

PLANNING COMMISSION MINUTES
January 7, 2020

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, January 7, 2020 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, Gould Evans; Jamie Robichaud, Deputy City Administrator; Keith Bredehoeft, Public Works Director; Mitch Dringman, City Building Official; Ron Nelson, Council Liaison; and Adam Geffert, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Mr. Breneman moved for the approval of the minutes of the December 3 regular Planning Commission meeting as presented. Mr. Wolf seconded the motion, which passed 5-0, with Mr. Birkel and Ms. Brown in abstention.

PUBLIC HEARINGS

**PC2020-101 Rezoning from R-1A to C-0; Commercial Site Plan Review for proposed office; Survey Plat for lot combination
4820 West 75th Street
Applicant: Gastinger and Walker Architects, Inc.**

Mr. Brewster stated that the application was in regard to a section of property currently owned by Prairie Baptist Church, just west of 75th and Roe Avenue. The applicant is requesting to rezone two lots from R-1A to C-O. The application also includes a site plan to build an approximately 10,000 square feet office building and a survey plat to combine the two lots into one lot. The property is immediately west of Prairie Baptist Church, and fronts on the north side of 75th Street west of the Roe Avenue intersection. One lot is vacant and the other lot has a detached single-family home proposed for removal. Two other lots with detached single family houses front on 75th Street immediately to the west. The vicinity is primarily single-family residential, with the exception of the church.

Mr. Brewster added that the site plan provided by the applicant met the requirements of a C-0 property with respect to height, setback and building massing standards. Landscape recommendations include a screen of trees on the west side of the property to better separate it from the single-family home immediately to the west. The proposed parking area would encroach onto the church property, so an easement would need to be granted by the church to allow the applicant to use the area.

The Planning Commission must consider the following criteria when reviewing a request to rezone property in association with a site plan for development:

1. The character of the neighborhood
2. The zoning and uses of property nearby
3. The suitability of the property for the uses to which it has been restricted under its existing zoning
4. The extent that a change will detrimentally affect neighboring property
5. The length of time of any vacancy of the property
6. The relative gain to public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners
7. City staff recommendations
8. Conformance with the Comprehensive Plan

Mr. Brewster said that staff recommended approval with the following conditions:

1. The conceptual drainage plan be carried out and finalized in a manner that either has no impact on the existing drainage issue on the property to the north, or is coordinated with the required fix of that situation. The final drainage plan is subject to final approval by Public Works.
2. Any change in the proposed parking access be coordinated with grading, drainage, and traffic circulation and approved by Public Works. Plans shall include an extension and enhancement of the site landscape plan (with additional plants) into any areas that are not connected parking.
3. The easement for the parking area be verified by the City Attorney and properly noted on (or connected with) the survey plat prior to recording. An exception is noted to the following standards - side parking setback; rear parking setback; rear building setback - which is conditioned on this site plan, and the maintenance of all required landscape areas on the property granting the easement, so that the standards are otherwise met.
4. A pedestrian connection from the public sidewalk to the entry feature (courtyard area) of the building be added.
5. Prior to a permit for the monument sign, the applicant specify to staff the location of the sign in relation to the street and property lines, verify the location meets all site distance requirements, and provide landscape plans for the base of the sign.
6. The following changes are recommended for the landscape plan:
 - a. Add 4 ornamental trees along the frontage, 2 specifically to frame a pedestrian connection to the sidewalk.
 - b. Add perimeter parking buffers on the east and north edges of the parking and address the maintenance as a condition of the easement for parking

and buffers on adjacent property. Specifically, this should include 7 shade trees (accounting for replacement of the removed trees) and 45 shrubs.

- c. Change the buffer on the west property boundary from 4 Norway Spruce to 14 Green Giant Arborvitae (6'), and extend the planting buffer to the north edge of the parking area.

7. The Planning Commission recommends approval of the rezoning conditioned on the site plan. Approval of the site plan and survey plat by the Planning Commission is subject to the City Council approval of the rezoning recommendation, or amended approval of the recommendation that does not significantly impact these plans.

Mr. Birkel asked if the sewer line that runs through the church property to the storm sewer would have its own easement in perpetuity. Mr. Bredehoeft said that an easement would need to be recorded. Mrs. Wallerstein asked if the damaged parking area at the back of the church parking lot along the storm sewer had been repaired. Mr. Bredehoeft stated that the church is responsible for repairing the damage, which has not been completed yet. He noted that the plans for the new building would not exacerbate the existing problem.

Laura Pastine and Kevin Harden were in attendance, representing Gastinger Walker Architects. Ms. Pastine shared design specifications about the office building, and noted that the potential owners of the property, Rex and Lori Sharp, were also present at the meeting. She added that the building was designed to minimize the impact to the existing homes to the west. Mr. Harden stated that the Sharps currently have an office building further west on 75th Street, and are hoping to keep their practice in Prairie Village.

Mr. Wolf asked if the applicants had any concerns with the recommendations made by staff, and whether the house that will be torn down was currently occupied. Mr. Harden said that he was in agreement with the recommendations, and that the house was currently being rented, with a lease ending in May. He added that the church had agreed to assist the tenant if construction work begins before the end of the lease period.

Mr. Birkel stated that the west side of the office building, which would be adjacent to a remaining single-family home, is 100 feet long, 30 feet tall, and has few architectural features. He recommended reversing the building design in order to be more sensitive to the residents of the home. Mr. Breneman and Mr. Valentino agreed with Mr. Birkel. Ms. Brown noted that if the building were reversed, the parking lot would then be adjacent to the home.

Mr. Brewster recommended that the rezoning be contingent on the conceptual site plan presented. He added that the Planning Commission could approve the concept and ask for certain items to be addressed and presented for approval at a later meeting. Mrs. Robichaud added that rezoning applications are typically not accepted without a site plan. The applicants stated they would be comfortable coming back with a modified site plan if

the Commission approved the rezoning and replatting. Rex Sharp said that the building would be used solely as a law office, and that there would be very little client interaction at the site.

Mrs. Wallerstein opened the public hearing at 7:55 p.m.

- Dane Lee, 5707 Sheridan Drive, Fairway, KS, stated that his mother-in-law and her husband lived in the house immediately adjacent to the proposed structure. He said that they were unhappy that they were not included in any planning or discussion for the project. He shared concerns that the new building would block sunlight due to its height and likely reduce the value of her property.
- Elizabeth Olmo Lee, 5707 Sheridan Drive, Fairway, KS, said that she was the daughter of the property owner, and expressed concern over the emotional and financial impact on her mother and stepfather.
- Mark Dover, 4830 W. 75th Street, resident of the adjacent home, shared concern with the design of the building and its impact on the residence.

With no one else present to speak, Mrs. Wallerstein closed the public hearing at 8:12 p.m.

Mr. Lenahan asked the applicants if they would be open to reconsidering the site plan based on the comments made by the adjacent property owners, and working with them to develop a mutually agreeable design. Mr. Sharp stated that he was happy to work with the property owner and the City to come up with a more sensitive design. Mr. Birkel, Mr. Breneman and Mr. Wolf all indicated they were comfortable with the rezoning, just not the building design.

Mr. Wolf asked Mr. Sharp how he wished to proceed, noting that the current site plan would likely not be approved at the meeting. Mr. Sharp stated he would prefer to continue the application to the February meeting. He will work with the architects to change the design of the building based on suggestions from the Commission.

Mr. Wolf made a motion to continue the application to the February 4, 2020 meeting to give the applicant the opportunity to redesign the building layout. Mr. Breneman seconded the motion, which passed unanimously.

NON-PUBLIC HEARINGS

**PC2019-119 Site Plan Review - Fence with Exception
5101 West 70th Street
Zoning: R-1A
Applicant: Koenig Building and Restoration**

Mr. Brewster stated that the applicant was requesting an exception to the fence standards to construct a fence in the rear yard that does not meet the required setback. The property is a corner lot on the southwest corner of 70th and Fonticello, which is the side street along the east property boundary, with the house fronting on 70th Street. Most lots in the

vicinity have a similar orientation (fronting on the east-west streets, with side yards along Fonticello Street) except the lot immediately to the east, which has a house skewed on the lot, primarily facing Fonticello Street with a fenced side yard opposite the subject fence.

In this circumstance, zoning ordinance 19.44.025.C.3 requires the fence to be setback five feet from the right-of-way line along Fonticello. The fence has already been constructed, and it aligns with the rear corner of an existing fence around the rear yard to the south. That fence is a legal non-conforming fence, as it was built prior to the current zoning requirements. This location places the new fence approximately 2 feet over the property line and in the right-of-way along Fonticello Street. A Prairie Village building inspector measured the property and flagged the property line on June 12, 2019 prior to a permit being issued. A permit was issued on June 17, 2019 indicating that the fence had to be 5 feet from the property line, rather than the 17 feet from the edge of the new home, which the original application indicated.

On July 11, 2019, the applicant contacted staff and met at the property to discuss the fence location, as well as other prior communications with Public Works staff about the fence location. Staff indicated the fence would need to meet the five-foot setback. Sometime after this meeting and prior to July 29, 2019, the fence was built at the originally proposed location contrary to the direction given by the City when the permit was issued. The fence was inspected by staff on July 29, 2019, and the applicant was contacted about the violation of the permit.

Mr. Brewster stated that the fence standards allow the Planning Commission, through site plan review, to approve adjustments to the height and location of fences. However, based on the information submitted and other considerations, staff did not feel that the exception criteria had been met, and recommended that the site plan be denied.

Scott Koenigsdorf, the applicant and builder of the home, was present to speak to the Commission. He stated that the homeowner worked directly with Elite Fence, who was responsible for getting the fence permit. He added that most of the surrounding fences in the area also did not meet the standards referenced.

Mr. Wolf asked Mr. Brewster what would happen if the Commission denied the exception. Mr. Brewster stated that staff would take action to ensure the fence is moved; if it is not, an enforcement action in municipal court would occur. Mr. Koenigsdorf said he would ensure the fence gets moved if the exception is denied.

Mr. Wolf made a motion to deny the exception to the fence standards. Mr. Breneman seconded the motion, which passed unanimously.

OTHER BUSINESS

Election of Officers

Mrs. Wallerstein nominated Greg Wolf as Planning Commission Chair and James Breneman as Vice-Chair. Mr. Valentino seconded the motion, which passed unanimously.

Mrs. Wallerstein made a motion that the Planning Commission bylaws be changed to move elections from May to January. Mr. Breneman seconded the motion, which passed unanimously.

Mrs. Wallerstein also nominated Jonathan Birkel as Chair of the Board of Zoning Appeals, and Patrick Lenahan as Vice-Chair. A Board of Zoning Appeals meeting will be held prior to the February Planning Commission meeting to elect the new officers.

Revised 2020 Meeting Dates

Mr. Lenahan moved for the approval of the 2020 meeting dates. Mr. Breneman seconded the motion, which passed unanimously.

ADJOURNMENT

Mr. Nelson stated that this was his final meeting as Council Liaison, and that Councilmember Ian Graves would take over at the February meeting.

With no further business to come before the Commission, Chair Greg Wolf adjourned the meeting at 9:18 p.m.

Greg Wolf
Chair