

**PLANNING COMMISSION AGENDA  
CITY OF PRAIRIE VILLAGE  
MUNICIPAL BUILDING - 7700 MISSION ROAD  
TUESDAY, FEBRUARY 7, 2012  
COUNCIL CHAMBERS  
7:00 P. M.**

I. ROLL CALL

II. APPROVAL OF PC MINUTES - JANUARY 10, 2012

III. PUBLIC HEARINGS

PC2012-01 Proposed Revisions to PVMC 19.50 "Alternate Energy Systems"  
with related changes to PVMC 19.02.510 "definitions" PVMC  
19.30.055D  
Applicant: City of Prairie Village

PC2012-02 Proposed Amendment to the City's Comprehensive Plan reflecting  
changes to the Parks Master Plan  
Applicant: City of Prairie Village

IV. NON-PUBLIC HEARINGS

PC2012-104 Monument Sign Approval  
4518 West 89<sup>th</sup> Street  
Zoning: C-2  
Applicant: Chris Woody, Chris Woody Agency

V. OTHER BUSINESS

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**  
**January 10, 2012**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, January 10, 2012, in the Multi-Purpose Room, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Bob Lindeblad, Dirk Schafer, Nancy Wallerstein, Marlene Nagel 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; Council Liaison; Jim Brown, City Building Official and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

**APPROVAL OF MINUTES**

Bob Lindeblad moved for the approval of the minutes of December 6, 2011, with a typographical correction in the last paragraph on page 10 changing "linked" to "liked". The motion was seconded by Nancy Wallerstein and passed 6 to 0 with Marlene Nagel abstaining as she was not in attendance.

**PUBLIC HEARINGS**

There were no Public Hearings.

**NON PUBLIC HEARINGS**

**PC2012-101      Site Plan Approval - Outdoor Patio  
8228 Mission Road**

Mike Kress with Generator Studio stated the Salty Iguana has had an outdoor dining area for many years; however, the site plan was not approved by the Planning Commission. Salty Iguana is proposing to revise the outdoor dining area and now is requesting site plan approval for the outdoor patio as constructed with additional improvements proposed for this Spring to comply with the new vision for Corinth Square including a new gable as shown on the Corinth Square site plan.

Ron Williamson stated the proposed plan shows seating for 42. The existing 48" tall fence-type enclosure will be replaced with 36" tall panels between the stone columns. The stone columns will have double 4"x4" wooden beams that will replace the single column beams. New sconces will be installed on the beams and these are the new design that will be used throughout the Center

Currently, there is no pedestrian route between the outdoor seating area and the curb. The applicant is proposing to move the curb to the east in order to permit cars

to overhang the sidewalk while still allowing adequate area for pedestrian movement. There will be 7 feet between the columns and the curb.

The proposed Salty Iguana sign does not comply with the sign standards approved for Corinth Square on September 6, 2011. According to the sign standards, gable signs need to either be in an oval or a rectangular cabinet. The proposed sign has the name Salty Iguana on the wall and the logo on the column in front. For the businesses in the Center, the business name and the logo have been and placed on the columns in the gable. Mr. Kress stated that the signage would comply with the sign standards for the Center and they would have a signed approval by Lane4 when they submit for their sign permit.

Corinth Center has approximately 308,804 square feet of leasable area. The off-street parking requirement for mixed office/commercial center over 300,000 square feet is 3.5 spaces per 1,000 square feet; therefore the required off-street parking is 1,082 spaces. LANE4 Property Group had a site survey prepared when the property was acquired and it indicates 1,238 spaces with 39 spaces designated as ADA accessible. The Center has exceeded the minimum number of required off-street spaces by 156. The additional square footage added by Salty Iguana, Johnny's BRGR and Urban Table for outdoor dining is approximately 2400 square feet and the CVS increase is 2,535 square feet for a total of 4,935 which would require an additional 17 parking spaces. The CVS plan along with the revised parking layout along Mission Road increased the number of spaces by two. The Center would still exceed the minimum by 141 spaces.

Nancy Vennard asked what the schedule was for the CVS project, noting nothing has been done on the site. Mr. Kress responded they are in the mobilizing stage securing the final approvals for demolition which is expected to be completed shortly.

Chairman Ken Vaughn led the Commission in following review of the site plan criteria:

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

The proposed site plan indicates the outdoor sidewalk location can accommodate the additional square footage for the outdoor eating area and meet ADA requirements for pedestrians to circulate between the patio enclosure and the curb. No new parking areas or drives are required for this use.

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

Utilities are currently in place serving the Corinth Center and are adequate to serve this minor expansion for outdoor seating.

**C. The plan provides for adequate management of stormwater 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 site will utilize existing and proposed driveways provided by the Center. Adequate pedestrian accessibility will need to be maintained between the seating area and the parking lot.

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

The outdoor seating helps create a more vibrant atmosphere for the center and is consistent with good land planning practices. The primary site design issue is the need to maintain a minimum 48-inch walkway for ADA accessibility between the canopy columns and the parking lot curb.

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

The proposed improvements to the building façade are another step in upgrading the center to the new design standards. The sign standards for Corinth Center permit signs in the gable area subject to recently approved design guidelines that are contained in the standards. The proposed sign does not meet the standards and will need to be revised or approved separately. The new patio enclosure will be a significant improvement from what exists. The applicant needs to submit design detail for the enclosure to Staff for review and 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. This is the opportunity to enhance and intensify the use of the building that will generate additional revenues for the City.

Dirk Schafer moved the Planning Commission PC2012-101 approve the site plan for the outdoor dining area for Salty Iguana at 8228 Mission Road subject to the following conditions:

- 1) That all 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 conjunction with the outdoor lighting regulations.
- 2) That a minimum 48-inch wide accessible walkway be maintained between the canopy columns and the parking lot curb so as to not be obstructed by vehicle overhangs onto the sidewalk.
- 3) That the proposed gable sign be redesigned in accordance with the recently approved sign standards for Corinth Square North and be submitted to staff for approval.
- 4) That the building upgrade including the gable as shown on the plans be constructed as a part of this expansion.
- 5) That the applicant submit a design detail for the outdoor enclosure to Staff for review and approval.

The motion was seconded by Randy Kronblad and passed unanimously

Bob Lindeblad recused himself from the meeting due to a professional conflict of interest on the next application.

**PC2012-102 Preliminary & Final Plat Approval  
Benton House of Prairie Village First Plat  
2700 Somerset**

Brett Cauldron with BCH Rhodes noted the Planning Commission and the City Council approved a Special Use permit for Benton House in October with the Planning Commission also approving the site plan. One of the conditions of approval was that the land be platted. The property is bordered by 79<sup>th</sup> Street on the North, Belinder Road on the East and Somerset Drive on the South

Mr. Cauldron asked for both preliminary and final plat approval and noted they have reviewed and accepted the staff conditions for approval.

Dennis Enslinger noted a discrepancy has been found on whether the land surrounding the property is to be dedicated as right of way or as easement. Mr. Williamson stated staff recommends adding clarification of this be added as a condition of approval.

**Preliminary Plat**

The preliminary plat contains the information required by the subdivision regulations. The information in the center of the plat under "Lot1" indicates the owner is Shawnee Mission School District while the text along the right hand side of the sheet indicates that the owner is Hunt Midwest Real Estate Development Inc. The sale should be complete and the final plat will be signed by Hunt Midwest.

Most of the items were addressed during site plan approval. However, in reviewing the preliminary plat, Staff would like access control dedicated on Somerset Drive and Belinder Road for 200 feet in each direction from the intersection.

The sidewalk along 79<sup>th</sup> Street was discussed during the consideration of the site plan and it was agreed to allow the developer to construct it at a later date. There is a sidewalk along the North side of 79<sup>th</sup> Street. However, in relooking at the plan, there are sidewalks on the East, South and West sides of the site and a sidewalk on the South side of 79<sup>th</sup> Street which would complete the pedestrian loop for the residents of Benton House without having to cross 79<sup>th</sup> Street.

The **Final Plat** essentially has all the information on it that is required by the subdivision regulations.

Access control needs to be shown on the plat as previously discussed and granting of access control needs to be included in the text of the Dedication Section of the plat.

In the APPROVALS section a few words were left out and the text needs to be revised "Lands dedicated for public purposes accepted by the \_\_\_\_\_".

The Mayor's signature should be "Ronald L. Shaffer".

The City Clerk's name should be "Joyce Hagen Mundy".

If there is a mortgage on the property, the mortgage holder also needs to sign the plat.

The site plan approved required a five foot wide sidewalk be constructed in the easement along the West side.

Marlene Nagel expressed her appreciation to the applicant for adding the additional sidewalk to the plan.

Marlene Nagel moved the Planning Commission approve PC2012-102 the Preliminary and Final Plats of Benton House of Prairie Village and forward the Final Plat to the City Council for acceptance of easements and right-of-way subject to the following conditions:

1. Correct the Mayor's Signature to Ronald L Shaffer.
2. Correct the City Clerk's name to Joyce Hagen Mundy
3. Revise the APPROVALS section as follows "Lands dedicated for public purposes accepted by \_\_\_\_\_".
4. If there is a mortgage holder, have them sign the Final Plat also.
5. Construct the five foot wide sidewalk along the West property line in accordance with the Site Plan.
6. That the applicant grant access control for 200 feet from the intersection of Belinder Road and Somerset Drive to the North and West, show it on the face of the plat and add the language in the dedication section.
7. Revise the Final Plat as approved and submit three copies to the City for their records.
8. That the applicant submit proof of ownership.
9. That the applicant submit the Final Plat to the Johnson County Surveyor for review and to make changes as required.
10. That the applicant submit a certificate showing that all taxes and special assessments due and payable have been paid.
11. That the dedication of right of way along Somerset Drive, Belinder Road and 79<sup>th</sup> Street be resolved.

The motion was seconded by Nancy Vennard and passed by a vote of 6 to 0.

Mr. Enslinger stated the plat would not go before the Governing Body until the conditions of approval have been met.

**PC2012-103 Site Plan Approval for Fence Setback Modification  
5483 West 85<sup>th</sup> Terrace**

Charyl Rubin addressed the Commission asking for a fence setback modification for her six-foot wood privacy fence at 5438 West 85<sup>th</sup> Terrace. She noted the fence contractor, believing the property was in Overland Park, did not get a permit for the fence, which replaces the original fence located near the west property line. The fence has been partially constructed.

Ms. Rubin believes it is a hardship to have to take out the existing fence (newly constructed) and replace it under the strict interpretation of the zoning code. Second, the applicant would like to maintain as much rear yard space as possible and does

not believe that the fence in the current location affects the rights of adjacent property owners. She has met with neighboring property owners and has received their support for construction of the fence in its original location.

Dennis Enslinger noted Section 19.44.025 C requires a five (5) foot setback from the right-of-way adjacent to Nall because the subject property is located on a corner lot. There is eighty (80) feet of right-of-way along this section of Nall which would place the fence forty-five (45) feet from the center line of the street.

Ken Vaughn confirmed if the setback waiver were approved that any subsequent changes would need to comply with regulations or get Commission approval.

Planning Commission Chairman Ken Vaughn led the Commission in the following review of the site plan criteria:

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

The applicant is not proposing to significantly alter the existing building, parking or drive configuration. The open space will remain relatively the same since the proposed fence design is similar the previous fence and in the same location. The applicant has removed a significant amount of vegetation adjacent to Nall Avenue

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

The site has existing utilities.

**C. The plan provides for adequate management of stormwater runoff;**

The proposed modifications to the site will not have any impact on stormwater runoff.

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

The Planning Commission has given the placement of fences a great deal of consideration related to safe ingress and egress circulation. In developing setback standards for fences, the Planning Commission has considered impacts on adjacent properties. In this case, the property to the south could be adversely impacted by the construction of a standard six (6) foot privacy fence along the property line. To alleviate such an impact the zoning ordinance requires that new fences be setback a minimum of five (5) feet from the property line.

As can be seen by the photographs of the existing site, there would be little impact to the adjacent property given the topography of the site and the lack of a driveway curb-cut along Nall Avenue. In addition, it should be noted that the existing right-of-way for Nall Avenue is sufficient to construct a 4 line roadway which is not anticipated to ever be built.

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

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

**F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building(s) and the surrounding neighborhood;**

The proposed fence is compatible with the residential structure and the surrounding neighborhood.

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

The plan is consistent with overall development patterns represented in the neighborhood and with the policies adopted in the Comprehensive Plan.

Bob Lindeblad moved the Planning Commission approve PC2012-103 Site Plan a fence setback modification at 5483 West 85<sup>th</sup> Terrace allowing the replacement of the existing fence in its original location. The motion was seconded by Marlene Nagel and passed unanimously.

**OTHER BUSINESS**

**Discussion of changes to proposed elevation for Tide Cleaners at 3975 West 83<sup>rd</sup> Street**

On October 4, 2011, the Planning Commission approved the site plan for the construction of Tide Cleaners. The architects working on final drawings have discovered issues with the proposed canopy related to snow load and drainage. . Dennis Enslinger reviewed the previously proposed elevations for the project and the new proposed elevations. Stanley Lau with Mobius Architects was present to answer any questions.

Ken Vaughn asked if the canopy would be painted or prefinished metal. Mr. Lau responded it would be prefinished metal the same color as the roof on the existing building.

Bob Lindeblad stated he did not like the proposed changes noting they did not create a seamless fascia reflected in the original submittal. Nancy Wallerstein noted it looked like a metal shed roof sticking out from the building and was not at all attractive. Mr. Kronblad agreed the proposed change did reflect an industrial appearance.

Randy Kronblad asked if a dormer could be added with another column. Mr. Lau replied it would be difficult to match the slope of the gable. He added the problem was more of a drainage problem than a snow weight load.

Ken Vaughn asked where water discharged from the building. Mr. Lau state there was a downspout at the front corner of the building.

Bob Lindeblad asked if the canopy was necessary. Mr. Lau explained the customers are serviced from their cars. Nancy Vennard asked if it was typical to have four cars under the canopy. Mr. Lindeblad noted four cars can't be serviced at once.

Dennis Enslinger advised Mr. Lau that it appeared to be the consensus of the Planning Commission the proposed change was not acceptable and that the canopy be constructed as approved or he find another solution.

**Next Meeting**

The February 7<sup>th</sup> Planning Commission agenda will have two public hearings: PC2012-01 the proposed amendments to Chapter 19.50 "Alternative Energy



Systems” and PC2012-02 the amendment to the comprehensive plan addressing the change in the parks master plan. An application has also been received for a monument sign at 4518 West 89<sup>th</sup> Street.

**ADJOURNMENT**

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 7:30 p.m.

Ken Vaughn  
Chairman

## STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, Lochner, Planning Consultant  
**SUBJECT:** PC 2012-02 Proposed Amendments to the Park and Recreation Master Plan Section of the Prairie Village Comprehensive Plan  
**DATE:** February 7, 2012

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### COMMENTS:

At its regular meeting on November 1, 2011, the Planning Commission discussed a proposed amendment to the Park and Recreation Section of the Comprehensive Plan in detail and authorized Staff to advertise the matter for public hearing.

The Park and Recreation Plan was prepared in 2009 and the Planning Commission incorporated it into the Prairie Village Comprehensive Plan (Village Vision) July 7, 2009.

The City has been implementing the Bike/Trial Plan as part of the Park Master Plan and has determined Nall Avenue will be the trail route rather than Roe Avenue as shown in the Park Master Plan. The Park Master Plan needs to be amended to effect this change.

The City of Mission has already set a trail in place along their section of Nall. The City of Overland Park has agreed to support a trail along Nall. The proposed Nall Avenue trail will have connections at 63rd Street, Tomahawk Rad, 79<sup>th</sup> Street and 91<sup>st</sup> Street. Alternate routes on 67<sup>th</sup> and 69<sup>th</sup> Streets will be extended to Nall Avenue.

The Park and Recreation Committee has reviewed the proposed change in the Bike/Trail alignment from Roe Avenue to Nall Avenue and has generally concurred with the change.

The text in the "Trail System Overview" in the Park and Recreation Master Plan does not require any revision because it is a general discussion of the proposed Bike/Trail Plan. There are several maps, however, that will need to be changed as follows: the "Comprehensive Parks and Trails Plan", the "Trail System Plan" and the "Trail System Plan-Phasing".

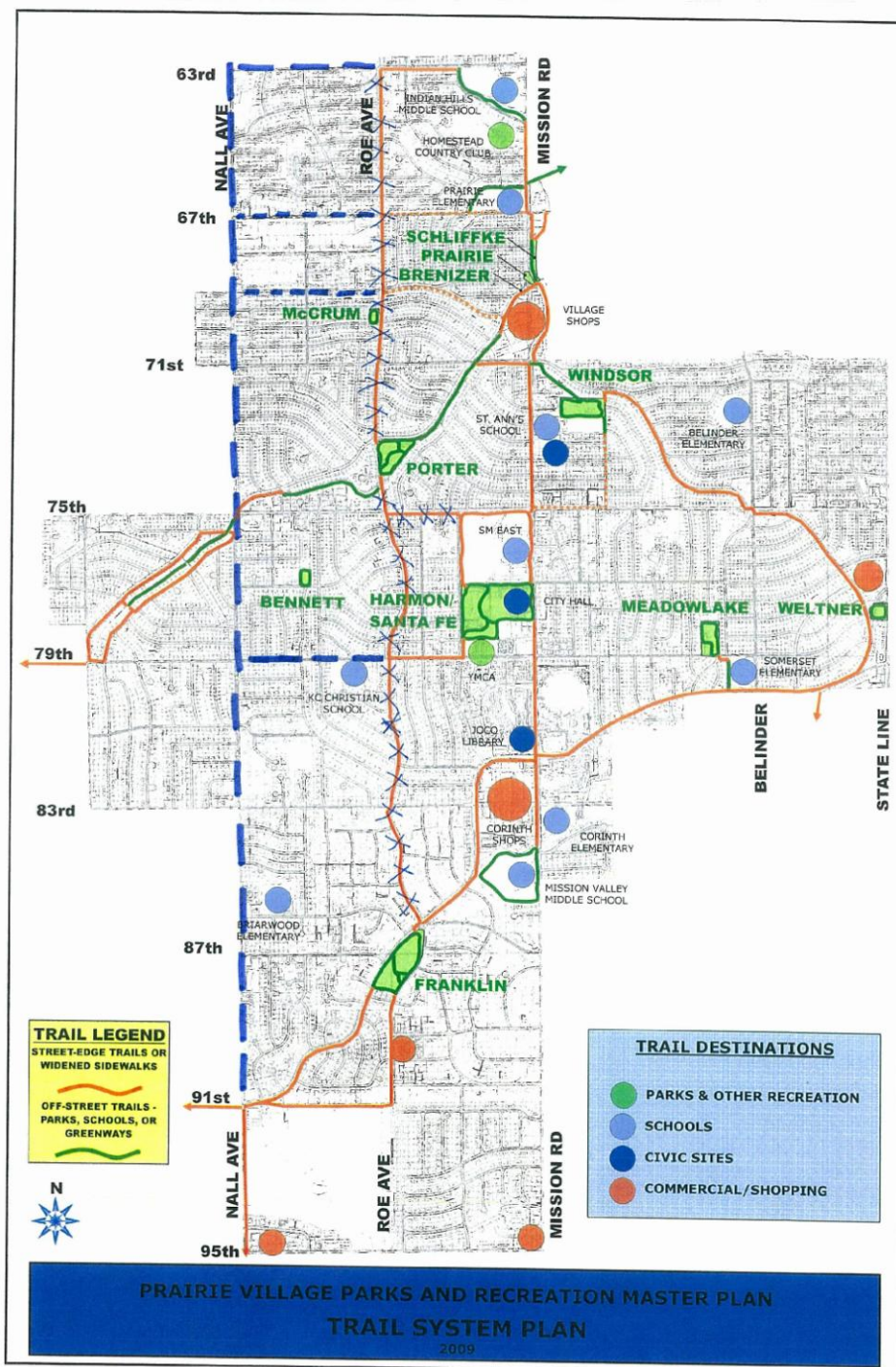
The attached Trail System Plan shows the proposed changes and the other two maps will need to be changed accordingly if the amendment is approved. The Roe Avenue Trail is marked with an "X" and the proposed Nall Avenue Trail is shown as a dashed line along the trail. Also the extensions of 63<sup>rd</sup> Street, 67<sup>th</sup> Street, 69<sup>th</sup> Street and 79<sup>th</sup> Street from Roe Avenue to Nall Avenue are shown in a dashed line. Staff is recommending the trail on 75<sup>th</sup> Street west of Shawnee Mission East be deleted because of significant right-of-way constraints.

### RECOMMENDATION:

It is the recommendation of Staff that the Planning Commission adopt the Resolution amending the Park and Recreation Master Plan or Village Vision by changing the Bike/Trail from Roe

Avenue to Nall Avenue and submit said Resolution to the Governing Body for its approval. A copy of the proposed Resolution is attached.

Prior to sending the Resolution to the City Council, Staff recommends the revised map be forwarded to the Park & Recreation Committee to allow for additional comment, If the Park and Recreation Committee has significant comments, the proposed amendment will be returned to the Planning Commission for further consideration.



**RESOLUTION NO. PC 2012-01**

**A RESOLUTION AMENDING THE VILLAGE VISION STRATEGIC INVESTMENT PLAN, 2007 IDENTIFIED THEREIN, AS THE COMPREHENSIVE PLAN FOR THE CITY OF PRAIRIE VILLAGE KANSAS.**

**WHEREAS**, the City of Prairie Village has a duly constituted Planning Commission as required by law; and

**WHEREAS**, the Village Vision Strategic Investment Plan 2007 was adopted by the Planning Commission on May 1, 2007, and by the Governing Body as the Prairie Village Comprehensive Plan on May 21, 2007; and

**WHEREAS**, the Planning Commission is authorized to adopt, review and amend the Comprehensive Plan of the City, all as authorized by Sections 16-104 and 16-105 of the Prairie Village Municipal Code; and

**WHEREAS**, the Planning Commission is also authorized by the City ordinance to review the Comprehensive Plan of the City on an annual basis and to report to the Governing Body by making suggestions for any amendments, extensions or additions to said plan; and

**WHEREAS**, Indigo Design, Inc. has prepared the Prairie Village Parks and Recreation Master Plan 2009 including all maps and exhibits identified therein which was incorporated into Village Vision by the Governing Body July 20, 2009; and

**WHEREAS**, proper notice was published in the official City newspaper once at least twenty (20) days prior to the public hearing to notify the public that the Planning Commission was proposing to amend the Trail System Plan; and

**WHEREAS**, the public hearing was held on February 7, 2012 and a quorum of the Planning Commission was present to constitute a meeting; and

**WHEREAS**, the Chairman of the Planning Commission called the meeting to order and declared the public hearing open; and

**WHEREAS**, the proposed amendment to Prairie Village Parks and Recreation Master Plan 2009 of Village Vision and all maps and exhibits identified therein were discussed; and

**WHEREAS**, it was moved and seconded that the proposed amendment to the Trail System Plan in Prairie Village Parks and Recreation Master Plan of Village Vision changing the alignment from Roe Avenue (including the deletion of the segment on 75<sup>th</sup> Street west of Shawnee Mission East) to Nall Avenue and connecting the 63<sup>rd</sup>, 67<sup>th</sup>, 69<sup>th</sup>, and 79<sup>th</sup> Street links to Nall Avenue be adopted as an amendment to Village Vision; and

**WHEREAS**, the motion carried unanimously.

**NOW, THEREFORE**, be it resolved by the Planning Commission of the City of Prairie Village, Kansas, that said amendment to Prairie Village Parks and Recreation Master Plan 2009 of Village Vision Strategic Investment Plan, 2007, the Comprehensive Plan for the City of Prairie Village, Kansas is hereby adopted.

**ADOPTED**, at Prairie Village, Kansas on this 7<sup>th</sup> day of February, 2012.

**ATTEST**

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Joyce Hagen Mundy, Secretary  
Prairie Village Planning Commission

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Kenneth J. Vaughn, Chairman  
Prairie Village Planning Commission

## STAFF REPORT

TO: Prairie Village Planning Commission  
FROM: Ron Williamson, Lochner, Planning Consultant  
SUBJECT: PC 2012-01 Amendments to Zoning Ordinance to Incorporate Alternative Energy System  
DATE: February 7, 2012

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### COMMENTS:

At its regular meeting on December 6, 2011, the Planning Commission discussed solar, wind and geothermal energy in detail and authorized Staff to advertise the matter for public hearing at the February meeting.

In addition to the creation of the new chapter titled "Alternative Energy Systems" two additional items need to be addressed in the amendment as follows:

Text that is to be deleted is lined out and new text is shown in italics.

1. Delete the definition of Wind Driven Devices in Chapter 19.02 Definitions because it is no longer needed.

~~19.02.510 Wind Driven Devices:~~

~~"Wind driven devices" means the power generator, pump system or other mechanism energized by a propeller or turbine driven by natural winds.~~

2. Delete "wind driven devices" from Section 19.30.005 D Conditional Use Permit Chapter.

D. Satellite dish antennas, with a diameter of one meter or greater and those not permitted in Section 19.34.040 (D); ~~wind driven devices~~; and non commercial transmitting and receiving antennas and towers; (Ord. 1899, Sec. I, 1996; Ord. 1909, Sec. I, 1997)

3. Amend Chapter 19.50 " Solar Energy Systems: as follows

### CHAPTER 19.50 - ~~SOLAR~~ *ALTERNATIVE* ENERGY SYSTEMS

#### Sections:

19.50.005 Purpose.  
19.50.010 Application. *Solar Energy*  
19.50.015 ~~Related Ordinances.~~ *Wind Energy*  
19.50.020 Definitions. *Geothermal Energy*  
19.50.025 Solar Easements. *Hybrid Energy*  
~~19.50.030 Compatibility.~~  
~~19.50.035 Appeals.~~  
~~19.50.040 Permits.~~

**19.50.005 Purpose.**

The purpose of this chapter is to establish for the residents of the City of Prairie Village a provision for using an alternate sources of energy apart from the prevailing energy sources of natural gas and electricity—in this case, solar, *wind and geothermal* energy. The city, by this chapter, establishes that the use of *alternative solar energy systems* is in the general welfare of its residents in that its use will help alleviate the use of depreciating energy resources and thereby will lessen the city's reliance on increasingly uncertain power resources. The use of *alternative solar energy systems* is, therefore, valid public purpose. and any violation of the chapter shall be considered a public nuisance.

***19.50.010 Solar Energy - The following regulations shall apply to solar energy installations:******19.50.010 Application.***

~~The requirements established by this chapter shall not be retroactive except by agreement of the property owners under a solar easement agreement. In such case, a property owner who wishes to construct a solar energy system may enter into a solar easement agreement with another property owner whose property contains an obstruction to solar access. Under this agreement the latter property owner may agree to remove existing vegetation or structures which block solar access to the solar energy system.~~

***19.50.015 Related Ordinances******19.50.015 A. Related Ordinances.***

All other ordinances of the municipal code are applicable to this section, including, but not limited to building setbacks, yard requirements, and height restrictions.

***19.50.020 B. Definitions.***

~~A. 1. "Solar access" means access to the envelope of air space exposed to the face of any solar energy system through which the sun passes and which allows the solar energy system to function. Such access is necessary to any solar energy system.~~

~~B. 2. "Solar air space envelope" means that volume of air space whose lower limits are defined by a plane sloping upward to the south at an angle of twenty-two (22) degrees from the horizontal plane, measured from the bottom of the solar collector system and whose lateral limits are defined by planes which correspond to the direct rays of the sun on each end (east and west) of the solar collector system at 0900 and 1600 solar time from September 21 through April 21.~~

~~C. 3. "Solar collector" means both passive and active systems. An active collector shall include panels designed to collect and transfer solar energy into heated water, air or electricity. Passive collectors shall include windows and window walls, which admit solar rays to obtain direct heat or to obtain heat for storage. Such windows and window walls of passive systems may extend to ground level. Greenhouses, atriums, and solariums are included in this definition.~~

~~D. 4. "Solar easement" means an easement arising by agreement between property owners and establishing the solar air space envelope within which building and vegetation obstructions are prohibited.~~

***19.50.025 C. Solar Easements.***

In order to preserve and protect the solar access across contiguous or nearby property, "solar annotated easements" may be formulated. Such easements shall establish the solar air space envelope within which building and vegetation obstructions are prohibited. Solar easements are allowed by Kansas Statutes Annotated 58-3801 - "Creation of Solar Easements; Recordation" and 58-3802 - "Same; Content." ~~Such an easement shall be an agreement between property owners and probably, although not necessarily, will be initiated by the owner of a proposed solar energy system.~~ *A property owner who wishes to construct a solar energy system may enter into a solar easement agreement with another property owner whose property contains an obstruction to solar access. Under this agreement the latter property owner may agree to remove existing vegetation or structures which block solar*

*access to the solar energy system.* The City of Prairie Village shall also be included as a property owner wherein property owned by the City may be located in a solar air space envelope and the city, therefore, may be a party to such an easement. All easements shall be recorded by the Johnson County Register of Deeds and shall transfer from one owner to another if the property is sold. All such easements shall also be filed with the Building Official for coordinating issuance of future building permits, which might be affected by the easement.

**19.50.030 D. Compatibility.**

The design of any solar system, active or passive, shall generally be compatible with the architectural design of the surrounding neighborhood as follows, whether or not the solar energy system is the subject of a solar easement.

A. 1. Any solar energy system incorporated into residential facility shall be integrated into the basic form and main structure of the residence. All active systems shall be roof mounted with the collector panels integrated into the roof either directly mounted against the roof or integrated into the roof so that they form a part of the roof itself. Mounting arrangements, which allow the collectors to project above the roof line, such as "standoff" or "rack" mounting arrangements are not allowed.

B. 2. Any system incorporated into a commercial building *or a nonresidential building or structure in a residentially zoned district* shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and freestanding collectors apart from the main building are not permitted.

C. 3. Roof mounted solar energy systems mounted on "accessory or detached buildings" are allowed on detached garages or swimming pool equipment buildings. Detached "greenhouses" are also acceptable. All such energy systems mounted on accessory or detached buildings shall conform to the requirements outlined in Paragraphs A and B above. ~~No freestanding panels~~ *ground mounted installations* or panel racks shall be allowed *except as setout in Section 19.50.030.E.*

D. 4. In an active or photovoltaic system, all components servicing the collector panels shall be concealed including mechanical piping, electrical conduits, etc.

E. 5. All exposed metal, including the frame work of active collector panels or exposed mullions and framework of passive systems shall be of finished warm earth tones, or black, in color. Clear unpainted aluminum shall not be allowed.

**E. *Ground-mounted installation:***

1. *Ground-mounted solar collectors for utilities and public entities shall not exceed eight (8) feet in total height and shall be located within an easement or public right-of-way.*
2. *All lines serving a ground-mounted solar collector shall be located underground.*
3. *Parking lot light pole installation: The mounting height for parking lot light fixtures shall not exceed 25 feet as measured from the bottom of the fixture to grade. Twenty (20) percent of the height of the light pole may be added above the light fixture for the purpose of installing a solar collector panel. The overall height of the parking lot light pole and solar collector shall not exceed 30 feet. Any necessary solar collector appurtenances shall be painted to match the light pole and fixture.*
4. *Utility Pole Installation: Solar collector panels may be mounted on utility poles by utilities and public agencies.*
5. *Solar panels shall not exceed two square feet in area.*
6. *Staff shall review and approve the size, design and location of all ground-mounted installations prior to their installation.*



**19.50.035 Appeals.**

All appeals involving solar easements or any appeal to the rules and regulations of this chapter shall be filed with the Board of Zoning Appeals. Both parties affected by a proposed solar energy system, the owner of the solar energy system and the owner of the property on which the burden of the easement falls, shall have the right to appeal. All appeals shall include engineering drawings and schedule showing the solar energy system and the solar air space envelope, and such appeals must demonstrate that the layout of the solar energy system on the site has been maximized.

**F. Site Plan Approval.****1. As a part of the site plan approval process as set out in Chapter 19.32 Site Plan**

**Approval, the Planning Commission may make adjustments to the height and location of solar panels provided that it results in a project that will not be detrimental to the public welfare or be injurious to or will substantially adversely affect adjacent property or other property in the vicinity.**

- 2. An application may be made to the Planning Commission for site plan approval of a solar panel installation that is unique and does not have the locational or design characteristics set out in these regulations.**

**19.50.040 G. Permits.**

A building permit is required for the construction and/or installation of any solar system. If the solar system construction is a part of other construction, it may be incorporated with that permit.

**19.50.015 - WIND ENERGY - The following regulations shall apply to wind energy installations:****A. Definitions.**

- 1. "Wind Turbine" means any machine designed for the purpose of converting wind energy into electrical energy. Wind turbine shall include all parts of the system, including the tower and turbine composed of the blades and rotor.**
- 2. "Horizontal-axis wind turbine" means the main rotor shaft of the turbine is oriented horizontally. This type of turbine must be pointed into the wind.**
- 3. "Meteorological tower" means a tower separate from a wind turbine designed to support the gathering of wind energy resource data. A meteorological tower shall include the tower, anemometers, wind direction vanes, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics at a given location.**
- 4. "Roof-mounted wind turbine" means a turbine system mounted to the roof of a building.**
- 5. "Vertical-axis wind turbine" means the main rotor shaft of the turbine is arranged vertically and does not have to be pointed into the wind.**

**B. Site Plan Approval - The following wind energy installations shall be subject to site plan approval as set out in Chapter 19.32:**

- 1. Wind turbines may be installed on any non-single-family structure (such as a building, water tower, etc.) three stories in height or greater but no less than 35 feet provided that the wind turbines shall add no more than 20 feet to the height of said existing structure. Wind turbines which are architecturally compatible to the building architecture may locate on non-residential buildings less than three stories or 35 feet in height. The maximum height which may be approved for a roof-mounted wind turbine on a non-residential building less than three stories or 35 feet in height shall be equal to one-half the height of the building, measured from the surface of roof on which the turbine is mounted to the highest point of the wind turbine structure, including blades, if applicable. Associated equipment may be permitted on the roof so long as it is screened from view.**

2. *Wind turbines may be installed on parking lot light poles. The mounting height for parking lot light fixtures shall not exceed 25 feet as measured from the bottom of the fixture to grade. Twenty (20) percent of the height of the light pole may be added above the light fixture for the purpose of installing a wind turbine. The overall height of the parking lot light pole and wind turbine shall not exceed 30 feet, measured to the highest point of the wind turbine structure, including blades, if applicable. The wind turbine and any required appurtenances shall be painted to match the light pole and fixture.*
- C. *Special Use Permit - The following wind energy installation shall be subject to Special Use Permit as setout in Chapter 19.28:*
1. *In office and business districts, a ground-mounted wind turbine not to exceed a maximum height of 150 feet, measured from average grade at the tower base to the highest point of the wind turbine structure, including blades, if applicable. A lightning rod, not to exceed 10 feet, shall not be included within the height limitations.*
- D. *Application Requirements.*  
*Each application for site plan approval or a special use permit for a wind turbine or wind turbines shall be accompanied by the following information:*
1. *Preliminary site plan (see Chapter 19.32).*
  2. *Turbine information, including type, model, size, height, rotor material, rated power output, performance, safety, and noise characteristics of each wind turbine being proposed, tower and electrical transmission equipment.*
  3. *Meteorological tower information, if applicable, including location, height, and appearance.*
  4. *Digital pictorial representations of "before and after" (photo simulation) views from key viewpoints as may be appropriate.*
  5. *The Staff, Planning Commission, or Governing Body may require additional technical studies deemed necessary to fully evaluate the application, such as a shadow/flicker model, noise study, geotechnical report, or wildlife impact study.*
- E. *Conditions of Approval.*  
*The Planning Commission and City Council may require any or all of the following conditions and may add additional conditions if deemed necessary for a specific location:*
1. *A request for a special use permit for a wind turbine(s) may be approved for an indefinite period of time.*
  2. *Height - The maximum height which may be approved for a wind turbine is 150 feet. Height shall be measured from average grade at the tower base to the highest point of the wind turbine structure, including blades, if applicable. A lightning rod, not to exceed 10 feet, shall not be included within the height limitations. The maximum height which may be approved for a roof-mounted wind turbine shall be equal to one-half the height of the building, not to exceed 20 feet. Height shall be measured from the surface of roof on which the turbine is mounted to the highest point of the wind turbine structure, including blades, if applicable.*
  3. *Minimum lot size - Ground-mounted wind turbines shall be located on property a minimum of one acre in size.*
  4. *Setbacks - All wind turbines, other than roof-mounted wind turbines, shall be setback a distance equal to the height of the wind turbine, including blades, if applicable, from all property lines.*
  5. *Separation requirements - When two or more ground-mounted wind turbines are located on one lot, they shall be separated by a distance equal to the overall height of one wind turbine system, including blades, if applicable.*
  6. *The Planning Commission or Governing Body shall have the ability to grant a deviation from these standards. In support of a deviation request from these requirements, the applicant shall submit detailed information illustrating the need for the deviation.*
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7. *Color/Finish - Wind turbines, including the towers, shall be painted a non-reflective, non-obtrusive color or a color that conforms to the environment and architecture of the community.*
8. *Tower design - All tower structures shall be of self-supporting, monopole construction unless attached to a structurally reinforced roof where such support is not warranted. No lattice structures shall be permitted.*
9. *Blade size - The diameter of the blades for a ground-mounted horizontal-axis, propeller-style wind turbine system shall be limited to one-third the height of the tower.*
10. *Lighting - Wind turbines shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA) or other applicable authority.*
11. *Signage - Signs shall be limited to the appropriate warning signs (e.g. electrical hazard or high voltage) placed on the wind turbine tower(s), electrical equipment, and the wind turbine. Commercial advertising is strictly prohibited.*
12. *Federal and State regulations - All wind turbines shall meet or exceed current State and federal standards and regulations.*
13. *Building code compliance - All wind turbines shall meet or exceed the current standards expressed in the adopted building codes. A building permit is required prior to the installation of any wind turbine.*
14. *Utility connections - Reasonable efforts shall be made to locate utility connections from the wind turbine(s) underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider. For electrical transformers with a footprint greater than two (2) square feet in area, landscaping shall be provided where necessary to substantially screen the structure from public view and/or view of adjacent homeowners. Maintenance of all landscaping shall be the responsibility of the property owner.*
15. *Electrical wires - All electrical wires associated with a wind turbine shall be located underground or inside the monopole except for those wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires.*
16. *Safety shutdown - Each wind turbine shall be equipped with both manual and automatic overspeed controls to limit the rotational speed of the blade within the design limits of the rotor. Manual electrical and/or overspeed shutdown disconnect switches shall be provided and clearly labeled on the wind turbine structure. No wind turbine shall be permitted that lacks an automatic braking, furling or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades, and turbine components.*
17. *Minimum blade clearance - The blade tip clearance for a ground-mounted, horizontal-axis, propeller-style wind turbine shall, at its lowest point, have a ground clearance of not less than 30 feet.*
18. *Noise - The noise emitted from any wind turbine shall not exceed 55dbA as measured at the nearest property line, except during short-term events such as utility outages and severe windstorms.*
19. *Utility notification - No building permit for a wind turbine shall be issued until a copy of the utility company's approval for interconnection of a customer-owned generator has been provided. Off-grid systems shall be exempt.*
20. *Removal of abandoned wind turbines - Any wind turbine that is not operated for energy production for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine shall remove the same within ninety (90) days of a receipt of notice from the governing authority notifying the owner of such abandonment. If such wind turbine is not removed within said ninety (90) days, the governing authority may remove such wind turbine at the owner's expense.*

*1. Geothermal Energy - Energy that is stored in the Earth.*

*B. Application Requirements*

*Each application for a geothermal energy installation shall be accompanied by the following:*

- 1. A site plan or scaled drawing showing all buildings, property lines and the location for the pipe system.*
- 2. A description of the system being installed including the type, model, brand and contractor installing the system.*
- 3. Staff may require additional information if it is necessary to fully evaluate the application.*

*C. Approval*

- 1. Staff shall review and approve all geothermal installations.*
- 2. A building permit will be required for the installation, but if it is part of other construction, it may be incorporated with that permit.*

*19.50.025 Hybrid Energy Installations.*

*It has become a common practice to use a combination of energy sources rather than just one. An applicant may submit an application to include more than one energy source and it will be reviewed and approved as one application.*

**RECOMMENDATION:**

It is the recommendation of Staff that the Planning Commission consider public input, make revisions as needed and recommend the proposed amendment to the Governing Body for approval.

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## STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, Lochner, Planning Consultant  
**DATE:** February 7, 2012 Planning Commission Meeting

Project # 011002401

**Application:** PC 2012-104

**Request:** Approval of a Monument Sign

**Property Address:** 4518 W. 89<sup>th</sup> Street

**Applicant:** Chris A. Woody

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

**Surrounding Zoning & Land Use:** **North:** R-1A - Single-Family Residential - Single Family Dwellings  
**West:** C-2 - General Business District - Office  
CP-1 - Planned Restricted Business District - Office & Retail  
**South:** RP-1A - Single-Family Residential - Patio Homes  
**East:** C-2 - General Business District - Office

**Legal Description:** Metes and Bounds

**Property Area:** 0.64 Acres

**Related Case Files:** None

**Attachments:** Application, Property Photos, Sign Drawings



General Location Map

Aerial Map



**STAFF COMMENTS:**

The applicant is requesting approval of a monument sign for a multi-tenant office building located on the north side of 89<sup>th</sup> Street west of Roe Avenue. The proposed sign indicates spaces for three tenants.

In April 2008, the Planning Commission adopted the following policy:

The Planning Commission may, in the process of approving sign standards, approve deviations for the standard requirements as follows, provided said deviations will provide an equal or better development, adjacent properties will not be adversely impacted, and the spirit and intent of regulation will not be violated by granting of the deviation:

1. One sign may be permitted per façade with no requirement that the tenant has direct outside entrance or that the sign be adjacent to its space.
2. That text not be restricted on monument signs provided the sign is designed and built primarily of brick, stone and masonry, complements the building and does not include a case or enclosed cabinet design.

Technically the applicant should submit sign standards for this development because it is a multi-tenant building. However, if no other signage is proposed, the existing wall sign and approval of this monument sign will essentially be the sign standards for the project. No additional exterior signage will be permitted until sign standards are submitted to the Planning Commission for review and approval.

The Planning Commission has approved several of the multi-tenant signs, but has done so based on quality of design as outlined in Paragraph 2 of the policy. The proposed sign design indicates brick that matches the building will be used for the columns and base. The material for the sign panel identified on the drawing will be limestone. The sign text will be individual letters attached to the limestone.

**Orientation**

The proposed monument sign will be two sided perpendicular to 89<sup>th</sup> Street.

**Setback**

The minimum setback required by ordinance is 12 feet back from the back of curb and the sign must be on private property. The plan indicates the sign will be setback 12 feet from the back of curb.

**Construction Materials**

The drawing indicates the base and columns will be made of the same brick as the building and the sign panel will be limestone. It should be pointed out that the south side of 89<sup>th</sup> Street is residential and this sign should be of a high quality.

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**Illumination**

The applicant purposes to illuminate the sign with four (4) ground flush mounted, flood lights.

**Height**

The proposed height of the sign is 5 feet, which is the maximum height permitted by Ordinance.

**Area**

The Ordinance requires that the sign not exceed 20 square feet in area per face. It appears that the sign face will be 4' x 5' which is 20 square feet and meets the ordinance.

**Landscaping**

The ordinance requires a minimum three feet landscaped area around the base of the sign and a landscape plan. A proposed landscape plan has been submitted but the specific plants have not been identified. The applicant will need to submit a more detailed plan identifying the specific plants when the sign permit application is filed. The plant materials will be subject to review and approval by staff.

**RECOMMENDATION:**

After a review of the application for the proposed sign, it is the recommendation of the Staff that the Planning Commission approve the monument sign subject to the following conditions:

1. That the sign be approved for a maximum of three tenants.
  2. That the applicant prepare a detailed landscape plan identifying the specific plant materials that would be placed around the base of the sign for approval by staff prior to the issuance of a sign permit.
  3. That the flood lights illuminating the sign be ground flush mounted.
  4. That the only signage approved for this office building is this monument sign and if any additional exterior signage is proposed on the building or otherwise, sign standards will need to be prepared for the building and submitted to the Planning Commission for review and approval.
-





4518 West 89<sup>th</sup> Street



Approved Sign Based on Planning Commission Policy



**CITY OF PRAIRIE VILLAGE**

*The Star of Kansas*

**Planning Commission Application**

For Office Use Only
Case No.: <u>PC 2012-104</u>
Filing Fee: <u>2100</u>
Deposit: <u>2500</u>
Date Advertised:
Date Notices Sent:
Public Hearing Date: <u>2/7/12</u>

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: Chris A. Woody Phone Number: 913-341-4448

Address: 4518 W. 89th St PV Zip 66207

Owner: Chris Woody Phone Number: \_\_\_\_\_

Address: 4518 W. 89th St Prairie Village, Zip: 66207

Location of Property: 89th & Roe

Legal Description: Office Building

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

**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 Sign Permit.

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.

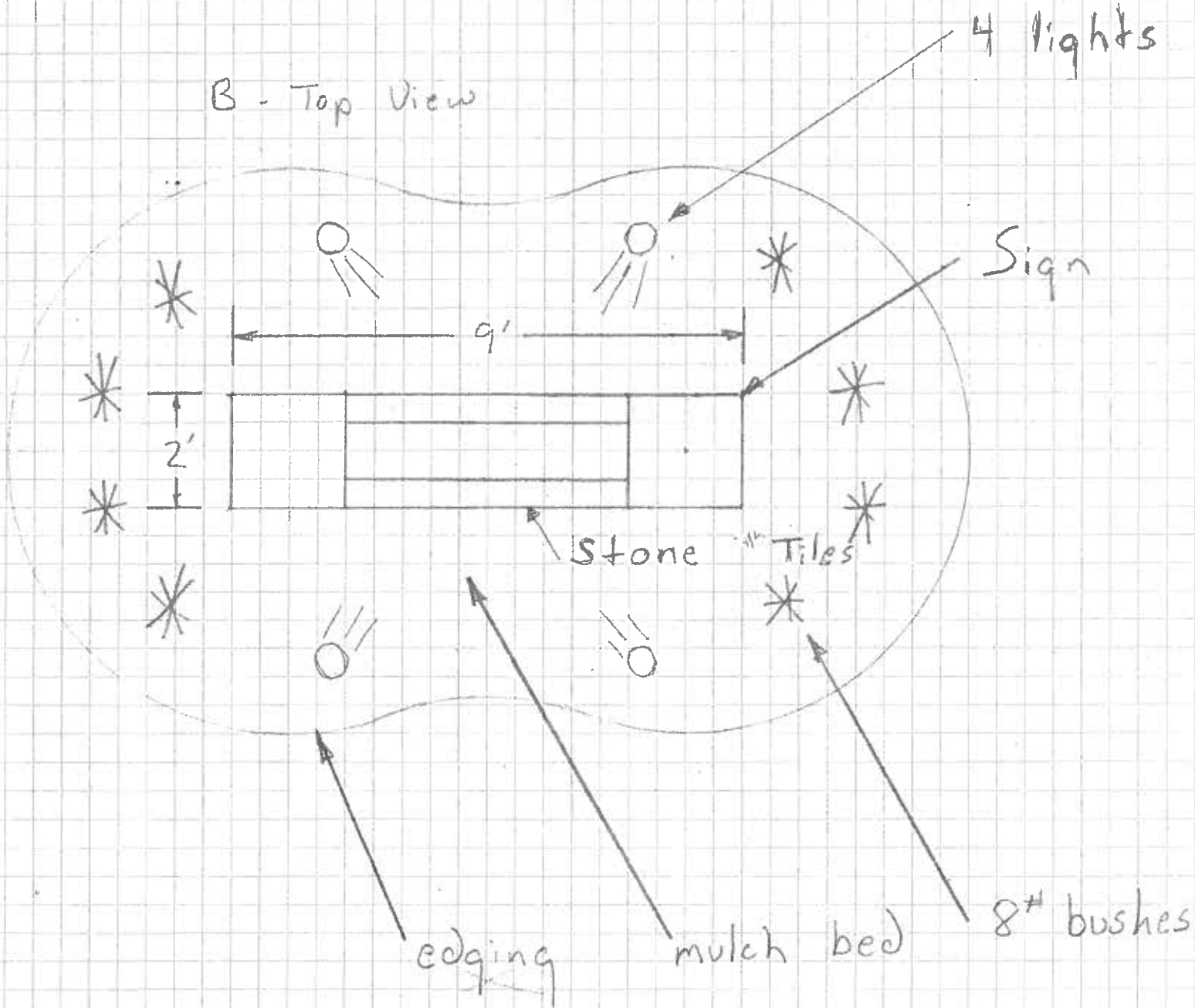
APPLICANT hereby agrees to be responsible for and to CITY for all cost incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to APPLICANT. It is understood that no requests granted by CITY or any of its commissions will 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 1-6-12

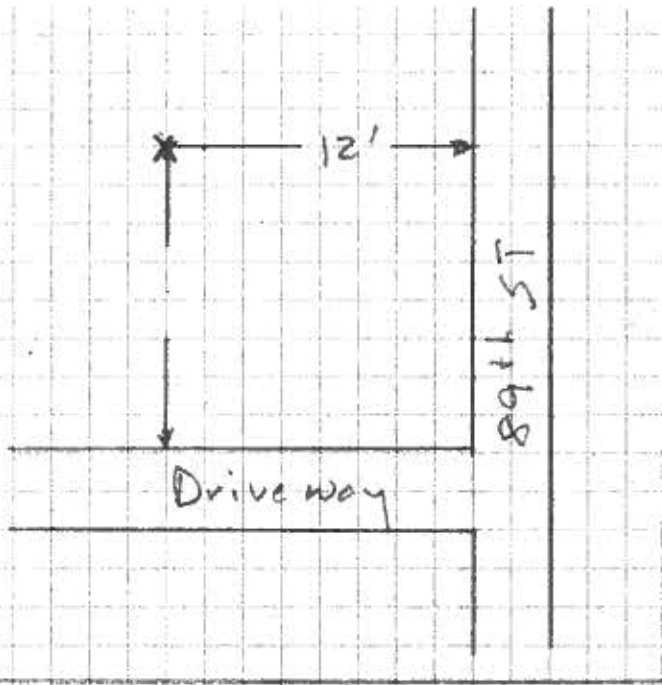
[Signature]  
Owner's Signature/Date 1-6-12

Monument Sign  
4518 W 89th St.

B - Top View

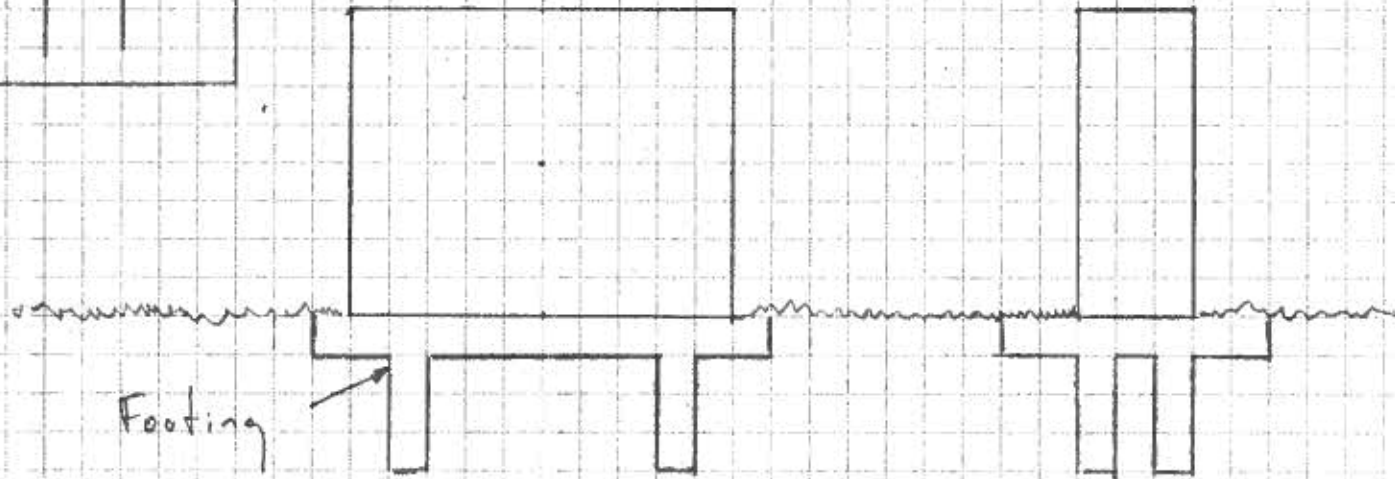


Sign location



Front

Side



Footing

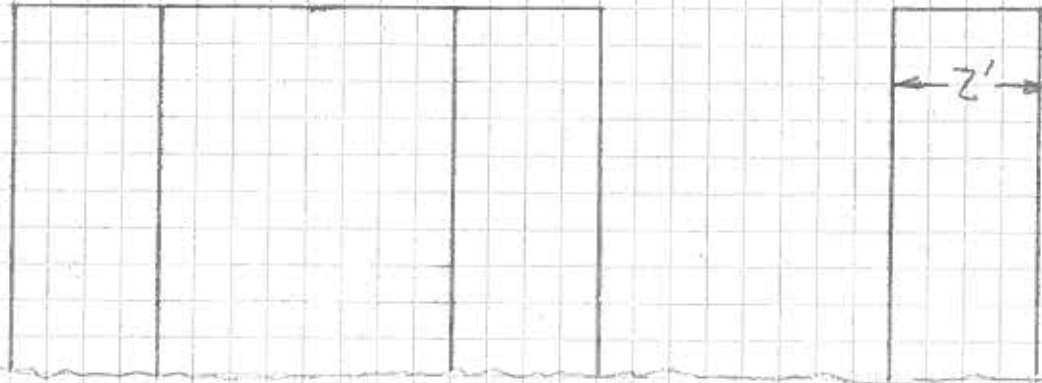
Scale 1 Block = 6"

Monument Sign  
4518 W 89th St.

A.

Front

side



- Sign to have
- \* 3 names max
  - \* Metal letters 12" max

B.

Front

Side same

