

PLANNING COMMISSION MINUTES
October 1, 2019

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, October 1, 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: 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, Gould Evans; Jamie Robichaud, Deputy City Administrator; Mitch Dringman, City Building Official; Ron Nelson, Council Liaison; David Waters, attorney with Lathrop and Gage; and Adam Geffert, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Mr. Breneman moved for the approval of the minutes of the September 10 regular Planning Commission meeting as presented. Mr. Wolf seconded the motion, which passed 6-0.

A motion to change the order of the agenda to hold the non-public hearing first was made by Mr. Lenahan. Mr. Breneman seconded the motion, which passed unanimously.

NON-PUBLIC HEARINGS

PC2019-118 Site Plan Application - 4309 W. 75th Street

Mr. Brewster stated the application was for an exception to the fence setback, specifically the side setback for the lot. Zoning ordinance requires a fence setback in this scenario to be greater than either 15 feet from the right of way or half the depth of the adjacent front yard. In this case, the adjacent building to the south is approximately 70 feet from the front lot on Fontana Street, which would require a fence to be 35 feet from the side lot line on Fontana Street. The applicant has requested that the fence be constructed 13 feet from the side lot along Fontana Street.

Mr. Lenahan asked why the applicant wanted to build the fence in the proposed location. Jill Rogers, the applicant, stated that changing the placement of the fence would look odd based on the location of the garage, and would cut into the yard line. Mr. Dringman added that the plan was preferred as it lined up with the corner of the garage.

Mr. Wolf made a motion to approve the site plan as presented. Mr. Breneman seconded the motion, which passed unanimously.

PUBLIC HEARINGS

PC2019-120 Proposed revisions to the Prairie Village Zoning Regulations applicable to Chapters 19.02, 19.06, 19.08, 19.10, 19.12, 19.14, 19.16, 19.18, 19.20, 19.22, 19.23, 19.27, 19.28, 19.30, 19.32, 19.33, 19.34, 19.44, 19.47, 19.48, and 19.50

Mr. Brewster stated that the public hearing was being held to review numerous zoning updates that had been under consideration for quite some time. Updates included policy and planning issues, special tasks, on-going issues and a “clean-up” of outdated sections. Specifically, updates had been made to the following sections:

1. Landscape standards
2. Sign standards
3. Site plan review criteria
4. Alternative energy systems
5. Conditional use permits, special use permits and districts
6. Clean-up items
7. Wireless facilities

Landscape standards - The city did not have landscape standards in the past, so the site plan review process was used to develop acceptable landscape results. The new standards define requirements for streetscapes, along building foundations, parking and buffers. Planting location guidelines are flexible, giving staff and the Planning Commission the ability to grant exceptions based on percentages of dimensions.

Mrs. Wallerstein asked that the language in section 19.47.050(A), located on page 60 of Ordinance 2407, be changed to say “up to 25% of any plant requirement”.

Sign standards - Mr. Brewster stated changes were made to better organize and simplify the section. Sign types were broken into four categories: wall signs, monument signs, pedestrian signs and temporary signs. Pedestrian signs are defined as small signs at building entrances or on storefronts. The updates also more clearly define exempt signs, such as flags, window signs, construction signs and for sale/lease signs. Permits will still be needed for signs as long as they fall within certain parameters of the requirements. Lastly, multi-tenant requirements and guidelines were improved.

Site plan review criteria - Mr. Brewster said that updates to this section were made to improve the criteria and give applicants clearer expectations based on difficult applications reviewed by the Planning Commission in the past. Specifically, the changes are focused on good land planning and site engineering design principles, as well as the architectural quality of buildings and their compatibility with the surrounding neighborhood. Factors to be considered include materials, scale, and character of the area.

Alternative energy systems - Updates include the codification of a recent Planning Commission interpretation of roof-integrated solar energy systems, as well as the clarification of what “visibility from the street” means. Additionally, the updates allow for

more flexibility in the approval of these systems; roof-mounted installations as well as those mounted to a vertical wall that meet the standards set in this section will only require a building permit. Installations that do not meet the standards, such as systems that project higher off the roof, would require site plan review by the Planning Commission. The section also clarifies regulations for wind and geothermal energy systems.

Conditional use permits, special use permits, uses and districts - Updates to this section clarify the difference between conditional use permits and special use permits. Generally, conditional use permits are used for more routine applications that meet specific criteria or performance standards. Special use permits are reserved for unique projects that require more thorough review. Conditional use permits can be approved by the Planning Commission, whereas special use permits require a public hearing, a recommendation from the Planning Commission, and final approval by City Council. Allowed uses in zoning districts were also clarified and detailed in a chart.

Clean-up items - Two items from neighborhood design standards were updated: a description of the coordination with Public Works on utilizing their right-of-way tree list, as well as terminology defining street trees, private trees and frontage trees. Property owners must obtain a permit to plant a tree in the right-of-way. Lastly, rear yard exception encroachments for porches and other building structures were reinstated to 12 feet.

Wireless communications facilities - David Waters discussed updates to regulations that have resulted from changes in wireless technology as well as state and federal laws. He noted that fewer full-sized wireless towers would be built in the future, as providers have generally switched to the installation of “small cell” antennas placed on existing structures. Further, the wireless industry has been successful in convincing states and the FCC to reduce municipal regulations. “Eligible facility requests”, such as the removal and replacement of equipment at an existing facility cannot be prevented by a municipality.

Mr. Wolf asked if eligible facility request applications would need to come before the Planning Commission going forward. Mr. Waters stated that they would only require administrative approval, and the turnaround time for an application to be approved had been reduced to 60 days for co-location of a small cell antenna on an existing structure, and 90 days for non-small cell installations. New facilities, including the construction of new towers, would still require a special use permit and a 90-day turnaround period. Mrs. Wallerstein asked how antennas on structures such as church steeples would be impacted. Mr. Waters stated that aesthetic and design criteria are now less restrictive, but still appear to be reasonable. He added that antennas are not allowed on decorative streetlights.

Mr. Waters continued, stating that cities can no longer require the co-location of providers on a facility, or reject the construction of a new facility due to availability at other potential locations. Environmental restrictions have also been relaxed, and all approvals must last for a period of 10 years or more. Lastly, cities are not allowed to impose unreasonable landscape requirements.

Mr. Breneman noted that there was inconsistency in the height of utility cabinet boxes on pages 24, 36 and 52 of the proposed ordinance. Additionally, the sizes of small, medium and large offices in section 19.02.397 are inaccurate. Mr. Lenahan noted that sections 19.30.055, 19.33.050 and 19.34.020(A) were inconsistent as well. Mr. Waters stated that the ordinance would be reviewed to address these concerns before the final draft is put before the Council for final approval.

Mrs. Wallerstein opened the public hearing at 8:38 p.m. With no one present to speak, Mrs. Wallerstein closed the hearing at 8:39 p.m.

Mr. Wolf made a motion to approve the revised zoning regulations with the amendments suggested during the meeting. Mr. Breneman seconded the motion, which passed unanimously.

OTHER BUSINESS

ADJOURNMENT

With no further business to come before the Commission, Chair Nancy Wallerstein adjourned the meeting at 8:40 p.m.

Nancy Wallerstein
Chair