

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, MAY 5, 2020
7700 MISSION ROAD
COUNCIL CHAMBERS
7:00 P.M.**

I. ROLL CALL

II. APPROVAL OF PLANNING COMMISSION MINUTES - FEBRUARY 4, 2020

III. PUBLIC HEARINGS

PC2020-104 Amendment to Special Use Permit
4801 W. 79th Street
Zoning: R-1A
Applicant: Kansas City Christian School

IV. NON-PUBLIC HEARINGS

PC2020-105 Site Plan Review - Fence with Exception
4300 W. 63rd Street
Zoning: R-1B
Applicant: Nate Scherzer

V. OTHER BUSINESS

Amended Planning Commission bylaws

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
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

017001
App# 0022502

SPECIAL USE PERMIT APPLICATION

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: PC2020-104
Filing Fees: \$100.00
Deposit: \$500.00



Date Advertised: _____
Date Notices Sent: March 17, 2020
Public Hearing Date: April 7, 2020

APPLICANT: Todd Zylstra PHONE: 816-550-6395

ADDRESS: 11953 Avila Dr. KC, MO 64145 E-MAIL: tzylstra@mykccs.org

OWNER: Kansas City Christian School PHONE: 913-648-5227

ADDRESS: 4801 W. 79th Street Prairie Village, KS ZIP: 66208

LOCATION OF PROPERTY: 4801 W 79TH

LEGAL DESCRIPTION: 28-12-25 E 826.75' OF W 1159' OF N
421.5 NE 1/4 NW 1/4 EX N 30' 7.43 ACRES PVC 624A
ROTA # 0708-87-TX

ADJACENT LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>SINGLE FAM RESIDENCE</u>	<u>R-1B</u>
South	<u>SINGLE FAM RESIDENCE</u>	<u>R-1A</u>
East	<u>SINGLE FAM RESIDENCE</u>	<u>R-1A</u>
West	<u>SINGLE FAM RESIDENCE</u>	<u>R-1A</u>

Present Use of Property: SCHOOL (K-12)

Please complete both pages of the form and return to:
Planning Commission Secretary
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Does the proposed special use meet the following standards? If yes, attach a separate Sheet explaining why.

	<u>Yes</u>	<u>No</u>
1. Is deemed necessary for the public convenience at that location.	_____	<input checked="" type="checkbox"/>
2. Is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected.	<input checked="" type="checkbox"/>	_____
3. Is found to be generally compatible with the neighborhood in which it is proposed.	<input checked="" type="checkbox"/>	_____
4. Will comply with the height and area regulations of the district in which it is proposed.	<input checked="" type="checkbox"/>	_____
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect.	<input checked="" type="checkbox"/>	_____
6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.	<input checked="" type="checkbox"/>	_____

Should this special use be valid only for a specific time period? Yes _____ No

If Yes, what length of time? _____

SIGNATURE: 

DATE: March 4, 2020

BY: Kansas City Christian School

TITLE: Owners Representative/Agent

Attachments Required:

- Site plan showing existing and proposed structures on the property in questions, and adjacent property, off-street parking, driveways, and other information.
- Certified list of property owners

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: May 5, 2020, Planning Commission Meeting (anticipated / tentative)

Application: PC 2020-104 – Amendment of SUP

Request: Amendment to Special Use Permit for Private School to change classroom allocation to include daycare services

Property Address: 4801 W. 79th Street

Applicant: Todd Zylstra, Kansas City Christian School

Current Zoning and Land Use: R-1A Single-Family District- Kansas City Christian School

Surrounding Zoning and Land Use: **North:** R-1B 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-1A Single-Family District - Single-Family Dwellings

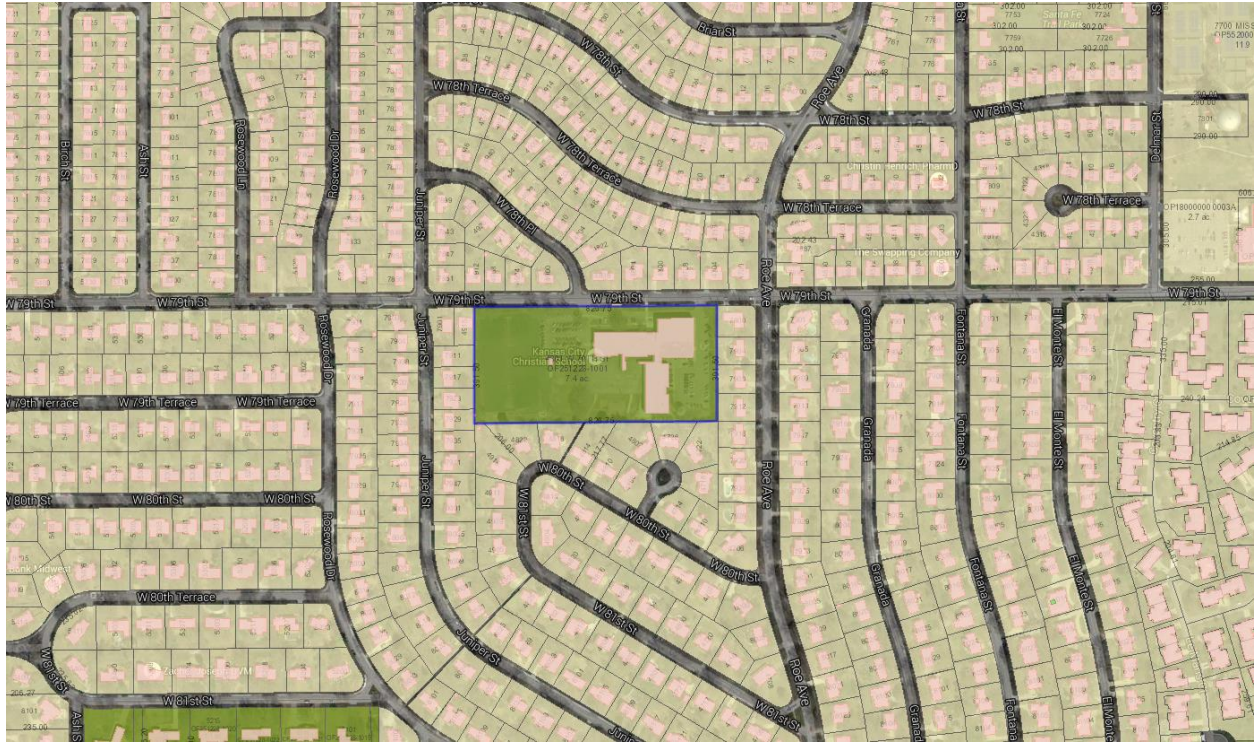
Legal Description: Metes & Bounds Abbreviation (28-12-25 E 826.75' OF W 1159' OF N 421.50' NE 1/4 NW 1/4 EX N 30' 7.43 ACRES PVC 624A BOTA #0708-87-TX)

Property Area: 7.44 Acres (55,557 s.f.)

Related Case Files: PC 2017-102 (original September application; amended December)
PC 2017-103, PC 2016-108, 2015-105, and 2014-110 Temporary Use Permits for ADHD Summer Treatment Program
PC 2008-08 Amendment to SUP
PC 98-07 Original SUP for Private School

Attachments: Application, letter of intent and enrollment

General Location Map



Aerial Map



COMMENTS:

The Special Use Permit for Kansas City Christian School was initially approved by the City Council in January of 1999, for reuse of a school building originally built in 1954. It was most recently amended by City Council in December 2017 based on the recommendation of the Planning Commission. This Special Use Permit approval considered and addressed several issues related to a proposed expansion and construction activity of an existing school operating under an existing Special Use Permit. The approval included several conditions related to the operations and management of the school and related activities, primarily to mitigate impacts on the neighborhood. Part of this approval included a capacity analysis of the school, at maximum anticipated capacity, including a forecasted, grade-based classroom allocation to review traffic and parking impacts. This allocation was for up to 525 students, allocated in K – 12 classrooms, with a requirement for annual reporting and monitoring of enrollment within those parameters. At the time, daycare classrooms were not considered – however, the applicant is proposing to offer daycare as part of a more complete enrollment strategy.

The school has been operating below the allocated capacity since the approval in 2017, and expects to be under that capacity for the foreseeable future, including with approval of the proposed daycare. Essentially, this request is to re-allocate some of the previously approved capacity, and specific classroom allocation, to include day care.

The enrollment numbers associated with this and past applications are as follows:

- 1999 SUP – 543 students (162 of which were high school)
- 2008 SUP amendment – 469 students (274 of which were high school)
- 2017 SUP amendment – up to 525 students (limited to no more than 12 High School classrooms)
- 2020 enrollment – 385 students

The applicant held a neighborhood meeting remotely via Zoom on April 16th in conformance with the City's Citizen Participation Policy. Nobody attended the meeting besides the applicant.

FACTORS FOR CONSIDERATION:

The Planning Commission shall make findings of fact to support its recommendation to approve, conditionally approve, or disapprove this Special Use Permit. It is not necessary that a finding of fact be made for each factor. However, there should be a conclusion that the request should be approved or denied based upon consideration of as many factors as are applicable. The factors to be considered in approving or disapproving a Special Use Permit shall include the following:

A. The character of the neighborhood.

This site is located on the south side of West 79th Street between Roe Avenue and Nall Avenue. The surrounding area is all single-family neighborhoods. In general, schools are compatible and contribute to the character of single-family neighborhoods provided the location, access, and site design is managed in a way that is compatible with residential living in neighborhood environments. The proposed inclusion of daycare facilities within the existing capacity limits does not create significant impacts on the neighborhood, beyond those already considered for the school, or as is considered with other institutional uses offering daycare services in neighborhood settings

B. The zoning and uses of property nearby.

- North: R-1B Single-Family District – Single-family dwellings
- East: R-1A Single-Family District – Single-family dwellings
- West: R-1A Single-Family District – Single-family dwelling
- South: R-1A Single-Family District – Single-family dwelling

The Prairie Village Zoning Ordinance allows private schools and daycare facilities in the R-1A and R-1B zoning district through a special use permit.

C. The extent that a use will detrimentally affect neighboring property

The site has been a school since the building was originally constructed in 1954. It became a private school in 1986 and received an original Special Use Permit in 1999. In 2008 and 2017, the SUP and site plan were renewed and addressed concerns related to transportation, traffic, and proposed construction with the school. The current proposal involves no new construction and is reallocating previously approved capacity to day care services that will have the same or similar operation as early elementary students. Therefore, it should not increase any of the transportation, parking or operational considerations beyond those previously addressed in the past SUP renewals.

D. 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.

Previous SUPs and amendments for this site have allowed effective utilization of an older school site within the neighborhood. Provided the parking, transportation and operational intensity is limited similarly to past approvals, it is reasonable to expect the school to contribute positively to the neighborhood, and that reallocation of previously approved capacity will not change that relationship with the neighborhood. Allowing the day care will allow the applicant to offer a more complete enrollment package to the families it serves.

E. The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.

Private schools and day cares (whether accessory to institutional uses or as a business) are permitted through a special use process by the Prairie Village zoning ordinance. The existing building and the site meets all other standards applicable to the building and site relating to height, setback, and lot coverage.

F. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.

The site has been used as a school for approximately 66 years and the approval of this amended special use permit will be consistent with that use. Since this is the continuation of a current condition, it is not expected that the use will cause any new issues with respect to the compatibility of uses, provided that they continue to operate within the previously approved capacity, and all other conditions and criteria of past approvals remain in effect.

G. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such as the special use will not cause substantial injury to the value of the property in the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will cause substantial injury to the value of property in the immediate neighborhood, consideration shall be given to:

1. The location, size, nature and height of buildings, structures, walls, and fences on the site; and
2. The nature and extent of landscaping and screening on the site.

This application proposes no construction or expansion of any facilities, and is to reallocate previously approved capacity to offer daycare facilities. This should not have any material impact on issues already addressed under the current Special Use Permit because:

- Daycare drop off and pick up should operate similar to early elementary students.
 - Daycare services will not increase any parking needs beyond previously approved capacity, because there is no expansion of the potential High School classrooms.
 - Any differences in drop-off, pick-up or parking are likely to be easily mitigated under the current Special Use Permit conditions, since it could slightly diversify traffic and parking patterns within previously approved capacity.
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H. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.

The ordinance requires that elementary, junior high and equivalent schools provide two spaces for each classroom, and high schools provide eight spaces for each classroom, plus one space for each two employees. Daycare facilities require one space for each employee and one space for each 8 children. The addition of daycare services within the existing capacity results in a blended rate comparable to the parking rate that was applied and approved with the 2017 Special Use Permit. (2 per classroom (elementary); 8 per classroom (high school); 1 per 8 children (daycare)). Further, the traffic and drop-off procedures are anticipated to be similar to that of early elementary school students. Therefore, the ordinance would not require additional parking for what is proposed, and no additional parking impacts are anticipated with the change of classroom allocation.

I. Adequate utility, drainage, and other such necessary facilities have been or will be provided.

There is no new construction associated with this application, so there should be no impact on drainage.

J. Adequate access roads or entrance and exist drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

There is no anticipated traffic change with this application, beyond that previously considered with the 2017 SUP amendment. That application included a traffic memo with projected traffic conditions (including access, parking, and drop-off / pick-up procedures) based on a projected enrollment capacity of 525 students (current is 444). The highest change in volume is expected to be during the morning peak hours. Public Works concurred with the findings of that memo, and did not anticipate any significant traffic impacts beyond those currently experienced in the area or beyond with the overall network can handle.

K. Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors or unnecessarily intrusive noises.

This particular use is not expected to produce any hazardous or toxic materials, hazardous processes, obnoxious odors, or intrusive noises beyond what is ordinarily associated with a school. The use is compatible with surrounding neighborhood properties with regard to these criteria.

L. Architectural design and building materials are compatible with such design and materials used in the neighborhood in which the proposed facility is to be built or located.

There is no new construction associated with this application, so there should be no impact on character of the neighborhood.

M. Conformance with the Comprehensive Plan

One of the primary objectives of Village Vision is to encourage reinvestment in the community to maintain the quality of life in Prairie Village. This application continues the reinvestment in an existing institution within the community, and provided the impacts from additional enrollment are mitigated as provided in previous Special Use Permit approvals, it is consistent with Village Vision in encouraging reinvestment.

N. City Staff recommendations.

Staff believes that the proposed reallocation of previously approved capacity for use as day care classrooms is consistent with and is within previously approved Special Use Permits. Subject to all previous conditions (restated below with the addition of day care classrooms), staff recommends approval.

Recommendations

Staff recommends approval of the Special Use Permit, subject to the following conditions (1-5, 7 and 8 being carried over from the 1999 and 2008 Special Use Permits, 6 being revised and 9 being added with the 2017 Special Use Permit, and 10 being added with this application.).

1. The applicant shall meet all conditions and requirements of the Planning Commission for the approval of a site plan.
 2. The Special Use Permit not have a termination or expiration time established for it.
 3. If the applicant violates any conditions of the zoning regulations and requirements as part of the Special Use Permit, the permit may be revoked by the City Council.
 4. The applicant cannot further expand or amend the Site Plan without an amendment to the Special Use Permit requiring a public hearing before being approved.
 5. Kansas City Christian School adopt a policy that all students will park on site and develop a procedure for implementation and enforcement of the policy.
 6. The number of designated high school classrooms shall be limited to 12.
 7. No more than four busses shall be parked in the rear of the school when not picking-up or dropping-off, and shall not idle more than five minutes during pick-up and drop-off.
 8. Kansas City Christian provide to the City at the beginning of each school year an updated student count reflecting the number of students in each grade and the number of classrooms use for each grade level.
 9. The permit anticipates a projected enrollment capacity of 525 students, and any enrollment significantly beyond this capacity or reconfiguring of classrooms that creates impacts beyond those anticipated by this baseline may require a revised site plan or may result in revocation of the permit at the discretion of the City.
 10. Daycare classrooms are permitted within the previously approved number of classrooms (17) and capacity limits (525), provided hours and operational procedures remain comparable and similar to early elementary students, and that all necessary Kansas Department of Health and Education licenses and approvals are acquired prior to operating a daycare.
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KANSAS CITY CHRISTIAN

4801 W.79th Street

Prairie Village, KS

66208

Kansas City Christian School
Special Use Permit Request
March 4, 2020

Kansas City Christian School is requesting an amendment to the Special Use Permit from September 2017 to include a PreSchool.

Original Issues listed on the SUP from 2008 and 2017:

Enrollment:

2008 SUP: 469 students, amendment in 2017 to 525 students

The addition of a preschool does not exceed our SUP enrollment requirements. Currently our enrollment is 385 students Kindergarten through twelfth grades. Preschool would only add a maximum of 24 additional students for the 2020-2021 school year. The overall capacity for KCC is not increasing beyond what is allowed on the SUP.

2008 SUP: 17 elementary and junior high classrooms

2017 SUP: amended the 2008 High School classrooms from 11 to 12

KCC is not adding additional classrooms but is reallocating our current classroom space to accommodate a preschool. The preschool classroom will be moved into an existing Kindergarten classroom. No adjustments to the building, architectural or construction, will take place. We are not exceeding the 17 allowed classroom spaces for elementary and junior high. We are not exceeding our allowed 12 designated high school classrooms.

Parking/Traffic & Hours of Operation:

During the 2017 SUP amendment process there were noted concerns from the neighbors as to the increase in traffic and parking. Using an existing classroom for preschool does not increase our traffic or parking issues. Students and teachers will still park on campus as noted in the SUP and traffic patterns will be busy during drop off (7:45-8:10 a.m.) and pick up (3:00- 3:40 p.m.). Preschool hours of operation will be the same as Kindergarten-12th grade hours of operation. No evening/weekend preschool hours will take place. The preschool will operate under the same conditions as the K-12 school including days off and summer break.

Preschool hours of operation Monday-Friday: 8:10 a.m.- 3:30 p.m.

Kindergarten – 5th grades hours of operation Monday- Friday: 8:10 a.m. – 3:10 p.m.

6th grade – 12th grade hours of operation Monday- Friday: 8:10 a.m. – 3:00 p.m.

Project Description:

This is a limited code study. It is offered to assist the City in determining appropriate Zoning and KCM's evaluation of the facility.

The existing facility is comprised of two buildings. There is no change of occupancy or physical construction proposed for any portion of either.

KCCB is proposing re-purposing approximately 1,118 s.f. existing kindergarten classroom, storage and private restrooms for use as a Day Care Center.

KCCB is also proposing segregating a portion of the existing playground for exclusive Day Care use.

Model Building/Codebook Codes Used:

- 2012 International Building Code
- 2012 International Mechanical Code
- 2011 National Electrical Code
- 2012 International Plumbing Code
- 2012 International Fire Code
- 2012 International Energy Conservation Code
- Kansas Fire Prevention Code

Responding Fire Service for this Facility:

Consolidated Fire District No. 2

Local Building Inspection Department:

The City of Prairie Village

Construction Type:

- Building A Type I-B (Fully sprinklered)
- Building B Type I-A (not sprinklered)

Occupant Type:

- Building A Group E - Education
- Building B Group A - Assembly

Total Square Footage:

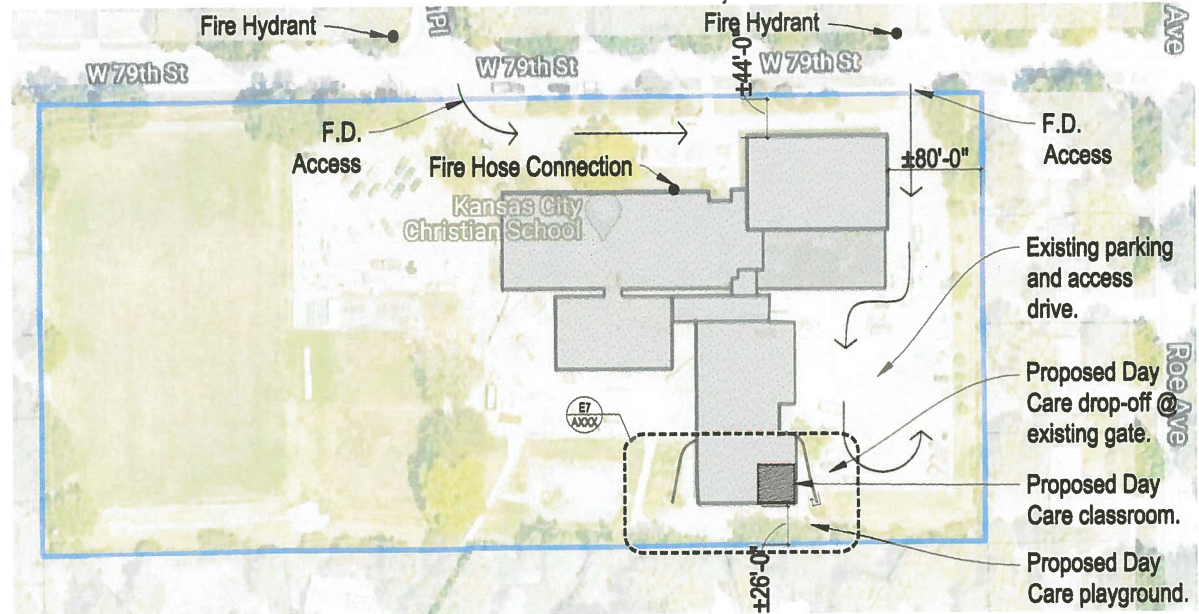
- Building A (Sprinklered)
 - Basement: (actual) 11,243 (allowable) 14,600 (allowable) - base: 14,900
 - Increase for sprinkler: 20,000
 - Increase for frontage: 8,506
 - Total Allowable: 62,006
- Building B (Unsprinklered)
 - First Floor: (actual) 8,120 (allowable) 14,600

Occupied Load by Floor:

- Building A
 - Basement: 237 occupants
 - First Floor: 1,493 occupants
- Building B
 - First Floor: 1,048 occupants
 - M.P./Commons/Cafe: 418 occupants
 - Gym: 962 occupants
 - Platform: 55 occupants

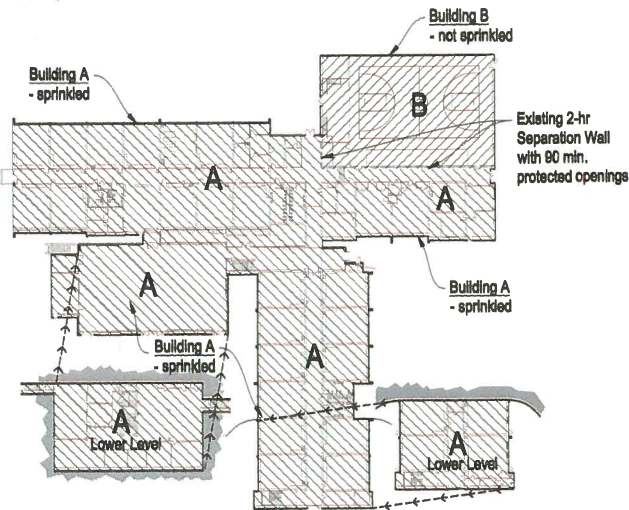
Fire Protection Items:

- NFPA 13 Fire Sprinkler Provided (Building A only)
- Fire Alarm System:
 - Manual pull stations, smoke detectors, audible and visual devices throughout common areas and classrooms.
- Passive Fire Protection Provided:
 - The overall building has been separated by separation walls, so each building can meet allowable area between sprinklered and non-sprinklered.

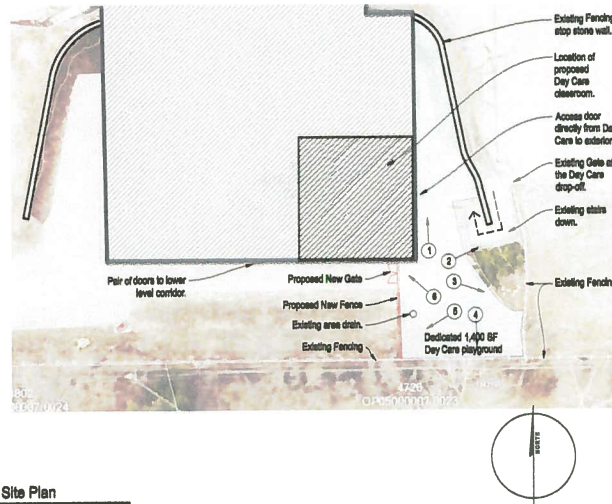


E1 Building Code Assessment
N.T.A.

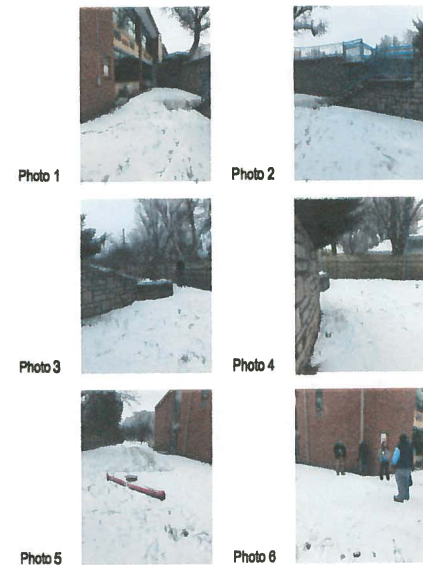
E5 Campus Site Plan
N.T.A.



A1 Building Separation Plan
N.T.A.

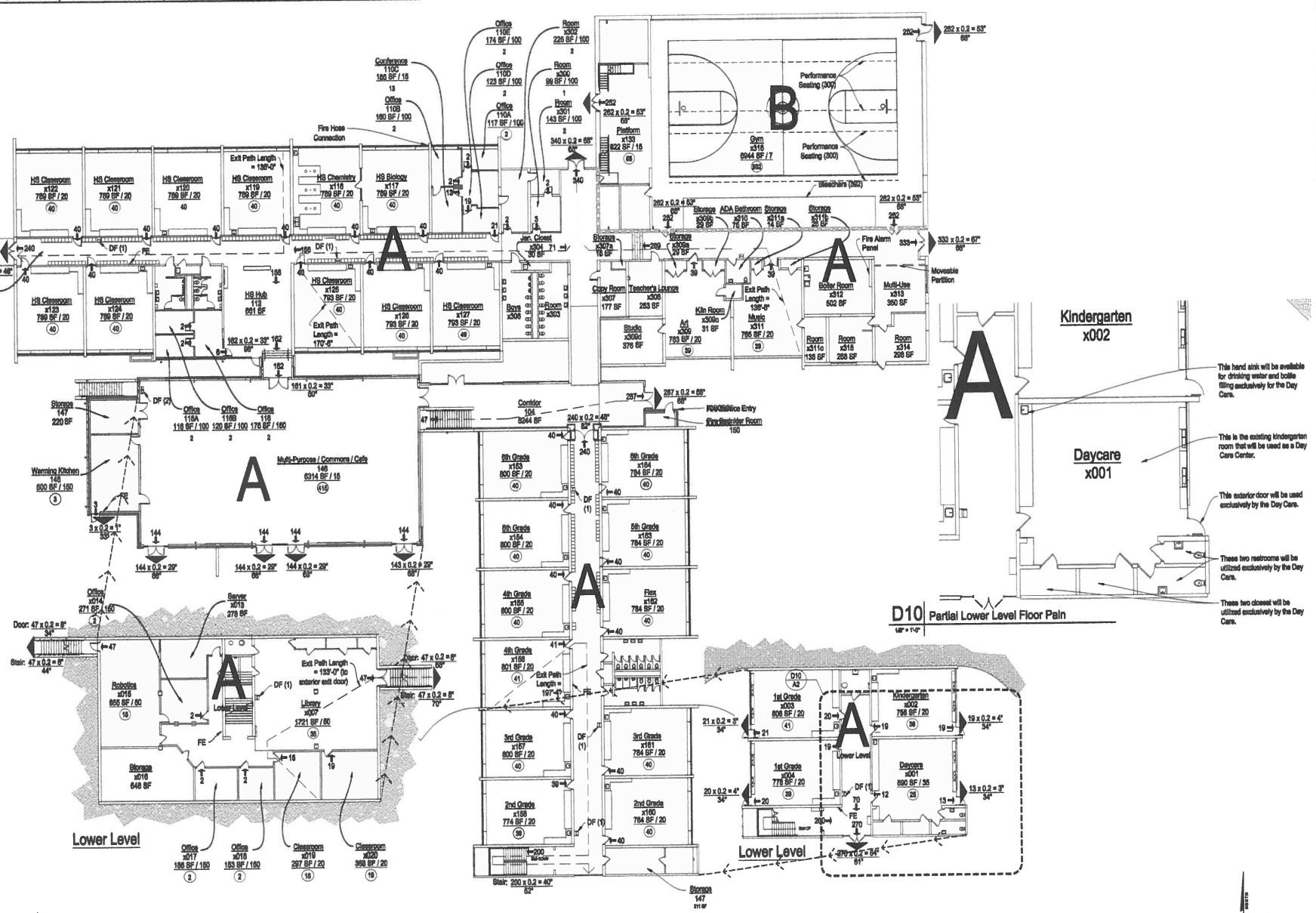


A5 Partial Site Plan
N.T.A.



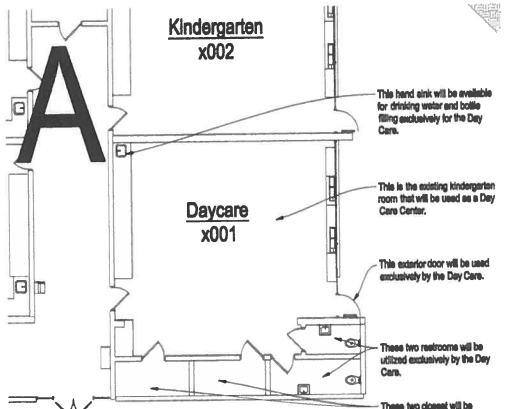
Architectural
URBAN PRAIRIE ARCHITECTURAL
COLLABORATIVE, P.C.
4828 Merwin St.
Kansas City, MO 64111
P. 816.324.1958
prairie@urbanprairie.com

NO.	DATE	DESCRIPTION



A1 Building Code Plan and Egress Plan
1/4" = 1'-0"

D10 Partial Lower Level Floor Plan
1/4" = 1'-0"



NOTES:
KANSAS CITY CHRISTIAN SCHOOL
4801 W 78th St
Prairie Village, MO 66206
P: 913.884.8327
F: 913.884.8320

ARCHITECTURAL:
URBAN PRAIRIE ARCHITECTURAL
COLLABORATIVE, P.C.
4025 MASTERS BL.
KANSAS CITY, MO 64111
P: 913.254.1416
UPR@urbanprairie.com

DATE:	
BY:	
REVISION:	

Building Code and Egress Plan

A2
© copyright 2020

Application No. PC 2020-104

AFFIDAVIT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

Todd Zylstra, being duly sworn upon his oath, disposes and states:

That he is the (owner) (attorney for) (agent of) the tract of land for which the application was filed. That in accordance with Section 19.28.025 of the Prairie Village Zoning Regulations, the applicant placed and maintained a sign, furnished by the City, on that tract of land. Said sign was a minimum of two feet above the ground line and within five feet of the street right-of-way line in a central position of the tract of land and had no visual obstruction thereto.



(Owner/Attorney for/Agent of)

Subscribed and sworn to before me this 13th day of April, 2020



SUSAN L. WATTERSON
NOTARY PUBLIC
STATE OF KANSAS
MY APPT. EXP.
2-26-2023



Notary Public or Planning Commission Secretary

Todd Zylstra, being duly sworn upon his oath, deposes and states:

1. I am the (owner of) (attorney for) (agent of) the property described in the attached notice upon which an application has been filed before the Planning Commission of the City of Prairie Village, Kansas.
2. On the 16th day of April, 2020 a public information meeting was held pursuant to the Citizen Participation Policy adopted on June 6, 2000, by the Planning Commission
3. On the 17th day of March, 2020, I did comply with notification requirements to landowners as stated Section 19.28.020, of the Prairie Village Zoning Regulations and notified in letter by certified mail all owners of land located within 200 feet of the described real property. Notice was mailed to the following:

Name

Address

See Attached Document for verification of compliance to Section 19.28.020.

Neighborhood meeting was originally scheduled for March 17th, 2020 but due to
mandatory quarantine for 30 days the neighborhood meeting was rescheduled to
April 16th, 2020 via Zoom. New letters were mailed to PV neighborhood
with information regarding the changes in the meeting.

.I certify that the foregoing is true and correct.

Todd Zylstra

Name

4801 W. 79th Street Prairie Village, KS

Address

Kansas City Christian Virtual Open House
Meeting Notes April 16, 2020

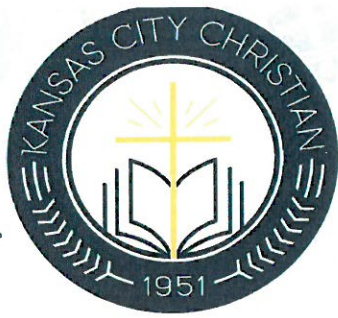
Kansas City Christian notified the citizens of Prairie Village by mail that the Open House required by the city of Prairie Village would be hosted via Zoom from 7:00-7:40 p.m. on April 16th, 2020. The meeting began at 7:00 p.m. with Amy McGruder, host, and Lower School Principal, and Todd Zylstra, Head of School. No additional people joined the meeting. The meeting concluded at 7:40 p.m.



Posted March 5th, 2020 outside Kansas City Christian School



Posted March 23, 2020 with updated information, outside Kansas City Christian School



KANSAS CITY CHRISTIAN

4801 W.79th Street

Prairie Village, KS

66208

Notice to Owners of Affected Properties
Prairie Village, KS
March 13, 2020

An application for the reallocation of our previously approved classroom space as applied to the property at 4801 W. 79th Street has been filed by Todd Zylstra, Head of School, and would authorize Kansas City Christian School to use an existing elementary classroom as designated preschool space. During the 2017 amendment to the Special Use Permit there were a number of concerns from the neighborhood and KCC would like to alleviate any of those concerns prior to the Public Hearing on April 7, 2020 at 7:00 p.m. in the Council Chamber of the City Hall, 7700 Mission Road.

Enrollment:

2008 SUP: 469 students, amendment in 2017 to 525 students

The addition of a preschool does not exceed our SUP enrollment requirements. Currently our enrollment is 385 students Kindergarten through twelfth grades. Preschool would only add a maximum of 24 additional students for the 2020-2021 school year. The overall capacity for KCC is not increasing beyond what is allowed on the SUP. KCC is not adding additional classrooms but is reallocating our current classroom space to accommodate a preschool. The preschool classroom will be moved into an existing Kindergarten classroom. No adjustments to the building, architectural or construction, will take place.

Parking/Traffic & Hours of Operation:

Using an existing classroom for preschool does not increase our traffic or parking issues. Students and teachers will still park on campus as noted in the SUP and traffic patterns will be busy during drop off (7:45-8:10 a.m.) and pick up (3:00- 3:40 p.m.). Preschool hours of operation will be the same as Kindergarten-12th grade hours of operation. No evening/weekend preschool hours will take place. The preschool will operate under the same conditions as the K-12 school including days off and summer break.

A neighborhood meeting will take place in Kansas City Christian's gymnasium on March 24, 2020 from 6:00 p.m. – 7:00 p.m. to answer any question or concerns you have.

The hearing of this application is not limited to those receiving copies of this notice, and if you know of any neighbor or affected property owner who, for any reason, has failed to receive a copy, it would be appreciated if you would inform them of this public hearing. At the time of the scheduled public hearing persons interested may be present, or may submit their comments in writing to the Planning Commission prior to the April 7th scheduled hearing.

Sincerely,


Todd Zylstra, Head of School
Kansas City Christian School



KANSAS CITY CHRISTIAN

4801 W.79th Street

Prairie Village, KS

66208

Notice to Owners of Affected Properties
Prairie Village, KS
April 9, 2020

In March 2020 a letter was sent by Kansas City Christian School notifying you of the following, *“An application for the reallocation of our previously approved classroom space as applied to the property at 4801 W. 79th Street has been filed by Todd Zylstra, Head of School, and would authorize Kansas City Christian School to use an existing elementary classroom as designated preschool space. During the 2017 amendment to the Special Use Permit there were a number of concerns from the neighborhood and KCC would like to alleviate any of those concerns prior to the Public Hearing on April 7, 2020 at 7:00 p.m. in the Council Chamber of the City Hall, 7700 Mission Road.”*

Due to the state-wide stay-at-home order the city of Prairie Village has moved their meeting to May 5th, 2020 at 7:00 p.m. and will be communicating with citizens whether the meeting will be in person or delivered virtually. Please contact the Council Chamber of the City Hall, 7700 Mission Road for more information.

Kansas City Christian School has rescheduled their Open House to Thursday, April 16th, 2020 from 7:00- 7:40 p.m. KCC will hold the meeting via Zoom. To join the meeting please use the following link, meeting ID, and password.

<https://us04web.zoom.us/j/143840342?pwd=NmdQdVBUBhFh2ZVJLMGp2QWNqS0FKQT09>

Meeting ID: 143 840 342

Password: 007141

If you have trouble joining the meeting, please contact Amy McGruder at amcgruder@mykccs.org to submit any questions or concerns you have.

Sincerely,


Todd Zylstra, Head of School
Kansas City Christian School.



Buffer Results

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

200 foot buffer (21.55 acres)
Buffer search returned 56 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	Billing City, State Zip
1	OP190000000005	9,583	0.22	7924 JUNIPE R DR	MYERS, CHARLES LEWIS		7924 JUNIPE R DR	PRAIRIE VILLAGE, KS 66208				
2	OP050000070027	16,988	0.39	4814 W 80TH ST	BARNES, SHARON L.		4814 W 80TH ST	PRAIRIE VILLAGE, KS 66208				
3	OP190000000014	10,019	0.23	7923 JUNIPE R DR	MANLEY, FRANCIS J.		7923 JUNIPE R DR	PRAIRIE VILLAGE, KS 66208				
4	OP190000000007	9,583	0.22	7934 JUNIPE R DR	WALLEY, JUSTIN		7934 JUNIPE R DR	PRAIRIE VILLAGE, KS 66208				
5	OP050000070026	13,504	0.31	4810 W 80TH ST	KEAL, JOSHUA P.	KEAL, JESSICA M.	4810 W 80TH ST	PRAIRIE VILLAGE, KS 66208				
6	OP050000070010A	13,939	0.32	7900 ROE AVE	COURTNEY, CHASE A	COURTNEY, KATIE S	7900 ROE AVE	PRAIRIE VILLAGE, KS 66208				
7	OP050000070029	16,988	0.39	4822 W 80TH ST	BRINCKS, MATTHEW	BRINCKS, KELSEY M	4822 W 80TH ST	PRAIRIE VILLAGE, KS 66208				
8	OP050000070014	11,761	0.27	7916 ROE AVE	PEUGEOT, DANIEL J.	PEUGEOT, MELISSA L.	7916 ROE AVE	PRAIRIE VILLAGE, KS 66208				
9	OP490000040015	10,890	0.25	4715 W 78TH TER	HARRISON, STEPHEN E.	HARRISON, KRISTEN MARIE	4715 W 78TH TER	PRAIRIE VILLAGE, KS 66208				

10	OP49000 003 0010	10,8 90	0.2 5	7851 JUNIPER ST	GREGORY, ROBERT M.		7851 JUNIPER ST	PRAIRIE VILLAGE, KS 66208				
11	OP05000 007 0031	13,9 39	0.3 2	4911 W 81ST ST	HICKERSON, KATLIN	HICKERSON, CHRISTOPHER	4911 W 81ST ST	PRAIRIE VILLAGE, KS 66208				
12	OP49000 004 0020	12,1 97	0.2 8	4708 W 79TH ST	SATTERFIELD, SCOTT M.	SATTERFIELD, RACHEL L.	4708 W 79TH ST	PRAIRIE VILLAGE, KS 66208				
13	OP49000 003 0006	13,9 39	0.3 2	4900 W 79TH ST	BLADL FAMILY TRUST		4900 W 79TH ST	PRAIRIE VILLAGE, KS 66208				
14	OP49000 003 0007	8,71 2	0.2 0	4904 W 79TH ST	FREEMAN, PATRICIA	FREEMAN, RON	4904 W 79TH ST	PRAIRIE VILLAGE, KS 66208				
15	OP19000 000 0013	10,0 19	0.2 3	7929 JUNIPER DR	ZELLERS, RICKY JOE		7929 JUNIPER DR	PRAIRIE VILLAGE, KS 66208				
16	OP05000 008 0013	16,1 17	0.3 7	4815 W 80TH ST	WHALEN, MATTHEW	WHALEN, EMILY	4815 W 80TH ST	PRAIRIE VILLAGE, KS 66208				
17	OP19000 000 0015	10,0 19	0.2 3	7917 JUNIPER DR	CALDWELL, JOHN R	CALDWELL, MICHELE C	7917 JUNIPER DR	PRAIRIE VILLAGE, KS 66208				
18	OP19000 000 0010	10,4 54	0.2 4	7947 JUNIPER DR	COWHERD, ADAM T	COWHERD, NOEMI M	7947 JUNIPER DR	PRAIRIE VILLAGE, KS 66208				
19	OP19000 000 0004	9,58 3	0.2 2	7920 JUNIPER DR	CASILLAS, TRAVIS	CASILLAS, KELLY	7920 JUNIPER DR	PRAIRIE VILLAGE, KS 66208				
20	OP19000 000 0006	9,58 3	0.2 2	7928 JUNIPER DR	BECHARD, LAUREN OLIVIA	BECHARD, CHRISTIAN THANE	7928 JUNIPER DR	PRAIRIE VILLAGE, KS 66208				
21	OP05000 007 0025	14,8 10	0.3 4	4806 W 80TH ST	BOEHM, GEORGIA L		4806 W 80TH ST	PRAIRIE VILLAGE, KS 66208				
22	OP49000 004 0027	9,14 8	0.2 1	4904 W 78TH PL	SCHILLIG, CHRISTINE E.	WALKER, WILLIAM R.	4904 W 78TH PL	PRAIRIE VILLAGE, KS 66208				

2 3	OP49000 004 0014	12,1 97	0.2 8	4727 W 78TH TER	MCNEESE, THOMAS H	MCNEESE, DANIEL C	4727 W 78TH TER	PRAIRIE VILLAGE, KS 66208				
2 4	OP49000 003 0005	9,14 8	0.2 1	4911 W 78TH PL	HICKERSON, MEREDITH	HICKERSON, JOHN	4911 W 78TH PL	PRAIRIE VILLAGE, KS 66208				
2 5	OP49000 003 0011	9,58 3	0.2 2	7847 JUNIP R ST	TARANTINO, ISADORE	TARANTINO, CHELSEY I	7847 JUNIP R ST	PRAIRIE VILLAGE, KS 66208				
2 6	OP05000 007 0011	12,1 97	0.2 8	7904 ROE AVE	ECKER, GARRY		7904 ROE AVE	PRAIRIE VILLAGE, KS 66208				
2 7	OP49000 004 0016	12,6 32	0.2 9	4703 W 78TH TER	DIAZ, DORA TRUST		4703 W 78TH TER	PRAIRIE VILLAGE, KS 66208				
2 8	OP49000 004 0024A	13,0 68	0.3 0	4808 W 79TH ST	DAYTON, CATHERINE R. TRUSTEE	DAYTON FAMILY TRUST	4808 W 79TH ST	PRAIRIE VILLAGE, KS 66208				
2 9	OP49000 004 0018	13,0 68	0.3 0	4700 W 79TH ST	BRADLEY, KREY	CROW, WHITNEY	4700 W 79TH ST	PRAIRIE VILLAGE, KS 66208				
3 0	OP19000 000 0012	10,0 19	0.2 3	7935 JUNIP R DR	KRUMREI, CHRISTOPHER	MOTZ, JESSICA	7935 JUNIP R DR	PRAIRIE VILLAGE, KS 66208				
3 1	OP19000 000 0017	10,0 19	0.2 3	7901 JUNIP R DR	PARISH, GRACE A.		7901 JUNIP R DR	PRAIRIE VILLAGE, KS 66208				
3 2	OP19000 000 0001	9,58 3	0.2 2	7900 JUNIP R DR	MASSON, ANTHONY G.	MASSON, JILL P.	7900 JUNIP R DR	PRAIRIE VILLAGE, KS 66208				
3 3	OP19000 000 0001A	10,0 19	0.2 3	7904 JUNIP R DR	ROWE, JAMES M.	ROWE, MARLENE J.	7904 JUNIP R DR	PRAIRIE VILLAGE, KS 66208				
3 4	OP19000 000 0018	9,14 8	0.2 1	4915 W 79TH ST	MYERS, MOLLY		4915 W 79TH ST	PRAIRIE VILLAGE, KS 66208				
3 5	OP19000 000 0002	10,0 19	0.2 3	7908 JUNIP R DR	MCLAUGHLIN, RYAN	MCLAUGHLIN, LAURA	7908 JUNIP R DR	PRAIRIE VILLAGE, KS 66208				

36	OP19000 000 0011	10,0 19	0.2 3	7941 JUNIPER DR	POPLINGER, JOSEPH	POPLINGER, SARAH	7941 JUNIPER R DR	PRAIRIE VILLAGE, KS 66208				
37	OP05000 007 0022	18,2 95	0.4 2	4722 W 80TH ST	WILSON, THOMAS M AND	WILSON, WANDA K REV LIV TRUST	4722 W 80TH ST	PRAIRIE VILLAGE, KS 66208				
38	OP05000 007 0024	18,7 31	0.4 3	4802 W 80TH ST	PETERSON, DALE J.	PETERSON, ERMA T.	4802 W 80TH ST	PRAIRIE VILLAGE, KS 66208				
39	OP49000 004 0023	13,0 68	0.3 0	4804 W 79TH ST	SPENCER, STEPHEN R.	SPENCER, VONDA R.	4804 W 79TH ST	PRAIRIE VILLAGE, KS 66208				
40	OP49000 004 0022	12,6 32	0.2 9	4800 W 79TH ST	PETERS, CHRISTOPHER LEE	PETERS, KIMBERLEE M	4800 W 79TH ST	PRAIRIE VILLAGE, KS 66208	CAP FED		700 S KANSAS AVE	TOPEKA, KS 66603
41	OP49000 004 0019	11,7 61	0.2 7	4704 W 79TH ST	KAREN LEIGH WOLOSCSUK LIVING TRUST		4704 W 79TH ST	PRAIRIE VILLAGE, KS 66208				
42	OP05000 007 0030	20,9 09	0.4 8	4915 W 81ST ST	TAYLOR AND MADISON DORMAN LIVING TRUST		4915 W 81ST ST	PRAIRIE VILLAGE, KS 66208				
43	OP49000 003 0008	8,71 2	0.2 0	4908 W 79TH ST	STAAB, MATTHEW D.		4908 W 79TH ST	PRAIRIE VILLAGE, KS 66208				
44	OP49000 003 0004	9,58 3	0.2 2	4917 W 78TH PL	HODGE, KEVIN		4917 W 78TH PL	PRAIRIE VILLAGE, KS 66208				
45	OP49000 004 0013	11,7 61	0.2 7	4803 W 78TH TER	FLOWERS, MARY S.		4803 W 78TH TER	PRAIRIE VILLAGE, KS 66208				
46	OP19000 000 0016	10,0 19	0.2 3	7911 JUNIPER R DR	HARR, THOMAS A.	HARR, JOAN B.	7911 JUNIPER R DR	PRAIRIE VILLAGE, KS 66208				
47	OP05000 007 0023	13,9 39	0.3 2	4726 W 80TH ST	KELLY, MICHAEL G	KELLY, KATHRYN A	4726 W 80TH ST	PRAIRIE VILLAGE, KS 66208				
48	OP05000 007 0021	12,6 32	0.2 9	4718 W 80TH ST	WILKES, WILLIAM G.	WILKES, KATHLEEN S.	4718 W 80TH ST	PRAIRIE VILLAGE, KS 66208				

49	OP49000 003 0009	10,0 19	0.2 3	4912 W 79TH ST	EUBANKS, SANDRA K.		4912 W 79TH ST	PRAIRIE VILLAGE, KS 66208				
50	OP05000 007 0016	12,1 97	0.2 8	7924 ROE AVE	PRUNEAU, SCOTT MICHAEL	WILSON, JENNIFER ELISE	7924 ROE AVE	PRAIRIE VILLAGE, KS 66208				
51	OP05000 007 0012	12,1 97	0.2 8	7908 ROE AVE	VONNAHME, GREG	VONNAHME, ELIZABETH	7908 ROE AVE	PRAIRIE VILLAGE, KS 66208				
52	OP05000 007 0013	12,1 97	0.2 8	7912 ROE AVE	RODRIGUEZ, LISA A.		7912 ROE AVE	PRAIRIE VILLAGE, KS 66208				
53	OP05000 007 0028	14,3 75	0.3 3	4818 W 80TH ST	TEANEY-LIERZ, JAYANNE	LIERZ, RANDALL	4818 W 80TH ST	PRAIRIE VILLAGE, KS 66208				
54	OP49000 004 0026	13,5 04	0.3 1	4822 W 78TH PL	LUCE, JAMES M II	STILLEY, LE ANN	4822 W 78TH PL	PRAIRIE VILLAGE, KS 66208				
55	OP05000 007 0015	11,7 61	0.2 7	7920 ROE AVE	HANLON, MICHELE J.		7920 ROE AVE	PRAIRIE VILLAGE, KS 66208				
56	OF25122 8-1001	324, 522	7.4 5	4801 W 79TH ST	KANSAS CITY CHRISTIAN	SCHOOL SOCIETY INC	4801 W 79TH ST	PRAIRIE VILLAGE, KS 66208				

Total Area of Parcels: 22.64 acres (986,198 ft²)

Selected Property



CITY OF PRAIRIE VILLAGE
The Star of Kansas

Cust # 21369
App # 0022514

Planning Commission Application

For Office Use Only
Case No.: <u>PC2020-105</u>
Filing Fee: <u>\$100.00</u>
Deposit: <u> </u>
Date Advertised: <u> </u>
Date Notices Sent: <u> </u>
Public Hearing Date: <u> </u>

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: Nate Scherzer Phone Number: 913-522-9875
Address: 4300 W. 63rd St. E-Mail: NSCHERZER814@gmail.com
Owner: Nate Scherzer Phone Number: 913-522-9875
Address: 4300 W. 63rd St. Zip: 66208
Location of Property: 4300 W. 63rd St.

Legal Description: Mission Valley East LT 55 & E 15' LT 56 PVC 284 55

Applicant requests consideration of the following: (Describe proposal/request in detail) We would like to replace our current fence with a 6-ft

privacy fence and keep the East fence line where it is even though it is not 5 feet back from the right-of-way.

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.

Nate Scherzer 3-4-20
Applicant's Signature/Date

Nate Scherzer 3-4-20
Owner's Signature/Date

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: May 5, 2020 Planning Commission Meeting

Application: PC 2020-105

Request: Site plan review for a fence, with an exception

Action: *A Site Plan requires the Planning Commission to apply the facts of the application to the standards and criteria of the ordinance, and if the criteria are met to approve the application. Fence standards have specific criteria to evaluate for granting exceptions.*

Property Address: 4300 W. 63rd Street

Applicant: Nate Scherzer

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

Surrounding Zoning and Land Use: **North:** R-1 (Fairway) Single-Family District – Single-Family Dwellings
East: R-1B Single-Family District - Single-Family Dwellings
South: R-1A Single-Family District – Single-Family Dwellings and School / Fire Station
West: R-1B Single-Family District - Single-Family Dwellings

Legal Description: MISSION VALLEY EAST LT 55 & E 15' LT 56 – PVC 284 55

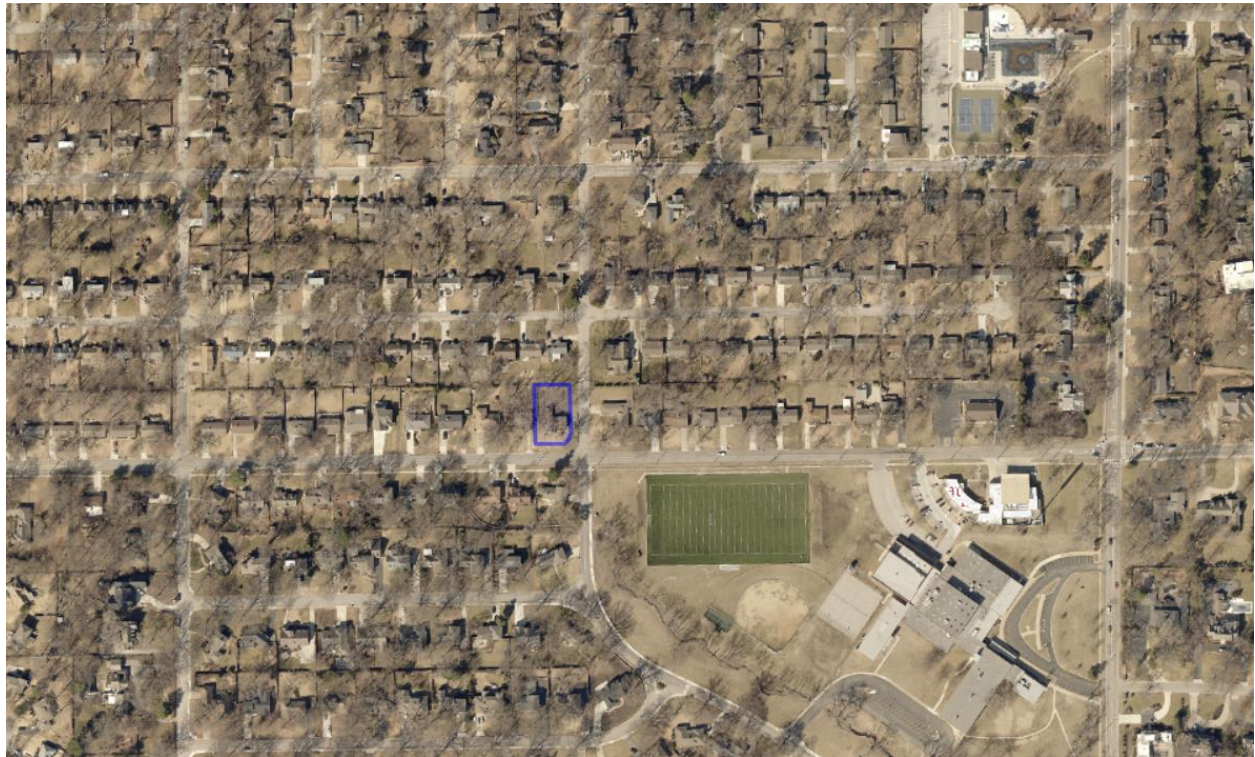
Property Area: 11,171.13 sq. ft. (0.26 ac.)

Related Case Files: none

Attachments: Application, Site Aerial (w/ existing fence), Photos



General Location – Map



General Location – Aerial



Site – Aerial



Birdseye



Street View (looking northwest at the corner of 63rd & Delmar – fenced area to rear)



Street View (looking south on Delmar, subject property and fenced area on right)



Street View (*existing fenced area proposed to be replaced with a privacy fence*)

BACKGROUND:

The applicant is requesting an exception to the fence standards to construct a fence in the side yard that does not meet the required setback on Delmar Street. The property is a corner lot on the northwest corner of 63rd Street and Delmar, and Delmar is the side street along the east property boundary. The north property boundary is the rear lot line of the subject lot and the rear lot line of the adjacent house to the north, making this configuration a “standard corner” for purposes of the fence standards. Houses on the opposite corners have the same configuration with side lot lines along Delmar Street. In this circumstance, the zoning ordinance requires the fence to be setback from the lot line on Delmar Street at least 5 feet [19.44.025.C.3]. Since the fenced area is entirely in the rear yard, there are no restrictions on the design of the fence, other than the general height and design standards. (“Decorative” fence standard only apply to those permitted in the front yard areas.)

The proposal is to replace an existing, approximately 4’ high, chain link fence with a 6’ high wooden privacy fence. The existing fence is placed at the property line, rather than at the 5’ setback required by the zoning ordinance. This location aligns with the fence on the property to the north (rear), creating a continuous fence line along Delmar in the rear yards of each property. The lot immediately across Delmar to the east does not have a fenced yard, but the house to the northeast (Fairway) has a rear chain link fence that is setback from the property line.

ANALYSIS:

This property is zoned R-1B. The fence standards in section 19.44.025 apply to this property, and the following specific section is the subject of this application:

C. Location.

3. Fences located on the side street of a corner lot shall not be less than five (5) feet from the right-of-way line except that if an adjacent lot faces the side street, the fence shall be setback from the right-of-way line a distance of fifteen (15) feet or not less than one-half the depth of the front yard of an adjacent building, whichever is the greater setback. [19.44.025.C.3]

This section intends to preserve the relationship of buildings, lots and yards to the streetscape, recognizing the different situations that typically arise on corner lots.

The factors that affect this particular situation are the following:

- The lot has a standard corner orientation, with a street side yard on Delmar Street. All adjacent lots on this segment of Delmar have the same configuration which would allow each lot to have a fence similar to what is proposed at the 5' setback line.
- The existing fence proposed to be replaced does not meet the 5' setback and is placed at the property line. This aligns with the fence around the rear yard of the lot to the north.
- The proposed fence generally meets all other fence requirements in Section 19.44.025, except for the location.

The fence standards allow the Planning Commission, through site plan review, to approve adjustments to the height and location of fences if 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 applicant held a neighborhood meeting on March 24, 2020, as required by the Prairie Village Citizen Participation Policy, and has provided background on that meeting to supplement the application.

CRITERIA:

The following are the Site Plan review criteria: [Section 19.32.030.]

A. Generally.

1. **The plan meets all applicable standards**
2. **The plan implements any specific principles or policies of the comprehensive plan that are applicable to the area or specific project.**
3. **The plan does not present any other apparent risks to the public health, safety, or welfare of the community.**

The nature of this application is that it does not meet applicable standards, and is requesting an exception subject to specific criteria discussed below. Otherwise, this site is capable of meeting all requirements for residential property.

B. Site Design and Engineering.

1. **The plan provides safe and easy access and internal circulation considering the site, the block and other surrounding connections, and appropriately balances vehicle and pedestrian needs.**
2. **The plan provides or has existing capacity for utilities to serve the proposed development.**
3. **The plan provides adequate stormwater runoff.**
4. **The plan provides proper grading considering the prevailing grades and the relationship of adjacent uses.**

This site is currently served by utilities and this plan does not affect any utility, access or runoff issues not already addressed through the building permit. No changes to the grade, building footprint or impervious surface are proposed or impacted by consideration of this application, and therefore stormwater runoff will not be affected. There is no sidewalk in the right-of-way on this segment of Delmar, and no plans to install one. According to AIMS measuring tools (estimated, and not surveyed) the property line and existing fence is approximately 10' from the curb.

C. Building Design.

1. **The location, orientation, scale, and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.**

2. **The selection and application of materials will promote proper maintenance and quality appearances over time.**
3. **The architectural design reflects a consistent theme and design approach. Specifically, the scale, proportion, forms and features, and selection and allocation of materials reflect a coordinated, unified whole.**
4. **The building reinforces the character of the area and reflects a compatible architectural relationship to adjacent buildings. Specifically, the scale, proportion, forms and features, and materials of adjacent buildings inform choices on the proposed building.**

This plan does not affect building design criteria not already addressed through the building permit.

D. Landscape Design.

1. **The plan creates an attractive aesthetic environment and improves relationships to the streetscape and adjacent properties.**
2. **The plan enhances the environmental and ecological functions of un-built portions of the site.**
3. **The plan reduces the exposure and adverse impact of more intense activities or components of the site or building.**

The intent of the proposed location standards for fences is to improve and preserve the relationship of sites and buildings to the neighborhood street frontages. In this case, there is no sidewalk along Delmar and the fence is approximately 10' feet from the right-of-way at all locations. This is a side street orientation for all lots along this segment of the street. The proposed fence is a 6' wooden privacy fence that will prevent visibility into the yard; however, it is entirely in the rear yard, and will not impact any sight distances related to street corners or driveway entrances.

The fence standards also have the following specific criteria for the Planning Commission to approve exceptions [Section 19.44.G.1.]:

- **Project that is more compatible,**
- **Provides better screening,**
- **Provides better storm drainage management, or**
- **Provides a more appropriate utilization of the site.**

RECOMMENDATION:

Staff recommends approval of this fence site plan with the exception give the following considerations:

- this proposal having a side yard configuration on a street with no sidewalk (proposed fence location 10' from curb);
 - all lots on this segment of Delmar having a similar side yard configuration;
 - the fence is replacing an existing fence and aligned with the fence to the rear;
 - all fencing being proposed is located in the rear yard of the lot (no side of house or front of house); and
 - the proposed fence will meet all other standards other than the required setback.
-





The white flag in the photo above marks where our fence line would have to be moved. As you can see, it would hit the center of our tree, requiring the fence to be moved in even further to then go inside of the tree.



This photo shows the fence line for which this variance is being requested. As you can see, it currently lines up with our neighbor's fence behind us.





Dear Neighbor(s):

We are planning on replacing the chain link fence in our backyard with a privacy fence. We would like to put the fence in the same spot as our current fence but a newer code in the Prairie Village zoning regulations requires that our fence be set back 5 feet from the right-of-way. The right-of-way is 25 feet from the center of the street (Delmar). Our current fence only sits about 2 feet back from the right-of-way.

Our hope is to keep the fence in the same location as it lines up with the house behind us which is in Fairway. We were instructed to file an application to the City of Prairie Village Planning Commission to approve this. The application requires us to provide an opportunity for our neighbors to raise any questions or concerns with the placement of the fence. Therefore, we have designated Tuesday, March 24th at 6:00 p.m. for a meeting at our address below. You are invited, but NOT required, to attend and express any concerns you may have with this. Afterwards, a written summary will be submitted to the Prairie Village Planning Commission identifying the persons in attendance and any concerns expressed.

Thank you for taking the time to read this letter and consider whether this issue is of personal concern to you.

Best regards,

Nate & Courtney Scherzer

4300 W. 63rd Street

Prairie Village, KS 66208

913-522-9875

City of Prairie Village Planning Commission,

In compliance with the application to the City of Prairie Village Planning Commission, a letter was sent to all 12 homes in Prairie Village that are within 200 feet of our home. The letter outlined a neighborhood meeting we were hosting on March 24th at 6:00 p.m. at our home. These letters were sent by certified mail.

We hosted our meeting on March 24th but had no attendees. Although, several of our neighbors have told us since that they have no issue with the fence remaining where it is.

Sincerely,

Nate & Courtney Scherzer



Buffer Results

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

200 foot buffer (5.12 acres)

Buffer search returned 22 properties

[Download as Mailing Labels](#)

No.	Property ID	Area (ft ²)	Acres	Situs Address	Owner1	Owner2	Owner Address
1	GP71000000 0027	7,841	0.18	4315 W 62ND TER	LAURA H COTTER TRUST		13017 CANTERBURY S
2	OP13000008 0002	9,583	0.22	4305 W 63RD ST	ROBERTS, H. LEE	ROBERTS, JUDY A.	4305 W 63RD ST
3	OP28000000 0056B	10,454	0.24	4310 W 63RD ST	LEVOTA, SHERYL L.		4310 W 63RD ST
4	GP71000000 0031	14,375	0.33	4215 W 62ND TER	ZOGLEMAN, BRICE	ZOGLEMAN, AMY C	4215 W 62ND TER
5	GP71000000 0028	8,276	0.19	4311 W 62ND TER	SHANNON, SCOTT B.	SHANNON, LYNNETTE	4311 W 62ND TER
6	OP13000008 0004	10,890	0.25	4317 W 63RD ST	JETER, MARY M.		4317 W 63RD ST
7	OP13000008 0021	13,504	0.31	4302 W 63RD TER	HOUSTON, CHRISTY		4302 W 63RD TER
8	OP28000000 0058A	10,890	0.25	4330 W 63RD ST	PECKMAN, LYMAN L.	PECKMAN, YVONNE A.	4330 W 63RD ST
9	GP71000000 0023	9,583	0.22	4300 W 62ND TER	STEADMAN FAMILY ENTERPRISES LLC		15454 ANTIOCH RD
10	GP71000000 0029	8,276	0.19	4305 W 62ND TER	KINNEY REVOCABLE TRUST		11752 S HAGAN ST
11	GP71000000 0030	9,148	0.21	4301 W 62ND TER	MOONEY, JACOB MICHAEL		4301 W 62ND TER
12	OP13000008 0001	11,326	0.26	4301 W 63RD ST	MINOR, HEATHER D.	MINOR, MICHAEL L.	4301 W 63RD ST
13	OP13000008 0020	11,326	0.26	4306 W 63RD TER	WAGSTAFF, RICHARD H. III	WAGSTAFF, K. BRIDGET	4306 W 63RD TER
14	OP28000000 0052	9,148	0.21	4100 W 63RD ST	LANE, JAN W.		4100 W 63RD ST
15	OP28000000 0054	12,197	0.28	4214 W 63RD ST	BOECKHOLT, JOSEPH A.	BOECKHOLT, MICHELE R.	4214 W 63RD ST
16	OP29000000 0031	11,326	0.26	4340 W 63RD ST	WEIR, DANA L.		5202 W 76TH TER
17	GP71000000 0033	8,276	0.19	4207 W 62ND TER	CISPER, BRETT		4207 W 62ND TER
18	GP71500000 0030	9,583	0.22	4319 W 62ND TER	BROOKINS, JESSE		4319 W 62ND TER
19	GP71000000 0024	12,632	0.29	4308 W 62ND TER	STEPHENS, JUDITH M. REV TRUST		4308 W 62ND TER
20	OP13000008 0003	10,890	0.25	4309 W 63RD ST	CRAVY, DUANE	SUTERA, ANNIE	4309 W 63RD ST
21	OP28000000 0055	11,326	0.26	4300 W 63RD ST	SCHERZER, NATHANIEL	BROWN, COURTNEY	4300 W 63RD ST
22	OF251216-3017	737,471	16.93	6400 MISSION RD	SHAWNEE MISSION HIGH SCHOOL		8200 W 71ST ST

Total Area of Parcels: 22.00 acres (958,320 ft²)

Selected Property

BY-LAWS OF THE PRAIRIE VILLAGE PLANNING COMMISSION

Adopted May 5, 2020

ARTICLE ONE

Creation

1. **Name.** There is hereby established by the City Code of Prairie Village, a City Planning Commission to be named "The Prairie Village Planning Commission. (Hereinafter referred to as "Planning Commission" or "Commission.")
2. **Membership.** The Planning Commission shall consist of seven (7) members. The members shall be appointed by the Mayor with the consent of the Council to serve on the Planning Commission without compensation for their services. Members of the Planning Commission shall serve for a three (3) year term, which shall expire on March 1 three (3) years later. The appointment of the members shall be staggered so that not more than three (3) Commissioners' membership terms expire at the same time. Vacancies on the Commission shall be filled by appointment of the unexpired term.

ARTICLE TWO

Purpose

1. **By-Laws.** The purpose of these By-Laws are to establish rules for the internal organization and procedures of operation of the Planning Commission.
2. **Commission.** The function, powers, and duties of the Planning Commission are as authorized by State Law, and by the existing municipal codes establishing the Planning Commission. The Planning Commission adopts its own rules and policies for procedure, consistent with its powers granted in municipal and state law.

ARTICLE THREE

Organization

1. **Officers.** The officers of the Commission shall be a Chairman, Vice-Chairman, and Secretary. The Chairman, Vice-Chairman and Secretary shall be elected by the Planning Commission at its regular meeting in January of each year. The term of office shall be one (1) year. The officers may be re-elected by a majority vote of the membership of the Planning Commission.
2. **Chairman.** The chairman shall preside at all meetings of the Planning Commission. At his or her discretion, a Chairman may call special meetings and may also relinquish the Chair to the Vice-Chairman or other specific member. The Chairman may not make or second motions, but he or she may vote on any and all motions to come before the Commission. The Chairman shall appoint all committees of the Planning Commission. The Chairman shall perform all of the duties assigned to the

office by law and by the City Governing Body. If the Chairmanship becomes vacant for any reason, the Vice-Chairman shall succeed to the Chairmanship for the remainder of the term.

3. **Vice-Chairman.** The Vice-Chairman shall act as Chairman in the absence of the Chairman or disability of the Chairman, and, while so serving, shall have all the authority held by the Chairman. In the event the office of the Chairman becomes vacant, the Vice-Chairman shall succeed to that office for the unexpired term and the Planning Commission shall elect a new Vice-Chairman for the unexpired term.
4. **Secretary.** The Commission shall elect a recording secretary, who shall be provided by the City of Prairie Village and who need not be an appointed member of the Planning Commission.
 - a. The secretary shall attend all meetings of the Planning Commission and shall send notices of all regular and special meetings to all members of the Commission. In addition, the Secretary shall have, under the Chairman, responsibility for books, papers, and records of the Planning Commission and attend to all correspondence of the Planning Commission.
 - b. The secretary is responsible for keeping an accurate record of all regular and special meetings and transcribing them for Planning Commission approval. All motions shall be recorded an accurate record made of all reasons for motions or votes by the members of the Commission shall be made. All meeting minutes shall become a permanent record and part of the official records of the City of Prairie Village.
5. **Attendance.** In the event that the Chairman, Vice-Chairman, or Secretary of the commission shall be absent or unable for any reason to attend to the duties of their offices, the members of the Commission may, at any regular meeting or any special meeting called for that purpose, appoint a Chairman pro tem or a Secretary pro tem, as the case may be, who shall attend to all the duties of such officer until such officer shall return or be able to attend to his or her duties.
 - 5-a. A commission member shall be removed by the Mayor without Council consent as a result of:
 - a.i. Absence from three (3) consecutive meetings; or
 - b-ii. Absence from five (5) meetings during the calendar year.

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ARTICLE FOUR **Meetings**

1. **Regular Meetings.** Regular meetings of the Planning Commission, unless otherwise provided, shall be at Prairie Village Municipal Building at 7:00 p.m. on the first Tuesday

of every month. All meetings shall be open to the public. Meetings shall adjourn no later than ~~44~~10:00 p.m., unless extended upon motion of a majority of the Planning Commission members present.

a. Items remaining on the agenda at the end of a meeting may be continued by the Planning Commission until the next regular meeting unless otherwise provided by law.

4.b. The Chairman or Vice-Chairman may authorize the Secretary or designee to poll the members of the Commission for the purpose of cancelling a meeting.

2. **Special Meetings.** Special meetings of the Planning Commission can be called by the Mayor, city staff, or by a majority of the Planning Commission members. The Planning Commission shall provide at least three (3) days' notice to each member prior to any special meeting unless the notice requirement is waived by all members.

3. **Quorum.** A majority of the membership of the Planning Commission (4 members) shall be necessary to constitute a quorum for the transaction of business and the taking of official action.

4. **Agenda.** The agenda for all regular meetings shall be available on the City's website by the end of the business day on the Friday prior to the meeting. The order of items on the agenda shall be at the discretion of Deputy City Administrator or his or her designee, with due consideration being given to early consideration of items likely to attract large attendance at the meeting. The Chairman may, for reasons stated to all in attendance, vary from the order of the agenda.

a. An item may be added to the agenda only by affirmative vote of a majority of the members.

b. An agenda item consisting of a proposed amendment to the zoning regulations may be removed from the agenda only by a motion to recommend approval or denial.

4.c. Other items not pertaining to ordinance approval may be removed by a majority of the members and reasons therefor~~e~~ stated in the record.

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ARTICLE FIVE

Conduct of Meetings

1. **Parliamentary Procedure.** Except as otherwise provided, meetings of the Planning Commission shall be conducted in accordance with the procedures proclaimed by Robert's Rules of Order.

2. **Order of Business.**

a. The agenda shall be organized in the following order: Roll Call, Approval of Minutes, Public Hearings, Non-Public Hearings, Other Business, and Adjournment.

~~b. The Commission may consider items not on the Agenda if a majority of the Commission members vote approval to do so.~~

~~e. An agenda item consisting of a proposed amendment to the zoning regulations may be removed from the agenda only by a motion to recommend or deny.~~

~~d. Items not pertaining to ordinance approval may be removed by a majority of the members, but reasons for removal must be stated in the record.~~

~~e.b.~~ The Chairman shall call each agenda item and ask staff to provide a report or presentation on the agenda item prior to opening it up to the applicant (if applicable) and questions/debate by the Planning Commission.

3. **Staff Reports.** Staff reports on all agenda items shall be included in the Planning Commission packet posted to the City website and be available the Friday prior to the Planning Commission meeting. All staff reports and recommendations should be sent directly to applicants (if applicable) prior to the Planning Commission meeting.

4. **Continuances by Staff, Commission Member, or Applicant.** Any item may be continued upon request or recommendation by staff or a Commission member except as provided by law. The Commission may continue items requiring a public hearing to a date certain. Other items allowed by law may be tabled and recalled at the request of the staff or Commission. A continued item which fails to be recalled after six (6) months shall be considered withdrawn.

a. An applicant may continue his or her own proposal to a date certain by notifying the Secretary not less than two business days prior to the date of the hearing (or 10 days if a public hearing notice was required to be published). Where notification by mail of adjacent property owners has taken place as required by law, the applicant shall further notify the same property owners, by registered mail, return receipt requested, of the continuance and the new date of the hearing. This notification of continuance shall be mailed not less than ten (10) days prior to the date of the originally scheduled hearing and at least twenty (20) days prior to the next hearing date.

b. Any proposal not withdrawn prior to preparation of the agenda may be continued at the applicant's request only by affirmative vote of a majority of the Commission members. In consideration of such a motion to allow a continuance, the Commission may question the audience as to the number who have been inconvenienced and/or incurred expense on the presumption that the item would be heard, and the Commission may refuse to continue the proposal and proceed with the hearing and take appropriate action thereon. In any case of continuance, it shall be to a date certain. Only one continuance shall be permitted, and the applicant shall notify by registered mail all parties initially notified of the new hearing date, with such notification to be mailed not less than twenty (20) days prior to the date of the new hearing. In addition, the Commission may direct the applicant to change the posting on the property and direct the staff to publish the new date in the appropriate newspaper at the applicant's expense.

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5. **Appearances Before the Commission.** Applicants or their representatives may appear before the Commission to present their views on an agenda item. The Commission will hear those views at an open meeting. The name and address of the applicant and his or her agent shall be entered in the record, as well as a summary of the presentation. At the conclusion of the applicant's presentation, members of the Commission and staff shall have the opportunity to question the applicant. Any other supporting testimony may then be requested. Public input will then be heard on Public-Hearing items, with the members of the Commission and staff having an opportunity to question any speaker. The applicant will then be given opportunity to present a short summary. All statements shall be directed to the Commission and cross conversation a month those in attendance is prohibited.

a. Questions between opposing parties shall be directed first to the Chairman, who may then ask the proper person to answer, such answer being directed to the Commission. At such time that the Chairman feels testimony has been sufficiently heard, the Chairman shall declare the public hearing closed after which the public in attendance may address the Commission only with the permission of the Chairman, and only to answer a question by a member of the Commission. All persons who wish to speak shall first give their names and addresses for the record. The Chairman may establish limits on time used by all parties making presentations or comments to the Planning Commission; however, the decisions made by the Chairman may be overridden by a majority vote of Commission members.

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6. **Incomplete Submittals.** The Commission will not hear items that fail to meet submission requirements.

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7. **Commission Action.** The Commission shall, at the conclusion of discussion on the item, take action on each item presented. Voting shall be raising of hands or by roll call as determined by the Chairman; however, any member may call for a roll call vote on any issue. All members, including the Chairman, shall have a vote and shall vote when present, except that any member shall automatically disqualify him or herself from voting on any decision in which he or she may have a conflict of interest. If the item upon which the Planning Commission action is taken is remanded for reconsideration ~~to the Commission~~ by the Governing Body, it shall be considered at the next regular meeting of the Planning Commission after notices of the remand is received. If no action is taken on the remanded item at this meeting, the same recommendation will be deemed made and will be returned to the Governing Body.

8. **Motions after Public Hearings.** Following the closing of public hearings, a motion may be made to recommend approval or denial of the application, to continue the application to a later date certain, or to table the item if allowed by law. A brief statement of reason or reasons for the motion will precede the making of all motions. Any stipulations relative to plans, development procedures, etc., should be listed following the motion to approve. Upon receiving a second, the motion may be

discussed, and, upon the call for question or at the discretion of the Chairman, brought to a vote. A motion to amend, if necessary, must be voted on first. Then, the main motion would be voted on in its amended state. Motions shall require an affirmative vote of a majority of the members of the Planning Commission for passage, except as otherwise provided by law.

a. A vote shall be by the raising of hands or by roll call, at the discretion of the Chairman. Any member may call for a roll call vote on any issue. Any motion may be tabled or amended in keeping with Robert's Rules of Order. If not prohibited by law, and if the Commission feels that delaying an action would be in the best interests of the parties involved, the hearing may be continued to a date certain. Such a motion for continuance shall include a reason for the action and shall require a majority vote of the Planning Commission Members.

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9. **Abstentions.** If, after considering an item, a Commissioner wishes to abstain from voting, his or her abstention shall be counted as a vote cast in favor of the position taken by the majority of the Commissioners present and voting. ~~treated as a vote against the majority.~~ If there is a tie vote, an abstention shall be considered a denial.

10. **Failure to Recommend.** If there is a tie vote of the Planning Commission on any item on which the Commission sits as a recommending body, such as a rezoning or text amendment, such a tie vote is considered a failure to recommend and goes to the Governing Body with no recommendation, except as otherwise provided by law. If the tie vote occurs on action on which the Commission sits as a final decision maker, a tie vote defeats the motion. If no subsequent motion is made and approved after the tie vote, the request is deemed denied.

11. **Applicant Not in Attendance.** In case an applicant or his or her agent is not in attendance when the item is called, the item shall be set over/continued to the next month's meeting agenda. If ~~at~~ the time the item is called again, the applicant is still not present, the Commission may approve or deny the application as it sees fit.

ARTICLE SIX

Miscellaneous

1. **Conflict of Interest.** When a member of the Commission feels he or she may be in conflict of interest on a particular case before the Commission, he or she shall state so for the record and should not participate in the hearing or discussion and shall not vote on the issue. If this will eliminate a quorum, then the Planning Commission shall continue the hearing to the next regular meeting. The Chairman may ask the member to vacate his or her chair and leave the room if he or she deems it necessary.

2. **Suspension of Rules.** These by-laws may be amended or repealed for stated reasons by affirmative vote of three fourths (3/4) of the members of the Commission (six out of seven members).

Commented [JR1]: Should this change to 2/3 (5 out of 7)?
Suggestion from Jim Brenemen

3. **By-Law Review.** The Prairie Village Planning Commission shall review, amend, and approve these by-laws in January of each year.
4. **Disclaimer.** If the Prairie Village Planning Commission fails to strictly follow these by-laws, any action taken will not be invalidated.