

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
COUNCIL CHAMBERS
7700 MISSION ROAD
TUESDAY, DECEMBER 7, 2021
7:00 P.M.**

The Planning Commission will meet in a hybrid-meeting format. The public may attend the meeting in person, or view it online at <https://us02web.zoom.us/j/84884970197>. The meeting will also be live-streamed on the City of Prairie Village Facebook page at <http://www.facebook.com/CityofPrairieVillage>.

Residents may email comments to City Clerk Adam Geffert at cityclerk@pvkansas.com. All comments must be received by 5:00 p.m. on Tuesday, December 7.

I. ROLL CALL

II. APPROVAL OF PLANNING COMMISSION MINUTES - NOVEMBER 3, 2021

III. OLD BUSINESS

IV. PUBLIC HEARINGS

PC2021-123 Consideration of changes applicable to site plans, fences and sign regulations

V. NON-PUBLIC HEARINGS

PC2021-122 Site plan for fence exception
7647 Falmouth Street
Zoning: R-1A
Applicant: Josh Haith

VI. OTHER BUSINESS

Consider approval of 2022 meeting dates

VII. ADJOURNMENT

***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
NOVEMBER 3, 2021**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Wednesday, November 3, 2021 at 7:00 p.m. Chair Greg Wolf called the meeting to order via Zoom at 7:00 p.m. with the following members present: Jonathan Birkel (via Zoom), James Breneman, Patrick Lenahan, Melissa Brown, Nancy Wallerstein (via Zoom) and Jeffrey Valentino (via Zoom).

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

APPROVAL OF MINUTES

Mr. Breneman moved for the approval of the minutes of the October 5, 2021 regular Planning Commission meeting. Ms. Wallerstein seconded the motion, which passed unanimously.

PUBLIC HEARINGS

None

NON-PUBLIC HEARINGS

PC2021-116 Conditional Use Permit - Drive-up Service (Non-Food and Beverage)
 3500 W. 75th Street
 Zoning: C-0
 Applicant: Ron Shaffer, RLS Architects

Mr. Brewster stated that the application was a continuation of a previous application for a conditional use permit for a drive-up automatic teller machine (ATM) and building signage. The proposed location of the ATM was originally approved at the August 3, 2021 Planning Commission meeting; since that time, the applicant selected a different location for the ATM in the building parking lot. The new location is a greater distance from the adjacent homes to the north than what was initially approved. The applicant also made changes to the proposed signage, and no longer requires Planning Commission approval.

Mr. Brewster said that staff recommended approval of the revised site plan and revised conditional use permit subject to the following conditions:

1. No audio service prompts should be permitted, and noise shall otherwise be mitigated through either the technology or design of the canopy.
2. Materials and colors of the canopy should be further specified and confirmed. The plan states duranodic (metallic) and burgundy will be used. A combination of muted colors, complimentary building materials, and/or a lower-profile canopy should be considered to tie the structure in with the building and site, and to minimize impacts on adjacent residential property.
3. Lighting of the sign and canopy should be the minimum to provide for security and adequate visibility of the canopy sign at the entrance to the site. Prior to permits the applicant shall submit details and specifications for the canopy and sign that demonstrate compliance with the outdoor lighting standards and the standards for illuminating signs.

Applicant Ron Shaffer with RLS Architects, 4011 Homestead Drive, was present to discuss the project. He stated that he agreed with the conditions for approval presented by staff.

Mr. Breneman, Mr. Lenahan and Mr. Birkel shared concerns about the lighting of the ATM signage impacting residents to the east of the parking lot, and suggested that the signage be installed in a way that would prevent lighting from being visible from the east.

Mr. Lenahan made a motion to approve the conditional use permit with the three conditions presented by staff, as well as a fourth condition that the lighting of the sign shall not be visible from the east at night. Mr. Valentino seconded the motion, which passed unanimously.

PC2021-119 Revised Site Plan
 Homestead Country Club
 Zoning: R-1A
 Applicant: Jeff Pflughoft / Dennis Hulsing

Mr. Brewster said that the application was a continuation from a previous meeting to make several changes to the facilities at the country club. At its July 13 meeting, the Planning Commission approved reconfiguration changes to the parking lot as well as lighting and landscape plans, but continued the building of a proposed structure over a pickleball court. Additionally, the applicants were seeking approval for a covered pool deck and the building of an accessory structure to the west of the tennis enclosure.

Mr. Brewster presented the following considerations to the Planning Commission:

1. Approval of the accessory structure west of the tennis enclosure.

2. Approval of the enclosed pickleball structure due to a Planning Commission determination of one of the following:
 - a. That due to the scale, location, and relationship to the larger tennis enclosure, this structure would be eligible for treatment as a generic accessory building.
 - b. Based on additional design details provided by the applicant or required by the Planning Commission, compatibility with the clubhouse and the tennis structure is demonstrated - particularly at the frontage visible from Homestead Court.
 - c. In either case, the applicant shall provide the maximum height of the structure and a revised drainage study shall be required and approved by Public Works prior to any permits being issued.
3. The proposed pool deck should not be approved until more specific designs and dimensions of the structure are provided (height, setback from property, materials, design and details of the enclosure, and potential sound and light mitigation for any utilities or services that will be provided in the structure. In the case that the proposed deck is only a surface with a minor accessory structure associated with it (under 300 square feet), it may be approved subject to the requirement of a revised stormwater study and drainage permit being issued by Public Works prior to any building permits.

The following additional conditions were part of the partial approval of the revised site plan by the Planning Commission in July 2021:

4. The applicant and the City (via Public Works) explore prohibiting parking on one side of Homestead Court, and the applicant specifically implements parking management processes and policies that reduce the practice of parking on Homestead Court to overflow situations, only and that no members or employees routinely park on the street when other available parking exists.
5. The revised court configuration (13 tennis courts and 10 pickleball courts) is approved, provided the pickleball is located in the central-most portions of the court areas near the clubhouse. This is intended to place the more intense activity and potential noise increases that result from pickleball furthest from adjacent residential areas.
6. Landscape for the increased 50 feet of parking lot perimeter on the north boundary be added to meet the ordinance requirement (five shrubs for 25 feet of perimeter), or if grade or existing plantings make this impractical, the applicant work with staff to plant additional evergreens or other type of barrier that meets the intent of the standard.
7. No other changes to the site are authorized, and any new configuration of the site, to include courts, lighting, traffic and parking control, or other facilities shall require staff review and a revised site plan or amended special use permit.

Jeff Pflughoft with Hulsing Hotels, 4100 Homestead Court, and Ben Gasper with SMH Consultants, 7212 Hadley Street, Overland Park, were present to discuss the application. Mr. Pflughoft stated that the proposed pickleball structure was merely an enclosure and would have interior lighting, but no other utilities. He added that the pool deck roof was proposed simply to provide shade for guests, and would have no walls or utilities.

Mr. Breneman and Mrs. Wallerstein stated that they recalled the proposed pickleball structure would not be enclosed. Mr. Pflughoft noted that the building would have overhead doors that could be opened when the court was in use to provide ventilation.

Mr. Valentino said that there was not enough information provided by the applicant to properly assess the proposed structures. He added that further details such as architectural style, materials, scale and elevations were necessary to vote on the proposal. Mr. Wolf asked Mr. Pflughoft if he would be willing to continue the application to a future meeting in order to prepare and provide more information. Mr. Pflughoft agreed.

After further discussion, Mr. Valentino made a motion to continue the application to a future Planning Commission meeting. Mr. Breneman seconded the motion, which passed unanimously.

OTHER BUSINESS

- Discuss clean-up revisions in zoning regulations related to site plan, sign and fence criteria

Ms. Robichaud stated the proposed revisions addressed items that trigger a site plan, specifically in relation to buffers And significant visual impacts to adjacent properties. Proposed changes to the sign standards would allow staff to review and approve sign proposals to ensure they meet design standards in the municipal code, reducing the need for site-specific sign plans to need Planning Commission approval each time a sign is to be switched out. Lastly, requirements for fence exceptions would be relaxed, so fewer applications would need to be reviewed by the Planning Commission.

After discussion, Ms. Robichaud said that a public hearing on the proposed changes would be held at the Planning Commission's December 7, 2021 meeting followed by a formal vote of the Planning Commission to be forwarded to the City Council for final consideration.

ADJOURNMENT

With no further business to come before the Commission, Chair Greg Wolf adjourned the meeting at 8:10 p.m.

Adam Geffert
City Clerk/Planning Commission Secretary



PLANNING COMMISSION

Planning Commission Meeting Date: December 7, 2021

Consider Approval of PC2021-123: Recommending Approval of Ordinance 2464 to the Governing Body by amending the zoning regulations related to site plan applicability, fences and walls, and sign standards for multi-tenant buildings.

RECOMMENDED MOTION:

Make a motion to recommend approval of PC2021-123 to the Governing Body

BACKGROUND:

Attached is Ordinance 2464, which makes some minor clean up amendments in the zoning regulations as follows:

- Updates the site plan applicability requirements in 19.32.010 to include situations when buffers/screening from adjacent property is impacted
- Updates the sign regulations in 19.48.070 to clean up the approval process for sign plans on multi-tenant buildings
- Updates the fence regulations in 19.44.025 to clarify fence placement on corner lots

Changes to the zoning regulations require a public hearing, a recommendation from the Planning Commission, and final approval of the Governing Body.

The proposed effective date, if approved by the Planning Commission and Governing Body, is January 1, 2022.

The ordinance has been reviewed and approved by the City Attorney.

ATTACHMENTS:

- Ordinance 2464
- Redlined changes to 19.32.010; 19.44.025, and 19.48.070

PREPARED BY:

Jamie Robichaud
Deputy City Administrator
Date: December 3, 2021

ORDINANCE NO. 2464

AN ORDINANCE AMENDING THE CITY OF PRAIRIE VILLAGE, KANSAS ZONING REGULATIONS BY AMENDING CERTAIN SECTIONS RELATED TO SITE PLAN APPLICABILITY, FENCES AND WALLS, AND SIGN STANDARDS FOR MULTI-TENANT BUILDINGS.

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

Section I.

Section 19.32.010 entitled "Applicability" of the Prairie Village Zoning Regulations is hereby deleted in its entirety and amended to read as follows:

19.32.010 Applicability

Site plan review is required in the following circumstances:

- a) Any new building, except single-family and two-family dwellings;
- b) Any expansion or enlargement of the existing floor area of existing buildings by more than 10%, except single-family and two-family dwellings;
- c) Any site development activity, grading, or other construction activity that in the opinion of the building official may cause significant impacts or changes in the relationship to adjacent property or streetscape;
- d) If application is made for a building or structure which is not required to submit a site plan, and whose architectural style, exterior materials, or scale and massing vary substantially from the style, materials, or building patterns which are used in the area, the building official may require site plan review.

Section II.

Section 19.44.025 entitled "Fences and Walls" of the Prairie Village Zoning Regulations is hereby deleted in its entirety and amended to read as follows:

19.44.025 Fences and Walls.

a) Purpose and Intent.

- 1) To buffer or screen uses that may have a negative impact on adjacent uses.
- 2) To provide privacy in outdoor spaces.
- 3) To provide safety from hazards such as swimming pools, hot tubs, spas, and other similar facilities.
- 4) To enhance the quality of appearance of developed land use.

b) Design

- 1) Appearance. those fences which have surface material, whether it be wood, chain link, metal bars, or other permitted material,

attached on one side of posts and/or rails, thus producing a finished side and an unfinished side, shall be installed with the finish sides exposed toward the street and adjacent properties. When doubt exists as to which way the surface of the proposed fence shall face, the Building Official shall make the final determination.

- 2) Prohibited Fences. The installation of farm type fences such as barbed wire, high tensile wire, wire mesh, welded wire, woven wire, pipe and cable, electric and razor ribbon fences or any similar type fence shall be prohibited.
- 3) Height. No fence shall exceed six feet in height, except tennis court enclosures which may not exceed 12 feet in height, and except fences which are located within the building envelope of a lot shall not exceed eight feet in height. The height of the fence shall be deemed to be the average distance from the finished grade to the highest point on the fence panel, excluding posts which may project above the fence panel not more than eight inches. Where the terrain is not level, the average dimension may, at the discretion of the Building Official, be applied to each eight feet section of the fence. Fences built in combination with retaining walls and/or berms shall be measured from the finished grade on the high side of the wall. In addition, fences and walls built on slopes shall comply with the required height measurement along the line of the fence location.
- 4) Decorative Fences. Decorative fences shall be designed so they are at least 50 percent open and do not exceed two and a half (2.5) feet in height. Split rail and wrought iron fences are examples of this type of fence.

c) Location.

- 1) Fences located in the front yard are limited to decorative fences no closer than ten feet from the street right of way line.
- 2) Fences located on the side street of a corner lot shall be on private property and at least 18 inches from any public sidewalk, whichever is greater, except that if an adjacent lot faces the side street, the fence shall be setback from the right-of-way line a distance of 15 feet or not less than one-half the depth of the front yard of an adjacent building, whichever is the greater setback.
- 3) If the rear of a through lot is fenced, a gate shall be installed to provide access to the right-of-way.
- 4) Diagrams depicting the location of fences on various types of lots are attached at the end of this chapter.

d) Retaining Walls.

- 1) Retaining walls shall be designed and constructed to support lateral loads. Applications for retaining walls exceeding four feet in height, whether terraced or not, shall be accompanied by

design calculations and plans sealed by a professional engineer licensed in the State of Kansas. Said plans shall be reviewed prior to the issuance of a building permit. Retaining walls shall setback a minimum of two feet from side and rear property lines, and retaining walls exceeding six feet in height shall be required to be set back from side and rear property lines an additional one foot for each two feet, or part thereof, in excess of six feet in height, e.g. a ten feet high retaining wall would be required to set back a minimum of four feet from the property line. Allowances will be made for tie backs to existing grade. Diagrams depicting the location of retaining walls on various types of situations are attached at the end of this chapter. Any exceptions or deviations from this formula shall require site plan approval by the Planning Commission.

e) *Drainage and Utility Easements.*

- 1) Fences and walls shall not restrict natural surface drainage nor be constructed to divert or channel water flow with increased velocity. Fences shall not be constructed in drainage easements if they affect the flow of stormwater.
- 2) Fences installed in a utility easement may need to be removed in order to access the utilities. Fences constructed in easements are at the risk of the owner and shall not be the responsibility of the utility or city to replace them.

f) *Permits Required.*

- 1) All fences and retaining walls as defined herein, unless otherwise excepted, shall require a building permit. No fence may be erected, constructed, or replaced until said permit has been procured from the building official. The building official may allow minor deviations and adjustments relative to the dimensions set out in this section where topographic or other natural features, utility locations, meters, trees, or other conditions so warrant and where the spirit and intent of this section will be preserved.
- 2) Enclosures erected around compost piles in compliance with the conditions set forth in Chapter 15, Article 3 of the City Code are excluded from these regulations and shall not require a permit.

g) *Site Plan Approval.*

- 1) As part of the site plan approval process as set out in Section 19.32 Site Plan Approval, the Planning Commission may approve solid walls or make adjustments to the height and location of fences, solid walls, and retaining walls provided that it results in a project that is more compatible, provides better screening, provides better storm drainage management, or provides a more appropriate utilization of the site.

2) An application may be made to the Planning Commission for site plan approval of a solid wall, retaining wall, or a fence that is unique and does not have the locational or design characteristics set out in these regulations.

Figure 19.44-1: Prairie Village Fence Regulations



Fences shall generally be located in the side or rear yard. Street side fences may be located on the property line and at least 18" from any public sidewalk; except where it abuts a front yard on an adjacent lot, it shall be set back at least 15' or 1/2 the depth of the adjacent front yard, whichever is greater. Fences in the front yard are limited to decorative fences and must be at least 10' from the lot line.

Section III.

Section 19.48.070 entitled "Multi-tenant Buildings and Sites" of the Prairie Village Zoning Regulations is hereby deleted in its entirety and amended to read as follows:

19.48.070 Multi-tenant Buildings and Sites.

a) *Monument Signs.*

- 1) All monument signs shall require a sign plan and permit approved by the Planning Commission according to these standards and criteria.
 - 2) Monument signs shall be located within a landscape area at least three feet in all directions from the base of the sign or be located in a large landscaped yard.
 - 3) Monument signs shall have a base at least 75 percent of the width of the widest part of the sign. The base shall not count as part of the sign area provided it contains no messages or other component of the sign, and is otherwise integrated into the site as a landscape feature.
 - 4) All monument signs and bases shall be constructed with durable, quality materials that complement the building and other site elements in terms of material, colors, and ornamentation.
 - 5) All monument signs shall be accompanied by a landscape plan that integrates the sign area into the overall site, softens the view and appearance of the structural elements, and otherwise improves the view of the sign and property from the streetscape.
 - 6) The Planning Commission shall consider the intent of this Chapter and the objectives of the Design Guidelines in Section 19.48.080 in approving a sign plan and permit. Deviations from the specific design guidelines may be approved for any sign plan that equally or better meets the intent or design objectives of this Chapter.
- b) *Wall Signs.* Wall signs are subject to the following additional limitations:
- 1) Signs attached to a building shall not extend vertically above the highest portion of the wall plane of the façade it is mounted on or the roofline, whichever is less. No portion of a building wall may be built above the roofline that serves no other structural or architectural purpose, other than to mount a sign or expand the sign area allowance.
 - 2) Signs attached to a building shall not project more than 12 inches off the surface it is mounted on unless specifically exempt from this limit by this chapter.
- c) *Temporary Signs.* Temporary signs are subject to the following additional limitations:
- 1) Any temporary sign shall be placed with the permission of the property owner, and it is the responsibility of the person placing the sign and the property owner to ensure the sign meets all standards and is removed when the applicable display time limit has expired.
 - 2) Temporary signs shall not be illuminated or painted with a light-reflecting paint.
 - 3) Temporary signs shall not be constructed of rigid material, designed to resist quick deterioration from the elements, and

securely anchored so as to not pose a distraction or hazard to drivers. Non-rigid materials (such as banners) shall be secured by a support or frame to avoid distraction of flapping and set back at least 20 feet from the pavement edge of the fronting roadway, or may be attached securely to a building or structure.

- 4) No temporary sign shall be displayed for more than 90 consecutive days, without 30 days intervening, and any temporary sign related to a particular event shall be removed within seven days from the end of that event.
- 5) The period of time when a property has more than one temporary sign displayed shall not be more than 120 days in a calendar year.
- 6) Relocation of a temporary sign, removal of the sign for a short period, or removal and replacement with a substantially similar sign to expand the time periods is prohibited.
- 7) The building official or designee shall be authorized to require the removal of any temporary sign that pertains to an expired event.

d) *Multi-tenant Buildings and Sites.*

- 1) All signs for multi-tenant buildings or sites shall require a sign plan and permit approved by staff according to these standards and criteria.
- 2) The sign plan shall demonstrate coordination of all signs on the building and site, and allow sufficient flexibility for the replacement of signs or new tenants without the need for a new sign plan. Any proposed signs that do not comply with an approved sign plan shall not be given a permit, unless a new sign plan for the entire building or site is approved demonstrating coordination of all signs.
- 3) The wall sign allowance may be apportioned to any tenant with a separate exterior entrance. In the case where all tenants share a common entrance, the wall sign allowance may be apportioned to no more than two signs per façade.
- 4) The monument sign allowance for the building(s) and site shall meet the standards of Section 19.48.070(a); however, the copy within the allowed sign may be apportioned to multiple tenants.
- 5) Staff shall consider the intent of this chapter and the objectives of the Design Guidelines in Section 19.48.080 in approving a sign plan, or any sign permit under an approved sign plan. A proposed sign plan that does not meet the guidelines in Section 19.48.080 may be referred by staff to the Planning Commission according to the procedures and criteria in Chapter 19.32, and the Planning Commission may approve a sign plan if it finds that the plan equally or better meets the intent of this Chapter and the objectives of Section 19.48.080.

Section IV. Repeal of Prior Ordinances.

Existing Sections 19.32.010, 19.44.25, and 19.48.070 of the Prairie Village Zoning Regulations, and all ordinances and parts thereof that are inconsistent with any provision of this Ordinance, are hereby repealed.

Section V. Effective Date

This ordinance shall take effect and be in force beginning January 1, 2022, upon and after its passage, approval and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on December 20, 2021.

APPROVED by the Mayor on December 20, 2021.

CITY OF PRAIRIE VILLAGE, KANSAS

Eric Mikkelson, Mayor

ATTEST:

Adam Geffert, City Clerk

APPROVED AS TO LEGAL FORM:

David E. Waters, City Attorney

Site Plan Approval Draft Revisions

19.32.010 Applicability

~~All uses except single-family and two-family dwellings, group homes and residential design-manufactured homes including proposed expansions or enlargements of more than ten percent of the existing floor area of existing buildings shall prepare and submit a site plan in accordance with chapter 19.32 Site Plan Approval prior to the issuance of a building permit.~~

Site Plan review is required in the following circumstances:

- (a) Any new building, except single-family and two-family dwellings.
- (b) Any expansion or enlargement of the existing floor area of existing buildings by more than 10%, except single family and two-family dwellings
- (c) Any site development activity, grading, or other construction activity that in the opinion of the building official may cause significant impacts or changes in the relationship to adjacent property or streetscape.
- (d) If application is made for a building or structure which is not required to submit a site plan, and whose architectural style, exterior materials, or scale and massing vary substantially from the style, materials, or building patterns which are used in the area, the building official may require site plan review.

19.44.025. FENCES AND WALLS.

(c) *Location.*

~~(1) Decorative fences may be located in the front yard but shall be located no closer than ten feet from a street right-of-way line.~~

~~(2) Fences, other than decorative fences, shall not be located in the front yard and may be attached to or extended from the front corner of the dwelling.~~

(1) Fences located in the front yard are limited to decorative fences no closer than ten feet from the street right of way line.

~~(3) Fences located on the side street of a corner lot shall not be less than five feet from the right-of-way line, be on private property and at least 18 inches from any public sidewalk, whichever is greater,~~ except that if an adjacent lot faces the side street, the fence shall be setback from the right-of-way line a distance of 15 feet or not less than one-half the depth of the front yard of an adjacent building, whichever is the greater setback.

~~(4) If the rear of a through lot is fenced, a gate shall be installed to provide access to the right-of-way.~~

~~(5) Diagrams depicting the location of fences on various types of lots are attached.~~

19.48.070. Standards for Specific Sign Types

(d) *Multi-tenant Buildings and Sites.*

- (1) All signs for multi-tenant buildings or sites shall require sign plan and permit approved by ~~the planning commission~~staff according to these standards and criteria.
- (2) The sign plan shall demonstrate coordination of all signs on the building and site, and allow sufficient flexibility for the replacement of signs or new tenants without the need for a new sign plan, ~~unless a completely new sign design concept is proposed for the entire building or site.~~ Any proposed signs that do not comply with an approved sign plan shall not be given a permit, unless a new sign plan for the entire building or site is approved demonstrating coordination of all signs.
- (3) The wall sign allowance may be apportioned to any tenant with a separate exterior entrance. In the case where all tenants share a common entrance the wall sign allowance may be apportioned to no more than two signs per facade.
- (4) The monument sign allowance for the building(s) and site shall meet the standards of section 19.48.070(a), however the copy within the allowed sign may be apportioned to multiple tenants.
- (5) ~~The planning commission~~Staff shall consider the intent of this chapter and the objectives of the Design Guidelines in section 19.48.080 in approving a sign plan ~~and permit, or any sign permit under an approved sign plan. Deviations from the specific design guidelines may be approved for any sign plan that equally or better meets the intent or design objectives of this chapter.~~A proposed sign plan that does not meet the guidelines in section 19.48.080 may be referred by staff to the Planning Commission according to the procedures and criteria in chapter 19.32., and the Planning Commission may approve the sign plan if it finds that the plan equally or better meets the intent of this chapter and the objectives of Section 19.48.080.

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: December 7, 2021 Planning Commission Meeting

Application: PC 2021-122

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

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

Property Address: 7647 Falmouth Street

Applicant / Owner: Josh Haith

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

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

Legal Description: INDIAN HEIGHTS S 8 FT LOT 70 & ALL LOT 71 PVC-0579A0071

Property Area: 9,539.81 sq. ft. (0.21 ac.)

Related Case Files: none

Attachments: Application, lot plan with fence diagram, existing condition photo



General Location – Map



General Location – Aerial



Site – Aerial



Birdseye



Street View (looking east from 77th Street)



Street View (looking west from 77th Street)

BACKGROUND:

The applicant is requesting to replace an existing fence that does not conform to the standards. Specifically, the request is for an exception to the required setback on 77th Street, allowing replacement of an approximate 4-foot chain link fence with a 6-foot wood fence located in the current location approximately on property line, rather than 15 feet from the property line.

The property is a corner lot on the northeast corner of 77th Street and Falmouth Street. The lot to the east (abutting the rear lot line) orients to 77th Street. It is an “end grain” lot between the two opposite corner lots, placing the front yard of that house next to the rear yard of the subject house. Houses on the south side of 77th Street include an intersection-oriented lot and a front yard, as this block also has an “end grain” lot fronting 77th Street between the two corner lots.

In this circumstance, the zoning ordinance requires the fence to be setback from the lot line on 77th Street the greater of 15 feet or one-half the front setback of the adjacent lots. [\[19.44.025.c\(3\)\]](#). Since the proposed fenced area is in the side and rear there are no restrictions on the design of the fence, other than the general height and design standards. (“Decorative” fence standard only apply to those permitted in the front yard areas.)

The proposal is to build a 6-foot tall wood privacy fence in place of the existing chain link fence approximately on the property line, rather than at the 15 feet as required by the ordinance. The fence would be approximately 14 feet from the curb of 77th Street. The adjacent house is setback approximately 20 feet (1/2 the setback is 10 feet, which is less than the default 15 feet setback.). This requirement is to protect the front yard and streetscape views of “reverse corner” or “end grain” lots that front on the street differently than the corner lots that they abut. In this case there is approximately 14 feet of right-of-way in the frontage and the adjacent home has a relatively shallow setback (20’). Replacing the fence at the current location would be slightly closer than ½ the distance between the adjacent house front setback and the curb line (approximately 34’).

The applicant held a neighborhood meeting on November 15, 2021, in accordance with the City’s Resident Participation Policy, and will provide background on the meeting to supplement the application.

ANALYSIS:

This property is zoned R-1A. The fence standards in section [19.44.025](#) apply to this property, and the following specific section is the subject of this application:

C. Location.

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

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

The factors that affect this particular situation are the following:

- This proposal is to replace an existing fence in the same location, but would replace a 4-foot chain link fence with a 6-foot privacy fence.
- The lot is a standard corner lot fronting on Falmouth Street with a side lot line on 77th Street; however, the block has an “end grain” lot between the two opposite corner lots fronting on 77th Street. This places the front yard of that home abutting the rear and side yard of the subject home.
- The proposed fence is approximately on the property line rather than the required 15 feet.
- The side lot line of this house and the front lot line of the adjacent house is approximately 14 feet from the curb, and the adjacent house is setback approximately 20 feet from that line.
- The position and angle of the home leaves little rear yard directly behind the house (south side lot line), and the majority of the rear yard is along 79th street to the side and rear of the home (north side lot line along 79th street)

- The proposed fence generally meets all other fence requirements in Section [19.44.025](#), except for the location.

The fence standards allow the Planning Commission, through site plan review, to approve adjustments to the height and location of fences if it “results in a project that is more compatible, provides better screening, provides better storm drainage management, or provides a more appropriate utilization of the site.” [\[19.44.025.\(g\)\(1\).\]](#)

CRITERIA:

The following are the Site Plan review criteria: [\[Section 19.32.030.\]](#)

A. Generally.

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

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

B. Site Design and Engineering.

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

This site is currently served by utilities and this plan does not affect any utility, access or runoff issues not already addressed through the building permit. No changes to the grade, building footprint or impervious surface are proposed or impacted by consideration of this application, and therefore stormwater runoff will not be affected.

C. Building Design.

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

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

D. Landscape Design.

1. **The plan creates an attractive aesthetic environment and improves relationships to the streetscape and adjacent properties.**
2. **The plan enhances the environmental and ecological functions of un-built portions of the site.**

3. The plan reduces the exposure and adverse impact of more intense activities or components of the site or building.

The intent of the proposed location standards for fences is to improve and preserve the relationship of sites and buildings to the neighborhood street frontages. In this case, the fence will be approximately 14 feet from the street. The proposed fence is a 6' tall wood privacy fence and it is entirely behind the front building line (the fenced area begins at approximately the rear corner of the street side yard). It will not affect any sight distances related to street corners or driveway entrances. The only potential impact is the streetscape view of the adjacent house; however, this house has a shallow setback (20') and combined with the space between the curb and the right-of-way line (14'), places the proposed fence close to ½ the distance between the adjacent house front and the curb.

The fence standards also have the following specific criteria for the Planning Commission to approve exceptions [[Section 19.44.\(g\)\(1\)](#)]:

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

RECOMMENDATION:

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

- This is a replacement of an existing non-conforming fence.
- There is a significant amount of right-of-way between the lot line and the curb of 77th Street.
- The abutting house's front set back is relatively shallow, causing the greater side setback requirement to trigger.
- Although the conversion of the fence from 4-foot chain link to 6-foot privacy fence does increase barriers, a fence meeting the requirement would need to be placed at least 15 feet from the side lot line (or further back than the house is on the subject lot).
- The proposed fence is located entirely in the rear yard of the lot.
- The proposed fence will meet all other standards other than the required setback along 77th Street.



CITY OF PRAIRIE VILLAGE

The Star of Kansas

Planning Commission Application

Please complete this form and return with Information requested to:

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

For Office Use Only
Case No.: <u>PC2021-122</u>
Filing Fee: <u>\$100.00</u>
Deposit: _____
Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: _____

Applicant: Josh Harth Phone Number: 913-515-1115
 Address: 2323 W 96th St E-Mail: josh.harth88@gmail.com
 Owner: Josh Harth Phone Number: 913 515 - 1115
 Address: _____ Zip: _____
 Location of Property: 7647 Falmouth Street PV KS 66208
 Legal Description: _____

Applicant requests consideration of the following: (Describe proposal/request in detail) 19.44.025 fences and walls (3)

AGREEMENT TO PAY EXPENSES

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for _____.

As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

APPLICANT hereby agrees to be responsible for and to CITY for all cost incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to APPLICANT. It is understood that no requests granted by CITY or any of its commissions will be effective until all costs have been paid. Costs will be owing whether or not APPLICANT obtains the relief requested in the application.

Applicant's Signature/Date

10/18/21

Owner's Signature/Date

Fence application for 7647 Falmouth ST Corner lot

19.44.025 Fences and Walls

(c) Location.

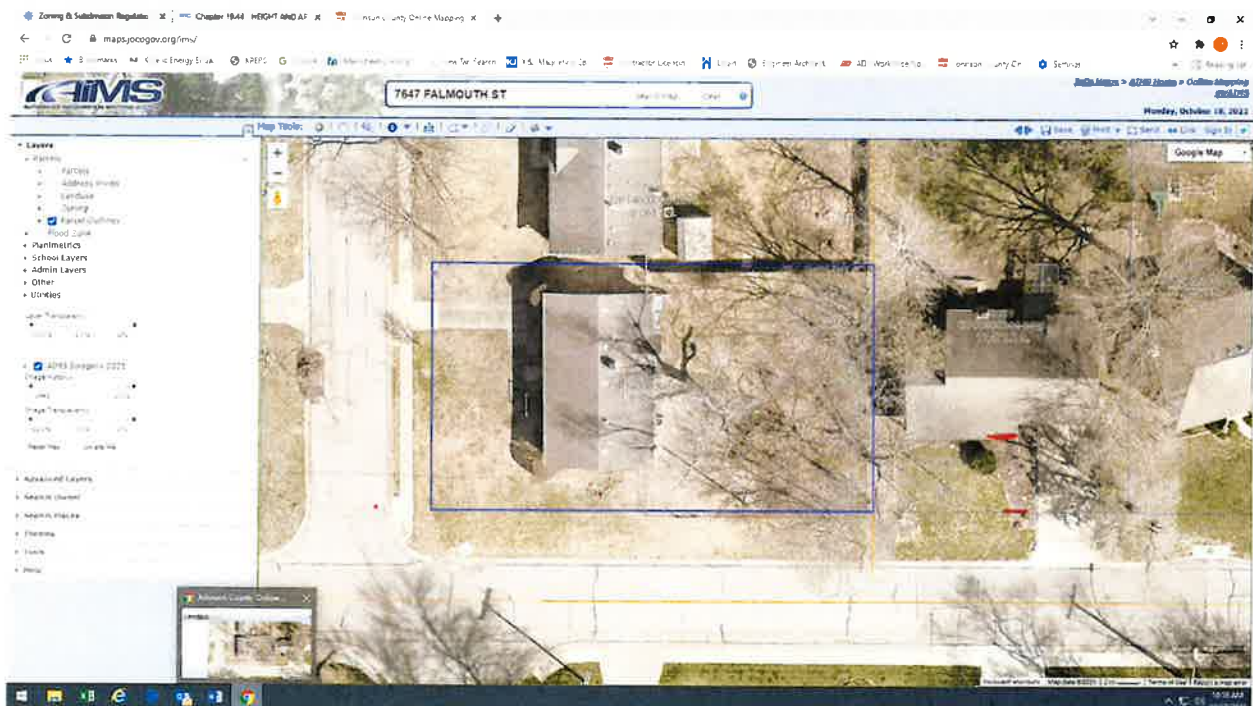
(1) Decorative fences may be located in the front yard but shall be located no closer than ten feet from a street right-of-way line.

(2) Fences, other than decorative fences, shall not be located in the front yard and may be attached to or extended from the front corner of the dwelling.

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

(4) If the rear of a through lot is fenced, a gate shall be installed to provide access to the right-of-way.

(5) Diagrams depicting the location of fences on various types of lots are attached.





7647 Falmouth Street

Prairie Village, KS 66208

October 27, 2021

Dear Neighbor,

I am writing to make you aware of our plans to replace the fence on the south and east sides of our property located at 7647 Falmouth. The fence is in poor condition and is in need of replacement, the plan is to replace the chain link with a 6 foot privacy fence which we have scheduled to occur the week of December 14th.

Our contractor informed us that the position of the current fence along the south side of our property is not in conformance with current Prairie Village zoning regulations, which were updated after the fence was built a number of years ago. Under these regulations, a new fence is required to be offset a few feet further from where the current fence stands. Unfortunately, placing the new fence along this new line would limit our backyard size leaving an extra-large southern side yard.

We have applied to the City of Prairie Village Planning Commission for approval to place the new fence in the exact same position as the current fence. The Planning Commission requires us to provide an opportunity for our neighbors to raise any questions or concerns regarding the placement of the new fence. Here is an example of the plan for the new fence.



This letter is to make you aware of a meeting that we are holding on Monday, November 15th at 7 p.m. on the driveway. You are invited, but not required, to attend and to express any concerns you may have. We will submit a record of the meeting to the Prairie Village Planning Commission. This record will identify attendees and will document any concerns that may be expressed.

We plan to hold this meeting virtually via Zoom. If you would like to attend, please email josh.haith88@gmail.com with a request for the meeting details.

Regards,

Joshua Haith

913-515-1115 cell

Adam -

Out of all the neighbors, two got back to me both of which were letting me know they support the privacy fence. I had no opposition and no one attended the zoom meeting. Several others while trick or treating on Halloween verbally said they got the letter and gave thumbs up.

One of the two neighbors that reached out to me from the letter giving thumbs up was the gentlemen who shares the fence line / property line.

Let me know what else you need from me to get on the meeting agenda for December 7th.

Thanks,
Josh Haith

Sent from my iPhone

**City of Prairie Village
 Planning Commission/Board of Zoning Appeals
 Meeting and Submittal Schedule
 2022**

Applications that are incomplete and do not include all supporting documentation may not be published or placed on the agenda.

January

Meeting Date	01/04/2022
Filing Deadline	12/10/2021
Mail Notices By	12/15/2021
Publish By	12/15/2021

February

Meeting Date	02/01/2022
Filing Deadline	01/07/2022
Mail Notices By	01/12/2022
Publish By	01/12/2022

March

Meeting Date	03/01/2022
Filing Deadline	02/04/2022
Mail Notices By	02/09/2022
Publish By	02/09/2022

April

Meeting Date	04/05/2022
Filing Deadline	03/11/2022
Mail Notices By	03/16/2022
Publish By	03/16/2022

May

Meeting Date	05/03/2022
Filing Deadline	04/08/2022
Mail Notices By	04/13/2022
Publish By	04/13/2022

June

Meeting Date	06/07/2022
Filing Deadline	05/06/2022
Mail Notices By	05/18/2022
Publish By	05/18/2022

July

Meeting Date	07/12/2022
Filing Deadline	06/17/2022
Mail Notices By	06/22/2022
Publish By	06/22/2022

August

Meeting Date	08/02/2022
Filing Deadline	07/08/2022
Mail Notices By	07/13/2022
Publish By	07/13/2022

September

Meeting Date	09/13/2022
Filing Deadline	08/19/2022
Mail Notices By	08/24/2022
Publish By	08/24/2022

October

Meeting Date	10/04/2022
Filing Deadline	09/09/2022
Mail Notices By	09/14/2022
Publish By	09/14/2022

November

Meeting Date	11/01/2022
Filing Deadline	10/07/2022
Mail Notices By	10/12/2022
Publish By	10/12/2022

December

Meeting Date	12/06/2022
Filing Deadline	11/10/2022
Mail Notices By	11/16/2022
Publish By	11/16/2022