



MINUTES OF MISSION WOODS CITY PLANNING COMMISSION
January 9, 2014
4:00 p.m.

The City Planning Commission of Mission Woods, Kansas met on January 9, 2014 at the Westwood City Hall, 4700 Rainbow, Westwood, Kansas.

Members present: Chairman David Immenschuh
 Richard Ralls
 Steven Reiff
 Ernie Yarnevich
 Mimi Ahsmuhs

Members absent: Joni Cobb

Visitors present: Heather S. Esau Zerger, City Attorney
 Council member John Baenisch
 David Sederholm
 Dr. Bellis, Headmaster of Pembroke Hill School
 Mayor Tietze
 Steven Karbank
 David Henley
 Carol Bean
 Other residents of Mission Woods

Chairman Immenschuh called to order the meeting of the City Planning Commission at 4:03 p.m. and a quorum of the CPC was present.

Chairman Immenschuh noted the two issues on the agenda before the CPC, which will be taken up one at a time.

I. Restrictions on the Time when Planned Rec District Property May be Used

Chairman Immenschuh noted that this issue has come before the CPC from the City Council. The City Council has spent time working on revisions to its noise ordinance and through that process, noise emanating from the Pembroke property, which is zoned as Planned Rec District, has become an issue. It was suggested in one City Council meeting that restrictions on the time when property owners can utilize property zoned as "Planned Rec District" may be appropriate. With that introduction, Chairman Immenschuh opened the floor to the CP Commissioners for questions or discussion. Commissioner Ralls inquired as to whether it would affect any property other than Pembroke's property and Chairman Immenschuh indicated he is not aware that it would affect other property. Pembroke has practice fields that bear this zoning classification.

At approximately 4:10 p.m., Commissioner Ralls moved that the Commission convene in executive session to consult with the City's legal counsel on matters of potential or threatened litigation, which would be deemed privileged in the attorney-client relationship and to reconvene in open session in the same location within about 15 minutes. Commissioner Ahsmuhs seconded the motion and all voted in favor.

The Commissioners convened in executive session with legal counsel.

At 4:24 p.m. CPC reconvened in open session.

Chairman Immenschuh opened the floor for questions. Commissioner Ralls inquired of Dr. Bellis about controlled access to the fields. Dr. Bellis indicated the fields are fenced but you can enter via neighbors' back yards, where it is open. Dr. Bellis is in process of putting fence in back of these homes (after City approval). Mr. Henley inquired whether the south end is sealed and there was some discussion of that issue. Commissioner Ralls also asked about whether noise has been an issue. Mr. Henley indicated there has not been enough activity to gauge it. Mr. Sederholm stated that an issue is allowing soccer practice until 9:00 p.m., particularly on the upper field. It is the neighbors' contention was a 6:00 p.m. cut off was proper and it is difficult to enjoy their back yards with practice extending beyond this time. Dr. Bellis stated that when the property was originally zoned, it was clear it is to have no lights and not be used past dark. Last spring they were using the property past dark. They do not plan to use the property past dark any longer. He also stated that there are 45 school days during an entire 365 day year where it is daylight past 7:30. Most of these days are in the middle of May. Mid-May to August, there is really no use of property at all and there is nothing currently planned after 7:30 p.m. on the site. Next year, nothing is planned after 6:30 on the upper field. Last summer the school made a \$1M investment in property under the assumption they would be allowed to use the property under the rules then in existence. Any activity after 6:30 p.m. will happen on the lower field and that will provide a natural sound barrier. Dr. Bellis asks the Commission to wait until there is one spring of usage to see what the lower field sound buffer is like. Then the issue can be revisited. In the spring, the school also wants to make an investment in berms and trees as sound barriers. Dr. Bellis also wants to provide to neighbors the school's security number so that if people who are not authorized are climbing in, security can be notified. The local police are

also very responsive. A security guard is on-site until 11:00 p.m. and is instructed to visit the property twice during his/her rounds.

Council member Baenisch said that in 2006 or so when the Rec District zoning classification was established, the fields were supposed to be used for practices only. Now they are being used for tournaments and inter-scholastic activities. It is his belief that the ordinance establishing the rec district “reserved the right” to regulate lighting, times of use and other things. He states the neighbors are merely asking that this be done. The neighbors appreciate what Dr. Bellis has done but “regimes” change and past promises were not followed through until now. These items are forgotten from one year/principal to the next. That’s why the neighbors want a regulation put in place. The neighbors want the lower field to be restricted to a lesser extent but the upper fields to a greater extent.

Dr. Bellis clarified that he is stating what their intention is. He briefly touched on the level of activity on the fields. With respect to tournaments, girls participate in fall and boys in spring. There is one JV home match and one varsity home match for each. On occasion, the Missouri High School Activity Association asks for the school to host a state meet. JV tournaments are on weekdays and varsity is on a Saturday. There is a handful of lacrosse games on Saturday afternoons, so 3 or 4 in spring and 3 or 4 in fall, which will take place on the lower fields. There will be no activity on the upper field after 6:30 p.m., which will be strictly enforced going forward.

Carol Bean inquired about how late tennis will occur going forward. Dr. Bellis stated that other than the four days a year, they should not be in used after 6 or 6:30 p.m. Practice should be done by 5:30 or 6:00. There are 2 or 3 duals per season also. Tennis usually goes into state competition around May 1 so the season is done pretty early.

Commissioner Reiff asked what is going on that is so offensive that even requires this meeting. Ms. Bean is fine with a 5:30 or 6:00 end but there are times when kids are out past dinner. There are bleachers and people sit on the bleachers and clap, so perhaps people do come to watch even if it is just practice. Ms. Bean indicates that the noise in the evening is bothersome. Dr. Bellis confirmed there are two-row bleachers at the tennis courts. Commissioner Reiff asked how close this facility is to the homes in question. The upper field is contiguous with Mr. Baenisch’s property. The tennis courts are about 30 or 40 feet from homes. Dr. Bellis has been working with architects to install berms and additional plantings to reduce the noise as well.

Commissioner Ahsmuhs noted that there are tennis courts behind their homes, the tennis courts are lighted and the lights can stay on until 10:00 and are often on until midnight. Mission Hills has no security. Commissioner Ahsmuhs says what Dr. Bellis is saying sounds pretty good compared to what is taking place on the golf course.

Council member Baenisch stated that what Dr. Bellis is stating sounds good too, so perhaps the answer is to table this for a while and see how things play out. Carol Bean believes the wall will make a difference with respect to the noise also.

Dr. Bellis states that he is confident the sound will be improved by the wall barrier of the lower field. And he wants to be a respectful neighbor and hopefully the improvements will be of benefit.

Chairman Immenschuh asked about whether there are comments. Commissioner Ralls moved to table issue until at least until June 1. Commissioner Ahsmuhs seconded. Chairman Immenschuh asked for any additional discussion and then inquired if this was a reasonable timeframe for the neighbors and the school. There seemed to be consensus from the neighbors and Dr. Bellis that this would allow sufficient time to evaluate the effectiveness of the changes. A vote was taken and the motion passed unanimously.

II. Recommendation on zoning ordinances for property zoned planned office district.

Chairman Immenschuh introduced the second issue on the agenda by noting that some businesses have been restricted within the City's Planned Office District zoning classification in the past. Mr. Karbank's renovation at 2000 SMP has brought this issue to light in his attempts to lease 2000 SMP. Chairman Immenschuh opened the floor to the Commissioners. Commissioner Ralls inquired about whether there are any plans for development of the KU property. Mayor Tietze referenced on-going conversations with KU about that property and KU states it has no current plans for the property. Commissioner Ralls recalled some plans a while back for office space at that location but that has not come to fruition. He noted that any ordinance that is changed would affect that property as well. Chairman Immenschuh noted that the ordinances were probably implemented 20 or 30 or more years ago and perhaps circumstances have changed. Chairman Immenschuh also noted that neighboring municipalities seem to allow a broader uses than what Mission Woods allows. Perhaps there was some concern in the past about traffic and interaction with the public.

Chairman Immenschuh asked Mr. Karbank if he had any thoughts about the current ordinances. Mr. Karbank indicated that it is difficult to distinguish between certain types of allowed administrative offices, which are allowed, and law firms or accountancy offices, which are not allowed. Even law firms and accountancy offices are of a different level in terms of traffic generation and interaction with the public than doctor offices or a Quicktrip, which would have much more in and out traffic. A standard of reasonable office use would seem appropriate.

Chairman Immenschuh asked whether, from a real estate point of view, it is better to just write in a few more business types which would be allowed or whether the change needs to be of a broader stroke that allows more general office types. Mr. Karbank feels it may be better to be general about what is allowed but if there are certain businesses that are NOT allowed, to

enumerate those. Chairman Immenschuh asked Commissioners about the history of the current ordinances. Commissioner Ahsmuhs recalled issues related to traffic. Commissioner Ralls indicated he has no fundamental problem of professional use, but to make a change may open the door to KU developing the vacant property into a potentially high-traffic use, if it is physician offices. Mr. Karbank noted that medical offices may be different in terms of the amount of traffic.

There was some discussion of the nature of the businesses allowed in Planned Office Limited Business District. The Commission expressed a desire to include on a future agenda discussion of the types of businesses allowed in this zoning classification.

Chairman Immenschuh summarized by stating the Commission agrees there should be some reconsideration of the ordinance related to uses allowed within existing office buildings zoned as Planned Office District. Chairman Immenschuh believes the actual reworking of the ordinance will take additional work.

The Commission asked the City attorney to look at the zoning of the KU property.

Chairman Immenschuh then asked for a motion to recommend the City Council amend its zoning ordinance to allow for broader use of property zoned Planned Office District. Commissioner Ralls so moved and Commissioner Yarenevich seconded the motion. There was no additional discussion and all Commissioners voted in favor. The Commission tasked the City Attorney with preparing proposed language for the amended ordinance.

III. Election of Vice-Chair

The CPC then turned to a final, housekeeping issue. Chairman Immenschuh noted there needs to be a vice-chair of the CPC. Commissioner Ahsmuhs nominated Commissioner Ralls for the position of Vice Chair. Commissioner Reiff seconded the motion and the motion carried unanimously.

Meeting adjourned at 5:26 p.m.