

**PLANNING COMMISSION MINUTES
FEBRUARY 7, 2012**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, February 7, 2012, in the Council Chambers, 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; Al Herrera, Council Liaison; Jim Brown, City Building Official and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Bob Lindeblad noted on page 4 the BCH Rhodes representative was Brett Calgren. Bob Lindeblad moved for the approval of the minutes of January 10, 2012, with the correction noted. The motion was seconded by Nancy Wallerstein and passed unanimously.

PUBLIC HEARINGS

Chairman Ken Vaughn announced there were two public hearings on the agenda. He stated both had been appropriately published and reviewed the procedures to be followed for the 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

Ron Williamson stated for the past several months the Commission has been considering revisions to the zoning regulations on Alternative Energy Systems and at its meeting on December 6, 2011, the Commission authorized a public hearing on the proposed revisions.

In addition to the creation of the new chapter titled "Alternative Energy Systems" two additional items were 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 ground mounted installations 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, carports, swimming pool equipment buildings and other similar structures. 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 set out 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 setout 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.*
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.*

19.50.020 Geothermal Energy.

A. Definitions

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.

Nancy Vennard confirmed that duplexes would be included under the regulations related to single family residences. She asked if the solar easement agreement would be conveyed with the property upon sale. Mr. Williamson responded that because of the value of the solar investment in the property, he would assume the contract would be written to run with the land, but the determination would be between the property owners.

Chairman Vaughn opened the public hearing.

Thomas O'Brien, 4410 West 89th Street, stated he appreciates the proposed changes to the ordinance as he is seeking to encourage the use of alternative energy sources and would like to see the process become easier for residents. He confirmed that if an installation met all the conditions of the ordinance, the resident would only need to apply for a building permit.

He stated he is concerned with the language that solar panels must be architecturally compatible as he knows of no solar panel that would be considered architecturally compatible. Ron Williamson responded the framing for the panel is what the language intends to address, not the panel itself. The frame must blend.

Mr. O'Brien questioned allowing less stringent regulations for rear yard installations similar to the city of Overland Park's regulations. Mr. Williamson noted that the Commission discussed that issue but felt that because of the amount of time many residents spend in their back yards, they wanted compatibility for both front and rear yards. He noted, however, there is a provision that would allow the Planning Commission to consider a unique installation through the site plan approval process.

Mr. O'Brien asked if consideration was given to allow solar installations on carports in commercial areas. Mr. Williamson replied that was not discussed.

The language on solar easements is very good; however, Mr. O'Brien asked if it was applicable to future growth as it is in California and if an easement agreement was needed with each property owner. Ron Williamson responded specifics of the easement will be addressed by the individual agreements, not through the code and individual easement agreements would be necessary.

No one else was present to address the Commission on this application and the public hearing was closed at 7:20 p.m.

Nancy Vennard stated Mr. O'Brien's suggestion regarding solar installation on carports was good and should be added to the proposed ordinance and noted there are possibly

other installations. She suggested language be added listing carports and other similar structures.

Nancy Vennard moved the Planning Commission approved the proposed revisions to Chapters 19.02, 19.30 and 19.50 and forward them to the Governing Body for adoption with the additional language address carport installations in commercial and multi-family areas. The motion was seconded by Randy Kronblad and passed unanimously.

PC2012-02 Proposed Amendment to the City's Comprehensive Plan reflecting changes to the Parks Master Plan

Ken Vaughn advised those present that City Council has requested that the Planning Commission continue to March 6th PC2012-02 until the City Council discusses the support for trails within the community at their meeting on February 21st. However, the Commission will conduct the scheduled public hearing on this application and called upon the City's Planning Consultant to present the application.

Ron Williamson noted the Parks Master Plan was prepared in 2009 and the Planning Commission incorporated it into the Prairie Village Comprehensive Plan (Village Vision) July 7, 2009. Surveys taken in conjunction with the Parks Master Plan preparation revealed that walking/jogging were the most common exercises and that 79% of residents surveyed supported the city developing a trail system. This was the #1 recommendation from the Park Master Plan.

The City has been implementing the Bike/Trail 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 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 Road, 79th Street and 91st Street. Alternate routes on 67th and 69th 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 endorsed 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. However, there are several maps that will need to be changed as follows: the "Comprehensive Parks and Trails Plan", the "Trail System Plan" and the "Trail System Plan-Phasing".

Ron Williamson reviewed a revised map of the Trail System Plan showing the proposed changes and noted the other two maps would be changed accordingly if the amendment was 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 63rd Street, 67th Street, 69th Street and 79th Street from Roe Avenue to Nall Avenue are

shown in a dashed line. Staff is recommending the trail on 75th Street west of Shawnee Mission East be deleted because of significant right-of-way constraints.

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.

Bob Lindeblad asked what notifications were of this change. Dennis Enslinger responded the notice of this hearing was published in the paper and notification placed on the City's Website. The City Council has discussed this at ten meetings and approved the relocation as part of a street project. There was no public hearing on "Trailways" specifically; only on the Parks Master Plan. Property owners on the proposed trail were not individually notified.

Nancy Wallerstein stated she served on the Parks Master Plan Committee and noted the committee had concerns with the location of the trail along Roe because of the smaller homes with smaller front yards would be greatly impacted by the placement of an eight-foot trail. The plan was to take the trail down Roe and connect with the trail at 103rd & Roe. She stated the Parks Master Plan Committee was not advised of nor discussed this change.

Ken Vaughn stated he likes trails and feels they should be placed where they belong. He is not aware of any feasibility study done of the proposed location. He noted Roe has more right-of-way than Nall as it was anticipated that Roe would become a four lane-roadway. Nall has limited right-of-way particularly between 75th and 83rd streets. He does not feel the location has been adequately studied as to the impact of the trail and cannot support the proposed change at this time.

Ron Williamson replied there was no engineering analysis done of either corridor or of what side of the street. At this point at time it is a line on a map to be studied in detail at a later time. Ken Vaughn responded he does not feel there is any need to put a line on a map until a feasibility study has been done showing that a trail can reasonably constructed at that location.

Randy Kronblad agreed with Mr. Vaughn that this is a significant change to the original location and there needs to be a study done to determine its feasibility.

Nancy Vennard noted no one has proven this is a good location and the placement of lines on a map are not appropriate without a study and the same thing applies to Roe Avenue.

Chairman Ken Vaughn opened the public hearing.

Mark McDonald, 8115 Nall, stated that only two persons received notification of this hearing although the residents of the neighborhood had asked to receive notifications of any action on the trail system. This was approved in November and they are just

hearing about it. Mr. McDonald stated he is absolutely opposed to the proposed change in the Parks Master Plan that would add a bike trail along Nall and made the following comments:

- The City does not need this trail. It is an unnecessary expenditure unwanted by the homeowners in the area.
- The City should not be spending money on this in the current economic climate.
- Prairie Village does not have to be like Leawood, noting Leawood wasn't landlocked when it began constructing its trail system and was able to place them appropriately along creeks and open spaces.
- Who bears the responsibility for maintenance of these trails and liability for any accident occurring on the trail.
- With the high volume of traffic on Nall, he feels the location of a trail would create a safety hazard.
- The placement of a huge slab of asphalt running through their yards will be ugly and decrease their property values. Taking the easement and adding a trail places their homes closer to the activity on Nall and removes the long setback that has helped maintain their property values.

Elizabeth and Paul McKie, 8235 Nall, stated the placement of the trail would remove the historic 100+ year old wall along the front of their property as well as require the removal of several beautiful mature trees. This is a heavily travelled roadway as well as a truck route and is not an appropriate location for a trail. They also expressed frustration over the lack of notification that they were promised regarding trail activities.

Michael Shook, 5501 West 81st Street - corner of 81st & Nall, stated he has lived at this location for more than 30 years and has seen traffic increase to the level that it has all it can handle. He also expressed concern with the necessary removal of mature trees for the trail. If additional right-of-way for possible expansion of Roe is available, it should be used for this trail. The trail could connect from Roe to Nall at 95th Street. Mr. Shook stated that if someone's property is going to be taken or impacted, they deserve to have individual notice of the proposed actions. The lack of notice is unacceptable.

Kathryn McIntyre, 5450 West 83rd Street, expressed concern for her stone fence which has already been lowered because of the sidewalk added along Nall. She is also concerned about the loss of trees and flowers along the front of her property. She felt construction of a trail along a truck route would be dangerous.

Kevin Koch, 8236 Nall, stated he is a cyclist and does not ride on the heavily travelled Nall but heads to Lamar. He also noted there have been a number of accidents at 83rd & Nall and the addition of a trail would make that area more problematic.

With no one else to address the Commission, the public hearing was closed at 7:50 p.m.

Dennis Enslinger stated the City Council would be having a general discussion on trails at its meeting on Tuesday, February 21st.

Nancy Wallerstein asked that the residents be given a sign-in sheet for them to give e-mail addresses so they can receive more information on that and future meetings.

Mark McDonald asked if the City was required to implement a trail system. Mr. Enslinger responded it was not. Mr. McDonald added is the trail along Tomahawk Creek is indicative of the trail system, he would rather they not.

Bob Lindeblad moved the Planning Commission continue PC2012-02 to their March 6, 2012 meeting. The motion was seconded by Marlene Nagel and passed unanimously.

NON-PUBLIC HEARINGS

PC2012-104 Monument Sign Approval 4518 West 89th Street

Chris Woody, 4518 West 89th Street, noted he is requesting approval of a monument sign for a multi-tenant Somerset West office building located on the north side of 89th Street east of Roe Avenue. There is currently no sign at that location. The proposed sign would have spaces for three tenants and would be lighted by a flush mounted light placed in a plant bed and operated by a timer from dusk to 7 p.m.

Ron Williamson noted that 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 89th Street.

Setback

The minimum setback required by ordinance is 12 feet from the back of curb and the sign must be on private property. 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. As the south side of 89th Street is residential, this sign should be of a high quality.

Illumination

The sign is to be illuminated 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.

Dirk Schafer moved the Planning Commission approve PC2012-104 for a monument sign at 4815 West 89th Street 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.

The motion was seconded by Randy Kronblad and passed unanimously.

OTHER BUSINESS

Dennis Enslinger stated he has been contacted regarding the placement of a third monument sign at 75th & Nall for the Congregation Ohev Shalom property. This facility currently serves three different congregations and each would like their own signage.

Mr. Enslinger noted there are already signs for two of the congregations on the property. Staff has encouraged them to consolidate the signage.

Bob Lindeblad noted the trend for multiple uses of church facilities.

Nancy Vennard asked how the signage was handled for the church at 75th & Belinder. Mr. Enslinger responded they have a permanent sign and two temporary signs

Randy Kronblad noted the construction of the current signs at this location or the proposed signs does not comply with city standards.

Dennis Enslinger announced that the City Council has directed staff to prepare an amendment to the Comprehensive Plan to address the Mission Valley School site instead of hiring an outside consultant to do a more detailed amendment of the expanded area surrounding the school. He and Mr. Williamson hope to be able to have a draft to the Commission for review at the March 6th meeting with the Commission authorizing a public hearing for their April meeting.

Next Meeting

The March 6th Planning Commission agenda will have two public hearings: PC2012-03 an amendment to the Special Use Permit for Highlawn Montessori for the addition of a second story on their building allowing for an additional classroom and PC2012-04 a special use permit for the wastewater pump station and 40' tripod lattice type tower for their use at 3535 Somerset. Staff also hopes to have ready for the Commission's review the amendment to the Comprehensive Plan regarding the Mission Valley School site.

ADJOURNMENT

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 8:05 p.m.

Ken Vaughn
Chairman