

**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