

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, MAY 7, 2019
7700 MISSION ROAD
COUNCIL CHAMBERS
7:00 P.M.**

- I. ROLL CALL
- II. APPROVAL OF PLANNING COMMISSION MINUTES - MAY 7, 2019
- III. PUBLIC HEARINGS
None
- IV. NON-PUBLIC HEARINGS
 - PC2019-107 Site Plan Approval - Retaining Wall
2918 W. 73rd Terrace
Zoning: R-1b
Applicant: Anna Backman

 - PC2019-111 Approval of Revised Sign Standards
9001 Roe Ave.
Zoning: C-2
Applicant: Andy Cope

 - PC2019-112 Site Plan Approval - Construction of 8-foot fence
9030 Rosewood Dr.
Zoning: R-1a
Applicant: Kevin Arnhold
- V. OTHER BUSINESS

Special use permits/Conditional use permits
- VI. ADJOURNMENT

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

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

PLANNING COMMISSION MINUTES
May 7, 2019

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, May 7, 2019 in the Council Chambers at 7700 Mission Road. Chair Nancy Wallerstein called the meeting to order at 7:00 p.m. with the following members present: Jonathan Birkel, James Breneman, Patrick Lenahan, Melissa Brown, Greg Wolf and Jeffrey Valentino.

The following individuals were present in their advisory capacity to the Planning Commission: Chris Brewster, City Planning Consultant; Jamie Robichaud, Deputy City Administrator; Mitch Dringman, City Building Official, Ron Nelson, Council Liaison, and Adam Geffert, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

James Breneman moved for the approval of the minutes of the April 2nd regular Planning Commission meeting as presented. Greg Wolf seconded the motion, which passed 5-0, with Patrick Lenahan and Nancy Wallerstein in abstention.

PUBLIC HEARINGS

No public hearings were scheduled.

NON-PUBLIC HEARINGS

**PC2019-108 Site Plan Approval
Generator Installation
7801 Delmar Water Tower**

Chris Brewster provided background on the request, stating that the generator would be placed on an existing concrete pad at the site. He added that staff recommended approval since all required specifications had been met. Pete Akers, representing T-Mobile, said that the generator was for emergency use only, and would not be operational otherwise.

Mr. Birkel asked if the fuel tank was double-walled to prevent leaks. Mr. Akers stated he was unsure, but could research if needed.

Greg Wolf made a motion to approve the site plan as presented. James Breneman seconded the motion.

Mr. Birkel asked that the motion be amended to require a double-walled tank. Mrs. Wallerstein asked about the noise level of the generator when it is operational. Mr. Breneman stated that the sound output was 65 dB based on the equipment documentation provided in the packet, slightly less than a vacuum cleaner. Mr. Valentino

added that the documentation also noted that the fuel tank is adequately designed to safely contain fuel and avert leaks.

Mr. Birkel agreed to withdraw his amendment and return to the original motion, which passed unanimously.

**PC2019-109 Revised Development Plan
Canopy Design Change
Tidal Wave Auto Spa
7930 State Line Road**

Mr. Brewster stated that the final development plan for the site had been approved by the Planning Commission in June, 2018. The new proposal would alter the pay kiosk canopy from two arched canopies to one flat-roof canopy. Mr. Brewster recommended approval, subject to all previous conditions of the preliminary and final development plans.

Petty Hardin, a representative from Tidal Wave Car Wash, stated that the reason for the design change was to keep employees warm during cold weather. An attendant booth with heating and air conditioning will be located under the canopy. The new canopy is made of the same material and is the same color as the previously approved design.

David Wooldridge, 2115 Somerset Drive, indicated that he was out of town during the neighborhood meeting, and asked the Commission for time to speak against the updated proposal. He stated that he lived behind the property, and was asked by neighbors to attend the meeting. He suggested that the new canopy design will introduce additional noise to surrounding homes and asked for a different design to direct noise in another direction.

Mr. Brewster stated that performance standards were already in place to address noise levels at the site, particularly with regard to vacuums and car wash equipment. All of these issues were reviewed by staff and are conditions of the final development plan. Mrs. Wallerstein asked Mr. Hardin if he agreed to the terms laid out in the staff recommendations, to which he said he did.

Greg Wolf made a motion to approve the revised development plan, subject to the conditions of the preliminary and final development plans. Patrick Lenahan seconded the motion, which passed 6-1, with Jonathan Birkel in opposition.

**PC2019-110 Site Plan Approval
Design Changes
Homestead Country Club
4100 Homestead Court**

Mr. Brewster stated that the country club originally received a special use permit in 2018, and that two other site plans had been received and approved since that time. The new

plan reconfigures the parking lot over a portion of the existing tennis courts and leaves the center portion in its current configuration. There will no longer be a covered pickleball structure, and all the existing small courts will remain as they are configured now. The most significant change affects the parking area. Approval is recommended, but will require that the conditions of the previous site plan remain in place.

Becky Ludovissie, representing Homestead, stated that the new plans are better for both neighbors and the City, and will require much less construction and cause less disturbance to residents. The revised plan will utilize the existing raised surface for pickleball courts instead of creating more impervious surfaces.

Mrs. Wallerstein asked where the playground equipment would be moved. Ms. Ludovissie stated that the current location will be sodded over, and the playground would move to the southern end of the property, next to the existing childcare facility. She added that there was no objection to the new plans from attendees at the neighborhood meeting. Mrs. Wallerstein noted that some neighbors had requested a berm across the entire south side of the property to address drainage issues, and that it should be added as a condition for approval.

Mrs. Wallerstein asked where the downspouts from the clubhouse went. Tyler Holloman with Frontier Construction said that all downspouts were included in the plan drawings, and that raingardens would be installed as well if the plan was approved. Mr. Brewster stated a drainage study would be conducted by Public Works to ensure that flooding would not be an issue for neighboring homes. Mrs. Robichaud added that the Public Works Director had been in contact with neighbors regarding drainage issues and made them aware that changes to site plan were again coming to the Planning Commission for consideration.

Mrs. Wallerstein requested that the following condition be added for approval: “a berm and landscaping will continue all along the southern border subject to final approval by Public Works.”

Greg Wolf made a motion to approve the plan with the conditions laid out in the staff report along with the additional condition. James Breneman seconded the motion, which passed unanimously.

OTHER BUSINESS

Planning Commission Interpretation: 9001 Roe Sign Standards

Mrs. Robichaud stated she was seeking an interpretation of the documents included in the packet regarding the previous sign standards developed for 9001 Roe Avenue. Recently, two signs were installed on the building without permits. When staff reviewed the permit status, it was noted that the new signs did not conform to the multi-tenant sign standards approved for this building by the Planning Commission in 1998. The standards presented by the owner state that sign cabinets need to be a dark, contrasting color to the building, but do not mention the color of the lettering. However, after approval of the standards by the Planning Commission in 1998, both the confirmation letter sent to the

building owner as well as the meeting minutes included a condition stating that the letters must be white.

A notice was sent to the owner indicating that the new signs did not meet the standards, and that there were two options to remedy the issue. The first option was for the owners to remove the signs, apply for permits and replace signs with new ones that met the standards. Alternatively, they could go through the site plan review process to revise the sign standards for the Planning Commission's consideration.

Andy and Susan Cope, building owners, stated that the sign company with whom they had a contract was responsible for applying for permits from the City. Mr. Cope added that the sign standards developed in 1998 were created to remove and replace the initially installed signs, which ended up being difficult to read from the street. He indicated that he worked closely with City staff to determine the size and location of signs, and developed signs standards based on those discussions. Mr. Cope noted that there was never a condition in the standards that required sign letters to be white. Instead, the standards only described the permissible colors of the sign boxes and their locations on the building.

Commission members agreed that the conditions referenced in both the meeting minutes and confirmation letter would need to be considered the final version of the sign standards, as those documents were the only record of the Planning Commission's actions and final decision. As a result, the building owners will need to go through the site plan review process to revise the building's sign standards, and present the new standards to the Commission for approval.

Discussion of Proposed Zoning Regulation Changes

Mr. Brewster stated that landscape standards, sign standards, and renewable energy standards had each been reviewed by the Commission at recent meetings. For this meeting, two additional documents were presented for the first time: revised site plan criteria and a revised approach to use and districts. Mr. Brewster added that the proposal will continue to use both special use permits and conditional use permits. In general, conditional use permits are less rigorous and are for routine items. Special use permits are analogous to re-zoning, and require more consideration by the Planning Commission. A table was included in the packet listing allowed uses for both types of permits.

Mr. Lenahan stated that he had questions and comments on each document, so Commission members agreed to review each of them individually. Mr. Lenahan asked if it was necessary for the Alternative Energy Systems ordinance to require a site plan for all wind turbines. Mr. Brewster stated that small turbines that sit on a roof probably wouldn't need a site plan. Mr. Lenahan asked whether ground-based turbines had size restrictions and would need a site plan or special use permit in a residential neighborhood. Mr. Breneman added that the language did not address turbines that rotate vertically rather than horizontally, which should be considered as well. Mr. Valentino asked if there were any standards regarding flagpoles. Mr. Brewster stated that flagpoles would fall under "accessory structure" regulations. Mr. Birkel asked if there was a decibel level limit for windmills, and Mr. Brewster stated that a limit of 55 dB was referenced in the standards.

Mr. Lenahan said the landscape specifications described in section 19.47.030, A1a, speak to having six feet of landscape area between a sidewalk and curb to place a tree, which seemed like a small amount. Furthermore, section A1b states that only four feet of landscape area are required on streets where no sidewalk exists. Mr. Brewster indicated that the landscape architect preferred eight feet of landscape, but six feet was chosen to allow for more trees to be planted.

Mr. Breneman noted that 19.47.030, A2 says foundation plantings are allowed within 20 feet of a building, which he felt was too great a distance. Mr. Brewster stated the goal was to find a distance that allowed plantings that accent the building, such as ornamental trees, which building owners may not want to be too close to the structure. Shrubbery would be an example of something that would sit closer to the foundation. Mr. Breneman also asked about section A3b, in reference to the size of parking lot perimeters. Mr. Brewster stated that the square footage recommendations for parking lot islands would give more flexibility for parking. He added that parking lots under 80 spaces did not need islands.

In the Sign Standard ordinance, Mr. Lenahan asked what was meant in Section 19.48.080, A, which indicated that natural construction materials must be used for frames. Mr. Brewster stated that the guidelines were written in an effort to get away from back-lit acrylic boxes. Mr. Valentino suggested Section A should be simplified, and Mr. Breneman recommended eliminating the second and third sentences of the paragraph, which was supported by the group. Mr. Breneman added that Section 19.48.100, A, bullets 1 and 3 refer to the area and shape of signs. Mr. Birkel asked if it would be easier to use the word "rectangle" instead of "standard geometrical shapes" to determine area. The group agreed to the change.

Mrs. Robichaud said that the updated regulations would be taken to the City Council for review, which would be followed by a public hearing and final consideration by the Planning Commission and City Council at a later date.

NEXT MEETING

Adam Geffert stated that four applications had been received for the June meeting:

- BZA2019-01 - Variance from front setback requirements and building line modification for carport at 7737 Chadwick Street
- PC2019-107 - Site plan application for retaining wall at 2918 W. 73rd Terrace
- PC2019-111 - Site plan review for sign standards at 9001 Roe Avenue
- PC2019-112 - Site plan application for eight-foot fence at 9030 Rosewood Drive

ADJOURNMENT

With no further business to come before the Commission, Chair Nancy Wallerstein adjourned the meeting at 9:45 p.m.

Nancy Wallerstein
Chair

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, AICP, Gould Evans, Planning Consultant
DATE: June 4, 2019 Planning Commission Meeting

Application: PC 2019-107

Request: Site Plan for a Retaining Wall with an Exception to the 2-foot Setback

Property Address: 2918 W. 73rd Terrace

Applicant: Anna Backman

Current Zoning and Land Use: R-1B Single-Family District - Single-Family Dwelling

Surrounding Zoning and Land Use: **North:** R-1B Single-Family District – Single Family Dwellings
East: R-1B Single-Family District - Single-Family Dwellings
South: R-1B Single-Family District – Single-Family Dwellings
West: R-1B Single-Family District - Single-Family Dwellings

Legal Description: PRAIRIE HILLS LOT 37, BLK 8 PVC-0576 0311

Property Area: 8,609 sq. ft. or .2 acres

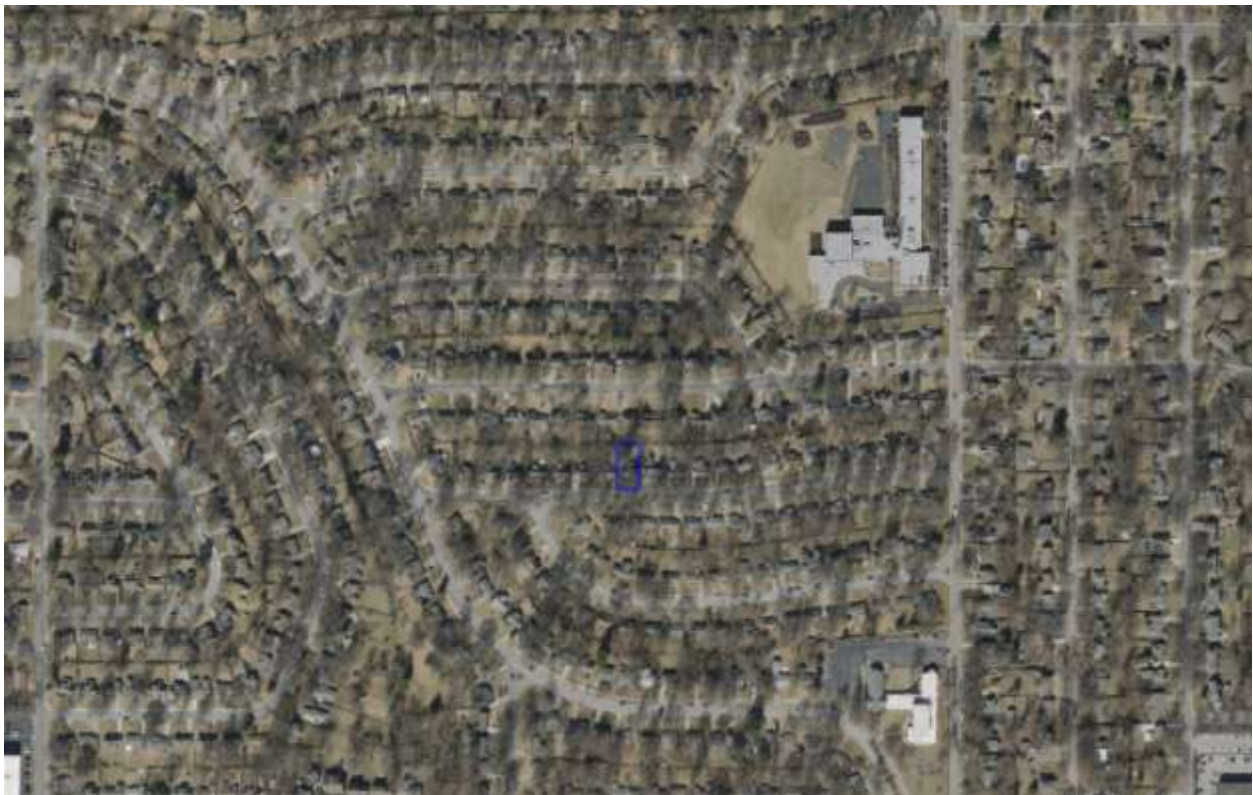
Related Case Files: none

Attachments: Application, Survey, Neighborhood Meeting Minutes, Drainage Plan and Permits, Photos

General Location – Map



General Location – Aerial



Site – Aerial



Street View *(lot and property line prior to project)*



Street View (looking east on W. 73rd Terrace, subject property background left)



Birdseye View

The applicant constructed a retaining wall associated with a driveway paving project, but the contractor did not get a permit. A public works right-of-way coordinator noticed the project due to potential drainage concerns, and notified Codes Enforcement. In addition, Codes Enforcement reviewed the situation and discovered that the retaining wall is less than the required 2 feet from the property to the west.

This property is zoned R-1B. The retaining wall standards in section 19.44.025.D apply to this property:

D. Retaining Walls

1. Retaining walls shall be designed and constructed to support lateral loads. Applications for retaining walls exceeding four (4) feet in height, whether terraced or not, shall be accompanied by design calculations and plans sealed by a professional engineer licensed in the State of Kansas. Said plans shall be reviewed prior to the issuance of a building permit. Retaining walls shall setback a minimum of two (2) feet from side and rear property lines, and retaining walls exceeding six (6) feet in height shall be required to be setback from side and rear property lines an additional one (1) foot for each two (2) feet, or part thereof, in excess of six (6) feet in height, e.g. a ten (10) foot high retaining wall be required to set back a minimum of four (4) feet from the property line. Allowances will be made for tie backs to existing grade. Diagrams depicting the location of retaining walls on various types of situations are attached. Any exceptions or deviations from this formula shall require site plan approval by the Planning Commission.

[19.44.025.D. Prairie Village Zoning Ordinance]

Unlike fences, which can be placed directly on the property line, this section addresses the unique combination of grading, property maintenance, and massing that is associated with constructing retaining walls. This section also allows the Planning Commission to approve different arrangement on a site-by-site basis through site plan review processes, "provided that it results in a project that is more compatible, provides better screening, provides better storm drainage management, or provides a more appropriate utilization of the site." [19.44.025.G.1.]

The following are the Site Plan review criteria from Section 19.32.

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

This site is capable of meeting all requirements for residential property, and the retaining wall was built in association with a widening of the driveway and a parking pad along this property boundary. The configuration in relation to adjacent property is typical and generally meets all zoning standards other than the location of the retaining wall that begins about 5 feet in from the property line and continues on the west edge of the property.

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

This site is currently served by utilities and no utility issues are impacted by this application.

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

The applicant submitted a drainage plan dated March 26, 2019, and a drainage permit was subsequently approved by Public Works. Public Works did require a capstone to keep water from flowing over the top of the wall from the driveway, and directing the water towards 73rd Street. A drain line was added to the north end of the driveway, running water on the west edge away from the property to the west.

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

This site meets all requirements for residential property and the retaining wall was built in association with a widening of the driveway and a parking pad along this property boundary.

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

The intent of the location standards for retaining walls is to balance grading and drainage issues, maintenance issues, and massing. It requires walls to be setback at least 2 feet to provide a strip of land on the subject property in front of any walls, and that setback is to be larger the larger the wall is. However, different arrangements can be approved by the planning commission. The retaining wall was built by a contractor who did not get a permit, and it was located 0.95 to 0.99 feet from the property line, or approximately 1 foot beyond the required setback. In this case, the wall location does not present any issues from a planning or development perspective; it supports an expanded parking area to the left of the existing garage and helps with the subtle transition of the grade from lot to lot along the block.

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

Other than as noted above in E., the wall otherwise complies with all design standards and is compatible for the area. The issues with the wall exist only concerning its relation to the platted property boundaries, which does not affect any issues with regard to appearance, streetscape or the character of the neighborhood.

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

N/A

RECOMMENDATION:

Without the benefit of any testimony from the applicant or any adjacent owners, planning staff recommends that the site plan be approved and the retaining wall be allowed to remain where it was constructed, subject to the following conditions:

1. The approval is subject to maintaining all conditions of approval of the drainage permit from Public Works that protect the property to the west from any adverse drainage impacts.
2. If approved, the applicant shall record site plan and approved exception with Johnson County Records and Tax Administration.



CITY OF PRAIRIE VILLAGE

The Star of Kansas

Planning Commission Application

For Office Use Only
Case No.:
Filing Fee: 100.00
Deposit:
Date Advertised:
Date Notices Sent:
Public Hearing Date:

Please complete this form and return with Information requested to:

Assistant City Administrator
City of Prairie Village
7700 Mission Rd.
Prairie Village, KS 66208

Applicant: Anna Backman Phone Number: 504 234 0874
 Address: 2918 W. 73rd Terr E-Mail: anna.backman@healthcare.com
 Owner: Anna Backman Phone Number: 504 234 0874
 Address: 2918 W 73rd Terr PV KS Zip: 66208
 Location of Property: Same
 Legal Description: Lot 37, Block 8, Prairie Hills, a subdivision in PV,
Joh
 Applicant requests consideration of the following: (Describe proposal/request in detail) 19.44.025 D.1. Retaining Wall
Current wall is closer than 2 feet to the Property Line.

AGREEMENT TO PAY EXPENSES

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for P.C. site plan approval 19.44.025 D.

As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

APPLICANT hereby agrees to be responsible for and to CITY for all cost incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to APPLICANT. It is understood that no requests granted by CITY or any of its commissions will be effective until all costs have been paid. Costs will be owing whether or not APPLICANT obtains the relief requested in the application.

[Signature]
Applicant's Signature/Date

[Signature]
Owner's Signature/Date



DRAINAGE PERMIT

PUBLIC WORKS DEPARTMENT

3535 Somerset Drive

Prairie Village, KS 66208

Phone: (913)385-4647 – Fax: (913)642-0117

Email: publicworks@pvkansas.com

PROPERTY ADDRESS 2918 W. 13 Terr

DESCRIPTION OF WORK Drainage - driveway retaining wall

COMPANY Homeowner

COMPANY ADDRESS same

*PERMIT CONTACT Anna Backman

TELEPHONE # 11 E-MAIL 11

*CONSTRUCTION SUPERINENDENT CONTACT

TELEPHONE 620-291-1806 E-MAIL anna.backman@heahealthcare.com

PROPERTY OWNER Anna Backman TELEPHONE # 504 234-0874

ATTACH ONE COPY OF SITE PLAN (see attachment for plan requirements)

Provided the following items:

__ Roof square footage of proposed building (SQ FT)

__ Square footage of new driveway (490 SQ FT)

__ Existing lot impervious area percentage (% Impervious)

__ Proposed lot impervious area percentage (% Impervious)

I have read or have knowledge of the provisions of Chapter XIV, permit requirements, and Public Works Standard Details as it pertains to stormwater.

[Signature]
Applicant

3/27/19
Date

- NOTE:**
1. Changes may be made to the erosion control at any time during construction per City inspections. (City inspections occur every 2 weeks and after a rain event greater than 0.5 inches)
 2. Downspouts locations shall not negatively impact neighboring properties (during and post construction conditions).

DRAINAGE PERMIT IS GRANTED FOR THE ABOVE LOCATION WITH THE FOLLOWING PROVISIONS:

PERMIT NO. PW20190162

DATE WORK ACCEPTED _____

APPLICATION NO. 19616

FINAL APPROVED COPY SENT TO BUILDING OFFICIAL _____

DATE ISSUED 3/28/19

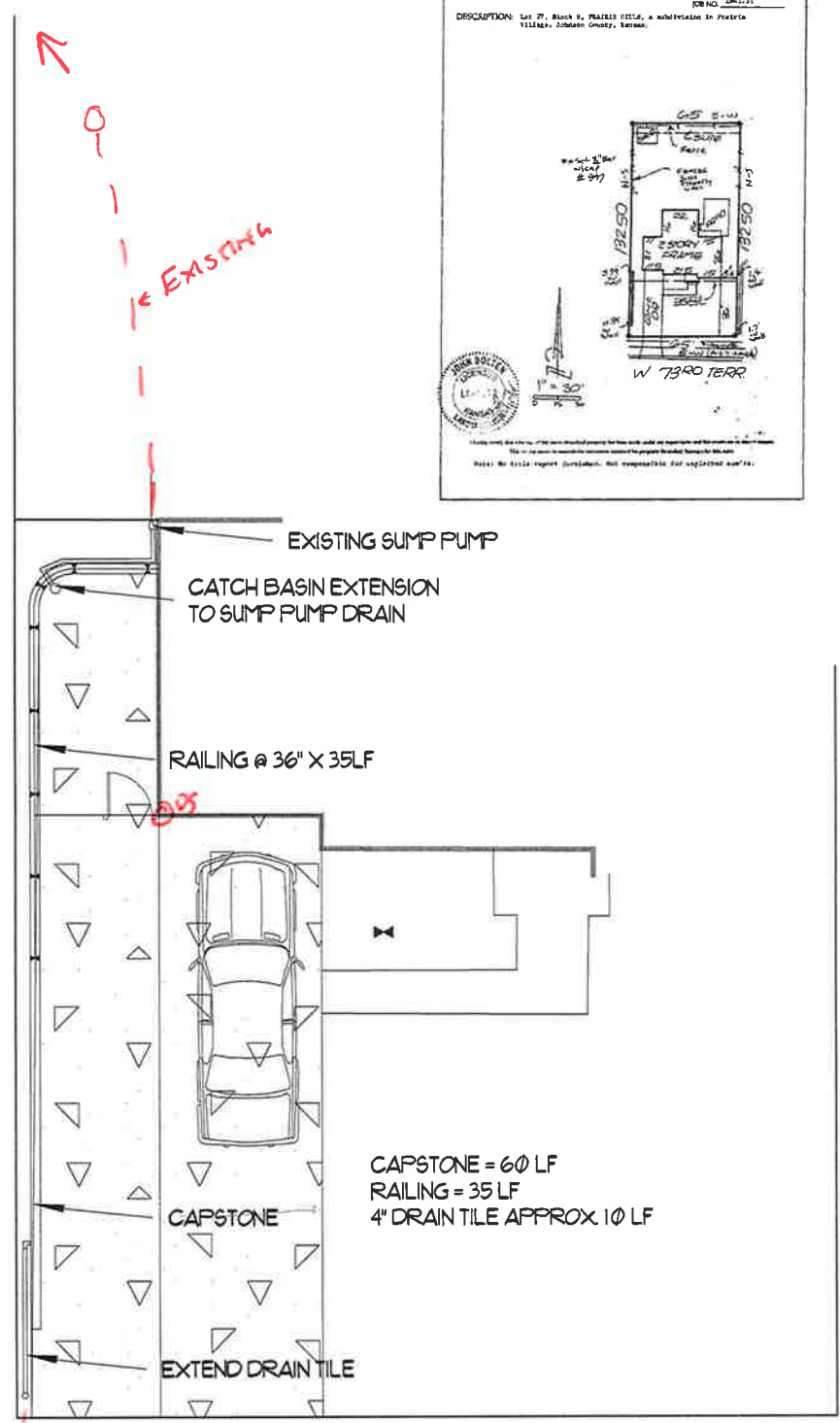
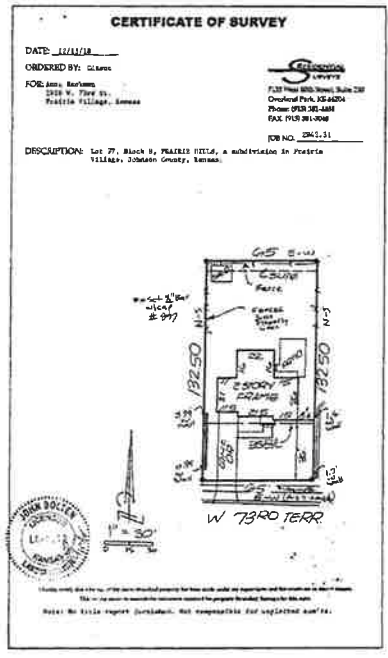
[Signature]

FEE 70-pdcc

Director of Public Works or Authorized Agent

*Contact will receive e-mails or calls with questions during permit review. Please plan accordingly.

Lucy



* IF OUTLET CAUSES ICE ON SIDEWALK
CONNECT GUTTER BACK TO NW GUTTER PIPE.

Landscape Design by:

Date: 3/26/2019

Landscape Plan:
Drainage / Drive plan
Bachman / Curchin Residence

Scale: 1/8" = 1'

Revision #:



CERTIFICATE OF SURVEY

DATE: 12/13/18

ORDERED BY: Client

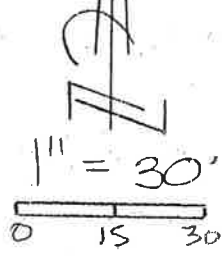
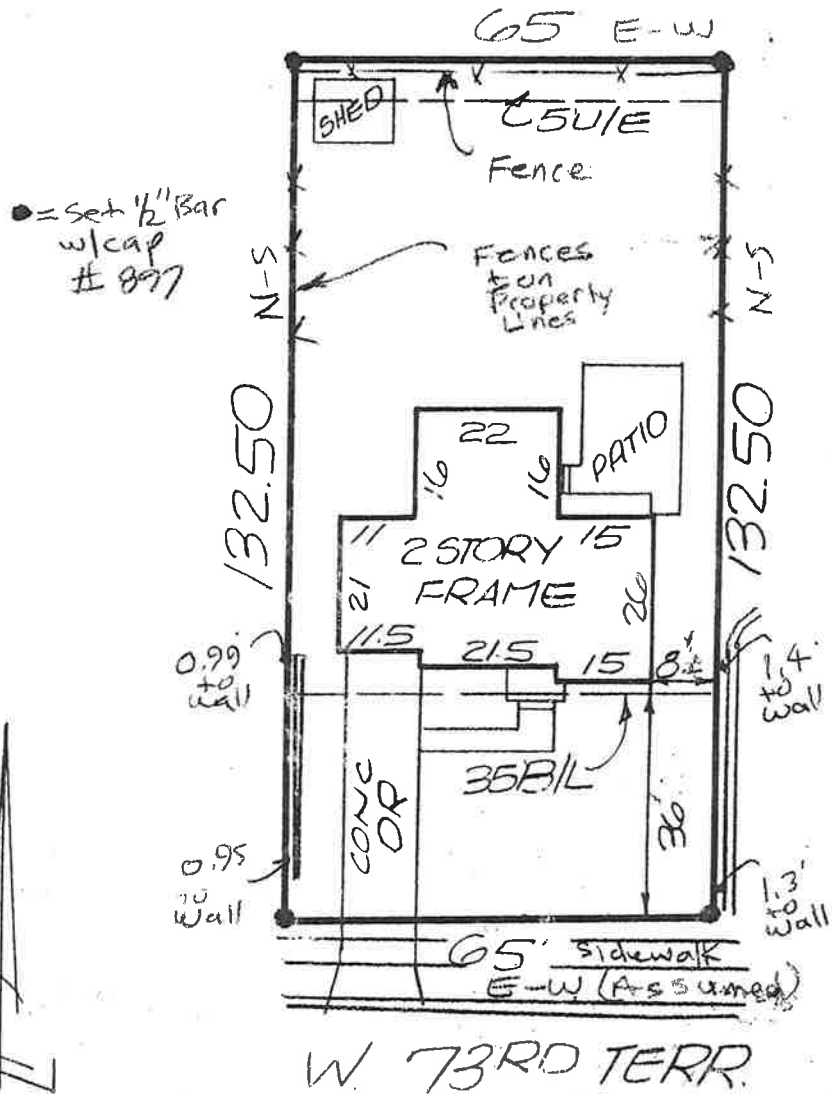
FOR: Anna Backman
 2918 W. 73rd St. Terr
 Prairie Village, Kansas



7133 West 80th Street, Suite 210
 Overland Park, KS 66204
 Phone: (913) 381-4488
 FAX: (913) 381-3048

JOB NO. 2942.31

DESCRIPTION: Lot 37, Block 8, PRAIRIE HILLS, a subdivision in Prairie Village, Johnson County, Kansas.



I hereby certify that a Survey of the above described property has been made under my supervision and the results are as shown hereon.

This survey meets or exceeds the minimum standard for property Boundary Surveys for this state.

Note: No title report furnished. Not responsible for unplatted esm'ts.

Meeting Minutes

Location: 2918 West 73rd Terrace, Prairie Village Kansas

Date: Thursday, April 25, 2019

Start Time: 6:00 PM

Adjourned: 6:21PM

Attendees:

Anna Backman (owner) – 2918 West 73rd Terrace

Jessica Willemsen – 2906 West 73rd Terrace

Mary Snyder – 3000 West 74th Street

Sigmund Popper – 3000 West 74th Street

Debbie & Craig Babb – 2914 West 73rd Terrace

Erin Sherman – 3003 West 73rd Terrace

Summary:

Anna Backman led the meeting and reviewed the application with the City of Prairie Village.

There were no objections to the driveway placement and/or retaining wall. Several attendees commented that they liked the new drive way and that it was an enhancement to the previous driveway.

NOTE: All neighbors within 200 feet of the property were invited and every attendee was given an opportunity to voice any concerns



3003 W 73rd Terrace
Prairie Village, KS 64077
Google Inc.
Sat, Sep 20, 2014





10/31/2018 16:03

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: June 4, 2019, Planning Commission Meeting

Application: PC 2019-111

Request: Approval of Sign Standards

Property Address: 9001 Roe Avenue (90th & Roe Building, southeast corner)

Applicant: Andrew Cope, AREA Management Corp.

Current Zoning and Land Use: C-2 General Business District – Multitenant Commercial Building

Surrounding Zoning and Land Use: **North:** RP-1A Planned Single-Family Residential – Single-Family Condominium Project
East: C-2 General Business District – Multi-tenant Commercial Building
South: C-1 Limited Business District – Fire Station
West: R-1A Single-Family Residential – Single-Family Dwellings

Legal Description: SOMERSET ACRES WEST LOT 1 EX W 10 FT BLK 7 PVC-07140042

Property Area: 0.73 Acres (31,673.47 s.f.)

Related Case Files: PC98-102 Sign Plan, May 1998

Attachments: Application, Sign Standards

General Location Map



Aerial Map





Street View – Looking southeast from 90th and Roe



Street View – Looking east from Roe



Birdseye View

SUMMARY:

The applicant is requesting approval of sign standards for a multitenant office building. The building previously had sign standards approved by the Planning Commission in May, 1998. It was recently discovered that two signs were installed without a sign permit – one on the north elevation (Invisalign Sign) and one on the east elevation (Front Door Fitness Sign). After investigating and researching city files, staff issued a notice of violation that the signs were not in compliance with the Sign Standards approved in 1998. The 1998 Sign Standards (attached) show a black and white representation of the signs, and do not specify a color, but the minutes of the May 1998 meeting have the following conditions of approval:

- 1) The signage be contained within the reveal lines as shown on the plan, that each sign on the north side not exceed 28.9 square feet and that each sign on the west elevation not exceed 30.6 square feet.
- 2) That the letters be white with the cabinets being dark bronze, black, charcoal gray, dark green or a similar color that contrasts with but complements the color of the building as approved by City staff;
- 3) That, if a tenant has a logo that does not fit within the cabinets, the applicant will submit the proposed signage to the Planning Commission for approval.

The owner of the building disputed these conditions and the minutes as a mis-characterization of what was approved in the May 1998 meeting, and disputed staff's interpretation of the sign standards applicable to this property. The Planning Commission reviewed and considered the applicant's position at the May 7, 2019 meeting and agreed with staff's interpretation, and that the two signs installed without a permit do not conform with the sign standards applicable to the property. Therefore, to install different sign designs not meeting the applicable standards, the property would need new sign standards approved in the manner allowed by the City's sign ordinance.

The applicant has proposed a new set of sign standards which are attached for the Planning Commission's review.

ANALYSIS OF PROPOSED SIGN STANDARDS:

The City's sign regulations currently provide the following applicable to this property:

"In the case of an office park, shopping or multi-tenant building (new or remodeled), the developer or owner shall prepare and submit to the planning commission a set of sign standards for all permanent exterior signs." [19.48.25.J. Regulations Applicable to Districts C-O, C-1, C-2 and C-3]

This allows applicants to propose sign designs and plans for eligible (multi-tenant) properties.

For reference to the proposed sign standards for this site, the following are the sign allowances **generally** permitted for all other C-2 buildings and sites:

- Sign Area - Wall sign – 1 per façade, up to 5% of total area or 50 s.f. - whichever is greater. [19.48.25.B.]
- Aesthetic Considerations – All permanent signs shall be well constructed of permanent materials and shall be constructed with similar materials as used in other buildings on the site. [19.48.015.C.]
- Types of Lettering and General Design Allowed.
 1. The lettering and general design of all signs or signage shall be simple and straightforward. "General design" shall include the background panel, case or cabinet upon which the sign text is located.
 2. Exceptions to the above restrictions are all internationally recognized health and safety symbols. Other exceptions are medical, religious, and fraternal organization identifications and governmental seals and logos.
 3. Logos may be incorporated into a sign and will be subject to all regulations governing signs and be included within the square footage allotments.
 4. All existing signs affected by the above restrictions shall conform to these restrictions whenever the existing signs are modified, altered, moved or replaced.
- Multi Tenant Buildings – allowances according to sign plans and standards approved by the Planning Commission with the purpose of creating a uniform signage design throughout the development. Plans shall include location, placement, materials, graphic design styles, type of illumination, etc." [19.48.015.J] (See previous comments for current standards applicable to this site under this section of the sign ordinance).

New proposed sign standards for the property have been submitted according to 19.48.015.J, and include the following:

- The sign cabinets shall be black, internally illuminated and affixed to the building. The sign faces shall be translucent vinyl or acrylic with copy, letter style, graphics and color approved by the building owner or its designees.
- Sign quantities and sizes are included for the north, west, and south elevations – all of which are within the generally applicable wall sign area allowance above (and quantities allowed per multi-tenant provisions).
- Window and door graphics are proposed subject to copy, letter style, graphics and color to be approved by the building owner or its designee. This is consistent with generally applicable window and door graphics standards, with the exception that these are limited to no more than 20% of the window and door area [19.48.25.L.2.]
- Monument sign standards propose a sign for the corner of 90th and Roe up to 20 square feet and no taller than 5 feet high. However, a specific location, design of base and casing materials, and landscape plan around the monument sign is not included. Therefore, any future monument sign would need to be subject to specific plans approved by the Planning Commission, meeting the size limits in the proposed sign standards, but also showing the specific location, base materials, landscape and other specifications as required by Section 19.48.015.M.

- Tenant Requirements – these standards are primarily administrative, assuring that tenants and their contractors obtain approvals from the owner and permits from the city prior to new signs, but do not include any substantive design standards.

RECOMMENDATION:

The proposed sign standards provide consistency for the building in terms of shape, size, material, location and cabinets around the signs. They present the building owner and tenants discretion in terms of the panel color, letter color, and fonts on the signs. The current signs on the building are a mix of charcoal with white lettering and blue accents; white with dark lettering; and white with orange lettering, and are illustrative of the degree of flexibility in design from the proposed standards.

If the Planning Commission approves the proposed standards to replace the existing sign standards applicable to this property, staff recommends the following conditions:

1. That permits be applied for and issued, subject to the new standards, for all signs installed without a sign permit.
2. That any window or door graphics are subject to the general city-wide standard of no more than 20% of the window or door area.
3. That any future monument sign is subject to approval by the Planning Commission as required by 19.48.015.M, for review of the specific location, the base and frame materials, and landscape plan, as well as the size standards included in the applicants proposed standards.



CITY OF PRAIRIE VILLAGE

The Star of Kansas

APP # 0020037
000148

Planning Commission Application

For Office Use Only	
Case No.:	PC2019-111
Filing Fee:	100.00
Deposit:	500.00
Date Advertised:	
Date Notices Sent:	
Public Hearing Date:	

Please complete this form and return with Information requested to:

Assistant City Administrator
City of Prairie Village
7700 Mission Rd.
Prairie Village, KS 66208

Applicant: Andy Cope Phone Number: 913-648-7700

Address: 9001 Roe P.V. KS 66207 E-Mail andy@jocoland.com

Owner: Legacy, LLC Phone Number: 913-648-7700

Address: 9001 Roe P.V. KS 66207 Zip: 66207

Location of Property: Southeast Corner of 90th and Roe, P.V. KS

Legal Description: Somerset Acres West Lot 1 EX W10ft BKT PVC-0714 0042

Applicant requests consideration of the following: (Describe proposal/request in detail)

Approval of revised sign standards

AGREEMENT TO PAY EXPENSES

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for revising the sign standards for the building described above. As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

APPLICANT hereby agrees to be responsible for and to CITY for all cost incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to APPLICANT. It is understood that no requests granted by CITY or any of its commissions will be effective until all costs have been paid. Costs will be owing whether or not APPLICANT obtains the relief requested in the application.

[Signature] 5/9/19
Applicant's Signature/Date

[Signature] 5/9/19
Owner's Signature/Date
Legacy, LLC
Andrew M. Cope, President
Area Management Corp., Manager

SIGN POLICY

90th and Roe Building in Prairie Village, Kansas
(Located on the Southeast Corner)

Overview

The purpose of this sign policy is to provide exterior building signage guidelines designed to ensure a tasteful appearance while visually supporting the tenants within the building.

Signage on the Building

The sign cabinets shall be black, internally illuminated and affixed to the building. The sign faces shall be translucent vinyl or acrylic with copy, letter style, graphics and color to be approved by the building owner or its designee.

1. **North Elevation** – There are two sign cabinets installed on the North side of the building. All sign faces must fit within the existing cabinets (2'6" x 13'0").
2. **West Elevation** – There are three sign cabinets installed on the West side of the building. All sign faces must fit within the existing cabinets (2'6" x 13'0").
3. **South Elevation** – There is one sign cabinet that is approved for the South side of the building. This sign shall not exceed 50 square feet. Until it is installed, signage is not allowed. Once installed, any sign face must fit within the sign cabinet.

Window and Door Graphics

Vinyl graphics are permitted on the windows and doors with copy, letter style, graphics and color to be approved by the building owner or its designee. Typical uses include address numerals, logos, name of business and/or providers, services offered, hours of operation and phone numbers. Additional accents and/or graphics may be approved on a case by case basis.

Monument Sign

There is one monument sign that is approved for the corner of 90th & Roe Avenue. The sign may be single faced or double faced, illuminated or non-illuminated and may not exceed twenty square feet or be taller than five feet. It may identify the building by name and/or address, but shall not refer to individual tenants.

Tenant Requirements

The tenant shall obtain approval for proposed signage from the building owner or its designee prior to applying for a permit at the City of Prairie Village (the "City").

The tenant shall be responsible for obtaining and complying with all applicable laws, rules, regulations, codes and/or ordinances of the City.

The sign contractor shall be approved by the building owner or its designee prior to entering into a contract.

The tenant and/or its sign contractor shall obtain all necessary permits from the City.

The tenant and/or its sign contractor shall be responsible for any access panels that are required for the installation and/or maintenance for the signage, unless specifically stated otherwise in the signed lease.

The tenant and/or its sign contractor shall provide the building owner or its designee an approved sign permit from the City before installation of the new signage.

The tenant and/or its sign contractor shall coordinate with the building owner or its designee, a mutually agreed upon time for installation.



PLANNING COMMISSION

Planning Commission Meeting Date: May 7, 2019

Interpretation Issue: Sign Standards at 90th and Roe

BACKGROUND:

It was recently discovered that there are two signs at the shops at 90th and Roe that were installed without a sign permit. One is the Front Door Fitness sign on the west side of the building and one is the Invisalign sign on the north side of the building. Staff issued a notice of violation to the tenants at these properties, informing them that their signs were not in compliance with the sign standards for the building and that they needed to apply for a sign permit and come into compliance, or submit revised sign standards to the Planning Commission for consideration.

The current sign standards for the building were approved by the Planning Commission in 1998 and are attached for the Planning Commission's review. The submitted sign standards do not specifically require a dark background and white lettering; however, the minutes from the meeting indicate that there were several conditions the Planning Commission attached to the sign standards. These conditions were as follows:

- 1) The signage be contained within the reveal lines as shown on the plan, that each sign on the north side not exceed 28.8 square feet and that each sign on the west side not exceed 30.6 square feet
- 2) That the letters be white with the cabinets being a dark bronze, black, charcoal gray, dark green, or a similar color that contrasts with but compliments the color of the building as approved by City staff;
- 3) That, if a tenant has a logo that does not fit within the cabinets, the applicant will submit the proposed signage to the Planning Commission for approval.

At the time of approval, the owner of the building was provided a confirmation letter from former City Clerk Joyce Hagen Mundy that outlined these requirements. It also reminded the owner that any change in signs would require a permit from the City and that the new signage must conform to these new sign standards. This letter is attached for the Planning Commission's review.

The current signs that are not in compliance have white backgrounds – one has black lettering and a logo and the other has orange lettering and a logo. It is staff's opinion that these signs do not comply with the sign standards that the Planning Commission approved in 1998. All other signs on the building have black backgrounds with white lettering and are consistent across the building.

Andy Cope, the owner of the building, has informed us that he believes the minutes from the meeting are incorrect and that white lettering was not required. Due to this misunderstanding, we told him that we would bring these documents to the Planning Commission for review and to determine if the current signs meet the sign standards or if the owner needs to bring back revised sign standards to the Planning Commission for review at a future meeting date. Mr. Cope is planning to be present at the meeting to address the Planning Commission and answer questions.

ACTION NEEDED:

Provide direction to staff as to whether the Front Door Fitness and Invisalign signs are in compliance with the current sign standards at 90th and Roe and can proceed with applying for sign permits; or if the owner needs to submit revised sign standards to be considered by the Planning Commission at a future meeting date.

PREPARED BY:

Jamie Robichaud
Deputy City Administrator
May 3, 2019



THE CITY OF PRAIRIE VILLAGE *Star of Kansas*

May 8, 1998

Mr. Andy Cope
9001 Roe Avenue
Prairie Village, KS 66207

Dear Mr. Cope:

RE: PC Application 98-102

This letter will confirm the actions of the Prairie Village Planning Commission on Tuesday, May 5, 1998. The Commission approved your proposed sign standards for the shops located at 90th & Roe with the following stipulations: 1) That the signage be contained within the reveal lines as shown on the plan, that each sign on the north side not exceed 28.8 square feet and that each sign on the west side not exceed 30.6 square feet; 2) That the letters be white with the cabinets being a dark bronze, black, charcoal gray, dark green or a similar color that contrasts with but compliments the color of the building as approved by City staff; and 3) That, if a tenant has a logo that does not fit within the cabinets, the applicant will submit the proposed signage to the Planning Commission for approval.

Your approved sign standards will be forwarded to the Building Department. Prior to any change in signs and permit will need to be obtained from the City and the new signage must conform with the revised sign standards.

If you have any questions, please contact me at 385-4616.

Sincerely,

A handwritten signature in cursive script that reads "Joyce Hagen Mundy".

Joyce Hagen Mundy
Planning Commission Secretary

cc: Rich Sternadori

EXCERPT FROM PC MINUTES: May 5, 1998

OLD BUSINESS

PC98-102 Sign Standard Approval 90th & Roe Applicant: Andy Cope

Andy Cope, 9001 Roe Avenue, the owner of the property stated the problems that exist with the current signage for this shopping area. The existing signage is aesthetically designed, but blends with the building to the degree that it is not very readable from the street. The current signage of individual lettering does not allow for the signs to be changed when there is a change in tenants.

The proposed signage is a totally different concept and is in proportion with the building with the signage being centered directly over the three prominent arches of the building. The signs will be placed in standardized sign cabinets of a contrasting color to the building. The cabinet size is 2' 6" x 13'. The current sign letters are bronze and the color of the proposed cabinets will be dark bronze, charcoal gray, black, dark green or a similar color that contrasts but compliments the color of the building. The letter heights would be 5" and 10". The signs would be internally illuminated single faced wall signs. The copy, letterstyle and color to be approved by the owner.

The north facade of the building is 1,151 square feet in area and staying within the allowed 5% would permit 57.6 square feet of signage. The west facade of the building is 1,834 square feet in area and 5% would permit 91.7 square feet of signage.

Ken Vaughn confirmed that there would only be one sign per tenant. Judy Stanton confirmed that there would be no additional signage between the large wall mounted signs over the arches as there is currently.

Ron Williamson explained that the current individual letters are 8" deep and their depth causes them to blend into the building both during the day and in the evening. The proposed signage has all the lettering contained within the cabinet that is enclosed on all sides and mounted flush to the building. Mr. Williamson noted that the overall cabinets will be slightly smaller than that shown on the plans in order to stay within the City's regulations. The sign standards include the option of a monument sign; however, none is proposed at this time. If proposed later, it would come before the Commission for approval.

Charles Clark asked if it would be possible to see color samples of the lettering noting that the proposal is vague as to what color will be used. Mr. Cope responded that the lettering will be of a dark contrasting color probably a bronze similar to what currently exists; however, it has not been finalized yet. He requested that the application be approved subject to the approval of the color of the lettering by staff.

Ken Vaughn moved the Planning Commission approve application PC98-102, the sign standards for the shopping center at 90th & Roe subject to the following conditions:

1) That the signage be contained within the reveal lines as shown on the plan, that each sign on the north side not exceed 28.8 square feet and that each sign on the west side not exceed 30.6 square feet; 2) That the letters be white with the cabinets being a dark bronze, black, charcoal gray, dark green or a similar color that contrasts with but compliments the color of the building as approved by City staff; and 3) That, if a tenant has a logo that does not fit within the cabinets, the applicant will submit the proposed signage to the Planning Commission for approval. The motion was seconded by Mark Muller and passed unanimously.

Update on “Temporary For Sale/For Lease” signs

Mr. Williamson reported that he had not been able to meet with representatives of Kessinger Hunter regarding possible changes to the ordinance. He will have a draft of a new ordinance for consideration by the Commission at the next meeting. In drafting the ordinance he will get input from the City Prosecutor.

The Commission reviewed pictures of different “for sale/for lease” signs currently displayed within the City. After review of the ordinance, the Commission will authorize a public hearing on the proposed ordinance for the July meeting. It was recommended that Real Estate representative and leasing agents, etc. be invited to attend that hearing.

SIGN CABINET SIZE = 2' - 6" x 13' - 0"
LETTER HEIGHTS = 5" & 10"

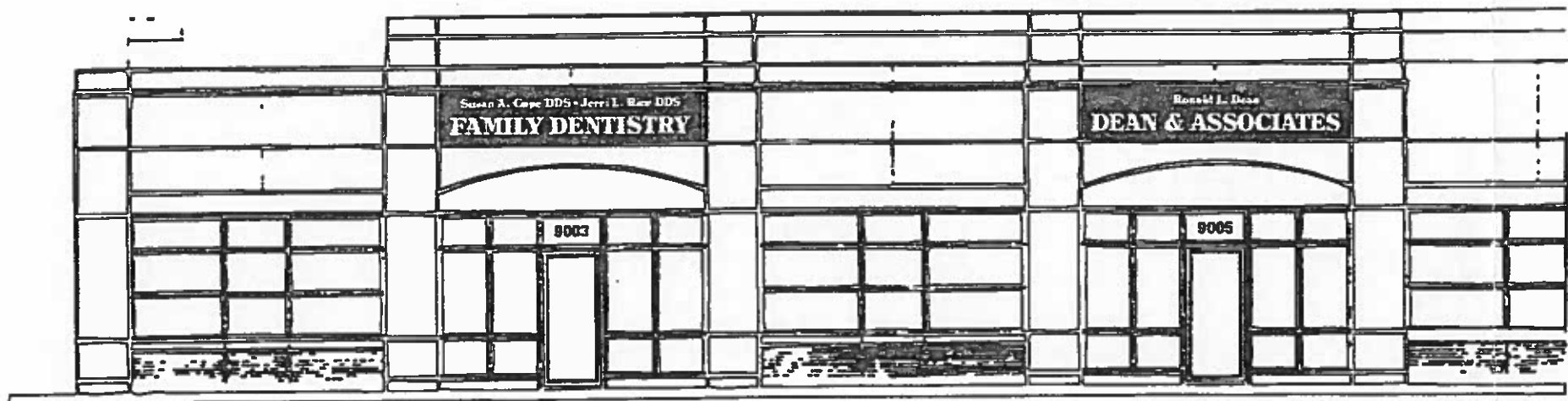


WEST ELEVATION


DESIGN NO. JR-02785 (Revise 4)	DATE 04.22.98
SCALE 1/8" = 1' - 0"	ARTIST PKOCH
CUSTOMER 90TH & ROE BUILDING	
PRAIRIE VILLAGE, KANSAS	
NOTE: THIS DESIGN IS ONLY A REPRESENTATION OF A FINISHED PRODUCT. COLORS ARE APPROXIMATIONS AND ANY SPECIFICATIONS ARE SUBJECT TO VERIFICATION.	
APPROVED	DATE
THIS DESIGN IS THE PROPERTY OF SIGN SYSTEMS. RIGHTS ARE TRANSFERRED TO THE CUSTOMER UPON COMPLETION OF AN ORDER. THIS DESIGN IS NOT TO BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF SIGN SYSTEMS.	
 A LUMINOUS NEON COMPANY	

SIGN CABINET SIZE = 2' - 6" x 13' - 0"
LETTER HEIGHTS = 5" & 10"

SIGN CABINET SIZE = 2' - 6" x 13' - 0"
LETTER HEIGHTS = 5" & 10"

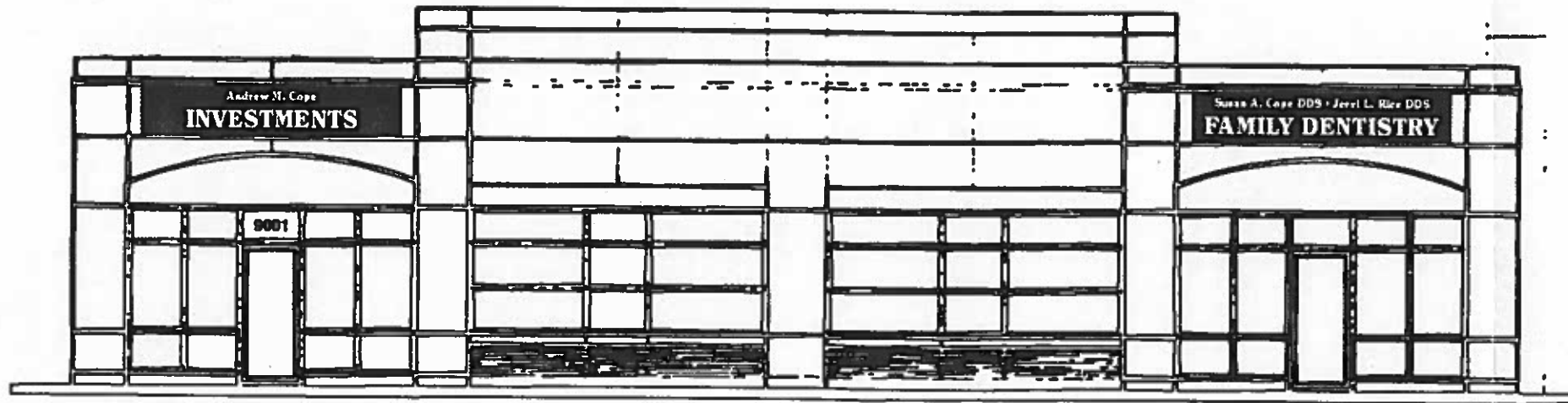


WEST ELEVATION

DESIGN NO. JR-02745 (Revise 6)	DATE 04.22.98
SCALE 1/8" = 1' - 0"	ARTIST MKOCH
CUSTOMER 90TH & ROE BUILDING	
PRAIRIE VILLAGE, KANSAS	
NOTE: THIS DESIGN IS ONLY A REPRESENTATION OF A FINISHED PRODUCT. COLORS ARE APPROXIMATIONS AND ANY SPECIFICATIONS ARE SUBJECT TO VERIFICATION.	
APPROVED	DATE
THIS DESIGN IS THE PROPERTY OF SIGN SYSTEMS. RIGHTS ARE TRANSFERRED TO THE CUSTOMER UPON COMPLETION OF AN ORDER. THIS DESIGN IS NOT TO BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF SIGN SYSTEMS.	
 SIGN SYSTEMS A LUMINOUS NEON COMPANY	

SIGN CABINET SIZE = 2' - 6" x 13' - 0"
 LETTER HEIGHTS = 5" & 10"

SIGN CABINET SIZE = 2' - 6" x 13' - 0"
 LETTER HEIGHTS = 5" & 10"



NORTH ELEVATION

DESIGN NO. JR-02744 (Revise 5)	DATE 04.22.98
SCALE 1/8" = 1' - 0"	ARTIST MKOCH
CUSTOMER 90TH & ROE BUILDING	
PRAIRIE VILLAGE, KANSAS	
NOTE: THIS DESIGN IS ONLY A REPRESENTATION OF A FINISHED PRODUCT. COLORS ARE APPROXIMATIONS AND ANY SPECIFICATIONS ARE SUBJECT TO VERIFICATION.	
APPROVED	DATE
THIS DESIGN IS THE PROPERTY OF SIGN SYSTEMS. RIGHTS ARE TRANSFERRED TO THE CUSTOMER UPON COMPLETION OF AN ORDER. THIS DESIGN IS NOT TO BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF SIGN SYSTEMS.	
 SIGN SYSTEMS A LUMINOUS NEON COMPANY	

SIGN STANDARDS
Building at Southeast Corner of
90th & Roe
Prairie Village

Tenant signage to consist of internally illuminated single faced wall signs, approximately 2'6" x 13' (Not to exceed 5% of the building facade). The cabinets will be a dark contrasting color to the building and uniform in color (charcoal gray, black or dark bronze) Copy, letterstyle and color to be approved by owner. Installed on building as per drawing.

Address numerals, name of business, hours of operation, etc., to be vinyl graphics on windows or door entrance to place of business.

Owner reserved the right for a monument sign in the future. Sign to be illuminated or non illuminated, single or double faced identifying building and or address only, not individual tenants. Sign is not to exceed twenty square feet in area and five feet in height.

Owner also reserves the right for One single face wall sign, illuminated or non-illuminated, will be allowed on the south elevation. Sign not to exceed fifty square feet in area, colors and copy to be approved by owner.

Revised 5/14/98

5" & 10" letter heights

Andrew M. Cope
INVESTMENTS

Susan A. Cope DDS • Jerri L. Rice DDS
FAMILY DENTISTRY

Ronald L. Dean
DEAN & ASSOCIATES

Optical Shop • Optometry • Ophthalmology
KC EYE SPECIALISTS

2' - 6" x 13' - 0" sign cabinets

Summary Report
Sign Standards Neighborhood Meeting at 9001 Roe Avenue
Wednesday, May 15th at 5:30 p.m.

Notification

On May 9, 2019, Legacy, LLC sent a courtesy notice to the property owners located within 200' and to the Homes Associations located within 500' of 9001 Roe Avenue. The recipients were informed that an application had been filed with the City of Prairie Village for the purpose of revising the sign standards for the building and they were invited to attend an informal neighborhood meeting on Wednesday, May 15th at 5:30 p.m. at 9001 Roe Avenue. The notice also informed them that this matter will be heard by the Planning Commission on Tuesday, June 4th at 7 p.m. at City Hall in the Council Chambers.

The Meeting

On Wednesday, May 15th at 5:30 p.m. the informal neighborhood meeting was held at 9001 Roe Avenue. Andy Cope hosted the meeting on behalf of the building owner, Legacy, LLC. In attendance were:

Somerset Courts West:

Eileen Baker	4616 W. 90 th (President of the HOA at Somerset Courts West)
Elizabeth Newell	4602 W. 90 th
Mary E. Burger	4608 W. 90 th
Georgia Lang	4628 W. 90 th
Judy Kezlan	4525 W. 89 th (Stopped by on May 14 th at 3:30 p.m.)

West Riding:

Mike Ashley	4701 W. 90 th
John and Jennifer Joplin	8945 Linden Drive

Somerset Acres West:

Somerset Partners, LLC	4601 W. 90 th (John Stephenson and Tony Krsnich)
Legacy, LLC	9001 Roe Avenue (Andy Cope)

The meeting began with a brief history of the building followed by a short explanation that the existing sign standards were written to change to permanent sign boxes from the original building signage consisting of reverse channel lit letters. The reasons for the change were:

1. Inability to read while driving;
2. The cost to make changes; and
3. The damage caused to the building when making tenant changes.

It was explained that Prairie Village Codes Enforcement had communicated that the “Invisalign” and the “Front Door Fitness” signs are in violation because their lettering was not white. While the sign standards submitted by the owner to the Planning Commission on May 4th 1998 made no mention of white letters, the minutes from the May 5th 1998 Planning Commission meeting stipulated white letters. On May 7th 2019, the Planning Commission felt that with the minutes stipulating white letters, the issue could not be handled administratively and would need to be heard by the Planning Commission.

The meeting was then taken outside to look at the existing signs on the building. The black on white “Invisalign” and the orange on white “Front Door Fitness” signs were viewed and discussed. Upon moving back inside, hard copies of the proposed new sign standards were available. All attendees were positive and offered their support for colored lettering and logos being allowed instead of exclusively using white. Other than one light-hearted comment stating that as long as there weren’t flashing neon lights, any choice of signs would be acceptable. Most offered compliments regarding the overall appearance of the building and appreciated the way in which it is maintained.

Everyone was provided a business card with phone number and email address should they wish to contact me in the future. The meeting was very cordial and adjourned at 6:00 p.m.

Attached are all of the emails that were sent to me after the meeting. These confirm the support for changing building sign standard from only white letters to allowing variety of colors based upon the needs and wants of the building tenants.

Respectfully submitted,

Andy Cope, on behalf of
Legacy, LLC

Andy Cope

From: Eileen Baker
Sent: Wednesday, May 15, 2019 7:39 PM
To: andy@jocoland.com
Subject: Sign Standards City of Prairie Village

Andy, it was a pleasure meeting you at the meeting tonight. I appreciate your information about your business and the history of our neighborhood. Interesting.

I think your property at 90th and Roe is very attractive and is a nice addition to our neighborhood. I have noticed your building signs and have never found them to be anything other than easy to read and cleanly designed to fit your building.

I approve of the white sign with black letters as currently in place.
Thank you for allowing me to be part of our neighborhood growth.

Eileen Baker

4616 West 90th St.

Sent from my iPhone

Andy Cope

From: Eileen Baker
Sent: Wednesday, May 15, 2019 7:43 PM
To: andy@jocoland.com
Subject: Meeting tonight

Andy, as President of the HOA at Somerset Courts West I communicated a summary of the meeting to the Board to include your email address for comments. Hope that helps. Good luck, Eileen Baker

Sent from my iPhone

Andy Cope

Subject: Building Signage.

From: "Mike Ashley" <hawkiay@prodigy.net>
To: "andy@jocoland.com" <andy@jocoland.com>
Cc:
Sent: Thu, May 16, 2019 at 12:16 PM
Subject: Building Signage.

Hi Andy, thanks for holding the informational meeting yesterday. I learned a lot.

As you know, I live right across the street , and probably see the signs more than anyone except you. As a proponent of small business and entrepreneurship , I think there needs to be some leeway for creativity with business names, signage, etc. I think size limits could certainly be an issue, but something like "letter colors" being an issue is a reach, especially when it requires white letters. That is very stifling. Many business's incorporate color in their logo and lettering in an effort to make their business noticeable and attract customers. This is all good for Prairie Village. I feel like all the signage on your building is in good taste and should be allowed to remain.

Again, thanks for having the meeting.

Mike Ashley

Mike Ashley

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, AICP, Gould Evans, Planning Consultant
DATE: June 4, 2019 Planning Commission Meeting

Application: PC 2019-112

Request: Site Plan for a Fence with an Exception to the 6-foot Height (8-foot proposed)

Property Address: 9030 Rosewood Drive

Applicant: Kevin Arnhold

Current Zoning and Land Use: R-1A Single-Family District - Single-Family Dwelling

Surrounding Zoning and Land Use: **North:** R-1A Single-Family District – Single Family Dwellings
East: R-1A Single-Family District - Single-Family Dwellings
South: R-1A Single-Family District – Single-Family Dwellings
West: R-1 Single-Family District - Single-Family Dwellings (Overland Park, KS)

Legal Description: WEST RIDING LOT 6 BLK 1 PVC-0718-00010006

Property Area: 14,462,19 sq. ft. or .33 acres

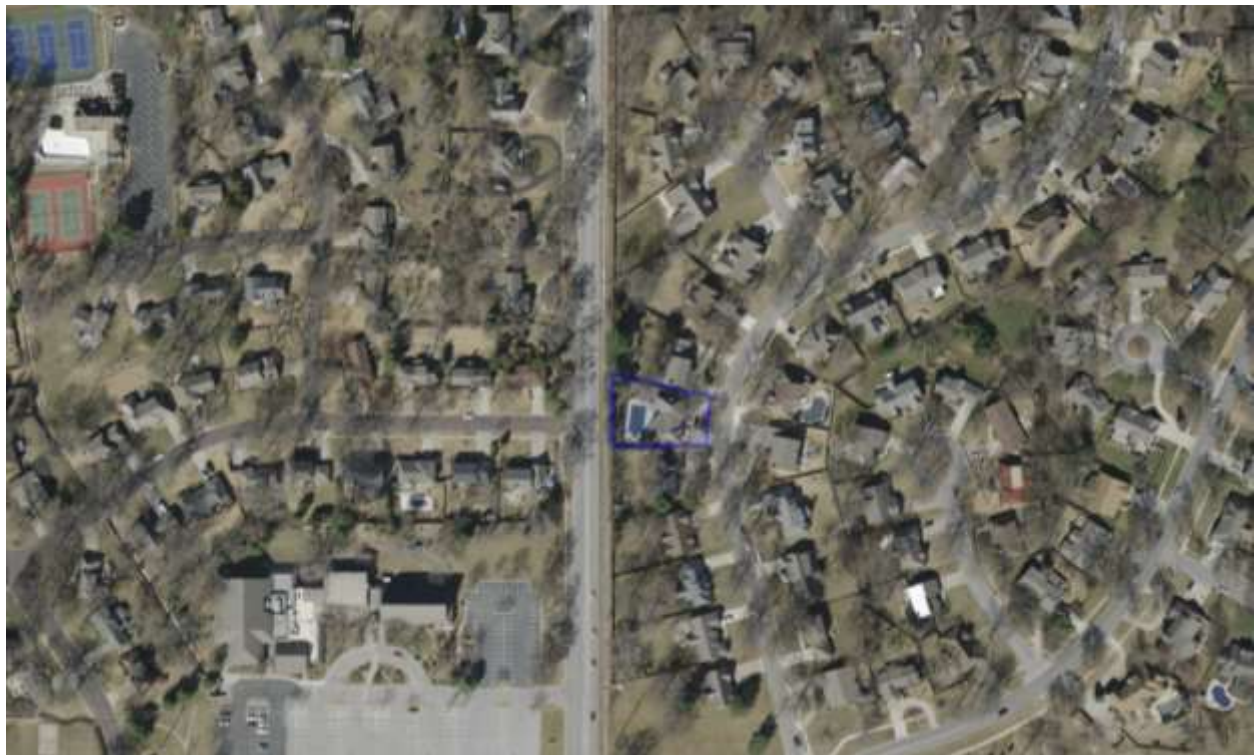
Related Case Files: none

Attachments: Application, Cover Letter, Photos

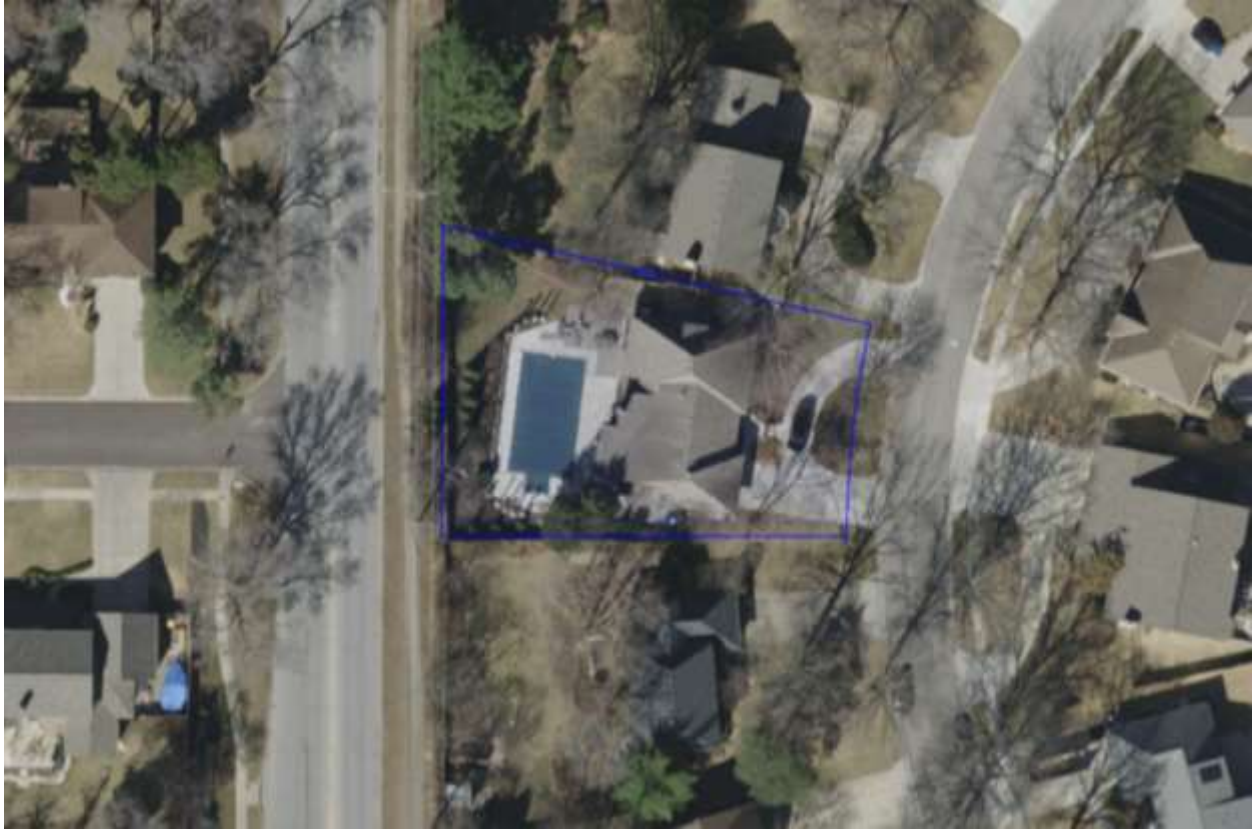
General Location – Map



General Location – Aerial



Site – Aerial



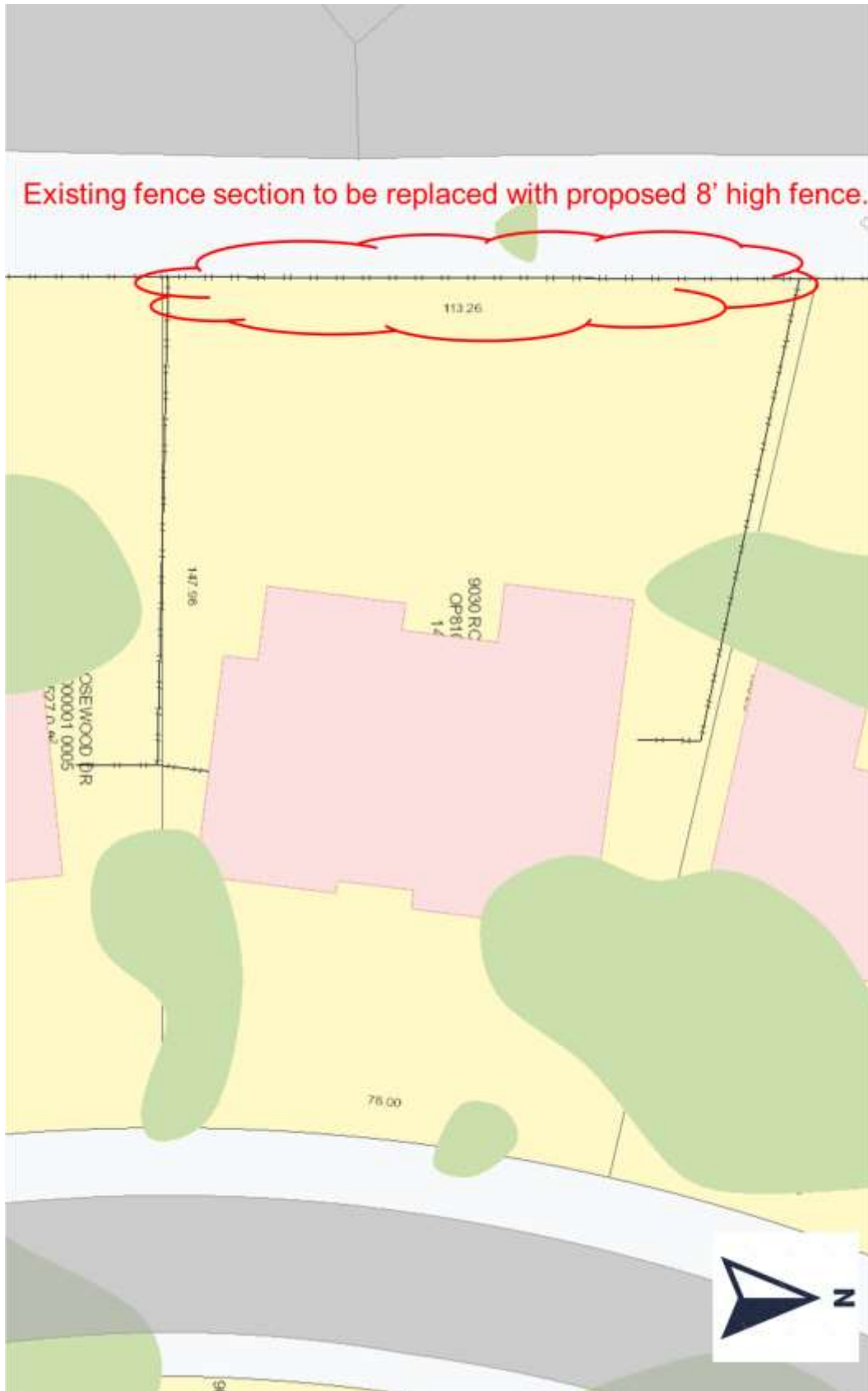
Street View (Looking east from 90th Terrace at rear property line along Nall Ave.)



Street View (looking south on Nall Ave., subject property on left)



Birdseye View



Plot plan (source Johnson County AIMS)

The applicant is requesting site plan approval for a fence with an exception to the 6-foot height limit, to permit a fence 8-foot high. The fence is proposed in the the rear yard to enclose a pool on a lot that backs up to Nall Avenue. The exception would only be for the rear fence along the lot line that backs to the street. It would replace an existing 6-foot high privacy fence. There is a grade drop from the street and sidewalk along Nall Avenue to the applicant's property line. The property line is approximately 10 to 12 feet from the edge of the sidewalk, and this causes the point from which the fence height is measured by code to be below the grade of the sidewalk, decreasing the effectiveness of the privacy fence.

This property is zoned R-1B. The fence standards in section 19.44.025 apply to this property, and specifically sub-section B.3 with regard to fence height:

B. Design

3. Height – No fence shall exceed six (6) feet in height except tennis court enclosures which may not exceed twelve (12) feet in height and except fences which are located within the building envelope of a lot shall not exceed eight (8) feet in height. The height of the fence shall be deemed to be the average distance from the finished grade to the highest point on the fence panel, excluding posts which may project above the fence panel not more than eight (8) inches. Where the terrain is not level, the average dimension may, at the discretion of the Building Official, be applied to each eight (8) foot section of the fence. Fences built in combination with retaining walls and/or berms shall be measured from the finished grade on the high side of the wall. In addition, fences and walls built on slopes shall comply with the required height measurement along the line of the fence location.

[19.44.025.B.3. Prairie Village Zoning Ordinance]

This section also allows the Planning Commission to approve different arrangement on a site-by-site basis through site plan review processes, "provided that it results in a project that is more compatible, provides better screening, provides better storm drainage management, or provides a more appropriate utilization of the site." [19.44.025.G.1.]

In addition to the above criteria for a fence height exception, following are the Site Plan review criteria from Section 19.32.

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

This site is capable of meeting all requirements for residential property, and the request stems from a condition in the right of way off of the applicant's property that is reducing the amount of privacy offered from a fence meeting the ordinance requirements.

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

This site is currently served by utilities and no utility issues are impacted by this application.

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

The application is for replacement of an existing wooden privacy fence and there is no proposed grading associated with the project. There are no apparent stormwater issues associated with this application.

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

This site meets all requirements for residential property and the proposed fence is on the rear property line where there are no ingress and egress issues..

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

The intent of the height standards for fences is to preserve a compatible residential scale along property boundaries with abutting residences or with sidewalks in the right of way. The criteria for exceptions also allow deviations for projects that are “more compatible, provide better screening, provide better storm drainage management, or provide more appropriate utilization of the site.” 19.44.025.G.1.] The location of the proposed fence exception is not along a common property boundary, but is along the right-of-way line, backing to Nall Avenue. The sidewalk is at least 10’ from the property boundary where the fence will be located, and there is some partial landscape along this fence line that softens the fence structure as it relates to the streetscape. Further, due to the grade change from the street and sidewalk, the fence will not loom over the street or sidewalk, and is a reasonable request to ensure privacy of the rear yard, consistent with a 6-foot high fence in ordinary or typical conditions.

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

The fence will otherwise meet all design and construction standards to be compatible with other fences or potential fences that could be built according to the standards. There are different fences now along the rear lot lines facing Nall Avenue, and the partial screening from landscape on the outside of the fences breaks up the massing and obscures the differences along the streetscape..

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

N/A

RECOMMENDATION:

Without the benefit of any testimony from the applicant or any adjacent owners, planning staff recommends that the site plan be approved and the fence be allowed with an 8-foot height, subject to the following conditions:

1. The fence be constructed of wood to match as closely as possible the material and coloring of other fences along this section of the Nall streetscape.
2. The vegetation between the street and property line be maintained to the greatest extent possible to soften the appearance of the fence and obscure differences between sections of the fences along Nall Avenue.

Cust # 20724
app 0020061



CITY OF PRAIRIE VILLAGE
The Star of Kansas

Planning Commission Application

lot 010319

For Office Use Only
Case No.: PC2019-112
Filing Fee: \$100.00
Deposit: —
Date Advertised:
Date Notices Sent:
Public Hearing Date:

Please complete this form and return with Information requested to:

Assistant City Administrator
City of Prairie Village
7700 Mission Rd.
Prairie Village, KS 66208

Applicant: Kevin Arnhold

Phone Number: 620 727 7322

Address: 9030 Rosewood Dr

E-Mail kevinarnhold@gmail.com

Owner: Kevin Arnhold

Phone Number: 620 727 7322

Address: 9030 Rosewood Dr

Zip: 66207

Location of Property: 9030 Rosewood Dr

Legal Description: Fence

Applicant requests consideration of the following: (Describe proposal/request in detail) See attached. like to add 8 ft tall wooden fence on portion of lot (west side) that backs up to Nall. Currently 6 ft ~~with~~ wooden fence

AGREEMENT TO PAY EXPENSES

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for _____.

As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

APPLICANT hereby agrees to be responsible for and to CITY for all cost incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to APPLICANT. It is understood that no requests granted by CITY or any of its commissions will be effective until all costs have been paid. Costs will be owing whether or not APPLICANT obtains the relief requested in the application.

Kevin Arnhold 4/10/19
Applicant's Signature/Date

Kevin Arnhold 4/10/19
Owner's Signature/Date

Hello, my name is Kevin Arnhold and I wanted to provide more information and context to my application to the planning commission. I live at 9030 Rosewood Drive with my wife Merritt and 18-month old daughter Daphne since June 2016.

My house backs up to Nall and there is a sidewalk that is about 10 feet behind my fence. My fence is a 6 ft wooden privacy fence. My desire is to replace this with an 8 ft wooden privacy fence. The reason for this request is safety for my young daughter and wife. The sidewalk is elevated in comparison to my fence. What I mean by this is when you go out the fence gate you walk uphill to the sidewalk. As you can see from the pictures if someone is walking by on the sidewalk they can look into my house and my backyard that includes an in-ground swimming pool. With the current height of the fence and the elevated sidewalk, I desperately worry about individuals looking into my backyard and safety for my family. Additionally, at the current height of the fence and elevation of the sidewalk, I worry about individuals easily climbing the fence and getting into my pool which is a huge safety concern. I would hate for a teenager making a rash decision that could end a life.

I have planted large shrubs/trees that will eventually somewhat help block the view but not as well as a fence. I only wish to do the 8 ft fence on the part of my lawn backing up to Nall. My two neighbors don't have an issue with this. They also don't have small children or a pool so they aren't in the same predicament.

The 8 ft tall fence would not be an eyesore or any hindrance to traffic on Nall. Individuals driving by it at 30+ MPH would never notice that it is 8 ft and not 6. It doesn't impact property value or anything of that nature. This is strictly a safety concern for my family and the general community.

Additionally, the planning commission approved a neighbor's 8 ft fence in 2012 at 8912 Rosewood Dr. This house does not back up to Nall and the fence built was a modern fence. The reasoning behind the 8 ft fence was due to the topography of the lot and lack of privacy. As indicated these are concerns of mine in addition to the safety aspect related to my lot backing up to the Nall and have a pool.

I have included photos to help show what I am trying to describe. In a few of the photos you'll see a piece of wood held up. That wood is 2 ft tall so would show how it would block my backyard from the view of the sidewalk.

Please don't hesitate to call me 620-727-7322 with any questions before the meeting. I would also welcome anyone to stop by my house if they would like to see my situation in person.

Thank you so much for your consideration.

Sincerely,



Kevin Arnhold

Ms. Robichaud,

Thank you for taking the time to speak with me the week of March 20th regarding my house at 9030 Rosewood Drive and my desire to replace my existing 6 ft wood privacy fence with an 8 ft wood privacy fence.

Enclosed in this envelope you will find the planning commission application as well as more information regarding my desire and reasoning for the 8 ft fence. I would like to present this at the July planning commission meeting.

If there are any questions about my application, please do not hesitate to have anyone call me. I can be reached at 620-727-7322

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Arnhold". The signature is fluid and cursive, with the first name being more prominent.

Kevin Arnhold

May 17, 2019

Dear Neighbors:

We have filed an application with the Prairie Village Planning Commission for site plan approval for our property at 9030 Rosewood Drive. Per Prairie Village policy, we are required to host a neighborhood meeting for any home within 200 ft. of our home. The planning commission will then consider our application at their June meeting.

Our application to the planning commission is request for approval for an 8 ft. tall wooden privacy fence only along the back part of our property which backs up to Nall Avenue. We currently have a 6 ft. tall wooden privacy fence but due to safety and security concerns we are requesting a taller fence.

We will be hosting the neighborhood meeting at our property to answer any questions regarding our application on Saturday, May 25, 2019 at 8 AM.

If you have any questions please come to the meeting or contact us at 620-727-7322.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin and Merritt Arnhold". The signature is fluid and cursive, with the first name "Kevin" being larger and more prominent than the second name "Merritt".

Kevin and Merritt Arnhold

City of Prairie Village
Planning Commission
Prairie Village, KS 66208

To Whom It May Concern,

In compliance with the application to the City of Prairie Village Planning Commission a letter was sent to all 16 homes in Prairie Village that are within 200 feet of my home. The letter outlined a neighborhood meeting we were hosting on May 25th at 8:00 AM at my home. These letters were delivered by hand and during the course of delivery, six individuals ask if they could sign something indicated they supported my privacy fence. The support from these individuals is attached to this document.

We hosted the neighborhood meeting on the morning of May 25th at 8:00 AM. The only attendee was our daughter Daphne who expressed strong support for this project.

Sincerely,

Kevin and Merritt Arnhold



[JoCo Home](#) > [AIMS Home](#) > Internet Maps

200 foot buffer (5.52 acres)
 Buffer search returned 23 properties
[Download as Mailing Labels](#)

No.	Property ID	Area (ft ²)	Acres	Situs Address	Owner1	Owner2	Owner Address	City, State Zip	Billing Name	Billing Name2	Billing Address	Bi
1	NP75900000 0368	18,295	0.42	8940 NALL AVE	THOMSON, JENNIFER D	THOMPSON, PIPER	8940 NALL AVE	OVERLAND PARK, KS 66207				
2	OP81000001 0006	14,375	0.33	9030 ROSEWOOD DR	ARNHOLD, KEVIN T	ARNHOLD, MERRITT N	9030 ROSEWOOD DR	PRAIRIE VILLAGE, KS 66207				
3	OP81000001 0008	19,166	0.44	9012 ROSEWOOD DR	SMITH, WENDI L.	SMITH, TED VERNON	9012 ROSEWOOD DR	PRAIRIE VILLAGE, KS 66207				
4	OP81000003 0045	13,068	0.30	9000 BIRCH ST	BADGEROW, JOHN AND	BADGEROW, TERESA TRUST	9000 BIRCH ST	PRAIRIE VILLAGE, KS 66207				
5	NP75900000 0366	10,890	0.25	5506 W 90TH TER	BECKER, ANTHONY T	BECKER, TAMARA J	5506 W 90TH TER	OVERLAND PARK, KS 66207				
6	NP75800000 0380	13,068	0.30	5501 W 90TH TER	MARTIN, SCOTT E.	MARTIN, LESLIE D.	5501 W 90TH TER	OVERLAND PARK, KS 66207				
7	OP81000001 0003	16,117	0.37	9060 ROSEWOOD DR	SMITH, MATTHEW J	SMITH, KELLI A	9060 ROSEWOOD DR	PRAIRIE VILLAGE, KS 66207				
8	OP81000003 0005	12,197	0.28	9017 ROSEWOOD DR	MARSH, LOUISE F		9017 ROSEWOOD DR	PRAIRIE VILLAGE, KS 66207				
9	OP81000001 0004	14,375	0.33	9058 ROSEWOOD DR	PADDOCK, DUSTIN	PADDOCK, YANA	9058 ROSEWOOD DR	PRAIRIE VILLAGE, KS 66207				
10	OP81000001 0009	17,424	0.40	9000 ROSEWOOD DR	RODRIGUEZ REVOCABLE TRUST		9000 ROSEWOOD DR	PRAIRIE VILLAGE, KS 66207				
11	OP81000003 0046	12,197	0.28	9022 BIRCH ST	HANNAWALD, JEFFREY R.	HANNAWALD, LAUREN M.	9022 BIRCH ST	PRAIRIE VILLAGE, KS 66207				
12	OP81000003 0008	11,326	0.26	8995 ROSEWOOD DR	SHELBY, CINDY		27 ELOQUENCE WAY	THE WOODLANDS, TX 77382				
13	OP81000001 0010	18,295	0.42	8998 ROSEWOOD DR	CHRIS J HOY AND JANET J HOY FAMILY TRUST		8998 ROSEWOOD DR	PRAIRIE VILLAGE, KS 66207				
14	NP75800000 0381	11,326	0.26	5507 W 90TH TER	FORE, COREY J.	FORE, JULIE C.	5507 W 90TH TER	OVERLAND PARK, KS 66207				
15	OP81000003 0047	10,890	0.25	9034 BIRCH ST	BEAN, HARRY E. JR	BEDDINGFIELD, BARBARA	9034 BIRCH ST	PRAIRIE VILLAGE, KS 66207				
16	OP81000003 0007	12,197	0.28	9005 ROSEWOOD DR	GREGORY, SANDRA HEUER TRUST		9005 ROSEWOOD DR	PRAIRIE VILLAGE, KS 66207				
17	OP81000003 0003	13,504	0.31	9041 ROSEWOOD DR	MELICHAR, DONALD L. TRUSTEE	MELICHAR, JENIFER A. TRUSTEE	9041 ROSEWOOD DR	PRAIRIE VILLAGE, KS 66207				
18	OP81000003 0004	13,504	0.31	9029 ROSEWOOD DR	MOORE, SCOTT G	MOORE, KATHLEEN	9029 ROSEWOOD DR	PRAIRIE VILLAGE, KS 66207				
19	NP09860000 0001	292,723	6.72	5500 W 91ST ST	CHRIST CHURCH ANGLICAN		5500 W 91ST ST	OVERLAND PARK, KS 66207				
20	NP75900000 0369	18,295	0.42	8932 NALL AVE	CRIM, RONALD	CRIM, STACY	8932 NALL AVE	OVERLAND PARK, KS 66207				
21	NP75900000 0367	13,068	0.30	5500 W 90TH TER	HORAN, BRENDAN J. TRUSTEE	HORAN, CHERYL L. TRUSTEE	5500 W 90TH TER	OVERLAND PARK, KS 66207				
22	OP81000001 0005	14,375	0.33	9042 ROSEWOOD DR	FREDERICK, THOMAS A.	FREDERICK, LORI M.	9042 ROSEWOOD DR	PRAIRIE VILLAGE, KS 66207				
23	OP81000001 0007	17,424	0.40	9024 ROSEWOOD DR	COLGROVE, THOMAS M.	COLGROVE, LOIS M.	9024 ROSEWOOD DR	PRAIRIE VILLAGE, KS 66207				

Total Area of Parcels: 13.96 acres (608,098 ft²)
 Selected Property



