

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, AUGUST 4, 2020
7:00 P.M.**

The Planning Commission will be meeting remotely via Zoom. To listen to the meeting, click the following link:

<https://us02web.zoom.us/j/85860007958?pwd=UnEvdGs5U2RUc1VrZXNKa0tITDIWQT09>

The meeting password is 940454. You can also join the meeting via phone by dialing 1-346-248-7799. The meeting ID is 858-6000-7958. 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, residents 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, August 4. If you would like to speak live during the public hearing, you must notify the City Clerk with your name, address, and email address. The City will provide you with a link to join the meeting and will call on those who signed up to speak once the public hearing begins. Members of the public will not be able to participate in the meeting unless you sign up with the City Clerk ahead of time. Each individual that wishes to speak during the public hearing will be given 3 minutes.

I. ROLL CALL

II. APPROVAL OF PLANNING COMMISSION MINUTES - JULY 7, 2020

III. OLD BUSINESS

IV. PUBLIC HEARINGS

PC2020-114 Consider proposed zoning revisions to Chapter 19.36.005
(Restricted Uses) to allow the keeping of chickens in Prairie
Village

V. NON-PUBLIC HEARINGS

PC2020-113 Exception to Impervious Surface Coverage Standards
8304 Rosewood Street
Zoning: R-1A
Applicant: Russ Ehnen for David Offerdahl

VI. OTHER BUSINESS

VII. 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
JULY 7, 2020**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, July 7, 2020 at 7:00 p.m. Due to the COVID-19 pandemic, Commission 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, and Melissa Brown.

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

Mrs. Wallerstein asked that her comments describing the softening of the southeast corner of the parking lot near the intersection of State Line and Somerset Road be added to the minutes in regards to application PC2020-107.

Mr. Birkel moved for the approval of the minutes of the June 2, 2020 regular Planning Commission meeting with Mrs. Wallerstein's requested addition. Mr. Breneman seconded the motion, which passed 6-0.

OLD BUSINESS

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

Ms. Robichaud stated that at its June 2, 2020 meeting, the Planning Commission voted to unanimously recommend approval of the rezoning request for 7631 Reinhardt Street. The City Council considered the recommendation at its July 6, 2020 meeting and voted unanimously to send the request back to the Planning Commission for further consideration. The Council asked that the Planning Commission consider a broader, more holistic approach to planning in the area with significant public engagement, and to specifically review Golden Factors 1, 2, 4, 5, and 8. The Council also asked the Planning Commission to consider the diversity of the housing stock in Prairie Village in determining whether this rezoning request should be approved or denied.

Ms. Robichaud explained that the Commission would need to make a motion to either submit the original recommendation for approval or submit a new and amended recommendation to the City Council.

Mr. Wolf asked Commission members if they felt the decision should be revisited and whether a different conclusion might be reached.

Mrs. Wallerstein stated that she had previously asked how the setbacks of the proposed homes would align with the homes that had been approved in 2018, and added that there was little consistency on the street.

Mr. Lenahan said that his interpretation of what the Council was asking the Commission to consider was either (A) All rezoning and lot split applications should be put on hold, and instead institute a process on rezoning of the entire neighborhood between Mission, Belinder, 75th Street and 77th Street where many non-conforming lots exist, or (B) that the City is not supportive of piecemeal rezoning, and all rezoning and lot split applications should be rejected.

Ms. Robichaud stated that the Council requested robust public engagement on how the neighborhood should look based on Village Vision 2.0, diversity of housing stock, whether there were ways to address affordable housing, and whether new housing fit the character of the neighborhood. She added that she believed there were three options to consider based on the Council's direction to the Planning Commission:

1. The Planning Commission could decide to take a more holistic approach and recommend denying the rezoning of individual parcels in the area until more robust public engagement and study is done of this area;
2. The Planning Commission could recommend approval of rezoning individual parcels in the area if considered to be part of a broader strategy for the area, which the Planning Commission may find would more appropriately be zoned R-1B; or
3. The Planning Commission could recommend approval of rezoning individual parcels in the area in conjunction with undertaking a broader strategy for the neighborhood once Village Vision 2.0 is completed.

Mr. Lenahan added that he felt it would be inappropriate for the City to deny rezonings in the area for a significant period of time while a more holistic process is established, even though it may likely be needed for the area. A piecemeal approach could function as an intermediary step until the process is in place, which in and of itself already requires robust public engagement from the neighborhood through neighborhood meetings and public hearings. Mr. Birkel and Mr. Breneman agreed.

Mrs. Wallerstein noted that she felt this type of home construction was not significantly different than redevelopment in other parts of the City, with the exception of the lot sizes. Ms. Brown said that she lived in the neighborhood, and stated that there were "pockets" of redevelopment in certain areas, so it would not be possible to use the rezoning and lot

split process for many entire blocks in the neighborhood because most of the lots in the area were smaller and not capable of being split. She did not feel a long study of the area was needed before rezonings could be approved due to the number of similar applications that could come before the Planning Commission are already limited due to the existing sizes of lots in the area.

Ms. Brown made a motion to resubmit the original recommendation back to the City Council. Mr. Breneman seconded the motion.

Mr. Lenahan added that the Planning Commission should make specific statements on how their recommendation is consistent with the Golden Factors the Council specifically asked them to address. The Planning Commission shared the following thoughts regarding Golden Factors 1, 2, 4, 5, and 8:

1. The Character of Neighborhood - Mr. Lenahan stated that the neighborhood was generally composed of smaller houses on smaller lots with occasional smaller houses on larger lots. The block itself was hard to characterize due to the difference in lot size, house style, and the position of homes on the lots. Ms. Brown added that these types of lot splits actually work to strengthen the character of the street by bringing the houses up to the same setback line and providing consistency. She added that what could be built under R-1A standards would more negatively impact the character of the neighborhood than the smaller home that would be required to be built under R-1B if the property is rezoned and the lots are split.
2. The Zoning and Uses of Property Nearby - Mr. Lenahan said that most lots were zoned R-1A, but were of many different sizes and not conforming to the requirements of R-1A lots due to the properties being platted before the City's subdivision regulations were adopted.
4. The Extent that a Change Will Detrimentially Affect Neighboring Property - Mr. Lenahan suggested that a zoning change would not affect neighboring property negatively, but discouraging reinvestment by denying the rezoning request could result in deteriorating properties. Ms. Brown added that leaving the property zoned R-1A could cause the construction of a much larger home that would not fit the neighborhood.
5. The Length of Time of any Vacancy on the Property - Mr. Lenahan asked if the current residence on the property was vacant. The applicant, John Moffitt, stated that the home was currently occupied but would be vacant in a week. He added that it was really not currently a habitable residence.
8. Conformance with the Comprehensive Plan - Mr. Lenahan noted that the Village Vision described the incentivizing of redevelopment and reinvestment in neighborhoods and the application was consistent with that.

The motion to resubmit the original recommendation back to Council passed 6-0.

PUBLIC HEARINGS

PC2020-110 Rezoning and Request for Lot Split
7632 Reinhardt Street
Current Zoning: R-1A
Requested Zoning: R-1B
Applicant: Mojo Built, LLC

Mr. Brewster stated that the property was on one of the many non-conforming lots in the area. All lots on the block were zoned R-1A, with the exception of 7540 Reinhardt, for which the Planning Commission approved a rezoning to R-1B in 2018.

Mr. Brewster added that a rezoning required 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:

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

John Moffitt, applicant and co-owner of Mojo Built, was present to speak to the Commission, and noted that he had nothing further to add.

Mr. Wolf opened the public hearing at 8:09 p.m.

- Doug Patterson, 4630 W. 137th Street, stated that his daughter currently owned the property, and that she was supportive of the rezoning and lot split.
- A letter in opposition to the rezoning from Bob and Betty Clark, 7631 Pawnee St., was included in the meeting packet.

With no other comments received and no one attending the Zoom meeting to speak, Mr. Wolf closed the public hearing at 8:11 p.m.

Based on the Planning Commission’s consideration of the Golden Factors, Mr. Lenahan made a motion to recommend approval of the rezoning to the City Council. Mr. Breneman seconded the motion, which passed 6-0.

Mr. Lenahan made a motion to approve the lot split with the following conditions:

1. That the City Council accepts the Planning Commission recommendation and approves the rezoning;
2. That the applicant submit a certificate of survey to comply with the following information required in the ordinance, prior to a building permit:
 - a) The location of existing buildings on the site, or specifically noting the removal of existing buildings.
 - b) The dimension and location of the lots, including a metes and bounds description of each lot.
 - c) 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.
 - d) Any platted building setback lines with dimensions.
 - e) Indication of location of proposed or existing streets and driveways providing access to said lots.
 - f) 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)
 - g) Said certificate of survey shall include the certification by a registered engineer or surveyor that the details contained on the survey are correct.
3. 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.

Mr. Birkel seconded the motion, which passed 6-0.

PC2020-111 Rezoning and Request for Lot Split
7641 Reinhardt Street
Current Zoning: R-1A
Requested Zoning: R-1B
Applicant: RC Renovations, LLC

Mr. Brewster stated that the request was similar to other recent rezoning/lot splits heard by the Commission. The current property sits at the back of a non-conforming lot, which measures 120' wide by 140' deep. The proposed lot split would create two lots measuring 60' by 140', each totaling approximately 8,357 square feet. All lots on the block are zoned R-1A, with the exception of 7540 Reinhardt, for which the Planning Commission approved a rezoning to R-1B in 2018.

Mr. Brewster said that a rezoning required 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:

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

Mrs. Wallerstein asked if the new homes would have a 30' setback like the other new builds that had been approved by the Planning Commission on the block. Mr. Brewster said that the submitted plans showed a 30' setback, and that the proposed construction would align with the property immediately to the north, but not the home to the south, which sits farther back on a corner lot.

Mr. Birkel noted that the grade change across the property was significant, and asked if a retaining wall would be needed. If so, the garage would likely need to be located on the "high side" of the house near the wall. Mr. Brewster said the applicant would be required to get an exception if the construction did not meet building standards.

Steve Ashner, the applicant and owner of RC Renovations, was present to speak about the application, and stated he had no additional information to share.

Mr. Wolf opened the public hearing at 8:42 p.m. With no comments received and no one attending the Zoom meeting to speak, Mr. Wolf closed the public hearing at 8:43 p.m.

Based on the Planning Commission's consideration of the Golden Factors, Mr. Breneman made a motion to recommend approval of the rezoning to the City Council. Mr. Birkel seconded the motion, which passed 6-0.

Mr. Breneman made a motion to approve the lot split with the following conditions:

1. That the City Council accepts the Planning Commission recommendation and approves the rezoning; and
2. That the applicant submit a certificate of survey to comply with the following information required in the ordinance, prior to a building permit:
 - a) The location of existing buildings on the site, or specifically noting the removal of existing buildings.
 - b) The dimension and location of the lots, including a metes and bounds description of each lot.
 - c) 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.

- d) Any platted building setback lines with dimensions.
 - e) Indication of location of proposed or existing streets and driveways providing access to said lots.
 - f) 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)
 - g) Said certificate of survey shall include the certification by a registered engineer or surveyor that the details contained on the survey are correct.
3. 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.

Mr. Birkel seconded the motion, which passed 6-0.

NON-PUBLIC HEARINGS

PC2020-108 Lot Split Approval
3909 & 3913 West 85th Street
Zoning: R-1A
Applicant: R. L. Buford and Associates

Mr. Brewster said that the Planning Commission approved a preliminary plat, final plat and final development plan for Mission Chateau in March, 2016. At that time, it was understood that the large lot to the south would be re-platted at a future date to facilitate the construction and sale of villas, according to the final development plan. A final plat for Lots 3 through 13 for each of the twin villa lots was approved by the Planning Commission in July 2016 and accepted by the City Council.

Each of the lots included a two-unit building. As part of the Special Use Permit and Final Development Plan, it was understood that the twin villas would be individually owned, and a subsequent administrative step would be necessary to facilitate recording of documents to allow sale and individual ownership of each unit in each of the twin villa buildings. A similar application was filed in November 2018 for a split at 3901 and 3905 West 85th Street and in February 2019 for a split at 4001 and 4005 West 85th Street.

Mr. Brewster added that the villa constructed on the lot met all requirements of the special use permit, final development plan and final plat.

Mr. Breneman made a motion to approve the lot split subject to the following staff recommendations:

1. 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 an occupancy permit.

2. That each of the resulting lots and the building continue to be subject to all conditions of approval of the Special Use Permit, Preliminary and Final Development Plans, and Final Plat, as well as the covenants recorded with the previous final plat.

Mrs. Wallerstein seconded the motion, which passed 6-0.

PC2020-109 Site Plan Review - Fence with Exception
7700 Aberdeen Street
Zoning: R-1A
Applicant: Naama Courtemanche

Mr. Brewster said the applicant was requesting an exception to the fence standard to construct a fence in their side yard that did not meet the required setback on 77th Street. The proposal is to build a 6' tall wood privacy fence on the property line, rather than at the 5' setback as required by the ordinance. The location aligns with the fence on the property to the west (rear), creating a continuous fence line along 77th Street in the rear yard of each property. The lot immediately across 77th Street to the north has a similarly configured wood fence approximately 3' to 4' from the lot line.

Mrs. Wallerstein made a motion to approve the exception to the fence standards with the following recommendations from staff:

1. This proposal having a side yard configuration on a street with no sidewalk (proposed fence location approximately 10' to 12' from curb);
2. All lots on this segment of 77th Street having a similar side yard configuration;
3. The proposed fence location aligns with the fence to the rear;
4. All fencing being proposed is located in the rear yard of the lot (no side of house or front of house); and
5. The proposed fence will meet all other standards other than the required setback.

Ms. Brown seconded the motion, which passed 6-0.

PC2020-112 Site Plan Review - Exception to Neighborhood Design Guidelines
3902 Homestead Court
Zoning: R-1A
Applicant: Patricia Smith

Mr. Brewster stated that the applicant was requesting an exception to the Neighborhood Design Standards, related to the construction of a new house in the Homestead redevelopment. The lot is zoned R-1A, and is part of the re-plat of the Homestead Country Club, approved in 2018. The Neighborhood Design Standards were adopted in 2018, and are applicable to all R-1A lots.

Specifically, the applicant requested an exception to Section 19.06.025.D.2, regarding building massing and wall planes:

2. Wall Planes: Wall planes shall have varied massing by:
 - a. Wall planes over 500 square feet shall have architectural details that break the plane into distinct masses of at least 20% of the wall plane. Architectural details may include:
 1. Projecting windows, bays or other ornamental architectural details with offsets of a minimum of 1.5 feet
 2. Off-sets of the building mass such as step backs or cantilevers of at least 2 feet
 3. Single-story front entry features such as stoops, porticos or porches
 4. No projections shall exceed the setback encroachment limits of Section 19.44.020

The plans include an east elevation along Mission Road totaling 620 square feet. According to Section D.2.a., the elevation would need to be broken up by one of the methods listed above, and the applicant had proposed a design that did not use those methods.

Mr. Brewster added that an architectural analysis performed by Todd Ault, Gould Evans staff member and the city architect for the City of Mission Hills, was included in the staff report. He recommended changing the alignment of three windows on the east side of the home to meet zoning requirements without requiring a bump-out, which the applicants did not want.

Property owners Tim and Tricia Smith were present to discuss the application and their design goals for the home. After further discussion, **Mr. Lenehan made a motion to approve the exception to the 500 foot wall plane requirement of the neighborhood design guidelines by utilizing the design proposed by Mr. Ault. Mrs. Wallerstein seconded the motion, which passed 4-1, with Mr. Birkel in opposition. Mr. Breneman was unable to vote due to technical issues.**

ADJOURNMENT

With no further business to come before the Commission, Chair Greg Wolf adjourned the meeting at 9:43 p.m.

Greg Wolf
Chair



PC2020-114: Consider Proposed Zoning Revisions to Chapter 19.36.005 (Restricted Uses) to Allow the Keeping of Chickens in Prairie Village

BACKGROUND

The City Council spent several meetings this summer discussing whether or not to permit the keeping of chickens in Prairie Village, which was previously prohibited by the municipal code.

On July 6, 2020, the City Council adopted Ordinance 2421, which amended Chapter 2 of the Prairie Village Municipal Code to allow the keeping of chickens. The ordinance included associated regulations and requirements residents must abide by when keeping chickens on their property. In order for this ordinance to become effective, the zoning regulations must also be updated in Chapter 19.35.005 (Restricted Uses), which currently says the following in subsection E:

“The raising, storage, or handling of farm crops, the raising, feeding, or keeping of farm animals, livestock or poultry, other than customary household pets, as identified in the P.V.M.C 6.04.020, and the keeping or display of farm or other heavy equipment or machinery is prohibited in all districts.”

Ordinance 2424 would revise Chapter 19.35.005, Subsection E to say the following:

“The raising, storage, or handling of farm crops, the raising, feeding or keeping of farm animals, livestock, or poultry, other than customary household pets or chickens as provided in Chapter II, Article 1 of the City Code, and the keeping or display of farm or other heavy equipment or machinery is prohibited in all districts.”

In order to make a text amendment to the zoning regulations, the Planning Commission must hold a public hearing and make a recommendation to the Governing Body. Ordinance 2424 would make the change described above and is attached for the Planning Commission’s review.

STAFF RECOMMENDATION

Staff recommends the Planning Commission make a motion to recommend approval of the proposed revisions to Chapter 19.35.005, to allow the keeping of chickens in Prairie Village, as outlined in Ordinance 2424.

ATTACHMENTS

- Ordinance 2424 - proposed revisions to the zoning code for Planning Commission consideration
- Agenda Cover from July 6, 2020 Council Meeting by City Administrator Wes Jordan
- Ordinance 2421 - ordinance that amended the municipal code - already adopted by the City Council

PREPARED BY

Jamie Robichaud
Deputy City Administrator
Date: July 29, 2020

ORDINANCE NO. 2424

AN ORDINANCE REGARDING RESTRICTED USES WITHIN THE CITY OF PRAIRIE VILLAGE, KANSAS, REGULATING THE KEEPING OF CHICKENS; AMENDING CHAPTER 19.36 OF THE CITY ZONING AND SUBDIVISION REGULATIONS.

WHEREAS, pursuant to K.S.A. 12-757, the Governing Body of the City of Prairie Village, Kansas, initiated an amendment to the city's zoning and subdivision regulations regarding the keeping of chickens within the city, and notice of said amendment was duly given as required by law; and

WHEREAS, a public hearing was held before the Planning Commission of the City of Prairie Village, Kansas and the recommendation of said Planning Commission was acted upon by the Governing Body, all as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section 1. Existing Section 19.36.00F of the Zoning and Subdivision Regulations of the City of Prairie Village, Kansas, is hereby amended to read as follows (with underlined portions being added, and stricken-out portions being deleted):

19.36.005 Restricted Uses.

- A. No temporary or uncompleted building, garage, or appurtenances incident to a family dwelling shall be erected, maintained or used for residence purposes. However, it is provided that when the exterior and more than fifty percent of the interior of a permanent residence has been completed at the time of adoption of this title, this regulation shall not apply.
- B. No temporary or outwardly incomplete building or structure, no open excavation for a basement or foundation, and no building or structure so damaged as to become unfit for use or habitation shall be permitted, maintained or remain in such condition for more than six months.
- C. No building material, construction equipment, machinery or refuse shall be stored, maintained or kept in the open upon any lot, tract or parcel other than in such districts as permitted in this title, except during actual construction operations upon said premises or related premises; provided that the Board may waive said requirement in unusual cases for a limited time.
- D. No building, structure or premises shall be used for, or occupied by any of the following uses:
 - 1. Junkyard, junk storage, salvage yard, auto wrecking;
 - 2. Auto courts, row houses, trailer camp, tourist cabins, mobile homes;

- 3. Slaughterhouse, commercial poultry dressing or processing establishment where such use is primary and not incidental to a permitted use;
 - 4. Refuse dumps, dumps;
 - 5. Boardinghouse or lodging houses, exclusive of group homes.
- E. The raising, storage, or handling of farm crops, the raising, feeding or keeping of farm animals, livestock or poultry, other than customary household pets or chickens as provided identified in Chapter II, Article 1 of the City Code ~~the P.V.M.C. 6.04.020~~, and the keeping or display of farm or other heavy equipment or machinery is prohibited in all districts.

Section 2. Section 19.36.005 of the Prairie Village Zoning and Subdivision Regulations, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 3. This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on this 17th day of August, 2020.

APPROVED by the Mayor on _____, 2020.

CITY OF PRAIRIE VILLAGE, KANSAS

Eric Mikkelson, Mayor

ATTEST:

Adam Geffert, City Clerk

APPROVED AS TO LEGAL FORM:

David E. Waters, City Attorney



COU2020-27: Consider an Amendment to Chapter II (Animal Ordinance) of the Municipal Code

SUGGESTED MOTIONS

Move to approve amendments to Chapter II of the Municipal Code as presented. [Note - the publication and subsequent enactment would be delayed until amendments to section 19.36.005 (E.) of Zoning Regulations were recommended by the Planning Commission and subsequently approved by the City Council. Then, both documents would be published at the same time].

FOLLOW UP BY THE CITY ATTORNEY

Following the last Council discussion on the proposed ordinance, further research was conducted on the issue of the "slaughtering" of chickens. Key to staff's consideration is the state animal cruelty statute, K.S.A. 21-6412. This state statute would apply even if the Council were to desire to allow the killing of chickens as part of this city ordinance. And, the animal cruelty act prohibits both "knowingly and maliciously killing" and "knowingly but not maliciously killing", unless a specific exception set forth in the statute applies.

The city attorney has reviewed these exceptions and believes they would most likely not be available so as to allow the killing or slaughter of a chicken on a residential lot. For example, while there is an exception for "farm animals" pursuant to "accepted practices of animal husbandry", including slaughter for food, the animal cruelty statutes define a "farm animal" as "an animal raised on a farm or ranch and used or intended for use as food or fiber" (residential lots would not likely qualify as a farm or ranch). There is another exception as to the humane slaughter of livestock (which may include chickens), but which appears to merely provide an exception as to animal cruelty for commercial slaughterers, packers, and stockyard operators. Other exceptions (veterinary care, hunting and wildlife, for example), would not apply.

Accordingly, staff's recommendation is that the ordinance continue with what was originally presented to the Council Committee of the Whole, prohibiting the killing of chickens on lots. This is in line with the other municipal ordinance which served as the basis for the previous presentation to the Council.

As part of this additional review, it was determined that the existing animal cruelty portion of the code—based on the state statute—was inconsistent with state law. It was furthermore inconsistent with the statute as incorporated by reference into the City's Uniform Public Offense Code. Accordingly, we recommend that the code section as to animal cruelty be deleted, so as to conform with state statute and the Uniform Public Offense Code (UPOC).

ATTACHMENTS

- Chapter II Municipal Code
- 19.36.005 (E.) Zoning Regulations

PREPARED BY

Wes Jordan
City Administrator
Date: July 1, 2020

ORDINANCE NO. 2421

AN ORDINANCE REGARDING ANIMAL CONTROL AND REGULATION WITHIN THE CITY OF PRAIRIE VILLAGE, KANSAS, REGULATING THE KEEPING OF CHICKENS; AMENDING CHAPTER II (ANIMAL CONTROL AND REGULATION), ARTICLE 1 (GENERAL PROVISIONS) OF THE CODE OF THE CITY OF PRAIRIE VILLAGE, AND ADDING NEW SECTIONS THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section 1. Existing Section 2-143 of the Code of the City of Prairie Village, Kansas, is hereby amended solely for the purposes of renumbering such section as Section 2-144; existing Section 2-144 of the Code of the City of Prairie Village, Kansas, is hereby amended solely for the purposes of renumbering such section as Section 2-145; and existing Section 2-145 of the Code of the City of Prairie Village, Kansas, is hereby amended solely for the purposes of renumbering such section as Section 2-146.

Section 2. A new Section 2-143 is hereby established in Chapter II (Animal Control and Regulation), Article 1 (General Provisions), in the Code of the City of Prairie Village, Kansas, as follows:

2-143 KEEPING OF CHICKENS WITHIN THE CITY LIMITS.

A. Definitions.

- (1) "Chicken" means *Gallus gallus domesticus* of the female sex; This definition does not include male chickens or roosters, or other fowl, such as, but not limited to, peacocks, turkeys, or waterfowl, all of which are not permitted under this Section.
- (2) "Chicken Coop" or "Coop" means an enclosed structure for housing chickens that provides shelter from the elements.
- (3) "Chicken Run" or "Run" means an enclosed outside yard or area for keeping chickens.
- (4) "Chicken Tractor" or "Tractor" means a movable chicken coop lacking a floor.
- (5) "Chick" means a chicken of less than sixteen (16) weeks of age.
- (6) "Dwelling" shall have such meaning as provided in Chapter 16 (zoning and subdivision regulations).
- (7) "Lot" shall have such meaning as provided in Chapter 16 (zoning and subdivision regulations).

Other terms used herein but not defined herein shall have such meanings as provided in Section 2-102 of this Article, if so defined.

B. Keeping of Chickens Allowed. Subject to the provisions of this Section 2-143, and the other provisions of this Article, the keeping of chickens shall be permitted within the city limits.

- (1) No person or household shall own or harbor more than six (6) chickens of sixteen (16) weeks of age or older, or more

than one clutch (eight) of chicks, on any one lot, regardless of how many dwellings are on the lot.

- (2) Only female chickens are allowed.
- (3) The keeping of chickens, as outlined in this section, shall only be permitted in the R-1A, R-1B, and R-2 zoning districts, as defined in the city's zoning and subdivision regulations.
- (4) Nothing in this Section shall permit the keeping and selling of chickens for profit, and commercial chicken operations are prohibited.

It shall be unlawful to keep chickens except in accordance with this Section.

C. Requirements for Enclosures; Locations and Setbacks.

- (1) Chickens must be kept in a coop or chicken tractor at all times. A coop must include an attached adjacent chicken run. A chicken tractor must include an enclosed coop portion and a separate attached area lacking a floor. Only one coop (with run) or one chicken tractor may be maintained on any one lot.
- (2) Coops (including the chicken run) and tractors must be built with a minimum of twelve (12) square feet per chicken, not to exceed 84 square feet total. Of this, a minimum of two-square-feet-per-chicken of inside or enclosed space in the coop or tractor must be provided. If and to the extent setbacks or other requirements of this Section limit the size of a coop/run or tractor, then a person shall only own or harbor such number of chickens as may fit within such limited size, in consideration of the minimum requirements for coops, runs, and chicken tractors.
 - (a) Coops (including the coop portion of any chicken tractor) shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked. Opening windows and vents, whether in the coop, the run, or the tractor, must be covered with predator- and bird-proof wire of less than one-inch openings.
 - (b) The coop, run, and tractor shall be constructed with durable materials that will hold up to weather and the environment. Sturdy wire and/or wooden fencing shall be used to keep chickens within the run or tractor. New materials shall be used, unless used or reclaimed materials are approved by the City building inspector. The use of scrap, waste board, sheet metal, or similar materials is prohibited.
- (3) Coops, runs, and tractors may only be located in the rear yard of a parcel, as such rear yard is defined in Chapter 16 (zoning and subdivision regulations). Coops, runs, and tractors must be located at least ten (10) feet from the property line of a lot, and at least twenty-five (25) feet from any dwelling, church, school, or business structure located on any other parcel.

D. Standards of Care; Feed; Waste.

- (1) Chickens shall be provided with adequate care, adequate food, adequate health care, adequate shelter, and adequate water, as defined in this Article.
- (2) All feed and other items associated with the keeping of chickens shall be protected from or to prevent rats, mice, or other rodents or other vermin from gaining access to or coming into contact with the feed. The owner and persons responsible for the chickens shall take such actions as are necessary to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.
- (3) Odors from chickens, chicken manure, chicken waste, chicken feed, or other substances related to the keeping of chickens shall not be perceptible beyond the property lines of any lot. Noise from chickens shall not be loud enough at the property lines of any lot as to disturb persons of reasonable sensibilities.
- (4) Owners and persons responsible for chickens shall handle the care and disposal of any chicken waste. The coop, yard, and tractor, and the whole of any lot, must be kept free from trash and accumulated waste or droppings. Any composting of droppings/manure must comply with the provisions of Chapter XV, Article 2, of the city code, including but not limited to as to aggregate size of any compost pile which may contain chicken waste.
- (5) Notwithstanding any provision or exception contained under Section 2-128 and the Kansas animal cruelty act, K.S.A. 21-6411 *et seq.* (incorporated in part into Section 11.11 of the 2019 Uniform Public Offense Code for Kansas Cities as adopted by the city), as any of the foregoing may be amended from time to time, no person shall kill or slaughter any chicken on such person's lot.
- (6) The provisions of this Article, including but not limited to Sections 2-125 (Public Nuisance), 2-126 (Unlawful to Harbor or Keep any Animal without Proper and Necessary Precautions), 2-128 (Cruelty to Animals), 2-137 (Disease Control), 2-138 (Removal of Animal Feces), and 2-139 (Removal of Dead Animal) shall otherwise apply as to the keeping of chickens as described in this Section.

E. Application of Dangerous Animal Regulations. Notwithstanding anything in this Article to the contrary, the attack or killing of a chicken by an animal shall not, by itself, cause such animal to be classified as a dangerous animal, a potentially dangerous animal, or a vicious animal.

F. Enforcement. Violations of this Section shall be handled by either the City building inspector, code enforcement, animal control, the director of solid waste management, or through police action, as may be necessary given the nature of the violation.

Section 3. Existing Section 2-103 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows (with underlined portions being added, and stricken-out portions being deleted):

2-103 KEEPING OF LIVESTOCK, POULTRY AND FOWL PROHIBITED.

- a) Except as provided in subsection (b) below, and as provided in Section 2-143 below, it shall be unlawful for any person to own, harbor, shelter, keep, control, manage, or possess livestock, poultry or fowl on any premises within the City and no special or temporary permit will be issued for these. For the purpose of this section, livestock, poultry, and fowl include, but are not limited to: cows, pigs, horses, donkeys, mules, sheep, goats, chickens, ducks, geese, guinea fowl, peacocks, pigeons, swans and those animals considered miniature or pygmy breeds, e.g., pot-bellied pigs, miniature donkeys, miniature horses, and pygmy goats.
- b) The following persons or organizations shall be allowed to own, harbor, shelter, keep, control, manage, or possess any livestock, poultry and fowl:
 - 1. The keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where there are kept live specimens for the public to view or for the purpose of instruction or study;
 - 2. The keeping of such animals for exhibition to the public of such animals by a circus, carnival or other exhibit or show;
 - 3. The keeping of such animals in a bona fide, licensed veterinary hospital for treatment; ~~and~~
 - 4. Commercial establishments processing such animals for the purpose of sale or display; and
 - 5. The keeping of chickens as provided in Section 2-143 below.

Section 4. Existing Section 2-109 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows (with underlined portions being added, and stricken-out portions being deleted):

2-109 HARBORING OR KEEPING OF PERMITTED ANIMALS

- a) No person shall own, harbor, shelter, keep, control, manage, or possess, within the City, any potentially dangerous or dangerous animal, or any safe animal including the domestic dog (*Canis familiaris*) and the domestic cat (*Felis domesticus*), without obtaining permits and licenses required under this Chapter. The following animals are the only animals allowed without a permit or license:
 - 1. Gerbils (*Tateriltus gracillio*);
 - 2. Hamsters (*Critecus critecus*);
 - 3. Rabbits (*Lepus Cunicullus*);
 - 4. Domestic Mice (*Mus musculus*);
 - 5. Domestic Rat (*Rattus norvegicus*);
 - 6. Any animal, usually tame and commonly sold at pet stores, including Ferrets (*Mustela furo*), Chinchillas (*Chinchillidae*),

Canaries (*Serinus canaria*), Cockatoos, Macaws, Parakeets, and Parrots (*Psittacines*); ~~and~~

7. Bees, subject to Section 2-140.; and

8. Chickens, subject to Section 2-143.

- b) Any person who owns, harbors, shelters, keeps, controls, manages, or possesses, within the City, any animal without a permit, except as exempted by this section, shall be charged with a misdemeanor and upon conviction thereof, shall be subject to the penalties in ~~section 2-143~~ 2-144, and/or such specific penalties as be provided elsewhere in this Article. This shall include instances where any person owns, harbors, shelters, keeps, controls, manages, or possesses, within the City, an animal which has been declared by another municipality to be potentially dangerous or dangerous, or similar designation.

Section 5. Existing Section 2-125 of the Code of the City of Prairie Village, Kansas, is hereby amended to read as follows (with underlined portions being added, and stricken-out portions being deleted):

2-125 PUBLIC NUISANCE

- a) A Public Nuisance is ~~any animal that:~~
1. Any animal that materially ~~Materially~~ damages private or public property;
 2. Any animal that scatters ~~Scatters~~ solid waste that is bagged or otherwise contained; ~~or~~
 3. Any animal that excessively ~~Excessively~~ barks, whines, howls, or creates any other disturbance which is continuous or during times covered by the City Noise Ordinance, as amended from time to time (12:00am to 9:00am Friday-Saturday, 11:00pm to 7:00am Sunday-Thursday) (disturbance factors include, but are not limited to: time of day, volume, length of time, etc.). If the violation is not witnessed by the animal control officer and/or law enforcement officer, the complainant making such statement must agree to sign a complaint and testify in court if requested; or
 4. Any violation of this Article that constitutes a health hazard, or that unreasonably interferes with the use and enjoyment of neighboring property.
- b) It is unlawful for the person responsible for any animal to negligently, carelessly, willfully or maliciously permit such animal to become a public nuisance.
- c) Anyone having the authority of an animal control officer, including but not limited to law enforcement officers, is given the authority to seize and impound any animal which is a public nuisance as defined by this section.

Section 6. Existing Section 2-128 of the Code of the City of Prairie Village, Kansas, is deleted in its entirety and amended to read as follows:

2-128 CRUELTY TO ANIMALS

Reference the Kansas animal cruelty act, K.S.A. 21-6411 *et seq.*, incorporated in part into Section 11.11 of the 2019 Uniform Public Offense Code for Kansas Cities, as either may be amended from time to time.

Section 7. Sections 2-103, 2-109, 2-125, 2-128, 2-143, 2-144, and 2-145 of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 8. This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

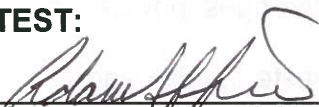
PASSED by the City Council of the City of Prairie Village, Kansas on July 6, 2020.

APPROVED by the Mayor on July 6, 2020.

CITY OF PRAIRIE VILLAGE, KANSAS


Eric Mikkelson, Mayor

ATTEST:


Adam Geffert, City Clerk

APPROVED AS TO LEGAL FORM:

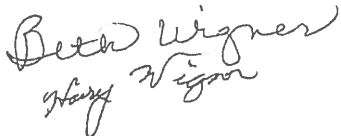

David E. Waters, City Attorney

To the Prairie Village, KS City Council
Re: Issues with the Chickens

How/ Who would you measure the backyard space, what are the size limitations, and type of soil , type of cages?
Will chickens be allowed out of their cage, in a yard or enclosure?
How close to a water source, hose will they need to be to keep the cages clean?
How would the cages be cleaned?
Where does the run off go after cleaning, or after a big rain?
How are the dead birds handled, by whom?
How do you keep the birds from disease?
How would you regulate egg sale?
How would you regulate noise complaints?
What about predator issues, ? cages have chicken wire on the top?
Is there chicken insurance for the city? the homeowners? Regulations? Liability?

Finally , we have been residents of Prairie Village since 1982. We dont feel that chickens are anything but an attractive nuisance.
Please vote NO for chickens.

Beth and Harry Wigner
8532 Juniper
Prairie Village, KS 66207
913 636 1087
bethanne7474@gmail.com



Beth Wigner
Harry Wigner

Adam Geffert

From: Pat Weiler <pweiler@kc.rr.com>
Sent: Thursday, July 23, 2020 11:41 AM
To: Adam Geffert
Subject: Hens in the Future

This is an EXTERNAL email. Please use caution. DO NOT open attachments or click links in unexpected emails or from unknown senders.

I'm a farm girl from way back. I look forward to the day I can have a hen or two in my backyard. It will be nice to know the source of the eggs I'll be eating.

I feed the birds in my backyard now. What's a few a could more mouths to feed?

Thank you for your help in moving this ordinance forward.

Pat Weiler
2115 West 73rd Terrace
Prairie Village, KS 66208
913-669-7370

Adam Geffert

From: Jennifer Anne Lucille Haney <jalsylves@gmail.com>
Sent: Friday, July 24, 2020 4:48 PM
To: Adam Geffert
Subject: PV Chicken Ordinance

This is an EXTERNAL email. Please use caution. DO NOT open attachments or click links in unexpected emails or from unknown senders.

Dear Clerk and Mayor,

I am writing you in overwhelming support of the amendments to the city zoning laws in support of an ordinance to allow Hens in Prairie Village. We look forward to the real world educational opportunities it will provide our children, as well as the chance to build an even greater sense of community with our wonderful neighbors.

When we were shopping for a home, we searched far and wide for the perfect neighborhood, and the one drawback we found with PV was the restriction on keeping a few lying hens. We almost didn't move to PV because we've long desired to keep a small coop of lying hens, and assumed when moving to PV, we'd have to move again some day to a city more aligned with our sustainable vision for the future.

By amending the zoning and passing this ordinance, you are not only aligning the city with a more sustainable model for the future, you are also enhancing the cities appeal to future generations. We care deeply about our neighbors, our city, and our planet. We are proud to be Prairie Villagers, and excited for each step we take towards a more sustainable future!

Thank you in advance for supporting this ordinance.

Kind Regards,
Jennifer A Haney

Sent from my iPhone

Adam Geffert

From: slmcmichael1@gmail.com
Sent: Thursday, July 9, 2020 2:04 PM
To: lacey.r.wallace@gmail.com; Adam Geffert
Subject: Prairie Village Chicken Ordinance - Planning Commission meeting August 4

This is an EXTERNAL email. Please use caution. DO NOT open attachments or click links in unexpected emails or from unknown senders.

Hello Adam & Lacey: Would you please relay this message to our City Council and our Planning Commission, both now and at the meeting on August 4?

First, I am very happy and excited that our City Council voted 8-4 to approve the chicken ordinance! It shows the forward thinking mindset they have for families to own their own hens.

Now, my husband and I would also appreciate **the Planning Commission to amend the city zoning regulations to allow chickens.**

There are so many positives that come from allowing homeowners to have chickens. Many communities approved chickens years ago and it's now time for Prairie Village to move forward too.

"Besides the benefit of saving money by not having to purchase eggs from the grocery store, raising chickens can provide organic fertilizer for our gardens and landscaping, and chickens eat pests such as flies, mosquitoes, ticks and snails".

Thank you Adam and Lacey for your help in relaying this message to the City Council and the Planning Commission to approve the chicken ordinance.

Sincerely,

Sheila & Steven McMichael
314-497-8767

Adam Geffert

From: Kelli Cooley <kellicooley@hotmail.com>
Sent: Thursday, July 9, 2020 8:45 PM
To: Adam Geffert
Subject: Backyard Hens (Please share with the Planning Commission)

This is an EXTERNAL email. Please use caution. DO NOT open attachments or click links in unexpected emails or from unknown senders.

To Whom It May Concern,

I fully support the movement to allow residents of Prairie Village to raise hens. I believe this will be a valuable asset to our community. Small community and personal gardens help secure our food supply, and one hen has the capability to supply eggs for more than one family. Chickens also complete the circle of a balanced garden system, reducing pests and providing fertilizer. The opportunity to raise a hen, would also give the children of Prairie Village an extremely valuable and memorable learning experience.

Thank you so much for your time,

Kelli Cooley

Adam Geffert

From: Pat Weiler <pweiler@kc.rr.com>
Sent: Friday, July 10, 2020 10:01 AM
To: Adam Geffert
Subject: Chickens in PV!

This is an EXTERNAL email. Please use caution. DO NOT open attachments or click links in unexpected emails or from unknown senders.

I grew up on a farm, and we had chickens. Fresh breakfast **eggs!** **Egg** salad sandwiches! And, think of **lemon meringue pie!**

Please approve chickens in Prairie Village.

Thanks,

Pat Weiler
2115 West 73rd Terrace
913-669-7370

Adam Geffert

From: Denise Wysong <denisewysong@gmail.com>
Sent: Friday, July 10, 2020 8:16 PM
To: Adam Geffert
Subject: Backyard chickens

This is an EXTERNAL email. Please use caution. DO NOT open attachments or click links in unexpected emails or from unknown senders.

Mr Geffert, my husband and I have been PV residents for 42 years. We've raised 5 sons here and now enjoying our 10, soon to be 11 grandchildren here. Our home and garden is a great source of comfort to us. We have so often been envious of friends who live in cities around us, some just blocks away, who have been permitted to have hens. Now, to think that we may be able to do the same is so exciting! We would like to urge you to vote in favor of backyard chickens! There could be no better time than now!!

Sincerely, Denise and Cecil

Wysong

Sent from my iPhone

Adam Geffert

From: tracie clark <maurentracie@yahoo.com>
Sent: Sunday, July 12, 2020 10:40 AM
To: Adam Geffert
Subject: Yes to chickens in PV

This is an EXTERNAL email. Please use caution. DO NOT open attachments or click links in unexpected emails or from unknown senders.

I believe backyard chickens would be a good thing I would have chickens at this time but would like the choice Thank you Have lived in P V for 44 years Tracie clark Sent from my iPad

Adam Geffert

From: Breknaebel <breknaebel@yahoo.com>
Sent: Monday, July 13, 2020 7:01 AM
To: Adam Geffert
Subject: Backyard Chickens

This is an EXTERNAL email. Please use caution. DO NOT open attachments or click links in unexpected emails or from unknown senders.

Hello,

I have lived in Prairie Ville for several years and love it here. I wanted to share that I am not opposed at all for residents to keep chickens responsibly in their back yards. I grew up on a farm and so did my neighbors. We both would like to teach our children a little bit further about how to raise and keep chickens and also there is no comparison when eating fresh eggs.

I want to share that I was recently walking my dog near an elementary school in Overland Park. I spotted near a backyard fence that lead to the park a few chickens in the yard. They were well fenced and cared for by appearance, but I thought the great thing about it was that they were really so quiet, my dog and I didn't realize they were there for about 15minutes if walking near them. I thought about the tough decision Prairie Village is trying to make right now and how well these chickens were maintained that I was near, and that this is what I hope it would be like pending we get to keep a few hens in our back yards. They would be there, but no one would no they are there.

Please consider that this can be done responsibly and we deserve a try to show it.

Sincerely,

Bre Malach
W 78th St Prairie Village

Adam Geffert

From: Kate Robertson <robertson.k8@gmail.com>
Sent: Friday, July 17, 2020 10:48 AM
To: Adam Geffert; lacey.r.wallace@gmail.com
Subject: Hen Ordinance

This is an EXTERNAL email. Please use caution. DO NOT open attachments or click links in unexpected emails or from unknown senders.

Hello!

My name is Kate and I am a resident of Prairie Village. My husband and I have three children, ages 8, 10 and 13. Here are some reasons we would love for you to consider voting yes regarding the allowance of hens in Prairie Village.

- Raising pets helps children learn responsibility. Creating bonds with pets can release the hormone oxytocin in our bodies, which lowers stress. We all need lower stress levels these days.
- Access to fresh eggs - especially helpful in a time like Covid-19 when there have been supply chain issues regarding food
- Chickens create excellent compost that helps plants grow
- Chickens eat pests that are bothersome to people (flies, ticks, mosquitoes, snails, etc)

These are just some of the benefits to owning chickens! We may not ever become chicken owners ourselves, but I love the idea of letting residents have them as a pet option.

I cite the fact that Global Montessori has hens in their schoolyard - and they are within the PV area. I would presume that they have been a success and haven't been too much of a nuisance to neighbors.

Thank you for your consideration! We adore living in Prairie Village and feel so thankful to live here.

Most thoughtfully,
Kate Robertson

--

Kate Frazier Robertson
Frazier Engineering
Cell: (843) 991-5164

Please remit payments to:
4320 West 71st Terrace
Prairie Village, KS 66208

Jeff Cell: 314-803-7253 (sales)
Dean Cell: 314-600-4343 (sales)
Kate Cell: 843-991-5164 (sales/billing)
Fax: 866-442-8439

website: www.airandvacuumsupply.com
ebay store: <http://stores.ebay.com/Hiffey-Supply>

STAFF REPORT

TO: Prairie Village Board of Zoning Appeals
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: August 4, 2020

Application: PC 2020-113

Request: Site Plan Review – Exception to lot coverage standards

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. The lot coverage standards use the process and criteria for exceptions to the Neighborhood Design Standards to consider exceptions.*

Property Address: 8304 Rosewood

Applicant: Russ Ehnen, Architect for David Offerdahl

Current Zoning and Land Use: R-1A Single-Family Residential - Single-Family Dwelling

Surrounding Zoning and Land Use: **North:** R-1A Single-Family Residential - Single-Family Dwellings
East: R-1A Single-Family Residential - Single-Family Dwellings
South: R-1A Single-Family Residential - Single-Family Dwellings
West: R-1A Single-Family Residential - Single-Family Dwellings

Legal Description: NORMANDY SQUARE LOT 7 BLK 1 PVC-0643 0007

Property Area: 0.4 acres (17,249.61 s.f.)

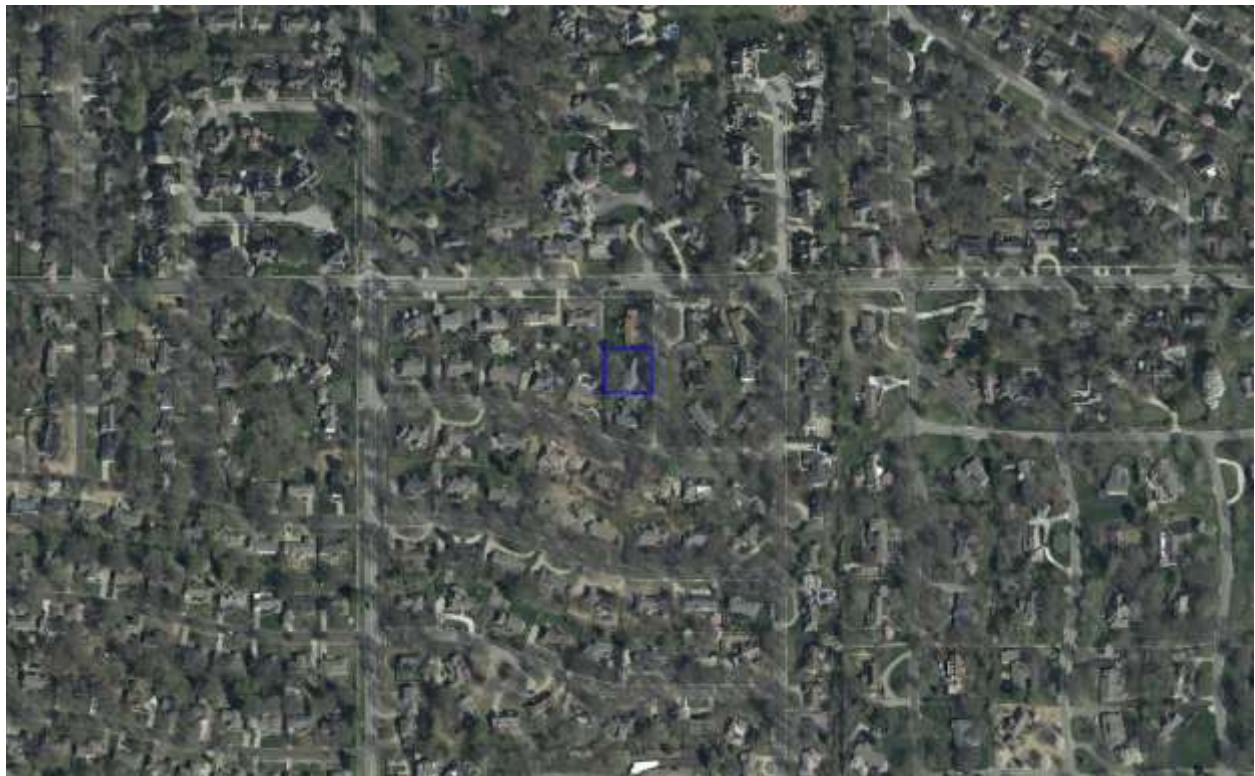
Related Case Files: BZA 2018-03, Variance for side and rear setback; Withdrawn by applicant

Attachments: Application, site plan, illustrative plan, storm water study, grading plan and demolition plan

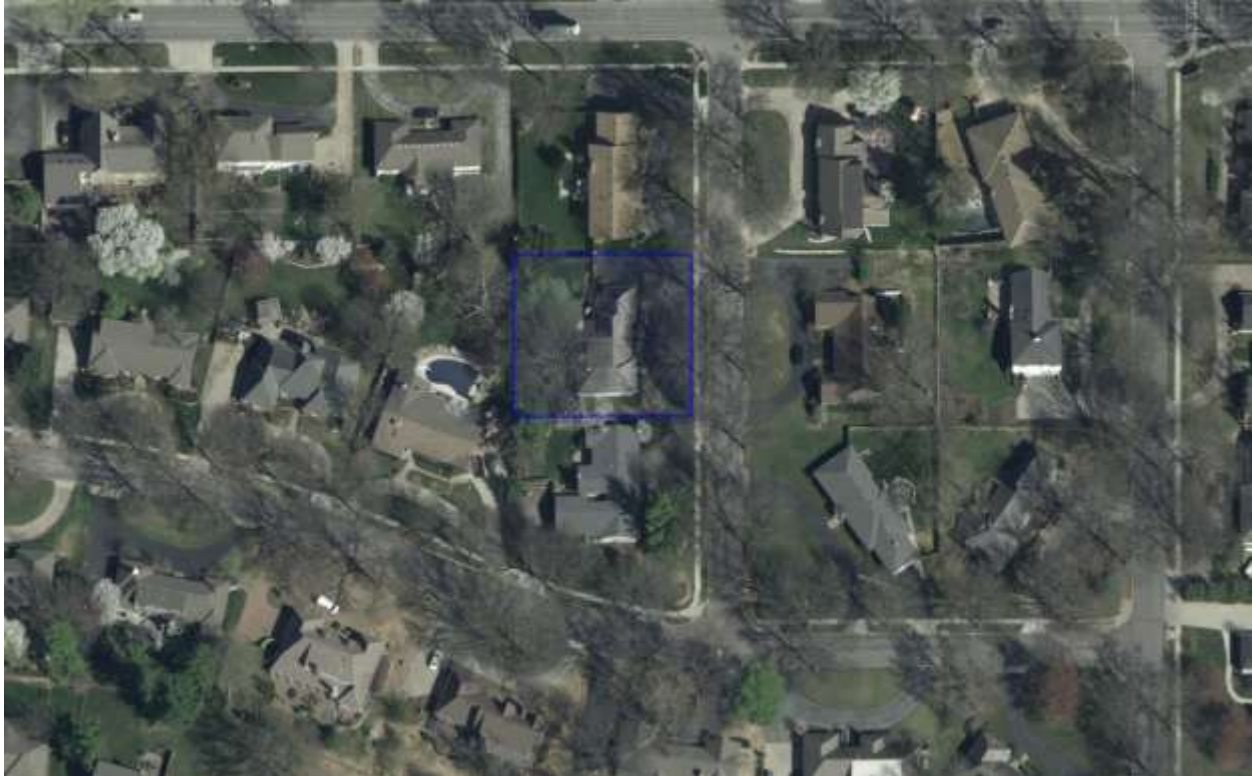
General Location Map



Aerial Map



Aerial Site



Street Views



Street view - front



Street view looking at the south lot line.



Bird's eye view

BACKGROUND:

The applicant is requesting an exception to the lot coverage standards, related to the construction of a home addition, expanded garage, and construction of a pool, patio and pergola in the rear yard. The lot is zoned R-1A, and has a limit of 40% impervious lot coverage, including building coverage or other impervious surfaces. When the Neighborhood Design Standards were adopted in 2018, some of the standards impacted existing approaches to impervious surface coverage. At that time, it was decided to codify the current benchmark of 40% lot coverage as the limit of impervious surfaces for residential lots. This standard was included in the development standards (zoning standards) for R-1A, and were not part of the Neighborhood Design Standards (design standards.) Since drainage can be specific to a particular context and lot, and since there could be disproportionate impacts on smaller lots, it was decided to use the exception process built into the neighborhood design standards. This was done largely to avoid the strict statutory criteria that a variance to zoning standards would otherwise get, and consider better design solutions where the standards otherwise lead to unanticipated outcomes on particular lots.

Specifically, the applicant is asking for an exception to Section 19.06.015.A; Table 19.06.A Development Standards; Lot Impervious Surface Coverage. The ordinance requires a maximum of 40% and the applicant is requesting an exception to allow up to 54.55%. The application submitted appears to meet all other development standards including setbacks and building coverage limits (30% max; 25.33% proposed).

The application's existing and proposed coverage is as follows:

	Building Coverage			Non-building Impervious Coverage			Total Impervious Coverage		
	Existing	Proposed	Change	Existing	Proposed	Change	Existing	Proposed	Change
Square Foot	2,870 s.f.	4,370 s.f.	1,500 s.f.	3,755 s.f.	5,275 s.f.	1,520 s.f.	6,625 s.f.	9,410 s.f.	2,785 s.f.
% of Lot (17,250)	16.64%	25.33%	8.70%	21.77%	30.58%	8.81%	38.41%	54.55%	16.14%

* Note: The building coverage includes the pergola, which is currently in the existing impervious coverage count; it adds to the new building coverage – which is compliant with the regulations, but does not add to the total new impervious coverage, since it is over an existing paved area.

The Total Impervious Surface limit of 40% of the lot area applies to “any remodel of an existing residential structure that adds more than 200 square feet to the existing footprint.” (Section 19.06.015.B.1.c.). The Planning Commission may grant exceptions to the total lot impervious surface coverage based on the process and criteria for exceptions to the Neighborhood Design Standards, and provided a drainage study has been approved by public works. (Section 19/06.015.B.2).

The Neighborhood Design Standards allow for exceptions subject to the following criteria, including consideration of the lot impervious surface exceptions.

1. *The exception shall only apply to the design standards in this section, and not be granted to allow something that is specifically prohibited in other regulations;*
2. *Any exception dealing with the placement of the building is consistent with sound planning, urban design and engineering practices when considering the site and its context within the neighborhood.*
3. *The placement and orientation of the main mass, accessory elements, garages and driveways considers the high points and low points of the grade and locates them in such a way to minimize the perceived massing of the building from the streetscape and abutting lots.*
4. *Any exception affecting the design and massing of the building is consistent with the common characteristics of the architectural style selected for the building.*

5. *The requested exception improves the quality design of the building and site beyond what could be achieved by meeting the standards –primarily considering the character and building styles of the neighborhood and surrounding properties, the integrity of the architectural style of the proposed building, and the relationship of the internal functions of the building to the site, streetscape and adjacent property.*
6. *The exception will equally or better serve the design objectives stated in Section 19.06.025 A and the intent stated for the particular standard being altered.*

[Prairie Village Zoning Ordinance, Section 19.06.025.F. Exceptions]

ANALYSIS:

This lot is a relatively large lot. Despite this, the current impervious surface coverage is near the 40% limit. (currently 38.41%). The current building coverage¹ (mass of the building and any other exterior structures) is well below the 30% limit (currently 16.64%). This demonstrates that the lot currently has a larger quantity of non-building impervious surface coverage, impacting what may be built on the lot.

The application has 3 different components:

1. Additions to the house and garage – which adds to both the building coverage and total impervious coverage.
2. An outside pergola – which adds to both the building coverage but not to new impervious coverage since it is over an existing impervious area, and, if removed would not change the impervious coverage.
3. A pool and new patio – which adds to the total impervious coverage.

Therefore, while the application only needs an exception to the total lot impervious coverage standard, it is a substantial exception (14.55% over the 40% limit), and it is impacted by both the substantial increase in building area (going from 16.64% of the lot to 25.33%, where 30% is allowed) and by the already large impervious surface amount of the existing condition.

The applicant has provided a storm drainage memo dated July 29, 2020 and stamped by Samuel D. Malinowski, P.E. The memo identifies current drainage on the site and the mitigating design strategies proposed with this application. Public Works reviewed the memo and provided the following comment:

The drainage plan and study shows routing all roof drains and new rear patio impervious areas in underground pipes to the front yard. This will reduce the impact of the site runoff for adjacent properties and not create negative drainage impacts for those properties. The study shows an overall reduction in runoff from the backyard compared to existing conditions. Routing of runoff to the front yard is acceptable and will not cause an issue for Rosewood Street or the storm sewer system. The drainage plan meets public works requirements outside of the impervious surface limit for the lot.

Recommendation:

Due to the large nature of the exception request, staff recommends denial of the application. The combination of the 30% building coverage and 40% lot impervious surface coverage are intended to prevent over-building of lots and balance stormwater, greenspace, and building massing standards. The exception process was installed for relief when standards advancing these three different interests presented difficult choices and priorities on a specific lot. In this case, many of the standards are being pushed to their maximums, and not considering ways to reduce impacts in other ways, leading to a very large request for exception to the impervious surface limit.

¹ The lot impervious surface coverage (40%) and the building coverage (30%) are independent standards with different objectives. The impervious surface coverage – which is the subject of this application request is a development standard with drainage and storm water objectives. The building coverage is a design standard with the objective of managing the massing and volume of structures on the lot related to the lot size and related to adjacent buildings.



CITY OF PRAIRIE VILLAGE
The Star of Kansas

Case # 21537
App # ~~002387~~
0023387

Planning Commission Application

For Office Use Only
Case No.: PC 2020-113
Filing Fee: \$100.00
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: RUS EHNEN ARCHITECT Phone Number: 816-786-6300

Address: 5702 SW MAPLE RIDGE TRIMBLE MO E-Mail russehn@aol.com

Owner: DAVID OFFERDAHL Phone Number: 573-673-9690

Address: 8304 ROSEWOOD DRIVE PRAIRIE VILLAGE KS Zip: 66207

Location of Property: 8304 ROSEWOOD DRIVE

Legal Description: LOT 7, BLOCK 1, NORMANDY SQUARE


Applicant requests consideration of the following: (Describe proposal/request in detail) IMPERVIOUS AREA INCREASE PER 19.06.015 - P. 2. EXCEPTION b.


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 IMPERVIOUS AREA INCREASE PER 19.06.015 - P. 2. EXCEPTION b.

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.


Applicant's Signature/Date 6 JUL 2020


Owner's Signature/Date 6 JUL 2020

Russ Ehnen
a r c h i t e c t



5702 Southwest Maple Ridge
Trimble . Missouri 64492

816 . 786 . 6300
russehnen@aol.com

6 July 2020

Jamie Robichaud . Deputy City Administrator
City of Prairie Village
7700 Mission Road
Prairie Village . Kansas 66208

Jamie:

Attached you will find Planning Commission . Site Plan Application, along with Site Drawings, Drainage Permit Application, and Civil Engineer's drainage for following:

Impervious Area Increase Exception

Offerdahl Residence
8304 Rosewood Drive
Prairie Village . Kansas 66207

Outlined below for your use, is supplemental information regarding the property and proposed development.

Existing Conditions

- Existing residence was constructed in 1961 and is comprised of 2,870 square feet of First Floor Area [including Garage].
- All of the First Floor area is original save for a 285 square foot Master Bedroom expansion, permitted and constructed in 2015-16.
- In the area of the proposed development, all existing site area is turf except for an existing concrete patio adjacent the west exterior wall and 395 square feet in area.
- Existing site area is 17,250 square feet and property is zoned R-1a. 6,625 square feet of the site area currently contains imperviously constructed areas [38.40%].
- All site areas surface drain from west to east, the bulk traveling to the south. Existing roof leaders connect to underground conduits which daylight at the southeast corner of the property.

Proposed Development

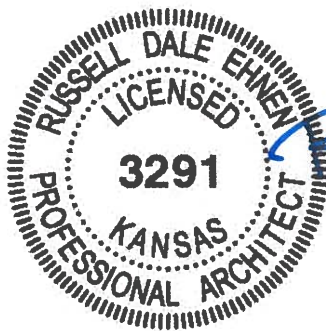
- Expansion of the residence to the northwest to accommodate laundry, mud room and bath room [250 square feet] and an expanded garage [880 square feet].
- Construction of an in ground swimming pool with companion areas to accommodate patio, fire pit, hot tub, and sunbathing areas.
- All surface drainage patterns will be maintained, with the existing west to east routing. Note the contributing area west of the residence contributing to the surface drainage will reduce from 4,400 square feet to 1,600 square feet.

- All new impervious areas for residence expansion and pavements associated with pool are collected and routed underground to daylighted outlets at the southeast and southwest corners of the property, adjacent the Rosewood Drive street right-of-way.
- The proposed development results with the subject property equipped consist with the immediate market for homes its size, and to others with similar upgrades within the neighborhood.

Exception Request

- Consistent with the Zoning Regulations for R-1a Single Family Residential, an exception to the 40% Maximum Impervious Area in Table 19.06.A Development Standards, referencing Section B . 2 . Exception b.
- No existing or new drainage will extend upon any adjacent neighboring properties.
- No other requests for Exceptions or Variances from Development Standards of Chapter 19.06 are included or anticipated.

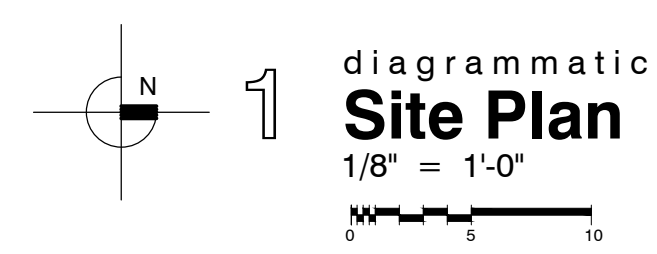
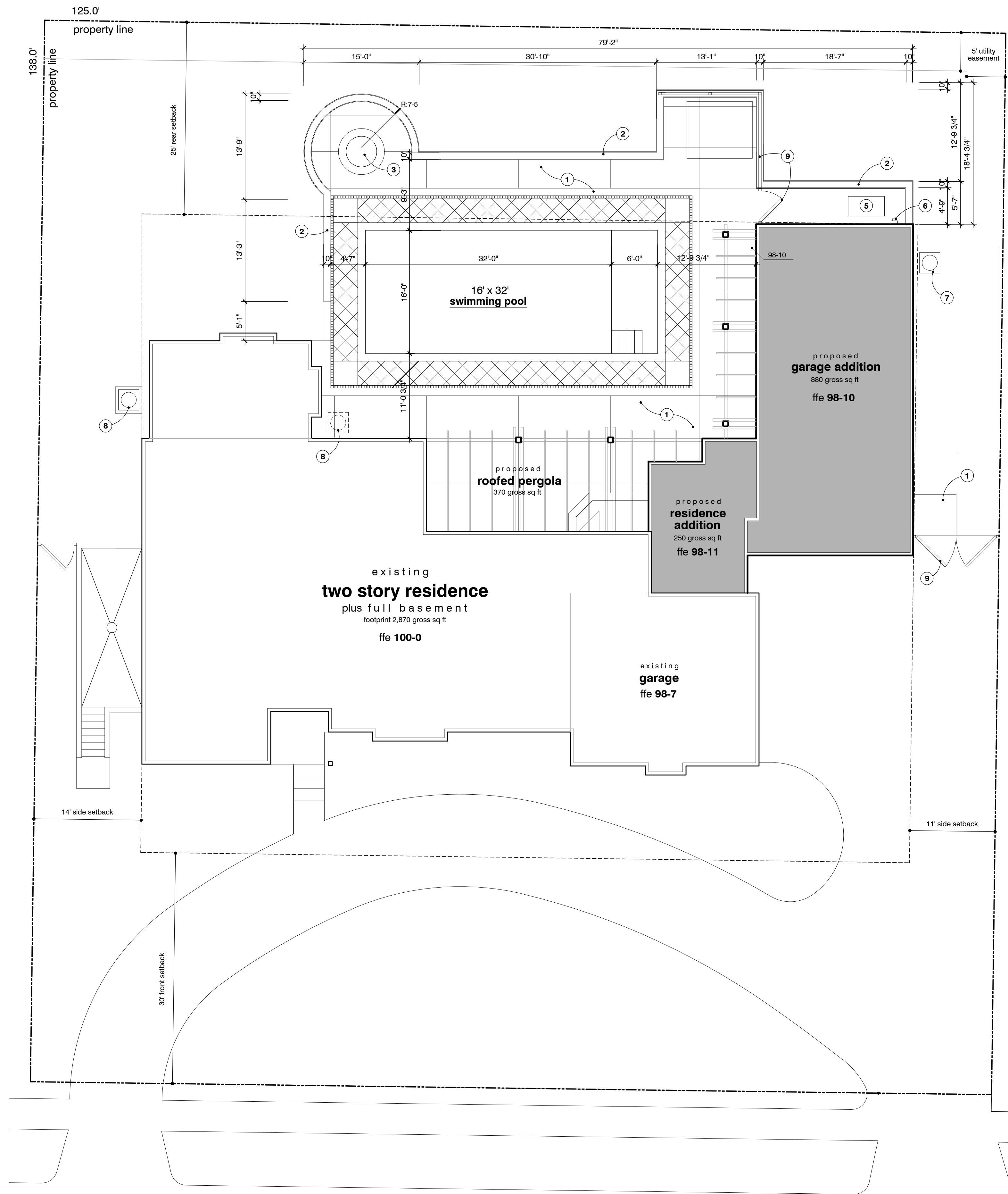
Thank you, and feel free to contact me at your convenience should you have questions or require additional information.



RT
6/24/2020

Russell Dale Ehnen
Kansas Architect 3291

attachments



1 diagrammatic
Site Plan
1/8" = 1'-0"

Adopted Code

2012 International Residential Code

Site Information

Legal Description
Lot 7, Block 1, Normandy Square

Zoning
R1a Single Family Residential

Lot Area
17,250 sf, 0.396 ac

Lot Coverage
4,370 sf, 25.3% of Lot Area

[lot coverage area includes total building footprint + pergolaed patio]

Side Setbacks

Minimum 20% of Lot Frontage = 25'

General Notes

- All construction and installations shall meet the requirements of applicable Codes and Ordinances
- Unless otherwise noted, verify with Owner requirements for material, fixtures, and finishes
- Substitution of materials subject to approval of jurisdiction and Owner
- Contractor and subcontractors to field verify all dimensions and conditions prior to fabrications and installations
- All material shall be new and unused; construction, installations, fit, and finishes shall exhibit first class workmanship

- 1 Drawings indicate design intent only; operations, methods, and detailing sole responsibility of General and Sub Contractors

Material Specifications

Concrete

Footings and Foundations - 3500 psi
Floor Slabs - 3000 psi
Exterior Flatwork - 4000 psi

Framing Lumber

SPF or HemFir Standard or Better

Sheet Material

Wall Sheathing - 7/16" OSB - Zip System
Subflooring - 3/4" T&G SturdyFloor plywood or OSB span rated 16/32
Roof Sheathing - 5/8" edge clipped CDX plywood or OSB span rated 16/32 [new]

Doors-Windows-Hardware

-Styles and finishes selected by Owner
-Exterior doors and windows to meet Code insulating, energy conservation standards

Millwork-Trim

-Styles and finishes as selected by Owner

Roofing

-Laminated composition shingles over 2 layers #15 felt, ice dam membrane

Gutters-Downspouts

-Seamless pre-finished; verify with Owner locations and routing of leaders

Drywall

-Verify finish with Owner; provide Fire Code type where required by Code

Exterior Paint

-Unprimed elements to receive one coat of oil based primer prior to application of finish
-Apply two coats meeting mfr min mil thickness
-Satin acrylic latex in color(s) selected by Owner

Interior Paint

-Drywall to receive one coat primer and two coats latex paint; meet mfr application requirements

Pipe Material

Domestic Water - Copper
Waste - Schedule 40 PVC
Natural Gas - Schedule 40 Black Steel

Exterior Lumber

CCA treated or Western Red Cedar [WRC] as indicated

Project - Bid Requirements

- 1 Cabinets, restroom millwork, countertops and related elements shown conceptually only, contractor to coordinate final requirements with Owner
- 2 All lighting fixtures and ceiling fans are provided by Owner and installed by Contractor
- 3 All plumbing fixtures and restroom accessories are provided by Owner and installed by Contractor
- 4 New gutters and downspouts, match existing styles, 5" ogee gutters, 3x5 downspouts
- 5 Paint all new exterior wood and siding with 2 coats eggshell latex, color to match
- 6 Clean all ductwork at end of project area segment and at end of project, change all filters
- 7 Provide gfi type electrical outlets in all locations required by Code
- 8 All new outlets, switches, misc devices to be 'Decorat' style
- 9 New doors, trim, casing to match existing

Symbols

- new wood stud wall framing
- existing walls - construction to remain
- existing walls - construction to be removed
- existing door and frame
- new door and frame
- single pole switch
- three way switch
- combination exhaust fan, light [duct exhaust to exterior]
- duplex outlet
- quadplex outlet
- surface mounted 1 x 4 led two tube light
- post mounted down light
- wall mount, vanity light
- recessed can light

Site Plan - Reference Notes

- 1 4" thick 4000 psi concrete flatwork with 6x6 10' x 10' wwl reinf over 4" clean crushed rock, verify control joint patterns with owner
- 2 10" thick 3500 psi concrete retaining wall with #4 rebar continuous horizontally at 18" oc and 36" oc vertically into keyed 10' x 20' keyed footing [bott fig min 32" below finish grade] with 2 #4 rebar continuous, pre cast concrete top cap and manufactured stone facing
- 3 Fire pit assembly; as selected by Owner, provide natural gas connection with shut off
- 4 Hot tub as selected by Owner, provide water and electrical connections
- 5 Electrical generator as selected by Owner, provide natural gas connection and electrical connection to panel with shut offs
- 6 New electrical meter location, refer Sheet A2 for service, panel and other information
- 7 New condensing unit for new hvac system serving additions
- 8 Relocate existing condensing unit
- 9 Fencing and gates, style and materials as selected by Owner, refer Sheets A4, A5 for additional information

Russ Ehen
architect

5702 SW Maple Ridge
Trimble, Missouri 64492
russehen@aol.com
816 . 786 . 6300

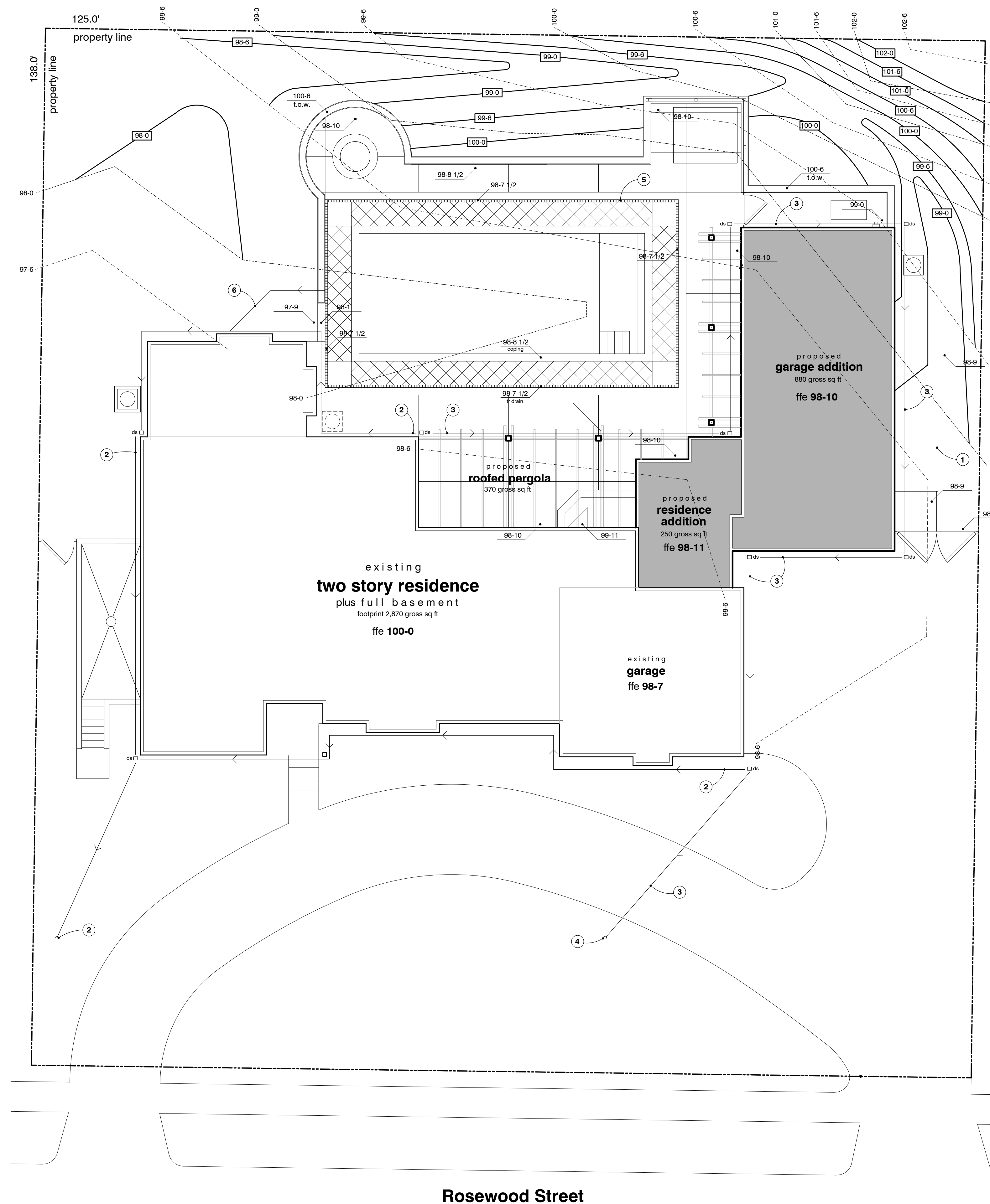


Project Number 1515.01
ADA Compliance Certification
To best of my professional knowledge, the facility as indicated is in compliance with the Americans with Disabilities Act, including the current ADA Title III Design Guidelines.
Russell Dale Ehen
Kansas Architect 3291

Revisions

addition . alterations
Offerdahl Residence
8004 Rosewood Street
Prairie Village . Kansas

s h e e t
AS1
Site Plan . Details
Specifications
Impervious area exception
6 July 2020



Symbols

- 00-0 existing contour lines
- 00-0 new finish grade contour lines
- 00-0 new finish grade spot elevations
- ds downspout locations . underground leader locations / flow direction

Grading Plan . Reference Notes

- 1 center of swale equidistant between building and property line
- 2 downspouts . underground leaders . yard outlet installed concurrent with 2015 master bath addition . residence renovation
- 3 downspouts . underground leaders . yard outlet installed with current proposed residence addition . exterior development
- 4 underground drainage leaders to discharge daylighted minimum 20' from sidewalk or curb . field coordinate location with architect
- 5 pre fabricated 4" wide grated trench drain continuous at perimeter of pool edge coping
- 6 connect pool trench drain discharge pipe to existing underground leader

Grading Plan . General Notes

- Strip and stockpile topsoil at location designated by owner . use for final dress out of finished grades
- Provide silt fencing and other erosion control measures throughout construction operations and until plant materials are sufficiently established
- Protect pavements, buildings and other assemblies during construction operations

Site General Information

Lot Area
17,250 sf . 0.396 ac

Existing Lot Coverage
2,785 sf . 16.16% of Lot Area
[lot coverage area equals existing building footprint]

Proposed Lot Coverage
4,385 sf . 25.42% of Lot Area
[lot coverage area includes existing building footprint + new building footprint + roofed pergola/patio]

Existing Impervious Area
6,625 sf . 38.40% of Lot Area
[existing building footprint + existing paved area]

Proposed Impervious Area
9,410 sf . 54.55% of Lot Area
[post development building footprint + paved area]

Russ Ehen
architect

5702 SW Maple Ridge
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russehnen@aol.com
816 . 786 . 6300

Drawings and/or Specifications are original proprietary work and property of the Architect intended for the specifically titled project. Use of items contained herein without consent of Architect for titled or other projects is prohibited. Drawings illustrate best information available to Architect. Field verification of actual elements, conditions, and dimensions is required.



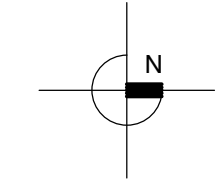
Project Number 1515.01

ADA Compliance Certification

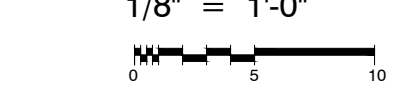
To best of my professional knowledge, the facility as indicated is in compliance with the Americans with Disabilities Act, including the current ADA Title III Design Guidelines.

Russell Dale Ehen
Kansas Architect 3291

Revisions



1 diagrammatic
Grading . Drainage Plan
1/8" = 1'-0"

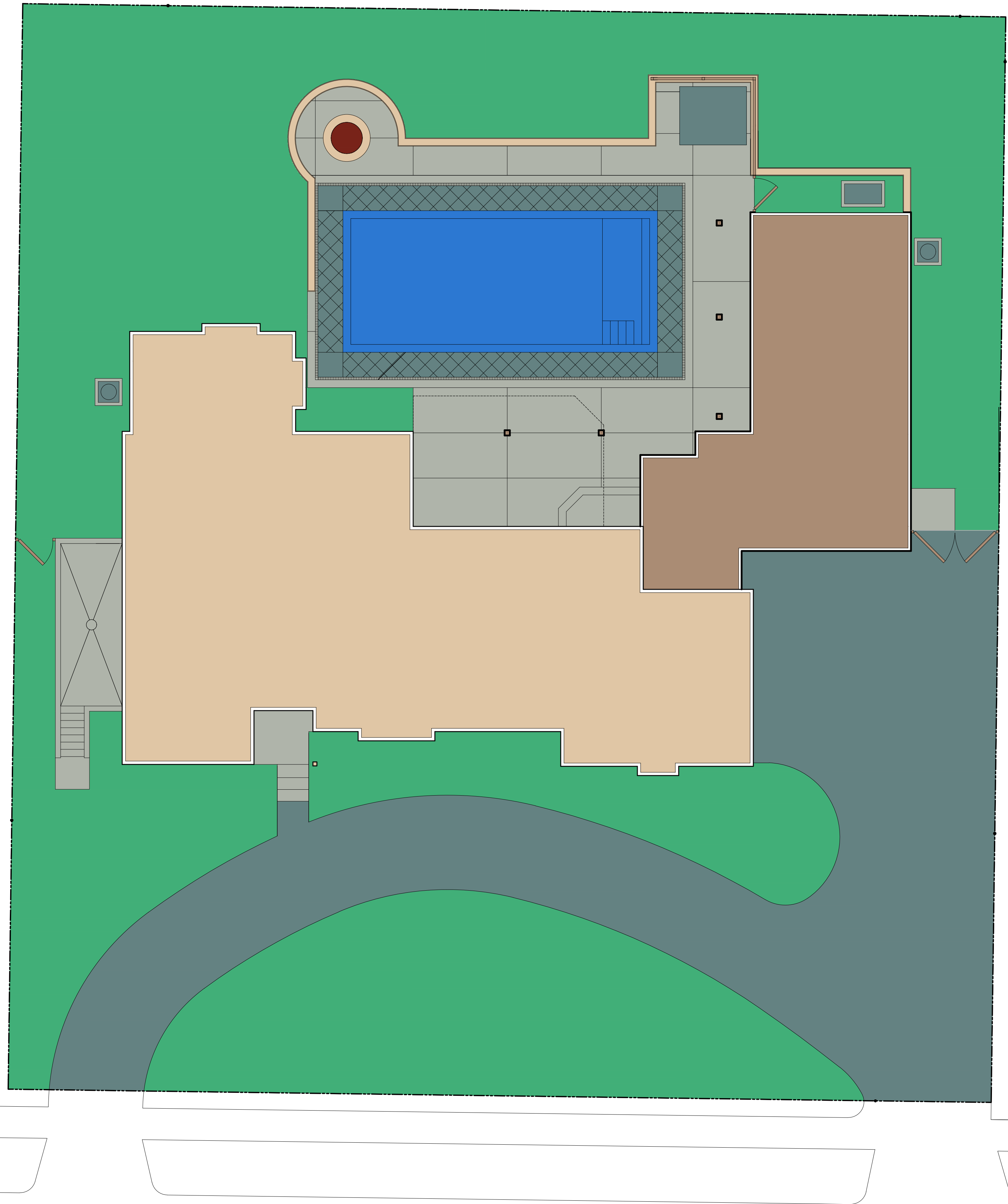


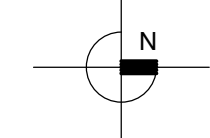

refer Site Plan on Sheet AS1 for additional information

addition . alterations
Offerdahl Residence
8304 Rosewood Street
Prairie Village . Kansas

sheet
AS2
Drainage . Grading

impervious area exception
6 July 2020




 1 diagrammatic
Site Plan
 1/8" = 1'-0"


Rosewood Street

Site General Information
Lot Area
 17,250 sf . 0.396 ac
Existing Lot Coverage
 2,785 sf . 16.16% of Lot Area
 [lot coverage area equals existing building footprint]
Proposed Lot Coverage
 4,385 sf . 25.42% of Lot Area
 [lot coverage area includes existing building footprint + new building footprint + roofed pergolaed patio]
Existing Impervious Area
 6,625 sf . 38.40% of Lot Area
 [existing building footprint + existing paved area]
Proposed Impervious Area
 9,410 sf . 54.55% of Lot Area
 [post development building footprint + paved area]

Russ Ehn
 architect

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 Drawings and/or Specifications are original proprietary work and property of the Architect intended for the specifically titled project. Use of items contained herein without consent of Architect for titled or other projects is prohibited. Drawings illustrate best information available to Architect. Field verification of actual elements, conditions, and dimensions is required.



Project Number 1515.01
ADA Compliance Certification
 To best of my professional knowledge, the facility as indicated is in compliance with the Americans with Disabilities Act, including the current ADA Title III Design Guidelines.
Russell Dale Ehn
 Kansas Architect 3291

Revisions

addition . alterations
Offerdahl Residence
 8304 Rosewood Street
 Prairie Village . Kansas

sheet
AS3
 Illustrative
 Site Plan
 impervious area exception
 6 July 2020



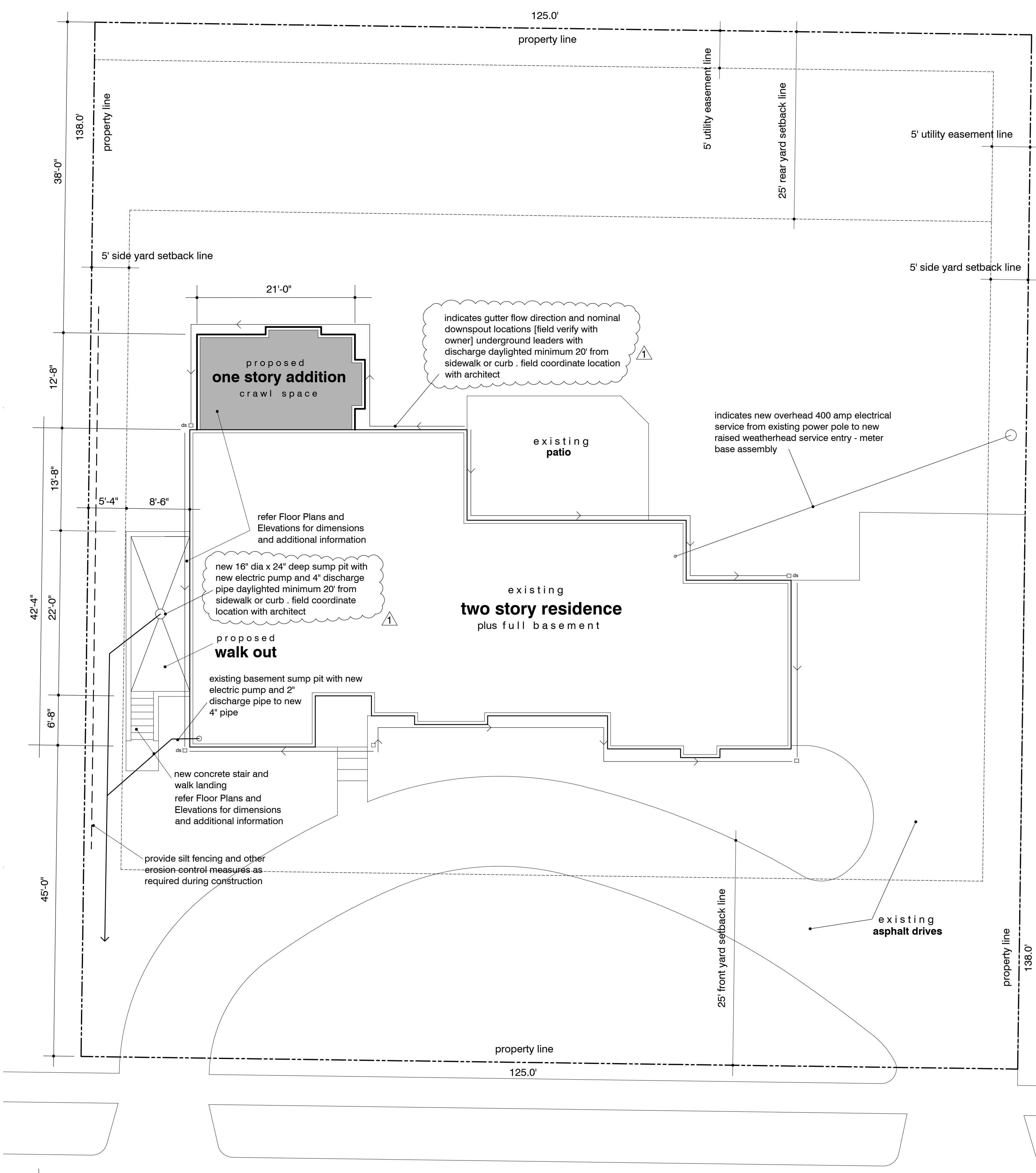
signed 30 December 2015

Project Number 1515.00

ADA Compliance Certification
To best of my professional knowledge, the facility as indicated is in compliance with the Americans with Disabilities Act, including the current ADA Title III Design Guidelines.
Russell Dale Ehenen
Kansas Architect 3291

Revisions
12-30-2015
sump . downspout discharge

addition . alterations
Offerdahl Residence
8304 Rosewood Street
Prairie Village . Kansas



1
diagrammatic Site Plan
1/8" = 1'-0"
0 5 10

site plan notes

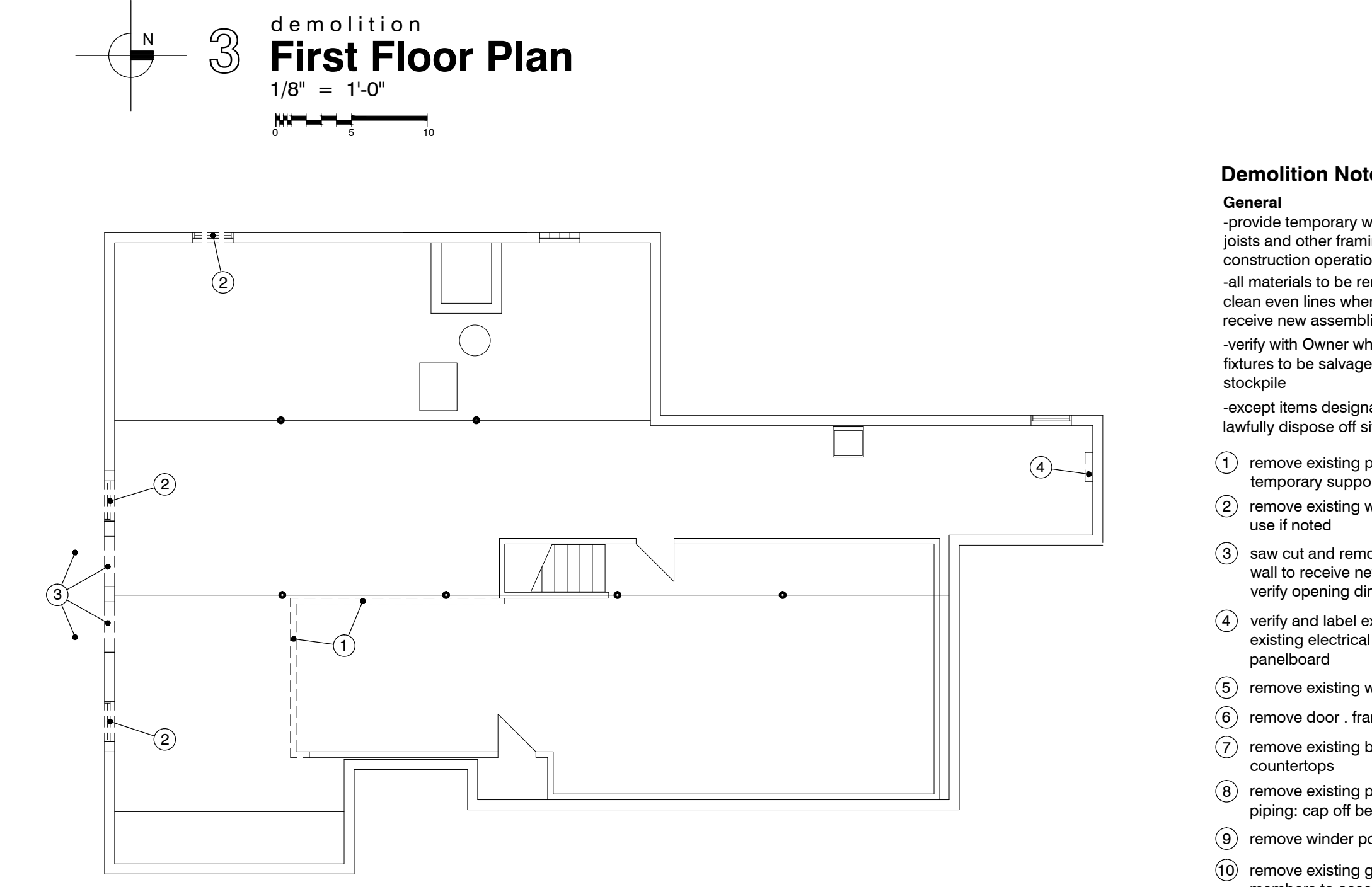
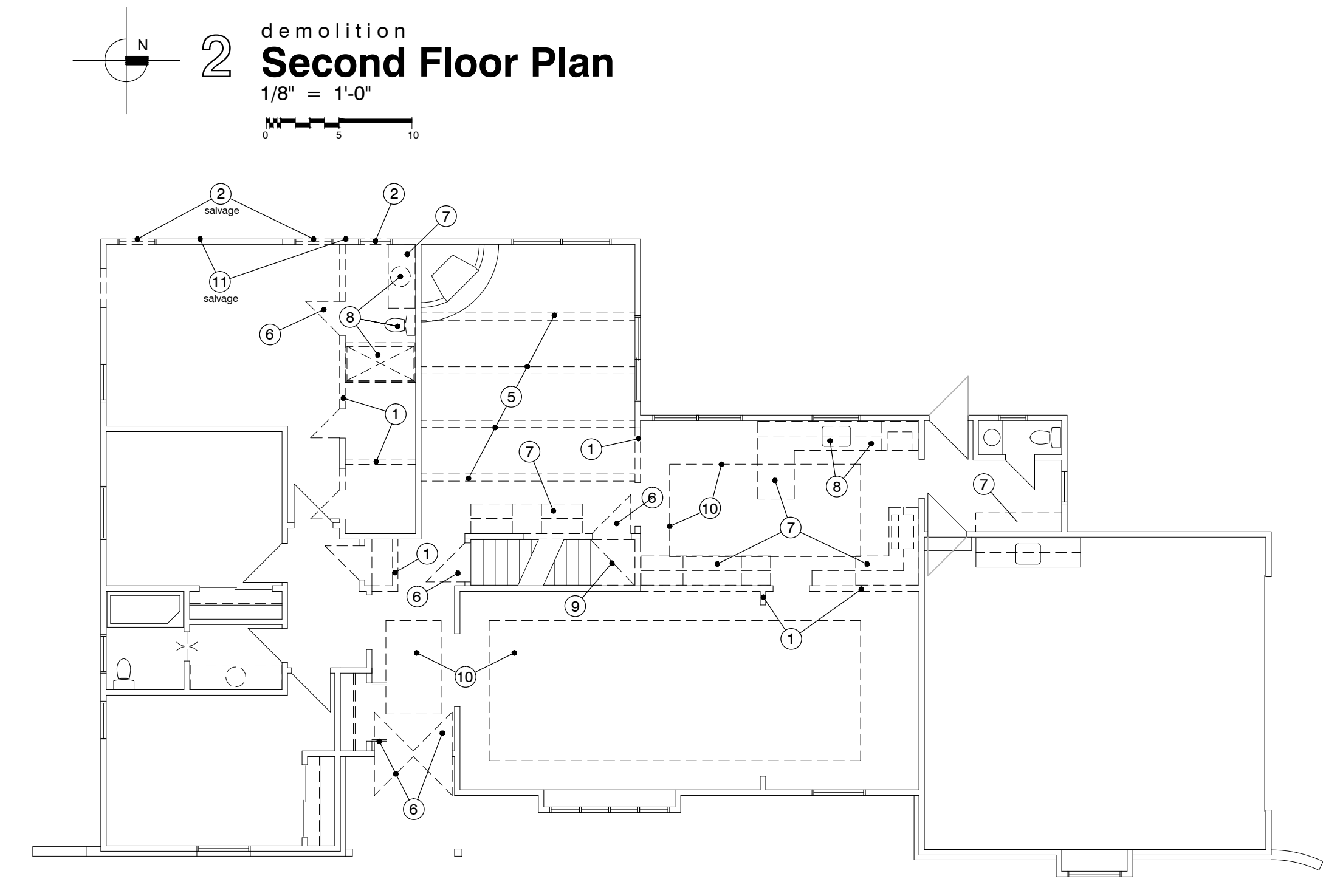
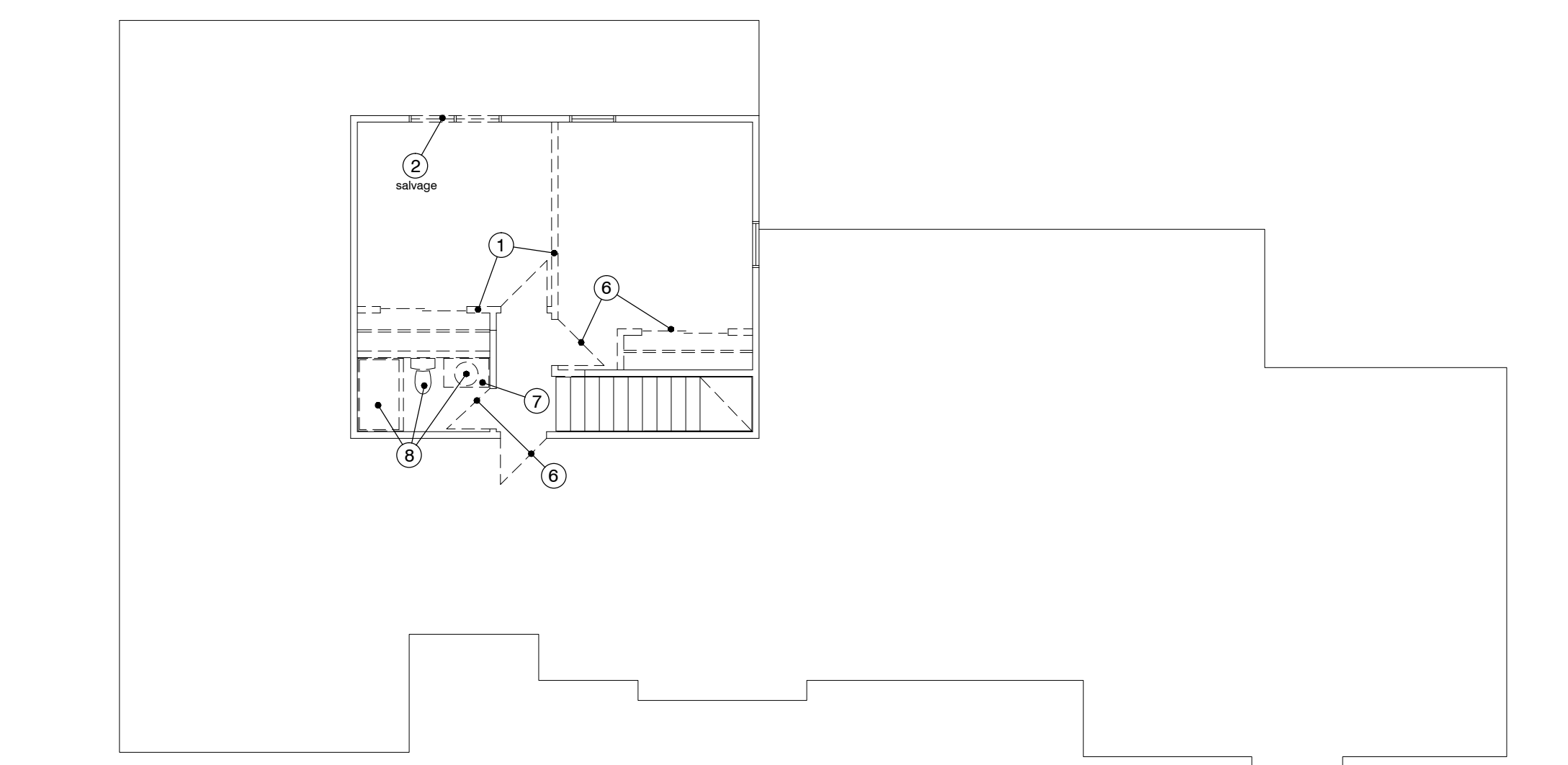
legal description
Lot 7 . Block 1 . Normandy Square

lot area
17,250 sq . 0.396 ac

zoning
R1a Single Family Residential

adopted codes

2012 International Building Code
2012 International Residential Code
2012 International Plumbing Code
2012 International Mechanical Code
2012 International Fuel Gas Code
2012 International Energy Conservation Code
2011 National Electrical Code



- Demolition Notes**
- General**
- provide temporary walls . bracing . supports for joists and other framing during demolition and re construction operations
 - all materials to be removed carefully . maintain clean even lines where removals occur . prepare to receive new assemblies and finishes
 - verify with Owner what materials . equipment . fixtures to be salvaged . verify on site location to stockpile
 - except items designated for salvage remove and lawfully dispose off site
- remove existing partition or wall . provide temporary supports at bearing walls
 - remove existing window . salvage for re use if noted
 - saw cut and remove existing foundation wall to receive new door and windows . verify opening dimensions with units
 - verify and label existing circuits . remove existing electrical service and panelboard
 - remove existing wood decorative beams
 - remove door . frame . hardware assembly
 - remove existing base . upper cabinets . countertops
 - remove existing plumbing fixtures . fittings . piping . cap off behind wall . floor faces
 - remove winder portion of existing stair
 - remove existing gypsum board and framing members to accept new framing for raised ceilings
 - carefully remove and salvage existing siding where addition occurs



DRAINAGE PERMIT

PUBLIC WORKS DEPARTMENT

3535 Somerset Drive

Prairie Village, KS 66208

Phone: (913)385-4647 – Fax: (913)642-0117

Email: publicworks@pvkansas.com

TEARDOWN REBUILD/SIGNIFICANT ADDITION

PROPERTY ADDRESS 8304 ROSE WOOD DRIVE, PRAIRIE VILLAGE KS 66267

DESCRIPTION OF WORK RESIDENCE/GARAGE ADDITION + IN GROUND SWIMMING POOL

COMPANY RUSS EHREN . ARCHITECT

COMPANY ADDRESS 5702 SW MAPLE RIDGE . TRIMBLE MO 64192

*PERMIT CONTACT RUSS EHREN

TELEPHONE # 816-786-7600 E-MAIL russehnen@aol.com

*CONSTRUCTION SUPERINENDENT CONTACT t.b.d.

TELEPHONE _____ E-MAIL _____

PROPERTY OWNER DAVID OFFERDAHL TELEPHONE # 573-673-9690

ATTACH ONE COPY OF PLOT PLAN & DRAINAGE STUDY (see attachment for plan requirements)

Provided the following items:

___ Roof square footage of proposed building (1130 SQ FT)

___ Square footage of new driveway (-0- SQ FT)

___ Existing lot impervious area percentage (38.40 % Impervious)

___ Proposed lot impervious area percentage (54.55 % Impervious)

I have read or have knowledge of the provisions of Chapter XIV, permit requirements, and Public Works Standard Details as it pertains to stormwater.

Applicant [Signature]

Date 6 July 2010

NOTE: 1. Changes may be made to the erosion control at any time during construction per City inspections.

(City inspections occur every 2 weeks and after a rain event greater than 0.5 inches)

2. Downspouts locations shall not negatively impact neighboring properties

(during and post construction conditions).

DRAINAGE PERMIT IS GRANTED FOR THE ABOVE LOCATION WITH THE FOLLOWING PROVISIONS:

PERMIT NO. _____

DATE WORK ACCEPTED _____

APPLICATION NO. _____

FINAL APPROVED COPY SENT TO BUILDING OFFICIAL _____

DATE ISSUED _____

FEE _____

Director of Public Works or Authorized Agent

*Contact will receive e-mails or calls with questions during permit review. Please plan accordingly.

Lucy

SM Engineering

July 29, 2020

To: Cliff Speegle, P.E.
City of Prairie Village
Public Works Department
Stormwater Division

RE: Offerdahl Residence, 8304 Rosewood Street
Storm Drainage Memorandum

Existing Conditions

The above referenced 17,250 SF residential lot is currently occupied by a 2-story residential structure with an attached garage having a total square footage of 2,870 SF. Including the paved driveway and patio areas the total existing impervious area is 6,625 SF. The existing drainage pattern is such that the majority of the 4,400 SF of area west of the house drains to the south and east via surface drainage. As this property is at an elevation lower than the house to north there is no existing surface drainage being directed to the north. All of the surface to the east of the house drains to the east out into the city storm sewer system within Rosewood Street right of way.

Proposed Development

The proposed development plan calls for construction of a 250 SF addition to the main house as well as an 880 SF garage addition. Along with the building addition, there are plans for construction of a roofed pergola, in ground pool and companion concrete deck with amenities on the west side of the house as shown on the Site Plan AS1, dated July 6, 2020. Upon completion of the development the building and roofed pergola area will be 4,385 SF. The total impervious area when project is complete will be 10,110 SF. This includes the new house structure, amenity areas and driveway which equates to a 54.5% impervious area coverage.

In order to mitigate any potential for increased surface runoff to the south all the drainage from the proposed improvements, including roof drainage, will be captured in underground conduit and directed to the east side of the house and allowed to surface drain into the city storm sewer system in Rosewood Street. As a result, there will be a reduction of the area draining to the south from 4,400 SF to 1,600 SF.

In addition, as shown on the Grading/Drainage Plan, AS2, dated July 6, 2020, the west side of the lot will be regraded to further direct surface water to the east, out to Rosewood Street. In the event there are additional drainage concerns resulting from there not being positive drainage around the west side of the house a small yard inlet may need to be installed west of the house. However, this will be highly unlikely since we are not altering the existing drainage pattern and we are reducing the runoff to that area by 60%.

Conclusion

As discussed above this development will increase the amount of impervious area. As shown on the above referenced plan, the increased impervious areas created from the improvements, will all be directed to the east into Rosewood Street. As a result, the total area draining to the south will be reduced by 2,800 SF with the remaining 1,600 SF of area being entirely pervious. The area west of the house will remain unchanged and continue to drain into Rosewood Street. Neither existing or proposed drainage results in drainage onto adjacent properties. Upon completion of the development there will be no adverse effects on the neighboring properties as a result of the increased impervious area. Please do not hesitate to contact me if you have any questions or if you need any additional information.



Samuel D. Malinowsky, P.E.
SM Engineering
5507 High Meadow Circle
Manhattan, KS 66530
785-341-9747



Russ Ehnen
a r c h i t e c t



5702 Southwest Maple Ridge
Trimble . Missouri 64492

816 . 786 . 6300
russehnen@aol.com

22 July 2020

Adam Geffert . City Clerk
City of Prairie Village
7700 Mission Road
Prairie Village . Kansas 66208

via
electronic mail ageffert@pvkansas.com

Adam:

Outlined below you will find a summary of the Neighborhood Meeting and other correspondence related to the following Planning Commission Submittal:

Impervious Area Exception Application for
Proposed Addition and Alterations

Offerdahl Residence

8304 Rosewood
Prairie Village . Kansas 66207

Pursuant provided standards, property owners within 200 feet of the subject project, as well as President of the Homeowner's Association were notified via standard mail of the Neighborhood meeting. Mailed packets included cover letter describing the Exception request, site drawings illustrating the project scope, and Civil Engineering report.

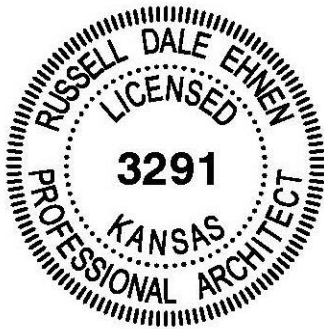
Meeting was conducted as scheduled per below. Homeowner and myself were present from 645-730 pm. None of the invited parties attended. Additionally, to date no telephone or electronic mail inquires have been received from invitees.

Tuesday 21 August 2020 . 700 pm CDT
Offerdahl Residence . Driveway
8304 Rosewood Drive
Prairie Village . Kansas 66207

On behalf the Offerdahl's, the adjacent property owner to the south, Blake Hodges, 8308 Rosewood was contacted separately, due to the fact the Hodges property is most affected by both the existing and proposed surface drainage.

Telephone and email correspondence, discussing the project in detail, occurred on Friday 10 July, with the subject documents provided via electronic mail and in the mailed package. Mr Hodges indicated he would contact me should there be questions after reviewing the documents. To date, no inquiries have been received.

Thank you, and feel free to contact me should you have questions or require additional information.



Russell Dale Ehnen
Kansas Architect 3291