT PLANS
PRAIRIE VILLAGE, KANSAS**

GRADING PLAN

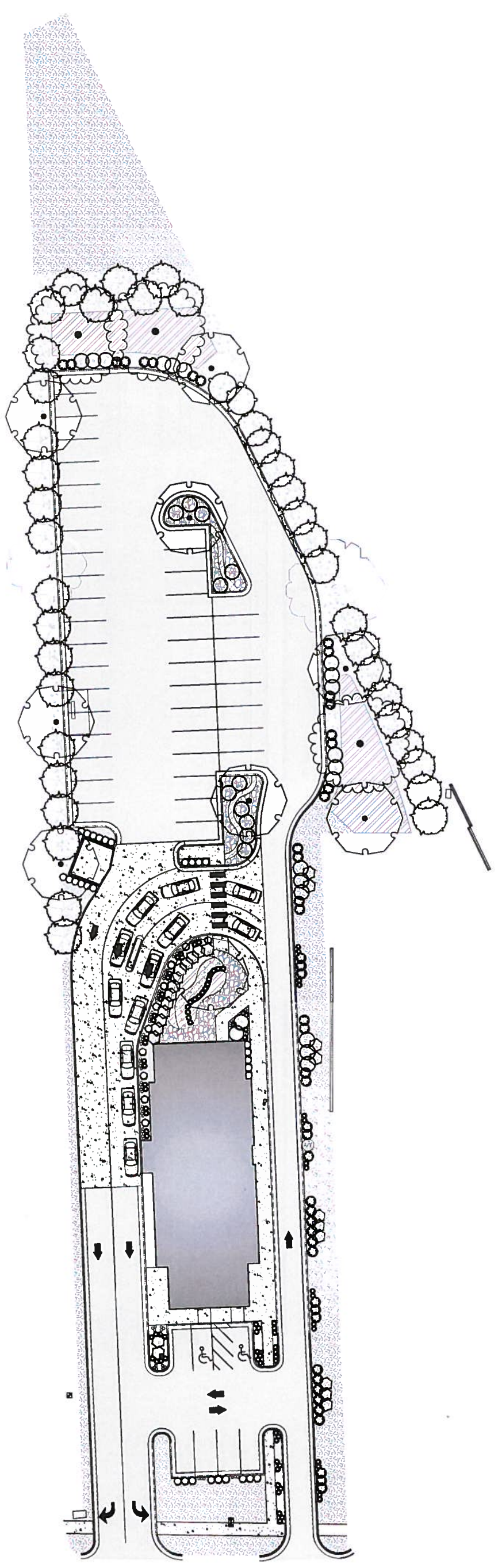
Prepared For:
BLOCK AND COMPANY, INC.
605 WEST 47TH STREET
SUITE 200
KANSAS CITY, MO 64112
P: (816) 753-6000

BHC RHODES
Civil Engineering • Surveying • Utilities
7101 College Blvd., Suite 400
Overland Park, Kansas 66210
p. (913) 663-1900 f. (913) 663-1633
BHC 10001 is a trademark of Broughton Harshbarger & Company, PA.

Rev.	Date	Description	By	App.
2	08/12/15	REVISED PER CITY COMMENTS	JWB	JWB
1	07/01/15	REVISED PER CITY COMMENTS	JWB	JWB

C2

Design: JWB Drawn: JWB
Checked: RAE
Issue Date: 08/19/2015
Project Number: 021220
3 of 5



LANDSCAPING NOTES

1. ALL DISTURBED AREAS SHALL BE SODED WITH TURF-TYPE TALL FESCUE SOG WITH A MINIMUM OF THREE CULTIVARS
2. ALL LANDSCAPED AREAS SHALL RECEIVE A MINIMUM 6-INCH DEPTH OF TOPSOIL COMPACTED TO 85% DENSITY AT OPTIMUM MOISTURE CONTENT.
3. THE ENTIRE SURFACE TO BE LANDSCAPED SHOULD BE REASONABLY SMOOTH AND FREE FROM STONES, ROOTS OR OTHER DEBRIS.
4. SOG SHALL BE MACHINE STRIPPED AT A UNIFORM SOIL THICKNESS OF APPROXIMATELY ONE INCH (PLUS OR MINUS 1/4-INCH). THE MEASUREMENT FOR THICKNESS SHALL EXCLUDE TOP GROWTH AND THATCH, AND SHALL BE DETERMINED AT THE TIME OF CUTTING IN THE FIELD. PRECAUTIONS SHALL BE TAKEN TO PREVENT DRYING AND HEATING. SOG DAMAGED BY HEAT AND DRY CONDITIONS, AND CUT MORE THAN 18 HOURS BEFORE BEING INCORPORATED INTO THE WORK SHALL NOT BE USED.
5. HANDLING OF SOG SHALL BE DONE IN A MANNER THAT WILL PREVENT TEARING, BREAKING, DRYING AND OTHER DAMAGE. PROTECT EXPOSED ROOTS FROM DEHYDRATION. DO NOT DELIVER MORE SOG THAN CAN BE Laid WITHIN 24 HOURS.
6. MOISTEN PREPARED SURFACE IMMEDIATELY PRIOR TO LAYING SOG. WATER THOROUGHLY AND ALLOW SURFACE TO DRY BEFORE INSTALLING SOG. FERTILIZE HARROW OR RAKE FERTILIZER IN THE TOP 1-1/2-INCHES OR TOPSOIL AT A UNIFORM RATE.
7. FERTILIZER SHALL BE 20-10-5 COMMERCIAL FERTILIZER OF THE GRADE, TYPE AND FORM SPECIFIED AND SHALL COMPLY WITH THE RULES OF THE STATE OF ARKANSAS DEPT. OF AGRICULTURE. FERTILIZER SHALL BE IDENTIFIED ACCORDING TO THE PERCENT N-P-K IN THAT ORDER.
8. SATURATE SOG WITH FINE WATER SPRAY WITHIN TWO HOURS OF PLANTING. DURING THE FIRST WEEK AFTER PLANTING, WATER DAILY OR MORE FREQUENTLY AS NECESSARY TO MAINTAIN MOIST SOIL TO A MINIMUM DEPTH OF FOUR INCHES.
9. CONTRACTOR SHALL PROVIDE FULL MAINTENANCE FOR NEWLY LANDSCAPED AREAS FOR A PERIOD OF 30 DAYS AFTER THE DATE OF FINAL ACCEPTANCE. AT THE END OF THE MAINTENANCE PERIOD, A HEALTHY, WELL-ROOTED, EYE-COLORED, VIABLE TURF AND LANDSCAPED AREA MUST BE ESTABLISHED. THE LANDSCAPED AREAS SHALL BE FREE OF WEEDS, OPEN JOINTS, BARE AREAS AND SURFACE IRREGULARITIES.

PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT.	CAL.	SIZE
	4	Acer rubrum / Red Maple	B & B	2' Cal	12-15' H
	3	Gleditsia triacanthos var. inermis 'Shademaster' TM / Shademaster Locust	B & B	2' Cal	12-15' H
SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	SIZE	SIZE	
	2	Amelanchier arborea / Downy Serviceberry	1 gal	2' height	
	40	Calliopsis dichotoma 'Early Amethyst' / Beadlightberry	1 gal	2' height	
	51	Eriogonum alidum / Winged Eriogonum	15 gal	3' height	
	41	Eriogonum alidum 'Golden' TM / Little Moses Dwarf Burning Bush	9 gal		
	25	Rhus typhina / Staghorn Sumac	9 gal		
	94	Taxus occidentalis 'Green Giant' / Green Giant Arborvitae	B & B	7'-8' H	
ANNUAL PERENNIALS	QTY	BOTANICAL NAME / COMMON NAME	SIZE		
	14	Achillea millefolium / Common Yarrow	1 gal		
	84	Eriogonum spectabile / Purple Love Grass	3 gal		
	60	Schizanthus scopolium / Little Bluestem Grass	9 gal		
GROUND COVERS	QTY	BOTANICAL NAME / COMMON NAME	CONT.	SPACING	
	4,004 sq'	Festuca ovina 'Pasture Perfect' / Pasture Perfect Blend of Tall Fescue	sod		
	2,216	Pachyandra terminalis / Japanese Spurge	plug	6" o.c.	
	241	Panicum virgatum 'Prairie Fire' / Red Switch Grass	9 gal	12" o.c.	
MULCH / GRAVEL	QTY	BOTANICAL NAME / COMMON NAME	SIZE		
	1,142 sq'	Native Cobblestone	4" - 6" stones		
	600 cu yd	Double Grand Hardwood Mulch	2" - 3" deep		

SLIM CHICKEN LANDSCAPING PLAN



Rev.	Date	Description	By	App.
2	08/12/15	REVISED PER CITY COMMENTS	NAB	JWB
1	07/01/15	REVISED PER CITY COMMENTS	NAB	JWB

**7930 STATE LINE ROAD
FINAL DEVELOPMENT PLANS
PRAIRIE VILLAGE, KANSAS**

LANDSCAPE PLAN

Prepared For:
BLOCK AND COMPANY, INC.
605 WEST 47TH STREET
SUITE 200
KANSAS CITY, MO 64112
P: (816) 753-6000

BHC RHODES
Civil Engineering • Surveying • Utilities
7101 College Blvd., Suite 400
Overland Park, Kansas 66210
p. (913) 663-1900 f. (913) 663-1633
BHC RHODES is a trademark of Brueggli Mansuetti & Company, PA

MAYOR'S ANNOUNCEMENTS

September 21, 2015

Committee meetings scheduled for the next two weeks:

Environment/Recycle Committee	09/23/2015	5:30 p.m.
Council Committee of the Whole	10/05/2015	6:00 p.m.
City Council	10/05/2015	7:30 p.m.

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The Prairie Village Arts Council is pleased to present a photo exhibit by the Dolyna Photo Club in the R. G. Endres Gallery during the month of September

The Annual Prairie Village Peanut Butter Week in support of Harvesters Food Bank will be held October 5 - 9, 2015. Support the drive through donations at City Hall, at your local church or school.

The Annual League of Kansas Municipalities will be held October 10 - 12, 2015 in Topeka.

Save the Date - The Northeast Johnson County Chamber of Commerce Annual Gala will be held on Saturday, November 21st.

INFORMATIONAL ITEMS
September 21, 2015

1. Council Committee of the Whole - September 8, 2015
2. Park & Recreation Minutes - April 8, 2015
3. Park & Recreation Minutes - May 13, 2015
4. Prairie Village Arts Council - July 8, 2015
5. JazzFest Committee Minutes - August 25, 2015
6. Mark Your Calendar

COUNCIL COMMITTEE OF THE WHOLE
September 8, 2015

The Council Committee of the Whole met on Tuesday, September 8, 2015 at 6:00 p.m. in the Council Chambers. The meeting was called to order by Council President Brooke Morehead with the following members present: Mayor Laura Wassmer, Ashley Weaver, Jori Nelson, Ruth Hopkins, Steve Noll, Eric Mikkelson, Andrew Wang, Sheila Myers, David Morrison and Terrence Gallagher.

Staff Members present: Captain Byron Roberson; Keith Bredehoeft, Public Works Director; David Waters representing the 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.

COU2015-32 Consider approval of construction contract with Linaweaver Construction for 2015 Storm Drainage Repair Program

Keith Bredehoeft noted this is the final construction contract for 2015. This project includes replacement or repair on various drainage inlet locations throughout the city and a pipe replacement.

On August 7, 2015, the City Clerk opened bids for the project. Three acceptable bids were received:

Linaweaver Construction, Inc.	\$ 94,450.00
Pyramid Excavation	\$127,127.00
Kansas Heavy Construction	\$125,000.00
Engineer's Estimate	\$ 95,890.00

The Engineer has reviewed all bids and has recommended award of the low bid. Mr. Bredehoeft stated the contract will be awarded for \$110,000 budgeted for this project allowing the city to include more inlet locations than originally anticipated. Funding is available under the CIP Project DRAIN15x.

Ruth Hopkins made the following motion, which was seconded by Steve Noll and passed unanimously:

MOVE THE CITY COUNCIL AUTHORIZE THE MAYOR TO EXECUTE THE CONSTRUCTION CONTRACT WITH LINAWEAVER CONSTRUCTION, INC. IN THE AMOUNT OF \$110,000 FOR PROJECT DRAIN 15X - 2015 DRAINAGE REPAIR PROGRAM.

COUNCIL ACTION TAKEN
09/08/2015

Presentation by Consolidated Fire District #2 regarding station location

Quinn Bennion welcomed Fire Chief Lopez and the delegation attending from the Fire District. He noted that over the past few years the Fire District has been looking at options to replace the outdated station #23 at 9011 Roe Avenue which was constructed in 1955. Several months ago Chief Lopez approached the Mayor and Mr. Bennion to discuss the possibility of locating on city property. Informational meetings were held with individual council members to gauge the interest of the Council. Tonight's presentation formally announces the discussion of the possible acquisition of land on the municipal campus by the Fire District for the purpose of relocating Station #23.

Mr. Bennion stated that at the end of the presentation and discussion, staff would like to receive direction from the Council on whether or not to pursue additional discussion and negotiation on the proposed sale to and relocation by the Fire District. He noted there is considerable additional work to be done and investigation by both parties before this action becomes final. Mr. Bennion added that this action and discussion with the Fire District is independent of any other actions or discussion between the two parties.

Chief Tony Lopez reviewed the history of the station at 9011 Roe Avenue and its current operations. In 2011 a Fire Relocation Study was undertaken by the District with the cooperation of Overland Park and Leawood Fire Departments. Initially 9 locations were studied with the final site selection being Meadowbrook property at 95th & Rosewood which was purchased in 2013. At that time this was considered an optimal location for providing the nearest coverages to residents within CFD2's service area. However, when earlier this year the City of Overland Park decided not to renew their service contract with the Fire District to provide fire services for the area bordering Leawood and Prairie Village, the site no longer was optimal for providing service to their service area.

A currently conducted strategic plan for the Fire District based on five years of call data and service demographics indicate that the 7700 Mission Road location is closer to their high demand call area and closer to area schools. An analysis of call response time indicated that currently there are several areas of Prairie Village with a service response time of more than eight minutes. With the proposed 7700 Mission Road location, the response time for those locations would be reduced to four minutes.

Chief Lopez stated the top consideration for the department is getting fire services as close to the center of demand as possible and the municipal grounds location places them in the center of their high demand area. Designs at this time are conceptual; however, he indicated that the plans were likely to include a number of features in the design of the new station that would be of benefit to residents and to the police department, such as a triggered traffic light system at the exit onto Mission Road which would allow fire trucks to safely exit the station in response to calls without using their sirens and could also be used by the police department. The west side of the building would include public restrooms that could be used by patrons of the skate park or disc golf course during daylight hours. The proposed land is approximately 0.86 acres of property along the south edge of the municipal complex parking lot. Brooke Morehead asked what was planned for their current property. Chief Lopez stated that they are looking at selling that property.

Terrence Gallagher asked if the proposed manpower for the new station would be sufficient to provide services to the area with the addition of the Mission Chateau and Meadowbrook communities which include senior living facilities. Chief Lopez responded that it would and added that they have a mutual aid agreement with Overland Park Fire Department that would assist particularly in the coverage in the southwest area of Prairie Village. Mr. Gallagher asked if other sites in Prairie Village had been investigated. Mr. Lopez noted there are very few available land options available within the city. Mr. Gallagher asked about other possible locations on the municipal campus. Chief Lopez responded the proposed location was the recommendation of city staff. Mr. Gallagher asked for the proposed timetable. Chief Lopez responded that he anticipated the purchase and design to take place in late 2015 with construction in 2016.

Sheila Myers noted her concern for the response time to the proposed senior living community at Meadowbrook. Chief Lopez stated he did not anticipate it being a problem noting they have the flexibility to provide coverage themselves or through mutual aid from Overland Park. Mr. Wang agreed that under the existing mutual aid agreement this should not be an issue.

Eric Mikkelson stated he liked the concept and asked if the city council would have another opportunity to look at the plans. Quinn Bennion responded if direction was given to proceed, attorneys for both parties would be directed to begin the process for sale and preparation of any related agreements. Mr. Mikkelson stated he would like to see the proposal again further down the road before final approval is given. He expressed concern with the proposed station removing green space from the municipal complex even if they are spaces that are not heavily used and asked the Fire District to work to minimize the footprint of the building to maximize green space and to add additional landscaping. He liked the idea of additional public restrooms and a location where residents using the park facilities could get emergency assistance. As a wish list potential benefit from the sale he would like the Fire District to consider financial assistance in the reconstruction of the adjacent skate park. Chief Lopez noted the proposed facility would also have a meeting room that could be reserved if needed by the city.

Terrence Gallagher confirmed that this construction would be considered a site plan application that would only go before the Planning Commission and not the City Council. Any related agreement between the city and the Fire District would come to the City Council for approval. Mr. Mikkelson stated he wanted to have approval of the design elements. Chief Lopez responded that they have an ad hoc design committee that they would be willing to offer committee spots to a couple city representatives.

Jori Nelson asked if there had been any discussion on selling price. Quinn Bennion responded that the city had the 0.86 acres of property that are being considered appraised. The property was appraised at \$275,000.

Terrence Gallagher stated that if the city is proposing to tear out the existing skate park in 2016, he feels that this should be considered in the possible optimum location of the

fire station with possible shared costs for the reconstruction and/or removal. Mr. Bennion replied the skate park repair is listed for 2018 - 2019. It was the decision of the Council to fund its repair. Mr. Gallagher confirmed that due to its level of deterioration the entire skate park will need to be removed and reconstructed. He feels that these options need to be considered now for the best optimal use of land for the fire station. He noted he is not proposing its removal, but possible relocation when reconstructed. Sheila Myers stated she wants to hear from the community before any such decision is made.

Brooke Morehead agreed that the impact of the proposed fire station needs to be viewed as it relates to the entire municipal complex. Eric Mikkelson agreed with Mr. Gallagher that consideration needs to be given to long-term planning.

Eric Mikkelson made the following motion, which was seconded by Steve Noll:

RECOMMEND THE CITY COUNCIL DIRECT STAFF TO PROCEED WITH THE CREATION/NEGOTIATION OF A PURCHASE AGREEMENT WITH JOHNSON COUNTY CONSOLIDATED FIRE DISTRICT #2 FOR THE PURCHASE OF LAND ON THE EXISTING MUNICIPAL CAMPUS WITH APPROVAL OF THE FINAL DESIGN FOR THE FACILITY BEING APPROVED BY THE CITY COUNCIL

Jori Nelson urged the Fire District as they moved forward with discussion to be good neighbors to all of Prairie Village.

Andrew Wang noted that approval of a final design for a site plan is a function of the Planning Commission and questioned what right the City Council had to go beyond normal established processes and act as an architectural review board. Mr. Mikkelson responded the city's ownership of the land gives the right to make further stipulations than mere compliance with code. Mr. Wang noted the final design of the building will not be done before the sale of the land and that at that point the city no longer owns the land. David Waters representing the city attorney noted a possible option would be the formation of a development agreement between the Fire District and the City to go along with the sale. Mr. Wang stated he struggles with the city selling the land but still acting like it owns the land. Having a fire station at this location offers amenities and benefits to the residents of Prairie Village. The current station location means some city residents in wards 2, 4 and 6 have to wait eight or more minutes for the fire department to reach them during an emergency.

Terrence Gallagher stressed the need to look at the entire picture to ensure that this is the optimal possible move. This location is further northwest, will provide a better facility, will provide better response time to residents and will also provide additional amenities for the city. He noted that the Chief has offered to have city representatives on their design committee which would provide both input and feedback to the Council and asked if that was acceptable. Mr. Mikkelson replied that it was better than nothing, but he prefers the broader approach to ensure that the city get a facility that it approve and noted that he felt a process could be created to implement that.

Jori Nelson noted the desire by some residents for a permanent outdoor amphitheatre. Brooke Morehead stressed the need to look at the larger scope.

David Morrison stated that he is supportive of the proposed relocation, but expressed concern for the residents in the southern most ward of the city especially with its growing demographic growth in the future.

Andrew Wang asked if the strategic plan process needed to be included in the motion. Quinn Bennion responded staff could work with Chief Lopez to look at different site footprints. The discussions will focus on possible alternative sites and configurations, but will not include park master plan discussions.

Mr. Bennion noted now that this discussion has become public, there will be several questions by the residents and stressed the need to keep them engaged and informed in the process.

Eric Mikkelson stated it is the responsibility of each councilmember to think about and talk with residents about options for this project.

The motion to proceed was voted on and passed unanimously.

Council Priority List Update

Quinn Bennion distributed an updated Council Priority List which reflects the status of previously listed items as well as additional items that have been added. The following items have been completed:

2. Review revised plan for former Mission Valley School Site
14. Comprehensive review of committees, role and structure
32. Conduct cost recovery study and review of city fees
33. Selection of new Planning Consultant

The following items have been added to the list:

- #20 Explore curbside city-side glass recycling
- #23 Research and possibly pursue restrictions for short term rentals or lodging in residential neighborhoods (such as Airbnb)
- #24 Discussion and enforcement of screening of garbage receptacles
- #34 Explore the use/cost of body-cams in PD
- #47 Review of solicitation ordinance in relation to ice cream trucks
- #48 MARC Solar initiative - involvement level of city to be determined
- #49 Political sign regulations revised as required by changes in state statute
- #50 Revisions to the election cycle as required by changes to the state statutes
- #51 Site plans and PUD reinspections - systematic reinspection of approved SUP

Terrence Gallagher suggested that with the proposed movement of the Fire District facilities to the municipal campus that perhaps #30 - Installation of KCPL electric charging stations be moved from 2016 to 2015. Mr. Bredehoeft noted that he was not certain of the timing for the second round of installations.

Eric Mikkelson noted that #18 - Initiate a bike/pedestrian master plan was not checked on the priority listing. He would like to see it checked for 2016 noting that the Council authorized staff to submit a grant request for funding in 2016. Quinn Bennion responded that without grant funding, this would not be done and is therefore contingent upon grant funding. Mr. Mikkelson felt the probability of grant funding was high and that a commitment to it as a priority should be reflected on the listing.

Brooke Morehead noted that the Council spent a significant amount of time setting these priorities in April. Mayor Wassmer stated the Council will again review and set priorities at its January work session. She noted that she and other council members met with representatives of Overland Park regarding this issue and with Prairie Village being built out it is limited in what can be done. Right-of-way is not available to add bike lanes in the majority of the city.

Eric Mikkelson stated a study would provide the city with information on what can be done. He wants the city to make this a priority and to commit to preparing a plan and/or submitting a grant application. Keith Bredehoeft stated that grant applications are due in March 2016 for 2017 funding. Jori Nelson noted the participation of MARC in this issue. Mr. Bredehoeft stated he would discuss the application with others to be able to prepare the best application possible.

Jori Nelson asked about the "Safer Routes to School" grant application. Mr. Bredehoeft replied the city has participated in this in the past with funding several years into the future.

Quinn Bennion stated he will amend #18 to reflect the application for grant funding and check it for 2016; however, he added that staff is at capacity with the projects already outlined for 2015 and 2016.

Andrew Wang noted the discussion with the Fire District regarding the possible purchase of land should be added to the priority listing. Mr. Bennion agreed and will add the CFD2 Property Project to the priority listing for 2015.

ADJOURNMENT

With no further business to come before the Council Committee of the Whole, Council President Brooke Morehead adjourned the meeting at 7:20 p.m.

Brooke Morehead
Council President

PARKS AND RECREATION COMMITTEE

April 8, 2015

7:00 PM

City Hall

Minutes

The Parks and Recreation Committee met at 7:00 PM in City Hall. In attendance: Laura Wassmer, Chair, Eric Mikkelson, Vice Chair, Kevin Letourneau, Bill Sanderson, Matt Geary, Dianne Pallanich, Diane Mares, Clarence Munsch, Lauren Wolfe, and Peggy Couch. Staff: Nolan Sunderman and Bill Billings.

Ms. Wassmer called the meeting to order at 7:00 PM.

Public Participation

- Mr. Tom O'Brien provided a report on the Community Garden. There were seven other attendees in the audience supporting the Community Garden. Mr. O'Brien provided an overview of the community garden and the arrangement, setup, and over 900 lbs of donations to the community from the program to date. Mr. O'Brien and the Community Garden club requested permission to expand the Community Garden. Options C & D were discussed and approved with permission for 6 full lots and not the proposed half plots as requested.

Consent Agenda

1. Minutes from January 14, 2015

It was moved and seconded to approve the minutes from the January 14, 2015 meeting.

The motion passed unanimously.

Reports

1. Public Works Report

Mr. Billings provided and reviewed a list of the many park improvements and maintenance related accomplishments over the last month. Mr. Billings discussed the recent training his staff has received including the Certified Pool Operators License as well as Certified Playground Safety Inspector. The Department has also been training for their emergency management/NIMS training. They recycled over 1,500 Christmas trees which were mulched. He also noted the work has finished on the berm at Franklin Park including drainage improvements. Mr. Billings also provided a brief overview of other maintenance improvements including new trash cans and lid replacements at various parks.

2. Recreation Report

Mr. Sunderman discussed the proposed Johnson County Park & Recreation contracts. After discussing the proposed fees, the Committee approved the contracts as presented with an increase to the Johnson County Day Camp agreement to \$25 per day. It was

previously \$20 per day and the fee had not increased since prior to 2008. Mr. Sunderman provided an update on the pickleball league with over 50 participants. A Synchronized Swim Coach has been hired and an Information Session will occur on April 16. Preparations are continuing for the upcoming pool season and aquatics programs. The Johnson County Track & Field event originally planned for early May will not occur this year but discussions are taking place for a 2016 event.

3. Chairperson's Report

Ms. Wassmer discussed the great turnout for both of the Meadowbrook Open House events. Ms. Wassmer requested suggestions from the Committee for the park development at Meadowbrook in working with Johnson County Park & Recreation. Ms. Wassmer also noted the upcoming budget discussions and future park renovations planned for 2016. Ms. Wassmer also noted that with her becoming Mayor, she will no longer be the Parks & Recreation Committee Chair after May.

New Business

1. Committee Meeting Time & Frequency

Ms. Wassmer discussed the efforts of the Committee on Committees and the proposed committee changes. Ms. Wassmer discussed having the Parks & Recreation Committee only meet six times per year. The Committee approved the change and had no problems with the proposal. The Committee was surveyed and future meeting times will be at 6:30 p.m. in January, March, May, September, October, and November.

Old Business

1. Additional Funds

Ms. Wassmer discussed funding from The Prairie Village Foundation in the amount of \$14,386 for use at Franklin Park. The Committee will be researching potential uses for this funding which was originally designated for a gazebo. There is also funding in the amount of \$7,291 from The Prairie Village Foundation for use at any park. The Committee will be discussing this further during the upcoming park tour.

2. Community Pool Night

Mr. Sanderson continued discussion for the possibility of a family swim night. He has been in contact with the Shawnee Mission School District. He presented an overview of the potential costs to host a family swim night at the Shawnee Mission East Pool. He is also planning to discuss this with the YMCA. The Committee requested he continue his research.

Information Items

- May 13, 2015
 - Next Committee Meeting will be at 5:30 p.m. at McCrum Park to begin the annual park tour.

Adjournment – The meeting was adjourned at 8:35 p.m.

PARKS AND RECREATION COMMITTEE

May 13th, 2015

5:30 PM

McCrum Park

Minutes

The Parks and Recreation Committee met at 5:30 PM at McCrum Park. In attendance: Laura Wassmer, Chair, Kevin Letourneau, Bill Sanderson, Matt Geary, Dianne Pallanich, Kellie O'Toole, and Clarence Munsch. Staff: Nolan Sunderman, Keith Bredehoeft, and Bill Billings.

Ms. Wassmer called the meeting to order at 5:30 PM.

Public Participation

- There was no public participation.

Reports

1. Public Works Report

Mr. Billings provided and reviewed a list of the park improvements and maintenance related accomplishments over the last month. Mr. Billings discussed park maintenance, plantings, and various signage at the parks.

2. Recreation Report

Mr. Sunderman provided an overview of the upcoming summer recreation programs including the aquatics teams, pickleball, and skateboarding 101. Pool preparations are ongoing with a planned opening for May 23. Mr. Sunderman also provided an overview of the Leawood pool pricing structure and noted the issues with defining a household for pool membership passes. Additional research will take place over the summer with a report in the fall to discuss potential changes.

3. Chairperson's Report

Ms. Wassmer provided an update on the Meadowbrook development and potential timeline. It was also noted the 2016 budget process and discussions have started.

New Business

- The Committee toured McCrum, Porter, Bennett, Taliaferro, and Windsor parks. Planned improvements were reviewed as well as additional ideas from Committee members.

Old Business

- There was no old business discussed.

Information Items

- September 9, 2015

- Next Committee Meeting will be at 6:30 p.m. at City Hall in the Council Chambers.

Adjournment – The meeting was adjourned following the annual park tour 7:45 p.m.

Prairie Village Arts Council
Wednesday, July 8, 2015
5:30 p.m.
City Hall MPR

Meeting Minutes

The Prairie Village Arts Council met at 5:30 p.m. in the Multi-Purpose Room. Members present: Shelly Trewolla, chair, Julie Flanagan, Dan Andersen, Serena Schermoly, Stephen LeCerf, Betsy Holliday, Melissa Brown, Art Weeks, and Shervin Razavian. Also present were Sheila Myers (Council Representative) and Wes Jordan (Assistant City Administrator).

Minutes - were approved as presented.

Financial Report - Wes Jordan presented a report (attached) detailing the available funds through the PV Foundation and the line items as approved in the Prairie Village Budget. The Financial Report was approved as presented.

City Council Report - The Arts Council discussed the need for a City Council Report and what agenda items would be beneficial for Council Liaison, Councilwoman Myers, to relay. The Council decided for future meeting efficiency to only pass on information that pertains or is a direct correlation to this committee.

Exhibits/Receptions

July Exhibit - Art by the Senior Arts Council is scheduled for July 10th, between 6:30 - 8:00 p.m.

August Exhibit - Art by Wayne Wilkes is scheduled for August 14th between 6:30 - 8:00 p.m.

Old Business

Fallen Soldier Statue - Wes reported that he would be following up again with the family to see if they had made progress on the wordage for the plaque in preparation for the special dedication during the State of the Arts.

State of the Arts - In preparation for State of the Arts, the Council discussed the status, staffing, and progress of the following subcommittees to handle general planning and organization preparation for the event.

- Needs-based Plan/Timeline - Dan Andersen
- Juror(s) - Shelley Trewolla reported that noted local artist Larry Thomas will select the art pieces to be included in the competition and the winner for each of the award categories. Mr. Thomas is the chair of the Fine Arts Department at

Johnson County Community College and is represented by the Sherry Leedy Contemporary Art Gallery in Kansas City.

- Awards - The following nine awards will be presented this year: one (1) \$1,000 award for the R.G. Endres Best in Show; two (2) \$750 Merit Awards; one (1) \$500 Arts Council Award; and five (5) \$100 Honorable Mention Awards.
- Sponsorships - The Council discussed sponsorships and fundraising strategies to cover each of the award categories. Art has updated the sponsorship letter to be sent to local businesses and previous donors...and Serena agreed to update the mailing list and handled the mailer. Wes Jordan said he would work with Serena to go over the list and any information from previous events that could be beneficial.
- Food - Shervin, Betsy, and Art.
- Tent/Video Screen - Shelly reported the tent and video have been reserved.
- Contracted Music - Dan
- Certificates - Serena
- Marketing/Press Release - Serena
- Advertisement - Dan, Serena, Stephen, and Melissa
- Show Sit Up/October 1st (12 pm - 5 pm) - Shelly, Melissa, Dan, Betsy, and Art
- Slideshow - Dan and Rod
- Wine - Jack
- Centerpiece(s) & Decorations - Shelly and Julie
- Volunteers - to be determined
- New Sign/Logo - Serena will handle...Council approved funds to not exceed \$400.
- Day of Event Set Up (1 pm) - Still to be determined...to include bartenders
- After event Art Pickup (Between 12 pm - 4 pm on Oct 30th) - Shelly and Art

Gallery Painting - The Council discussed the condition of the walls (dirt/grime) after the recent repainting. Dan agreed to touch up the walls and then repaint the walls with semi-gloss paint for better durability. The Council approved the expenditure of paint and supplies to not exceed \$300.

New Business - No new business was discussed.

Adjournment - The meeting was adjourned at 7:20 p.m.

JazzFest Committee Meeting August 25, 2015

Present: J.D. Kinney, Dave Hassett, Amanda Hassett, Dan Andersen, Donelea Hesse, Mike Polich, Larry Kopitnik, Jack Shearer, Brian Peters, Meghan Buum, Joyce Hagen Mundy, John Wilinski and Jane Andrews.

The minutes of the August 12, 2015 meeting were distributed and approved.

Financial Update

A corporate table reservation has come in from O'Donnell & Sons. No other new donations have been received. Current balance is \$22,304.04. Expenses for talent, stage and caterer due the day of the event total \$15,420 leaving a balance of \$6,884.04. Meghan advised that CBRE is sending a manual check for their \$5000 donation. An additional \$580 will be received for the corporate and \$500 for a merchandise table. \$2000 will be secured in small bills (Primarily \$5 and \$10) for start up funds.

JD asked Brian Peters to take responsibility for tracking money received at the event to provide for a clearer accounting of what revenue was received from gate fees vs beer sales, etc. He agreed to work with Joyce collections.

VIP Tent

Individuals/Groups represented in the VIP tent will be as follows: City Council (2 tables), PV Arts Council (1 table), Claridge Court & PV Post (1 table), CBRE Retail Services & First Washington (1 table) and O'Donnell Construction (1 table). Amanda has talked with Hy-Vee regarding food. VIP Guests will pick up their credentials and tickets at the Pool entrance. Joyce will prepare the credentials and notify the groups of the process. She will prepare table markers identifying the groups. An ice chest with soda and water will be available in the VIP Tent.

There will be four coolers located throughout the area for water for volunteers – VIP Tent, Main Gate, Pool Gate, Stage Area. JD's daughter and friends will man the tent for the sale of water and soda as well as going into the crowd.

Volunteers

Jane Andrews reported that volunteer slots are filling well with the exception of Parking/Security. The committee felt that one individual was needed at the main gate for the entire event. Continue to send names of volunteers to Jane. She will create a master list of volunteers for check in which will be at the main gate. Joyce will need names of all volunteers to prepare volunteer credentials.

Volunteer training/meeting will be held on Thursday, September 10th at 6 p.m. in the MPR.

Volunteer shifts are as follows:

Shift 1 12 to 3:15 p.m.

Shift 2 3 to 6:15 p.m.

Shift 3 6 to 9:50 p.m.

Saturday Morning Setup – 9 a.m. to 11 a.m.

Sunday Morning breakdown – 10 am to noon

Merchandise

JD reported that based on the less than overwhelming response from the committee, he order both the blue and grey event T-shirts. The book individual has decided not to sell books from the merchandise tent. The Band Boosters are still determining if they will be selling merchandise.

Talent

Larry and John noted that all sound checks have been scheduled should be completed more than an hour before the start of the festival. Artists have been sent information regarding the sale of cd's which they have been asked to bring to their sound checks. John will coordinate getting the cd's to the merchandise and getting a signed cd for the "Sounds of the Festival" raffle of cd's from all of the performing artists and a festival t-shirt. Raffle tickets will be sold at the merchandise tent as well as the two main gates.

The McFadden Brothers will be on the Steve Kraskie Show on September 9th. Meghan will contact Joel Nichols regarding a possible interview on KC Live prior to the festival.

Event Misc.

Joyce noted yard signs are available for committee members to pick up. Please make note of where you place them so they can be picked up after the festival. Public Works assistance desired was confirmed to be mowing the area on Tuesday, putting the fence up on Wednesday, Tents up on Thursday and Lattice work up late Thursday or Friday. One PW staff member will be on site during the festival. Deffenbaugh has committed to provide portable toilets, a dumpster and recycle/trash boxes for the event. Dan noted that all the portable toilets would be located at the top.

Meghan reported that Kyle has been doing a great job with facebook. She would be doing Twitter and Facebook during the festival. There will be an ad in "The Pitch" that goes out Labor Day weekend. The Village Voice which will go out next week has a four page insert on the festival and the PV Post will be doing regular features on the artists the week prior to the festival.

Festival Gates will open at noon. Committee members should be present no later than 10 a.m.

Food/Beverages

Dave stated he is meeting with Crawford's to confirm the beer to be served. Joyce stated she has talked Todd and clarified the payment process. The Temporary Alcohol

Permit request has been filed by BRGR and they will send a copy of the permit to the City and Crawford's when received.

Dave will be meeting with the vendors next week. He will give them sales tax information to be filed from their sales at the festival. The food trucks will also be advertising the event to their customers. The ice has been ordered. Cups will be ordered from Amazon. Jack will check on the availability of unused cups from the Jazz in the Woods event. JD noted the cashbox for the beer sales area does not need coin slots.

Operations

Dan noted that he would begin setting up on Thursday and will be on-site all day Friday. Joyce will give his contact information to Deffenbaugh for the delivery to the dumpster and toilets. Dan stated the generator costs will be billed separately. He will coordinate pick-up and return with Jack Shearer. The old banner will be used across the top of the stage. JD will work on side banners reflecting the sponsors. Jack confirmed the ATM would be set up

Next Meeting

Thursday, September 10th at 5:30 p.m. in the Multi-purpose room at City Hall prior to volunteer training.

Adjournment

The meeting was adjourned at 6:40 p.m.

**Council Members
Mark Your Calendars
September 21, 2015**

September 2015	Sister City Art exhibit in the R.G. Endres Gallery
September 21	City Council Meeting
October 2015	State of the Arts exhibit in the R.G. Endres Gallery
October 5	City Council Meeting
October 5 - 9	Prairie Village Peanut Butter Week
October 9	State of the Arts Reception in the R. G. Endres Gallery 6:30-8:00 p.m.
October 10 - 12	League of Kansas Municipalities Conference - Topeka, KS
October 19	City Council Meeting
November 2015	Chun Wang exhibit in the R.G. Endres Gallery
November 2	City Council Meeting
November 13	Artist reception in the R. G. Endres Gallery 6:30 - 8:00 p.m.
November 16	City Council Meeting
November 21	Northeast Johnson County Chamber of Commerce Annual Gala
November 26/27	City Offices Closed for Thanksgiving Holiday
December 2015	Peter Smokorowski exhibit in the R.G. Endres Gallery
December 4	Volunteer Appreciation Holiday Party
December 7	City Council Meeting
December 11	Artist reception in the R. G. Endres Gallery 6:30 - 8:00 p.m.
December 21	City Council Meeting
December 25	City Offices Closed for Christmas Holiday

