

**PLANNING COMMISSION AGENDA  
CITY OF PRAIRIE VILLAGE  
MUNICIPAL BUILDING - 7700 MISSION ROAD  
TUESDAY, JANUARY 4, 2011  
Council Chambers  
7:00 P. M.**

- I. ROLL CALL
  
- II. APPROVAL OF PC MINUTES - DECEMBER 7, 2010
  
- III. PUBLIC HEARINGS
  
- IV. NON-PUBLIC HEARINGS
  - PC2011-101 Request for Site Plan Approval  
4049 Somerset  
Zoning: C-2  
Applicant: Westlake Hardware, Inc.
  
  - PC2011-102 Request for Preliminary & Final Plat Approval  
6901 Mission Road  
Zoning: C-2  
Applicant: Jim Anderson, Kaw Valley Engineering
  
- V. OTHER BUSINESS
  - Request for Fence Height Waiver - 8162 Delmar
  
- VI. ADJOURNMENT

Plans available at City Hall if applicable  
If you can not 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 7, 2010**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, December 7, 2010, in the Council Chamber, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Dirk Schafer, Randy Kronblad, Bob Lindeblad, Nancy Wallerstein and Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Dennis Enslinger, Assistant City Administrator; Jim Brown, City Building Official; Bruce McNabb, Director of Public Works; David Morrison, Council Liaison and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

Chairman Ken Vaughn welcomed Bruce McNabb, the City's new Public Works Director, to the meeting. Ron Williamson noted the merger of BWR with Lochner and noted the merger provides diversification and new market sectors for both firms increasing its size to over 560 employees in 31 offices located in 18 states.

**APPROVAL OF MINUTES**

Nancy Wallerstein moved for the approval of the minutes of November 2, 2010 as written. The motion was seconded by Dirk Schafer and passed by a vote of 5 to 0 with Ken Vaughn abstaining due to absence from the November meeting.

**PUBLIC HEARINGS**

There were no Public Hearings scheduled before the Commission.

**NON PUBLIC HEARINGS**

**PC2010-114 Request for Site Plan Approval  
Belinder Elementary School  
7230 Belinder**

Kevin Cowan, 7840 Conser Street, Overland Park, addressed the Commission on behalf of the School District. Shawnee Mission USD 512 is requesting site plan approval to build three additions to Belinder Elementary School. The additions will consist of five kindergarten classrooms on the southwest corner of the building; the addition of an elevator on the east side and the expansion of the multi-purpose room on the southeast corner of the building. The total area being added is approximately 9,200 square feet. The standard for kindergarten rooms in the school district is 1,200 square feet and only one existing classroom meets that standard. Four of the new classrooms

will meet the standard and the fifth is for smaller groups. All the kindergarten classes will be moved to the new area and the one existing kindergarten classroom will be converted to a music room. Current and projected enrollment has created the need to add classrooms to this school.

A portion of the school has two floors at the north end of the building. The proposed elevator will provide ADA access. The multi-purpose room will be expanded to the east approximately 22 feet which is approximately 1,490 square feet.

This will be the third addition to the school in the last 15 years. In 1995, the gym, stage, restrooms and P.E. office were added, and in 2005 the library, work room and media room were added.

A neighborhood meeting was held on November 16, 2010 in accordance with the Planning Commission Citizen Participation Policy. Five interested citizens appeared and the primary concern was the location of the proposed addition and traffic on 72<sup>nd</sup> Terrace.

Ron Williamson added that two large oak trees are located in the area of construction and recommended a condition of approval be added that the trees be protected during the construction process.

The Planning Commission reviewed the following criteria for approval of a site plan:

**A. The site is capable of accommodating the building, parking areas and drives with appropriate open space and landscape.**

The site is approximately 7.75 acres which is small compared to today's standards for elementary schools. Some classrooms are undersized and additional classrooms are needed to accommodate the students. The proposed location will require the removal of several trees. Because of the small size of the addition and its location, the site is adequate to accommodate it.

The applicant needs to identify how many, if any, parking spaces will be temporarily blocked by the construction and maintain the required minimum of spaces during construction or make arrangements for parking elsewhere. Currently there are 60 parking spaces on the site. The zoning ordinance requires two spaces per classroom. There are 24 existing classrooms plus the 5 proposed, for a total of 29 classrooms. The required parking is 58 spaces; therefore, there are 2 spaces more than required by the zoning ordinance.

Some trees will be removed and a landscape plan will need to be prepared indicating the location and variety of replacement trees.

**B. Utilities are available with adequate capacity to serve the proposed development.**

The property is currently served with all utilities and the proposed improvements will not create the demand for additional utilities. No additional needs are contemplated for water and sewer services.

**C. The plan provides for adequate management of storm water runoff.**

The amount of impervious area that will be created, approximately 9,200 square feet, is not significant relative to the size of the site. The applicant has submitted a storm drainage master plan to Public Works for review and approval.

**D. The plan provides for safe and easy ingress, egress and internal traffic circulation.**

Ingress and egress to the site will be the same after the improvements as it is now. The site is congested during peak drop off and pick up times, but because of the existing building location, it does not appear that a better solution could be found.

**E. The plan is consistent with good land planning and good site engineering design principles.**

The location of the proposed improvements works well with the existing development of the site. The applicant has explored several alternative plans and this one works best with the existing facility. The overall plan appears to be well-conceived and is consistent with good planning and site engineering design principles. The plans have not addressed outdoor lighting; and, if outdoor lighting will be added or changed, it will need to conform to the City's new outdoor lighting regulation.

**F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed installation and the surrounding neighborhood.**

The proposed elevations indicate that the design of the addition will be compatible with the existing buildings on the site. The architect has proposed to use similar materials and colors on the new construction as was used on the original building.

**G. The plan represents an overall development pattern that is consistent with the comprehensive plan (Village Vision) and other adopted planning policies.**

One of the goals of the Village Vision is to support a high quality educational environment for the residents of Prairie Village which includes investment and upgrading of facilities. The proposed project is very consistent with the Comprehensive Plan.

Bob Lindeblad moved the Planning Commission approve PC2010-114 requesting site plan approval for the addition to Belinder Elementary School as presented subject to the following conditions:

1. Submittal of an outdoor lighting plan in accordance with Section 19.34.050 Outdoor Lighting of the Zoning Ordinance is applicable.
2. The applicant designate any parking spots that will not be available during construction and maintain the required number of spaces either onsite or in another location until construction is complete.
3. That a landscape plan be submitted to the Tree Board for review and approval prior to installation.
4. That the stormwater management plan is approved by public works.
5. That the oak trees on the east side near the multi-purpose room construction area be protected during the construction process.

The motion was seconded by Randy Kronblad and passed unanimously.

**PC2010-111 Request for Site Plan Approval  
3921 West 63<sup>rd</sup> Street**

Mary Grace, representing AT&T, was present to answer any questions on the application for site plan approval of wireless communications antenna and related equipment on the wireless communications facility at 3921 West 63<sup>rd</sup> Street.

Ron Williamson noted the wireless communications facility was approved for Verizon and two additional carriers with the condition that each additional carrier would be required to submit a site plan for approval by the Planning Commission.

AT&T is the second carrier and has submitted a proposed site plan for approval by the Planning Commission. The proposed equipment cabinet will be 10' by 12' by approx. 8' in height and will be placed in the east end of the equipment compound. The screening wall that is to be built around the compound will be 10' tall. AT&T is also requesting a 6'-6" access gate similar to what was approved for Verizon on the west end of the equipment compound. Therefore, there will be three gates into the compound.

He added a recent visit to the site revealed that the emergency backup generator for Verizon was installed on the west side of their equipment cabinet rather than in front of the monopole as shown on the site plan.

The Planning Commission reviewed the following criteria for approval of a site plan:

**A. The site is capable of accommodating the building, parking areas and drives with appropriate open space and landscape.**

The capability of the site to accommodate the equipment compound was addressed in the approval of the special use permit. The revised landscape plan, however, has not been submitted as previously requested, and it will need to be submitted for staff review and approval prior to issuing a building permit.

**B. Utilities are available with adequate capacity to serve the proposed development.**

Adequate utilities are available to serve this location.

**C. The plan provides for adequate management of storm water runoff.**

Public Works has reviewed and approved a storm water management plan for the entire equipment compound as a part of the Verizon Application. (PC 2010-03)

**D. The plan provides for safe and easy ingress, egress and internal traffic circulation.**

The proposed site will utilize the existing fire station driveway and parking lot for circulation which will adequately serve the proposed use.

**E. The plan is consistent with good land planning and good site engineering design principles.**

The details of the overall design of the equipment compound were worked out on the initial submittal by Verizon.

**F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed installation and the surrounding neighborhood.**

A 10-foot tall brick screening wall shall be constructed around the perimeter of the equipment compound using the same materials that match the existing fire station. This wall will be taller than the AT&T equipment cabinet and therefore, will screen it from view. The applicant has proposed a new access gate which is similar to the one on the west end for Verizon and it will be compatible in design with the other access gates.

**G. The plan represents an overall development pattern that is consistent with the comprehensive plan (Village Vision) and other adopted planning policies.**

Wireless communications are not specifically addressed in Village Vision. Generally it falls into maintaining and improving infrastructure.

Randy Kronblad moved the Planning Commission approve PC2010-115 requesting site plan approval for the placement of wireless communication antenna and related equipment at 3921 West 63<sup>rd</sup> Street subject to the following conditions:

1. That the landscape plan be redesigned and submitted to Staff for review and approval prior to obtaining a building permit.
2. That all antennas and wiring be contained within the monopole.
3. That the 6'-6" access gate be approved and be designed and built to the same specifications as the other access gates.
4. That AT&T and any subsequent entity maintain compliance with all the conditions of approval of the Special Use Permit (2010-03).

The motion was seconded by Nancy Vennard and passed unanimously.

## **OTHER BUSINESS**

### **Request for Fence Height Waiver - 8162 Delmar**

Dennis Enslinger reviewed the Planning Commission's earlier approval of a request to construct a retaining wall 3' 6" in height along the south property line for a length of 40 feet at 8162 Delmar. The proposed retaining wall connected to an existing retaining wall and allowed for the grade around the proposed pool to be raised.

The Planning Commission approved the proposed retaining wall subject to the following conditions:

- 1) The applicant provide, for staff approval, additional information regarding the proposed design and materials of the retaining wall;
- 2) The wall be constructed in the location as shown on the site plan submitted with the application;
- 3) That the proposed retaining wall footing be required to be located entirely on the applicant's property;

- 4) The applicant provide a copy of the site survey and stake the property corners to confirm property lines; and
- 5) The applicant secures a revised Drainage Permit from the Public Works Department.

The applicants requested some modifications to the approved site plan at the May 4, 2010 Planning Commission including an additional retaining wall. The Planning Commission denied the applicants' request for modifications and instructed staff to work with the applicant to make any future modifications to the site plan in conformance with the zoning regulations.

During a recent inspection of the site, it was discovered that a portion of the fence was taller than six (6) feet in height. Section 19.44.025G allows the Planning Commission to approve modifications to the location and height of fences.

The applicants are asking to allow the fence on the south side of the property to exceed six (6) feet in height. The fence is in compliance at the western end but has a height of seven (7) feet - four (4) inches as the eastern end.

The request is to keep the fence at its current constructed height. The two adjacent property owners are in agreement with the proposed height of the fence. Mr. Enslinger noted the fence is constructed with stone on the inside wall and three of the exterior walls with the fourth exterior wall having a stucco finish.

Randy Kronblad confirmed this is the third request from this applicant for the Commission to waive regulations after construction was done in violation of City code. He also noted the code requires the finished side of a fence to be on the exterior.

Bob Lindeblad stated the Commission has already approved a stucco finish for the exterior of the fence.

Bob Lindeblad moved the Planning Commission approve the requested waiver allowing the height of the fence at 8162 Delmar to be as constructed at seven (7) feet-four (4) inches. The motion was seconded by Nancy Wallerstein.

Nancy Wallerstein stated her only concern is that the finish on the exterior of the fence is satisfactory to the adjacent property owners. Mr. Lindeblad pointed out the Commission has already approved the proposed stucco exterior finish and that the motion and action requested of the Commission is for a waiver to the height. Mrs. Wallerstein stated she would like to ensure that there is an appropriate finish on the outside of the fence. Mr. Enslinger responded he believes the applicant plans to finish the exterior of the fence in stucco and paint to match the existing residence.

Randy Kronblad expressed his difficulty with this request because of the number of previous waivers and variances requested by the applicant. He is pleased that the current adjacent property owners have approved of the proposed stucco finish, but noted the fence will remain after they may have moved.

Ken Vaughn stated the Commission passed the point of changing the finish when it approved the earlier submittal.

Dirk Schafer felt the granting of the waiver would be rewarding the applicant for not complying with city codes and regulations.

Bob Lindeblad stated he does not like what the applicant has done, but feels granting of the waiver is a reasonable way to address the problem of the additional height and move on.

Nancy Vennard stated she could not vote in support of what she feels in an intentional 1'4" increase in the height of the fence by the applicant. Ken Vaughn agreed with Mrs. Vennard's feeling but noted the proposed motion is the best resolution to the problem. Nancy Wallerstein stated she is ok with the additional height, if it has an attractive exterior finish. Mrs. Vennard noted the finish has already been approved by the Commission.

Dennis Enslinger added that a change in the finish to require stone on the exterior wall would require another variance as it would violate the required setback. He understands that the stucco finished would be colored to match the finish on the house.

Nancy Wallerstein moved to amend the motion by adding the condition that the stucco finish be painted to match the color of the existing house. The amendment was accepted by Mr. Lindeblad as a friendly amendment to the original motion.

Thomas Housh, 4306 West 82<sup>nd</sup> Street, stated he has never seen anything remotely similar to the wall/structure that has been constructed at 8162 Delmar in Prairie Village. The wall/fence is overpowering. The neighborhood was unhappy with the initial approvals granted on this project. He noted the one side of the fence that will have a stucco surface faces his property. He feels this project has negatively impacted property values in the neighborhood.

Ken Vaughn noted the only question before the Commission is the height of the fence. Mr. Housh stated he does not think any portion of the fence is less than six feet in height. Mr. Vaughn asked why he was not objecting. Mr. Housh responded that through the many issues they have had on this project, they want the project completed and do not feel the reduction in height to six feet will be enough to make a difference on the impact of this fence. This project has been going on for two years with a very negative impact on the neighborhood. They simply want it over.

Nancy Wallerstein suggested requiring that all sides of the fence be stone covered. Mr. Enslinger noted stone coverage would violate the required 2-foot setback from the property line.

Randy Kronblad asked how this went from a three foot six inch retaining wall to a six to more than seven foot tall fence.



Dennis Enslinger noted the difference between the retaining wall and the fence and reviewed the history noting initially a wrought iron fence was proposed for the top of the retaining wall. He added the current fence is in compliance with city code except for its height.

Dirk Schafer asked if stucco or stone were approved for the fence material. Mr. Enslinger responded the plans showed stucco. Mr. Schafer asked if the stucco exterior surface was a violation of code requiring the good side finish of a fence to be on the outside. Mr. Enslinger responded staff was given the ability to approve acceptable materials and stucco is an acceptable building material. The focus of the Commission must be on the height.

Nancy Vennard stated she did not feel requiring them to remove the extra height was unreasonable. Mr. Enslinger replied staff recommendation is based on the belief that a straight line for the top of the fence would be more aesthetically pleasing than removing the excess height and creating a staggered look.

Bob Lindeblad called for the question. The motion as amended was voted on with the following votes cast: "aye" Lindeblad, Vaughn, Wallerstein and "nay" Vennard, Kronblad, Schafer. The motion was defeated.

Nancy Wallerstein stated she sees this as an opportunity to require the entire fence surface to be uniform as a condition of approval for the requested waiver. Nancy Vennard stated she felt an entirely stone faced fence of this height will appear to be even more massive.

Dirk Schafer stated he would like to see an accurate elevation of the entire wall

Dirk Schafer moved the Commission continue PC2009-110 until January 4, 2011 with the applicant to present at that time an elevation of the neighbor's side of the wall showing both the proposed and existing height of wall and a dashed line reflecting the height in compliance with City regulations. Randy Kronblad seconded the motion, which was voted on and passed unanimously.

Dennis Enslinger stated he would advise the applicant that if they wanted to pursue the request for a waiver of the Commission's action.

### **Next Meeting**

Mr. Enslinger announced the January meeting will include a site plan approval from Westlake Hardware for the outdoor shopping area in Corinth Square and the plat of the UMB property.

### **CVS**

Commission members requested if CVS resubmits for Corinth Square they would like to see the master plan for the center before taking any action on the application. Dennis

Enslinger responded a concept plan was included in the CID request and that he would relay the request to Lane4.

#### **ADJOURNMENT**

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 7:55 p.m.

Ken Vaughn  
Chairman

## STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, Lochner, Planning Consultant  
**APPLICATION:** PC 2011-101: Request for Site Plan Approval for Outdoor Sales Area at Westlake Hardware in Corinth Center  
**DATE:** January 4, 2011 Planning Commission Meeting Project # 01100240

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**Application:** PC 2011-101

**Request:** Site Plan Approval for outdoor sales area at Westlake Hardware in Corinth Center

**Property Address:** 4049 Somerset Drive

**Applicant:** Westlake Hardware Inc.

**Current Zoning and Land Use:** C-2 General Business District - Shopping Center

**Surrounding Zoning and Land Use:** North: C-0 Office - Office C-1 Business-Bank; C-2 Business-Service Station  
West: R-2 Two-family Residential - duplexes  
South: C-O Office - Office; C-2 Business - shopping center; CP-2 - Business - shopping center  
East: C2 Business-bank; RP-3 residential apartments

**Legal Description:** Metes and Bounds

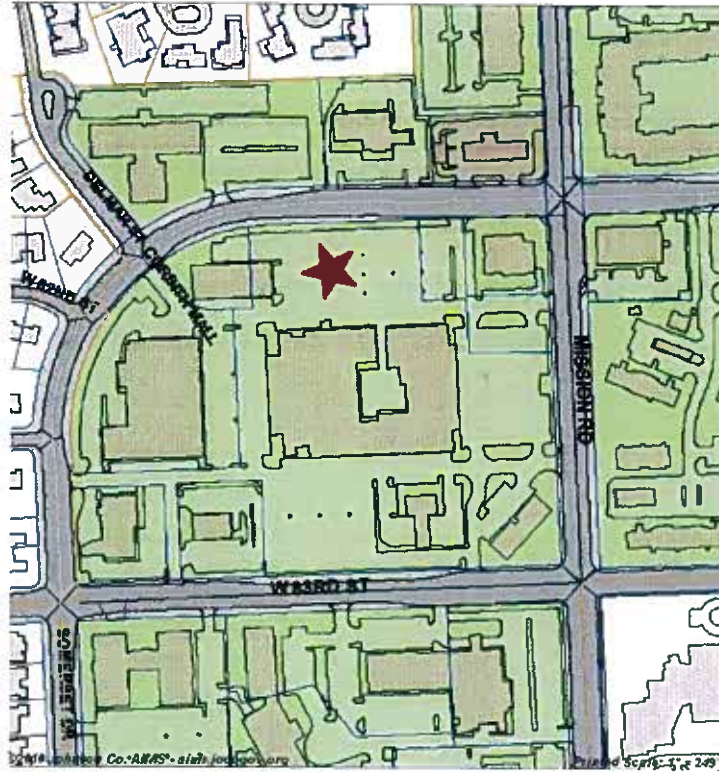
**Property Area:** Corinth Center - 744,995 sq. ft. - 17.103 acres  
Outdoor sales area -7,350 sq. ft. permanent  
7,350 sq. ft. temporary

**Related Case Files:** PC 2009-112 - Site Plan Approval for BRGR  
PC 2009-109 - Site Plan Approval for Commerce

Bank

PC 2002-111 - Site Plan Approval for Johnny's Tavern  
PC 2008-115 - Site Plan Approval for CVS Drug  
Store(withdrawn)

**Attachments:** Application, Proposed Site Plan, Photos



General Location Map



Aerial Map

**STAFF COMMENTS:**

Westlake Hardware is requesting formal approval for outdoor sales of primarily lawn, garden, nursery and landscaping products. Westlake has used this area for many years and wants to improve the appearance of the area so that it is more professional looking. Many years ago the outdoor sales area was primarily nursery stock and was located along 83<sup>rd</sup> Street. This originally started as temporary outdoor sales of plants and landscape products, but now is nearly a year around operation. Therefore a formal approval of a site plan for this use is necessary.

The outside sales actually consists of three parts. First, there is outdoor sales under the canopy in front of the Westlake Hardware Store; second, there is the parking lot area approximately 112' x 65' that is currently being used for sales; and third, a temporary sales area that would be used from April 1<sup>st</sup> to June 4<sup>th</sup> and April 23<sup>rd</sup> to May 13<sup>th</sup>. The area proposed to be used from April 1<sup>st</sup> to June 4<sup>th</sup> is greater than 30 days and is required to have approval by the Planning Commission. The area proposed to be used from April 23<sup>rd</sup> to May 13<sup>th</sup> is less than 30 days and requires approval of a short-term permit by the City Council or its designee.

Corinth Center is 744,995 sq. ft. and the proposed permanent outdoor sales area is 7,350 sq. ft. which is less than 1.0% of the area of the Center. The combined permanent and temporary area would be less than 20% of the area of the Center.

In the area used for year around sales, the applicant is proposing to install permanent shelving so that the area is well organized, is easier to maintain and has an improved appearance.

The Planning Commission shall give consideration to the following criteria in approving or disapproving a site plan:

**A. The site is capable of accommodating the building, parking areas and drives with appropriate open space and landscape.**

The permanent outside sales area is approximately 65' x 112' of which an area 65' x 85' will be used for shelving and racks for products. The remaining area will be used for products stored on pallets. The permanent area will remove 26 off-street parking spaces and the combined permanent/temporary sales area will remove 52 parking spaces. Corinth Center is required to provide 1,082 parking spaces and actually provides 1,355 parking spaces so there is a surplus of 273 parking spaces. Therefore, the use will not adversely affect parking.

**B. Utilities are available with adequate capacity to serve the proposed development.**

Utilities are currently in place serving Corinth Center and are adequate for this use.

**C. The plan provides for adequate management of storm water runoff.**

There will be no increase in impervious surface so stormwater is not an issue.

**D. The plan provides for safe and easy ingress, egress and internal traffic circulation.**

The proposed site will utilize existing driveways and the general circulation of the Center will not be changed.

**E. The plan is consistent with good land planning and good site engineering design principles.**

The outdoor sales area has been used for many years and seems to work well with other uses in the center. One area of concern is that the sales area under the canopy in front of the store may be blocking ADA access. ADA regulations require a 48-inch wide unobstructed walkway. It is necessary that products be placed so that the walkway is maintained.

**F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed installation and the surrounding neighborhood.**

The installation of the permanent shelving will certainly improve the appearance of the area. The sign standards for Corinth Center do not permit signs that are not attached to a building. So no separate signage is permitted for the area other than pricing of products. If additional signage is requested, the Corinth Center Sign Standards will need to be amended prior to approval.

**G. The plan represents an overall development pattern that is consistent with the comprehensive plan and other adopted planning policies.**

One of the principles of the Village Vision was to focus on redevelopment and reinvestment in the community. These issues have become primary goals for the City and this project represents a step in that direction. The investment in the permanent area of sales will improve the appearance and be more of an asset to the Center and the community.

**RECOMMENDATION:**

It is the recommendation of the Staff that the Planning Commission approve the site plan for outdoor sales at Westlake Hardware subject to the following conditions:

1. That any lighting used to illuminate the outdoor area be installed in such a way as to not create any glare off the site and be in accordance with the outdoor lighting regulations of the zoning ordinance.
2. That a minimum 48-inch wide accessible walkway be maintained either under or in front of the canopy on the north side of the store.
3. That the Site Plan approval be for the permanent outdoor sales area approximately 65' x 112' as shown on the plan submitted and that the shelving of racks be installed generally in accordance with that plan.
4. That signage be permitted only in accordance with the sign standards approved for Corinth Center.
5. That the temporary outdoor sales area immediately east of the permanent area designated for sales from April 1<sup>st</sup> to June 4<sup>th</sup> be approved with the provision that all materials and equipment will be removed within 7 days after June 4<sup>th</sup> and the area will be restored to its normal condition.
6. That the proposed temporary sales area designated from April 23<sup>rd</sup> to May 13<sup>th</sup> will be subject to annual approval of a short-term permit by the City Council or its designee.

2011-101

CITY OF PRAIRIE VILLAGE, KANSAS

APPLICATION

Please complete this form and return with information requested:

City Administrator  
City of Prairie Village  
7700 Mission Road  
Prairie Village, KS 66208

For Office Use Only	
Case No.:	PC 2011-101
Filing Fee:	8700
Deposit:	3500
Date Advertised:	
Date notices Sent:	
Public Hearing Date:	1/4/11

Applicant: Westlake Hardware, Inc. Phone: 913-381-7750

Address: 4049 Somerset, Prairie Village, KS Zip: 66208

Owner: CSN Retail Partners, LLC Phone: (816) 960-1444

Address: c/o Lane4 Property Group, 4705 Central, Kansas City, MO Zip: 64112

Location of Property: 4049 Somerset, Prairie Village, KS 66208

Legal Description: Please see attached.

Applicant requests consideration of the following:  
(Describe proposal/request in detail)

Westlake requests the right to utilize the parking lot of our store in the Corinth Square Shopping Center in order to conduct outdoor sales. Westlake has utilized this area for many years. Last year, Westlake made the selling area much more professional in appearance and plans to utilize a similar format for 2011 and beyond (as presented in the attached photos). The outdoor sales will focus on nursery and landscaping products, creating a destination for residents to fulfill their needs for flowers, plants and other landscaping products.

**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 site review for outdoor sales. 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 reimburse CITY for all costs incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of the 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.

Shawna M. Hart  
Applicant's Signature

Dennis M. Kelly CFO  
Owner's Signature

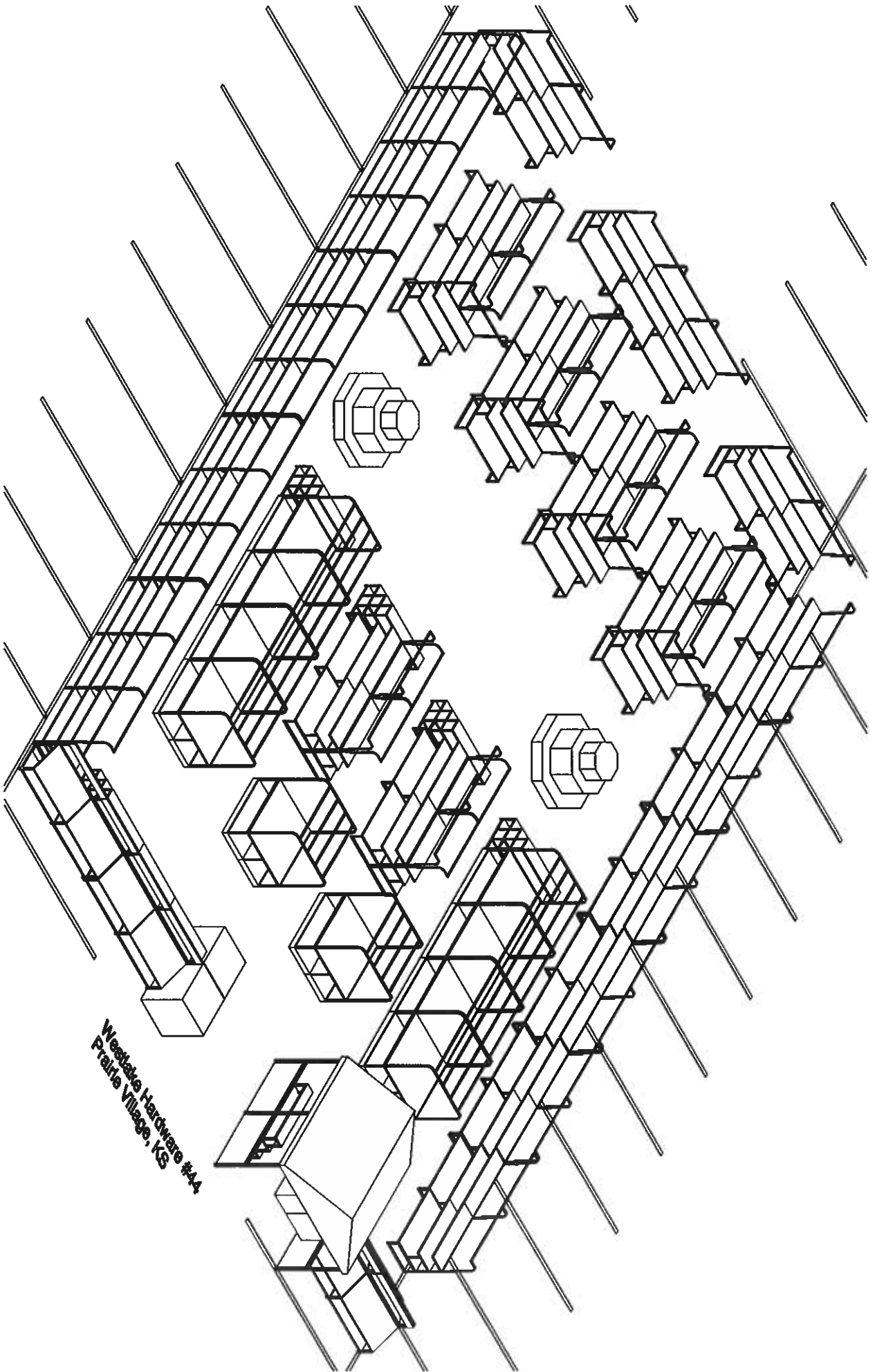
12-3-2010  
Date

12/2/10  
Date

***Attach: Exhibit A - Legal Description of the Property***

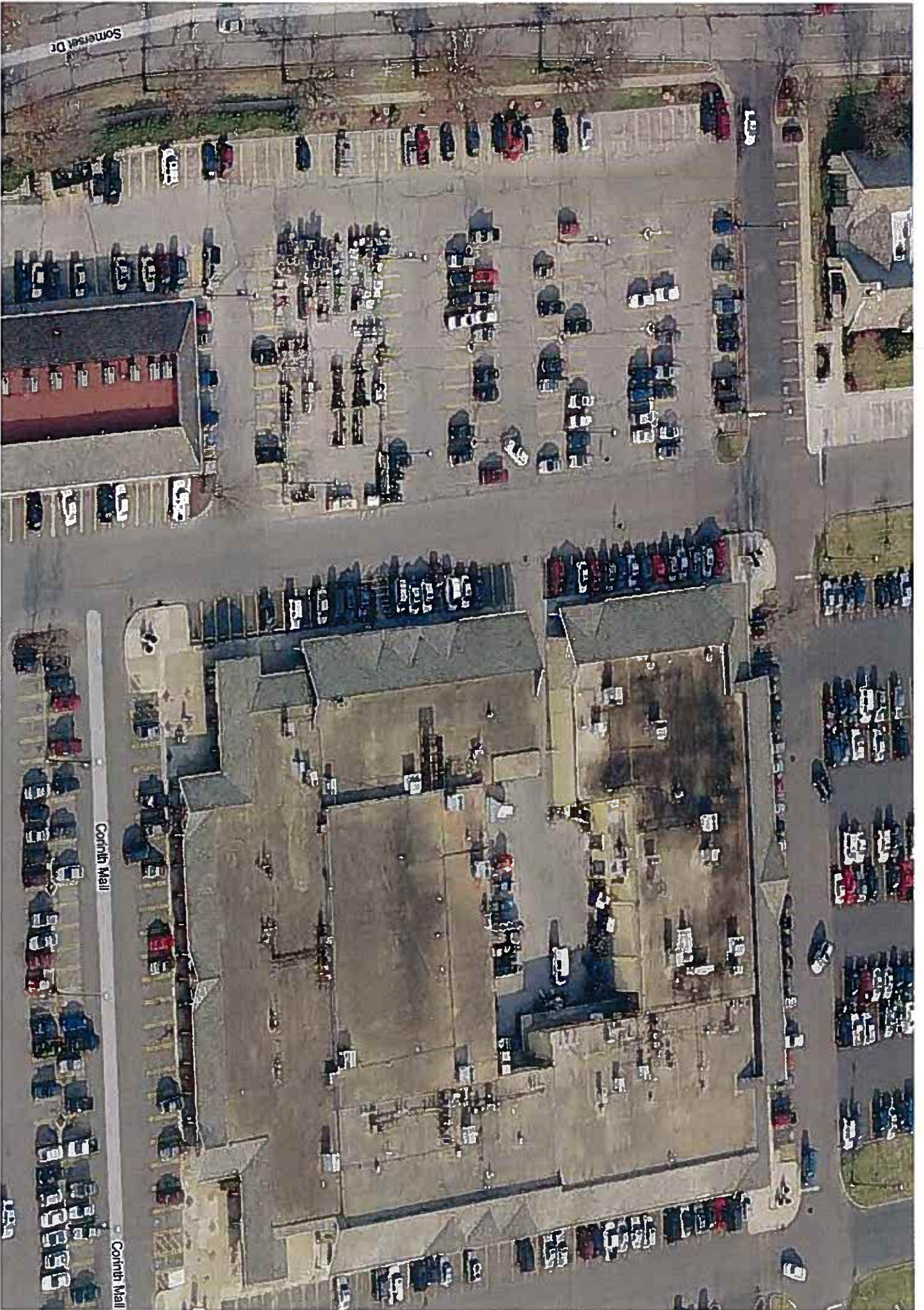
All that part of the NE 1/4 of Section 28, Township 12, Range 25, in Prairie Village, Johnson County, Kansas, more particularly described as follows: Beginning at the intersection of the East line of Somerset Drive and the North line of 83rd Street, both as now established; thence North 89 degrees 41 minutes 10 seconds East along said North line of 83rd street, a distance of 1066.07 feet to a point on the West line of Mission Road, as now established; thence North 0 degrees 11 minutes 53 seconds along said West line of Mission Road, a distance of 746.46 feet; thence Northerly and Westerly along a curve to the left from the last described course as a tangent, having a radius of 20.00 feet, a distance of 31.30 feet; thence North 89 degrees 51 minutes 50 seconds West along the South line of Somerset Drive, as now established, a distance of 586.07 feet; thence Northwesterly and Southerly along a curve to the left from the last described course as a tangent, having a radius of 458.00 feet, a distance of 722.89 feet; thence South 0 degrees 17 minutes 50 seconds East, tangent to the last described curve, a distance of 313.25 feet to the point of beginning, subject to that part in roads.





Westlake Hardware #44  
Prairie Village, KS









# Westlake **ACE** Hardware

14000 Marshall Drive      Lenexa, KS 66215      913-888-0808

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December 3, 2010

City of Prairie Village  
7700 Mission Road  
Prairie Village, KS 66208

Re: Site Plan Review for Outdoor Sales

To Whom It May Concern:

Westlake requests the right to utilize the parking lot in front of our store in the Corinth Square Shopping Center in order to conduct outdoor sales. Westlake has utilized this area for many years. Last year, Westlake made the selling area much more professional in appearance and plans to utilize a similar format for 2011 and beyond. The outdoor sales will focus on nursery and landscaping products, creating a destination for residents to fulfill their needs for flowers, plants and other landscaping products.

The attached pictures demonstrate the area Westlake would like to utilize for outdoor sales and the time frame for each area. As you can see, one is a close up of the areas utilized and the other demonstrates the areas in relation to the center.

Please let me know if you have any questions or require any additional information.

Thank you in advance for your assistance!

Sincerely,



Shawna M. Hart  
Paralegal

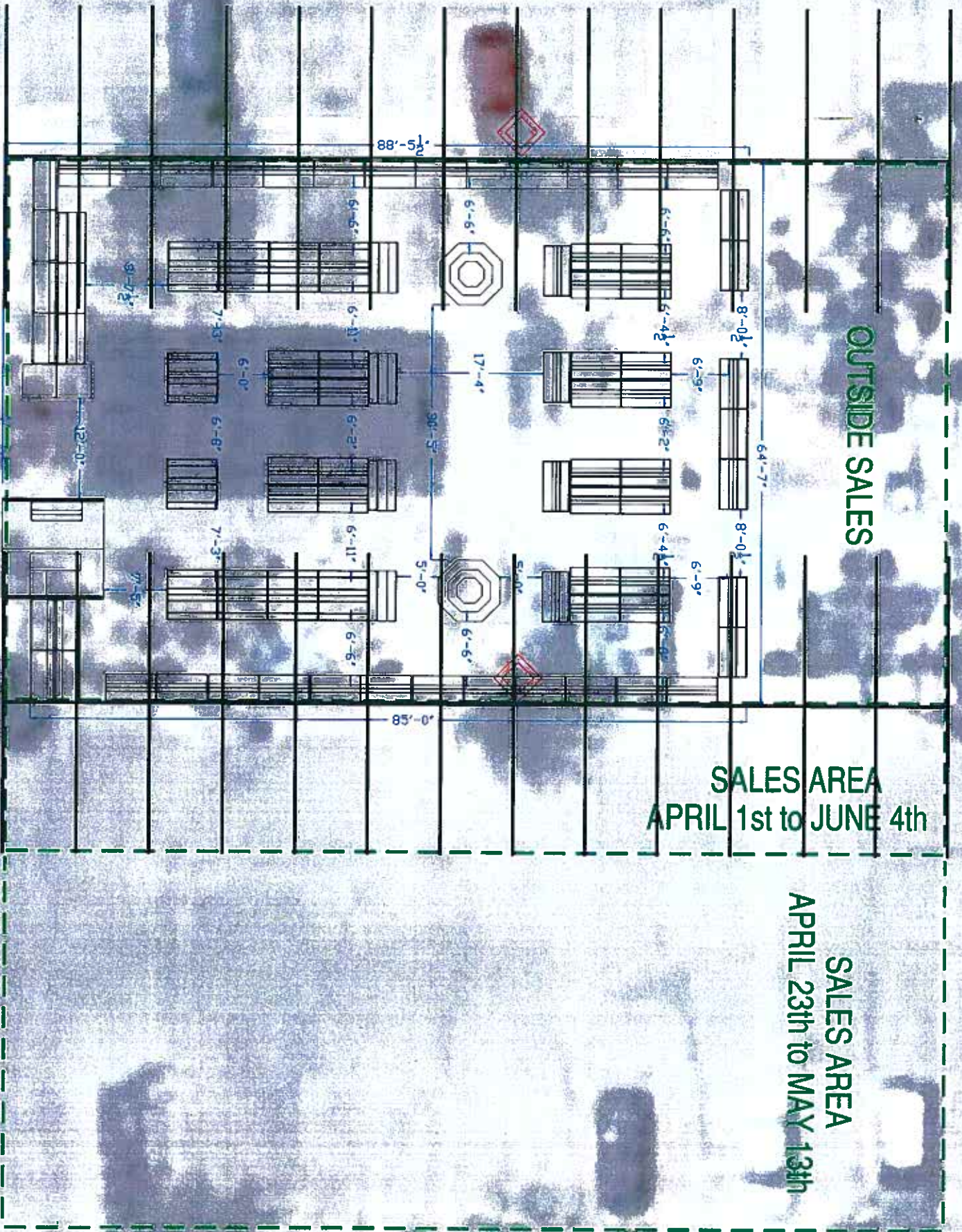


OUTSIDE SALES

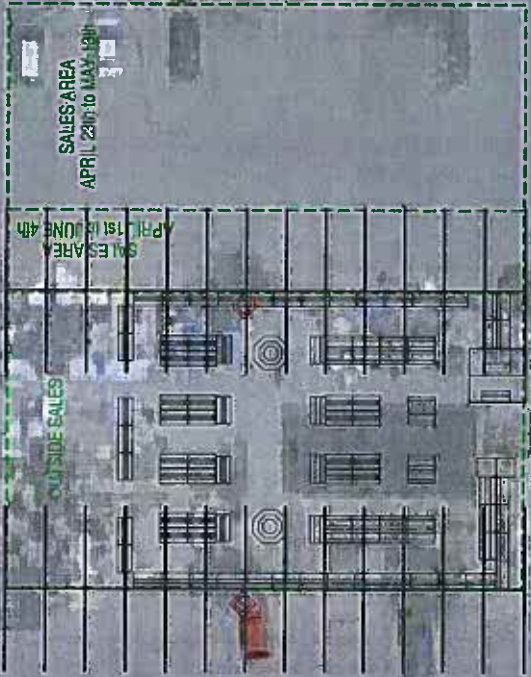
SALES AREA  
APRIL 1st to JUNE 4th

SALES AREA  
APRIL 23th to MAY 13th

Westlake Hardware #44  
Prairie Village, KS







SALES AREA  
APRIL 23rd to MAY 18th

SALES AREA  
APRIL 1st to JUNE 4th

OUTSIDE SALES

Westside Furniture and  
Spa, Inc.

WESTSIDE RETAIL SPACE

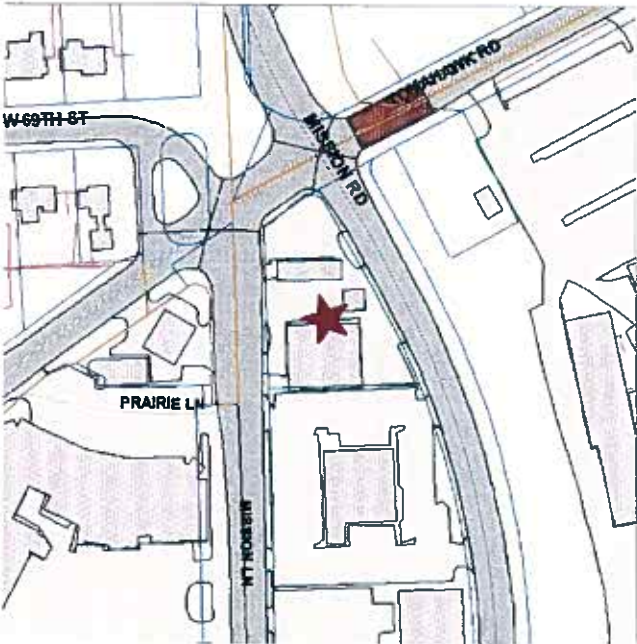












General Location Map

Aerial Map



**STAFF COMMENTS:**

On June 1, 2010, the Planning Commission approved a Site Plan and a Conditional Use Permit for a drive-thru for UMB. The tract is unplatted and one of the conditions of approval was platting.

The applicant has submitted the Preliminary and Final Plats for UMB Prairie Village Branch Bank. Since this is only a one lot plat and the Planning Commission approved the Site Plan, Staff agreed to allow the applicant to submit both the Preliminary and Final Plats at the same time.

**Preliminary Plat:**

The Preliminary Plat contains all the information required by the subdivision regulations. Since a Site Plan has been approved by the Planning Commission for this location, many items normally addressed in platting have already been addressed by the Site Plan.

Storm drainage has been worked out with Public Works as a part of the Site Plan approval.

Access control needs to be designated from the north access on Mission Road along Tomahawk Road to the access on Mission Lane. A note also needs to limit access to Mission Road to two points and access to Mission Lane to one point.

Two other conditions of approval of the Site Plan that need to be addressed are as follows:

- At the time of platting, consider access easement to property on the south in the event that the south access on Mission Road needs to be combined in the future.
  - The applicant has indicated this will be done by separate instrument.
- Obtain an easement from Lane4 along the south property line to accommodate landscaping and buildings footings.
  - This will be a separate instrument which needs to be reviewed by Staff.

**Final Plat:**

The Final Plat has most of the information on it that is required; a statement needs to be submitted that current taxes have been paid and a title report also needs to be submitted.

Access control notes need to be added on the Final Plat.

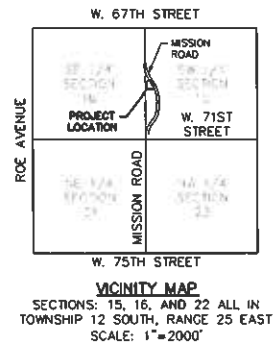
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**RECOMMENDATION:**

It is the recommendation of Staff that the Planning Commission approve the Preliminary Plat of UMB Prairie Village Branch Bank; approve the Final Plat UMB Prairie Village Branch Bank and forward the Final Plat to the City Council for acceptance of easements and rights-of-way subject to the following conditions:

1. Add notations on the face of the Final Plat regarding access control to Mission Road, Mission Lane and Tomahawk Road.
2. Submit a statement showing taxes due have been paid.
3. Submit a title opinion showing the name of the owner of the property, mortgage holders and other conditions of the site.
4. Submit the foundation and landscape easement to Staff for review.
5. Submit the cross-access easement to Staff for review and approval.
6. Submit the Final Plat to the Johnson County Surveyor for review and approval prior to recording.
7. Provide an electronic copy of the Final Plat to the City after recording.

# FINAL PLAT FOR UMB PRAIRIE VILLAGE BRANCH BANK IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 12, RANGE 25 IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS



- LEGEND**
- MONUMENT FOUND, AS NOTED
  - (D) DEED
  - (M) MEASURED
  - B/L BUILDING LINE
  - NO ACCESS TO PUBLIC RIGHT-OF-WAY

**SURVEYOR/ENGINEER:**  
KAW VALLEY ENGINEERING, INC.  
14700 W. 114th TERRACE  
LENEXA, KANSAS 66215

**PREPARED FOR:**  
BELL-KNOTT & ASSOCIATES,  
CORPORATE ARCHITECTS, PC  
12730 STATE LINE ROAD SUITE #100  
LEAWOOD, KANSAS 66209  
PHONE: (913) 378-1616  
FAX: (913) 378-1617

**OWNER:**  
RONCO, INC.  
2221 W. 63RD STREET  
SHAWNEE, MISSOURI, KANSAS 66206

**DEVELOPER:**  
UMB BANK, N.A.  
1810 GRAND BOULEVARD  
KANSAS CITY, MISSOURI 64106

**FLOOD STATEMENT:**  
BY GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY LIES PARTIALLY WITHIN ZONES "X" AND "AO" AS DETERMINED BY FEMA FLOOD INSURANCE RATE MAP NUMBER 2009IC0024C WITH AN EFFECTIVE DATE OF AUGUST 3, 2009. EXACT LOCATION IS SUBJECT TO ANY INACCURACIES A FLOOD STUDY MAY PRODUCE.  
ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.  
ZONE "AO" FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN). AVERAGE DEPTHS DETERMINED FOR AREAS OF ALLUVIAL FAN FLOODING. VELOCITIES ALSO DETERMINED.  
ZONE "AE": BASE FLOOD ELEVATIONS DETERMINED.

**HORIZONTAL DATUM:**  
BEARINGS BASED ON NORTH AMERICAN DATUM (NAD 83/97), KANSAS STATE PLANE GRID SYSTEM, NORTH ZONE BY GPS OBSERVATION OF THE JOHNSON COUNTY CONTROL SYSTEM. COORDINATES SHOWN HEREON ARE PROJECT GROUND COORDINATES (PGC).  
PGC X: 0.9999280521 = KANSAS STATE PLANE COORDINATES

**DESCRIPTION:** CORPORATION WARRANTY DEED VOLUME 4317 PAGE 72 ALL THAT PART OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 15, TOWNSHIP 12, RANGE 25, NOW IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE NORTH 0 DEGREES, 37 MINUTES EAST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1159.28 FEET; THENCE SOUTH 89 DEGREES, 23 MINUTES EAST ALONG A LINE PERPENDICULAR TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 37.65 FEET; TO THE TRUE POINT OF BEGINNING OF SUBJECT TRACT, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF MISSION LANE, AS NOW ESTABLISHED; THENCE NORTH 0 DEGREES, 34 MINUTES, 14 SECONDS EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID MISSION LANE, A DISTANCE OF 177.09 FEET; TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID TOMAHAWK ROAD, AS NOW ESTABLISHED; THENCE NORTH 87 DEGREES, 07 MINUTES EAST ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID TOMAHAWK ROAD, A DISTANCE OF 54.82 FEET; TO A POINT OF CURVATURE; THENCE NORTHEASTERLY, EASTERLY, AND SOUTHEASTERLY ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID TOMAHAWK ROAD, SAID LINE BEING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 15 FEET, AND A CENTRAL ANGLE OF 95 DEGREES, 49 MINUTES, 10 SECONDS, A DISTANCE OF 25.08 FEET; TO A POINT OF TANGENCY, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF MISSION LANE, AS NOW ESTABLISHED; THENCE SOUTH 27 DEGREES, 03 MINUTES, 50 SECONDS EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID MISSION ROAD, A DISTANCE OF 112.12 FEET; TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID MISSION ROAD, SAID LINE BEING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 830 FEET AND A CENTRAL ANGLE OF 7 DEGREES, 43 MINUTES, 24 SECONDS, A DISTANCE OF 111.88 FEET; THENCE NORTH 89 DEGREES, 25 MINUTES, 46 SECONDS WEST A DISTANCE OF 184.22 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT THAT PART, IF ANY, IN STREETS, ROADS OR PUBLIC RIGHTS OF WAY.

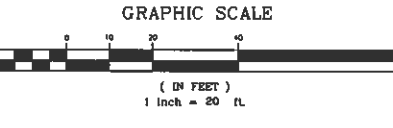
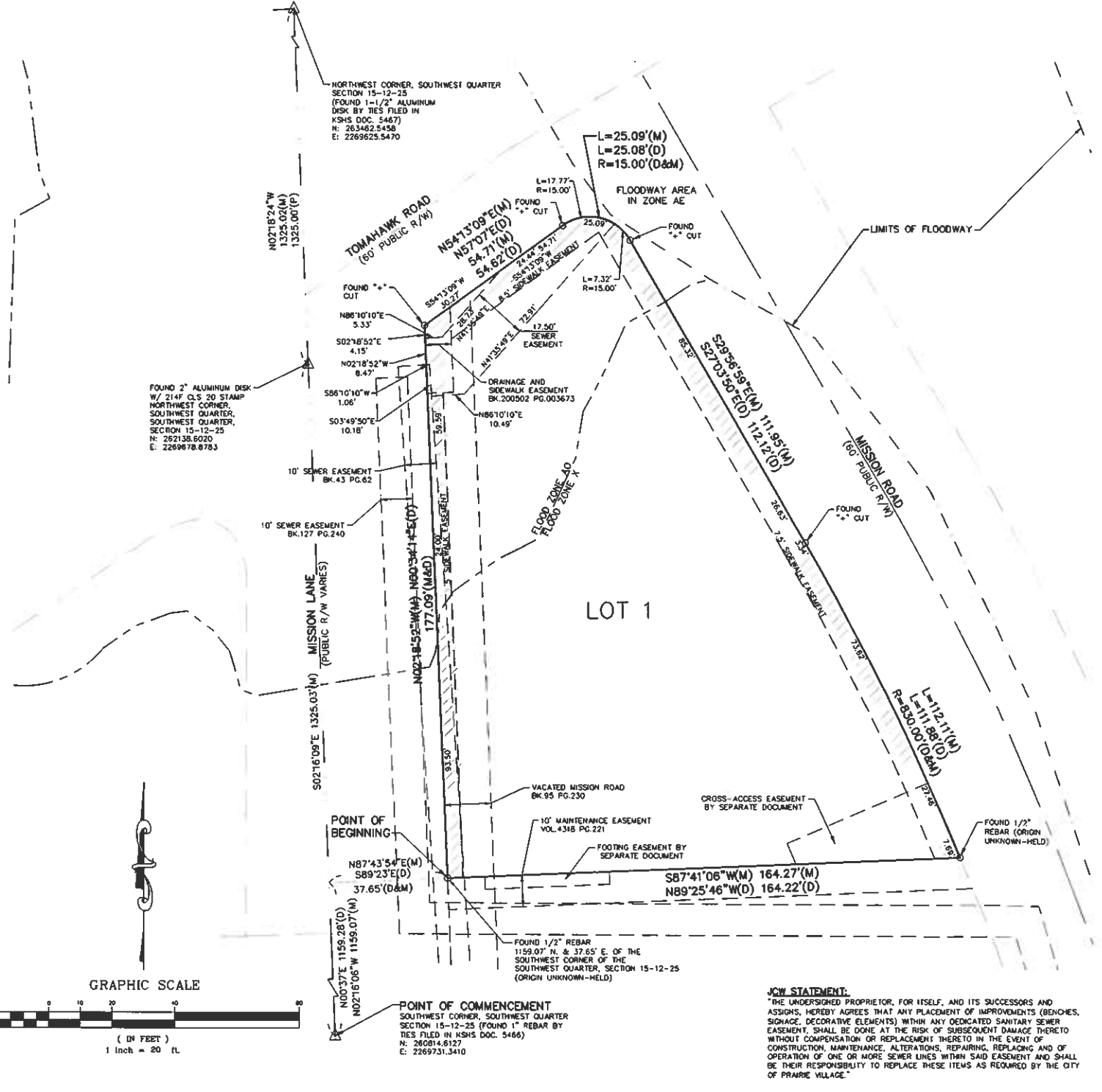
**PLAT DESCRIPTION:**  
ALL THAT PART OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 15, TOWNSHIP 12, RANGE 25, NOW IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, SHALL HEREAFTER BE KNOWN AS "UMB PRAIRIE VILLAGE BRANCH BANK" AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE NORTH 02 DEGREES, 16 MINUTES, 06 SECONDS WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 1159.07 FEET; THENCE NORTH 87 DEGREES, 43 MINUTES, 34 SECONDS EAST ALONG A LINE PERPENDICULAR TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 37.65 FEET; TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF MISSION LANE, AS NOW ESTABLISHED; THENCE NORTH 02 DEGREES, 18 MINUTES, 18 SECONDS WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID MISSION LANE, A DISTANCE OF 177.09 FEET; TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID TOMAHAWK ROAD, AS NOW ESTABLISHED; THENCE NORTH 54 DEGREES, 13 MINUTES, 09 SECONDS EAST ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID TOMAHAWK ROAD, A DISTANCE OF 34.71 FEET; THENCE ON A CURVE TO THE RIGHT, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID TOMAHAWK ROAD, SAID LINE HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 95 DEGREES, 50 MINUTES, 12 SECONDS AND A DISTANCE OF 25.09 FEET; TO A POINT OF TANGENCY, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF MISSION ROAD, AS NOW ESTABLISHED; THENCE SOUTH 29 DEGREES, 56 MINUTES, 59 SECONDS EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID MISSION ROAD, A DISTANCE OF 111.95 FEET; THENCE SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID MISSION ROAD, ON A CURVE TO THE RIGHT HAVING A RADIUS OF 830.00 FEET, A CENTRAL ANGLE OF 7 DEGREES, 44 MINUTES, 21 SECONDS AND A DISTANCE OF 112.11 FEET; THENCE SOUTH 87 DEGREES, 41 MINUTES, 06 SECONDS WEST A DISTANCE OF 184.27 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART, IF ANY, IN STREETS, ROADS OR PUBLIC RIGHTS OF WAY.

**DEDICATIONS:**  
THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION SHALL HEREAFTER BE KNOWN AS "UMB PRAIRIE VILLAGE BRANCH BANK".  
WHERE PRIOR EASEMENT RIGHTS HAVE BEEN GRANTED TO ANY PERSON, UTILITY OR CORPORATION ON SAID PARTS OF LAND SO DEDICATED, AND ANY PIPES, LINES, POLES AND WIRES, CONDUITS, DUCTS OR CABLES HERETOFORE INSTALLED THEREUPON AND THEREIN ARE REQUIRED TO BE RELOCATED, IN ACCORDANCE WITH PROPOSED IMPROVEMENTS AS NOW SET FORTH, THE UNDERSIGNED PROPRIETOR HEREBY ABSOLVES AND AGREES TO INDEMNIFY THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, FROM ANY EXPENSE INCIDENT TO THE RELOCATION OF ANY SUCH EXISTING UTILITY INSTALLATIONS WITHIN SAID PRIOR EASEMENT.  
AN EASEMENT OR LICENSE TO LAY, CONSTRUCT, ALTER, REPAIR, REPLACE AND OPERATE ONE OR MORE SEWER LINES AND ALL APPURTENANCES CONVENIENT FOR THE COLLECTION OF SANITARY SEWAGE, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS, OVER AND THROUGH THOSE AREAS DESIGNATED AS "SANITARY SEWER EASEMENT" OR "S/E" ON THIS PLAT IS HEREBY DEDICATED TO THE JOHNSON COUNTY UNIFIED WASTEWATER DISTRICTS OR THEIR ASSIGNS.  
THE UNDERSIGNED PROPRIETOR OF SAID PROPERTY SHOWN ON THIS PLAT DOES HEREBY DEDICATE AND CONTROL ACCESS FOR PUBLIC USE AND PUBLIC WAYS AND THOROUGHFARES, ALL PARCELS AND PARTS OF LAND INDICATED ON SAID PLAT AS STREETS, TERRACES, PLACES, ROADS, DRIVES, LANES, AVENUES AND ALLEYS NOT HERETOFORE DEDICATED. WHERE PRIOR EASEMENT RIGHTS HAVE BEEN GRANTED TO ANY PERSON, UTILITY OR CORPORATION ON SAID PARTS OF LAND SO DEDICATED, AND ANY PIPES, LINES, POLES AND WIRES, CONDUITS, DUCTS OR CABLES HERETOFORE INSTALLED THEREUPON AND THEREIN ARE REQUIRED TO BE RELOCATED, IN ACCORDANCE WITH PROPOSED IMPROVEMENTS AS NOW SET FORTH, THE UNDERSIGNED PROPRIETOR HEREBY ABSOLVES AND AGREES TO INDEMNIFY THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, FROM ANY EXPENSE INCIDENT TO THE RELOCATION OF ANY SUCH EXISTING UTILITY INSTALLATIONS WITHIN SAID PRIOR EASEMENT.  
THE UNDERSIGNED PROPRIETOR OF SAID PROPERTY SHOWN ON THIS PLAT DOES HEREBY DEDICATED FOR PUBLIC USE AND PUBLIC WAYS AREAS NOTED AS "SIDEWALK EASEMENTS" NOT HERETOFORE DEDICATED. WHERE PRIOR EASEMENT RIGHTS HAVE BEEN GRANTED TO ANY PERSON UTILITY OR CORPORATION ON SAID PARTS OF LAND SO DEDICATED, AND ANY PIPES, LINES, POLES AND WIRES, CONDUITS, DUCTS OR CABLES HERETOFORE INSTALLED THEREUPON AND THEREIN ARE REQUIRED TO BE RELOCATED, IN ACCORDANCE WITH PROPOSED IMPROVEMENTS AS NOW SET FORTH, THE UNDERSIGNED PROPRIETOR HEREBY ABSOLVES AND AGREES TO INDEMNIFY THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, FROM ANY EXPENSE INCIDENT TO THE RELOCATION OF ANY SUCH EXISTING UTILITY INSTALLATIONS WITHIN SAID PRIOR EASEMENT.

**OWNERS CERTIFICATE:**  
IN TESTIMONY WHEREOF, THE UNDERSIGNED PROPRIETOR HAS HERETO SUBSCRIBED ITS HAND.  
OWNER: RONCO, INC. A KANSAS CORPORATION  
JOHN F. RONEY, PRESIDENT  
STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )  
BE IT REMEMBERED, THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, CAME \_\_\_\_\_ TO ME PERSONALLY KNOWN, WHO, BEING DULY SWORN BEFORE ME, HAS EXECUTED THIS INSTRUMENT OF WRITING, AND HAS ACKNOWLEDGED THE EXECUTION OF THE SAME TO BE THE FREE ACT AND DEED OF SAID PERSON.  
MY COMMISSION EXPIRES: \_\_\_\_\_  
NOTARY PUBLIC  
PRINTED NAME

**APPROVALS:**  
APPROVED BY THE PLANNING COMMISSION OF THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.  
KEN VAUGHN, CHAIRMAN JOYCE HAGEN MUNDT, SECRETARY  
LANDS DEDICATED FOR PUBLIC PURPOSES ACCEPTED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.  
RONALD L. SHAFER, MAYOR ATTEST: JOYCE HAGEN MUNDT, CITY CLERK

**SURVEYOR'S CERTIFICATE:**  
STATE OF KANSAS )  
COUNTY OF JOHNSON )  
I, THE UNDERSIGNED DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF KANSAS WITH EXPERIENCE AND PROFICIENCY IN LAND SURVEYING, THAT THE HERETOFORE DESCRIBED PROPERTY WAS SURVEYED AND SUBDIVIDED BY ME, OR UNDER MY DIRECT SUPERVISION; THAT ALL SUBDIVISION REGULATIONS OF THE CITY OF PRAIRIE VILLAGE, KANSAS, HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT; THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS, AND THAT ALL OF THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
DATE OF SURVEY: 02/18/09  
ERROR OF CLOSURE: 1:105,297  
GIVEN UNDER MY HAND AND SEAL AT LENEXA, KANSAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.



THIS DRAWING SHALL NOT BE UTILIZED BY ANY PERSON, FIRM, OR CORPORATION IN WHOLE OR IN PART WITHOUT THE SPECIFIC PERMISSION OF KAW VALLEY ENGINEERING, INC.

REV	DATE	DESCRIPTION	CHK
1	12/21/10	PER CITY AND JCW COMMENTS	DSN
0	12/03/10	INITIAL ISSUE	DLB
			JAA
			URL

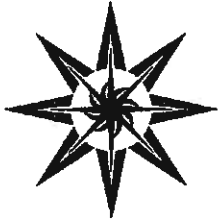
  

JASON R. LOADER SURVEYOR KS # 1462
14700 W. 114TH TERRACE LENEXA, KANSAS 66215 913-378-1616 WWW.KAVEE.COM
KAW VALLEY ENGINEERING, INC. - CONSULTING ENGINEERS KAW VALLEY ENGINEERING, INC. IS AUTHORIZED TO OFFER SURVEYING SERVICES BY KANSAS STATE CERTIFICATE OF AUTHORITY # 15-20. EXPIRES 12/31/10
<b>UMB PRAIRIE VILLAGE BRANCH BANK</b> 6901 MISSION ROAD PRAIRIE VILLAGE, KANSAS
<b>FINAL PLAT</b>
PROJ. NO. C0905104
DATE AUGUST 2010
DESIGNER
DRAWN BY RLB
CN 5104FPLAT RLB
SHEET 1
1 OF 1









## PLANNING COMMISSION

City Council Meeting Date: January 4, 2010

**PC 2009-110 Request for Site Plan Approval – Retaining Wall: 8162 Delmar  
– Applicant is requesting modifications to approved site plan.**

---

### BACKGROUND

The Planning Commission considered a request, at the November 3, 2009 Meeting, to construct a retaining wall 3' 6" in height along the south property line for a length of 40 feet. The proposed retaining wall, connected to an existing retaining wall, and allowed for the grade around the proposed pool to be raised.

The Planning Commission approved the proposed retaining wall subject to the following conditions:

- 1) The applicant provide, for staff approval, additional information regarding the proposed design and materials of the retaining wall;
- 2) The wall be constructed in the location as shown on the site plan submitted with the application;
- 3) That the proposed retaining wall footing be required to be located entirely on the applicant's property;
- 4) The applicant provide a copy of the site survey and stake the property corners to confirm property lines; and
- 5) The applicant secures a revised Drainage Permit from the Public Works Department.

The applicants requested some modifications to the approved site plan at the May 4, 2010 Planning Commission including an additional retaining wall. The Planning Commission denied the applicant's request for the modifications and directed staff to work with the applicant to make any future modifications to the site plan were in conformance with the zoning regulations.

During a recent inspection of the site, it was discovered that a portion of the fence was taller than six (6) feet in height. Section 19.44.025G allows the Planning Commission to approve modifications to the location and height of fences.

The Planning Commission reviewed a request to grant a waiver from the six (6) foot height requirement at the December 7, 2010. The Planning Commission requested additional information and continued the item to the January 4, 2010 Planning Commission meeting.

The applicant has provided the additional information as requested by the Planning Commission. It should be noted that the Public Works Department has reviewed and approved some grade changes on the site therefore, the wall heights provided at the December 7<sup>th</sup> meeting have been altered. The grade changes were made to address stormwater runoff issues.



Staff has field verified the measurements and compensated for the future installation of sod.

Based on these existing conditions, the applicants are asking to allow the fence on the south side of the property to exceed six (6) feet in height by ten (10) inches. In addition, the northwest corner will also exceed six (6) feet in height by one-foot.

The applicant's are requesting to keep the fence at the current height. In addition, the adjacent property owners are in agreement with the proposed height of the fence.

**Recommendation:**

Staff recommends that the Planning Commission approve a waiver for the fence to allow the height of the fence not to exceed seven (7) feet.

**ATTACHMENTS**

Drawing Showing Existing Conditions and Compliant Conditions

Photograph of the existing fence.

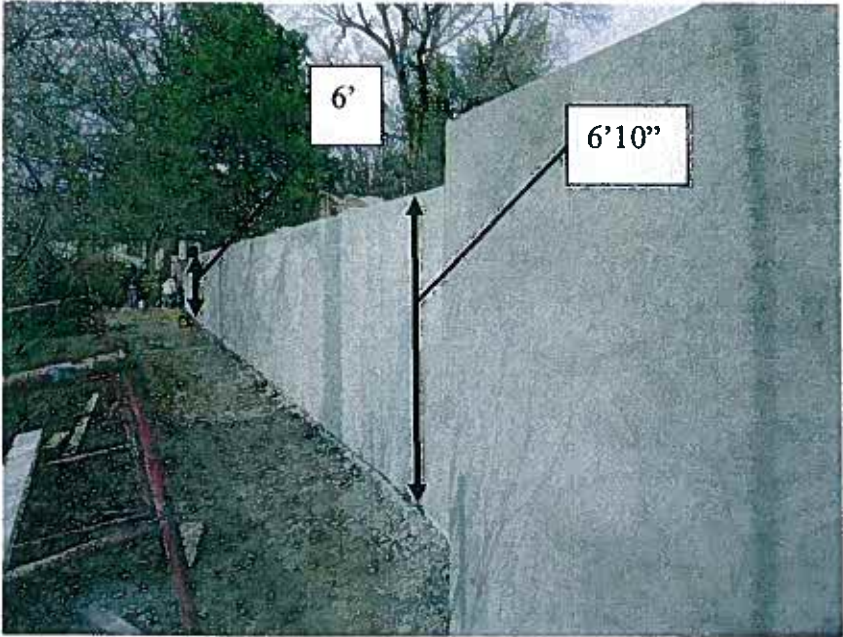
**PREPARED BY**

Dennis J. Enslinger

Assistant City Administrator

Date: December 30, 2010

Existing Fence Lines



Existing South Fence Line Looking West

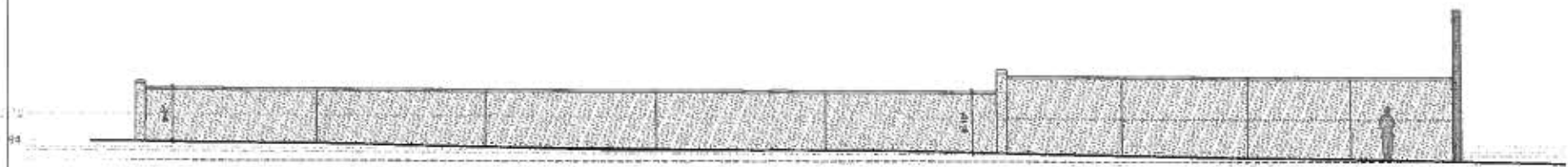


8' section of the Retaining Wall previously approved by Planning Commission

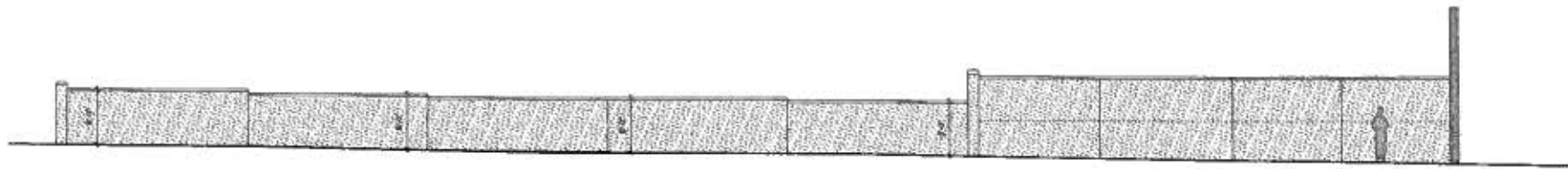
Existing South Fence Line Looking East



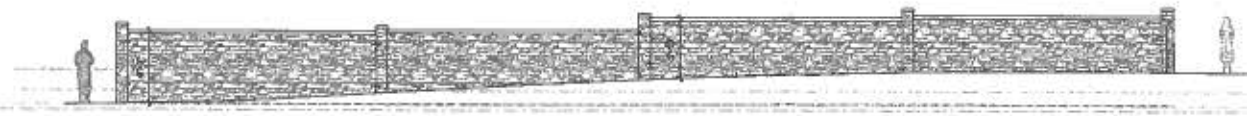
Northwest Corner of Fence



01 SOUTH WALL ELEVATION - AS BUILT  
3/17/14 F.P.



02 SOUTH WALL ELEVATION - ADJUSTED  
3/17/14 F.P.



03 NORTH WALL ELEVATION - AS BUILT  
3/17/14 F.P.

FIRMING DATE: 3/17/14  
 PROJECT: CORCORAN - SITE IMPROVEMENTS  
 3000 G. CAMPBELL, ADRDC  
 2100 HILL STREET  
 ANNAPOLIS, MD 21403  
 410.293.1100  
 WWW.MSM-ARCHITECTS.COM

REV.	DATE	DESCRIPTION
01	3/17/14	ISSUED FOR PERMIT
02	3/17/14	ISSUED FOR PERMIT
03	3/17/14	ISSUED FOR PERMIT
04	3/17/14	ISSUED FOR PERMIT
05	3/17/14	ISSUED FOR PERMIT
06	3/17/14	ISSUED FOR PERMIT
07	3/17/14	ISSUED FOR PERMIT
08	3/17/14	ISSUED FOR PERMIT
09	3/17/14	ISSUED FOR PERMIT
10	3/17/14	ISSUED FOR PERMIT

Stone Wall Comparison  
WALL CAP FILE: 4000-CORCORAN

	CORCORAN - SITE IMPROVEMENTS		A004
	<small>PROJECT ADDRESS: 2100 HILL STREET, ANNAPOLIS, MD 21403</small>	<small>ISSUED BY: MS</small>	