

**PLANNING COMMISSION MINUTES
AUGUST 02, 2022**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, August 2, 2022, at 7:00 p.m. in the Council Chambers at 7700 Mission Road. Chair Greg Wolf called the meeting to order at 7:00 p.m. with the following members present: Jon Birkel, James Breneman, Patrick Lenahan, Greg Wolf, Melissa Brown, and Nancy Wallerstein.

The following individuals were present in their advisory capacity to the Planning Commission: Chris Brewster, Multistudio; Nickie Lee, Deputy City Administrator; Ashley Freburg, Deputy City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Mr. Lenahan moved for the approval of the minutes of the July 12, 2022, regular Planning Commission meeting. Ms. Wallerstein seconded the motion, which passed 5-0. Mr. Breneman abstained.

PUBLIC HEARINGS

None

NON-PUBLIC HEARINGS

PC2022-115	Site Plan Exception for Fence 4411 W. 90 th Street Zoning: R-1A Applicant: Bryan Kuhn
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This application was continued from the July 2022 Planning Commission meeting, for the applicant to consider alternative fence or wall designs associated with the exception request. After further consideration, the applicant did not alter the application.

Mr. Brewster said the applicant is requesting to locate an 8' high privacy fence along the west property line, extending along the entire side yard from the rear lot line to the front. This lot line abuts commercial zoning and a commercial use to the west. Part of this boundary is the rear of a commercial building and part of it is a parking lot for commercial use. There is a currently a 6' high privacy fence extending along this property line, only in the rear and side of the residential lot. The remainder of this is a heavily landscaped edge mostly on the residential lot.

This request does not meet the ordinance requirements and would require the following two exceptions:

- Section 19.44.025(b)(3) has a maximum fence height of 6', and only allows up to 8' if the fence is within the building envelope (i.e., within all setbacks, as would apply to any building)
- Section 19.44.025(c)(1) limits fences in the front yard (any area in front of the front building line) to only "decorative fences"; decorative fences are described as at least 50% open and limited to no higher than 2.5'.

Mr. Brewster said staff recommended approval of the fence site plan with the height exception (8', instead of the required 6') and a design exception for the front yard (privacy fence rather than decorative fence) based upon adjacency of this property to a commercial use, with buildings and parking areas directly abutting the residential property. The exception should be based on the conceptual plan proposed in the application with the following limitations:

1. No fence shall be permitted within the right-of-way, or within 6' of the curb, whichever distance is greater from the street edge.
2. The landscape buffer be maintained along the fence in the front yard.

Applicant and property owner Bryan Kuhn was present to discuss the application.

Mr. Breneman made a motion to approve PC2022-115 with the conditions listed by staff. Ms. Wallerstein seconded the motion, which passed 6-0.

PC2022-117 Lot Split
3900 and 3904 W. 85th Street
Zoning: R-1A
Applicant: Kevin Green

Mr. Brewster said the applicant is requesting to split an existing lot into two lots to allow the individual ownership of each side of a single duplex building. This property is part of an overall development project for Adult Senior Dwellings that includes a Special Use Permit and Final Development Plan.

The Planning Commission recommended approval of a Special Use Permit and a Preliminary Development Plan at a Special Meeting on July 29, 2015. (PC2015-08). The City Council approved the Planning Commission recommendations on August 17, 2015. The Planning Commission approved a preliminary, final plat and final development plan for Mission Chateau at the March 1, 2016 meeting. (PC2016-110). At this 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 the villas, according to the final development plan. A final plat (Mission Chateau 2nd 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 (PC2016-119). Each of these 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. Six similar applications have been filed and approved by the Planning Commission for lots 8 through 13.

Mr. Brewster said staff recommends that the Planning Commission approve the lot split subject to the following conditions:

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.

Applicant and developer Kevin Green was not present to discuss the application.

Mr. Lenahan made a motion to approve PC2022-117 with the conditions listed by staff. Mr. Birkel seconded the motion, which passed 6-0.

PC2022-118 Site Plan Exception for Fence
5330 W. 79th Street
Zoning: R-1B
Applicant: Ric Resig

Mr. Brewster said 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 Birch Street, allowing replacement of an approximate 4' chain link fence located in the current location approximately on property line, rather than 17.5' from the property line. The application does not indicate a specific fence type, but Mr. Resig confirmed the current fence would be replaced with a 6' privacy fence that is permitted according to fence standards in the side or rear yard.

The property is a corner lot on the northeast corner of 79th Street and Birch Street. The lot to the south (abutting the rear lot line) orients to Birch Street. The subject lot is an "end grain" lot, meaning it faces 79th Street while other lots further south on the block are oriented to Birch Street.

In this circumstance, the zoning ordinance requires the fence to be set back from the lot line on Birch Street the greater of 15' or one-half the front setback of the adjacent lots. [19.44.025.(c)(3)]. The abutting lot has a front setback of 35' from Birch Street, so the required fence setback is 17.5'. 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 for an exception to replace an existing chain link fence, rather than at the 17.5’ setback as required by the ordinance. The fence would be approximately 11.5’ from the curb of Birch Street. 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. As an end grain lot, the building has a side-side orientation to the property line to the north and the principal structure is approximately 15’ from that lot line. This results in a shallow rear fenced yard and a larger portion of the yard space exists in the side yard towards Birch Street. Therefore, the most prominent part of the existing fenced yard is in this area abutting Birch Street.

The applicant held a neighborhood meeting on July 25, 2022, in accordance with the City’s Resident Participation Policy.

Mr. Brewster said staff recommends approval of this fence site plan with the exception given the following considerations:

1. This is a replacement of an existing non-conforming fence.
2. There is a sufficient amount of right-of-way between the lot line and the curb of Birch Street.
3. The subject property has a side-side relationship to the house to the north, resulting in a fenced rear yard area only 15’ deep.
4. Although the conversion of the fence from 4’ chain link to 6’ privacy fence could increase barriers, there is a significant amount of vegetation throughout this area and a fence meeting the requirement would need to be placed at least 17.5’ from the side lot line (further back than all of the vegetation barriers).
5. The proposed fence will meet all other standards other than the required setback along Birch Street.

Applicant and property owner Ric Resig was present to discuss the application.

Mr. Lenahan made a motion to approve PC2022-118 with the conditions listed by staff. Ms. Brown seconded the motion, which passed 6-0.

OTHER BUSINESS

None

ADJOURNMENT

With no further business to come before the Commission, Mr. Wolf adjourned the meeting at 7:17 p.m.

Ashley Freburg
Deputy City Clerk/Planning Commission Secretary