

**PLANNING COMMISSION MINUTES  
MARCH 7, 2023**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, March 7, 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: Patrick Lenahan, Nancy Wallerstein, and Jeffrey Valentino.

The following individuals were present in their advisory capacity to the Planning Commission: Chris Brewster, Multistudio; Nickie Lee, Deputy City Administrator; Greg Shelton, Council Liaison; Mitch Dringman, Building Official; Adam Geffert, City Clerk/Planning Commission Secretary.

**APPROVAL OF MINUTES**

Mr. Lenahan moved for the approval of the minutes of the February 7, 2023, regular Planning Commission meeting. Mr. Valentino seconded the motion, which passed 3-0, with Mrs. Wallerstein in abstention.

**PUBLIC HEARINGS**

PC2023-103	Renewal of Special Use Permit for Service Station and Convenience Store Hy-Vee Fast & Fresh 7720 State Line Road Zoning: C-2 Applicant: Hy-Vee, Inc.
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Mr. Brewster stated that the applicant was requesting the renewal of a special use permit for a service station. The original special use permit was issued to Getty, Inc. in 1983 for a period of twenty years. It was transferred to new owners in 1995 and amended to include a food mart. The permit was renewed in 2003 with no proposed changes to the site or operations. Mr. Brewster noted that the 20-year period of the current permit term was expiring, and the applicant was again requesting renewal with no changes to the site or operations. He added that the City did not have records of any complaints or other reports of non-compliance with ordinances or the conditions of the special use permit.

Mr. Brewster said that the property was zoned C-2, and the building and site met all C-2 standards. Service stations and retail stores are permitted uses in C-2, subject to review and approval of a special use permit. The permit application is accompanied by a survey demonstrating all facilities unchanged from the most recent site plan approved by the City.

Mr. Brewster noted that staff recommended that the Planning Commission should recommend approval of the renewal of the special use permit to City Council, subject to the following conditions:

1. A landscape plan shall be submitted and approved by staff that brings the site further into compliance with the landscape standards. The plan shall include:
  - a. At least 6 but no more than 12 street trees. The species and location shall be determined by the City's landscape architect and Public Works, with the range dependent on location of existing trees, configuration of landscape areas and other site considerations.
  - b. Low-level and ornamental landscape associated with the monument sign and compliant with any applicable sight distance requirements.
2. Staff recommends approval with no expiration date, but the permit is subject to revocation for non-compliance with any ordinance standards, other regulations, or special use permit conditions; or if unforeseen problems or significant changes in conditions in the area make the use and operation no longer consistent with the findings of the Commission.
3. The application be subject to all other conditions of the original special use permit, which are listed as:
  - a. The existing canopy lighting be retained, and no glare be visible on adjacent streets and properties. If the applicant desired to change the fixtures or light intensity in the future it must be approved first by the Planning Commission as a site plan modification.
  - b. Since no changes are proposed to the service station, the site plan illustrating existing development is the approved site plan. Any changes in the signage, rebranding architectural style, or exterior materials of the buildings and structures shall be submitted to the Planning Commission for site plan approval.
  - c. That future changes and improvements to the site be handled as a site plan approval rather than an amendment to the special use permit.
  - d. That the special use permit "run with the land" and remain valid for a period of twenty years from the date of City Council approval. (*Staff now recommends no expiration, subject to on-going enforcement and/or revocation for non-compliance*).
  - e. If the permit is found not to be in compliance with the terms of the approval of the special use permit, it will become null-and-void within 90 days of notification of noncompliance, unless the noncompliance is corrected.
  - f. That the applicant be responsible for the mitigation and cleanup of any environmental contamination as determined by the Kansas Department of Health and Environment.

Tom Smith from McClure Engineering, 11031 Strang Line Road, Olathe, KS, was present in representation of the applicant.

Mr. Wolf opened the public hearing at 7:07 p.m. With no one present to speak, Mr. Wolf closed the hearing at 7:08 p.m.

**Mr. Lenahan made a motion to recommend approval of PC2023-103 to the City Council as presented. Mr. Valentino seconded the motion, which passed 4-0.**

## NON-PUBLIC HEARINGS

PC2023-104            Lot Split - 4000 W. 85<sup>th</sup> Street and 4004 W. 85<sup>th</sup> Street  
                          Zoning: R-1A  
                          Applicant: Kevin Green Homes

Mr. Brewster stated that the applicant was requesting to split an existing lot into two lots to allow 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 initially approved a preliminary development plan, final plat, and final development plan for Mission Chateau at its March 2016 meeting. At that time, it was understood that the large lot to the south would be replatted 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 these lots included a two-unit building.

Mr. Brewster said that 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.

Planning 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.

Mr. Lenahan made a motion to approve PC2023-104 as presented. Mr. Valentino seconded the motion, which passed 4-0.

## **OTHER BUSINESS**

None

## **ADJOURNMENT**

With no further business to come before the Commission, Mr. Wolf adjourned the meeting at 7:12 p.m.

Adam Geffert  
City Clerk/Planning Commission Secretary