

The Planning Commission will be meeting remotely via Zoom at 7:00 p.m. on June 2, 2020. Anybody can listen to the meeting by clicking the following link: <https://us02web.zoom.us/j/82066570755?pwd=byt0MU43TEk1SEphbEd3LzNRZWhvUT09.1> or by calling 1-312-626-6799 and entering 820 6657 0755 as the webinar ID. The meeting password is 217674. The meeting will also be live-streamed on the City of Prairie Village Facebook page at www.facebook.com/CityofPrairieVillage.

To participate in the public hearing, members can email their comments to City Clerk Adam Geffert at cityclerk@pvkansas.com. All comments must be received by 5:30 p.m. on Tuesday, June 2. Comments can also be made during the Zoom meeting by using the “raise your hand” button. Members of the public will not be able to participate in the meeting until the public hearing portion of the meeting occurs, at which time we will grant 3 minutes to each individual who wishes to speak on the application.

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, JUNE 2, 2020
7:00 P.M.**

I. ROLL CALL

II. APPROVAL OF PLANNING COMMISSION MINUTES - MAY 5, 2020

III. PUBLIC HEARINGS

PC2020-106 Rezoning and Request for Lot Split
7631 Reinhardt Street
Current Zoning: R-1A
Requested Zoning: R-1B
Applicant: Mojo Built, LLC

IV. NON-PUBLIC HEARINGS

PC2020-107 Conditional Use Permit - Drive-up Service (non-food & beverage)
7830 State Line
Zoning: C-0
Applicant: GastingerWalker for Community America Credit Union

V. OTHER BUSINESS

VI. ADJOURNMENT

Plans available at City Hall if applicable
Comments can be made by e-mail to
cityclerk@pvkansas.com prior to the meeting.

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

**PLANNING COMMISSION MINUTES
MAY 5, 2020**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, May 5, 2020 at 7:00 p.m. Due to the COVID-19 pandemic, Board members attended a virtual meeting via the Zoom software platform. Chair Greg Wolf called the meeting to order at 7:00 p.m. with the following members present: Jonathan Birkel, James Breneman, Patrick Lenahan, Nancy Wallerstein, Melissa Brown and Jeffrey Valentino.

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

APPROVAL OF MINUTES

Mr. Valentino moved for the approval of the minutes of the February 4, 2020 regular Planning Commission meeting as presented. Mr. Lenahan seconded the motion, which passed unanimously.

PUBLIC HEARINGS

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

Mr. Brewster stated the application was an amendment to the existing special use permit at Kansas City Christian School to allow the addition of daycare services. The prior permit, most recently amended in 2017, only allowed for kindergarten through 12th grade students. He noted that enrollment at the school would not change, nor would any major construction be required since the daycare would be located in an existing room. Drop-off and circulation for the daycare would be a part of the same traffic flow and timeframe as the rest of the school.

Mr. Brewster reminded the Planning Commission that a special use permit 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. Staff recommended approval subject to the nine conditions found in the existing special use permit, along with an additional tenth condition:

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.

Mr. Birkel asked if there would be a conflict between vehicles entering and leaving from the northeast entrance to the building. Mr. Brewster said that the traffic pattern was consistent with what was approved in the 2017 special use permit amendment.

Applicants Todd Zylstra, Head of Kansas City Christian School, and Amy McGruder, Elementary Principal, attended remotely via Zoom. Mr. Zylstra stated that the school currently had approximately 100 fewer students than the maximum amount allowed under the special use permit, and wished to add a daycare in an effort to increase future kindergarten enrollment. Ms. McGruder added that the daycare would function as a preschool, and only be comprised of 3-5 year olds. She noted that the Kansas Department of Health and Environment determined the maximum number of children allowed in the classroom.

Mr. Wolf opened the public hearing at 7:25 p.m. With no one attending the Zoom meeting to speak, Mr. Wolf closed the public hearing at 7:26 p.m.

Based on the Planning Commission's consideration of the Golden factors, Mr. Breneman made a motion to approve the amended special use permit, subject to the conditions recommended by staff. Mr. Valentino seconded the motion, which passed unanimously.

NON-PUBLIC HEARINGS

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

Mr. Brewster provided background on the application, noting that the applicant was requesting an exception to the fence standards to construct a fence in the side yard that did not meet the required setback. The proposed fence would 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 rear, creating a continuous fence line along Delmar in the rear yards of each property.

Mr. Brewster added that staff recommended approval with the following considerations:

- This proposal having a side yard configuration on a street with an attached sidewalk (proposed fence location 10' from curb with approximate 5' grass strip between fence and sidewalk);
- 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.

Nate Scherzer, the applicant and property owner, said that he preferred to keep the existing uniform appearance with the home to the north, as well as to maintain the same rear yard dimensions.

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

OTHER BUSINESS

Amended Planning Commission Bylaws

Mrs. Robichaud noted that the Planning Commission reviewed the existing bylaws at its previous meeting, at which it was observed that additional updates needed to be made in the document. Commissioners sent recommendations for changes, which were included in the packet.

Mrs. Wallerstein made a motion to replace the word “elect” with “appoint” in Article 3, paragraph 4, entitled “Secretary”. Mr. Breneman seconded the motion, which passed unanimously.

Mr. Valentino made a motion to change the required number of votes in Article 6, paragraph 2, entitled “Suspension of Rules”, from 3/4 of the members of the Commission (6 members) to 2/3 (5 members). Mr. Lenahan seconded the motion, which passed unanimously.

Mr. Breneman made a motion to switch the order of Article 4, paragraph 5, entitled “Appearances before the Commission”, with Article 4, paragraph 6, entitled “Incomplete Submittals”, and to switch the order of Article 4, paragraph 7, entitled “Commission Action” with Article 4, paragraph 8, entitled “Motions after Public Hearing”. Mr. Lenahan seconded the motion, which passed unanimously.

Mr. Lenahan made a motion to change Article 4, paragraph 1, entitled “Regular Meetings”, to state “meetings shall adjourn no later than 10:00 p.m.” Mr. Birkel seconded the motion, which passed unanimously.

Mr. Lenahan made a motion to approve the remaining edits made prior to the meeting by Mrs. Robichaud. Mrs. Wallerstein seconded the motion, which passed unanimously.

ADJOURNMENT

With no further business to come before the Commission, Chair Greg Wolf adjourned the meeting at 7:58 p.m.

Greg Wolf
Chair

CITY OF PRAIRIE VILLAGE, KANSAS
REZONING APPLICATION FORM

For Office Use Only

Case No.: _____
Filing Fees: _____
Deposit: _____



Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: _____

APPLICANT: MOTO BUILT, LLC PHONE: 913.491.6800
ADDRESS: 5300 COLLEGE BLVD, OP, KS ZIP: 66211
OWNER: RITA ESBY PHONE: _____
ADDRESS: 7631 REINHARDT ST, PV, KS ZIP: 66208
LOCATION OF PROPERTY: 7631 REINHARDT ST
LEGAL DESCRIPTION: SUNSET HILL ACRES LOT 9 PVC-11544

Present Zoning R1-A Requested Zoning: R1-B
Present Use of Property: RESIDENTIAL

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	<u>RESIDENTIAL</u>	<u>R1-A</u>
South	<u>RESIDENTIAL</u>	<u>R1-A</u>
East	<u>RESIDENTIAL</u>	<u>R1-A</u>
West	<u>RESIDENTIAL</u>	<u>R1-A</u>

CHARACTER OF THE NEIGHBORHOOD: RESIDENTIAL

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would proposed change create a small, isolated district unrelated to surrounding districts?
NO
2. Are there substantial reasons why the property cannot be used in accord with existing zoning?
MANY EXISTING, SURROUNDING LOTS ARE CURRENTLY ZONED R1-A, BUT DO
If yes, explain: NOT CONFORM IN WIDTH OR AREA.

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? YES
2. Consistent with Future Land Use Map? YES

DEVELOPMENT PLAN SUBMITTAL:

- Development Plan
- Preliminary Sketches of Exterior Construction

LIST OF NEIGHBORING PROPERTIES:

Certified list of property owners within 200 feet

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: REINHARDT STREET
2. Classification of Street(s):
 Arterial _____ Collector _____ Local
3. Right-of-Way Width: 50'0"
4. Will turning movements caused by the proposed use create an undue traffic hazard?
NO

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR: N/A

1. Appropriately Sized Lots? _____
2. Properly Size Street Right-of-Way? _____
3. Drainage Easements? _____
4. Utility Easements:
 Electricity? _____
 Gas? _____
 Sewers? _____
 Water? _____
5. Additional Comments: _____

UNIQUE CHARACTERISTICS OF PRPOERTY AND ADDITIONAL COMMENTS:

NONE

SIGNATURE: _____

DATE: 4/29/2020

BY: JOHN MORFITT

TITLE: Member

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, AICP, Gould Evans, Planning Consultant
DATE: June 2, 2020, Planning Commission Meeting

Application: PC 2020-106

Request: Rezoning from R-1A to R1B & Request for Lot Split

Action: *A Rezoning requires the Planning Commission to evaluate facts and weigh evidence, and based on balancing the factors and criteria in the zoning ordinance, make a recommendation to the City Council.*

A Lot Split 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.

Property Address: 7631 Reinhardt Street

Applicant: MoJo Built, LLC

Current Zoning and Land Use: R-1A – Single-family Residential – Single-family House

Surrounding Zoning and Land Use: **North:** R-1A – Single-family Residential – Single-family House
East: R-1A – Single-family Residential – Single-family House
South: R-1A – Single-family Residential – Single-family House
West: R-1A – Single-family Residential – Single-family House

Legal Description: SUNSET HILL ACRES LOT 9 PVC-11544

Property Area: 0.38 acres (16,723.86 s.f.)

Related Case Files: n/a

Attachments: Application, site plan, proposed lot split

General Location Map



Aerial Map



Site



Birdseye View



Street Views



Street view looking north on Reinhardt (subject property in background)



Street view of subject property frontage

COMMENTS:

The applicant has requested a zoning change from R-1A to R-1B in order to facilitate a proposed lot split and build two homes on the existing lot. Therefore, the proposal involves two related applications, but each requires independent action by the Planning Commission. The Planning Commission makes a recommendation to the City Council for a rezoning request, but makes a final decision for lot split requests.

The existing lot is 120 feet wide by 140 feet deep, for a total of 16,723.86 square feet. The R-1A zoning district has a minimum lot requirement of 80 feet wide by 125 feet deep, and 10,000 square feet. Although this lot is larger than required by the R-1A zoning district, it is not large enough to split into two conforming lots in that zoning district.

The lot has an existing home that was constructed in 1953 according to Johnson County AIMS mapping records. The R-1A zoning district requires the following setbacks: front – 30 feet; side – at least 20% of the lot width between both sides, and at least 7 feet on each side; rear – 25 feet. The existing home is setback approximately 40' from the front lot line, and is centered on the lot with setbacks larger than the required side and rear setbacks. The character of the block has a wide range of building placements, including the home immediately to the south and across the street to the west, each of which are setback deep on the lot near the rear lot line

The applicant is proposing to split this lot into two lots, and build two homes that would conform to the setback requirements. However, the lot is not big enough to result in two lots conforming to the R-1A zoning district. Therefore, the applicant is proposing to rezone this property to R-1B, which has the following zoning standards:

Width – 60 feet

Depth – 100 feet

Area – 6,000 square feet

Front Setback – 30 feet

Side Setbacks – at least 20% of lot width total, and at least 6 feet each side

Rear Setback – 25 feet.

The proposed lots would be 60 feet by 140 feet, and approximately 8,361 square feet.

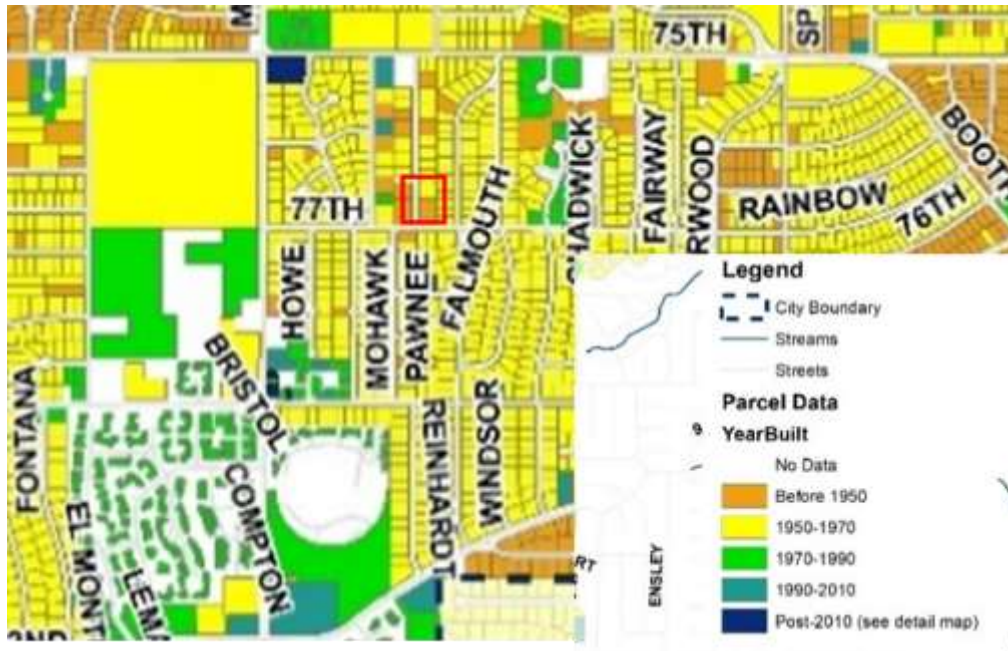
The applicant held a neighborhood meeting on May 20, 2020 at Harmon Park, and a summary of that meeting has been added to the application.

ANALYSIS – RE-ZONING:

In considering a change in zoning classification, the Planning Commission must consider a number of factors commonly referred to as the “Golden” factors, which are incorporated into the City’s Zoning Ordinance [19.52.030]. The factors include, but are not limited to the following:

1. The character of the neighborhood;

This is a single-family residential neighborhood with a variety of lot sizes and ages of homes. Homes in the area are primarily 1-story, 1.5-story ranches and split-levels. The majority of homes in the area were built between 1950 and 1970, including this home built in 1953. A few of the homes were built prior to 1950. This same street also had a similar rezoning and lot split approved two years ago, so the street includes two new homes, as well.



Year Built

This area does include a wide variety of lot sizes reflecting platting and development patterns that pre-date the zoning and subdivision regulations. Records show this lot was platted in 1923. The majority of lots on this block are larger (all but one over 10,000 square feet and many over 15,000 square feet), with smaller lots occurring to the east and west of this block. [Note: A similar application was approved by the City Council in March 2018 resulting in two smaller lots to the north and on the opposite side of Reinhardt Street – 7540 Reinhardt, not reflected in these maps.]



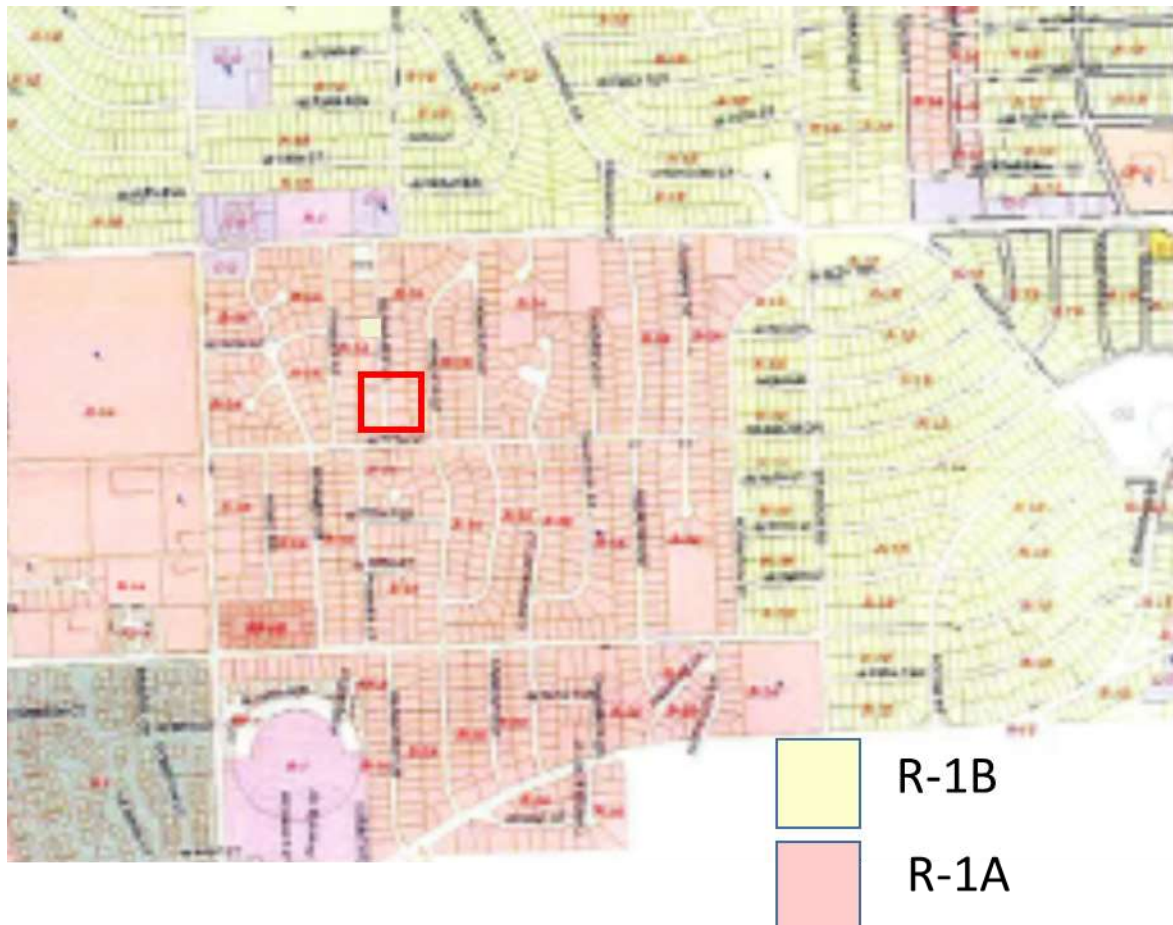
Lot Size

Lot widths are also important to the character of neighborhoods, as that affects the frontage design, building pattern and access along a streetscape. In the general vicinity, many lots have a 60 to 75 foot width. These exist primarily on several blocks immediately east of Reinhardt. The blocks to the west of Reinhardt have a bit more irregular pattern due to Mohawk Drive alignment, some cul-de-sacs, and irregular or corner-orientation lots. Reinhardt Street and the east side of Pawnee Street reflect predominantly wider lots - typically 120 feet wide, with a few noted irregularities where two lots were re-platted as three, or three lots were re-platted as four. (Note: This pattern would generally be allowed under current R-1A zoning, where two 120-foot wide lots could be divided into three 80-foot wide lots, but two 120'-wide lots could be re-platted as three 80'-wide lots). In this specific case, the subject lot is 120' wide. The lots immediately to the north are 100-feet, 80-feet, and 90-feet respectively; the lots immediately to the south are 120-feet and 79-feet; and the lots on the opposite side of the street also range from 79-feet to 120-feet (excluding a platted 40' lot that is unbuilt and owned as part of another lot).

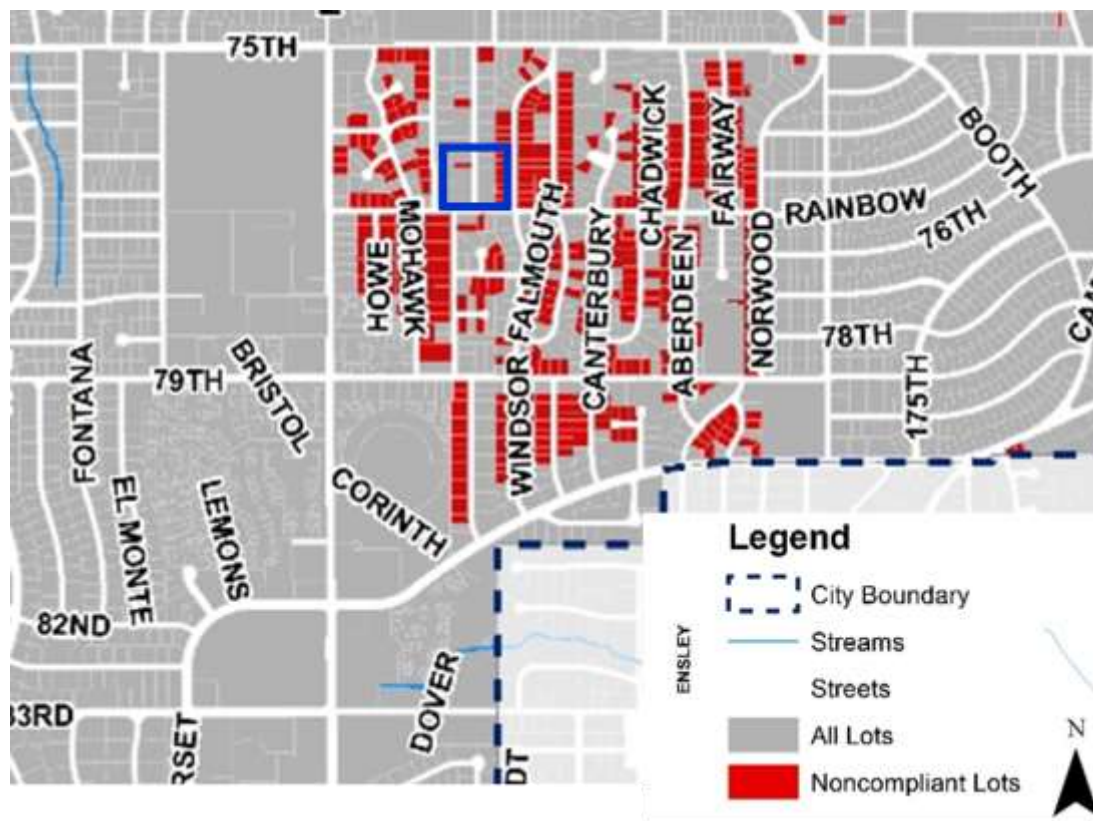
2. The zoning and uses of property nearby;

North: R-1A Single-family District – Single Family Dwellings
East: R-1A Single-family District – Single Family Dwellings
South: R-1A Single-family District – Single Family Dwellings
West: R-1A Single-family District – Single Family Dwellings

All of the property in the general vicinity is zoned R-1A, with the exception of some property along the 75th Street Corridor or Mission Road zoned for commercial, multi-family, or planned residential projects, and the 2018 rezoning to R-1B at 7540 Reinhardt. Property further to the east (east of Norwood Street) and north of 75th Street is zoned R-1B.



The vicinity has many lots that do not conform to the R-1A zoning districts. This is likely due to the platting and buildings being built prior to the adoption of the zoning ordinance. Non-conformances are typically for lots less than 80 feet wide or less than 10,000 square feet, or both. The majority of these exist on the blocks immediately to the east (Windsor Street and Falmouth Street) and west and southwest (Mohawk Street and Howe) of this area. The lots on Reinhardt are typically conforming to R-1A, although one lot to the north on the west side is non-conforming due to its width (70' x 138'; approximately 9,672 s.f.), and the two new 64' x 138' lots next to it which conform to the R-1B standards, not reflected on this map.



Non-conforming Lots

3. The suitability of the property for the uses to which it has been restricted under its existing zoning;

The property is zoned R-1A, which requires a minimum lot width of 80 feet and a minimum area lot of 10,000 sq. ft. The lot is 140 feet deep by 120 feet wide. The lot is suitable for a residential lot, despite being larger than required by the zoning district. There are many examples of lots this size in the R-1A zoning district. These are most prevalent in the south area of the City. However, there are several lots of a similar size in the area and on this block that are currently used for single-family homes.

4. The extent that a change will detrimentally affect neighboring property;

The applicant is proposing two single-family homes, which is generally consistent with uses in the area. However, the rezoning and lot split would allow lots smaller than any lots on this block, although it is comparable to some of the smallest non-conforming lots in the vicinity. Additionally, the R-1B zoning category does allow taller buildings than generally exist in this area (29' / 2-story from the top of foundation, compared to the typical 1-story, 1.5 story or split-levels). Although this is lower than what is currently allowed under existing R-1A zoning (35' / 2.5 stories), the potential to build to this extent on two smaller lots could change the effect on the area both in terms of what is built on lots comparable in size to this one in the area, and what could be built under existing R-1A zoning. However, the effect on what could be built adjacent to either property boundary is not

that significant – the current R-1A zoning requires a 1-foot greater side setback (7-feet as opposed to 6-feet in R-1B), but allows 6-feet of additional height (35-feet as opposed to 29-feet in R-1B.) The applicant has proposed site plans with building footprints and house plans including building elevations for what he anticipates building under the R-1B rules.

5. The length of time of any vacancy of the property;

The existing residence was built in 1953, so the property has not been vacant, but the structure is one of the older homes in the area.

6. The relative gain to public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners;

The existing home on the site is small relative to the lot (1,380 s.f. building), and the vicinity is experiencing re-investment through rehabilitation and new development. The approval of this request will permit redevelopment that will increase the value of this site, and make it more practical to build two moderate-sized single-family homes on smaller lots. This is generally consistent with the use and patterns in the vicinity, though smaller than most lots on this block. Additionally, any new structures will be required to meet the Neighborhood Design Standards that were adopted in 2018, and are comparable for both R-1A zoning districts and R-1B zoning districts.

7. City staff recommendations;

The proposed rezoning of this site may make sense to promote this redevelopment, and general reinvestment in the neighborhood. Typically, rezoning property for site-specific applications should be avoided, unless specifically called for under a plan or clearly justified through a site-specific analysis. Many of the justifications for this rezoning are applicable to other property in the vicinity. However, the impact of a potential larger-scale rezoning of the area has not been considered under the comprehensive plan or through a specific plan or detailed analysis for the area. Recent similar applications, and recent discussions regarding comprehensive plan updates regarding housing dealt with adding more diversity of lot and building types in areas similar to this to address rising land costs. Further, the conditions in the area that support rezoning (smaller lots with 60' to 70' frontages) are not typical on this specific block, so the City may anticipate future similar requests and the cumulative impact of such redevelopment activity in this area.

While pending updates to the comprehensive plan may warrant further consideration of the appropriate zoning in this area, and the application of a wider range of building types to areas similar as this, there are many of the site-specific considerations present that support rezoning. These considerations are reflected in the other seven criteria in this report, which the Planning Commission is required to consider. In particular, the Planning Commission should eventually evaluate the zoning designation of this entire area, based on outcomes in the Comprehensive Plan update, and determine if R-1A zoning is appropriate or what other zoning actions may be appropriate. In this regard, and similar to the 2018 rezoning at the north end of this block, the Commission may consider approval of this application the part of a broader reclassification of the general area. As part of that broader, and more comprehensive strategy, staff recommends approval of this rezoning.

8. Conformance with the Comprehensive Plan;

The Policy Foundation for the comprehensive plan includes the following:

- **Community Character and Activities:** Provide an attractive, friendly and safe community with a unique village identity appealing to the diverse community population.
- **Housing:** Encourage neighborhoods with unique character, strong property values and quality housing options for families and individuals of a variety of ages and incomes.

The Conceptual Development Framework maps areas of the City for specific implementation strategies associated with the Policy Foundation. This area is mapped as Neighborhood Conservation, which includes the following specific policies and goals:

- Examine zoning regulations to determine where the uniform lot and building standards restrict the amount of land available to accommodate building expansion.
- Create basic building design standards that can protect the character of neighborhoods.
- Consider financial incentives where home renovations are not possible through traditional financing or other qualified home improvement programs.
- Allow for more compact housing or different and more dense housing options along major thoroughfares.

In contrast, the Neighborhood Improvement areas identified in the Conceptual Development Framework have more proactive strategies for reinvestment, redevelopment or code enforcement based on specific neighborhood initiated plans for investment and/or redevelopment.

Other implementation actions and policy statements in the plan include:

- Permitting higher density, primarily near existing commercial areas or along arterial corridors.
- Keeping neighborhoods vibrant by encouraging home renovation and housing investment.
- Allowing housing variety throughout the City, while maintaining distinct neighborhood character within specific neighborhoods

ANALYSIS – LOT SPLIT:

Chapter 18.02 of Prairie Village subdivision regulations allows the Planning Commission to approve splits provided each lot meets the zoning standards. Section 18.02.010 of the subdivision regulations provide the criteria for approval of a lot split. Essentially, the applicant must submit a certificate of survey demonstrating that both lots will meet the zoning ordinance standards and that any existing buildings on a remaining lot are not made nonconforming as a result of the lot split. The certificate of survey is also required to ensure that no utility easement or right-of-way issues are created by the lot split or need to be addressed due to the lot split.

In this case, the proposed lot split will not meet width required in R-1A, and the applicant has proposed an associated rezoning to R-1B. If the Planning Commission recommends approval and the City Council approves the proposed rezoning, then proposed lot split would meet all criteria of the ordinance and should be approved. However, if the Planning Commission recommends denial or the City Council does not approve the rezoning, then the proposed lot split does not meet these criteria and should be denied.

RECOMMENDATION:

Staff's recommendation is contingent on the Planning Commission's action on the associated zoning application:

1. If the Planning Commission recommends approval of the proposed rezoning from R-1A to R-1B, then it should approve the proposed lot split based on the following conditions:
 - a. That the City Council accepts the Planning Commission recommendation and approves the rezoning; and
 - b. That the applicant submit a certificate of survey to comply with the following information required in the ordinance, prior to a building permit:
 - 1) The location of existing buildings on the site, or specifically noting the removal of existing buildings.
 - 2) The dimension and location of the lots, including a metes and bounds description of each lot.
 - 3) The location and character of all proposed and existing public utility lines, including sewers (storm and sanitary), water, gas, telecommunications, cable TV, power lines, and any existing utility easements.

- 4) Any platted building setback lines with dimensions.
 - 5) Indication of location of proposed or existing streets and driveways providing access to said lots.
 - 6) Topography (unless specifically waived by the City Planning Commission) with contour intervals not more than five feet, and including the locations of water courses, ravines , and proposed drainage systems. (Staff recommends waiver of topography)
 - 7) Said certificate of survey shall include the certification by a registered engineer or surveyor that the details contained on the survey are correct.
- c. That the applicant record the approved lot split with the register of deeds and provide a copy of the recorded document prior to issuance of a building permit.
2. If the Planning Commission recommends denial of the proposed rezoning from R-1A to R-1B, then it should table the lot split application until a final decision by the City Council. Denial of the rezoning by the City Council should result in the withdrawal of the application. However, approval of the rezoning by City Council should result in the Planning Commission considering the application subject to the criteria in the regulations and analysis in this staff report.

EFFECT OF DECISION:

Rezoning. The Planning Commission makes a recommendation to the City Council on the rezoning. The City Council will make a final decision, according to the following:

- Approve the Planning Commission recommendation by a majority vote (including any conditions if the recommendation was for approval subject to conditions).
- Return to Planning Commission with direction to reconsider specific actions, either by a majority vote or by failure to approve the Planning Commission recommendation.
- Override or modify the Planning Commission recommendation by at least a 2/3 vote of the membership of the governing body.

If a valid protest is filed with the City Clerk within 14 days of the close of the public hearing, the City Council may only approve the application with a 3/4 vote of the membership of the governing body.

If approved by the Planning Commission and City Council, the applicant may submit building plans for permits according to the R-1B designation, and the Neighborhood Design Standards required in R-1A and R-1B zoning districts.

Lot Split. The Planning Commission makes the final decision on lot splits. If approved the applicant shall submit a certificate of survey for the new lots to be recorded with the Register of Deeds of Johnson County, and may apply for building permits according to the new lot boundaries. A denial by the Planning Commission may be appealed to the City Council.



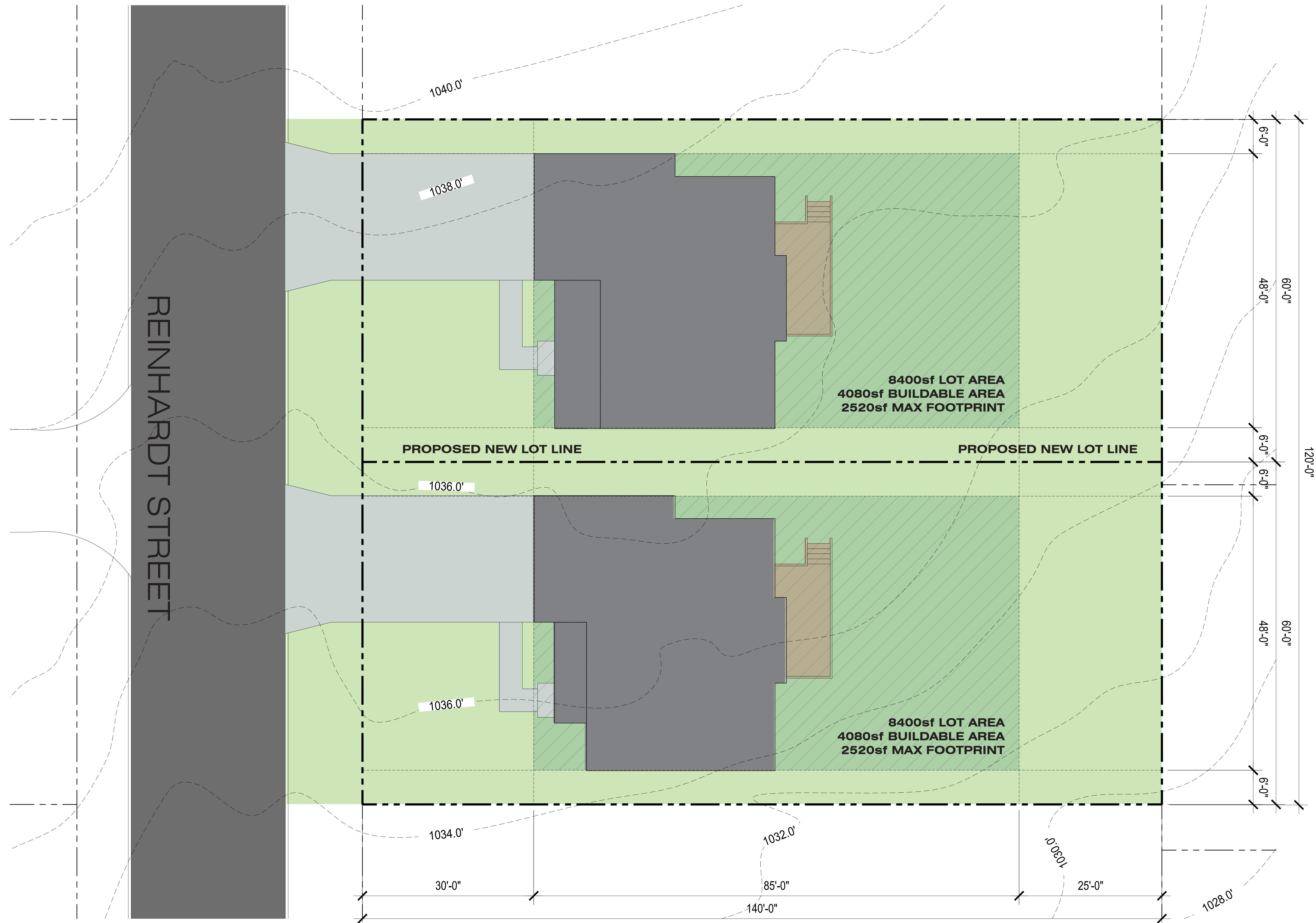
- R-1A Zoning**
(Residential, Single Family, Large Lot)
- R-1B Zoning**
(Residential, Single Family, Small Lot)
- C-0 Zoning**
(Business - Office)


Residential Lot Summary
Pawnee Street to Falmouth Street
75th Street to 77th Street

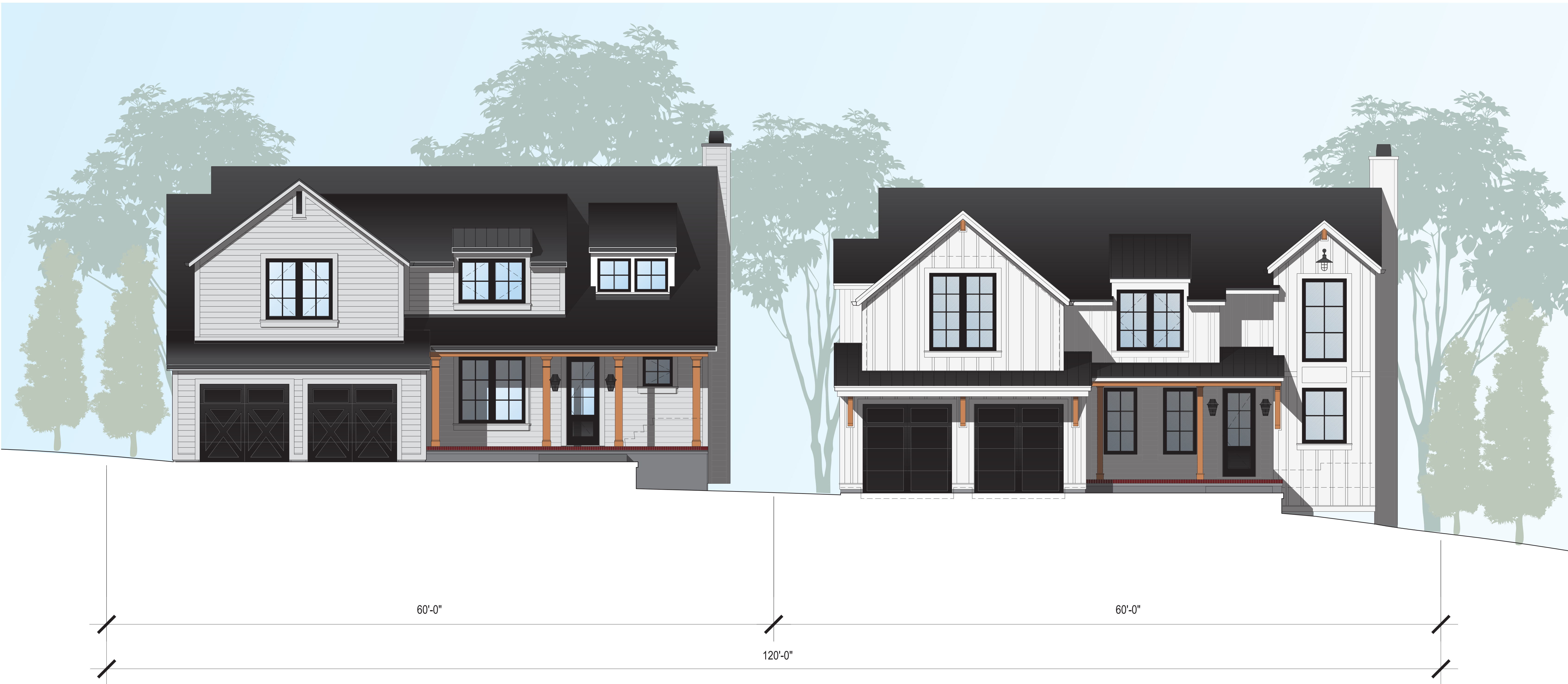
- R-1A Zoning
 - Minimum Lot Width | 80.00'
 - Minimum Lot Depth | 125.00'
 - Minimum Lot Area | 10,000 SF
- R-1B Zoning
 - Minimum Lot Width | 60.00'
 - Minimum Lot Depth | 100.00'
 - Minimum Lot Area | 6,000 SF

85 Parcels Reviewed
56 Parcels Non-Conforming
Due To ...

- Shortened Lot Width
- Shortened Lot Area



Overall Site Plan
 Scale: 1/8" = 1'-0" 



Proposed Model Home Elevations
Scale: 1/4" = 1'-0"



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

200 foot buffer (5.66 acres)
 Buffer search returned 32 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 A
1	OP14000000 0027	8,276	0.19	7637 WINDSOR DR	SCHROEDER, ROBERT K	SCHROEDER, RUTHANNE	3513 W 92ND TER	LEAWOOD, KS 66206			
2	OP14000000 0018	8,276	0.19	7616 WINDSOR DR	SIEGMAN, TAYLOR		7616 WINDSOR DR	PRAIRIE VILLAGE, KS 66208			
3	OP14000000 0023	8,276	0.19	7640 WINDSOR DR	SDC HOLDING LLC		7640 WINDSOR DR	PRAIRIE VILLAGE, KS 66208			
4	OP14000000 0029	8,276	0.19	7627 WINDSOR DR	RUIZ-GONZALEZ, ANTONIO D J		7627 WINDSOR DR	PRAIRIE VILLAGE, KS 66208			
5	OP14000000 0020	8,276	0.19	7626 WINDSOR DR	BOWLING, RYAN L.	BOWLING, LAURA E.	7626 WINDSOR DR	PRAIRIE VILLAGE, KS 66208			
6	OP14000000 0016	8,276	0.19	7604 WINDSOR DR	GREEN, CODY W.	GREEN, JUSTIN L.	2901 W 71ST ST	PRAIRIE VILLAGE, KS 66208			
7	OP14000000 0019	8,712	0.20	7620 WINDSOR DR	HARRIS, KATHERINE A		7620 WINDSOR DR	PRAIRIE VILLAGE, KS 66208			
8	OP14000000 0026	8,276	0.19	7641 WINDSOR DR	AU, DANIEL M		7641 WINDSOR DR	PRAIRIE VILLAGE, KS 66208			
9	OP73000000 0032	11,326	0.26	7637 PAWNEE ST	COOPER, CHARLES W. TRUSTEE	COOPER, SONDR KAY TRUSTEE	7637 PAWNEE ST	PRAIRIE VILLAGE, KS 66208			
10	OP73000000 0030	16,988	0.39	7631 PAWNEE ST	CLARK, ROBERT M. JR	CLARK, BETTY J.	7631 PAWNEE ST	PRAIRIE VILLAGE, KS 66208			
11	OP73000000 0011	11,326	0.26	7649 REINHARDT ST	STRANGE, PAUL A.	STRANGE, MARY E.	7649 REINHARDT ST	PRAIRIE VILLAGE, KS 66208			
12	OP73000000 0012	10,890	0.25	3500 W 77TH ST	KAUFFMAN, MATTHEW		3500 W 77TH ST	PRAIRIE VILLAGE, KS 66208			
13	OP14000000 0022	8,276	0.19	7636 WINDSOR DR	HALL, ALICE H. TRUSTEE	HALL, ALICE H. TRUST	27027 W 77TH ST	SHAWNEE, KS 66227			
14	OP14000000 0017	9,148	0.21	7610 WINDSOR DR	SPAL, MICHAEL P.		7119 ROBINSON ST	OVERLAND PARK, KS 66204			
15	OP14000000 0021	8,276	0.19	7630 WINDSOR DR	KRZESINSKI, ROSE A.	KRZESINSKI, ROSE ANN	7630 WINDSOR DR	PRAIRIE VILLAGE, KS 66208			
16	OP14000000 0024	8,276	0.19	7646 WINDSOR DR	BECKER, KEN A.	BECKER, LAURA L.	7646 WINDSOR DR	PRAIRIE VILLAGE, KS 66208			
17	OP14000000 0031	8,276	0.19	7617 WINDSOR DR	GANTERT, JAMES L. TRUST	EE	7617 WINDSOR DR	PRAIRIE VILLAGE, KS 66208			
18	OP73000000 0008	13,939	0.32	7625 REINHARDT ST	MANKAMEYER, MATTHEW S	MANKAMEYER, ELIZABETH M	7625 REINHARDT ST	PRAIRIE VILLAGE, KS 66208			
19	OP73000000 0031B	10,890	0.25	7635 PAWNEE ST	MARNETT, JOHN T.	MARNETT, PATTI S.	7635 PAWNEE ST	PRAIRIE VILLAGE, KS 66208			
20	OP73000000 0015A	10,890	0.25	7620 REINHARDT ST	EITZEN, BROOKE E	COLLINS, DANIEL S	7620 REINHARDT ST	PRAIRIE VILLAGE, KS 66208			
21	OP73000000 0030B	11,326	0.26	7627 PAWNEE ST	RAHE, RACHEL M.	RAHE, KATINA L.	7627 PAWNEE ST	PRAIRIE VILLAGE, KS 66208			
22	OP73000000 0007A	12,632	0.29	7609 REINHARDT ST	S C NELSON PROPERTIES LLC		11514 S CARBONDALE ST	OLATHE, KS 66061			
23	OP14000000 0030	8,276	0.19	7621 WINDSOR DR	COOLBAUGH, KAREN S.		7621 WINDSOR DR	PRAIRIE VILLAGE, KS 66208			
24	OP14000000 0028	8,276	0.19	7631 WINDSOR DR	THOMAS, ANDREW	THOMAS, CASEY	7631 WINDSOR DR	PRAIRIE VILLAGE, KS 66208			
25	OP73000000 0010	16,553	0.38	7641 REINHARDT ST	GARCIA, CARLOS	DIAZ, MARIA T	7641 REINHARDT ST	PRAIRIE VILLAGE, KS 66208			
26	OP73000000 0016	16,553	0.38	7610 REINHARDT ST	BECKLOFF, MICHAEL C	BECKLOFF, KATHLEEN A	14108 CANTEBURY ST	LEAWOOD, KS 66224	MICHAEL&KATHLEEN BECKLOFF	14108 CAI	
27	OP73000000 0013	16,553	0.38	7640 REINHARDT ST	BORTOLOTTI-MELO, JAVIER	RODRIGUEZ, ANA M.	7640 REINHARDT ST	PRAIRIE VILLAGE, KS 66208			
28	OP73000000 0015B	5,663	0.13	0 NS NT	EITZEN, BROOKE E	COLLINS, DANIEL S	7620 REINHARDT ST	PRAIRIE VILLAGE, KS 66208			
29	OP73000000 0031C	0	0.00	0 NS NT	PATTERSON, EMILY E.		12712 EL MONTE ST	LEAWOOD, KS 66209			
30	OP73000000 0014	16,553	0.38	7632 REINHARDT ST	PATTERSON, EMILY E.		7632 REINHARDT ST	PRAIRIE VILLAGE, KS 66208			
31	OP73000000 0007B	11,326	0.26	7615 REINHARDT ST	DOPSON, FREDRICK L.	DOPSON, CHERYL K.	7615 REINHARDT ST	PRAIRIE VILLAGE, KS 66208			
32	OP73000000 0009	16,553	0.38	7631 REINHARDT ST	ESRY, RITA		7631 REINHARDT ST	PRAIRIE VILLAGE, KS 66208			

Total Area of Parcels: 7.70 acres (335,412 ft²)
 Selected Property

MOJO Built, LLC
 Neighborhood Meeting
 7631 Reinhardt Street - Lot Split
 Sign In List
 May 20th, 2020
 5:00pm
 Harmon Park Shelter

Required Per City of Prairie Village

Required Per Covid-19 Guidelines

Name	Physical Address	Email Address	Phone Number
Pat Boppart MOJO	5224 Knox Street, Merriam, KS 66203	pat.boppart@moffitbuilt.com	(913) 927-4127
ADAM FEFFER MOJO Architect	12214 W. 79th TERR	ADAM@APDSTUDIOS.COM	785-650-3563
Alison Chaplick MOJO	-	alison.chaplick@moffittrealty.com	913-777-1413
Joe Woods MOJO	5300 College Blvd OPKS 66211	joe-woods@moffittrealty.com	913-980-4797
Tim Marneff Neighbor	7635 Pawnee		
Bob & Betty Clark Neighbor	7631 "	bobclarkkc@msn.com	
			913-648-7355
John H. Moffitt III MOJO	5300 College Blvd.	j.moffitt@moffittrealty.com	913 927 0039

Meeting Minutes
Neighborhood Meeting for 7631 Reinhardt St
May 20,2020

Meeting begins at 5pm at Harmon Park

In Attendance:

John Moffit, MOJO Built
Joe Woods, MOJO Built
Pat Boppart, MOJO Built
Adam Pfeifer, NSPJ Architects
Alison Chaplick, Moffitt Realty
Bob and Betty Clark, 7631 Pawnee
Tim Marnett, 7635 Pawnee

Issues Raised:

1. What are the required lot sizes?
2. Is MOJO building other homes in the area?
3. What is the distance between homes?
4. What is the rear yard set back?
5. What are the prices of these homes?
6. How much does it cost to build per sq. ft.?
7. What is the attraction to the area?
8. Noise concerns, construction times allowed?
9. How long will it take to complete the project?

Response / Resolution

60 Feet wide.
Yes. Example are the two up the street.
12' minimum, most of the time more.
25' minimum, most of the time more.
\$750,000 -\$950,000.
Varies widely, but around \$1.90 per sf.
Schools and shopping.
7:00am to 7:00pm.
Eight to twelve months.

All questions were answered.

Meeting was adjourned at 6pm.

CONDITIONAL USE PERMIT APPLICATION

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: _____

Filing Fees: _____

Deposit: _____

Date Advertised: _____



Date Notices Sent: 05/12/2020

Public Hearing Date: 06/02/2020

APPLICANT: GastingerWalker Attn: Andy Meyer PHONE: 816-569-0824

ADDRESS: 817 Wyandotte, Kansas City, MO ZIP: 64105

OWNER: Chris Wolfe, CommunityAmerica Credit Union PHONE: 913-905-8266

ADDRESS: 9777 Ridge Dr., Lenexa, Kansas ZIP: 66219

LOCATION OF PROPERTY: 7830 State Line Rd, Prairie Villiage, Kansas 66208

LEGAL DESCRIPTION: _____

CORRECTED PLAT OF MEADOW LAKE (BLOCK 4 TO 7 INCL LOT 1 OF
BLOCK 8 BLOCK 9 TO 16 INCL) LT 16 EX N 75' & ALL LT 17 BLK 7 PVC 14018

ADJACENT LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Residential</u>	<u>R-1B</u>
South	<u>Office Building</u>	<u>C-2</u>
East	<u>Office Building</u>	<u>Commercial (non-office)</u>
West	<u>Residential</u>	<u>R-1B</u>

Present Use of Property: Office Building

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



PO Box 15950
Lenexa, KS 66285-5950

913.905.7000 | 800.892.7957
CommunityAmerica.com

April 28, 2020

Ms. Jamie Robichaud
Deputy City Administrator, City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

RE: Proposed Automated Teller Machine - 7830 State Line Road, Prairie Village, KS (the 'Property')

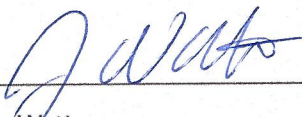
Dear Ms. Robichaud:

This letter is being sent as a joint communication to assist your office as it reviews CommunityAmerica's proposed site plan and building permit application related to the placement of a single, drive-up ATM at the Property. Please be advised that CommunityAmerica and M.S.G. Investments (the landlord) have entered into a lease agreement related to the credit union's proposed ATM and we have jointly reviewed and approve of the attached, proposed site plans. We understand these plans are under review and appreciate your assistance as your office evaluates them. Contact information for the credit union, landlord and architect have been provided below.

Sincerely,

CommunityAmerica Credit Union

M.S.G. Investments, Inc.

By: 
Name: John Watts
Title: VP, Asst. General Counsel
jwatts@cacu.com
P: 913.905.8115

By: 
Name: Shane Glazer
Title: President
shane@msginvestments.com
P: (816) 809-2577

Cc: Chris Wolfe, Director, CommunityAmerica Credit Union (cwolfe@cacu.com)
Andy Meyer, Partner, Gastinger Walker (ameyer@gastingerwalker.com)



CITY OF PRAIRIE VILLAGE

The Star of Kansas

Planning Commission Application

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

Please complete this form and return with Information requested to:

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

Applicant: GastingerWalker & - Andy Meyer Phone Number: 816-569-0824

Address: 817 Wyandotte, Kansas City, MO 64105 E-Mail ameyer@gastingerwalker.com

Owner: Chris Wolfe, CommunityAmerica Credit Union Phone Number: 913-905-8266

Address: 9777 Ridge Dr., Lenexa, Kansas Zip: 66219

Location of Property: 7830 State Line Rd, Prairie Villiage, Kansas 66208

Legal Description: CORRECTED PLAT OF MEADOW LAKE (BLOCK 4 TO 7 INCL LOT 1 OF BLOCK 8 BLOCK 9 TO 16 INCL) LT 16 EX N 75' & ALL LT 17 BLK 7 PVC 14018

Applicant requests consideration of the following: (Describe proposal/request in detail) The construction of a new drive-up automated teller machine and stand-alone canopy

CommunityAmerica Credit Union on a property Owned by MSG Investments at 7830 State Line Rd.

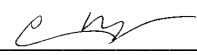
AGREEMENT TO PAY EXPENSES

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 Chris Wolfe c/o CommunityAmerica Credit Union.

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.

 30 April 2020
Applicant's Signature/Date

 30 April 2020
Owner's Signature/Date

CommunityAmerica Credit Union – Prairie Village ATM PROJECT NARRATIVE

Conditional Use Permit and Site Plan Applications to the City of Prairie Village Planning Commission
Submittal date: 01 May 2020

Project Description:

The construction of a new drive-up automated teller machine and stand-alone canopy for CommunityAmerica Credit Union on property Owned by MSG Investments at 7830 State Line Rd.

The proposed ATM and canopy will be installed directly adjacent to an existing 3-story office building.

The design team for this project had a pre-application meeting with key stakeholders in this process to help inform this application including the following conversations:

- Pre-application meeting with Jamie Robichaud (Deputy City Administrator), Keith Bredehoeft (Public Works Director), Todd Kerkhoff (Fire Marshal), Chris Brewster (Urban Planner)
– 16 October, 2019

Per the requirements for Conditional Use Permit and Site Plan applications, this submittal includes drawings containing the following content:

SUBMITTED IN THIS APPLICATION

Existing Site Plan

Initial code information, project information, locator map, drawing set sheet index, existing site plan with survey and parking information, and vicinity map.

Proposed Site Plan

Layout of ATM and canopy footprint, new pavement striping, new concrete infill of closed curb cut on Somerset Drive.

Drive-Thru Elevations

Elevations of the existing building with the proposed ATM and Canopy. Proposed materials and height dimensions are noted on the elevations and renderings.

ITEMS TO BE SUBMITTED SEPARATELY

Neighborhood Meeting

A Neighborhood Meeting will be held on site at **Prairie Baptist Church** (date to be determined) between the Application submittal date and the assigned Planning Commission meeting, with Meeting Notes also shared before the Planning Commission meeting.

Site Signage

A site sign will be installed on the lot between the Application submittal date and the assigned Planning Commission meeting, with Affidavit of Sign installation also shared before the Planning Commission meeting.

Notice of Hearing

Notice of Hearing letters will be sent via certified mail to property owners within 200 feet of the lot at least 20 days before the Planning Commission meeting. Affidavit of Notice of Hearing mailings will be submitted at least 2 weeks before the assigned Planning Commission meeting.



STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: June 2, 2020, Planning Commission Meeting

Application: PC 2020-107

Request: Conditional Use Permit – Drive-up service (non food & beverage)

Action: *A Conditional Use Permit requires the Planning Commission to evaluate the facts and circumstances of a specific request, and determine if those facts meet the criteria necessary for approval.*

Property Address: 7830 State Line

Applicant: Jay Watters, Gastinger Walker, for Community America Credit Union (tenant); M.S.G. Investments (landlord)

Current Zoning and Land Use: C-0 Commercial Office District – Multitenant Office Building

Surrounding Zoning and Land Use: **North:** R-1B – Single-family Dwelling District – Single-family houses
East: R-1B – Single-family Dwelling District – Single-family houses
South: C-2 General Business District – Retail / Restaurant
West: Commercial – Restaurant (Kansas City, MO)

Legal Description: CORRECTED PLAY OF MEADOW LAKE (BLOCK 4 TO 7 INCL LOT 1 of BLOCK 8 BLOCK 9 TO 16 INCL) LT 16 EX N 75' & ALL LOT 17 BLK 7 PVC 14018

Property Area: .68 acres (29,648.41 s.f.)

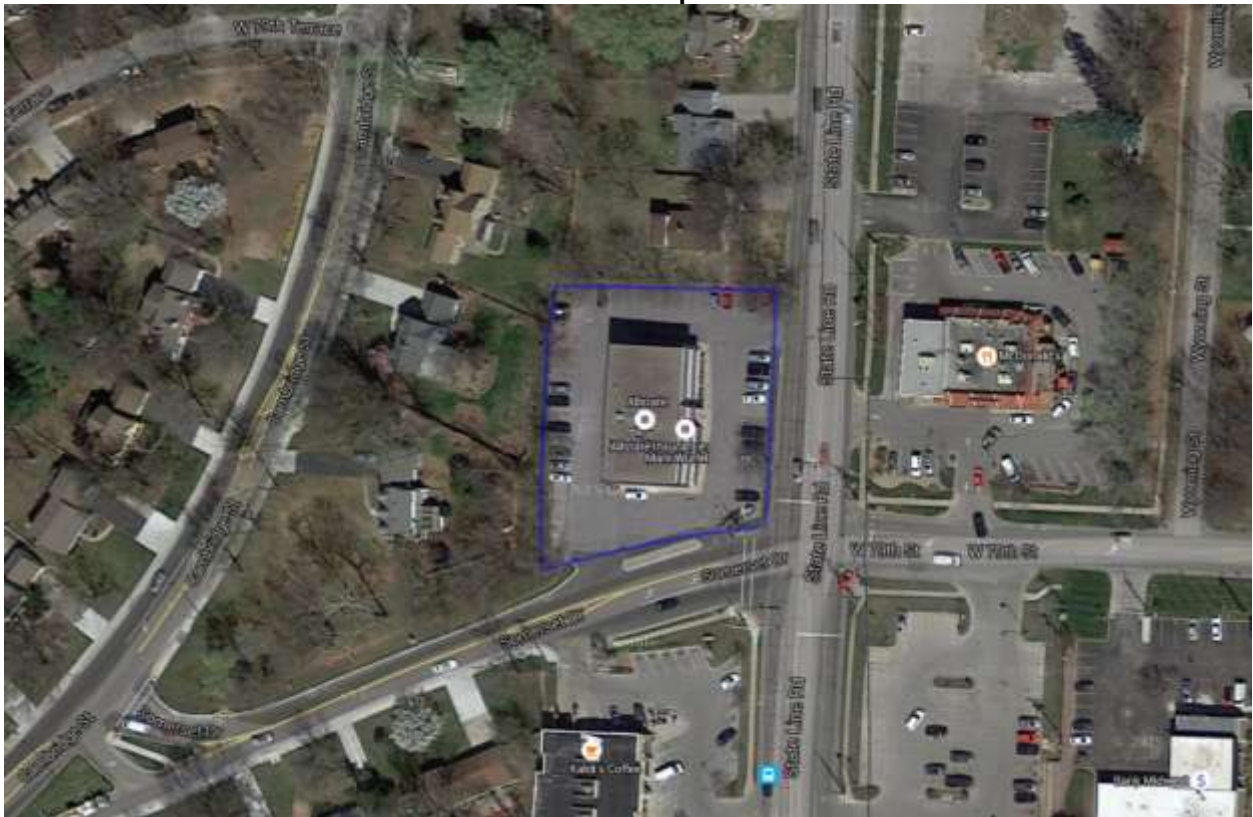
Related Case Files: PC 2011-103 – Site Plan (Monument Sign)
PC 2016-109 – Site Plan (Multitenant Building Sign Plan)

Attachments: Application, site plan and elevations

General Location Map



Aerial Map



Site



Street Views



Street view looking northeast on Somerset (drive-up service to be placed on south elevation)



Street view looking north at Somerset and State Line (drive up service to be placed on south elevation).



Bird's eye view

Background:

The applicant is requesting approval of a Conditional Use Permit and Site Plan for a drive up service kiosk for a bank. The bank is planning to lease the vacant space in the commercial building on the south side of Somerset Drive. They will lease one space in a small strip retail building; however, it is situated in a manner that will not allow for drive-up services on that site. They are proposing a drive up ATM on the south side of the office building across from their location.

The area immediately surrounding this site is a mix of strip retail and restaurant businesses, and several of them do have drive-up or drive-through services. The nature of this particular request is a self-service, automated teller machine, so there is no voice activated services or speakers associated with the proposal.

To improve access and circulation, the applicant plans to close off the parking lot entrance on the southeast portion of the site. This will create better traffic patterns for the intersection of State Line and Somerset generally, and will provide better circulation for the site and the proposed drive up service kiosk. This access point is in the city right-of-way and currently has concrete curb and sidewalk, which is proposed to be extended across the driveway. The internal circulation for the drive up kiosk will be addressed by paint markings on the pavement and some signs. It primarily involves converting the one-way flow on the south side of the building, retaining two-way flow to the parking fronting on State Line Road, and directing all other two-way flow to the north and west (rear) of the building between the two remaining access points on the site. The existing monument sign will remain on the southeast corner (it is currently in the parking area with a 3' landscape area surrounding it).

The applicant held a neighborhood meeting on May 19, 2020, in accordance with the City's Citizen Participation Policy. One person attended and the applicant has provided a summary of the meeting to supplement the application.

Zoning Requirements:

The property is zoned C-O Commercial Office District. The zoning ordinance allows accessory drive-up service areas for non-food and beverage businesses, but requires a Conditional Use Permit, reviewed by the Planning Commission. The permit application is accompanied by a site plan.

Conditional Use Permit. According to Section 19.30.030 of the Prairie Village Zoning Regulations, the Planning Commission shall consider the following factors to review a conditional use permit.

- A. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations.

The C-O district provides for low-intensity and small-scale commercial and office uses as a transition to residential areas. Office and service uses such as banks are permitted in this district, and accessory drive-up service uses are frequently associated with this use (and other uses permitted in the C-O district). There are no alterations proposed to the existing building; however, the application does propose constructing an accessory structure (service kiosk) with the use. The closest point of this new structure is approximately 26' from the nearest side property line. It therefore meets all setbacks required for principal structures in the C-O district (35' height limit and 10' side setback for 1-story structures; 15' for 2-story; and 20' for 2.5-story.) A 9-foot, 7-inch deep canopy also extends over the structure, but does not encroach into any required side-yard setback.

- B. The proposed conditional use meets any specific standards or limitations for the particular use listed in this ordinance.

Drive up services have specific standards that are listed below.

- C. The proposed conditional use meets all of the site plan review criteria in 19.32.030.

There are no alterations proposed to the principal building; however, an accessory structure – a service kiosk and canopy – is proposed. The canopy is proposed with brick column bases to match the existing building, and painted steel poles above the base, supporting a laminated glazed

canopy. The colors of the steel are not specified, though the conceptual elevations show a dark color, which compliments the trim on the buildings.

Other site construction involves closing the southeast entrance nearest the corner of Somerset and State Line, and the construction of a concrete curb extension to hold the kiosk and canopy. While some landscape on this south edge of the property would be ideal, there are not good locations due to the existing curbed edge (all concrete). This area is in the city right-of-way and is proposed to be extended in the current format, to close off the entrance.

- D. The proposed conditional use at the specified location is adequately planned, designed, located, and limited to not cause any impacts on the character of the area, the public streetscape, or adjacent property, different from any other permitted use.

This area is a transition area between residential (to the north and west), and higher intensity commercial to the east and south. State Line is a busy traffic corridor and higher-intensity commercial uses are expected here. This application is an accessory use to both the existing office building on the site, but actually supports the bank across Somerset to the south (currently vacant). There is not an appropriate location for a drive-up service kiosk at the location that the bank plans to lease.

In general, the proposed use, and the accessory use of this location for drive-up services, is consistent with the character of the area.

- E. In meeting these criteria, the Planning Commission may place additional conditions that it deems appropriate to ensure that the criteria are met based on the particular context, site, or plan.

See staff recommendations below.

Section 19.30.050.C also has the following specific criteria for drive-up service areas:

1. The service area and any circulation or stacking areas are designed and located in a way that minimizes impacts on any adjacent residential uses. This may include locating the service area at a remote part of the site, using enhanced screening and buffering of service areas, limiting the hours of operation and anticipated peak times of the operations, or demonstrating other operational or technical controls that will clearly meet the City's noise ordinance standards.

The drive up service proposed is a self-service, automated teller kiosk, and there is no voice-activated or speaker service that can cause impacts on adjacent property. Although visible from State Line and Somerset, this location is better than locating it on the north or west sides, since those locations are closer to the residential property nearby. In the proposed configuration, there is room for up to three cars to be cued waiting for service, which the applicant feels is sufficient based on expected levels of use. The location in a larger parking area allows options for if the service area experiences larger-than-expected traffic at any point.

2. The access and circulation does not present any disruption to surrounding traffic patterns in the street, any pedestrian access points to the site, or along the streetscape beyond ordinary vehicular access.

Public Works has reviewed the proposed plan and finds it acceptable for traffic flow. The closing of the entrance on the southeast corner nearest Somerset and State Line is an improvement over current conditions. This entrance was problematic even without the proposed accessory use.

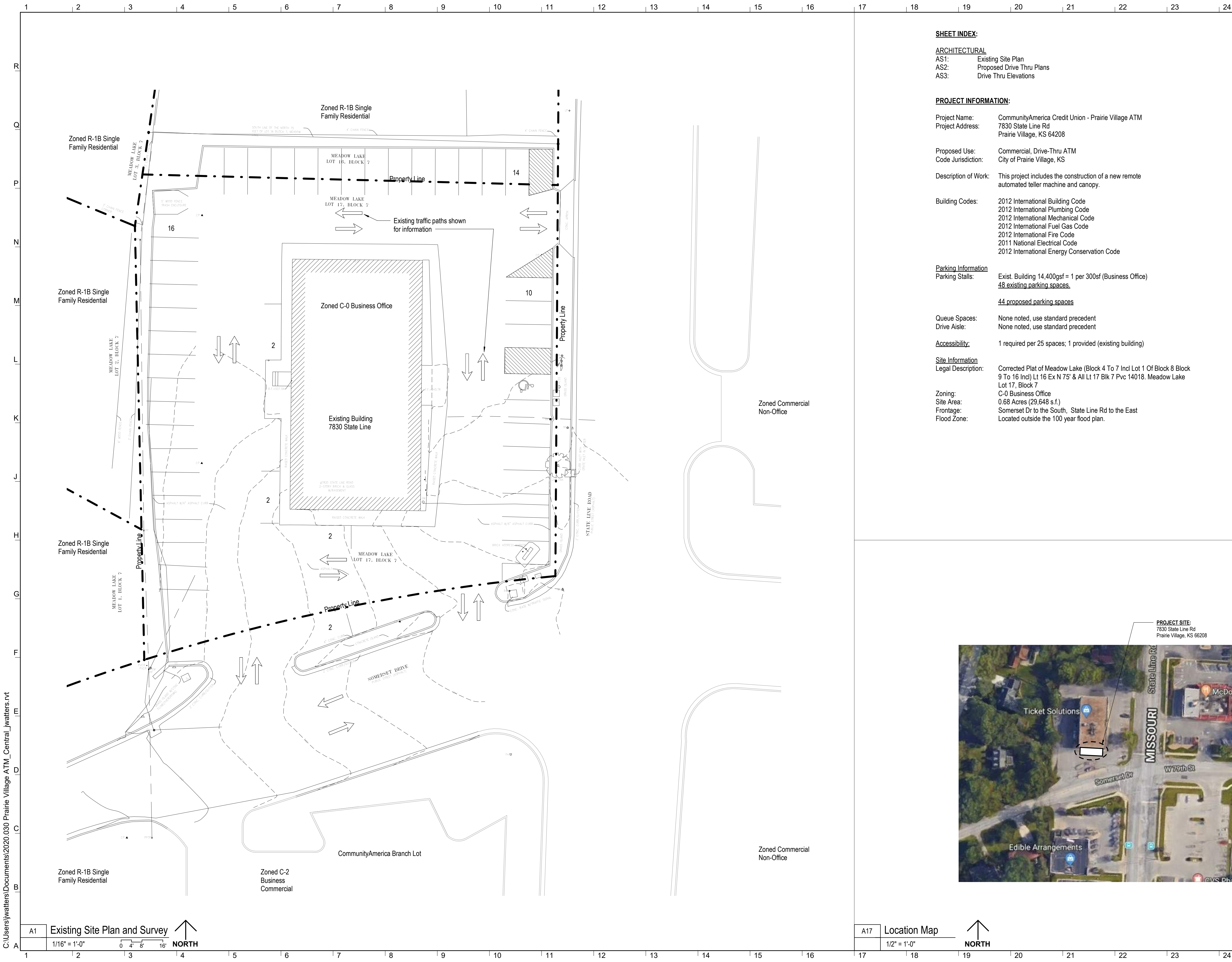
3. No food or beverage services are permitted. Drive-through retail food and beverage services require a special use permit according to the procedures and criteria in Section 19.28.

Recommendation:

It is the recommendation of Staff that the Planning Commission approve the proposed site plan and conditional use permit for the expansion of an existing drive through at 5206 West 95th street, subject to the following conditions:

1. A drainage permit will be required from Public Works prior to construction.

2. The applicant shall verify the size and location of all signs associated with the kiosk through the Sign Permit process, and only signs meeting the sign ordinance will be permitted.
 3. The conditional use permit shall expire, the drive up service shall be discontinued, and the kiosk shall be removed if at any point the bank is no longer operating at the site immediately to the south across Somerset.
-



SHEET INDEX:

- ARCHITECTURAL**
 AS1: Existing Site Plan
 AS2: Proposed Drive Thru Plans
 AS3: Drive Thru Elevations

PROJECT INFORMATION:

Project Name: CommunityAmerica Credit Union - Prairie Village ATM
Project Address: 7830 State Line Rd
 Prairie Village, KS 64208

Proposed Use: Commercial, Drive-Thru ATM
Code Jurisdiction: City of Prairie Village, KS

Description of Work: This project includes the construction of a new remote automated teller machine and canopy.

Building Codes: 2012 International Building Code
 2012 International Plumbing Code
 2012 International Mechanical Code
 2012 International Fuel Gas Code
 2012 International Fire Code
 2011 National Electrical Code
 2012 International Energy Conservation Code

Parking Information

Parking Stalls: Exist. Building 14,400sf = 1 per 300sf (Business Office)
48 existing parking spaces.
44 proposed parking spaces

Queue Spaces: None noted, use standard precedent
Drive Aisle: None noted, use standard precedent

Accessibility: 1 required per 25 spaces; 1 provided (existing building)

Site Information

Legal Description: Corrected Plat of Meadow Lake (Block 4 To 7 Incl Lot 1 Of Block 8 Block 9 To 16 Incl) Lt 16 Ex N 75' & All Lt 17 Blk 7 Pvc 14018. Meadow Lake Lot 17, Block 7

Zoning: C-0 Business Office
Site Area: 0.68 Acres (29,648 s.f.)
Frontage: Somerset Dr to the South, State Line Rd to the East
Flood Zone: Located outside the 100 year flood plan.



MEP Engineer
 Lanford I Fendler + Associates
 1730 Walnut St.
 Kansas City, MO 64108

**CommunityAmerica
 Credit Union
 Prairie Village ATM**

7830 State Line Rd
 Prairie Village, KS

CommunityAmerica Credit Union

9777 Ridge Drive
 Lenexa, KS 66219
 913.905.8266

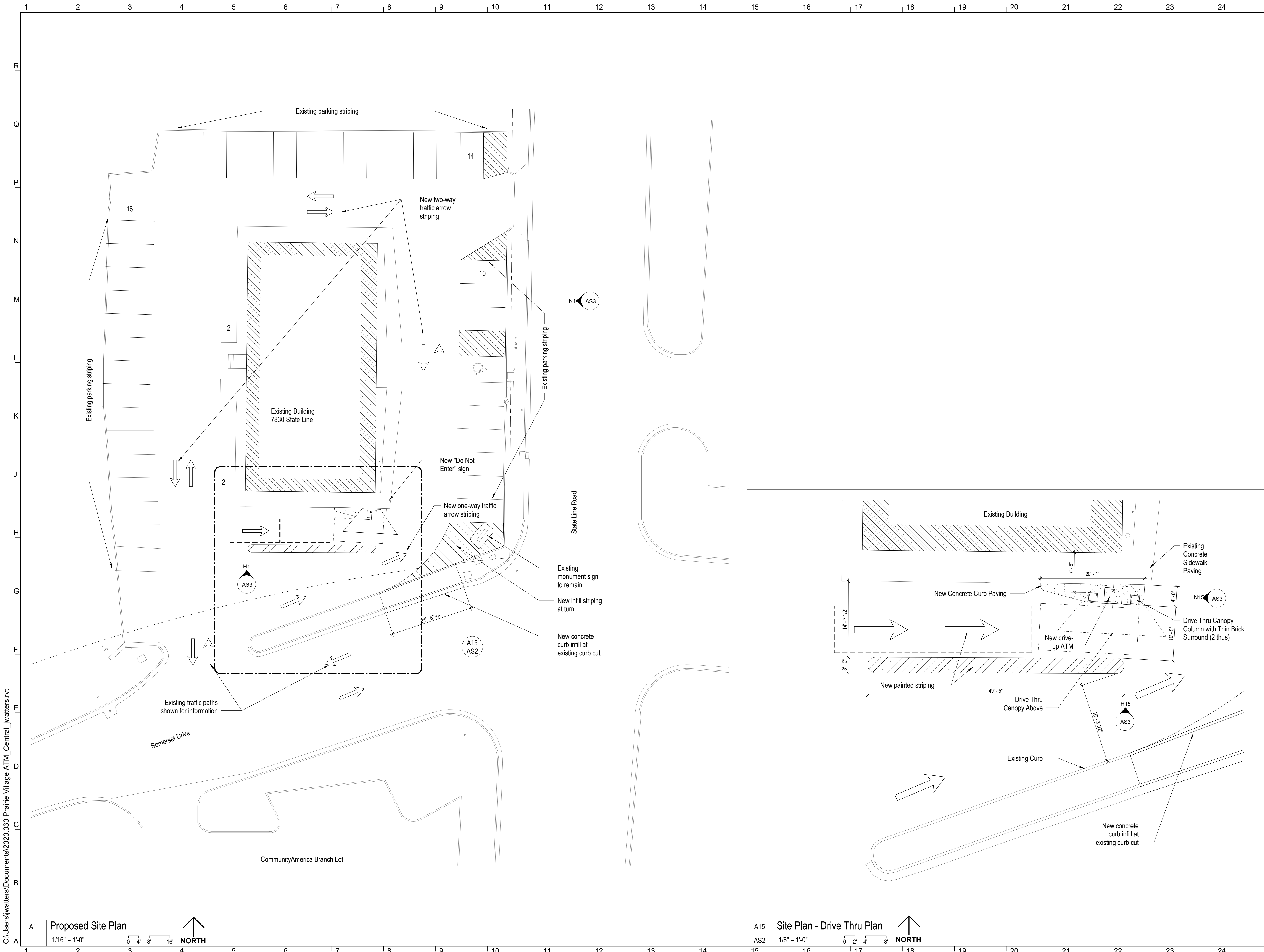
ISSUED FOR:
 Planning Commission
 Submittal 01 May 2020

Drawn By: JMW
 Checked By: AM

Existing Site Plan

AS1

C:\Users\jwaters\Documents\2020.030 Prairie Village ATM_Central_walters.rvt



A1 Proposed Site Plan
 1/16" = 1'-0"
 0 4' 8' 16'
 NORTH

A15 Site Plan - Drive Thru Plan
 1/8" = 1'-0"
 0 2' 4' 8'
 NORTH

MEP Engineer
 Lanford Fendler + Associates
 1730 Walnut St.
 Kansas City, MO 64108

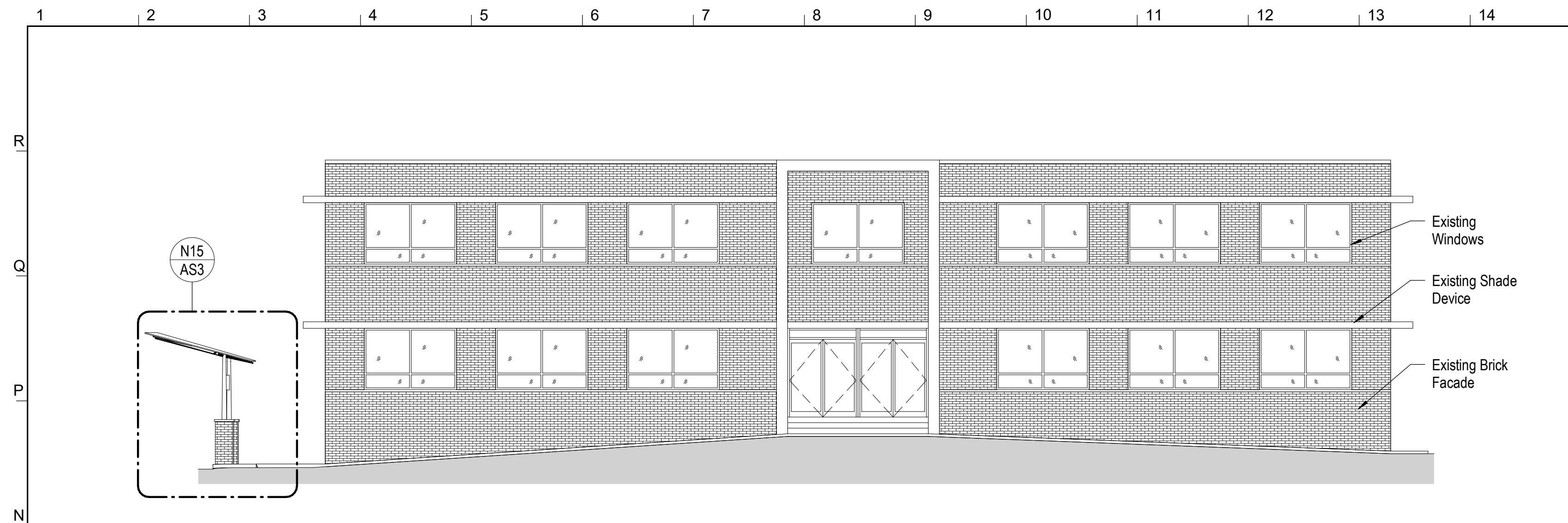
**CommunityAmerica
 Credit Union
 Prairie Village ATM**

7830 State Line Rd
 Prairie Village, KS
 CommunityAmerica Credit Union
 9777 Ridge Drive
 Lenexa, KS 66219
 913.905.8266

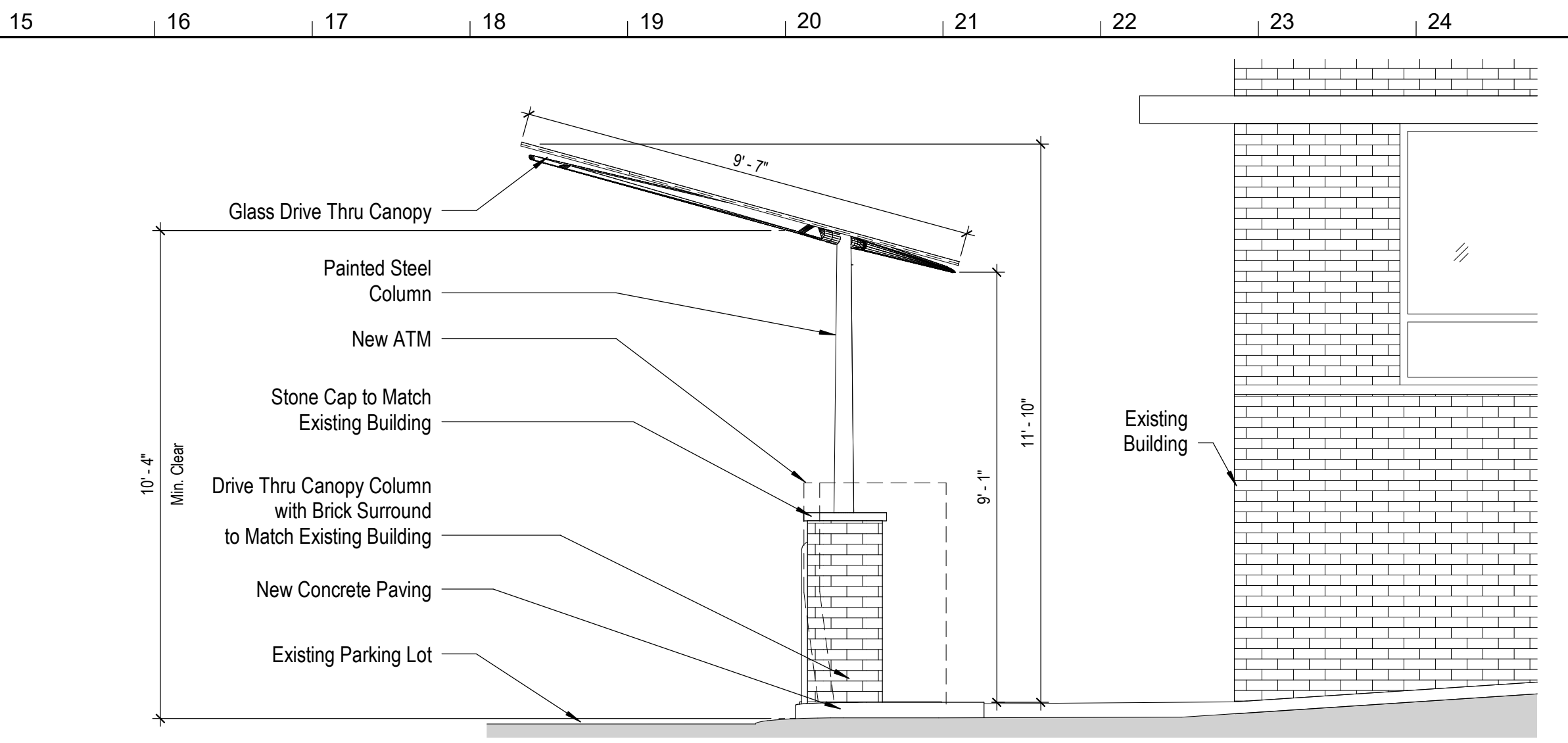
ISSUED FOR:
 Planning Commission
 Submittal 01 May 2020

Drawn By JMW
 Checked By AM
 Proposed Drive Thru Plans

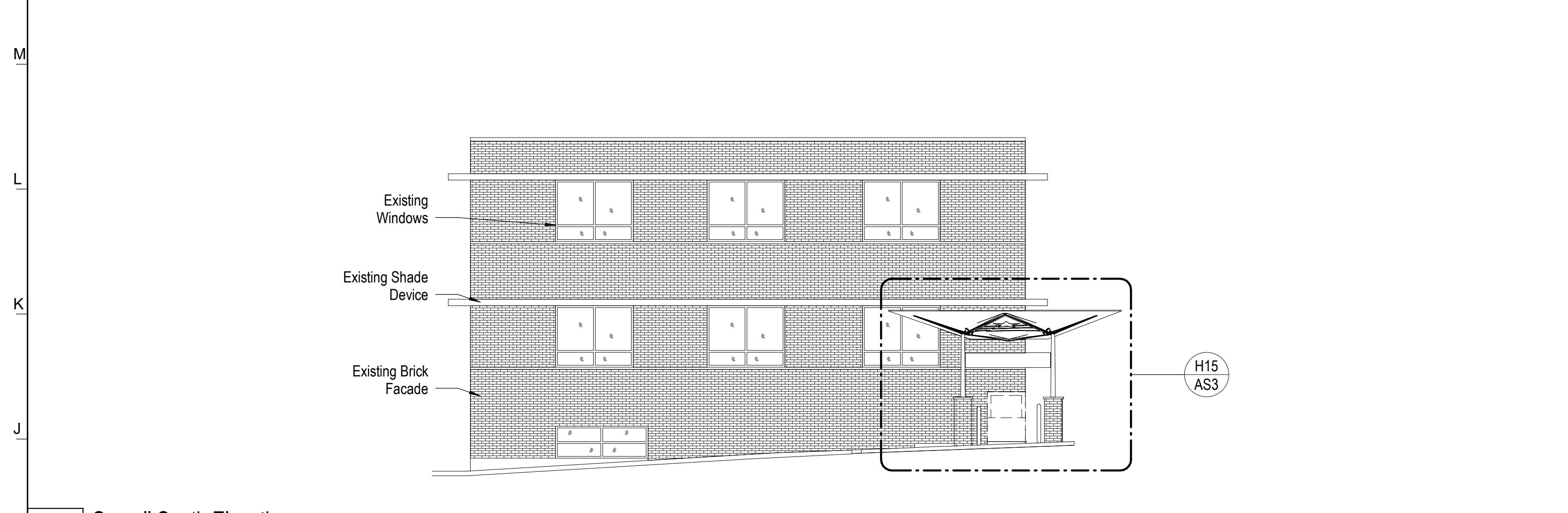
AS2
 Project Number: 2020.030 © Copyright 2020



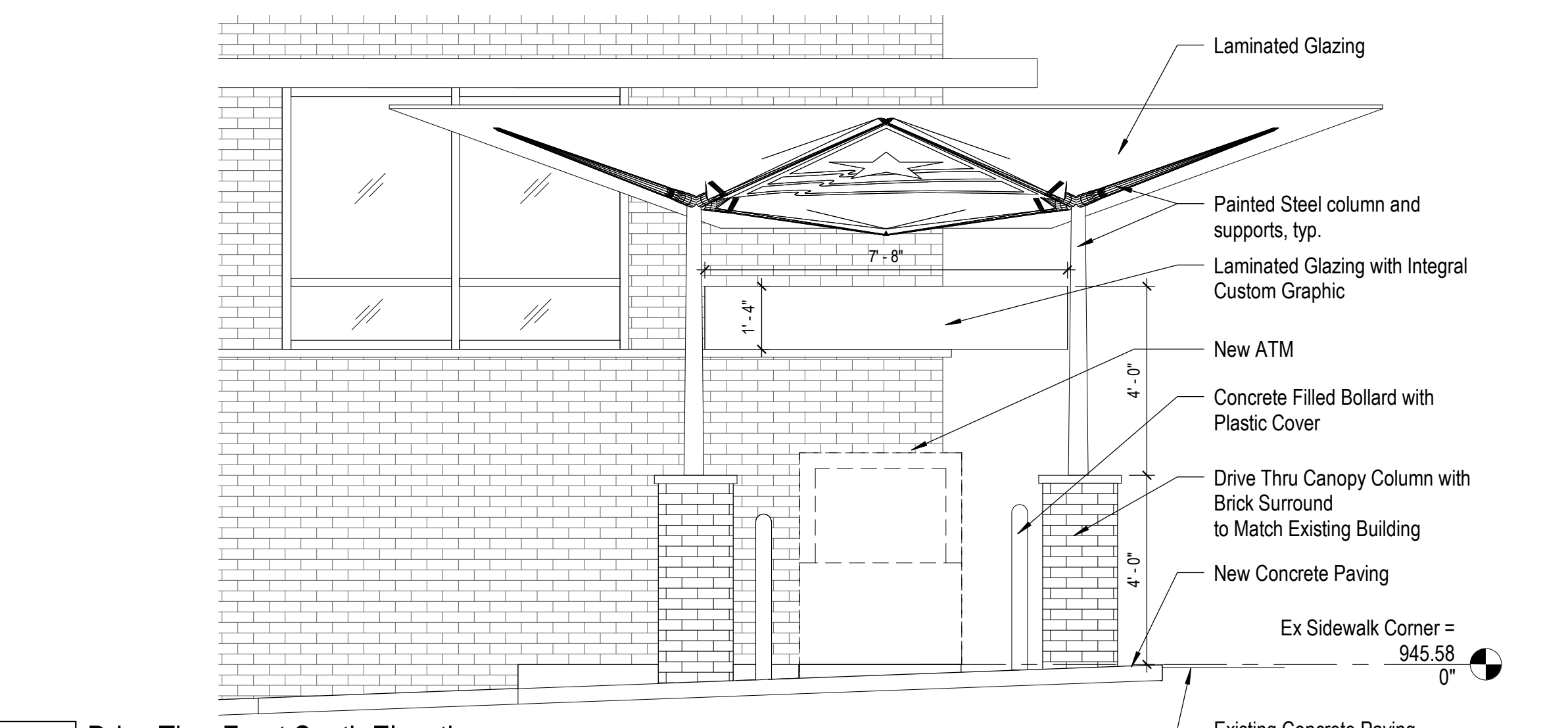
N1 Overall East Elevation
AS2 1/8" = 1'-0" 0 2' 4' 8'



N15 Drive Thru East Elevation
AS2 3/8" = 1'-0" 0 8" 1'-4" 2'-8"



H1 Overall South Elevation
AS2 1/8" = 1'-0" 0 2' 4' 8'



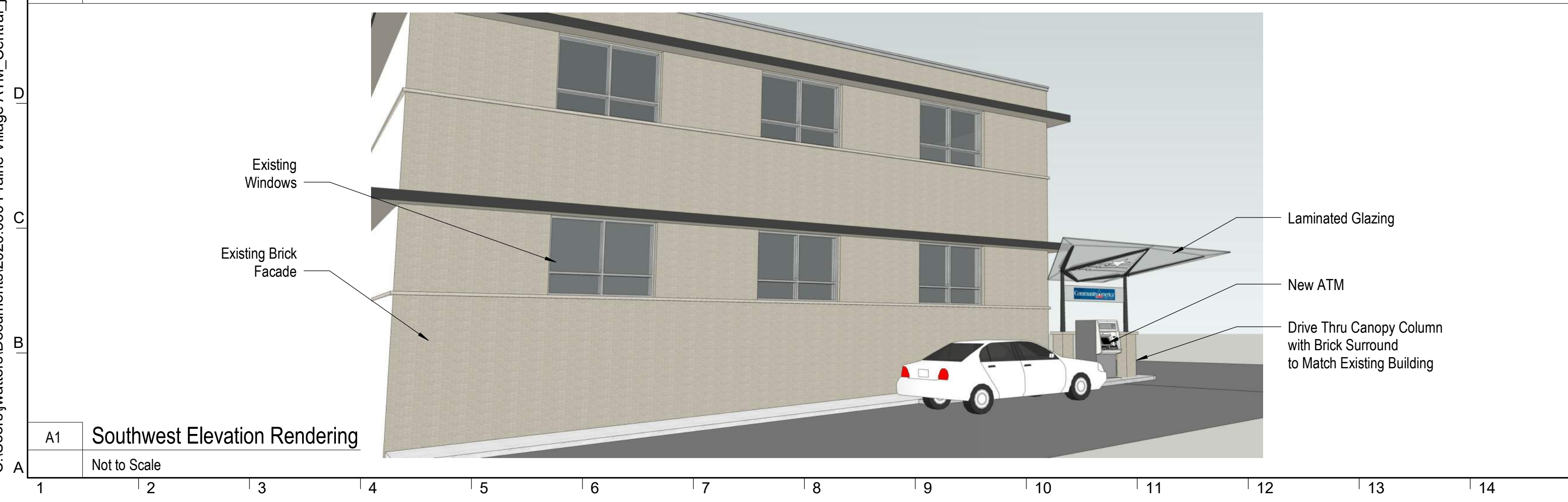
H15 Drive Thru Front South Elevation
AS2 3/8" = 1'-0" 0 8" 1'-4" 2'-8"



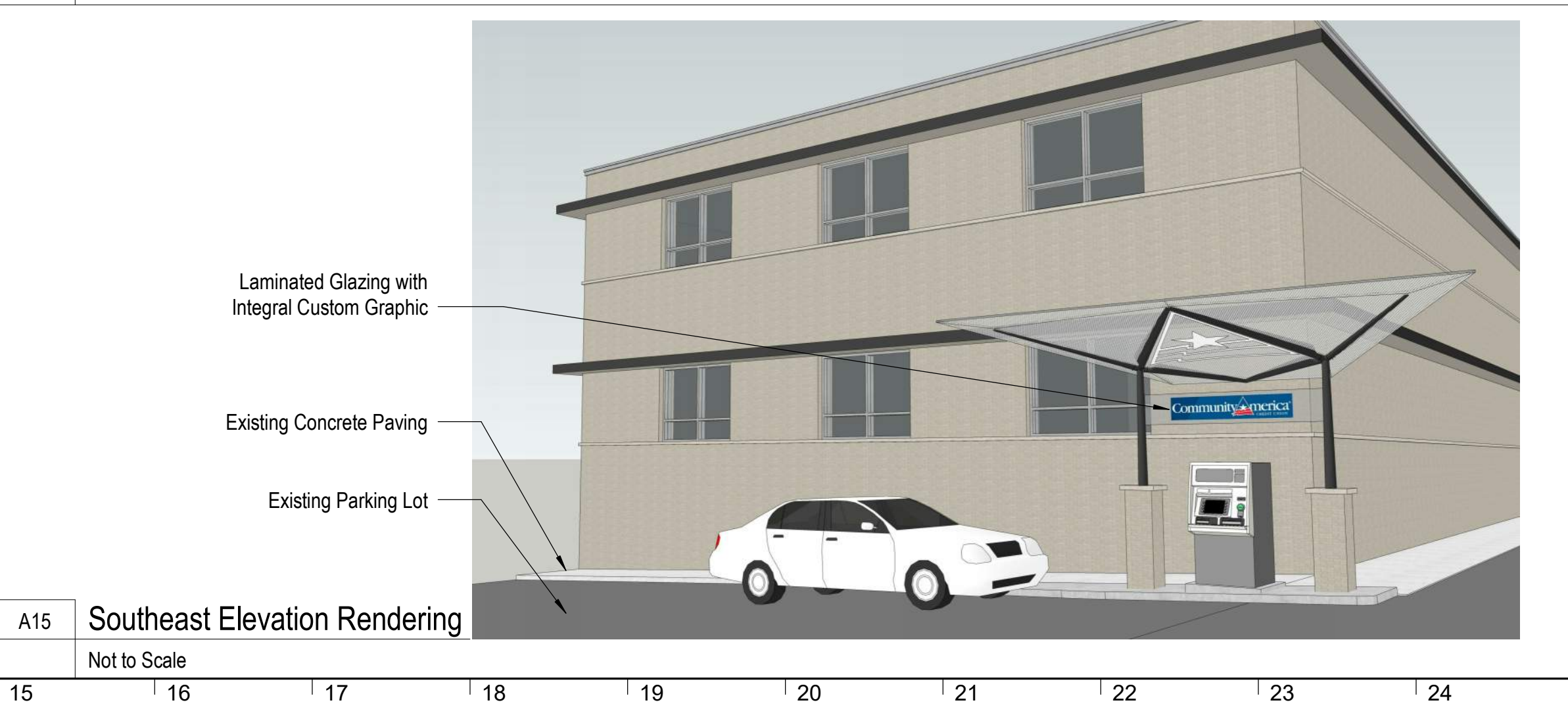
E1 South Elevation Rendering
Not to Scale



E15 West Elevation Rendering
Not to Scale



A1 Southwest Elevation Rendering
Not to Scale



A15 Southeast Elevation Rendering
Not to Scale

GastingerWalker &

Construction Managers
Interior Designers
Architects
817 Wyandotte Kansas City, Missouri 64105 816.421.8200 gastingerwalker.com

MEP Engineer
Lankford | Fendler + Associates
1730 Walnut St.
Kansas City, MO 64108

**CommunityAmerica
Credit Union
Prairie Village ATM**

7830 State Line Rd
Prairie Village, KS

CommunityAmerica Credit Union
9777 Ridge Drive
Lenexa, KS 66219
913.905.8266

ISSUED FOR:
Planning Commission
Submittal 01 May 2020

Drawn By: JMW
Checked By: AM

Drive Thru Elevations

AS3

Project Number: 2020.030 © Copyright 2020

C:\Users\jwaters\Documents\2020.030 Prairie Village ATM_Central_waters.rvt

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	OP25000007 0002	14,375	0.33	7827 CAMBRIDGE ST	TUCKER FAMILY REV TRUST		7827 CAMBRIDGE ST	PRAIRIE VILLAGE, KS 66208				
2	OP25000007 0015	10,019	0.23	7814 STATE LINE RD	DURANT, HARRIET M. TRUSTEE	DURANT, HARRIET M. REV TRUST	131 E 69TH TER	KANSAS CITY, MO 64113				
3	OP25000008 0002	11,326	0.26	2015 SOMERSET DR	YOUNG, BARTHOLOMEW		2015 SOMERSET DR	PRAIRIE VILLAGE, KS 66206				
4	OP25000008 0003	13,504	0.31	2021 SOMERSET DR	BAILEY, GARLAND N.	BAILEY, THELLIS C.	2021 SOMERSET DR	PRAIRIE VILLAGE, KS 66206				
5	OP25000007 0004	9,583	0.22	7815 CAMBRIDGE ST	HEINZ, CALVIN J		7815 CAMBRIDGE ST	PRAIRIE VILLAGE, KS 66208				
6	OP25000007 0016	11,326	0.26	7820 STATE LINE RD	GARDNER, BENJAMIN	GARDNER, MIKALA	7820 STATE LINE RD	PRAIRIE VILLAGE, KS 66208				
7	OP25000007 0005	9,148	0.21	7809 CAMBRIDGE ST	JACL, LLC		6750 ANTIOCH RD # 301	OVERLAND PARK, KS 66201				
8	OP25000007 0014	9,583	0.22	7808 STATE LINE RD	CAMPBELL, MATTHEW		7808 STATE LINE RD	PRAIRIE VILLAGE, KS 66208				
9	OP25000007 0001	29,185	0.67	7909 CAMBRIDGE ST	GLAZER, M SHANE, Jr		7909 CAMBRIDGE ST	PRAIRIE VILLAGE, KS 66208				
10	OP25000009 0018	16,988	0.39	2101 W 79TH TER	JACL LLC		6750 ANTIOCH RD # 301	OVERLAND PARK, KS 66204				
11	OP25000009 0019	10,019	0.23	7822 CAMBRIDGE ST	ANSCHUTZ, CURTIS L	ANSCHUTZ, SIMONA	7822 CAMBRIDGE ST	PRAIRIE VILLAGE, KS 66208				
12	OP25000007 0003	10,019	0.23	7821 CAMBRIDGE ST	SANDS, MICHAEL M	SANDS, SHEREL L	7821 CAMBRIDGE ST	PRAIRIE VILLAGE, KS 66208				
13	OP25000007 0017	29,621	0.68	7830 STATE LINE RD	M.S.G. INVESTMENTS, INC.		7830 STATE LINE RD # 201	PRAIRIE VILLAGE, KS 66208				
14	OP25000008 0001	18,295	0.42	7900 STATE LINE RD	STATE STREET 79 LLC		605 W 47TH ST APT. 200	KANSAS CITY, MO 64112	BLOCK & CO.		605 W 47TH ST APT. 200	KANSAS CITY, MO 64112
15	OP25000008 0015	35,719	0.82	7920 STATE LINE RD	CFT DEVELOPMENTS, LLC		1683 WALNUT GROVE AVE	ROSEMEAD, CA 91770				

Total Area of Parcels: 5.48 acres (238,709 ft²)

Selected Property

Notes

DATE	20 May 2020
PROJECT	CommunityAmerica Prairie Village ATM 2020.030
SUBJECT	Neighborhood Meeting Notes – PC2020-107
BY	Andy Meyer
PEOPLE INVOLVED	CommunityAmerica – Chris Wolfe

Per Prairie Village regulations, a neighborhood meeting was held on Tuesday 19 May, 2020 from 6:30-7:00pm for the Plan Commission application review of the proposed CommunityAmerica drive-up ATM canopy at 7830 State Line (PC2020-107.) Andy Meyer from GastingerWalker and Chris Wolfe from CommunityAmerica were in attendance to present the proposed design.

One neighborhood couple attended the meeting, Bob Tucker and his wife. The Tucker family lives directly west of the property and their backyard abuts the west property line of 7830 State Line. The Tucker's address is 7827 Cambridge St.

Chris and Andy presented the proposed project to the Tuckers. They raised concern about the increased vehicular traffic that the ATM would present on the existing site. They stated they currently have issues with trash and debris coming from the west drive and parking area at 7830 State Line.

The Tuckers also wanted to know if CommunityAmerica would be adding security cameras on the property, and specifically if any would be facing their property. Chris stated that CommunityAmerica only plans to have a security camera internal to the ATM.

Mr. Tucker asked Chris what a daily average ATM transaction count is for their drive-up ATMs. Chris shared that they do track their ATM logs, and that the usage ranges individually depending on the location. Chris stated it would be difficult to predict the transaction count at this proposed location because they do not have historical data at this location to inform their projection. Chris told Mr. Tucker he would see what information he could compile regarding this issue.

Chris and Andy waited onsite until 7:10pm and no other neighbors attended.

A copy of the attendance log is attached.

12 May 2020

RE: Conditional Use Permit / Site Plan Application for new CommunityAmerica ATM at 7830 State Line Road.

Benjamin Gardner,

CommunityAmerica Credit Union has filed an application with Prairie Village Planning Commission for the construction of a new drive-up automated teller machine lane and stand-alone canopy on the property owned by MSG Investments at 7830 State Line Road. The new single-lane ATM drive will be located just south of the existing office building at 7830 State Line Road.

The application will be heard by the Planning Commission on Tuesday, June 2nd at 7:00pm in the council chambers of the municipal building. The application number associated with this proposed project is PC2020-107

You are invited to attend an informal neighborhood meeting on the site at 7830 State Line Road at 6:30-7:00 pm on Tuesday, May 19th. The meeting will be held outside in the parking lot and all attendees will be asked to maintain social distancing.

The drawings for the proposed ATM lane and canopy will be presented to you and you will have the opportunity to ask questions of the project.

If you cannot attend and have questions, please contact:

Andy Meyer
ameyer@gastingerwalker.com
816.569.0824

Sincerely,



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 appoint 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.
 - a. A commission member shall be removed by the Mayor without Council consent as a result of:
 - i. Absence from three (3) consecutive meetings; or
 - ii. Absence from five (5) meetings during the calendar year.

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 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.
 - 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.
 - c. Other items not pertaining to ordinance approval may be removed by a majority of the members and reasons therefore stated in the record.

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 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.
5. **Incomplete Submittals.** The Commission will not hear items that fail to meet submission requirements.
6. **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 among those in attendance is prohibited.

- a. 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.
- b. 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.

7. 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.

- a. 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.
- b. 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.

8. **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.
 - a. If the item upon which the Planning Commission action is taken is remanded for reconsideration 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.
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. 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 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 (2/3) of the members of the Commission

(five out of seven members).

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.