

**PLANNING COMMISSION MINUTES
NOVEMBER 4, 2020**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Wednesday, November 4, 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, Melissa Brown, Jeffrey Valentino.

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

APPROVAL OF MINUTES

Mr. Breneman moved for the approval of the minutes of the October 6, 2020 regular Planning Commission meeting as presented. Mr. Birkel seconded the motion, which passed 5-0, with Mr. Wolf in abstention.

PUBLIC HEARINGS

PC2020-120 Revised Special Use Permit - Taco Republic
 4100 W. 83rd Street
 Zoning: C-2
 Applicant: Whitney VinZant

Mr. Brewster stated that the applicant was requesting approval of a special use permit for drive-through service for a restaurant, along with approval of a site plan to reuse the existing building and drive-through, and to make associated landscape changes. He added that Prairie Village zoning ordinance allowed drive-through restaurants by special use permit, which are recommended by the Planning Commission and approved by City Council.

The zoning ordinance specifically allows special use permits to be assigned or transferred to another owner, provided they abide by all of the same terms and conditions. However, when this special use permit was granted in 1992, it stated that the permit would automatically expire at the sale or transfer of the property by the original grantee. Because on this, the permit requires renewal by the City.

The applicant is also seeking to remove five parking spaces from the existing lot to add an outdoor patio seating area. Doing so would still leave a sufficient number of parking spaces per zoning regulations.

Mr. Brewster said that staff recommended approval of the site plan, and for the Planning Commission to recommend approval of the proposed special use permit renewal to the City Council based on the following considerations:

1. It is the reuse of an existing drive through facility for a similar use, so it is essentially a “renewal and transfer” of an existing special use permit that was prohibited to be transferred by the specifics of the previous approval (transfer and reuse is otherwise allowed by ordinance).
2. The site meets all other development standards, and the criteria for approval of a special use permit for drive through food and beverage service.
3. The permit has no termination date, however could be revoked by the City through the same process of approval, but only upon a finding that the criteria are no longer met due to operations or conditions on the site. Additionally, the permit may be assigned, conveyed or transferred subject to the provisions of Section 19.28.060 of the zoning regulations.
4. Signs shown on the proposal are only conceptual. Sign permits demonstrating compliance with the city regulations will be required prior to finalizing signs.

Applicant Whitney VinZant, 830 W. 54th Street, Kansas City, Mo., was present to speak to the Commission. Mr. Valentino asked if bike racks could be added to the outdoor patio area, and Mr. VinZant stated he was supportive of doing so. Mr. Birkel asked if additional ornamental trees could be added to the 83rd Street side of the building. Mr. VinZant said some planned shrubbery could be removed and replaced with ornamental trees.

Mr. Wolf opened the public hearing at 7:30 p.m. With no one present to speak, Mr. Wolf closed the public hearing at 7:31 p.m.

Mr. Lenahan made a motion to approve the site plan subject to the following conditions:

1. Details on the patio screen wall and bases of the pergola structure be provided before building permits are issued. Staff recommended a stone or stone veneer comparable to the principle building, and other similar structures in the center; otherwise an alternative shall be proposed and approved at the Planning Commission meeting.
2. Signs shown on the proposal are only conceptual. Sign permits demonstrating compliance with the city regulations will be required prior to finalizing signs.
3. The applicant will work with City staff to consider the placement and installation of bicycle racks.
4. The applicant will work with City staff to revise the landscape plan related to 83rd Street, specifically to consider the placement of two additional ornamental trees in exchange for some shrubs.

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

Mr. Breneman moved to recommend approval of the revised special use permit to the City Council. Mr. Lenahan seconded the motion, which passed 6-0.

NON-PUBLIC HEARINGS

PC2020-119 Revised Site Plan - Homestead Country Club
 4100 Homestead Court
 Zoning: R-1A
 Applicant: Jeff Pflughoft / Dennis Hulsing

Mr. Brewster stated that Homestead County Club had been operating under a special use permit since 1982, which had been renewed and amended several times to account for different operations and development activity. Most recently, the special use permit was amended in May 2018 to allow for remodeling and an addition to the club, and to replace the seasonal tennis enclosure with a permanent structure. The application was then revised in August 2018 and May 2019 for reconfiguration of tennis courts and approval of the elevations for the permanent enclosed tennis building.

These changes to the site plan were approved by the Planning Commission, conditioned upon revisions to the landscape plan and submittal of final designs and a revised drainage study. Additional developments impacting the application since its most recent approval include:

1. The applicant requested an exception to the vertical plantings along the interior main wall of the tennis building. Although they were a condition of approval of the revised tennis building elevations, the applicant requested the exception based on the concrete footings for the tennis building being larger than anticipated, resulting in inadequate irrigation at this location. Alternative planting on the perimeter of the site was considered by staff as an acceptable alternative.
2. As part of the site development work, some existing plantings were removed from the western edge of the property. While these plants were not necessarily significant from a plant species and aesthetic standpoint, they served a valuable screening function. As a result, the City received complaints from adjacent property owners regarding lighting issues.
3. In addition to screening, the lighting of the tennis courts was also creating glare and spillover on adjacent properties due to light settings. After meetings with City staff, neighbors and the applicant, the light settings were adjusted and resulted in some improvements to the situation. While these adjustments alone do not sufficiently address the issue, staff believes the settings in association with revisions to the landscape plan included with the application will result in the proposed site plan meeting the lighting conditions of the approved special use permit. If the additional landscaping, once planted, does not fully resolve the issue,

the applicant will be required to make additional adjustments to the lighting to ensure there is no glare or spillover light onto adjacent properties.

The specific changes proposed in this application that differ from the most recently approved site plan in May 2019 include:

1. Two new pickleball courts between the clubhouse and the permanent tennis structure.
2. Extending additional parking to the area of the tennis courts on the northwest portion of the site, leaving one tennis court in the north bank of courts, which would add 26 spaces (122 spaces total).
3. Revisions to the landscape plan, including the removal of interior plantings adjacent to the permanent tennis building, reallocating landscape to the perimeter area, and increasing the buffers to account for the lighting impacts and the removal of some of the existing vegetation.
4. Restriping existing tennis courts for pickleball courts. In the initial submittal for the site plan amendment, this was proposed on the far west tennis court; however, a revised submittal has moved this area to the other end, closest to the clubhouse and near the other small courts, resulting in 10 total pickleball courts and 13 total tennis courts.

Mr. Brewster stated staff recommended approval of the revised site plan subject to the following conditions:

1. All conditions of the previously approved special use permit reviewed by the Planning Commission on May 1, 2018, and approved by the City Council on May 21, 2018 remain in effect, with a particular emphasis on using state of the art "sport court" lighting to limit glare and prevent spillover light, and a continuing obligation to use lighting fixtures, technology and settings that reduce light impacts on surrounding properties.
2. A new drainage permit be issued for the additional work on the new platform tennis courts.
3. Approval of the revised court configuration (13 tennis courts and 10 pickleball courts), provided pickleball courts are located in the central-most portions of the court areas near the clubhouse. This places the more intense activity and potential noise increases that result from pickleball furthest from adjacent residential areas.
4. The additional landscape at the west and northwest areas shown on this application be added to the previously approved landscape plan from May 2019; the foundation planting on the north and south elevations of the permanent tennis

enclosure be removed in exchange for increased perimeter buffers; and the following additions be included on the plan:

- a. 10 additional evergreen trees be added to the planting area at the west end of the enclosed tennis structure, and 10 additional evergreen trees be planted in the lawn area at the south end of all tennis courts.
- b. Allegheny Viburnum screening be planted for additional perimeter screening. This should be planted 5' on center at five locations on the south and west perimeter.
- c. The proposed new cluster of landscaping at the west and northwest corners is sufficient, but it is recommended the spacing be adjusted to allow headroom for the new trees to grow.
- d. All other planting from the previous approved landscape plan be planted as specified.

A revised landscape plan showing the complete and final approved landscape shall be submitted to staff. Maintenance of all approved plantings is required. Removal of any existing planting or required planting shall require a revised landscaping plan to be submitted by staff for review prior to removal. All landscaping shall be installed as soon as practical, based on seasonal planting considerations, and in any case where landscaping is not installed in a timely manner, additional restrictions on lighting may be imposed by staff.

5. Require signs near the west end of Homestead Court requiring club patrons and employees to use the parking lot; signs would be subject to approval by Public Works in terms of location and content.

Mr. Birkel asked about a timeframe for when work would be completed. Mr. Brewster stated that landscaping improvements would need to be completed as soon as possible, and that there could be additional lighting requirements enacted until the landscaping work was finished.

Mr. Lenahan noted that some comments provided by surrounding neighbors indicated that additional parking spaces had already been installed prior to approval. Ms. Robichaud stated that neighbors reported the club had started striping the spaces to the City, and staff instructed them to stop striping the lot. Currently, a barricade was set up to prevent vehicles from parking in those spaces.

Attorney Nick Porto, 1600 Baltimore, Suite 200A, Kansas City, Mo., was present to speak to the Commission on behalf of the applicant. He noted that the club had addressed many of the compliance issues identified by the City earlier in the year, including the installation of hoods to reduce the effect of parking and tennis court lighting on neighbors. Additionally, the club is purchasing a large, mature tree to replace the landscaping that

was removed behind neighboring homes on the northwest side of the property. Mr. Porto also stated that many of the most recently proposed changes to the site plan had received positive feedback from neighbors.

Mr. Lenahan made a motion to approve the revised site plan subject to the five conditions referenced by staff. There was no second to the motion.

After further discussion, Mr. Valentino made a motion to authorize staff to work with the applicant to enact a landscape plan that is consistent with the original terms of the special use permit, and continue the remainder of the application to a future meeting. Mr. Breneman seconded the motion, which passed 6-0.

PC2020-121 Site Plan Application – Exception to Building Foundation Height Standards
3907 Homestead Drive
Zoning: R-1A
Applicant: Scott and Bonnie Heying

Mr. Brewster stated that the applicants were requesting an exception to the neighborhood design standards, related to the construction of a new house at 3907 Homestead Drive. Specifically the applicant was asking for an exception to Section 19.06.025.E., regarding foundation height. This section requires the following for new residential structures:

1. The top of foundation between 6 and 24 inches above finished grade along the front facade;
2. No new structure more than 12 inches above the top of foundation of a previous existing structure;
3. An additional 6 inches in height may be allowed for each 5 additional feet of setback

In this case, the applicant requested a new top of foundation to be 1 foot above the existing finished floor elevation, meaning the top of foundation will be approximately 2 feet above the existing top of foundation.

The applicant submitted a drainage permit report dated September 29, 2020 that noted the following:

1. The property slopes northwest to southeast (approximately 10 feet of grade change according to the submitted plot plan)
2. The drainage is sheet flow across the property to a shallow concentrated flow on the eastern boundary.

The proposed new structure is 25.6' from the side property line on the east (highest side). While the minimum side setback in R-1A is 7' on any one side, the cumulative required

setback based on lot width is 23' (20% of 115' lot width). The application proposes a 7.5' setback on the west (low side) for a total of 33.1'.

Therefore, although the building is not set back an additional 10' on each side to be eligible for an increase in foundation elevation allowed by ordinance (6" per each 5' additional feet of setback), it does have an additional 10' of setback, and does allocate it to the highest side where the impact from raising the foundation could be the greatest.

The applicant submitted elevations demonstrating compliance with all other zoning and neighborhood design standards; further confirmation of meeting these standards will occur through the regular permitting process.

Staff recommended that the exception be approved based on the grade and drainage situation noted in the drainage permit, and based on the application meeting the intent of the standards with regard to setbacks and the relationship of the house to adjacent houses.

Applicants Scott and Bonnie Heying, 3907 Homestead Drive, were present to speak to the Commission. Mr. Heying noted that the request for the increased foundation height was due to a goal of having a walk-out basement with nine-foot ceilings that would not be subject to flooding issues during periods of heavy rain.

Mr. Breneman made a motion to approve the exception to the building foundation height standards. Mr. Lenahan seconded the motion, which passed 6-0.

OTHER BUSINESS

Ms. Robichaud stated that the City Council requested additional work sessions to discuss the Village Vision 2.0 comprehensive plan. Additionally, the Tree Board requested that the Council write an ordinance to protect trees in the City. The ordinance will include an update to the landscape section of the zoning regulations, and will therefore be presented at the December Planning Commission meeting for discussion.

ADJOURNMENT

With no further business to come before the Commission, Chair Greg Wolf adjourned the meeting at 9:14 p.m.

Greg Wolf
Chair