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**PLANNING COMMISSION AGENDA  
CITY OF PRAIRIE VILLAGE  
TUESDAY, JANUARY 9, 2024  
7700 MISSION ROAD  
COUNCIL CHAMBERS  
7:00 P.M.**

- I. ROLL CALL
- II. APPROVAL OF PLANNING COMMISSION MINUTES - December 5, 2023
- III. OLD BUSINESS
- IV. PUBLIC HEARINGS
- V. NON-PUBLIC HEARINGS

PC2024-102      Lot split - 3908 W. 85<sup>th</sup> Street and 3912 W. 85<sup>th</sup> Street  
Zoning: R-1A  
Applicant: Kevin Green Homes

PC2024-103      Lot split - 3902 W. 84<sup>th</sup> Terrace and 3906 W. 84<sup>th</sup> Terrace  
Zoning: R-1A  
Applicant: Kevin Green Homes

PC2024-104      Lot split - 3903 W. 84<sup>th</sup> Terrace and 3907 W. 84<sup>th</sup> Terrace  
Zoning: R-1A  
Applicant: Kevin Green Homes

VI. OTHER BUSINESS

Election of Chair, Vice-Chair and Secretary

Continued discussion of potential updates to R-2, R-3, R-4, C- and MXD districts

VII. ADJOURNMENT

Plans available at City Hall if applicable.  
If you cannot be present, comments can be made by e-mail to  
[cityclerk@pvkansas.com](mailto:cityclerk@pvkansas.com)

**\*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  
DECEMBER 5, 2023**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, December 5 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: Jonathan Birkel, James Breneman, Patrick Lenahan, Melissa Brown, 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; Mitch Dringman, Building Official; Greg Shelton, Council Liaison; Adam Geffert, City Clerk/Planning Commission Secretary.

**APPROVAL OF MINUTES**

Mrs. Wallerstein stated that a note should be added to the minutes indicating that public hearing speaker Michele Hanlon did not receive a letter informing her of the neighborhood meeting for application PC2023-114.

**Mr. Breneman moved for the approval of the minutes of the November 2023 regular Planning Commission meeting. Mr. Birkel seconded the motion, which passed unanimously.**

**PUBLIC HEARINGS**

PC2023-114           Amendment to special use permit for private school to install turf field, bleachers, new fencing, scoreboard, press box and playground  
4801 W. 79<sup>th</sup> Street  
Zoning: R-1A  
Applicant: Todd Zylstra, Kansas City Christian School

Mr. Brewster noted that the application was a continuation from the November 2023 meeting. He said that the special use permit was initially approved by the City Council in January 1999 for the reuse of a school building originally built in 1954. It was amended in December 2017 to support an expansion plan for the school and construction of new classrooms and facilities, and again in 2020 for reallocation of approved capacity.

The initial special use permit did not have an expiration date but was subject to four conditions relative to the design, construction, and operation of the school, as presented

on an approved site plan. One of the conditions was that expansion of the school or amending the approved site plan would require an amendment to the special use permit.

Growth of the school and the acquisition of other school properties further south led to reconfiguration of the campus and its operations. In 2008, the school applied for an amended special use permit and site plan. At that time, several issues related to parking utilization, drop-off procedures, and school transportation were raised by neighbors, and the amended permit and site plan dealt primarily with reconciling those issues.

Mr. Brewster said that the special use permit was again amended in 2017 in association with an expansion and capital campaign that renovated 12,466 square feet of the existing school, added 17,455 square feet of additional space, and reconfiguration of other spaces including the lobby, gymnasium and other common use or multi-purpose areas. The amendment was approved and addressed several issues related to the operations, management, and capacity of the school. The allocation was for up to 525 Kindergarten through 12<sup>th</sup> grade students, and a requirement for annual reporting to ensure that potential impacts on the surrounding neighborhood were appropriately addressed and mitigated.

In 2020, the permit was again amended to include daycare and preschool operations within the same capacity, in conjunction with a more complete enrollment strategy. From 1999 to present the enrollment has fluctuated between 543 students in 1999 to 274 students in 2008, with the high school and elementary school ratio changing.

Mr. Brewster said the current application requested converting the existing grass field on the west side of the property to a turf field, with accessory structures including a 6' perimeter black chain link fence, ball nets behind the goals, bleachers, a press box, and a scoreboard at the northeast corner. He added that a playground was noted as a future phase and that no immediate plans were included. Because the request is considered an expansion or amendment of the prior approved site plans, it requires an amendment to the special use permit.

A public hearing was held on November 14, 2023, and at that meeting the Planning Commission continued the hearing to the December 5, 2023, meeting due to the need for additional details on the accessory structures.

Mr. Brewster next provided an overview of the details of the plan area:

- Field: replace grass field with a 326' by 212' turf field. The surface will be between 9.4' (southwest corner) and 11.6' (northwest corner) from the west property line; approximately 20' from the north (front) property line; and approximately 45' from the south (rear) property line. The field is installed with a stabilized subgrade with permeable stone layers and a trench and perforated pipe system to address drainage.
- Press box and bleachers: replace the current storage container with an 18' by 8' structure with a 4.66' wide exterior stair to the upper level. The structure includes a lower level for storage and an upper level for a press box and is approximately

19.5' tall. It is made of pre-finished metal slate gray with white doors and trim. It will be placed on a 19' by 10.16' concrete slab. Two sets of bleachers, 24' by 8 rows will be associated with the press box and placed on approximately 24' by 20.5' concrete slabs. These structures are on the east side of the field.

- Fence and netting: the field will have a 6' high perimeter black chain link fence (located the same distance from property lines as the field perimeter). Each end will include a 120' long by 20' high black ball stop netting behind the goal areas.
- Scoreboard: a scoreboard is proposed at the northeast corner of the field, just outside of the field perimeter, and approximately 18.2' from the north (front) property line. The scoreboard is 20' wide by 8' high and will be mounted to a total height of 18'. It includes audible game signals but does not include a public address speaker.
- Playgrounds: specific playground plans are not included in the plan set and may be a future construction phase. However, the proposed plan does include transferring some play equipment to an expanded play area near an existing playground. All surfaces will be pervious. Any additional construction activity or accessory structures located in the play areas will require construction permits where compliance with City standards and specifications will be reviewed.

Mr. Brewster said that staff recommended approval of the amended special use permit, with conditions related to this specific site plan, as well as conditions on the overall special use permit.

The conditions for the specific site plan are:

1. The applicant submits an engineered drainage study for option #1, to be approved by Public Works, that demonstrates that the site will perform at or below existing conditions with respect to any off-site runoff.
2. All vegetation and fencing related to the perimeter of the field along the streetscape and adjacent property be retained, or any that is removed to facilitate construction is replaced in the same manner as exists.
3. Any tree removal, or any trees that are intended to be retained but are lost or damaged due to construction are replaced according to the city's tree preservation ordinance.
4. Two additional street trees be placed on the north side of the field to screen the back of the scoreboard from the streetscape. The species and location shall be selected by balancing: the ability to screen the scoreboard, relationship to existing or replacement trees, location of the right-of-way and sidewalk, and compatibility with overhead utility lines.

Mr. Brewster added that the special use permit should also be subject to the following conditions, several of which were part of the original special use permit, and all are carried over from the most recent 2020 special use permit amendment. In addition, condition #4, which was part of the original special use permit in 1999, is supplemented with specific provisions addressing potential increased use of the turf field.

1. The applicant shall meet all conditions and requirements of the Planning Commission for the approval of a site plan.

2. The special use permit does not have a termination or expiration time established for it.
3. If the applicant violates any conditions of the zoning regulations and requirements as part of the special use permit, the permit may be revoked by the City Council.
4. The applicant cannot further expand or amend the site plan without an amendment to the special use permit requiring a public hearing before being approved. In particular:
  - a. The turf field will be for school co-curricular activities during daylight hours, and no lighting of the field shall occur. Activities shall be subject to the same parking, transportation, and bus operation and management policies as other school activities. Any non-school use of the field shall be limited to the same limitations for intensity, access, and parking as the co-curricular activities and managed by the school under the same parameters as school activities.
  - b. The field shall be secured and monitored so that non-sanctioned use or activities are limited, controlled by the school, and are not a disturbance to the surrounding property owners.
  - c. Non-school activities or special events (i.e. league games, tournaments, etc. not related to school use) shall be considered an expansion of activities and require an amendment to the special use permit.
5. Kansas City Christian School adopt a policy that all students will park on-site and develop a procedure for implementation and enforcement of the policy.
6. The number of designated high school classrooms shall be limited to 12.
7. No more than four buses shall be parked in the rear of the school when not picking-up or dropping-off and shall not idle more than five minutes during pick-up and drop-off.
8. Kansas City Christian School provide to the City at the beginning of each school year an updated student count reflecting the number of students in each grade and the number of classrooms use for each grade level.
9. The permit anticipates a projected enrollment capacity of 525 students, and any enrollment significantly beyond this capacity or reconfiguring of classrooms that creates impacts beyond those anticipated by this baseline may require a revised site plan or may result in revocation of the permit at the discretion of the City.
10. Daycare classrooms are permitted within the previously approved number of classrooms (17) and capacity limits (525), provided hours and operational procedures remain comparable and similar to early elementary students, and that all necessary Kansas Department of Health and Education licenses and approvals are acquired prior to operating a daycare.

Mrs. Wallerstein asked for a definition of “co-curricular activities”, as referenced in condition 4-a. Mr. Brewster said that the term referred to things related to the school’s normal activities, such as practices and games for its own sports teams, rather than for non-school related teams. She also asked whether the field would be used for sports other than soccer, to which Mr. Brewster said the applicant could respond.

Mr. Wolf asked whether the conditions as written would allow the school to lease the field to a third party for soccer practices. Mr. Brewster said yes, if the event was managed like

other school activities with regard to parking and traffic, leasing would be allowed. However, events such as soccer tournaments would require an amendment to the special use permit. Mrs. Wallerstein shared concerns about overuse of the field by third parties during the summer months when school was not in session, as well as drainage issues for surrounding neighbors due to the increase of impervious areas.

Applicants Todd Zylstra and Josh Poteet from Kansas City Christian School, 4801 W. 79<sup>th</sup> Street, along with Erik Monhollon and Dylan Matlock from Mammoth Build were present to discuss the application.

Mr. Zylstra said that the turf field would only be used for soccer practices and games outside of school hours. He added that the school could consider renting the field occasionally but did not intend to do so on a regular basis. He added that the lack of outdoor lighting at the site limited the hours during which it could be used. Mr. Poteet, Athletic Director at KCCS, said that the school's athletic teams would use the field during the summer, though occasional use by external teams for practice was possible.

Mr. Birkel asked whether neighboring residents could use the field. Mr. Zylstra said that it would not be open to the public. Mr. Valentino asked about the sound system at the site. Mr. Poteet said that no additional sound system would be installed in the press box and added that the school had an existing portable sound system which was only used when announcing player names prior to games, which would continue to be the case.

Mr. Matlock, the engineer of the project, shared information about field drainage and noted that it would be built so that run-off did not affect surrounding properties.

Mr. Wolf asked the applicants whether they would agree to adding a stipulation stating that the field could not be leased to third parties during the summer when school is out of session. Mr. Zylstra and Mr. Poteet confirmed that they would agree to such a condition being added. Mr. Wolf suggested adding condition 4-d stating that no third-party usage would be allowed during non-school sessions.

After further discussion, Mr. Wolf opened the public hearing at 7:59 p.m.

- Aubrey Henderschott, 7921 Tomahawk Road, and Steve Spencer, 4804 W. 79<sup>th</sup> Street, shared their support for the proposed changes at the school.

With no one else present to speak, Mr. Wolf closed the hearing at 8:04 p.m.

Mr. Lenehan made a motion to recommend approval of the amendments to the special use permit with the following changes to the conditions:

- 4- a. The turf field will be for school co-curricular activities **and events** during daylight hours, and no lighting of the field shall occur. Activities shall be subject to the same parking, transportation, and bus operation and management policies as other school activities. Any non-school use of the field shall be limited to **times of the year when school is in session and subject** to the same limitations for

intensity, access, and parking as the co-curricular activities (**practice, recreation, or other non-spectator use**) and managed by the school under the same parameters as school activities.

- 4-d. **Any non-school use during times of the year when school is not in session shall be considered an expansion of activities and require an amendment to the special use permit.**

The motion was seconded by Mr. Valentino and passed 6-1, with Mr. Birkel in opposition.

## NON-PUBLIC HEARINGS

PC2023-111            Site plan for memorial wall with exception  
6641 Mission Road  
Zoning: R-1A  
Applicant: Bob Sperry, Village Presbyterian Church

Mr. Brewster stated that the applicant was requesting to build an ornamental brick wall to define a courtyard at the entry of the church along Mission Road. The wall will curve and extend to approximately 30.33' from the curb line along Mission Road at the closest point, which is approximately 15' from the front lot line, according to Johnson County AIMS data. The wall will be brick veneer to match the buildings, include 4" stone caps on the wall and end pillars, and have an ornamental iron sculpture as a center focal feature. The wall will be approximately 5' high (including cap stone), and the pillars will be 5.66' high (including cap stone). The high point of the center iron sculpture will be approximately 7.5' high.

Mr. Brewster noted that the request was for an exception to the design standards for "ornamental fences" located in the front setback. According to zoning regulations, a fence or wall located in the front yard needs to be a "decorative fence / wall, which is at least 50% open and no taller than 2.5'. In this case, the wall is located in the front yard, is more than 10' from the front lot line (approximately 15' setback) but is a solid brick wall approximately 5' tall rather than an open, ornamental fence no taller than 2.5' as the ordinance requires.

Mr. Brewster said that in addition to the site plan review criteria the specific criteria the Planning Commission shall consider for exceptions to the fence standards include:

- Results in a design that is more compatible
- Provides better screening
- Provides better storm drainage management
- Provides more appropriate utilization of the site

Mr. Brewster noted that the wall exception would impact the first, second, and last criteria. The proposed wall provides a prominent front focal point and further defines the existing entry and courtyard for the building; it serves as a better screen and allows better utilization of the front yard based on the street frontage. The overall site plan and wall

design enhances the relation of the site and building to the streetscape. Mr. Brewster said staff recommended approval of the site plan with the exception for an ornamental wall based on the above factors affecting this specific application.

Brian Rathsam with Mantel Teter Architects, 21402 W. 82<sup>nd</sup> Street, Lenexa, was present to discuss the application.

**Mr. Brenneman made a motion to approve the application as presented. The motion was seconded by Mr. Birkel and passed unanimously.**

## **OTHER BUSINESS**

Approval of 2024 meeting dates

**Ms. Brown made a motion to approve the 2024 meeting calendar as presented. Mr. Birkel seconded the motion, which passed unanimously.**

Continued discussion of potential updates to R-2, R-3, R-4, C- and MXD districts

Mr. Brewster stated that the Planning Commission held work sessions on August 22, 2023, and October 3, 2023, to discuss potential strategies for housing policies laid out in Village Vision 2.0. The work sessions were a direct follow-up to the public forums held on June 22, 2023, and July 13, 2023. Based on the direction from the work sessions, Mr. Brewster presented the following potential zoning amendments for discussion:

### **I. Strategies**

The Planning Commission arrived at five strategies based on discussions at the August 22 and October 3 work sessions:

1. Hold the status quo in R-3 and R-4 districts
2. Allow residential uses in C- districts
3. Improve the MXD district (planned district)
4. Revise current planned development standards and process
5. Consider MXD standards for application in a variety of contexts

### **II. Approach**

Mr. Brewster said that the following specific approaches could be used to amend the code based on the Planning Commission's discussions and policies established in the comprehensive plan.

1. Hold the status quo in R-3 and R-4 districts
  - a. Make current development compliant with standards with simple amendments
  - b. Clean up any conflicts / interpretation issues in the current standards
  - c. Allow a similar scale / pattern of redevelopment as existing buildings

2. Allow residential uses in C- districts
  - a. Limit residential to mixed use buildings (upper stories above ground level commercial or behind ground level commercial)
  - b. Allow subject to current C- district standards that apply to commercial buildings
  
3. Improve the MXD district (planned district)
  - a. Promote smaller scale projects that are more practical to Prairie Village's context (smaller redevelopment projects and strategic infill, rather than broad master planned communities)
  - b. Improve criteria (more specific policy goals and community benefit targets)
  - c. Set default standards and building types for the scale and types of buildings that are most appropriate in a variety of Prairie Village contexts
  - d. Include neighborhood / community design standards or criteria for new building types / projects with similar approaches used in the current R-1A and R-1B district design standards
  
4. Revise current planned development standards and process
  - a. Improve review criteria for better expectations
  - b. Define specific elements of a development plan necessary to support flexibility
  - c. Consider default standards as starting point (use base-district standards and/or borrow from MXD districts)
  - d. Create criteria, guidance, and/or ranges for evaluating deviations from default standards based on plan
  
5. Consider MXD for application in a variety of contexts
  - a. Mixed use redevelopment in C- districts [Rezoning to MXD]
  - b. Mixed use building projects / infill in C-districts [Rezoning to CP-1, CP-2, or MXD]
  - c. Residential-only projects in mixed use contexts - projects / strategic infill in C- Districts [Rezoning to CP-1, CP-2, or MXD]
  - d. Larger-scale neighborhood redevelopment in R-3 and R-4 districts [Rezoning to RP-3 or RP-4]
  - e. Low-scale neighborhood redevelopment in R-2 or R-3 areas [Rezoning to RP-2 or RP-4]

### III. Discussion Notes:

Mr. Brewster noted proposed amendments to the current zoning ordinance that executes the five strategies were included in the meeting packet. The following notes should be considered along with review of the discussion draft to assist with review, comments, or questions.

1. Hold the status quo in R-3 and R-4 districts

Several of the R-3 and R-4 properties were surveyed for compliance with the existing zoning standards using mapping estimates and available data on Johnson County AIMS mapping. The standards primarily include:

- Building Height
- Lot Coverage
- Lot Area Per Family
- Setbacks

Mr. Brewster said that the most frequent non-compliance issue was with the “lot area per family” condition in R-3 districts, which requires at least 2,500 square feet of lot area per family unit. He noted that several existing properties fell below this requirement, ranging from 1,773 square feet per unit to 2,451 square feet per unit. Therefore, the discussion draft changes the minimum to 1,750 square feet per unit.

The R-3 district also regulations also have a conflict; Section 19.12.035 states that no buildings and car port shall cover more than 20% of the lot, while Section 19.12.036 states that buildings and structures shall not cover more than 30% of the lot. Most of the properties surveyed have building coverage in the 21% to 29% range. Therefore, the discussion draft removes the 20% requirement and retains the 30% requirement.

The R-3 district does not currently have an impervious surface coverage standard. To be consistent with the 2018 R-1A and R-1B updates this is added. Most of the properties surveyed are below 50% coverage. The range is 19% to 56%, with only 3 being over 50% at 51%, 52% and 56%.

Mr. Brewster said that other changes to R-3 and R-4 districts were non-substantive formatting changes to be consistent with the approach of the 2018 amendments and clarify and simplify the code.

Lastly, to coordinate with strategy 5 (discussed below) a section is added to further direct planned zoning applications of the R-districts to the updated MXD standards and building types. Rather than have an open-ended approach to revising the standards, making this change will help establish targets and expectations for planned applications in R-districts. Mr. Brewster noted that it would also provide the opportunity for neighborhood design standards (discussed with strategy 3 below) to be included, where currently none exist in the R-2, R-3, or R-4 districts. He added that the R-2 district was included to be consistent in this approach through R-districts.

## 2. Allow residential uses in the C- districts

Currently only the C-O district allows residential uses, and it requires those uses to default to R-1, R-2, and R-3 standards. This results in building and development standards that are not appropriate for commercial or mixed-use contexts. Based on the direction of the Planning Commission to allow residential uses in commercial / mixed-use buildings, two simple amendments are recommended:

- Add a “mixed-use residential” entry to the use table in Chapter 19.27 (Zoning Ordinance, Section 19.27.010) and allow it in C-O, C-1, and C-2 districts.

- Add a performance criteria in each of those zoning districts that mixed-use residential uses shall be on the upper floors or behind ground level commercial uses, and then otherwise subject to the commercial building standards

### 3. Improve the MXD district

Mr. Brewster said that MXD standards were intended for very large scale “master planned” communities. The intent and procedures imply mixing land uses across broad areas as well as mixed-use buildings. The provisions in this section are very broad and vague, and do not provide good guidance for how or where the district should be used, and instead for large scale planning efforts to address these specific issues (which have only been used once in a very limited application).

The recommended improvements involve the following key elements:

- Repurpose the district for smaller-scale redevelopment projects or targeted infill applications
- Establish “default” development standards based on the type and range of buildings anticipated in Prairie Village
- Add mixed-use and mixed-density neighborhood design standards. This adds more specificity to the current intent of the MXD district and creates planning thresholds for proposed development plans
- Simplify the procedures and defer to the planned zoning district process

### 4. Revise current rezoning / planned development standards and process

Mr. Brewster stated that current planned zoning provisions relied heavily on discretionary processes without clear criteria for applicants, staff, or decision makers. As a result, there is great flexibility in what could technically be accomplished under the planned zoning process, but there are few expectations. The procedures are confusing and imprecise and lead to a scenario where most outcomes are negotiated through a public process.

He noted that the following changes were recommended (with specific emphasis on leveraging the MXD changes discussed in strategy 3, and for more targeted applications to R-2, R-3, and R-4 districts discussed in strategy 1 and strategy 5):

- Simplify the intent statement and make clear the context, application, and benefits intended from planned applications
- Replace the arbitrary development standards in the current section with a system that defaults to the base district standards but includes specific guidance and design objectives for deviating from those standards
- Simplify the procedures but indicate planning elements and thresholds that must be demonstrated in a development plan to justify deviating from the base district standards. Two scales of plans are recommended: a community plan and project plans. For smaller-scale applications, the community plan may rely more on the existing conditions surrounding the project but are still essential for standards are justified

- Improved decision criteria to focus on planning objectives and community benefits that should result for planned applications

#### 5. Consider MXD for specific scenarios

The combination of the approach to the MXD district and improvements to the planned zoning district application can then be leveraged for a variety of situations:

- Larger-scale redevelopment and rezoning to MXD (current situation, improved with better MXD standards and criteria)
- Smaller-scale strategic infill in current commercial districts (“project plan” in the planned district)
- Planned applications for the C- districts for more targeted infill of commercial or mixed-use buildings
- Residential-only buildings in the C- districts, provided that are part of the larger mixed-use context based on a “community plan”
- Limited planned application in R-2, R-3, and R-4 districts for appropriate scaled residential projects

For the last three applications each of the R- and C- districts includes an added section specifying which building types are appropriate for each district application. Because these are “planned applications” they will rely on a discretionary review process and there is an opportunity to adjust the standards based on a specific plan.

#### IV. Next Steps:

Mr. Brewster said that based on discussion and direction provided on these issues, staff and the commission would determine next steps, which could involve any or all of the following:

- Further refinement or discussion of draft edits
- Additional or related development code changes, as directed by the commission
- Additional Planning Commission work sessions / discussions (if needed)
- Preparation of proposed official and recommended amendments
- Scheduling of official review and adoption procedures, including public hearings

Mr. Breneman stated that he didn’t think developers should necessarily be required to make the first floor of buildings in MXD or C- districts commercial space.

Mr. Valentino noted that the proposed changes sent a clear signal that the City was open to further mixed-use developments.

Mrs. Wallerstein asked if the inconsistencies in the zoning regulations (such as lot coverage percentages) should be addressed sooner rather than later. Mr. Brewster stated it would be easiest to make all proposed changes at the same time, but that some could be corrected more quickly if requested.

Mr. Lenahan recommended that MXD building type standards for large/mixed-use apartments maximum height be reduced to four stories and 50' rather than six stories and 65'.

Mr. Wolf asked what the next steps should be in the process. Mr. Lenahan suggested that commissioners should again review the information provided by Mr. Brewster and submit additional feedback at the January Planning Commission meeting. Mrs. Wallerstein recommended there be a work session to specifically discuss building height, density, and lot coverage. Commissioners indicated their support for Mr. Lenahan's recommendation.

## **ADJOURNMENT**

With no further business to come before the Commission, Mr. Wolf adjourned the meeting at 9:19 p.m.

Adam Geffert  
City Clerk/Planning Commission Secretary

# STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Chris Brewster, Multistudio, Planning Consultant  
**DATE:** January 9, 2024 Planning Commission Meeting

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**Application:** PC 2024-102

**Request:** Lot Split for Separate Ownership of Duplex

**Action:** *A Lot Split 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.*

**Property Address:** 3908 W. 85<sup>th</sup> Street

**Applicant:** Kevin Green, Kevin Green Homes

**Current Zoning and Land Use:** R-1A Single-Family Residential - Single-Family Dwellings

**Surrounding Zoning and Land Use:** **North:** R-1A/SUP Adult Senior Dwellings and vacant; planned for Twin villas  
**East:** R-1 (Leawood KS) Single-Family Residential – Single-family dwellings  
**South:** R-1A/SUP - Twin villas  
**West:** R-1A/SUP – vacant; planned for Twin villas

**Legal Description:** LOT 6 MISSION CHATEAU 2<sup>ND</sup> PLAT

**Property Area:** 0.50 acres (21,701.46 sq. ft.)

**Related Case Files:** PC 2022-117 Final Plat of Mission Chateau 2nd Plat – Lot Split of Lot 5  
PC 2022-112 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 13  
PC 2022-111 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 11  
PC 2022-106 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 12  
PC 2020-108 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 9  
PC-2019-101 Final Plat for Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 10  
PC 2018-123 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 8  
PC 2016-119 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Replat of Lot 2 into Lots 3 - 13  
PC 2015-110 Preliminary and Final Plat, & Final Development Plan  
PC 2015-08 Special Use Permit for Adult Senior Dwellings & Preliminary Development Plan  
PC 2013-127 Preliminary Plat  
PC 2013-126 Site Plan Approval for Adult Senior Dwellings  
PC 2013-11 Special Use Permit for Adult Senior Dwellings  
PC 2013-05 Special Use Permit for Adult Senior Dwellings  
PC 2013-114 Site Plan Approval for Adult Senior Dwellings  
PC 2004 Monument Sign  
PC 1995-104 Site Plan Approval for Expansion of Mission Valley Middle School

**Attachments** Application, certificate of survey

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**General Location Map**



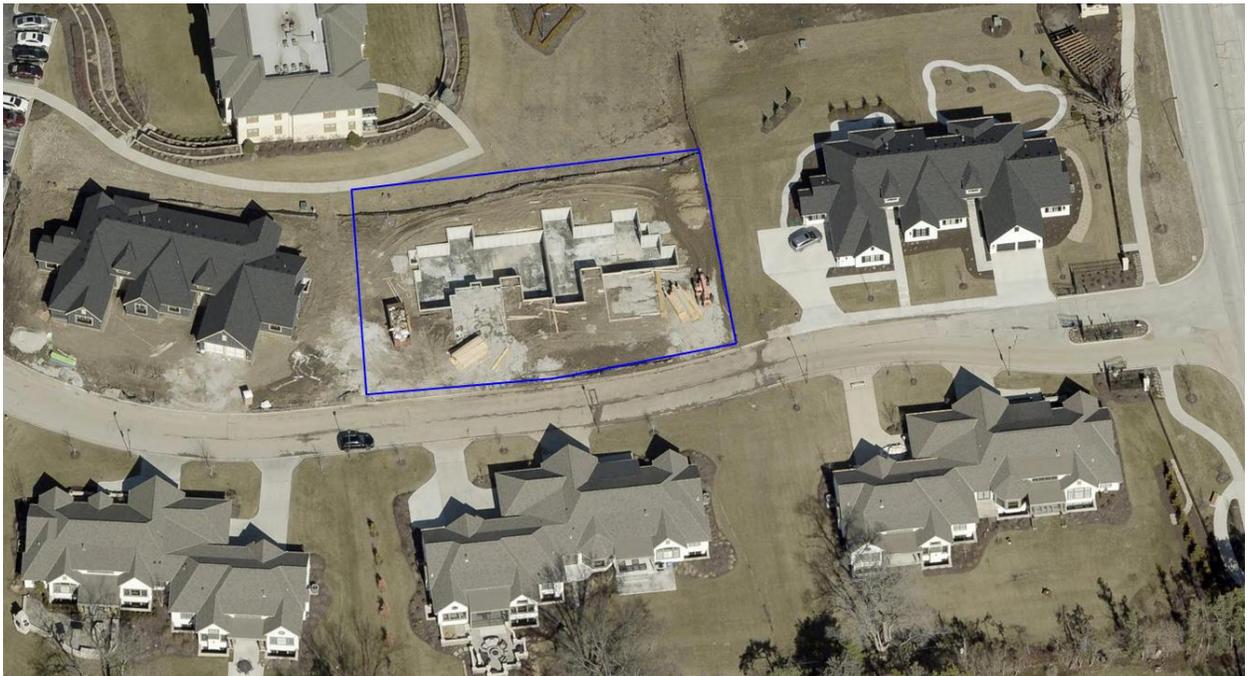
**Aerial Map**



**Block & Lot Aerial**



**Block & Lot Birdseye**



**SUMMARY:**

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 (PC 2015-08). 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 (PC 2015-110). 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 2<sup>nd</sup> 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 (PC 2016-119). 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. Seven similar applications have been filed and approved by the Planning Commission for lot 5, and lots 8 through 13. Two other related applications are submitted with this application (lots 3 and 4).

**ANALYSIS:**

Section 18.02.010 of the subdivision regulations provides the criteria for approval of a lot split. Essentially the applicant must submit a certificate of survey demonstrating that both lots will meet the zoning ordinance standards and that any existing buildings on a remaining lot are not made nonconforming because of the lot split. The certificate of survey is also required to ensure that there are no issues with utility easements or rights-of-way that are created by the lot split or need to be addressed due to the lot split.

Section 18.02.010 also requires that applicants for a lot split submit a certificate of survey with the following information:

- a. The location of existing buildings on the site.
- 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.

All of this information is included on the survey certificate submitted by the applicant from R.L Buford & Associates, with a certification date of 12/1/2023. It specifies that LOT 6 be divided into Tract I (3912 W. 85<sup>th</sup> Street) and Tract II (3908 W. 85<sup>th</sup> Street), with the division of the tracts occurring along the party wall of the attached unit.

In this case, the property is zoned R-1A; however, the twin villa lots are permitted as part of an overall project for Adult Senior Dwellings through a Special Use Permit and Final Development Plan. Therefore, the development standards associated with the Special Use Permit and Final Development Plan are used, rather than the basic R-1A standards. The twin villas are also subject to design plans approved as a condition of the original Final Development Plan and indicated on all plat approvals.

The twin villa constructed on Lot 6 meets all requirements of the Special Use Permit and Final Development Plan (approved in July 2015), and the Final Plat (approved March 2016). The proposed lot split will entail no physical changes to the site or buildings and is merely a mechanism to facilitate individual ownership of the units as anticipated.

### **RECOMMENDATION:**

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.

City # 020452  
App # 0030536  
Lot 6



**CITY OF PRAIRIE VILLAGE**  
*The Star of Kansas*

### Planning Commission Application

<b>For Office Use Only</b>
Case No.: <u>PC2024-102</u>
Filing Fee: <u>\$100-</u>
Deposit: <u>\$500-</u>
Date Advertised:
Date Notices Sent:
Public Hearing Date:

Please complete this form and return with Information requested to:

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

Applicant: Kevin Green Phone Number: 816-407-7500

Address: 6610 Royal Street, Pleasant Valley, MO 64068 E-Mail kevin@kevingreenhomes.com

Owner: Kevin Green Homes Phone Number: 816-407-7500

Address: 6610 Royal Street, Pleasant Valley, MO Zip: 64068

Location of Property: 3908 and 3912 W. 85th Street

Legal Description: Lot 6, Mission Chateau 2nd Plat

Applicant requests consideration of the following: (Describe proposal/request in detail) Lot split to separate duplex

#### AGREEMENT TO PAY EXPENSES

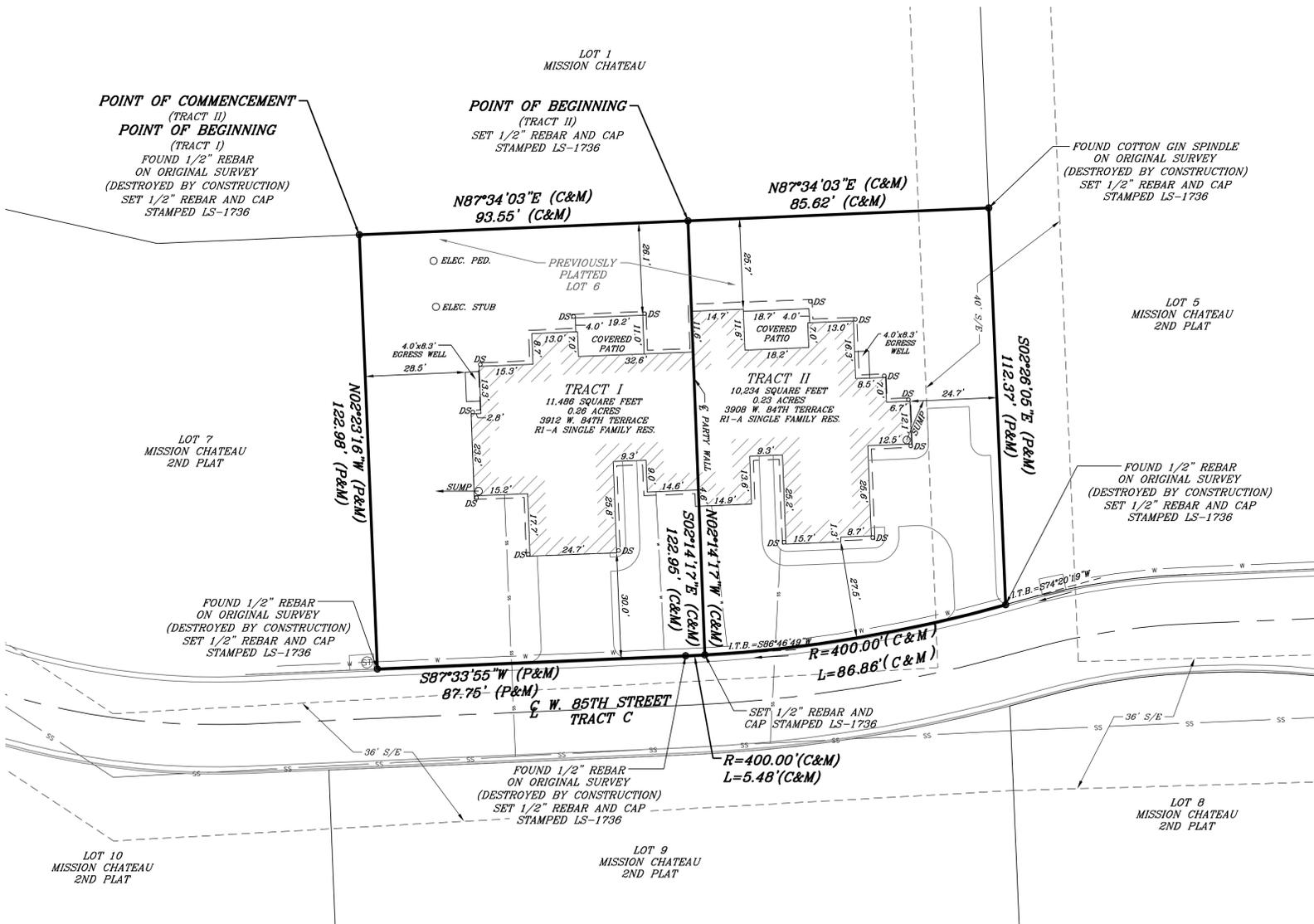
APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for \_\_\_\_\_

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.**

[Signature] 12/7/2023  
Applicant's Signature/Date

[Signature] 12/7/2023  
Owner's Signature/Date



**TRACT I CLOSURE**

POB N:5458.5854 E:4194.2300  
 LINE: N87°34'03"E 93.55'  
 N:5462.5559 E:4287.6957  
 LINE: S02°14'17"E 122.95'  
 N:5339.6997 E:4292.4970  
 CURVE RIGHT: ITB:S86°46'49"W  
 R=400.00' - L=5.48'  
 N:5339.4294 E:4287.0238  
 LINE: S87°33'55"E 87.75'  
 N:5335.7017 E:4199.3530  
 LINE: N02°23'16"W 122.98'  
 POB N:5458.5749 E:4194.2293

**TRACT II CLOSURE**

POB N:5462.5559 E:4287.6957  
 LINE: N87°34'03"E 85.62'  
 N:5466.1898 E:4373.2395  
 LINE: S02°26'05"E 112.37'  
 N:5353.9213 E:4378.0121  
 CURVE RIGHT: ITB:S74°20'19"W  
 R=400.00' - L=86.86'  
 N:5339.7022 E:4292.4968  
 LINE: N02°14'17"W 122.95'  
 POB N:5462.5584 E:4287.6954

**PROPERTY DESCRIPTIONS (RECOMMENDED)**

**PARENT PARCEL:**  
 LOT 6, MISSION CHATEAU 2ND PLAT, A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS

**TRACT I (RECOMMENDED)**  
 CONTAINING 11,486 SQUARE FEET OR 0.26 ACRES

ALL THAT PART OF LOT 6, MISSION CHATEAU 2ND PLAT, A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY KANSAS, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 6; THENCE N87°34'03"E, ALONG THE NORTHERLY LINE OF SAID LOT 6, A DISTANCE OF 93.55 FEET TO THE NORTHERLY PROLONGATION OF THE CENTERLINE OF A PARTY WALL SEPARATING 3908 AND 3912 W. 85TH STREET; THENCE S02°14'17"E ALONG THE CENTERLINE OF SAID PARTY WALL AND ITS NORTHERLY AND SOUTHERLY PROLONGATIONS, A DISTANCE OF 112.95 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 6; THENCE SOUTHWESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 6, ALONG A CURVE TO RIGHT HAVING AN INITIAL TANGENT BEARING OF S86°46'49"W, A RADIUS OF 400.00 FEET, AN ARC DISTANCE OF 5.48 FEET; THENCE S87°33'55"W, CONTINUING ALONG THE SOUTHERLY LINE OF SAID LOT 6, A DISTANCE OF 87.75 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 6; THENCE N02°23'16"W, ALONG THE WESTERLY LINE OF SAID LOT 6, A DISTANCE OF 122.98 FEET TO THE POINT OF BEGINNING.

**TRACT II (RECOMMENDED)**  
 CONTAINING 10,234 SQUARE FEET OR 0.23 ACRES

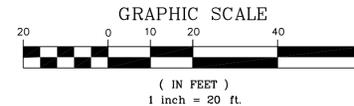
ALL THAT PART OF LOT 6, MISSION CHATEAU 2ND PLAT, A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY KANSAS, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWESTERLY CORNER OF SAID LOT 6; THENCE N87°34'03"E, ALONG THE NORTHERLY LINE OF SAID LOT 6, A DISTANCE OF 93.55 FEET TO THE POINT OF BEGINNING; THENCE N87°34'03"E, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 86.62 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 6; THENCE S02°26'05"E, ALONG THE EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 112.37 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 6; THENCE SOUTHWESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 6, ALONG A CURVE TO RIGHT HAVING AN INITIAL TANGENT BEARING OF S74°20'19"W, A RADIUS OF 400.00 FEET, AN ARC DISTANCE OF 86.86 FEET TO THE SOUTHERLY PROLONGATION OF THE CENTERLINE OF A PARTY WALL SEPARATING 3908 AND 3912 W. 85TH STREET; THENCE N02°14'17"W, ALONG THE CENTERLINE OF SAID PARTY WALL AND ITS NORTHERLY AND SOUTHERLY PROLONGATIONS, A DISTANCE OF 122.95 FEET TO THE POINT OF BEGINNING.

**BOUNDARY SURVEY NOTES:**

1. THE POSITION OF EXISTING MONUMENTATION, IF NOT THE TRUE CORNER, IS NOTED BY DIFFERENCES IN COORDINATES OR AT RIGHT ANGLES TO THE PROPERTY LINE AT THE NOTED DISTANCE FROM THE NEAREST BOUNDARY CORNER.
2. THE DESCRIPTIONS USED FOR THIS SURVEY WERE DERIVED FROM THE PLAT OF MISSION CHATEAU 2ND PLAT
3. THE BEARINGS SHOWN HEREON ARE BASED UPON THE PLAT OF MISSION CHATEAU 2ND PLAT.
4. THIS SURVEY DOES NOT REFLECT ANY OF THE FOLLOWING WHICH WERE EITHER NOT REQUESTED OR FURNISHED BY THE CLIENT OR ARE NOT WITHIN THE SCOPE OF THE SERVICES PROVIDED BY A PROFESSIONAL SURVEYOR. THEREFORE, THIS SURVEYOR DOES NOT ACCEPT ANY LIABILITY SHOULD ANY OF THEM BE APPLICABLE TO THE SUBJECT REAL ESTATE: SUBSURFACE CONDITIONS; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; AND ZONING OR OTHER LAND USE REGULATIONS.
5. NO TITLE COMMITMENT WAS PROVIDED FOR THIS SURVEY.
6. ACCORDING TO THE FLOOD INSURANCE RATE MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, COMMUNITY-PANEL NUMBER 200175-0039C, EFFECTIVE DATE: AUGUST 3, 2009, THE SUBJECT PROPERTY IS IN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
7. FIELD WORK WAS COMPLETED ON NOVEMBER 29, 2023.

**LEGEND**

- SET 1/2" REBAR 24" LONG WITH ORANGE PLASTIC CAP STAMPED "LS-1736"
  - (M) MEASURED BEARING OR DISTANCE
  - (P) PLATTED BEARING OR DISTANCE
  - (C) CALCULATED VALUE
  - S/E SEWER EASEMENT
  - oDS DOWNSPOUT
- ALL DOWNSPOUTS TO BE PIPED UNDER GROUND TO A POINT A MINIMUM DISTANCE OF 10 FEET FROM THE BUILDING



**DEVELOPER:**  
 KEVIN GREEN HOMES  
 6610 ROYAL STREET  
 PLEASANT VALLEY, MO 64068

**STORM WATER STUDY**  
 PREPARED BY BHC RHODES  
 #021390.00.01  
 REVISED MAY 27, 2016



**SURVEYOR'S CERTIFICATION:**  
 I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH MEET OR EXCEED THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, STANDARDS OF PRACTICE NO. 1, AS ADOPTED BY THE BOARD OF SURVEYING AND MAPPING, JOHNSON COUNTY, KANSAS, AND AS SET FORTH IN THE KANSAS PROFESSIONAL SURVEYING ACT, CH. 245, K.S.A. 245-101 THROUGH 245-110. THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.  
 IF THE SURVEYOR'S SEAL IS NOT SHOWN IN COLOR, THEN THE SURVEY IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS. THUS THE CERTIFICATION CONTAINED ON THIS DOCUMENT SHALL NOT APPLY.

© COPYRIGHT 2023, R.L. BUFORD & ASSOCIATES, LLC  
 E:\A-JOHNSON COUNTY\JO-22312 KG MISSION CHATEAU 2ND PLAT-22312-SPPLIT.DWG 12/17/2023

**R.L. Buford & Associates, LLC**  
 LAND SURVEYING DEVELOPMENTS CONSULTANTS  
 1000 N. 10TH ST., SUITE 100  
 P.O. BOX 14089, PARKVILLE, MO. 64152 (816) 741-6152

FOR  
 KEVIN GREEN HOMES  
 SEC.-TWP.-RGE. COUNTY JOB NO.  
 28-12-25 JOHNSON JO-22312  
 DATE FIELD BOOK & PAGE  
 12/1/2023

DRAWN BY  
 JPH

LOT SPLIT - LOT 6, MISSION CHATEAU 2ND PLAT

# STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Chris Brewster, Multistudio, Planning Consultant  
**DATE:** January 9, 2024 Planning Commission Meeting

---

**Application:** PC 2024-103

**Request:** Lot Split for Separate Ownership of Duplex

**Action:** *A Lot Split 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.*

**Property Address:** 3902 W. 84<sup>th</sup> Terrace

**Applicant:** Kevin Green, Kevin Green Homes

**Current Zoning and Land Use:** R-1A Single-Family Residential - Single-Family Dwellings

**Surrounding Zoning and Land Use:** **North:** R-1A/SUP vacant HOA land  
**East:** R-1 (Leawood KS) Single-Family Residential – Single-family dwellings  
**South:** R-1A/SUP – vacant; planned for Twin villas  
**West:** R-1A/SUP – Adult Senior Dwellings

**Legal Description:** LOT 3 MISSION CHATEAU 2<sup>ND</sup> PLAT

**Property Area:** 0.44 acres (19,022.71 sq. ft.)

**Related Case Files:** PC 2022-117 Final Plat of Mission Chateau 2nd Plat – Lot Split of Lot 5  
PC 2022-112 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 13  
PC 2022-111 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 11  
PC 2022-106 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 12  
PC 2020-108 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 9  
PC-2019-101 Final Plat for Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 10  
PC 2018-123 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 8  
PC 2016-119 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Replat of Lot 2 into Lots 3 - 13  
PC 2015-110 Preliminary and Final Plat, & Final Development Plan  
PC 2015-08 Special Use Permit for Adult Senior Dwellings & Preliminary Development Plan  
PC 2013-127 Preliminary Plat  
PC 2013-126 Site Plan Approval for Adult Senior Dwellings  
PC 2013-11 Special Use Permit for Adult Senior Dwellings  
PC 2013-05 Special Use Permit for Adult Senior Dwellings  
PC 2013-114 Site Plan Approval for Adult Senior Dwellings  
PC 2004 Monument Sign  
PC 1995-104 Site Plan Approval for Expansion of Mission Valley Middle School

**Attachments** Application, certificate of survey

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**General Location Map**



**Aerial Map**



**Block & Lot Aerial**



**Block & Lot Birdseye**



**SUMMARY:**

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 (PC 2015-08). 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 (PC 2015-110). 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 2<sup>nd</sup> 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 (PC 2016-119). 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. Seven similar applications have been filed and approved by the Planning Commission for lot 5, and lots 8 through 13. Two other related applications are submitted with this application (lots 4 and 6).

**ANALYSIS:**

Section 18.02.010 of the subdivision regulations provides the criteria for approval of a lot split. Essentially the applicant must submit a certificate of survey demonstrating that both lots will meet the zoning ordinance standards and that any existing buildings on a remaining lot are not made nonconforming because of the lot split. The certificate of survey is also required to ensure that there are no issues with utility easements or rights-of-way that are created by the lot split or need to be addressed due to the lot split.

Section 18.02.010 also requires that applicants for a lot split submit a certificate of survey with the following information:

- a. The location of existing buildings on the site.
- b. The dimension and location of the lots, including a metes and bounds description of each lot.
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- g. Said certificate of survey shall include the certification by a registered engineer or surveyor that the details contained on the survey are correct.

All of this information is included on the survey certificate submitted by the applicant from R.L Buford & Associates, with a certification date of 12/1/2023. It specifies that LOT 3 be divided into Tract I (3906 W. 84<sup>th</sup> Terrace) and Tract II (3902 W. 84<sup>th</sup> Terrace), with the division of the tracts occurring along the party wall of the attached unit.

In this case, the property is zoned R-1A; however, the twin villa lots are permitted as part of an overall project for Adult Senior Dwellings through a Special Use Permit and Final Development Plan. Therefore, the development standards associated with the Special Use Permit and Final Development Plan are used, rather than the basic R-1A standards. The twin villas are also subject to design plans approved as a condition of the original Final Development Plan and indicated on all plat approvals.

The twin villa constructed on Lot 3 meets all requirements of the Special Use Permit and Final Development Plan (approved in July 2015), and the Final Plat (approved March 2016). The proposed lot split will entail no physical changes to the site or buildings and is merely a mechanism to facilitate individual ownership of the units as anticipated.

### **RECOMMENDATION:**

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.

Cust # 020452  
App # 0030537  
Lot 3



**CITY OF PRAIRIE VILLAGE**  
*The Star of Kansas*

**Planning Commission Application**

<b>For Office Use Only</b>
Case No.: <u>PC2024-103</u>
Filing Fee: <u>\$100-</u>
Deposit: <u>\$500-</u>
Date Advertised:
Date Notices Sent:
Public Hearing Date:

Please complete this form and return with Information requested to:

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

Applicant: Kevin Green Phone Number: 816-407-7500

Address: 6610 Royal Street, Pleasant Valley, MO 64068 E-Mail kevin@kevingreenhomes.com

Owner: Kevin Green Homes Phone Number: 816-407-7500

Address: 6610 Royal Street, Pleasant Valley, MO Zip: 64068

Location of Property: 3902 and 3906 W. 84th Terrace

Legal Description: Lot 3, Mission Chateau 2nd Plat

Applicant requests consideration of the following: (Describe proposal/request in detail) Lot split to separate duplex

**AGREEMENT TO PAY EXPENSES**

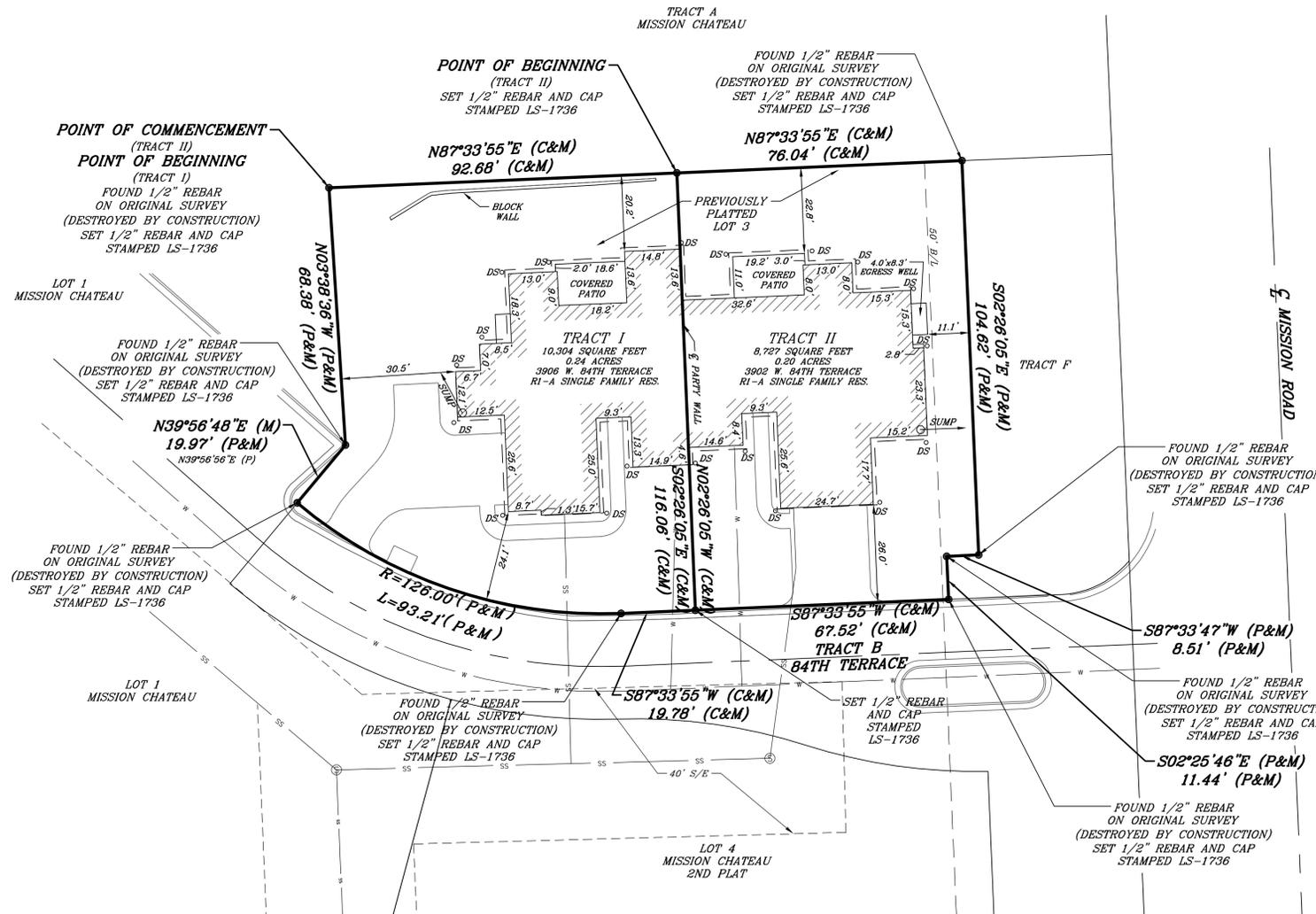
APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for \_\_\_\_\_.

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.**

[Signature] 12/7/2023  
Applicant's Signature/Date

[Signature] 12/7/2023  
Owner's Signature/Date



**POINT OF COMMENCEMENT**  
(TRACT II)  
**POINT OF BEGINNING**  
(TRACT I)  
FOUND 1/2" REBAR  
ON ORIGINAL SURVEY  
(DESTROYED BY CONSTRUCTION)  
SET 1/2" REBAR AND CAP  
STAMPED LS-1736

LOT 1  
MISSION CHATEAU  
FOUND 1/2" REBAR  
ON ORIGINAL SURVEY  
(DESTROYED BY CONSTRUCTION)  
SET 1/2" REBAR AND CAP  
STAMPED LS-1736

LOT 1  
MISSION CHATEAU  
FOUND 1/2" REBAR  
ON ORIGINAL SURVEY  
(DESTROYED BY CONSTRUCTION)  
SET 1/2" REBAR AND CAP  
STAMPED LS-1736

**POINT OF BEGINNING**  
(TRACT II)  
SET 1/2" REBAR AND CAP  
STAMPED LS-1736

FOUND 1/2" REBAR  
ON ORIGINAL SURVEY  
(DESTROYED BY CONSTRUCTION)  
SET 1/2" REBAR AND CAP  
STAMPED LS-1736

**N87°33'55"E (C&M)**  
**92.68' (C&M)**

**N87°33'55"E (C&M)**  
**76.04' (C&M)**

**TRACT I**  
10,304 SQUARE FEET  
0.24 ACRES  
3906 W. 84TH TERRACE  
R1-A SINGLE FAMILY RES.

**TRACT II**  
8,727 SQUARE FEET  
0.20 ACRES  
3902 W. 84TH TERRACE  
R1-A SINGLE FAMILY RES.

**N39°56'48"E (M)**  
**19.97' (P&M)**

**R=126.00' (P&M)**  
**L=93.21' (P&M)**

FOUND 1/2" REBAR  
ON ORIGINAL SURVEY  
(DESTROYED BY CONSTRUCTION)  
SET 1/2" REBAR AND CAP  
STAMPED LS-1736

FOUND 1/2" REBAR  
ON ORIGINAL SURVEY  
(DESTROYED BY CONSTRUCTION)  
SET 1/2" REBAR AND CAP  
STAMPED LS-1736

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SET 1/2" REBAR AND CAP  
STAMPED LS-1736

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ON ORIGINAL SURVEY  
(DESTROYED BY CONSTRUCTION)  
SET 1/2" REBAR AND CAP  
STAMPED LS-1736

**TRACT I CLOSURE**

POB N:5843.9460 E:4361.7886  
LINE: N87°33'55"E 92.68'  
N:5847.8831 E:4454.3849  
LINE: S02°26'05"E 116.06'  
N:5731.9279 E:4459.3153  
LINE: S87°33'55"W 19.78'  
N:5731.0876 E:4439.5532  
CURVE: R=126.00' L=93.21'  
N:5760.3824 E:4353.2927  
LINE: N39°56'48"E 19.97'  
N:5775.6922 E:4366.1149  
N03°38'36"W 88.38'  
POB N:5843.9340 E:4361.7697

**TRACT II CLOSURE**

POB N:5847.8831 E:4454.3849  
LINE: N87°33'55"E 76.04'  
N:5851.1134 E:4520.3563  
LINE: S02°26'05"E 104.82'  
N:5746.5878 E:4534.8007  
LINE: S87°33'47"W 8.51'  
N:5746.2260 E:4526.2984  
LINE: S02°25'46"E 11.44'  
N:5734.7963 E:4526.7933  
LINE: S87°33'55"W 67.52'  
N:5731.9280 E:4459.3243  
LINE: N02°26'05"W 116.06'  
POB N:5847.8832 E:4454.3939

**PROPERTY DESCRIPTIONS (RECOMMENDED)**

**PARENT PARCEL:**  
LOT 3, MISSION CHATEAU 2ND PLAT, A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS

**TRACT I (RECOMMENDED)**

CONTAINING 10,304 SQUARE FEET OR 0.24 ACRES  
ALL THAT PART OF LOT 3, MISSION CHATEAU 2ND PLAT, A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY KANSAS, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 3; THENCE N87°33'55"E, ALONG THE NORTHERLY LINE OF SAID LOT 3, A DISTANCE OF 92.68 FEET TO THE NORTHERLY PROLONGATION OF THE CENTERLINE OF A PARTY WALL SEPARATING 3902 AND 3906 W. 84TH TERRACE; THENCE S02°26'05"E ALONG THE CENTERLINE OF SAID PARTY WALL AND ITS NORTHERLY AND SOUTHERLY PROLONGATIONS, A DISTANCE OF 116.06 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 3; THENCE S87°33'55"W, ALONG THE SOUTHERLY LINE OF SAID LOT 3, A DISTANCE OF 19.78 FEET; THENCE NORTHWESTERLY, CONTINUING ALONG SAID SOUTHERLY LINE OF SAID LOT 3, ALONG A CURVE TO THE RIGHT BEING TANGENT TO THE PREVIOUSLY DESCRIBED COURSE, HAVING A RADIUS OF 126.00 FEET, AN ARC DISTANCE OF 93.21 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 3; THENCE N39°56'48"E ALONG THE WESTERLY LINE OF SAID LOT 3, A DISTANCE OF 19.97 FEET; THENCE N03°38'36"W, CONTINUING ALONG THE WESTERLY LINE OF SAID LOT 3, A DISTANCE OF 88.38 FEET TO THE POINT OF BEGINNING.

**TRACT II (RECOMMENDED)**

CONTAINING 8,727 SQUARE FEET OR 0.20 ACRES  
ALL THAT PART OF LOT 3, MISSION CHATEAU 2ND PLAT, A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY KANSAS, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWESTERLY CORNER OF SAID LOT 3; THENCE N87°33'55"E, ALONG THE NORTHERLY LINE OF SAID LOT 3, A DISTANCE OF 92.68 FEET TO THE POINT OF BEGINNING; THENCE N87°33'55"E, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 76.04 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 3; THENCE S02°26'05"E, ALONG THE EASTERLY LINE OF SAID LOT 3, A DISTANCE OF 104.82 FEET; THENCE S87°33'47"W, CONTINUING ALONG THE EASTERLY LINE OF SAID LOT 3, A DISTANCE OF 8.51 FEET; THENCE S02°25'46"E, CONTINUING ALONG THE EASTERLY LINE OF SAID LOT 3, A DISTANCE OF 11.44 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 3; THENCE S87°33'55"W, ALONG THE SOUTHERLY LINE OF SAID LOT 3, A DISTANCE OF 67.52 FEET TO THE SOUTHERLY PROLONGATION OF THE CENTERLINE OF A PARTY WALL SEPARATING 3902 AND 3906 W. 84TH TERRACE; THENCE N02°26'05"W, ALONG THE CENTERLINE OF SAID PARTY WALL AND ITS NORTHERLY AND SOUTHERLY PROLONGATIONS, A DISTANCE OF 116.06 FEET TO THE POINT OF BEGINNING.

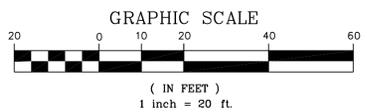
**BOUNDARY SURVEY NOTES:**

1. THE POSITION OF EXISTING MONUMENTATION, IF NOT THE TRUE CORNER, IS NOTED BY DIFFERENCES IN COORDINATES OR AT RIGHT ANGLES TO THE PROPERTY LINE AT THE NOTED DISTANCE FROM THE NEAREST BOUNDARY CORNER.
2. THE DESCRIPTIONS USED FOR THIS SURVEY WERE DERIVED FROM THE PLAT OF MISSION CHATEAU 2ND PLAT.
3. THE BEARINGS SHOWN HEREON ARE BASED UPON THE PLAT OF MISSION CHATEAU 2ND PLAT.
4. THIS SURVEY DOES NOT REFLECT ANY OF THE FOLLOWING WHICH WERE EITHER NOT REQUESTED OR FURNISHED BY THE CLIENT OR ARE NOT WITHIN THE SCOPE OF THE SERVICES PROVIDED BY A PROFESSIONAL SURVEYOR. THEREFORE, THIS SURVEYOR DOES NOT ACCEPT ANY LIABILITY SHOULD ANY OF THEM BE APPLICABLE TO THE SUBJECT REAL ESTATE: SUBSURFACE CONDITIONS; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; AND ZONING OR OTHER LAND USE REGULATIONS.
5. NO TITLE COMMITMENT WAS PROVIDED FOR THIS SURVEY.
6. ACCORDING TO THE FLOOD INSURANCE RATE MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, COMMUNITY-PANEL NUMBER 200176-0039G, EFFECTIVE DATE, AUGUST 3, 2009, THE SUBJECT PROPERTY IS IN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
7. FIELD WORK WAS COMPLETED ON NOVEMBER 29, 2023.



**LEGEND**

- SET 1/2" REBAR 24" LONG WITH ORANGE PLASTIC CAP STAMPED "LS-1736"
  - (M) MEASURED BEARING OR DISTANCE
  - (P) PLATTED BEARING OR DISTANCE
  - (C) CALCULATED VALUE
  - S/E SEWER EASEMENT
  - oDS DOWNSPOUT
- ALL DOWNSPOUTS TO BE PIPED UNDER GROUND TO A POINT A MINIMUM DISTANCE OF 10 FEET FROM THE BUILDING



**DEVELOPER:**  
KEVIN GREEN HOMES  
6610 ROYAL STREET  
PLEASANT VALLEY, MO 64088

STORM WATER STUDY  
PREPARED BY BHC RHODES  
#021390.001  
REVISED MAY 27, 2016



**SURVEYOR'S CERTIFICATION:**  
I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE PREMISES HERIN DESCRIBED WHICH MEET OR EXCEED THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, STANDARDS OF PRACTICE NO. 1, AS ADOPTED BY THE BOARD OF SURVEYING AND MAPPING OF THE STATE OF KANSAS, AND THAT I HAVE PREPARED THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.  
IF THE SURVEYOR'S SEAL IS NOT SHOWN IN COLOR, THEN THE SURVEY IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS. THUS THE CERTIFICATION CONTAINED IN THIS DOCUMENT SHALL NOT APPLY.

© COPYRIGHT 2023, R.L. BUFORD & ASSOCIATES, LLC  
E:\A-JOHNSON COUNTY\JO-2234-KG LOT 3 MISSION CHATEAU\DWG\JO-2234-SPLIT.DWG 12/1/2023

**R.L. Buford & Associates, LLC**  
LAND SURVEYING DEVELOPMENT CONSULTANTS  
KS CERT. OF AUTHORITY CERTIFICATE NO. LS-279  
P.O. BOX 14089, PARKVILLE, MO. 64152 (816) 741-6152  
FOR KEVIN GREEN HOMES  
SEC.-NWP.-RGE. COUNTY JOHNSON  
JOB NO. JO-22344  
DATE 28-12-25 FIELD BOOK & PAGE  
11/30/2023  
DRAWN BY PSH

LOT SPLIT - LOT 3, MISSION CHATEAU 2ND PLAT

# STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Chris Brewster, Multistudio, Planning Consultant  
**DATE:** January 9, 2024 Planning Commission Meeting

---

**Application:** PC 2024-104

**Request:** Lot Split for Separate Ownership of Duplex

**Action:** *A Lot Spit 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.*

**Property Address:** 3903 W. 84<sup>th</sup> Terrace

**Applicant:** Kevin Green, Kevin Green Homes

**Current Zoning and Land Use:** R-1A Single-Family Residential - Single-Family Dwellings

**Surrounding Zoning and Land Use:** **North:** R-1A/SUP - vacant; planned for Twin villas  
**East:** R-1 (Leawood KS) Single-Family Residential – Single-family dwellings  
**South:** R-1A/SUP - Twin villas  
**West:** R-1A/SUP – Adult Senior Dwellings

**Legal Description:** LOT 4 MISSION CHATEAU 2<sup>ND</sup> PLAT

**Property Area:** 0.64 acres (28,087.49 sq. ft.)

**Related Case Files:** PC 2022-117 Final Plat of Mission Chateau 2nd Plat – Lot Split of Lot 5  
PC 2022-112 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 13  
PC 2022-111 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 11  
PC 2022-106 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 12  
PC 2020-108 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 9  
PC-2019-101 Final Plat for Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 10  
PC 2018-123 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Lot Split of Lot 8  
PC 2016-119 Final Plat of Mission Chateau 2<sup>nd</sup> Plat – Replat of Lot 2 into Lots 3 - 13  
PC 2015-110 Preliminary and Final Plat, & Final Development Plan  
PC 2015-08 Special Use Permit for Adult Senior Dwellings & Preliminary Development Plan  
PC 2013-127 Preliminary Plat  
PC 2013-126 Site Plan Approval for Adult Senior Dwellings  
PC 2013-11 Special Use Permit for Adult Senior Dwellings  
PC 2013-05 Special Use Permit for Adult Senior Dwellings  
PC 2013-114 Site Plan Approval for Adult Senior Dwellings  
PC 2004 Monument Sign  
PC 1995-104 Site Plan Approval for Expansion of Mission Valley Middle School

**Attachments** Application, certificate of survey

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**General Location Map**



**Aerial Map**



**Block & Lot Aerial**



**Block & Lot Birdseye**



**SUMMARY:**

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 (PC 2015-08). 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 (PC 2015-110). 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 2<sup>nd</sup> 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 (PC 2016-119). 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. Seven similar applications have been filed and approved by the Planning Commission for lot 5, and lots 8 through 13. Two other related applications are submitted with this application (lots 3 and 6).

**ANALYSIS:**

Section 18.02.010 of the subdivision regulations provides the criteria for approval of a lot split. Essentially the applicant must submit a certificate of survey demonstrating that both lots will meet the zoning ordinance standards and that any existing buildings on a remaining lot are not made nonconforming because of the lot split. The certificate of survey is also required to ensure that there are no issues with utility easements or rights-of-way that are created by the lot split or need to be addressed due to the lot split.

Section 18.02.010 also requires that applicants for a lot split submit a certificate of survey with the following information:

- a. The location of existing buildings on the site.
- 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.

All of this information is included on the survey certificate submitted by the applicant from R.L Buford & Associates, with a certification date of 12/5/2023. It specifies that LOT 4 be divided into Tract I (3907 W. 84<sup>th</sup> Terrace) and Tract II (3903 W. 84<sup>th</sup> Terrace), with the division of the tracts occurring along the party wall of the attached unit.

In this case, the property is zoned R-1A; however, the twin villa lots are permitted as part of an overall project for Adult Senior Dwellings through a Special Use Permit and Final Development Plan. Therefore, the development standards associated with the Special Use Permit and Final Development Plan are used, rather than the basic R-1A standards. The twin villas are also subject to design plans approved as a condition of the original Final Development Plan and indicated on all plat approvals.

The twin villa constructed on Lot 4 meets all requirements of the Special Use Permit and Final Development Plan (approved in July 2015), and the Final Plat (approved March 2016). The proposed lot split will entail no physical changes to the site or buildings and is merely a mechanism to facilitate individual ownership of the units as anticipated.

### **RECOMMENDATION:**

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.

Plot # 020452  
App# 0030538

Lot 4



**CITY OF PRAIRIE VILLAGE**  
*The Star of Kansas*

### Planning Commission Application

For Office Use Only
Case No.: <u>PC2024-104</u>
Filing Fee: <u>\$100-</u>
Deposit: <u>\$500-</u>
Date Advertised:
Date Notices Sent:
Public Hearing Date:

Please complete this form and return with Information requested to:

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

Applicant: Kevin Green Phone Number: 816-407-7500

Address: 6610 Royal Street, Pleasant Valley, MO 64068 E-Mail kevin@kevingreenhomes.com

Owner: Kevin Green Homes Phone Number: 816-407-7500

Address: 6610 Royal Street, Pleasant Valley, MO Zip: 64068

Location of Property: 3903 and 3907 W. 84th Terrace

Legal Description: Lot 4, Mission Chateau 2nd Plat

Applicant requests consideration of the following: (Describe proposal/request in detail) Lot split to separate duplex

#### AGREEMENT TO PAY EXPENSES

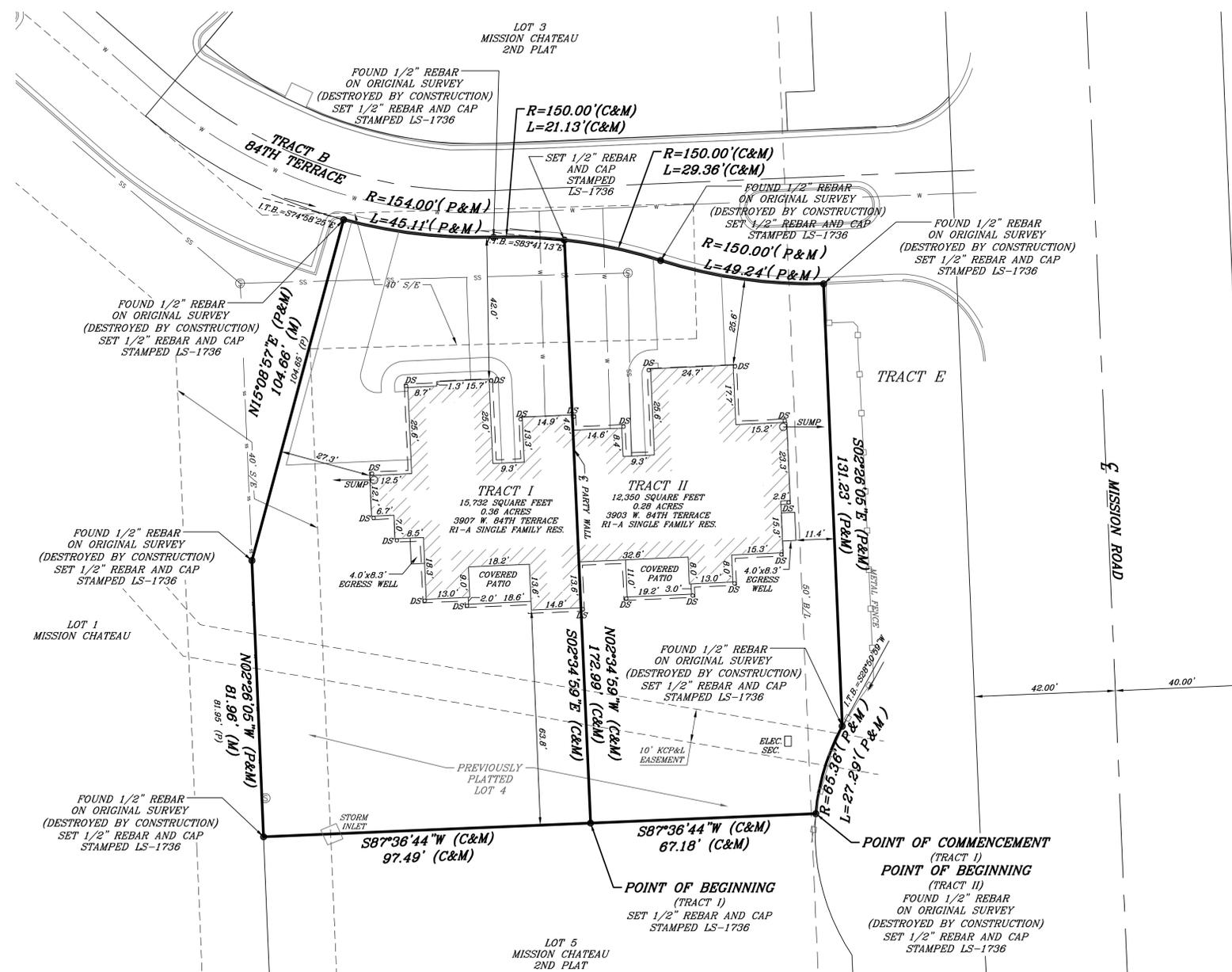
APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for \_\_\_\_\_.

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.**

[Signature]  
Applicant's Signature/Date

[Signature] 12/17/2023  
Owner's Signature/Date



**PROPERTY DESCRIPTIONS (RECOMMENDED)**

**PARENT PARCEL:**  
 LOT 4, MISSION CHATEAU 2ND PLAT, A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS

**TRACT I (RECOMMENDED)**  
 CONTAINING 15,732 SQUARE FEET OR 0.36 ACRES

ALL THAT PART OF LOT 4, MISSION CHATEAU 2ND PLAT, A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID LOT 4; THENCE S87°36'44"W, ALONG THE SOUTHERLY LINE OF SAID LOT 4, A DISTANCE OF 67.18 FEET TO THE POINT OF BEGINNING; THENCE S87°36'44"W, CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 97.49 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 4; THENCE N02°26'05"W, ALONG THE WESTERLY LINE OF SAID LOT 4, A DISTANCE OF 81.96 FEET TO A POINT; THENCE N15°08'57"E, CONTINUING ALONG SAID WESTERLY LINE A DISTANCE OF 104.66 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 4; THENCE SOUTHEASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 4, ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF S74°58'25"E, A RADIUS OF 154.00 FEET, AN ARC DISTANCE OF 45.11 FEET; THENCE CONTINUING SOUTHEASTERLY ALONG SAID NORTHERLY LINE ALONG A CURVE TO THE RIGHT BEING TANGENT TO THE PREVIOUSLY DESCRIBED CURVE, HAVING A RADIUS OF 150.00 FEET, AN ARC DISTANCE OF 21.13 FEET TO THE NORTHERLY PROLONGATION OF THE CENTERLINE OF A PARTY WALL SEPARATING 3903 AND 3907 W. 84TH TERRACE; THENCE S02°34'59"E ALONG THE CENTERLINE OF SAID PARTY WALL AND ITS NORTHERLY AND SOUTHERLY PROLONGATIONS, A DISTANCE OF 172.99 FEET TO THE POINT OF BEGINNING.

**TRACT II (RECOMMENDED)**  
 CONTAINING 12,350 SQUARE FEET OR 0.28 ACRES

ALL THAT PART OF LOT 4, MISSION CHATEAU 2ND PLAT, A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 4; THENCE S87°36'44"W, ALONG THE SOUTHERLY LINE OF SAID LOT 4, A DISTANCE OF 67.18 FEET TO THE SOUTHERLY PROLONGATION OF THE CENTERLINE OF A PARTY WALL SEPARATING 3903 AND 3907 W. 84TH TERRACE; THENCE N02°34'59"W, ALONG THE CENTERLINE OF SAID PARTY WALL AND ITS NORTHERLY AND SOUTHERLY PROLONGATIONS, A DISTANCE OF 172.99 FEET TO POINT ON THE NORTHERLY LINE OF SAID LOT 4; THENCE SOUTHEASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 4, ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF S83°41'13"E, A RADIUS OF 150.00 FEET, AN ARC DISTANCE OF 29.36 FEET; THENCE SOUTHEASTERLY, CONTINUING ALONG SAID NORTHERLY LINE OF LOT 4, ALONG A CURVE TO THE LEFT BEING TANGENT TO THE PREVIOUSLY DESCRIBED CURVE, HAVING A RADIUS OF 150.00 FEET, AN ARC DISTANCE OF 49.24 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 4; THENCE S02°26'05"E, ALONG THE EASTERLY LINE OF SAID LOT 4, A DISTANCE OF 131.23 FEET; THENCE SOUTHWESTERLY, CONTINUING ALONG SAID EASTERLY LINE OF SAID LOT 4 ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF S28°50'59"W, A RADIUS OF 65.36 FEET AN ARC DISTANCE OF 27.29 FEET TO THE POINT OF BEGINNING.

- BOUNDARY SURVEY NOTES:**
1. THE POSITION OF EXISTING MONUMENTATION, IF NOT THE TRUE CORNER, IS NOTED BY DIFFERENCES IN COORDINATES OR AT RIGHT ANGLES TO THE PROPERTY LINE AT THE NOTED DISTANCE FROM THE NEAREST BOUNDARY CORNER.
  2. THE DESCRIPTIONS USED FOR THIS SURVEY WERE DERIVED FROM THE PLAT OF MISSION CHATEAU 2ND PLAT
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  6. ACCORDING TO THE FLOOD INSURANCE RATE MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, COMMUNITY-PANEL NUMBER 200175-0039C, EFFECTIVE DATE: AUGUST 3, 2009, THE SUBJECT PROPERTY IS IN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
  7. FIELD WORK WAS COMPLETED ON NOVEMBER 29, 2023.

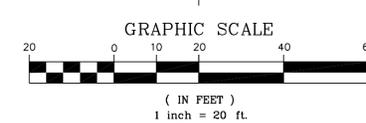
- LEGEND**
- SET 1/2" REBAR 24" LONG WITH ORANGE PLASTIC CAP STAMPED "LS-1736"
  - (M) MEASURED BEARING OR DISTANCE
  - (P) PLATTED BEARING OR DISTANCE
  - (C) CALCULATED VALUE
  - S/E SEWER EASEMENT
  - DS DOWNSPOUT
- ALL DOWNSPOUTS TO BE PIPED UNDER GROUND TO A POINT A MINIMUM DISTANCE OF 10 FEET FROM THE BUILDING

**TRACT I CLOSURE**

POB: N:5529.5979 E:4468.1205  
 LINE: S87°36'44"W 97.49'  
 N:5525.5362 E:4370.7151  
 LINE: N02°26'05"W 81.96'  
 N:5607.4122 E:4367.2338  
 LINE: N15°08'57"E 104.66'  
 N:5708.4255 E:4394.5823  
 CURVE: ITB=S74°58'25"E  
 R=154.00' L=45.11'  
 N:5703.2321 E:4439.2302  
 CURVE: R=154.00' L=21.13'  
 N:5702.3927 E:4460.3290  
 LINE: S02°34'59"E 172.99'  
 POB: N:5529.5784 E:4468.1222

**TRACT II CLOSURE**

POB: N:5532.3968 E:4535.2422  
 LINE: S87°36'44"W 67.18'  
 N:5529.5979 E:4468.1205  
 N02°34'59"W 172.99'  
 N:5702.4116 E:4460.3243  
 CURVE: ITB=S83°41'13"E  
 R=150.00' L=29.36'  
 N:5696.3569 E:4489.0053  
 CURVE: R=150.00' L=49.24'  
 N:5689.4300 E:4537.5326  
 LINE: S02°26'05"E 131.23'  
 N:5658.3185 E:4543.1074  
 CURVE: ITB=S28°50'59"W  
 R=65.36' L=27.29'  
 POB: N:5532.3947 E:4535.2370



STORM WATER STUDY  
 PREPARED BY BHC RHODES  
 #021390.00.01  
 REVISED MAY 27, 2016

**DEVELOPER:**  
 KEVIN GREEN HOMES  
 6610 ROYAL STREET  
 PLEASANT VALLEY, MO 64069



**SURVEYOR'S CERTIFICATION:**  
 I HEREBY CERTIFY THAT WE HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH MEET OR EXCEED THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, STANDARDS OF PRACTICE NO. 1, AS ADOPTED BY THE BOARD OF SURVEYING AND MAPPING, JOHNSON COUNTY, KANSAS, AND THAT THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

IF THE SURVEYOR'S SEAL IS NOT SHOWN IN COLOR, THEN THE SURVEY IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS. THUS THE CERTIFICATION CONTAINED ON THIS DOCUMENT SHALL NOT APPLY.

**R.L. Buford & Associates, LLC**  
 LAND SURVEYING & CONSULTANTS  
 1215 W. 12TH ST., SUITE 100  
 P.O. BOX 14089, PARKVILLE, MO. 64152 (816) 741-6152

FOR  
**KEVIN GREEN HOMES**

DATE: 12/5/2023  
 JOB NO.: JO-22345  
 FIELD BOOK & PAGE: 12/5/2023

DRAWN BY: ADH

**LOT SPLIT - LOT 4, MISSION CHATEAU 2ND PLAT**

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 E:\A-JOHNSON COUNTY\JO-22345.KG LOT 4 MISSION CHATEAU\DWG\JO-22345\_SPLIT.DWG 12/7/2023

# DISCUSSION MEMO

**TO:** Prairie Village Planning Commission  
**FROM:** Chris Brewster, Multistudio, Planning Consultant  
**DATE:** December 5, 2023 Planning Commission Work Session  
UPDATED – January 9, 2024 Planning Commission Meeting

---

**UPDATE:** *This memo was presented in the December 5, 2023 Planning Commission packet along with the potential draft zoning amendments it summarizes. Initial discussions by the Commission confirmed the general direction with a goal for the Commission to provide any detailed review comments for further discussion at the January Planning Commission meeting. Comments received by staff have centered on:*

- (a) Minor adjustments to the potential building type standards to be used as the basis for the MXD district, and potentially used for Planned District applications in other zone districts [Draft Section 19.23.015 / Table 19.23.A]; and*
- (b) The appropriateness and level of details in the “Mixed-Use and Mixed-Density Design Standards.” [Draft Section 19.23.020] These standards were modeled off of the approaches used in the R-1A and R-1B districts but adjusted in two key ways – (1) to account for distinctions between residential buildings and mixed-use or non-residential buildings – particularly on the frontages and 1<sup>st</sup> story façade transparency; and (2) apply similar massing approaches, but graduate the thresholds up for the next scale of buildings. Several comments question whether these strategies are appropriate or necessary.*

*These specific items will be the focus of the Commission’s continued discussion at the January 9, 2024, Planning Commission meeting. Any other items brought up by the Commission at the meeting but not yet conveyed to staff may also be discussed. The material in this memo, the potential draft zoning amendments, and the previous December 5, 2023, presentation will also guide the discussion.*

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The Planning Commission held a work sessions on August 22, 2023 and October 3, 2023 to discuss potential strategies for housing policies in Village Vision 2.0. The work sessions were a direct follow-up to the public forums held on June 22, 2023 and July 13, 2023. Based on the direction from the work sessions, a discussion draft of potential zoning amendments has been created and is attached in the packet. This memo summarizes the draft amendments.

## **I. Strategies**

The Planning Commission arrived at five strategies based on discussions at the August 22 and October 3 work sessions:

1. Hold status quo in R-3 and R-4. (Chapters 19.12 and 19.14)

2. Allow residential uses in C- districts. (Chambers 19.16, 19.18, and 19.20)
3. Improve the MXD district (planned district) (Chapter 19.23)
4. Revise current planned development standards & process (Chapter 19.24)
5. Consider MXD standards for application in a variety of contexts.

## II. Approach

The following specific approaches can be used to amend the code based on the Planning Commission's discussions and policies established in the comprehensive plan. The approaches are further described in the discussion notes below, and are included in the attached strike-through versions of the current code (see attached Planning Commission Discussion Draft, November 2023).

### **1. Hold status quo in R-3 and R-4.**

- a. Make current development compliant with standards with simple amendments.
- b. Clean up any conflicts / interpretation issues in the current standards.
- c. Allow a similar scale / pattern of redevelopment as existing buildings.

### **2. Allow residential uses in C- districts.**

- a. Limit residential to mixed use buildings (upper stories above ground level commercial or behind ground level commercial)
- b. Allow subject to current C- district standards that apply to commercial buildings.

### **3. Improve the MXD district (planned district).**

- a. Promote smaller scale projects that are more practical to Prairie Village's context. (smaller redevelopment projects and strategic infill, rather than broad master planned communities)
- b. Improve criteria (more specific policy goals and community benefit targets).
- c. Set default standards and building types for the scale and types of buildings that are most appropriate in a variety of Prairie Village contexts.
- d. Include neighborhood / community design standards or criteria for new building types / projects with similar approaches used in the current R1-A and R1-B district design standards.

### **4. Revise current planned development standards and process.**

- a. Improve review criteria for better expectations.
- b. Define specific elements of a development plan necessary to support flexibility.
- c. Consider default standards as starting point (use base-district standards and/or borrow from MXD district - see below);
- d. Create criteria, guidance, and/or ranges for evaluating deviations from default standards based on plan.

**5. Consider MXD for application in a variety of contexts.**

- a. Mixed use redevelopment in C- districts [Rezoning to MXD]
- b. Mixed use building projects / infill in C-districts [Rezoning to CP-1, CP-2, or MXD]
- c. Residential-only projects in mixed use contexts – projects / strategic infill in C- Districts [Rezoning to CP-1, CP-2, or MXD]
- d. Larger-scale neighborhood redevelopment in R-3 and R-4 districts [Rezoning to RP-3 or RP-4]
- e. Low-scale neighborhood redevelopment in R-2 or R-3 areas [Rezoning to RP-2 or RP-4]

**III. Discussion Notes:**

The attached Planning Commission Discussion Draft includes amendments to the current zoning ordinance that executes the five strategies. The following notes should be considered along with review of the discussion draft to assist with review, comments or questions.

**1. Hold the status quo in R-3 and R-4**

Several of the R-3 and R-4 properties were surveyed for compliance with the existing zoning standards using mapping estimates and available data on Johnson County AIMS mapping (this will provide approximate compliance – see R-3 and R-4 Inventory in separate attachment). The standards primarily include:

- Building Height
- Lot Coverage
- Lot Area Per Family
- Setbacks

The most frequent non-compliance issue was with the “lot area per family” requirement in the R-3 district. The requirement is at least 2,500 square feet of lot area per family unit ([Zoning Ordinance, Section 19.12.035](#)). Several properties were below this ranging from 1,773 square feet per unit to 2,451 square feet per unit. Therefore, the discussion draft changes this to 1,750 square feet per unit.

The R-3 district also has an apparent conflict. [Section 19.12.035](#) states that no buildings and car port shall cover more than 20% of the lot, while [Section 19.12.036](#) states that buildings and structures shall not cover more than 30% of the lot. Most of the properties surveyed have building coverage in the 21% to 29% range. Therefore, the discussion draft removes the 20% requirement and retains the 30% requirement.

The R-3 district does not currently have an impervious surface coverage standard. To be consistent with the 2018 R-1A and R-1B updates this is added. Most of the properties surveyed are below 50% coverage. The range is 19% to 56%, with only 3 being over 50% at 51%, 52% and 56%.

The other changes to R-3 and R-4 are non-substantive formatting changes to be consistent with the approach of the 2018 amendments and clarify and simplify the code (i.e. converting text to tables and adding intent statements)

Last, to coordinate with strategy 5 (discussed below) a section is added to further direct planned zoning applications of the R-districts to the updated MXD standards and building types. Rather than have an open-ended approach to revising the standards, this will help establish targets and expectations for planned applications in the R-districts. This also provides the opportunity for neighborhood design standards – discussed with strategy 3 below – to be included, where currently there are none in the R-2, R-3, or R-4 districts. (Therefore, the R-2 district was included to be consistent in this approach through R-Districts.)

## **2. Allow residential uses in the C- districts.**

Currently only the C-O district allows residential uses, and it requires those uses to default to R-1, R-2, and R-3 standards ([Zoning Ordinance, Section 19.16.035](#)). This results in building and development standards that are not appropriate for commercial or mixed-use contexts. Based on the direction of the Planning Commission to allow residential uses in commercial / mixed-use buildings, two simple amendments are recommended:

- Add a “mixed-use residential” entry to the use table in Chapter 19.27 ([Zoning Ordinance, Section 19.27.010](#)) and allow it in C-O, C-1, and C-2.
- Add a performance criteria in each of those zone districts that mixed-use residential uses shall be on the upper floors or behind ground level commercial uses, and then otherwise subject to the commercial building standards.

## **3. Improve the MXD district.**

The MXD standards are intended for very large scale “master planned” communities. The intent and procedures imply mixing land uses across broad areas as well as mixed-use buildings. The provisions in this section are very broad and vague, and do not provide good guidance for how or where the district should be used, and instead for large scale planning efforts to address these specific issues. (It has only been used once and in a very limited application).

The recommended improvements involve the following key elements:

- Repurpose the district for smaller-scale redevelopment projects or targeted infill applications.
- Establish “default” development standards based on the type and range of buildings anticipated in Prairie Village.
- Add mixed-use and mixed-density neighborhood design standards. This adds more specificity to the current intent of the MXD district and creates planning thresholds for proposed development plans.
- Simplify the procedures and defer to the Planned Zoning district process. (See strategy 4 below)

#### 4. **Revise current rezoning / planned development standards and process.**

The current planned zoning provisions are very open-ended and vague. They rely heavily on discretionary processes without clear criteria for applicants, staff, or decision makers. As a result, there is great flexibility in what could technically be accomplished under the planned zoning process, but there are few expectations. The procedures are confusing and imprecise and lead to a scenario where most outcomes are negotiated through a public process.

The following changes are recommended (with specific emphasis on leveraging the MXD changes discussed in strategy 3, and for more targeted applications to R-2, R-3, and R-4 districts discussed in strategy 1 and strategy 5.)

- Simplify the intent statement and make clear the context, application, and benefits intended from planned applications.
- Replace the arbitrary development standards in the current section with a system that defaults to the base district standards but includes specific guidance and design objectives for deviating from those standards.
- Simplify the procedures but indicate planning elements and thresholds that must be demonstrated in a development plan to justify deviating from the base district standards. Two scales of plans are recommended – a community plan and project plans. For smaller-scale applications, the community plan may rely more on the existing conditions surrounding the project but are still essential for analysis of the planned application and how flexibility or deviations from the standards are justified.
- Improved decision criteria to focus on planning objectives and community benefits that should result for planned applications.

#### 5. **Consider MXD for specific scenarios.**

The combination of the approach to the MXD district and improvements to the Planned Zoning District application can then be leveraged for a variety of situations:

- Larger-scale redevelopment and rezoning to MXD (current situation, improved with better MXD standards and criteria)
- Smaller scale strategic infill in current commercial districts (“project plan” in the Planned District)
- Planned applications for the C- districts for more targeted infill of commercial or mixed-use buildings.
- Residential-only buildings in the C- districts, provided that are part of the larger mixed-use context based on a “community plan.”
- Limited planned application in R-2, R-3, and R-4 districts for appropriate scaled residential projects.

For the last three applications each of the R- and C- districts includes an added section specifying which building types are appropriate for each district application. Because these are “planned applications” they will rely on a discretionary review process and there is an opportunity to adjust the standards based on a specific plan.

**IV. Next Steps:**

Based on discussion and direction on these issues at the December 5, 2023 Planning Commission, staff and the Commission will determine next steps, which could involve any or all of the following:

- Further refinement or discussion of draft edits.
- Additional or related development code changes, as directed by the Commission.
- Additional Planning Commission work sessions / discussions (if needed)
- Preparation of proposed official and recommended amendments.
- Scheduling of official review and adoption procedures [PC public hearing (formal recommendation), CC public hearing (decisions)].

**Chapter 19.10 DISTRICT R-2 TWO FAMILY RESIDENTIAL DISTRICT**

**19.10.005. INTENT**

The R-2 Two-family Residential District provides residential living in low-scale detached and attached dwelling units. It should be used in areas at transitions between neighborhoods and corridors, activity centers, parks and civic spaces. This district is appropriate in village neighborhoods, as part of mixed-use context of activity centers, or at transition areas adjacent to thoroughfares or greenspace identified in the comprehensive plan.

**19.10.005010. USE REGULATIONS.**

Permitted uses in this district are specified in chapter 19.27 "Zoning Districts and Uses." They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to chapter 19.34.

**19.10.010015. HEIGHT AND AREA REGULATIONS GENERALLY, DEVELOPMENT STANDARDS**

*[The following changes are mainly to simplify the format and information on development standards into a table, similar to the latest updates to R-1A and B, and replace sections 010, 015, 020, 025, 030, 035, 040, 045, and 046. There are no substantive changes.]*

<b><u>Table 19.10.A. Development Standards</u></b>	
<b><u>R-2</u></b>	
<b><u>Lot:</u></b>	
<u>Area</u>	<u>9,600 square feet (4,800 square feet per unit)</u>
<u>Width</u>	<u>80'</u>
<u>Building Coverage</u>	<u>30% of lot, maximum</u>
<b><u>Building Setbacks:</u></b>	
<u>Front</u>	<u>30' minimum</u>
<u>Side</u>	<u>7' minimum each side</u> <u>18' minimum total both sides</u>
<u>Street Side</u>	<u>15' minimum</u>
<u>Rear</u>	<u>25' minimum</u>
<b><u>Height:</u></b>	
<u>Height</u>	<u>35' maximum, measured from the top of foundation to the highest point of the roof structure.</u>
<u>Story Limit</u>	<u>2.5 stories</u>

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One family dwellings constructed in this district shall comply with the height, front, side and rear yard requirements and minimum lot size requirements of District R-1a. Two family dwellings shall comply with the minimum requirements set forth in ~~sections 19.10.015—19.10.045~~Table 19.10.A.

~~**19.10.015. HEIGHT.**~~

~~No building or structure shall exceed 35 feet in height, measured as set out in section 19.02.100; nor shall it contain more than two and one-half stories as set out in section 19.02.435.~~

~~**19.10.020. FRONT YARD.**~~

~~The front yard requirements shall be 30 feet.~~

~~**19.10.025. SIDE YARD.**~~

~~There shall be a side yard on each side of the dwelling, the total of which side yards shall be not less than 18 feet and neither side yard shall be less than seven feet. Not less than 15 feet shall be provided on the street side of a corner lot.~~

~~**19.10.030. REAR YARD.**~~

~~The depth of the rear yard shall be not less than 25 feet.~~

~~**19.10.035. LOT WIDTH.**~~

~~The width of the lot shall be not less than 80 feet.~~

~~**19.10.040. LOT AREA PER FAMILY.**~~

~~Not less than 9,600 square feet of lot area shall be provided for each two-family dwelling.~~

~~**19.10.045. MINIMUM DWELLING SIZE.**~~

~~The minimum dwelling size shall be 1,100 square feet per family unit for living space, exclusive of garage, basement, storage space, open or screened porches, vestibules, patios and utility rooms.~~

~~**19.10.046. LOT COVERAGE.**~~

~~Buildings and structures shall not cover more than 30 percent of the net lot area.  
(Ord. 2019, Sec. II, 2001; Ord. 2060, Sec. I, 2003)~~

**19.10.050020. PARKING REGULATIONS.**

Two parking spaces shall be provided for each dwelling unit. (For additional parking regulations see chapter 19.46.)

**19.10.055025. SITE PLAN APPROVAL.**

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

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If application is made for a building permit for a building or structure, which is not required to submit a site plan and whose architectural style or exterior materials in the opinion of the building official vary substantially from such style or materials which have been used in the neighborhood in which the building or structure is to be built, the plans and supporting information for such building or structure shall be submitted to the planning commission for review and approval as to its compatibility with the surrounding neighborhood. This paragraph shall not apply to single-family and two-family dwellings, group homes and residential design manufactured homes.

### **19.12.030. PLANNED ZONING APPLICATIONS.**

Application of the R-2 district through planned zoning applications according to Chapter 19.24, Planned Zoning District shall use the moderate- to large-scale residential building types of the MXD district as the basis for the plan. Specifically, the following types from Section 19.23.015 are eligible for inclusion in the plan:

- (a) Detached House – Standard Lot
- (b) Detached House – Small Lot
- (c) Attached House

*[Discussion item: Should this be so specific as to identify particular P applications and building types, or just be generally open to “low scale” building types (i.e. “house” scaled projects.)*

## Chapter 19.12 ~~DISTRICT R-3 GARDEN~~ APARTMENT DISTRICT

### 19.12.005. INTENT

The R-3 Apartment District provides residential living in moderate- to large-scale multi-unit buildings contributing to a mix of housing opportunities at strategic locations. It should be used in areas with a high level of accessibility, public and common amenities, and support services in the vicinity, and transition to lower-scale neighborhoods. This district is appropriate in village neighborhoods, as part of mixed-use context of activity centers, or at transition areas adjacent to thoroughfares or greenspace identified in the comprehensive plan.

### 19.12.005010. USE REGULATIONS.

Permitted uses in this district are specified in chapter 19.27 "Zoning Districts and Uses." They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to chapter 19.34.

### 19.12.010015. HEIGHT AND AREA REGULATIONS GENERALLY. Development Standards

*[The following changes are mainly to simplify the format and information on development standards into a table, similar to the latest updates to R-1A and B, and replace sections 015, 020, 025, 030, 035, and 036. There are no substantive changes except – (1) reducing the per-unit lot area to comply with existing projects; (2) reconciling the conflict between 20% and 30% building coverage in 035 and 036 highlighted below; and (3) clearing up that impervious surface limit is distinct from building coverage similar to other districts.]*

<u>Table 19.12.A. Development Standards</u>	
<u>R-3</u>	
<u>Lot:</u>	
<u>Area</u>	<u>1,750 s.f. per unit</u>
<u>Building Coverage</u>	<u>30% of lot, maximum</u>
<u>Impervious Surface Coverage</u>	<u>50% of lot, maximum</u>
<u>Building Setbacks:</u>	
<u>Front</u>	<u>30' minimum</u>
<u>Side</u>	<u>10' minimum for 2-story</u> <u>15' minimum for 2.5 story</u>
<u>Street Side</u>	<u>15' minimum</u>
<u>Rear</u>	<u>25' minimum</u>
<u>Height:</u>	
<u>Height</u>	<u>35' maximum, measured from the top of foundation to the highest point of the roof structure.</u>

Story Limit | 2.5 stories

~~In District R-3, the height of buildings, the minimum dimensions of lots and yard, the minimum lot area per family permitted on any lot shall be as follows in sections 19.12.015—19.12.035 (for exceptions see chapter 19.44, height and area exceptions).~~

#### **~~19.12.015. HEIGHT.~~**

~~No building or structure shall exceed 35 feet in height, measured as set out in section 19.02.100; nor shall it contain more than two and one half stories as set out in section 19.02.435.~~

#### **~~19.12.020. FRONT YARD.~~**

~~The front yard requirement shall be 30 feet.~~

#### **~~19.12.025. SIDE YARD.~~**

~~The side yard requirement shall be ten feet for two story and 15 feet for two and one half story buildings; except that not less than 15 feet shall be provided on the street side of a corner lot.~~

#### **~~19.12.030. REAR YARD.~~**

~~The rear yard requirement shall be 25 feet.~~

#### **~~19.12.035. LOT AREA PER FAMILY.~~**

~~The minimum lot area for garden apartments shall be 2,500 square feet per family units; provided that in no case shall apartment buildings and carports, if any, cover more than 20 percent of the area of the lot or tract; the remaining eighty percent of the land to contain lawn, landscaped areas, recreation areas and open parking lots.~~

#### **~~19.12.036. LOT COVERAGE.~~**

~~Buildings and structures shall not cover more than 30 percent of the net lot area.  
(Ord. 2019, Sec. II, 2001; Ord. 2060, Sec. I, 2003)~~

#### **~~19.12.040~~20. PARKING REGULATIONS.**

Two parking spaces shall be provided for each dwelling unit. Parking shall not be permitted in the required side yard or within 15 feet of a street right-of-way. (For other parking requirements see chapter 19.46.)

#### **~~19.12.045~~25. SITE PLAN APPROVAL.**

All new buildings or structures and proposed expansions and enlargements of more than ten percent of the existing floor area of existing buildings except single family and two-family dwellings, group

homes and residential design manufactured homes shall prepare and submit a site plan in accordance with chapter 19.32 Site Plan Approval prior to the issuance of a building permit.

If application is made for a building permit for a building or structure, which is not required to submit a site plan and whose architectural style or exterior materials in the opinion of the building official vary substantially from such style or materials which have been used in the neighborhood in which the building or structure is to be built, the plans and supporting information for such building or structure shall be submitted to the planning commission for review and approval as to its compatibility with the surrounding neighborhood. This paragraph shall not apply to single-family and two-family dwellings, group homes and residential design manufactured homes.

### **19.12.030. PLANNED ZONING APPLICATIONS.**

Application of the R-3 district through planned zoning applications according to Chapter 19.24, Planned Zoning District shall use the moderate- to large-scale residential building types of the MXD district as the basis for the plan. Specifically, the following types from Section 19.23.015 are eligible for inclusion in the plan:

- (a) Row House
- (b) Apartment – Small
- (c) Apartment – Medium
- (d) Apartment - Large

*[Discussion item: Should this be so specific as to identify particular P applications and building types, or just be generally open to “moderate to larger scale building types”.]*

## Chapter 19.14 ~~DISTRICT R-4~~ MIXED CONDOMINIUM OR COMMON WALL DWELLING DISTRICT

### 19.14.005. INTENT

The R-4 Mixed Dwelling District provides residential living in low- to moderate-scale multi-unit buildings contributing to neighborhoods with a mix of detached, attached, and low-scale multi-unit buildings. It should be used in areas with a high level of accessibility, public and common amenities, and support services in the vicinity, and transition to lower-scale neighborhoods. This district is appropriate in village neighborhoods, as part of mixed-use context of activity centers, or at transition areas adjacent to thoroughfares or greenspace identified in the comprehensive plan.

### 19.14.005010. USE REGULATIONS.

Permitted uses in this district are specified in chapter 19.27 "Zoning Districts and Uses." They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to chapter 19.34.

### 19.14.010015. HEIGHT AND AREA REGULATIONS DEVELOPMENT STANDARDS

*[the following changes are mainly to simplify the format and information on development standards into a table, similar to the latest updates to R-1A and B, and replace sections 015, 020, 025, 030, 035, 040 and 041. There are no substantive changes except adding the impervious surface coverage distinct from building coverage.]*

<u>Table 19.14.A. Development Standards</u>	
<u>R-4</u>	
<b><u>Lot:</u></b>	
<u>Area</u>	<u>3,500 s.f. per unit</u>
<u>Width</u>	<u>150' minimum</u>
<u>Building Coverage</u>	<u>30% of lot, maximum</u>
<u>Impervious Surface Coverage</u>	<u>50% of lot, maximum</u>
<b><u>Building Setbacks:</u></b>	
<u>Front</u>	<u>30' minimum</u>
<u>Side</u>	<u>10' minimum for 2-story</u> <u>15' minimum for 2.5 story</u>
<u>Street Side</u>	<u>15' minimum</u>
<u>Rear</u>	<u>35' minimum</u>
<b><u>Height:</u></b>	
<u>Height</u>	<u>35' maximum, measured from the top of foundation to the highest point of the roof structure.</u>
<u>Story Limit</u>	<u>2.5 stories</u>

~~In District R-4, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows in sections 19.14.015—19.14.040 (for exceptions see chapter 19.44, height and area exceptions).~~

#### ~~19.14.015. HEIGHT.~~

~~No building or structure shall exceed 35 feet in height, measured as set out in section 19.02.100; nor shall it contain more than two and one-half stories as set out in section 19.02.435.~~

#### ~~19.14.020. FRONT YARD.~~

~~Any building hereafter constructed shall provide for a front yard the minimum depth of which shall be 30 feet.~~

#### ~~19.14.025. SIDE YARD.~~

~~There shall be a side yard on each side of the lot of not less than ten feet for two-story buildings and 15 feet for two and one-half story buildings. No side yard shall be required on interior lots in common wall projects. Not less than 15 feet shall be provided on the street side of a corner lot.~~

#### ~~19.14.030. REAR YARD.~~

~~The depth of the rear yard shall be not less than 35 feet.~~

#### ~~19.14.035. LOT AREA PER FAMILY.~~

~~Every condominium or common wall dwelling house hereafter erected shall provide a lot area of not less than 3,500 square feet per dwelling unit.~~

#### ~~19.14.040. LOT SIZE.~~

~~The width of the lot shall be at least 150 feet.~~

#### ~~19.14.041. LOT COVERAGE.~~

~~Buildings and structures shall not cover more than 30 percent of the net lot area.  
(Ord. 2019, Sec. II, 2001; Ord. 2060, Sec. I, 2003)~~

#### **19.14.045020. PARKING REGULATIONS.**

Two parking spaces shall be provided for each dwelling unit. Parking shall not be permitted in the required exterior side yards or within 15 feet of a street right-of-way. (See chapter 19.46 for additional parking requirements.)

#### **19.14.050025. SITE PLAN APPROVAL.**

All new buildings or structures and proposed expansions and enlargements of more than ten percent of the existing floor area of existing buildings except single-family dwellings, group homes and

residential design manufactured homes shall prepare and submit a site plan in accordance with chapter 19.32 Site Plan Approval prior to the issuance of a building permit.

If application is made for a building permit for a building or structure, which is not required to submit a site plan and whose architectural style or exterior materials in the opinion of the building official vary substantially from such style or materials which have been used in the neighborhood in which the building or structure is to be built, the plans and supporting information for such building or structure shall be submitted to the planning commission for review and approval as to its compatibility with the surrounding neighborhood. This paragraph shall not apply to single-family dwellings, group homes and residential design manufactured homes.

### **19.14.030. PLANNED ZONING APPLICATIONS.**

Application of the R-4 district through planned zoning applications according to Chapter 19.24, Planned Zoning District shall use the moderate- to large-scale residential building types of the MXD district as the basis for the plan. Specifically, the following types from Section 19.23.015 are eligible for inclusion in the plan:

- (a) Detached House – Small Lot
- (b) Multi-unit House
- (c) Row House
- (d) Apartment – Small

[Discussion item: Should this be so specific as to identify particular P applications and building types, or just be generally open to “small or moderate scale building types” (i.e. neighborhood scale).]

# Chapter 19.16 DISTRICT C-0 OFFICE BUILDING DISTRICT

**19.16.005. INTENT**

The C-O Commercial Office District is a low intensity non-residential district providing a range of small-scale, commercial or employment uses. It also may include limited retail or services to support adjacent neighborhoods and low- and moderate-scale residential uses that contribute to a mixed-use context. This zone serves as a transition between neighborhoods and village centers or establishes neighborhood hubs in the comprehensive plan.

**19.16.005010. USE REGULATIONS.**

Permitted uses in this district are specified in chapter 19.27 "Zoning Districts and Uses." They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to chapter 19.34.

*[Note: the use table in Chapter 19.27 will be amended to include "Residential – Mixed Use" as a permitted use in C-O. This use will include residential dwellings in commercial buildings, limited to the upper floors or behind ground level non-residential uses. There are no changes other development standards associated with this – merely allowing existing buildings to be used in limited capacity with residential uses. Stand-alone or all residential uses will be subject to 19.16.035 below along with recommended amendments.]*

**19.16.010015. HEIGHT AND AREA REGULATIONS GENERALLY DEVELOPMENT STANDARDS.**

*[the following changes are mainly to simplify the format and information on development standards into a table, similar to the latest updates to R-1A and B, and replace sections 015, 020, 025, and 030. There are no substantive changes.]*

<u>Table 19.16.A. Development Standards</u>	
<u>C-O</u>	
<b><u>Building Setbacks:</u></b>	
<u>Front</u>	<u>30' minimum</u>
<u>Side</u>	<u>10' minimum for 1-story</u> <u>15' minimum for 2-story</u> <u>20' minimum for 2.5-story +</u>
<u>Street Side</u>	<u>15' minimum</u>
<u>Rear</u>	<u>35' minimum</u>
<b><u>Height:</u></b>	
<u>Height</u>	<u>35' except a greater height may be permitted subject to a conditional use permit in Chapter 19.30</u>

[confirm with Mitch that eliminating 189.16.015 (a), (b) and (c) does not significantly alter how height should be measured in C-O...]

~~In District C-O, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows in sections 19.16.015—19.10.035 (for exceptions see chapter 19.44, Height and Area Exceptions).~~

### **~~19.16.015. HEIGHT.~~**

~~Height of buildings in this district shall be measured in feet and no building or structure shall exceed 35 feet except that a greater height may be permitted by conditional use permit in accordance with chapter 19.30. In the case of office buildings, the height is measured as follows:~~

- ~~(a) The maximum vertical distance in feet from the average finish grade abutting the building to the highest point of the roof or any parapet or mansard, or to the mean height between eaves and ridge of gable, hip and gambrel roofs. Heating, ventilating, air conditioning and elevator equipment located on flat roofs may extend above the maximum height not more than eight feet.~~
- ~~(b) Finish grade in this instance shall not include such depressions as dock ramps, areaways and below grade stairways but shall be the ground elevation at the point where it is lowest.~~
- ~~(c) The use of fills or berms to increase the height of the building is not permitted.~~

### **~~19.16.020. FRONT YARD.~~**

~~Any building or structure hereafter constructed shall provide a front yard the minimum depth of which shall be 30 feet.~~

### **~~19.16.025. SIDE YARD.~~**

~~There shall be a side yard on each side of the lot, such side yard to be not less than ten feet for one story buildings, 15 feet for two story buildings, and 20 feet for two and one half story buildings. There shall be a side yard of not less than 15 feet of the street side of a corner lot.~~

### **~~19.16.030. REAR YARD.~~**

~~The depth of the rear yard shall be not less than 35 feet.~~

### **~~19.16.035~~20. RESIDENTIAL BUILDINGS.**

Any residential building constructed or located in this district shall comply with the height, yard and area regulations of the district corresponding to that dwelling type. Single family dwellings and group homes shall comply with District R-1; two family dwellings shall comply with District R-2; garden apartment buildings shall comply with District R-3. Residential uses may be permitted on upper stories above ground-level commercial uses or less than 50% of the ground floor and located behind ground-level commercial uses, subject to the C-O district standards.

### **~~19.16.040~~30. SITE PLAN APPROVAL.**

All new buildings or structures and proposed expansions and enlargements of more than ten percent of the existing floor area of existing buildings except single family and two-family dwellings, group

homes and residential design manufactured homes shall prepare and submit a site plan in accordance with chapter 19.32 Site Plan Approval prior to the issuance of a building permit.

If application is made for a building permit for a building or structure, which is not required to submit a site plan and whose architectural style or exterior materials in the opinion of the building official vary substantially from such style or materials which have been used in the neighborhood in which the building or structure is to be built, the plans and supporting information for such building or structure shall be submitted to the planning commission for review and approval as to its compatibility with the surrounding neighborhood. This paragraph shall not apply to single-family and two-family dwellings, group homes and residential design manufactured homes.

### **19.16.045025. PARKING REGULATIONS IN DISTRICT C-0.**

See chapter 19.46 off street parking and loading regulations.

move above for consistent order between different districts.]

### **19.14.035. PLANNED ZONING APPLICATIONS.**

Application of the C-O district through planned zoning applications according to Chapter 19.24, Planned Zoning District shall use building types from the MXD district appropriate to compact and walkable mixed-use areas as the basis for the plan. Specifically, the following types from Section 19.23.015 are eligible for inclusion in the plan:

- (a) Multi-unit House
- (b) Row House
- (c) Live-Work
- (d) Apartment / Mixed-Use – Small

[Discussion item: Should this be so specific as to identify particular P applications and building types, or just be generally open to “small or moderate scale building types” (i.e. neighborhood scale).]

# RESIDENTIAL IN C- DISTRICTS

[Subject to current standards and limited to “mixed use”]

The following amendments are necessary to execute the Planning Commissions direction to allow residential in the commercial districts, but subject to current district standards (i.e. as “mixed-use projects” in existing commercial buildings).

1. Add the following entry to the use table in 19.27.005

Table 19.27 Allowed Uses										
■ = use is generally permitted, subject to general zoning district development and design standards. ○ = use requires Special Use Permit and discretionary review by Planning Commission and City Council per Section 19.32										
Uses	R-1A	R-1B	R-2	R-3	R-4	C-O	C-1	C-2	C-3	MXD
<b>Residential Uses</b>									No specific uses permitted. C-3 is a planned	No specific uses permitted. MXD s
Single family dwellings	■	■	■	■		■				
Two-family dwellings			■	■		■				
Garden Apartment Building or Apartment House				■		■				
Condominium					■					
Nursing and convalescent home	○	○	○	○	○	○	○	○		
Group home	■	■	■	■		■				
<b>Residential – Mixed Use</b>						■	■	■		

2. Add the following performance criteria to the C-O, C-1, and/or C-2 district standards

(xy) Residential uses shall be limited to dwelling units on upper stories above ground level commercial uses, or less than 50% of the ground floor and located behind ground-level commercial uses.

This would be:

- (see revised 19.16.35 for C-O district, included with other changes in this package.)
- 19.18.010(f) for the C-1 district
- 19.20.010(d) for the C-2 district

## Chapter 19.23 "MXD" PLANNED MIXED USE DISTRICT

### 19.23.005. ~~PURPOSE AND INTENT.~~

The zoning of property to the MXD, Planned Mixed Use District, is intended to encourage a variety of land uses in closer proximity to one another than would be possible with more conventional zoning districts, to promote sustainable development with projects that achieve a high level of environmental sensitivity and energy efficiency, to encourage design and construction using Leadership in Energy and Environmental Design "LEED" principles and practices; and to encourage building configurations that create a distinctive and memorable sense of place. Developments in this district are allowed and expected to have a mixture of residential, office and retail uses in a single structure or multiple structures along with public spaces, entertainment uses, and other specialty facilities that are compatible in both character and function and incorporate a coordinated consistent theme throughout the development. Developments are also expected to utilize shared parking facilities linked to multiple buildings and uses by an attractive and logical pedestrian network that places more emphasis on the quality of the pedestrian experience than is generally found in typical suburban development. Buildings are intended to be primarily multi-story structures with differing uses organized vertically rather than the horizontal separation of uses that commonly results from conventional zoning districts.

### 19.23.010. ~~USE REGULATIONS.~~

Permitted uses in this district are specified in chapter 19.27 "Zoning Districts and Uses." They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to chapter 19.34.

### 19.23.015. ~~BUILDING HEIGHT, DEVELOPMENT STANDARDS~~

~~Development standards in the MXD district shall be based on specific plans approved according to the Planned Zoning District process and standards in Chapter 19.24. Development plans shall be based on the following building types. Development plans shall identify the building type(s) applicable to the plan and arrange them around a community design plan that meets the intent of this district. Deviations from the standards in Table 19.23.A may be justified as indicated in the Planned Zoning District standards in Chapter 19.24.~~

~~[insert formatted building type table – see separate document]~~

- ~~(a) No maximum height; the height of buildings shall be as determined by the plan;~~
- ~~(b) At least 50 percent of the total floor area, except for auditoriums, conference facilities, theaters, and other similar uses, shall be located above the ground floor.~~

### 19.23.020. ~~FRONT YARD.~~

~~No minimum requirement. The front yard setback shall be established as shown on the plans.~~

### 19.23.025. ~~SIDE YARD.~~

~~No setback required except that where a lot line abuts the lot line of a residentially zoned property, a setback shall be required which is at least equal to the minimum setback required in the district in which the MXD District abuts.~~

### **~~19.23.030. REAR YARD.~~**

~~No setback required except that where a lot line abuts the lot line of a residentially zoned property, a setback shall be required which is at least equal to the minimum setback required in the district in which the MXD District abuts.~~

### **19.23.020. MIXED-USE & MIXED-DENSITY DESIGN STANDARDS**

[See separate document for proposed design standards. Based on same or similar approaches as the R1-A and B standards, but adjusted for mixed-use and/or mixed-density residential neighborhoods.]

[19.23.035, 040, 045, 050, 055, 060, 065, and 070 can be deleted by referral to the Planned Zoning District standards and procedures in Chapter 19.24. Some of the relevant elements of these deleted sections are included in the updates to Chapter 19.24.]

### **~~19.23.035. PRELIMINARY DEVELOPMENT PLAN SUBMITTAL.~~**

~~A tract of land may be zoned "MXD" only upon approval of a preliminary development plan which shall include the following information:~~

- ~~(a) Name of the project, address, boundaries, date, north arrow and scale of the plan;~~
- ~~(b) Name and address of the owner of record, developer, and name, address and phone number of preparers;~~
- ~~(c) All existing lot lines, easements, rights-of-way including area in acres or square feet;~~
- ~~(d) The location and use of all existing and proposed buildings and structures within the development. The number and types of dwellings and square footage or floor area for office and commercial uses. All dimensions of height and floor area, all exterior entrances and all anticipated future additions and alterations. Preliminary sketches depicting the general style, design, size and exterior materials and colors of existing buildings to be retained and new buildings to be constructed. Said sketches shall include building elevations, but detailed drawings are not required.~~
- ~~(e) The location of all existing and proposed public and private ways, driveways, sidewalks, ramps, curbs and fences; specific emphasis shall be placed on connectivity and walkability with and adjacent to the project;~~
- ~~(f) Location of required parking areas including parking stalls, setbacks and loading and service areas and the type of pavement proposed;~~
- ~~(g) A preliminary outdoor lighting plan in accordance with outdoor lighting regulations of the Zoning Ordinance plus a plan for the proposed lighting of public and private streets;~~
- ~~(h) Sign standards including the location, height, size, materials and design of all proposed monument and structure mounted signage;~~
- ~~(i) Location, type and screening details for all waste disposal containers;~~
- ~~(j) Location, size and screening details for all external HVAC units antennas and other equipment;~~

- ~~(k) A preliminary landscape plan showing all existing open space and trees to be retained, all proposed changes to these features including the location, size and type of proposed plant material, and any proposed screening for adjacent properties which may include solid or semi-solid, fencing, walls or hedges or a combination thereof;~~
- ~~(l) The location and size of all existing and proposed utility systems including:
  - ~~(1) Sewer lines and manholes;~~
  - ~~(2) Water lines and fire hydrants;~~
  - ~~(3) Telephone, cable and electrical systems;~~
  - ~~(4) Storm drainage system including drain pipes, culverts, catch basins, headwalls, endwalls, manholes, and drainage swales/ditches; and~~
  - ~~(5) Structure mounted telecommunications equipment (satellite dishes, antennas, etc.).~~~~
- ~~(m) A stormwater management plan including plans to prevent: (a) the pollution of surface or groundwater; (b) the erosion of soil both during and after construction; (c) excessive run-off, (d) and flooding of other properties, as applicable. Said plans shall include stormwater run-off calculations and shall provide for on-site stormwater management in accordance with Stormwater Management Regulations of the City Code;~~
- ~~(n) Existing and proposed topography shown at not more than two-foot contour intervals and the location of flood plains. All elevations shall refer to U.S.G.S. datum and shall be compatible with Johnson County datum;~~
- ~~(o) Zoning districts adjacent to the site;~~
- ~~(p) Traffic flow patterns within the site including, entrances and exits, emergency access, loading and unloading areas, and curb cuts and street patterns within 200 feet of the site;~~
- ~~(q) The planning commission may require a detailed traffic impact study for large uses, mixed use and multi-tenant developments, or for developments in heavy traffic areas to include:
  - ~~(1) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;~~
  - ~~(2) The projected traffic flow pattern within 1,000 feet of the site including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and~~
  - ~~(3) The impact of this traffic upon existing, abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.~~
  - ~~(4) The satisfying of traffic warrants for traffic signals and signs in accordance with MUTCD within 1,000 feet of the site.~~~~
- ~~(r) A list of the uses proposed for the "MXD" District.~~
- ~~(s) Off-street parking and loading shall be provided on the premises in accordance with the requirements for each type of use permitted, as set out in the off-street parking and loading regulations of the Zoning Ordinance except as follows:
  - ~~(1) The planning commission may reduce the required parking after considering documentation and/or study provided by the applicant, staff's recommendation and giving decisive weight to all relevant facts, including but not limited to the following factors: availability and accessibility of alternative parking; impact on adjacent properties and uses neighborhoods; existing or potential shared parking arrangements; the characteristics of the use, including hours of operation and peak parking demand times;~~~~

~~design and maintenance of off-street parking that will be provided; and whether the proposed use is new or a small addition to an existing use.~~

- ~~(2) Parking spaces on public and private streets may be counted towards the minimum requirements as set forth above; provided the on-street spaces are located on an adjacent or internal street that allows on-street parking. On-street parking spaces being counted towards the credit must be identified on plans at time of submittal to the city.~~
- ~~(3) No open parking areas shall be located closer than 15 feet to a public street, or no closer than eight feet to a property line other than a street line. Parking areas within the building, or within a parking structure extending more than six feet above the finished grade, shall comply with the setback regulations of the main building. Such parking setback and other open areas shall be brought to finish grade and planted with grass, shrubs and trees, and maintained to at least the average level of maintenance of the other developed property within the immediate neighborhood.~~
- ~~(t) Preservation of Natural Features: Mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. Abrupt changes in natural slope shall be avoided. Preservation shall be directed toward:
 
  - ~~(1) Enhancing the quality of new development;~~
  - ~~(2) Protecting the natural environment;~~
  - ~~(3) Providing buffering between new development and surrounding properties;~~
  - ~~(4) Preserving the character of existing neighborhoods;~~
  - ~~(5) Handling of stormwater flows in natural channels;~~
  - ~~(6) Maintaining existing vegetation along stream corridors as water quality filters; and~~
  - ~~(7) Creation of rain gardens.~~~~
- ~~(u) Submission of all easement and preliminary covenant documents that will be filed with the County.~~
- ~~(v) A phasing plan if the project is not going to be constructed at one time.~~

#### **~~19.23.040. PUBLIC IMPROVEMENTS.~~**

~~The planning commission may recommend and the city council may require the applicant to construct or install infrastructure improvements such as sidewalks, traffic signals, street lighting, pedestrian lighting, street widening and channelization, acceleration and deceleration lanes, waterlines, sewer lines, storm drainage improvements and other similar improvements that are related to the proposed project.~~

#### **~~19.23.045. PLANNING COMMISSION ACTION.~~**

~~The planning commission shall hold one or more public hearings on the preliminary development and rezoning. Upon conclusion of the public hearing or hearings, the planning commission, by a majority of members present and voting, shall make a recommendation to the city council to approve the proposal as submitted, to approve the proposal subject to conditions, or to deny the proposal.~~

#### **~~19.23.050. CITY COUNCIL ACTION.~~**

~~Upon approval of the preliminary development plan and the rezoning of the property by the city council, a final development plan for the project shall be prepared and submitted to the planning commission for final approval. Permits for construction shall not be issued until final plans have been~~

~~reviewed and approved by the planning commission. It is the intent of this chapter that the project as constructed shall conform closely to the preliminary plans reviewed and approved at the time of the public hearing.~~

### **~~19.23.055. FINAL DEVELOPMENT OF PLAN GENERALLY.~~**

~~Final plan for a project or a portion thereof shall not be approved if one or more of the following conditions, in the judgment of the commission, exist:~~

- ~~(a) Final plans vary substantially from the concept of the development plan presented and agreed to at the time of rezoning;~~
- ~~(b) The final plans would increase the density (number of units per acre) or intensity (concentration of development) of residential uses more than five percent;~~
- ~~(c) The final plans would increase the floor area of nonresidential buildings by more than ten percent;~~
- ~~(d) The final plans would increase by more than ten percent the ground covered by buildings or paved areas;~~
- ~~(e) The final plans would increase the height of a building by one or more stories or four or more feet;~~
- ~~(f) The final plans involve changes in ownership patterns or stages of construction that will lead to a different development concept, less architectural harmony or quality, or impose substantially greater loads on streets and neighborhood facilities;~~
- ~~(g) The final plans vary from specific development or design criteria including traffic impact and stormwater management that may have been adopted by the planning commission or city council at the time the preliminary development plan and rezoning were approved.~~

~~Variations between the preliminary and final plans, which do not, in the judgment of the planning commission, violate or exceed the above seven criteria, shall be approved by the planning commission in its administrative role and no public hearing shall be required. If, however, variations and departures from the approved preliminary plan exceed the above criteria or are sought by the developer or other party at the time of final plan review or building permit application, the applicant shall request an amendment to the plan which shall be handled in the same manner as the approval of the original preliminary plan.~~

### **~~19.23.060. FINAL DEVELOPMENT PLAN SUBMITTAL.~~**

- ~~(a) A detailed site plan showing the physical layout and design of all streets, easements, rights-of-way, lots, sidewalks, parking, blocks, greenspace, structures and uses.~~
- ~~(b) Preliminary building plans, including floor plans, gross floor area of office and commercial uses and exterior elevations.~~
- ~~(c) Final landscaping plans.~~
- ~~(d) Copies of any easements and restrictive covenants and proof of recording of the same.~~
- ~~(e) Proof of the establishment and activation of any entity that is to be responsible for the management and maintenance of any common open space.~~
- ~~(f) Evidence that no lots, parcels, tracts or dwelling units in such development have been conveyed or leased prior to the recording of any restrictive covenants applicable to such planned development.~~

- ~~(g) Such bonds and other documents that may have been required to guarantee the installation of required public improvements.~~
- ~~(h) Drawings showing size, type and location of all monument and wall mounted signs.~~
- ~~(i) Final lighting plan.~~
- ~~(j) Final stormwater control plan.~~
- ~~(k) Bond for public improvements and agreement to pay for City inspection services.~~

#### ~~19.23.065. RECORDING OF APPROVED PLAN.~~

~~After rezoning to a "MXD" district has been approved and the final plan has been approved by the planning commission there shall be filed with the Register of Deeds a statement that a development plan for the area has been approved. The statement shall specify the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify any prospective purchasers or users of land of the existence of such plan and any constraints thereon. The landowner shall submit this statement to the city clerk with the appropriate recording fee and the city shall be responsible for recording the statement.~~

#### ~~19.23.70. PUBLISHING OF ORDINANCE CHANGING THE ZONING.~~

~~The ordinance effectuating the zone change shall not be published until such time as the zoning and preliminary development plan have been approved by the city council.~~

[Insert for draft section 19.23.015 MXD Development standards. This table establishes “default” standards for development plans; they can be modified for specific development plans and contexts, but the greater the modification the greater scrutiny and emphasis on border community benefits through the planned development process. This is an alternative to the current approach where the MXD and Planned Zoning standards are open to whatever an applicant chooses to propose.]

<b>Table 19.23.A: MXD Building Type Standards</b>									
<i>Building Types</i>	<i># of Units</i>	<i>Lot Standards [1]</i>				<i>Building Standards</i>			
		<i>Area (s.f.)</i>	<i>Width</i>	<i>Building Coverage (max)</i>	<i>Green Space (min)</i>	<i>Height (max)</i>	<i>Setbacks (min)</i>		
							<i>Front</i>	<i>Side</i>	<i>Rear</i>
<i>Detached House – Large Lot</i>	1	10K +	80' +	30%	60%	35' 2.5 story	30'	7'	25'
<i>Detached House – Standard Lot</i>	1	6K – 10K	60' +	30%	60%	27' 2 story	30'	6'	25'
<i>Detached House – Small Lot</i>	1	3K – 6K	30' – 50'	50%	30%	22' 1.5 story	10' – 30'	5'	25'
<i>Attached House</i>	2 - 4	6K – 15K 3K / unit	60' -125'	40%	40%	35' 2.5 story	10' – 30'	7'	25'
<i>Row House</i>	3-8	1.2K / unit 15K total max	14' / unit min.; 125' total max	65%	20%	40' 3 story	10' – 30'	10' [2]	15'
<i>Live - Work</i>	1-6	2K / unit 15K total max	20' / unit min. 125' total mx	65%	20%	40' 3-story	10' – 30' [3]	6' [2]	15'
<i>Apartment / Mixed-use – Small</i>	3-12	6K – 20K	60' – 125'	65%	20%	40' 3 story	10' – 30' [3]	10'	15'
<i>Apartment / Mixed-use - Medium</i>	< 40	20K – 40K	125' – 250'	65%	20%	50' 4 story	10' – 30' [3]	15' [1]	15'
<i>Apartment / Mixed-use - Large</i>	40 +	40K+ + 1.2K / unit over 40 units	250' +	65%	20%	65' 6- story	10' – 30' [3]	20' {1}	15'

[1] Projects with multiple buildings in a single-ownership complex may consider each building and development site as a “lot” for interpreting the development standards, provided the building and development sites are organized around a system of internal streets, lanes, and common spaces and buildings are oriented to these spaces as they would public street frontages.

[2] Buildings may have a 0' interior side setback when built subject to party wall specifications according to the building code.

[3] Buildings with ground level commercial uses may be located 0' to 15' from the front lot line when they front on pedestrian-oriented streets as specified in the community plan.

*[Added section to Chapter 19.23 to emphasize community design aspects of mixed-use districts and to establish mixed-use and neighborhood design standards using a similar approach to the R-1A and R-1B design standards, but adjusted for context. These standards would also apply in R-2, R-3, and R-4 (which currently have no design standards) when property is rezoned to a "P" (planned) designation in those districts.]*

#### **19.23.020. MIXED-USE AND MIXED-DENSITY DESIGN STANDARDS.**

- (a) *Design Objectives.* The design objectives of the mixed-use and mixed-density design standards are to:
- (1) Establish or reinforce the unique character of Prairie Village in mixed-use activity centers or mixed-density neighborhoods.
  - (2) Promote building and site design that enhances neighborhood streetscapes, mixed-use pedestrian streets, and active community spaces.
  - (3) Maintain the existing scale and patterns of neighborhoods and ensure compatible transitions between neighborhoods, corridors, and activity centers.
  - (4) Manage the relationship of adjacent buildings and promote compatible transitions within development projects or between development projects and established adjacent areas
  - (5) Enhance the quality, aesthetic character, and visual interest within neighborhoods and activity centers by breaking down larger masses and incorporating human scale details and ornamentation.
  - (6) Organized mixed use development and mixed-density residential projects around a system of internal streets and open spaces that extend the quality and character of public streetscapes and open spaces into development projects.
- (b) *Applicability.* These mixed-use and mixed-density design shall be applicable to the following situations:
- (1) Any rezoning to the MXD district, or any development or redevelopment within MXD districts.
  - (2) Rezoning to any Planned zoning district using the MXD standards as a basis (i.e. RP-2, RP-3, RP-4, CP-0, CP-1, or CP-0).
- (c) *Community Design Plan.* Any site or development project that is not broken up by public streets and into blocks between 2 and 6 acres shall provide a community design plan. The community design plan shall include at least 30% of the site shall be allocated community commons spaces that organize the site into smaller blocks, development parcels, or building sites. All blocks, development parcels, and buildings shall relate to these spaces. Spaces shall include:
- (1) *Streets & Streetscapes.* Internal lanes and access streets that mimic public streetscapes, including slow travel lanes, on-street parking, street trees, landscape gateways, and sidewalks. Development site or surface parking areas are specifically excluded from the minimum percentage of community common spaces and counts to the development portion of the site.
  - (2) *Open & Civic Spaces.* Open spaces distributed throughout the plan that includes a mix of formal, recreation, and natural landscape areas. These spaces may include:
    - a. Courtyards or Patios
    - b. Plazas
    - c. Greens or Gardens
    - d. Sports and recreation facilities
    - e. Small parks

- 
- f. Trails, especially where coordinated with public streets, parks, or planned and existing trails external to the site.
  - g. Other landscape buffers and natural features that preserve inherent characteristics of the site or promote transitions to adjacent areas.
- (3) For smaller applications of these design guidelines or strategic infill projects, the Community Design Plan may be based on enhancing the patterns and designs of similar spaces on the site.
- (d) *Landscape and Frontage Design.* The following landscape and frontage design standards promote the character and quality of streetscapes, improve the relationship of lots and buildings to the streetscape, and provide natural elements and green space to complement development.
- (1) *Frontage Trees.* Frontage trees shall be located one tree per every 40 feet. Where lots are less than 40-feet wide frontage trees shall be spaced on tree for every 30 feet and may be averaged and evenly spaced among all adjacent lots on the block.
- a. Existing street trees or private trees within the first 20 feet of the front lot line may count to this requirement provided the tree is healthy, and is protected from any damage during construction activity.
  - b. Frontage trees shall be selected from the latest version of the approved City right-of-way tree list.
  - c. Frontage trees shall be at least two-inch caliper at planting.
  - d. Frontage trees shall be located in line with other trees on the block to create a rhythm along the streetscape and enclosure of the tree canopy. In the absence of a clearly established line on the block, the following locations shall be used, where applicable:
    - (i) Street trees centered between the sidewalk and curb where at least six feet of landscape area exists;
    - (ii) Street trees located in tree wells on pedestrian-oriented mixed-use streets, or other places where the sidewalk abuts the street and curb. Tree wells shall be at least four feet wide in all directions and at least 32 square feet.
    - (iii) Street trees four feet to eight feet from the back of curb where no sidewalk exists; or
    - (iv) Private frontage trees within the first five feet of the front lot line where any constraints in the right-of-way or on the lot would prevent other preferred locations.
  - e. Planting of any frontage trees in the right-of-way or any work in the right-of-way shall be coordinated with public works for permits, location, and planting specifications.
  - f. Planting of all frontage trees may be deferred for up to six months from completion of any site or right-of-way construction, through the site plan approval or public works right-of-way permit process, to allow for timely planting that ensures the health and survival of trees.
  - g. Plantings of all frontage trees shall be properly maintained. Trees that fail to grow within a one-year period or which exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated. The city may order that any tree that dies or is in danger of dying be removed and replaced by the property owner.
-

- (2) **Frontage Types:** The following frontage design standards maintain a human scale for front facades, create a relationship between the facade and the streetscape, and limit the expression of the garage and driveways as the primary feature at the building frontage.

**Table 19.23.B: Frontage Types – Garage & Driveway Limits**

	<i>Pedestrian Street Frontage</i>	<i>Neighborhood Street Frontage</i>
<i>Front Building Line</i>	0' – 10'	11' – 30'
<i>Driveway width</i>	10% of lot width; 16' maximum	15% of lot width; 20' maximum
<i>Garage Limit</i>	Prohibited: must be side, rear, or service lane/alley loaded	25% of façade max. Flush or behind the Front building line.

- a. The front building line shall generally be established at or behind the front setbacks established for each building type in Table 19.23.A, MXD Building Type Standards. However, based on the context of the block and the specific frontage designs the front building line may be modified to those in Table 19.23.B., Frontage Types – Garage & Driveway Limits.
  - b. In cases where standards prohibit front-loaded driveways and garages and on an individual lot, shared driveways and common lanes internal to the block shall be used and may use the cumulative frontage widths of multiple lots to determine permitted access widths.
  - c. Garage limits apply to front-loaded garages. Alternatives such as detached garages, side- or rear-loaded garages, or attached garages that are accessed from a front driveway but located on the rear of buildings are not subject to the limits.
  - d. These limits shall not apply on service streets identified in the community design plan. Up to 35% of internal lanes and access may be reserved to serve more functional elements of the center, neighborhood, or development site such as parking areas, service and loading areas, or other elements where pedestrian-oriented design is not practical.
- (3) **Green Space.** Individual lots and buildings shall maintain the green space identified in Table 19.23.A for each building type through frontage designs, setbacks and buffers, or other yard and open space designed for the building. Green space shall meet the landscape requirements in Chapter 19.47, Landscape Standards. However, where a community design plan includes additional green space and amenities and they are distributed throughout the plan, and exception may be granted according to Section 19.23.020.(f)
- (e) **Building Massing.** The following massing standards breakdown the volume of the buildable area and height into smaller scale masses to improve the relationship of the building to the lot, to adjacent buildings and to the streetscape, and shall apply in addition to the basic setback and height standards.
- (1) **Windows and Entrances.** All elevations shall have window and door openings covering at least:
    - a. Fifty to ninety percent on ground level commercial or mixed-use elevations.

- b. Fifteen percent on residential front elevations, upper story of any mixed-use elevation or any street facing side elevations; and
- c. Eight percent on other side elevations; and
- d. Fifteen percent on residential rear elevations.

Any molding or architectural details integrated with the window or door opening may count for up to three percent of this percentage requirement.

(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 between 200 and 500 square feet. Architectural details may include:
  - (i) Projecting windows, bays or other ornamental architectural details with offsets of a minimum of 1.5 feet.
  - (ii) Off-sets of the building mass such as step backs or cantilevers of at least two feet.
  - (iii) Single-story front entry features identified in subsection (3), Front Entry Features.
  - (iv) Definition of vertical or horizontal breaks in the building with architectural features that relate to internal components of but building such as stories or structural bays. Features may include columns, pillars, pilasters, enhanced trim or molding, or other features that are between 6 to 48 inches wide, and project between 4 and 24 inches from the façade.
  - (v) No projections shall exceed the setback encroachment limits of section 19.44.020.
- b. **Side elevations.** Side elevations shall be further limited as follows:
  - (i) No more than 800 square feet within 5 feet of the required side setback line.
  - (ii) No more than 1,200 square feet within 10 feet of the required side setback.
  - (iii) Any side elevation more 1,200 square feet shall be setback an additional 20 feet from the side lot line. This area shall be used for landscape elements planted according to Chapter 19.47 and designed to break down the scale of larger wall planes.

(3) **Front Entry Features.** All buildings or dwelling units shall have entry features oriented to the frontage, whether the frontage is on a public street, and internal lane, or common open space. Entry feature options and design standards are included in Table 19.23.C. Variation of the design or type of entry features along a building, block, or street should be used to create unique and interesting frontages.

<b>Design Element</b>	<b>Width</b>	<b>Depth</b>	<b>Details and Ornamentation</b>
<i>Porch</i>	10' +	6' – 12'	<ul style="list-style-type: none"> <li>▪ Decorative railing or wall 2.5' to 4' high along at least 50% of the perimeter.</li> <li>▪ A single-story roof or trellis shall cover the porch so that any structure and ornamentation occur between 8' and 14' above the floor-level</li> </ul>
	80 s.f. minimum		
<i>Stoop</i>	8' +	6' – 10'	<ul style="list-style-type: none"> <li>▪ Decorative railing or walls along steps and side of stoop.</li> <li>▪ A canopy, pediment, transom windows, enlarged trim and molding, or other similar accents shall emphasize the door over other facade features.</li> </ul>
	60 s.f. minimum		

<b>Table 19.23.C: Front Entry Features</b>			
<i>Design Element</i>	<i>Width</i>	<i>Depth</i>	<i>Details and Ornamentation</i>
<i>Entry Court</i>	12' +, but not > 50% of front elevation	10' – 30'	<ul style="list-style-type: none"> <li>▪ Recessed entry within the building footprint.</li> <li>▪ Decorative wall or railing, between 2.5' to 6' high along at least 50% of the opening, or comparable vertical landscape edge.</li> <li>▪ Ornamental pillars, posts, or landscape accent the pedestrian entrance and create a gateway into the entry court.</li> </ul>
<i>Storefront</i>	6' to 10'	Flush or 0' to 4' recessed from facade	<ul style="list-style-type: none"> <li>▪ Enhanced and emphasized with architectural details such as transom or sidelight windows; architectural details such as tile work, columns, pilasters, or similar molding; or single-story structural elements such as raised parapets, gables, or canopies.</li> </ul>
<i>General Design</i>	<p>Entry features shall meet the following general design standards:</p> <ul style="list-style-type: none"> <li>▪ A sidewalk or path at least four feet wide shall connect the entry feature to the public sidewalk or street.</li> <li>▪ Be integrated into the overall building design including compatible materials, roof forms, and architectural style and details.</li> <li>▪ Any building with more than 150 linear feet of front facade, or any side greater than 200 linear feet and permitted within 20' of a side street, shall have one entry feature for every 50 linear feet of building frontage on the street.</li> </ul> <p>Unenclosed entry features meeting these standards may encroach up to 10' in front of the front building line, but no closer than 5' to the front lot line.</p>		

- (f) **Exceptions.** The planning commission may grant exceptions to the mixed-use and mixed-density standards in this section 19.23.020 through the planned development or site plan review process, based upon the following criteria:
- (1) The exception shall only apply to the design standards in this section, and not be granted to allow something that is specifically prohibited in other regulations.
  - (2) Any exception dealing with the placement of the building is consistent with sound planning, urban design and engineering practices when considering the site and its context within the neighborhood.
  - (3) The placement and orientation of the main mass, accessory elements, garages, and driveways considers the high points and low points of the grade and locates them in such a way to minimize the perceived massing of the building from the streetscape and abutting lots.
  - (4) Any exception affecting the design and massing of the building is consistent with the common characteristics of the architectural style selected for the building.
  - (5) The requested exception improves the quality design of the building and site beyond what could be achieved by meeting the standards - primarily considering the character and building styles of the neighborhood and surrounding properties, the integrity of the architectural style of the proposed building, and the relationship of the internal functions of the building to the site, streetscape, and adjacent property.
  - (6) The exception will equally or better serve the design objectives stated in section 19.23.020(a), and the intent stated for the specific standard being altered, or is based on specific concepts and plans approved in the planned development review

## Chapter 19.24 PLANNED ZONING DISTRICT

### 19.24.005. DESIGNATION OF EQUIVALENT DISTRICTS.

Planned zoning districts and their equivalent districts are as follows:

Planned District	Equivalent District
RP-1A Planned Single Family Residential	R-1A
RP-1B Planned Single Family Residential	R-1A
RP-2 Planned Two Family Residential	R-2
RP-3 Planned Garden Apartment	R-3
RP-4 Planned Townhouse	R-4
CP-0 Planned Office Building	C-0
CP-1 Planned Restricted Business	C-1
CP-2 Planned General Business	C-2
<u>MXD Planned Mixed-use District</u>	<u>n/a – planned district only</u>

Except in the case of standard single family subdivision, which may be zoned R-1 and areas requested for C-3, all rezoning of land within the City of Prairie Village shall hereafter follow planned zoning procedures as set out in this chapter.

### 19.24.010. ~~STATEMENT OF OBJECTIVES, INTENT~~

~~The planned zoning process is for development concepts that require a higher degree of specific planning due to the scale, complexity, and design of proposed projects. It is a type of rezoning based on a specific and integrated plan. The process affords flexibility in the development standards to improve the relationship of the project to the context, to better meet the purpose and intent statements of base districts, and to encourage innovative projects not anticipated by these standards, and to promote well-designed development equal to or exceeding results of generally applicable standards.~~

~~The zoning of land in Prairie Village to one of the planned districts (RP-1 to CP-2 inclusive) shall be for the purpose of encouraging and requiring orderly development and redevelopment on a quality level generally equal to or exceeding that which prevails in the City of Prairie Village, but permitting deviations from established and customary development techniques. The use of planned zoning procedures is intended to encourage efficient development and redevelopment of small tracts, innovative and imaginative site planning, conservation of natural resources and minimum waste of land. The following are specific objectives of this section:~~

- ~~(a) A proposal to rezone land to a planned district shall be subject to the same criteria relative to compliance with the Prairie Village Comprehensive Plan, land use policies, neighborhood compatibility, adequacy of streets and utilities and other elements, which are established and customary development techniques in this city;~~
- ~~(b) The submittal by the developer and the approval by the city of development plans represents a firm commitment by the developers that development will indeed follow the approved plans in such areas as concept, intensity of use, aesthetic levels and quantities of open space;~~

- ~~(c) Deviations in yard requirements, setbacks and relationship between buildings as set out in standards of development in section 19.24.015 of this chapter, may be approved by the planning commission and city council if it is deemed that other amenities or conditions will be gained to the extent that an equal or higher quality of development will be produced;~~
- ~~(d) Residential areas are to be planned and developed in a manner that will produce more usable open space, better recreational opportunities, safer and more attractive neighborhoods than under standard zoning and development techniques;~~
- ~~(e) Commercial areas are to be planned and developed so as to result in attractive, viable and safe centers and clusters as opposed to strip patterns along thoroughfares. Control of vehicular access, circulation, architectural quality, landscaping and signs will be exercised to soften the impact on nearby residential neighborhoods, and to assure minimum adverse effects on street system and other services of the community;~~
- ~~(f) The developer will be given latitude in using innovative techniques in the development of land not feasible under application of standard zoning requirements;~~
- ~~(g) Planned zoning shall not be used as a refuge from the standard requirements of the zoning district as to intensity of land use, amount of open space or other established development criteria;~~
- ~~(h) Any building or portion thereof may be owned in condominium under K.S.A. 53-3101;~~
- ~~(i) For purposes of this chapter, the terms "shopping center", "business park", "office park," or other grouping of buildings shall mean development that were planned as an integrated unit or cluster on property under unified control or ownership at the time the zoning was approved by the city. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or any portion thereof from complying with development standards that were committed at the time of zoning.~~

### 19.24.015. STANDARDS OF DEVELOPMENT.

- ~~(a) **Base District Standards.** The standards of the base zoning district are generally applicable to planned zoning districts, however deviations shall be permitted based on:
 
  - ~~(1) The extent that the proposed plan furthers the intent of the base district and planned zoning districts; and~~
  - ~~(2) The caliber of the plan and extent of quality design and amenities.~~~~
- ~~(b) **Specific Deviations.** Deviations from specific standards of the base zone district shall be based on the development plan providing one or more of the following benefits related to the standard.
 
  - ~~(1). **Lot Coverage Deviations:**
    - ~~a. Address stormwater at a larger scale using stormwater best management practices considering impacts beyond the site.~~
    - ~~b. Integrate common or public open space, established or proposed with the project, and within walking distance of all residences. Thresholds shall include:
 
      - ~~(i) Pocket parks, courtyards, or smaller formal civic spaces within 300' and on the same block (1K to 10K s.f.)~~
      - ~~(ii) Small parks or greens within 600' feet (10K to 20K s.f.)~~
      - ~~(iii) Neighborhood Parks or other common spaces (20K+ s.f.) within 1000'~~
      - ~~(iv) Trails on the perimeter or through the project that incorporate with the city trails or streetscape system and provide meaningful connections to destinations~~~~~~~~

- c. Enhance landscape buffers and transitions at any sensitive edges or where the increased coverage could otherwise cause adverse impacts on adjacent property.
- (2) Lot Area Per Unit Deviations: Deviations from the lot area per unit:
  - a. Provide diversity of unit types or price points and meet a demand that is not currently met by existing units in the vicinity
  - b. Include a mix of housing within the project that is complimentary to and supports adjacent non-residential uses.
- (3) Building Height or Setback Deviations.
  - a. Compatibility of building design with the character of the area considering style, materials, and design details.
  - b. Transitions to other areas considering proximity to adjacent development and scale and massing of nearby buildings.
  - c. Management of other secondary impacts from greater building intensity including mix of uses, operation and activity, parking
  - d. Support for other broader planning policies or community benefits beyond the project.
- (4) Required Parking Deviations.
  - a. Strategies for reduced parking demand based on target market of residents, tenant mix of nonresidential uses, likelihood of different peak demand times of different uses, and access to or promotion of other modes of transportation.
  - b. Assurances of no impacts of parking overflow on adjacent areas.

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- ~~(a) The maximum height of buildings and structures shall be as set out in the standard requirements of the equivalent district.~~
  - ~~(b) The intensity of land use, bulk of buildings, the concentration of population, the amount of open space, light and air, shall be generally equal to that required in the equivalent district.~~
  - ~~(c) The density of residential dwelling units, the parking requirements and the performance standards shall be the same as in the equivalent district.~~
  - ~~(d) The permitted uses shall be the same as those permitted in the equivalent district provided that limitation may be placed on the occupancy of certain premises, if such limitation is deemed essential to the health, safety or general welfare of the community.~~
  - ~~(e) The planning commission may require assurance of the financial and administrative ability of any agency created by a developer for the purpose of maintaining common open space and facilities of a nonpublic nature.~~
  - ~~(f) The planning commission and city council may, in the process of approving preliminary and final plans, approve deviations from the standard requirements as follows, provided any deviation so approved shall be in keeping with accepted land planning principles and must be clearly set out in the minutes as well as on exhibits in the record:
    - ~~(1) Setbacks of buildings and paved areas from a public street may be reduced to 50 percent of the standard requirement;~~
    - ~~(2) Setbacks of buildings from a property line other than a public street, may be reduced to 60 percent of the standard requirement and setbacks of paved areas adjacent to property lines,~~~~

~~other than street lines, to zero if existing or proposed development on said adjacent land justifies the same; Side yards between buildings may be reduced to zero;~~

~~(3) The foregoing deviations 1 through 4 may be granted by the planning commission and city council only when compensating open space is provided elsewhere in the project, where there is ample evidence that said deviation will not adversely affect neighboring property nor will it constitute the mere granting of a privilege.~~

~~(g) The design of all planned projects, whether residential, commercial or other, shall be such that access and circulation by fire fighting equipment is assured and not hindered by steep grades, heavy landscaping or building spacing.~~

## 19.24.020. PROCEDURES.

The procedure for zoning land to a planned district ~~shall be as set out in chapter 19.52.~~ are the same as required for rezoning of property in Section 19.52, except each planned district shall be supported by the following development plans.

~~(a) **Community Design Plan.** A community design plan is a plan for integrating projects into the broader context. This plan is generally on the scale of between 10 and 40 acres, but at least the scale to address adjacencies and relationship of proposed development to the surroundings. For smaller-scale applications of planned districts the community design plan will involve an analysis and representation of existing conditions outside of the proposed planned district but at least 200 feet beyond any project plan. The community design plan shall address the following, whether existing or newly proposed with the project:~~

~~(1) Street and block layout.~~

~~(2) Streetscape design, and distinctions in different street types~~

~~(3) Access and circulation within any blocks and development parcels, including vehicle and pedestrian access.~~

~~(4) Open spaces, and distinctions in different open space types based on size, scale, and design and landscape characteristics.~~

~~(5) General land uses and intensity of development, considering categories and types of uses, scale of lots and buildings attributed to each use~~

~~(6) Infrastructure capacity and improvements, including stormwater management.~~

~~The Planning Commission or City Council may request additional studies, such as traffic studies, stormwater studies, or other reports on the impact on public facilities in association with any community design plan and may require public improvements as a condition of the planned zoning approval based on these studies or the city's capital improvement plans.~~

~~(b) **Project Plan(s).** Project plans are for development of particular projects, sites and buildings. These plans are generally on a scale of less than 4 acres or may be as simple as a site plan for smaller applications of planned districts. Larger planned districts or phased projects may have multiple project plan(s), however an initial project plans shall be submitted for any area to be zoned "-P." Project plans shall address the following:~~

~~(1) Specific building types, including scale and format, and identifying any deviations from the base zoning district standards.~~

~~(2) Frontage designs demonstrating the orientation and relationship of all buildings to the public streets, internal circulation areas, or other public or common open spaces.~~

~~(3) Building design plans demonstrating the scale, massing, and design character of all proposed buildings. While final design and elevations are not required at this stage,~~

general parameters on the character, style, design themes, and types of materials and architectural features.

- (4) Land uses, including the scale, format, and operational characteristics of uses. For larger-scale or mixed-use projects this may include ranges or the degree of general use categories relative to the overall project or community plan.
  - (5) Access, circulation, and parking addressing how the project(s) will fit within the development patterns and access and circulation of the larger scale community plan.
  - (6) Landscape and streetscape designs for all development sites and common areas that meet or exceed the Site Plan criteria in Chapter 19.32 Site Plans, and Chapter 19.47, Landscape Standards.
- (c) **Project Narrative.** The project narrative shall justify why the project is eligible for planned zoning designations. It shall include statements or analysis on the following:
- (1) How the proposed planned zoning meets the intent and criteria in Section 19.24.025, and the rezoning factors in 19.52.030.
  - (2) How the project plans integrate with the community plan, and other public benefits supported by the project or community plans.
  - (3) Identify all specific deviations from the base zoning district standards and include why those deviations are justified based on the plans.

#### **19.24.025. CONFORMANCE TO COMPREHENSIVE PLAN CRITERIA.**

In the consideration of a change to a planned zoning district the planning commission and city council shall determine whether the proposal conforms to master plans, special studies and policies normally utilized in making zoning decisions in Prairie Village. In addition, the factors to be considered for rezoning in Section 19.52.030, planned zoning decisions shall be subject to the following additional criteria:

- (a) The plan reflects generally accepted and sound planning and urban design principles with respect to meeting the goals of the comprehensive plan and the purposes and intent of the zoning ordinance in Section 19.01.010.
- (b) The flexibility offered by planned zoning is not strictly to benefit the applicant or a single project, but provides other benefits to the community or supports plans and policies in an equal or better manner than the base district standards
- (c) The proposed deviations to the standards do not undermine the intent of any other standards relative to the proposed projects or relative to adjacent property.

[19.24.030, 035, and 040, can be deleted since they are either redundant of what is required for all rezoning actions (and this chapter clearly refers to Chapter 19.52 for that), are clarified in some of the above planning parameters, or are details of specific submittal requirements best addressed on application forms managed by the City Clerk.]

#### **19.24.030. REZONING PROPERTY TO A PLANNED ZONING DISTRICT.**

A tract of land may be zoned RP-1a through CP-2 inclusive only upon application by the owner or his agent, and only upon approval of a preliminary development plan. The proponents of a planned district shall prepare and submit to the city clerk the required copies of:

- ~~(a) A preliminary development plan showing the property to be included in the proposed development, plus the area within 200 feet thereof.~~
- ~~(b) The following items shall be included on the property to be developed:
  - ~~(1) Existing topography with contours at five foot intervals and delineating and land areas subject to 100-year flood.~~
  - ~~(2) Proposed location of buildings and other structures, parking areas, drives, walks, screening, drainage patterns, public or private streets and any existing easements;~~
  - ~~(3) Sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the plan;~~
  - ~~(4) General extent and character of proposed landscaping and screening.~~~~
- ~~(c) The following items shall be shown on the same drawing within the 200-foot adjacent area:
  - ~~(1) Any public streets which are of record;~~
  - ~~(2) Any drives which exist or which are proposed to the extent that they appear on plans on file with the city, except those serving single family houses;~~
  - ~~(3) Any buildings which exist or are proposed to the extent that their location and size are shown on plans on file with the city. Single and two-family residential buildings may be shown in approximate location and general size and shape;~~
  - ~~(4) The location and size of any drainage structure such as culverts, paved or earthen ditches or stormwater sewers and inlets.~~~~
- ~~(d) Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. In the event of several building types, such as apartments and townhouses are proposed on the plan, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required.~~
- ~~(e) A schedule shall be included indicating total floor areas, number of dwelling units, land area, parking spaces, and other quantities relative to the submitted plan in order that compliance with requirements of this title can be determined. If the project is to be constructed in phases, the proposed sequence shall be indicated.~~

#### **~~19.24.035. PLANNING COMMISSION ACTION.~~**

~~The planning commission shall hold one or more public hearings on the plan as provided in this chapter. Upon conclusion of the public hearing or hearings, the planning commission, by a majority of members present and voting, shall recommend approval, approval subject to conditions or denial to the city council.~~

#### **~~19.24.040. CITY COUNCIL ACTION.~~**

~~Upon final approval of the preliminary plan and the rezoning of the property by the city council, final plans for construction of the project may be submitted for approval. Permits for construction shall not be issued until final plans have been reviewed and approved by the planning commission. It is the intent of this chapter that the project as constructed shall conform closely with the preliminary plans reviewed and approved at the time of the public hearing. Final plans for a project or a portion thereof shall not be approved if one or more of the following conditions, in the judgment of the commission, exist:~~

- ~~(a) Final plans vary substantially from the concept of the development plan presented and agreed to at the time of rezoning;~~

- ~~(b) The final plans would increase the density or intensity of residential uses more than five percent;~~
- ~~(c) The final plans would increase the floor area of nonresidential buildings by more than ten percent;~~
- ~~(d) The final plans would increase by more than ten percent the ground covered by buildings or paved areas;~~
- ~~(e) The final plans would increase the height of a building by one or more stories or four or more feet;~~
- ~~(f) The final plans involve changes in ownership patterns or stages of construction that will lead to a different development concept, less architectural harmony or quality, or impose substantially greater loads on streets and neighborhood facilities;~~
- ~~(g) The final plans vary from specific development criteria that may have been adopted by the planning commission or city council at the time the preliminary development plan and rezoning were approved.~~

~~Variations between the preliminary and final plans, which do not, in the judgment of the planning commission, violate or exceed the above seven criteria, shall be approved by the planning commission in its administrative role and no public hearing shall be required. If, however, variations and departures from the approved preliminary plan exceed the above criteria or are sought by the developer or other party at the time of final plan review or building permit application, the applicant shall request an amendment to the plan which shall be handled in the same manner as the approval of the original preliminary plan.~~

### **19.24.030 EFFECT OF DECISION**

Approval of a planned zoning district by the City Council shall rezone the property as provided in Chapter 19.52. Property subject to the planned zoning (“-P”) designation is required to receive a site plan approval according to Chapter 19.32 prior to issuance of any permits.

- (1) Project plans that meet all submittal requirements and criteria for site plan approval in Chapter 19.32 may be considered a site plan if designated as a site plan prior to the application and processed as a simultaneous site plan by the city.
- (2) Subsequent site plans shall be reviewed for consistency with the community design plan and project plans. Minor deviations from these plans may be approved by the Planning Commission through the site plan process provided they are determined to be due to refinement and greater design specification of concepts approved in the prior plans, and they otherwise permitted subject to base zoning district standards. The staff or Planning Commission may determine that any change is a significant change and require an amendment to the Planned Zoning District according to the same procedures of the initial designation. The following changes are not minor deviations and shall require processing as an amendment to the Planned Zoning District:
  - (a) An increase in the number of residential units by more than 5 percent
  - (b) An increase in the non-residential floor area by more than 10 percent
  - (c) An increase in building height by more than 10 percent
  - (d) An increase in the lot coverage or reduction in the open space by more than 10 percent
  - (e) Any change in the character, style, design themes of proposed buildings that result in a significantly different appearance or coordination with surrounding characteristics from what was approved in the project plans.

(f) Other changes that do not meet the base district standards or other applicable zoning standards, and which were not expressed as a deviation.

**19.24.045035. RECORDING OF APPROVAL.**

After rezoning to a planned district has been approved there shall be filed with the register of deeds a statement that a plan for the area has been approved. The statement shall specify the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify and prospective purchasers or users of land of the existence of such plan and any constraints thereon. The landowner shall submit this statement to the city clerk with the appropriate recording fee and the city shall be responsible for recording the statement.