

**PLANNING COMMISSION MINUTES
FEBRUARY 4, 2020**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, February 4, 2020 in the Council Chambers at 7700 Mission Road. Chair Greg Wolf called the meeting to order at 7:00 p.m. with the following members present: Jonathan Birkel, James Breneman, Patrick Lenahan, Melissa Brown 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; Ian Graves, Council Liaison; and Adam Geffert, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Mr. Breneman moved for the approval of the minutes of the January 7, 2020 regular Planning Commission meeting as presented. Mr. Birkel seconded the motion, which passed 6-0.

PUBLIC HEARINGS

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

Mr. Brewster stated that the application regarding a section of property currently owned by Prairie Baptist Church had been continued from the January 2020 meeting. 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 foot 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 stated the applicant submitted a revised plan based on concerns shared by the owner of the residential property directly to the west of the proposed office building. The extent of the west side of the building has been reduced in size by approximately 20 feet, and materials, massing and grading have also been altered to help the design fit in better with the neighborhood. A second story has been added to the east side of the

building to compensate the square footage lost due to the reduction in size of the west side of the building.

Mr. Brewster said that staff recommended approval with the following conditions, noting that changes in parking access required by item #2 were included in the revised plans, as were the landscape plans listed in item #6:

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 seven shade trees (accounting for replacement of the removed trees) and 45 shrubs.
 - c. Change the buffer on the west property boundary from four 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. Brewster reminded the Planning Commission that a rezoning requires the Planning Commission to evaluate facts, weight evidence, and make a recommendation to the City Council based on balancing the “Golden Factors” outlined in the zoning ordinance.

Laura Pastine and Kevin Harden representing Gastinger Walker Architects gave a presentation showing changes made to the project since the previous meeting. Along with revisions to the west side of the building, the proposed structure would be shorter and set approximately 25’ farther back from 75th Street. These changes allow more sunlight to reach the residence to the west.

Mr. Wolf opened the public hearing at 7:26 p.m.

- Paloma Dover, 4830 W. 75th Street, shared concern that the value of her home, adjacent to the proposed building, would decline if it were constructed.
- Robin Marx, 6015 Howe Drive, stated that he was a real estate appraiser with Bliss Associates, LLC. He shared research indicating that there was no evidence of residential properties losing value when an adjacent property is rezoned to commercial.

With no one else present to speak, Mr. Wolf closed the public hearing at 7:39 p.m.

The Planning Commission discussed the rezoning application and considered the eight factors for consideration outlined in the City’s zoning regulations.

Based on the the Planning Commissions consideration of the Golden factors, Mr. Birkel made a motion to recommend rezoning to Council for approval, subject to the conditions recommended by staff. Ms. Brown seconded the motion, which passed unanimously.

Mr. Birkel made a motion to approve both the site plan and the survey plat, subject to the conditions recommended by staff. Ms. Brown seconded the motion, which passed unanimously.

**PC2020-103 Rezoning, Final Development Plan and Preliminary Play of Public Works Facility
3535 Somerset Rd.
Current Zoning: R-1A, R-3 and RP-4
Requested Zoning: RP-1
Applicant: Prairie Village Public Works**

Mr. Brewster stated the application was in regard to the forthcoming reconstruction at the City's Public Works facility. The site is currently composed of three lots with three different zoning districts. In an effort to clean up and simplify property records, it was determined that the property should be rezoned and platted in conjunction with the site plan for the new facility. Mr. Brewster added that staff recommended the rezoning, site plan and replat be approved subject to the following conditions:

1. The appropriate pre- and post-construction drainage strategies be implemented by Public Works in recognition that this site may currently and/or through this plan exceed the default building coverage and impervious surface coverage standards in the zoning ordinance.
2. The Planning Commission recommend approval of the rezoning conditioned on the site plan. Approval of the site plan and the re-plat by the Planning Commission is subject to City Council approval of the rezoning recommendation, or amended approval of the recommendation that does not significantly impact these plans.

Mr. Brewster reminded the Planning Commission that a rezoning requires the Planning Commission to evaluate facts, weigh evidence, and make a recommendation to the City Council based on balancing the "Golden Factors" outlined in the zoning ordinance.

Rick Wise, representing Clark Enersen Partners, gave a presentation on the project, sharing details about building elevations, selected exterior materials, and traffic flow through the site.

Mr. Breneman asked what type of material would be used on the back of the commodity bins and covered parking areas. Mr. Wise stated that the commodity bins would be constructed of large concrete blocks, approximately 2' x 4' x 2' in size, and would sit lower than the privacy fence along the property line. He added that the covered parking structures would be metal-framed, with metal panel screening and an asphalt-shingled roof. The selected materials could be changed based on feedback from neighbors.

Mr. Birkel asked whether the City owned the pump station located on the southeast corner of the property. Mr. Bredehoeft stated that it belonged to Johnson County Wastewater, but is accessed through the Public Works site.

Mr. Wolf opened the public hearing at 8:07 p.m.

- Anne Bowman, 3613 Somerset Drive, stated that she lived just to the west of the facility. She shared concern over potential increases in truck noise and evening lighting.

Mr. Wise stated that truck traffic would continue to drive along the west side of the property, whereas staff would approach on the east side. Mr. Bredehoeft added that the new configuration should make for less noise than what is

currently experienced at the site. Mr. Wise noted that the proposed lighting would be less obtrusive to neighbors.

- Vicky Riffle, 3627 Somerset Drive, shared her concern with the building materials proposed for the parking structures. She stated she would prefer to see the same exterior materials that are currently found on Building G.

With no one else present to speak, Mr. Wolf closed the public hearing at 8:13 p.m.

The Planning Commission discussed the rezoning application and considered the eight factors for consideration outlined in the City's zoning regulations.

Based on the the Planning Commissions consideration of the Golden factors, Mr. Breneman made a motion to recommend rezoning to Council for approval, subject to the conditions recommended by staff. Ms. Brown seconded the motion, which passed unanimously.

Mr. Breneman made a motion to approve both the site plan and the survey plat, subject to the conditions recommended by staff. Ms. Brown seconded the motion, which passed unanimously.

NON-PUBLIC HEARINGS

**PC2020-102 Site Plan Review - Fence with Exception
7052 Cedar St.
Zoning: R-1B
Applicant: Ryan and Megan DeSpain**

Mr. Brewster stated that the applicant was requesting an exception to the fence standards for a recently constructed home at the corner of 71st Street and Cedar Street. The west property boundary is considered the rear lot line of the subject lot and the side lot line of the adjacent house to the west, making the configuration a "reverse corner" for purposes of interpreting the fence standards.

In this circumstance, the zoning ordinance requires the fence to be set back from 71st Street either 15 feet, or one-half the front yard of the adjacent house to the west, whichever is greater. [19.44.025.C.3] The fence was already constructed in violation of this requirement and is 12.5 feet from the 71st Street right-of-way at its closest point near the southeast corner of the house, where 18 feet would be required. At the west end, closer to the side lot line of the adjacent house, the fence is at or slightly deeper than the required 18-foot setback from 71st Street.

Mr. Brewster noted that a Building Inspector went to the property and flagged the location where the fence should have been installed. However, the fence was built with a different alignment, which is five feet closer to the right-of-way than what is allowed in zoning regulations. He added that the Planning Commission could grant an exception, but that

staff recommended the site plan be denied because the fence was built in violation of the permit that was issued.

Ryan DeSpain, owner of the property, stated that the fence was purchased at Lowe's, and installed by Lowe's employees. He noted that the flagged fence line was not aesthetically pleasing when they began installing the fence, so he made a decision to have the installers place the fence in its current location rather than placing it in the location that it was approved to be placed and flagged by the building inspector.

The Planning Commission expressed concern with approving the exception because they felt it would set a dangerous precedent in allowing residents to knowingly ignore the City's regulations and then only come ask for an exception after the fact if they get caught.

Mr. Breneman made a motion to deny the exception to the fence standards. Mr. Lenahan seconded the motion, which passed 5-1, with Mr. Valentino in opposition.

The applicant asked what his next steps were. He was informed by Mr. Wolf that he would need to move his fence to come into compliance with the City's zoning regulations and that staff would work with him on a timeline for getting that accomplished.

Mr. DeSpain asked if there was any way to appeal the Planning Commission's decision. Mrs. Robichaud stated that the applicant had the right to appeal the decision to the City Council, and would follow up with him on his options for doing so.

OTHER BUSINESS

Approval of Amendment to Planning Commission Bylaws

Mrs. Robichaud stated that at the January meeting, the Planning Commission made a motion to amend the Bylaws to nominate the Chair and Vice-Chair in January rather than June.

Commission members noted that several items in the Bylaws needed to be updated and better organized. Mr. Wolf asked the Commission to review the document and provide feedback to Mrs. Robichaud with potential edits.

Mr. Lenahan made a motion to amend the Bylaws to move the election of officers to January. Mr. Breneman seconded the motion, which passed unanimously.

Mr. Wolf shared that a vacant home in the City had been used by a company three times in recent months to hold estate sales. Currently, regulations permit two estate sales per calendar year; in this case, the company held its first sale in December, followed by two in January. He recommended that regulations be changed to only allow two sales in any twelve-month period.

Mrs. Robichaud stated that a change to zoning regulations would require a public hearing and the approval of City Council. Mr. Wolf asked Mrs. Robichaud to prepare an amendment for the Commission to consider at a future meeting.

ADJOURNMENT

With no further business to come before the Commission, Chair Greg Wolf adjourned the meeting at 8:48 p.m.

Greg Wolf
Chair