

PLANNING COMMISSION AGENDA  
CITY OF PRAIRIE VILLAGE  
MUNICIPAL BUILDING - 7700 MISSION ROAD  
TUESDAY, DECEMBER 4, 2012  
COUNCIL CHAMBERS  
7:00 P.M.

I. ROLL CALL

II. APPROVAL OF PC MINUTES - November 6, 2012

III. PUBLIC HEARINGS

PC2012-09 Consider Proposed Revisions to Zoning Regulations  
adding Chapter 19.25 entitled "Overlay Zoning Districts"  
Applicant: City of Prairie Village

IV. NON-PUBLIC HEARINGS

PC2012-120 Request for Vacation of Utility Easement  
7348 Roe Circle  
Zoning: R-1b  
Applicant: Jared Foster

PC2012-121 Request for Approval of City Entrance Signs  
3535 Somerset Drive & 7700 Mission Road  
Zoning: R-1a  
Applicant: City of Prairie Village

V. OTHER BUSINESS

Request from City Council for authorization of public hearing on  
Proposed Code Revisions adding Protest Petition process for Special  
Use Permit Applications

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  
NOVEMBER 6, 2012**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, November 6, 2012 in the Council Chamber, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Dirk Schafer, Nancy Wallerstein, Bob Lindeblad, Gregory Wolf and Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, City Planning Consultant; Chris Engel, Assistant to the City Administrator; Jim Brown, Building Official; Keith Bredehoeft, Public Works; Ted Odell, Council Liaison and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

**APPROVAL OF MINUTES**

Nancy Wallerstein moved to approve the minutes of October 2, 2012 as written. The motion was seconded by Randy Kronblad and passed by a vote of 6 to 0 with Ken Vaughn abstaining.

**PUBLIC HEARINGS**

**PC2012-08 Request for Conditional Use Permit for Drive-Thru Service Window  
6920 Mission Road**

Curtis Petersen, with Polsinelli Shughart representing the applicant, noted previous discussion of this application and addressed the issues raised by the opponents of the Conditional Use Permit. He noted the access for the drive-thru is from the east with the view of the drive-thru virtually blocked by the UMB building. There is no signed lease for the space that will accompany the drive-thru. The property owner has had conversations with Starbucks who are very interested if the drive-thru is approved as well as several other potential tenants. The Conditional Use Permit is general and not for a specific tenant. A drive-thru is an accommodation that is demanded by many users in today's marketplace.

- 1) Vehicular congestion. Regarding congestion from stacking cars on Mission Lane, Mr. Petersen stated the proposed drive-thru has room for the stacking of at least ten vehicles without any overflow. He does not see traffic on Mission Lane as a problem but noted they would be willing to place a "No Left Turn" sign from the drive-thru.
- 2) Environment/Exhaust. Mr. Petersen stated studies reveal there are more emissions released from the cold starting of vehicles than from cars idling in drive-thru facilities. The proposed drive-thru is no different than drive-thru

facilities located in shopping centers throughout the area. This is not a factor.

- 3) Tenant Sentiment. There is a component of residents that simply don't like drive-thru facilities in this shopping center. However, directly to the north is a drive-thru for UMB, to the south is a drive-thru for US Bank. A vast majority of the public are demanding the drive-thru amenity.

Curtis Petersen stated the Commission needs to evaluate the aesthetics and functionality of the proposed drive-thru. The applicant has received the staff report and recommendation and accepts conditions #1 & #2. Regarding condition #3 that the conditional use permit terminates when its use terminates, they request a reasonable time period to market the site with the conditional use permit in place.

Nancy Vennard confirmed the public hearing is only on issues related to the requested Conditional Use Permit for the drive-thru facility.

Chris Engel noted since this project will be constructed with CID funds, the City Council was presented with the proposed plans for comment at their meeting on November 5<sup>th</sup>. There was mixed support for the drive-thru. Some Council members did not restrict the marketing of this site to quality establishments who desire this feature but expressed concern with the unknown possibility of a fast food tenant. They questioned why a conditional use permit was being requested before a tenant was established. Mr. Petersen responded the Commission is approving the use and functionality of the proposed facility.

Ted Odell raised the question of what if it became a McDonald's. Mr. Williamson responded that the design of the building could not change without reapproval by the Planning Commission so any use would need to fit in the building as approved in the application unless a reapplication occurred.

Ron Williamson stated staff is acceptable to adding a time frame to condition #3.

Chairman Ken Vaughn opened the public hearing to comments regarding the application for a Conditional Use Permit for a drive-thru.

Chuck Dehner, 4201 West 68<sup>th</sup> Terrace, distributed a photograph of the Starbucks at 135<sup>th</sup> & Nall reflecting gridlocked cars taken by Joel Crown. He and Mr. Crown, winners of the Prairie Village Community Spirit Award, support the proposed improvements to the Prairie Village Shops with the exception of the drive-thru. They do not feel the drive-thru fits with the lifestyle of this community. Mr. Dehner noted at the initial hearing before the Planning Commission no one spoke in support of the drive-thru. The character of the Village is built by the people who shop the Village - this is not a suburban mall, but a neighborhood shopping center where the placement of a drive-thru does not fit the character and will have a negative impact on both the center and the surrounding community.

Mr. Dehner stated that the applicant has made zero accommodations for the residents. The citizen meeting on this application was held on August 23<sup>rd</sup> before information was posted on the city's website and without notification of the adjacent homes associations. The applicant has ignored due process and transparency. Signage for the hearings was posted inaccurately and did not meet required posting requirements. At the earlier hearing, a study by the Mid-America Regional Council was presented documenting the negative impact on the environment from idling drive-thru traffic.

Mr. Dehner stated that at the City Council meeting on November 5<sup>th</sup> in regard to the required trail per the CID agreement with the City, Mr. Petersen told the City Council they could do whatever they wanted and did not have to build a trail. The City proposed alternatives for the trail, but they were not accepted by the applicant although they are readily accepting CID funding.

The Commission needs to consider long-term planning for this area. If no drive-thru was constructed there would be room for 20 to 30 parking spaces and unused space for a trail. Mr. Dehner added he spoke with an executive for Starbucks who stated the Prairie Village Shop is one of the best in the country. Its customers come in visit and buy additional merchandise. It is a very good community location and that they were not considering a drive-thru location.

With no one else wanting to address the Commission, Chairman Ken Vaughn closed the public hearing at 7:30 p.m.

Ron Williamson stated the existing Waid's Restaurant building is proposed to be demolished and replaced with a new 5,908 square foot building that will be designed to be compatible with the rest of Prairie Village Shopping Center. The new building will have two to four tenants and one of those will require a drive-up service. A lease has not been signed as of this date but the anticipated tenant is Starbucks. It has been mentioned that Starbucks has a high volume of transactions a day, but only a portion of those will be served by the drive-thru

The drive-thru lane will be entered from the east side and will be adjacent to the north side of the building. It will be located between the new building and the UMB Bank building. The drive-thru lane will not have direct access to Mission Road and will exit to Mission Lane. It is proposed to be a one lane drive-thru. Since all the traffic will be internal on the site, there should not be any adverse impact on the adjacent public streets. Mission Lane and Prairie View Lane are being vacated with the plat and will be private streets.

In accordance with the Planning Commission's Citizens' Participation policy, the applicant held a neighborhood meeting on August 23, 2012 and 16 persons appeared. The primary comment on the drive-thru was a concern about traffic. The applicant responded that a long stacking drive has been incorporated into the plan and traffic should not be an issue.

Since the neighborhood meeting several area residents have submitted letters or e-mails opposing the drive-thru. The objections are primarily environmental although some do not feel that a drive-thru is compatible with the neighborhood ambience of the existing Center.

Nancy Vennard asked if the Planning Commission had ever approved a Conditional Use Permit for a drive-thru without a specific tenant. Mr. Williamson stated it has not. Mrs. Wallerstein asked why. Mr. Williamson noted the Commission has never received a request without a specific tenant in place; however, this is a new building and the Commission can control the appearance of the building through the site plan process. Specific issues such as setbacks, etc. will be addressed with the site plan approval. Dirk Schafer questioned if action on the conditional use permit should be continued until the site plan has been considered.

Curtis Petersen noted the approval of the conditional use permit is contingent on the approval of the site plan.

Chairman Ken Vaughn led the Commission in their review of the following findings of fact:

- 1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations.**

The proposed drive-thru window meets all the yard regulations of the ordinance.

- 2. The proposed conditional use at the specified location will not adversely affect the welfare or convenience of the public.**

The uses to the north, south and west are office and commercial uses. Indian Hills Country Club is on the east side of Mission Road and located in the City of Mission Hills. There are no residences in the immediate area. The proposed drive-thru will not have direct access to Mission Road. Therefore, the proposed drive-thru will not adversely affect the welfare or convenience of the public. It should be pointed out; however, that if the six foot pedestrian walkway is approved for the east side of Mission Lane there could be conflicts between vehicles and pedestrians. It may be a good idea to install a yield to pedestrians sign at the exit of the drive-thru.

- 3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.**

The property to the south and west is commercial and part of Prairie Village Center. To the east are Mission Road, Brush Creek and Indian Hills Country Club. The UMB Bank is located adjacent to the north and a drive-thru was approved for it in 2010. There are houses to the north but they are far enough away that there will be little, if any, direct visual contact with the drive-thru area.

4. **The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets given access to it, are such that the conditional use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration should be given to:**
  - a. **The location, size, nature and height of buildings, structures, walls, and fences on the site; and**
  - b. **The nature and extent of landscaping and screening on the site.**

The proposal is for one drive-thru lane which does not have direct access to a public street. The drive-thru is internal to the shopping center and will have little if any negative impact on the surrounding neighborhood. It will have an impact on the pedestrian walkway and signs may also be needed at the Hen House crosswalk on Mission Lane.

Since this is a new building, it will require Site Plan Approval and the landscape plan will be approved with the Site Plan. This will be addressed in PC 2012-113 Site Plan Approval.

5. **Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas will be screened from adjoining residential use and located so as to protect such residential uses from any injurious affect.**

The drive-thru lane is approximately 200 feet long, which will allow stacking for at least ten vehicles. There is additional area for stacking in the parking lot if the stacking exceeds ten vehicles. There are no adjoining residential uses that require screening.

6. **Adequate utility, drainage, and other such necessary facilities have been or will be provided.**

Utilities and drainage are being addressed for the entire project as a part of the Site Plan Approval which will be considered by the Planning Commission later on this Agenda.

7. **Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.**

The proposed drive-thru will use internal access and there will be no direct access to Mission Road. The driveway access to Mission Road located on the north side of the Waid's building will be closed as a part of the redevelopment of this site. The elimination of the driveway to Mission Road will be a benefit to traffic and will be included in the approval of the Site Plan.

8. **Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessarily intrusive noises.**

The proposed use will not have any significant hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessarily intrusive noises associated with it. It has been pointed out by several residents that the idling traffic in the drive-thru will cause air pollution that will negatively impact the quality of life of the people using the Center.

Bob Lindeblad stated the site plan and the conditional use permit are tied together. The biggest factor is the influence on the neighborhood. He feels there is adequate access to the facility and that this is a good design and will help the center. There will be traffic throughout the shopping center all the time regardless. He is not comfortable with condition #3 as written.

Nancy Wallerstein asked about the load and traffic pattern that were raised by the tenants. Mr. Williamson responded loading would be handled through the service door. Management deals with when deliveries are made. He noted that with the vacation of Mission Lane and Prairie Lane these streets will no longer have public traffic.

Nancy Vennard noted if the building is designed so it could be used for some other use she does not have a problem approving the conditional use permit without a tenant. The Commission needs to focus on how the drive-thru works. She noted drive-thru lines can get long noting that both drive thru lanes at CVS were stacked this past weekend. The tenant and its operation will affect the impact of the traffic, with Starbucks probably representing the worst case scenario, but the Commission cannot impose its thoughts on how to run their business.

Randy Kronblad stated he appreciated Mr. Dehner's passion but noted to the north there are 3 drive-thru lanes and 4 drive-thru lanes to the south that service the banks and he would venture that many use the drive-thru services to do their banking. Mr. Dehner responded that bank drive-thru facilities are fundamentally different. However, he did note that there was a bicyclist hit this past weekend by a vehicle from the US Bank drive-thru.

Mr. Dehner stated the applicant did not follow due process in notification. Ron Williamson stated the applicant has submitted documentation of their mailings as required by code. Mr. Dehner stated the homes association was not notified.

Bob Lindeblad moved that finding the factors of fact to be favorable, the Planning Commission approve PC2012-08 granting a Conditional Use Permit for a drive-thru lane at 6920 Mission Road subject to the following conditions:

1. That the applicant install a pedestrian yield sign at the exit of the drive-thru.
2. That the Conditional Use Permit approval is contingent upon approval of the Site Plan. If the Site Plan is not approved by the Planning Commission, the Conditional Use Permit shall be null and void.
3. That the Conditional Use Permit shall terminate when the use has been vacated for a period of 12 months.

The motion was seconded by Randy Kronblad.

Nancy Vennard suggested that condition #3 is a means by which the Commission can review this use if the tenant leaves with knowledge of how it actually functioned and would like to see condition #3 remain as recommended by staff requiring the new tenant to apply for a conditional use permit. Mrs. Vennard moved to amend the motion to read as recommended by staff. Gregory Wolf seconded the amendment.

Curtis Petersen responded that he understands the concept expressed by Mrs. Vennard but noted the high cost in building the drive-thru noting that if it is not working, the tenants will require changes to be made. He does not know how future commissions will react.

Jeff Berg, representing Lane4, gave his assurance that if it doesn't work, it will be changed.

Nancy Vennard stated she is more concerned with the drive-thru being too successful causing traffic and safety problems with a rush a people going through at lunch. This would be a way for the Commission to review the impact of the drive-thru on the center. She noted she understands the expense; but the Commission does not know the average daily use, the frequency of use or the prime time for use and these are important considerations.

The amendment to the motion was voted on and passed by a vote of 4 to 2 with an abstention.

Bob Lindeblad does not feel the conditional use permit should expire the day after a tenant closes. Ron Williamson noted that initial conditional use permits are frequently approved for a limited time and many are issued for a specific use. This does not preclude the applicant from applying for a new permit when a new tenant is established and it would allow the Commission to re-evaluate the findings of fact based on past use as well as projected use.

Gregory Wolf called the question.

The motion to approve PC2012 granting a Conditional Use Permit for a drive-thru lane at 6920 Mission Road subject to the following conditions:

1. That the applicant install a pedestrian yield sign at the exit of the drive-thru.
2. That the Conditional Use Permit approval is contingent upon approval of the Site Plan. If the Site Plan is not approved by the Planning Commission, the Conditional Use Permit shall be null and void.
3. That the Conditional Use Permit shall terminate when the user it serves terminates.

was voted on and passed by a vote of 6 to 1 with Ken Vaughn voting in opposition.

## NON-PUBLIC HEARINGS



Chairman Ken Vaughn announced a change in the agenda to allow the Commission to hear two relatively routine applications PC2012-115 and PC2012-117 to be considered before PC2012-113 site plan approval for the Prairie Village Shopping Center.

**PC2012-115 Request for Site Plan Approval - Retaining Wall  
2201 West 72<sup>nd</sup> Street**

Maggie Fisher, attorney on behalf of Corey Scott, 2201 West 72<sup>nd</sup> Street, addressed the Commission informing them that Mr. Scott obtained a survey of his property to determine the exact location of the property line in relation to the retaining wall. The survey documents that the retaining wall is located on Mr. Scott's property. The most northern section of the wall is approximately three (3) inches from the property line and the section abutting the garage corner is approximately ten (10) inches from the property line. The retaining wall extends 7.3 feet past the north property line.

When Mr. Scott appeared before the Commission last month, he thought that the existing garage structure was located on the adjacent property. Based on the survey information, the garage is located on the applicant's property (approximately 10 inches). He originally thought he would provide a "v-section" retaining wall around the garage. However, he has decided to remove a section of the garage foundation and make a monolithic pour combining the retaining wall and the garage foundation.

Mr. Scott plans to shorten the length of the wall to allow for sufficient room for a drainage pipe to be located behind the wall on the subject property. He showed the Commission a sample of the capstone to be used in the construction of the wall section.

Ron Williamson stated any drainage issues on the west side of the property could be worked out with staff as a condition of approval. Ken Vaughn asked how that would be enforced. Mr. Williamson responded it could be tied to the issuance of the building permit.

Ms. Fisher noted due to health conditions of the adjacent property owner, Mr. Scott has not been able to talk with her nor has he been able to talk with the daughter who now has power of attorney.

Nancy Wallerstein expressed concern with leaving the approval by the adjacent property owner open ended. Mr. Williamson noted a clause could be added requiring the action if a drainage problem was created for the adjacent property by the construction of the retaining wall. Ms Wallerstein recommended Mr. Scott get written documentation from the adjacent property owner to prevent possible issues down the road and that conditions #4 & #6 of the staff recommendations be deleted.

Nancy Wallerstein moved the Planning Commission grant a waiver from Section 19.44.025B of the city's zoning regulations for the construction of a retaining wall at 2201 West 72<sup>nd</sup> Street subject to the following conditions:

1. The applicant provide a revised site sketch showing the limits of the proposed retaining wall;
2. The applicant be required to remove the portion of the retaining wall currently located in the Rights-of-Way;
3. The applicant provide a detailed drawing of the proposed garage foundation/retaining wall construction for approval by the Chief Building Inspector;
4. The applicant provide a sample of the capstone for staff approval.

The motion was seconded by Bob Lindeblad and passed unanimously. Mr. Lindeblad thanked Mr. Scott for taking the effort to get a survey of his property.

**PC2012-118 Request for approval for 8 foot privacy fence  
4711 West 77<sup>th</sup> Place**

Renee Walker, 4711 West 77<sup>th</sup> Place, stated she is requesting approval of a waiver from Section 19.44.025 B. 3. limiting a fence height to 6 feet. She wants to construct a fence along the east property line and a small section to the corner of the residence. Ms. Walker stated that because of the slope of her property she receives significant noise from the traffic along Roe as well as her property being highly visible to those travelling on Roe. Photographs were presented of her backyard reflecting the slope and the high visibility.

Ron Williamson stated the fence will be a replacement of the existing chain link fence. The applicant only proposes to replace the east property-line fence and the small section running to the west up to the residence which she would consider making a small section 6 feet as it approaches the residence. She held a neighborhood meeting on October 22<sup>nd</sup> with the two adjacent property owners in attendance giving their support of the requested waiver.

Ken Vaughn confirmed Ms Walker has received the staff report and finds the staff recommendation acceptable. She responded that she had and her contractor is in agreement with the conditions.

Gregory Wolf moved that given the nature of the adjacent lot, the grade of the existing patio, traffic noise issues and the privacy concerns from the property owner, the Planning Commission approve PC2012-118 granting a waiver for the construction of an 8-foot fence as presented subject to the following condition: that the fence section from the east property line to the house be gradually reduced in height to a maximum height of six (6) feet at the intersection of the residence. The motion was seconded by Randy Kronblad and passed unanimously.

**PC2012-113 Request for Site Plan Approval - PV Shopping Center NW corner of  
71<sup>st</sup> Street & Mission Road**

Ron Williamson noted the site plan has three components which will be considered separately: Mission Lane Streetscape, the New Retail Building and Hen House Expansion.

### **MISSION LANE STREETScape**

The applicant is requesting approval of all six phases of the Mission Lane Streetscape. The Hen House will have one entrance which will be located where the new expansion meets the existing building. The streetscape plan should include the parking area and Starbucks building in Phase 2 and the U.S. Bank building in Phase 5. There is not a significant amount of work needed in these areas other than landscaping and lighting. This would complete the renovation to Mission Road.

Ron Williamson led the Commission in the following staff review of the criteria for site plan approval:

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

The site is fully developed and the purpose of the proposed site plan is to improve vehicular access, parking, the pedestrian environment and the building and site aesthetics. Existing parking areas will be utilized but enhanced with dedicated pedestrian ways and landscaping.

The plan proposes to close the north access to the Waid's location which is where the New Retail Building will locate. Staff recommends that the access from Mission Road north of the Mission Lane intersection also be closed. This access is approximately 60 feet from the Mission Lane intersection which is too close to be safe. The parking needs to be reconfigured based on closing this access point.

The parking for the center as a whole is a concern. The applicant has submitted a revised table that identifies the square footage of each leased space in order to determine the total Center square footage for the parking requirement. When the off-street parking ordinance was amended in 2004, it provided a standard of 3.5 spaces per 1,000 sq. ft. for centers that have at least 300,000 sq. ft. of net leasable area. Net leasable floor area does not include storage areas. The intent of the ordinance at that time was to exclude counting the floor area in the basements of many of the uses in Prairie Village Center that were used exclusively for storage. The applicant has interpreted storage to include space on the first floor and has deducted a standard 6% of the floor area for all uses. Staff does not agree with this interpretation, particularly where uses have basement storage and the 6% is also deducted. That appears to be duplication. This provision replaced the requirement for accumulating parking based on individual uses. At this time Highwood had agreed that the Prairie Village Center had 350,000 sq. ft. of net leasable area and that was what the parking requirement was based on. The table needs to show all the basement areas in the Center and which ones are used for storage. Also, based on previous submittals, the basement areas for Euston Hardware, Rimann Liquors,

the Macy's Home Store and Bruce Smith Drugs were included in the leasable area. These four uses amount to 28,146 square feet.

It is critical that an agreement on the square footage of the Center is made at this time because it affects the parking requirement for the entire Center and will have implications on whether expansion can occur. For example, the applicant has calculated the Center's square footage at 322,086 square feet, with a parking requirement of 1,127 spaces. This calculation includes the Hen House Expansion and the New Retail Building. If the 6% (20,558 sq. ft.) and the basement areas of the four identified uses are added (28,146 sq. ft.), the total square feet of the Center is 370,790 square feet and the parking requirement is 1,298 spaces. The applicant indicates the Center will have 1,147 spaces after this area is renovated. This includes the 161 spaces in the lot on the southeast corner of 71<sup>st</sup> St. and Mission Road. The parking total does not include any spaces that might be lost when parking lots in other areas of the Center are redone.

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

Utilities are currently in place serving the Prairie Village Shopping Center and are adequate to serve this proposed improvement. The east-west overhead power line that is south of the proposed New Retail Building needs to be placed underground.

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

The proposed Mission Lane plan provides more greenspace by adding plant beds along both sides of the street. A storm water management plan has been submitted to and approved by Public Works and no retention or detention is required.

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

As previously mentioned in Paragraph "A" above, the access point from Mission Road just north of the Mission Lane intersection needs to be closed. It is too close and creates additional traffic congestion in that area.

The proposed plan changes the entrance to Lot A3 from Mission Lane to 69<sup>th</sup> Street. The plan shows a walkway that will extend from Hen House south between the parking bays. The walkway is approximately 8 feet wide at 69<sup>th</sup> Street and tapers to 5 feet wide at the south end.

A question was raised regarding reconfiguring the parking from angle to perpendicular; however, the applicant has not changed the layout.

A trail on either Mission Lane or Mission Road was a major area of discussion at the last Planning Commission Meeting. The City Council discussed this matter at their October 15<sup>th</sup> Meeting and requested the applicant to consider providing a six foot wide pedestrian walk on the east side of Mission Lane. The applicant is to report back to the Council on November 5<sup>th</sup>. This may change the streetscape on the east side of Mission Lane.

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

Essentially the renovation plan is consistent with good planning and design principles. Pedestrian circulation is being addressed and more green space and trees are being added. Additional shade trees and islands in the parking areas off Mission Lane would be added improvements in the future.

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

The proposed materials and landscaping are compatible and will enhance the aesthetic quality of the Center. A new material, stone, is being introduced to the center and is proposed to be incorporated into the facades of the New Retail Building and the Hen House Expansion. The applicant has incorporated sculpture features into the Center and this program should be continued as the renovation progresses.

**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 the aesthetics of Prairie Village Shopping Center so that it appeals to future market demands.

It is the recommendation of the Staff that the Planning Commission approve the site plan for Mission Lane in Prairie Village Shopping Center subject to the following conditions:

1. That the access from Mission Road north of the Mission Lane intersection is closed and the parking reconfigured.
2. That the square footage for the center be determined at this time as 370,790 square feet and be the basis for the parking requirements.
3. That the applicant provide a minimum six foot wide pedestrian walk on the east side of Mission Lane.
4. That Phase 2 be extended to Mission Road and include the Starbucks building which result in a loss of parking spaces.
5. That Phase 5 be extended east to Mission Lane and include the U.S. Bank.
6. That the ADA Parking spaces be relocated from the parking lot to the area next to the U.S. Bank.
7. That the east parking spaces in the U.S. Bank lot be converted to landscape islands and include trees.
8. That the applicant submit the Planting Plan to the Tree Board for review and approval prior to installation and an irrigation system be installed to provide water for all landscape improvements.
9. That the applicant submit a materials palette to Staff with samples of the actual products that will be used.
10. That all plant materials be irrigated.

Curtis Petersen, with Polsinelli Shughart representing the applicant, responded to the staff recommendation stating the applicant accepts conditions #3, #6, #8, #9, & #10.

The applicant does not feel condition #1 requiring the closing of the access from Mission Road north of Mission Lane intersection should be closed as doing so would create a dead end parking situation. It will have a negative impact on traffic flow and safety. Mr. Petersen noted there is no history of accidents at this access point or that it presents a safety hazard for the public. It would be a burden to require this closure. Also this area is outside of the scope of the proposed project.

Curtis Petersen noted the difficulty in accessing actual retail square footage information for each tenant and reviewed the formula and process used by the property owner. They spoke with each tenant to get an accurate number of square feet are used actually used for retail purposes. They took net leasable footage plus basement footage plus patio used to get the gross square footage and determined that 6% of that number represented the square footage used for storage. Mr. Petersen took exception to the staff's desire to include basement space from four establishments in their calculations of retail square footage.

Conditions #4, #5 & #7 all related to landscape islands outside the scope of the project. No changes are being made to the US Bank facility or Starbucks building. The proposed conditions would further reduce parking and narrow the street with additional landscaping. The applicant feels there is a sufficient landscape balance between the parking and proposed landscaping.

Chris Engel informed the Commission that at their November 5<sup>th</sup> meeting the City Council required that the trail be eight feet wide - not six.

Keith Bredehoeft stated the public works department has serious concerns with the access from Mission Road reflected in Condition #1. Nancy Vennard noted that driveway is bad in all regards.

Bob Lindeblad noted the driveway has been there for 25 years. Creating a dead-end parking area is the worst thing for customer service. If this was a new development, he would support not having that access point. Dirk Schafer agreed with Mr. Lindeblad that it would be different if this was a totally new project.

Ron Williamson noted the four indentified properties including basement space were included in the square foot calculations previously. He added that in order to meet the parking requirements currently the center has to use off-site parking across 71<sup>st</sup> Street without the proposed expansion. He noted that patios are spaces that require parking whether they are leasable or not. He stressed the need for a fixed square footage count on which to base required parking.

Bob Lindeblad noted the mixed uses of the shopping center allow for shared parking. Most basement space is used for storage. The ordinance is not clear on the issue of what is considered retail space vs. true storage. All basement space needs to be listed with its use and square footage.

Nancy Vennard questioned if the leases charged the same for retail space as for storage space. There needs to be some flexibility. Jeff Berg, with Lane4, responded that if the space is accessible to the public it is charged as leasable space. He added that the public does not go in the basement at Rimann's although their wholesale operation is run out of the basement. Nancy Vennard responded employees require parking spaces and asked about different calculations for different uses.

Dirk Schafer stated it is not the Planning Commission's job to figure out square footage; however, it is an important consideration that the staff and the applicant need to work out. Mr. Petersen stated they were open to a reasonable and flexible means of calculation and noted they had a study done on the uses of the center and parking requirements which found there to be sufficient parking.

Randy Kronblad stated this issue is critical to the approval of the site plan which is increasing density but losing parking. This needs to be resolved. Mr. Schafer agreed and stated there needs to be accurate research, not the massaging of numbers to make it work. Mr. Petersen assured the Commission they were not playing with numbers and that the study conducted included Standees.

Ron Williamson stressed the need to look at the long term and possible changes in use. What is to be the basis for the formula? In 2004, center management stated the center had 350,000 square feet, now with the proposed expansion the applicant is saying the center has 322,086 square feet.

The Commission directed the staff and the applicant to come to an agreement on the measurement of square footage and related parking requirements.

Chris Engel stated the City Council denied a request by the applicant to allow the construction of less than an eight foot trail/sidewalk to be tied into that constructed by UMB. Curtis Petersen reviewed the applicant's proposed sidewalk/trail plan prepared from the direction given by the City Council a month ago that it not be less than six feet in width. He noted that 65% of the proposed trail/sidewalk is greater than six feet in width. He reviewed the proposed plan and stated they felt the public would prefer to have more parking over a wider sidewalk/trail. He also pointed out that an existing gas valve causes the trail to be narrower in one area.

Chris Engel stated the CID agreement requires the construction of a pedestrian trail. Staff recommend and believe that an 8-foot trail can be constructed. Curtis Petersen noted the Council was divided on this issue and it was not a strong recommendation. There was no measurement provided for the trail in the agreement and noted the plat will have an easement for the trail.

Ted Odell stated the agreement clearly indicated the construction of a trail and based on staff recommendation that an 8-foot trail could be done, the Council denied the request for a reduced width.

Bob Lindeblad stated he felt additional parking spaces are more important than additional width of the trail. Mr. Engel responded that staff is confident that the 8-foot width can be attained without the loss of parking spaces and the City Council agreed. Curtis Petersen noted that would require trimming from the grocery storefront.

Nancy Wallerstein asked if the space in front of Hen House was going to be used for retail sales, was it being included in retail space calculations. She believes the 8-foot width is important because the trail/sidewalk is moving people with shopping carts and children. It is more important to safely move people than to have an additional 2 feet of retail space.

Ken Vaughn stated he felt 6 feet was sufficient, but noted he would like to have 8 feet.

Dirk Schafer agreed everyone wants 8 feet for aesthetics and moving people, but would it be at the sacrifice of parking. Mr. Engel responded staff believes there are options to accommodate the 8-foot width without the loss of parking spaces.

Nancy Vennard stated she doesn't have a problem with the six foot width or with the varied widths.

Randy Kronblad stated he wants to see the eight-foot width noting there is very little sidewalk or designated walking area in the proposed plan - it is primarily a parking lot.

Curtis Petersen stated conditions #4, #5, #7 address areas outside the scope of this project. They are not making any changes on those properties.

Dirk Schafer stated he agreed with Starbucks but not US Bank noting that just a few moments ago Mr. Petersen made the exact opposite statement that it was very important from the bank drive north to see the new building. Ron Williamson added that staff felt there should be consistency from Mission Lane to Mission Road.

Bob Lindeblad noted you lose four parking spaces for islands. Mr. Petersen noted the tenants need all the parking spaces.

Mr. Williamson noted on the Corinth Shopping Center Lane4 looked at the entire center, not just parts of it. Staff does not want a piecemeal approach. The parking lot at US Bank needs to be broken up with landscaping. Curtis Petersen asked how many spaces. Mr. Williamson noted there are several options, some of which



are parking space neutral. The applicant accepted conditions #4, #5 & #7 stating they would work with staff on options that are parking space neutral.

Chairman Ken Vaughn noted the remaining issue is condition #2.

Nancy Wallerstein expressed concerns with the narrowing of Mission Lane, particularly in the middle section making it difficult for larger vehicles and pedestrians.

Nancy Vennard asked the width of 69<sup>th</sup> Terrace. Bob Lindeblad responded 24 feet. Ron Williamson stated that if there is perpendicular parking the ordinance requires a 24 foot driveway. The architect for the applicant stated Mission Lane is 30 feet measured back of curb to back of curb.

Nancy Vennard moved the Planning Commission approve the site plan for Mission Lane in Prairie Village Shopping Center subject to the following conditions:

1. That staff and the applicant work together to resolve the total square feet of the center as a basis to accurately calculate the required parking spaces.
2. That the applicant provide a minimum 6 foot wide pedestrian walk on the east side of Mission Lane making the walkway wider wherever possible.
3. That Phase 2 be extended to Mission Road and include the existing Starbucks building to include improvements of the existing islands with landscaping & trees.
4. That Phase 5 be extended east to Mission Lane and include the US Bank building to include additional landscaping/trees which remain "parking bay neutral".
5. That the ADA parking spaces be relocated from the parking lot to the area next to the US Bank building.
6. That the east parking spaces at the US Bank building lot be converted to landscape islands to include trees but remain "parking bay neutral" subject to staff approval.
7. That the applicant submit the Planting Plan to the Tree Board for review and approval prior to installation and an irrigation system be installed for all landscape improvements.
8. That the applicant provide a materials palette to Staff with actual samples of the products to be used.
9. That all plant material be irrigated.

The motion was seconded by Dirk Schafer and passed unanimously.

Chairman Ken Vaughn declared a five minute break with the meeting to reconvene at 9:45 p.m.

#### **NEW RETAIL BUILDING**

Ron Williamson stated the proposed retail building is 5,908 square feet with two patios that are 480 square feet and 675 square feet for a total of 7,063 square feet. There is an associated Conditional Use Permit for a drive-thru. The proposed

building will be located on the site that was formerly occupied by Waid's; however, the building will be closer to the north property line.

Ron Williamson led the Commission in the following staff review of the criteria for site plan approval:

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

The parking lot will be reconfigured to suit this building orientation and form which is different from the old Waid's building. The building, parking and drives can be adequately handled.

The east side of the building faces Mission Road and needs additional landscaping. The sod area near the east patio needs some evergreens or shrubbery to soften the appearance and provide better street appeal.

The area between the drive-thru and Mission Road does not have any landscaping. A landscape plan needs to be submitted for that area.

This area is shown as Phase 4 on the Mission Lane Streetscape Plan and all the landscaping and hardscape amenities need to be installed when this building is constructed.

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

Utilities are currently in place serving the Prairie Village Shopping Center and are adequate to serve this proposed building. There is an overhead power line running east-west, south of the proposed building that will need to be placed underground.

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

A Stormwater Management Plan has been submitted to Public Works. It has been reviewed and approved and no requirements for retention or detention will be made.

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

As a part of this project the north access from Mission Road will be closed. This will help minimize the traffic congestion on Mission Road. Also, the drive-thru will exit onto Mission Lane which will be a private street.

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

Essentially the renovation plan is consistent with good planning and design principles. Pedestrian circulation is being addressed and more green space and trees are being added.

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

The south elevation is all brick and stone. Stone is a new material being incorporated into the design of the Center. The west, north and east elevations show a lot of stucco. The stucco needs to be replaced with brick and the four sides of the building need to look like the south side. It should be noted that the building currently occupied by Starbucks is all brick. The north facade is a long expanse and will need to be broken up by changing the pattern of the brick or some similar solution. The north elevation also shows gas meters on the wall. The gas meters need to be on the ground and screened. Sign standards need to be prepared for the Center prior to issuing any sign permits.

- 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 the aesthetics of Prairie Village Shopping Center so that it appeals to today's market demands.

It is the recommendation of the Staff that the Planning Commission approve the site plan for the New Retail Building subject to the following conditions:

1. That the applicant revise the landscape plan on the east side of the building, replacing some of the sod area with plants, and submit the landscape plan to Staff for review and approval.
2. That the applicant prepare a landscape plan for the area between the drive-thru and Mission Road and submit it to Staff for review and approval.
3. That the applicant bury the power line running east-west across the site.
4. That the applicant replace the stucco with brick on the east, north and west sides and submit the plans to Staff for review and approval.
5. That the applicant either relocate the gas meters or screen them from view.
6. That the applicant submit the Planting Plan to the Tree Board for review and approval prior to installation and an irrigation system be installed to provide water for all landscape improvements.
7. That the applicant submit a materials palette to Staff with samples of the actual products that will be used.
8. That the applicant submit three copies of the revised plans to Staff.
9. That the site plan is subject to the approval of the Conditional Use Permit for the drive-thru and if the drive-thru is not permitted this site plan will be revised and resubmitted to the Planning Commission for approval.
10. That the applicant prepare sign standards for the Center for approval by the Planning Commission prior to issuing any sign permits.

Curtis Petersen stated regarding conditions #1 & #2 the ownership is ok with additional landscaping but noted that none was shown on the plans because of

concerns that it would create line of sight issues and is willing to do so if it can be accomplished without impacting the line of sight for vehicles.

In response to Condition #4 the applicant presented a new north elevation for review by the Commission that included dormers on the back, with different color stucco adding depth and shrubbery adding dimension. Mr. Petersen noted the building backs up to the bank and is not highly visible. Their desire was to clearly differentiate the front from the back.

Nancy Wallerstein confirmed the drive-thru will drive around the entire building.

Nancy Vennard would like to see the dormers removed. She questioned the location of the menu board as it was not shown on the elevation and noted the proposed location has cars idling next to the patio area. She suggested either moving the menu board or the patio. Ed Alexander with Hollis + Miller, Architects stated that the end user will know where they need to place the menu board. The actual placement will be determined by the tenant selected for the building. Mrs. Vennard noted that idling does cause pollution and should not occur next to an eating area. Mr. Alexander responded his firm has done several Starbucks that have half of their stacking lanes located next to their outdoor eating area. He added it will also be impacted by the orientation of the building and that they do not know how the end user will use the patio area.

Randy Kronblad stated this is a four sided building and he does not see any difference between this and the existing Starbucks building and feels they should be treated the same. Both buildings are very visible.

Jeff Berg noted that one can have four sided architecture without all sides being the same. He does not feel it is a good use of public funds to have brick on the back of a building. Mr. Williamson replied that staff is not looking for the same, but for the buildings to be compatible with the existing buildings. Mr. Berg felt that compatibility can be achieved by carrying over some of the components. Bob Lindeblad agreed with Mr. Kronblad that this building will be very visible. .

Ken Vaughn stated he felt the back side should be the same as the front even though people will be approaching from the south.

Curtis Petersen stated the requested addition of brick would be a substantial change at a substantial cost and something would have to go if required to have brick.

Nancy Vennard provided options for wrapping the brick over from the other elevations. It was felt the view coming down Mission Road should be predominately brick.

Nancy Wallerstein noted the building will be built using CID funds and felt they should do it right and stay with brick.

Dirk Schafer moved the Planning Commission approve the site plan for the New Retail Building subject to the following conditions:

1. That the applicant revise the landscape plan on the east side of the building, replacing some of the sod area with plants, and submit the landscape plan to Staff for review and approval providing this can be done without impacting "vehicle line of sight".
2. That the That the applicant prepare a landscape plan for the area between the drive-thru and Mission Road and submit it to Staff for review and approval providing this can be done without impacting "vehicle line of sight".
3. That the applicant bury the power line running east-west across the site.
4. That the applicant replace the stucco with brick on the east, north and west sides and submit the plans to Staff for review and approval.
5. That the applicant either relocate the gas meters or screen them from view.
6. That the applicant submit the Planting Plan to the Tree Board for review and approval prior to installation and an irrigation system be installed to provide water for all landscape improvements.
7. That the applicant submit a materials palette to Staff with samples of the actual products that will be used.
8. That the applicant submit three copies of the revised plans to Staff.
9. That the site plan is subject to the approval of the Conditional Use Permit for the drive-thru and if the drive-thru is not permitted this site plan will be revised and resubmitted to the Planning Commission for approval.
10. That the applicant prepare sign standards for the Center for approval by the Planning Commission prior to issuing any sign permits.

The motion was seconded by Randy Kronblad and passed by a vote of 7 to 0.

Curtis Petersen confirmed the Commission was asking that the dormers be eliminated and that they follow Mrs. Vennard's suggestion wrapping around the ends of the building creating a partial brick back.

#### **HEN HOUSE EXPANSION**

Ron Williamson stated the proposed Hen House Expansion is 14,380 square feet plus 1,290 square feet for the dock area. The dock area has been reduced in size from the original submittal in order to better accommodate access for emergency vehicles.

The site plan indicates there will be a single entrance on the east facade, but the location on the plan and the elevation is not the same. A floor plan for the Hen House interior has not been submitted. Some of the plans show that the wall of the east facade sets back approximately four feet from the wall of the existing building.

Since there will not be an entrance on the corner, the tower should remain as it exists with the canopy. The plan proposed to remove the existing canopy on the corner.

Ron Williamson led the Commission in the following staff review of the criteria for site plan approval:

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

The site is fully developed and the purpose of the proposed site plan is to improve vehicular access, parking, the pedestrian environment and the building and site aesthetics. Existing parking areas will be utilized but enhanced with dedicated pedestrian ways and landscaping.

The survey of the existing conditions indicates that currently there are 82 parking spaces in the lot north of Hen House. With the expansion this lot, will be reduced to 45 parking spaces.

The proposed expansion will require 55 parking spaces. There may not be adequate parking to accommodate this expansion depending upon the decision of the Planning Commission on the total square feet of the Center.

The applicant has stated there will be no shopping cart corrals and this should be a condition of approval.

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

Utilities are currently in place serving the Prairie Village Shopping Center and are adequate to serve this proposed improvement. The east-west overhead power line will be placed underground and the plan needs to show how far west of Mission Lane it will go.

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

A Stormwater Management Plan has been submitted to Public Works. It has been reviewed and approved and no requirements for retention or detention will be made.

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

The internal traffic circulation will remain the same except for the parking lot north of the Hen House. The primary issue is the accommodation of delivery vehicles. The applicant will need to work out a plan with the merchants to schedule the many pick-up and deliveries that occur with all the businesses in the area. The merchants have submitted a detailed list of service and delivery vehicles that use their businesses and are not only concerned about the number of vehicles, but also the size.

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

Essentially the renovation plan is consistent with good planning and design principles. Pedestrian circulation is being addressed and more green space and trees are being added. However, some parking spaces will be lost which may limit the expansion of the Center.

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

The east elevation of the building continues the design character of the existing building. A clerestory has been added above the entrance that does not fit with the rest of the design of the building or Center. It should be removed or replaced with a roof similar to the tower on the corner.

The mansard roof turns the corner on the north elevation and ends abruptly. It needs to be continued along that wall to the point where the wall angles to the southwest. If the mansard feature is not extended, some other design element needs to be added. It appears unfinished.

As previously discussed, the canopy needs to be retained at the corner rather than removed. It provides a cover for pedestrians, as well as providing pedestrian scale for the tower.

The new roof will be faux slate replacing the wood. A detail will need to be developed showing how the two materials will match at the point where they abut.

A floor plan of the store needs to be submitted in order to see how the entrance is designed as well as the canopy.

Sign standards need to be prepared for the Center and submitted to the Planning Commission for approval prior to issuing any sign permits.

**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 the aesthetics of Prairie Village Shopping Center so that it appeals to future market demands.

It is the recommendation of the Staff that the Planning Commission approve the site plan for the Hen House Expansion subject to the following conditions:

1. That no shopping cart corrals be placed in the parking lots.
2. That the limits of the underground power line be shown on the plans.
3. That the applicant work out a schedule for deliveries with all affected merchants and submit a copy of the agreement to the City.
4. That the applicant submit the floor plan for the entire store to the City.
5. That the applicant resolve the location and detail of the entrance.
6. That the Entry Element (clerestory) be removed and replaced with a more compatible design and be submitted to Staff for review and approval.
7. That the existing canopy on the corner be retained.
8. That the mansard roof or some other element be designed for the north facade and submitted to Staff for review and approval.

9. That a detail be developed for the match between the faux slate and wood roofs where they abut.
10. That the applicant prepare sign standards for the Center and submit them for Planning Commission approval prior to issuing any sign permits.
11. That the applicant submit a materials palette to Staff with samples of the actual products that will be used.
12. That the applicant work with Staff on design changes and details to ensure that the building is compatible with the Center.

Curtis Petersen stated the applicant accepts the staff recommendation with the exception of Conditions #3, #4, #6 & #8.

Mr. Petersen reported that the ownership group has met with the merchants on several occasions regarding delivery schedules. It is not the owners' responsibility to determine delivery schedules for its tenants. The merchants will work out the scheduling of their deliveries. This condition should be removed.

Mr. Petersen stated the floor plan for the store is not relevant to the site plan approval. The Ball family is a recognized and successful entity that knows what they are doing. This condition should be removed.

Curtis Petersen stated they are still working on the entry element (Condition #6) and the north façade (Condition #8).

Ron Williamson noted the mansard roof needs to be carried on to the back. It ends too quickly. The north side of the building will be visible and needs more design along that side.

Mr. Williamson noted that the city does not need the floor plan immediately, but need to see how the entry and exit areas work. Mr. Petersen stated it will be submitted with the building plans.

Dirk Schaefer stated it is not the city's business when deliveries are scheduled. Nancy Wallerstein noted they have promised parking spaces would be available after 11 a.m. and if you don't control the deliveries you cannot count those parking spaces as available.

Nancy Vennard noted that truck deliveries are taking out at least three parking spaces. Nancy Wallerstein asked if they were not full time designated spaces if they could be included in the parking count. Mr. Williamson replied that they could.

Ed Alexander with Hollis Miller noted the merchants are ok with the signed parking restrictions requested by Mrs. Rimann.

The Commission agreed that Conditions #3 & #4 be eliminated.



Regarding Condition #6, Mr. Alexander stated that information will all be shown on the final plans. Nancy Vennard suggested they keep the elevation similar throughout following Standees tower.

Curtis Petersen stated they are looking for consistency throughout. While they work on fine tuning sufficient façade to accommodate the required Hen House signage. Nancy Vennard suggested the use of skylights in the ceiling to get natural lighting.

Regarding Condition #8, Mr. Alexander noted that anything over 8 feet requires scaffolding and has an erection process that would affect tenant deliveries. Mr. Schafer responded that the construction will affect access regardless of whether scaffolding is required.

Ken Vaughn stated he would like to see at least two back panels.

Dirk Schafer moved the Planning Commission approve the site plan for the Hen House Expansion subject to the following conditions:

1. That no shopping cart corrals be placed in the parking lots.
2. That the limits of the underground power line be shown on the plans.
3. That the applicant submit at a later date the floor plan for the entire store to the City staff.
4. That the applicant resolve the location and detail of the entrance.
5. That the Entry Element (clerestory) be removed and replaced with a more compatible design and be submitted to Staff for review and approval.
6. That the existing canopy on the corner be retained.
7. That the mansard roof or some other element be designed for the north facade and submitted to Staff for review and approval.
8. That a detail be developed for the match between the faux slate and wood roofs where they abut.
9. That the applicant prepare sign standards for the Center and submit them for Planning Commission approval prior to issuing any sign permits.
10. That the applicant submit a materials palette to staff with samples of the actual materials that will be used.
11. That the applicant work with staff on design changes and details to ensure that the building is compatible with the Center.

The motion was seconded by Gregory Wolf and passed by a 6 to 1 vote with Nancy Wallerstein voting in opposition.

David Ball with Hen House expressed his appreciation and thanks to the Planning Commission for their leadership and support for with both the Hen House improvements at Corinth Square and those approved for Prairie Village Shops. Dirk Schafer responded the Commission appreciates their reinvestment within Prairie Village.

**PC2012-19 Request for Site Plan Approval - Standees  
3939 West 69<sup>th</sup> Terrace**

Jeff DeGasperi, 6240 West 135<sup>th</sup> Street, Architect for the project, stated they are requesting site plan approval for the outdoor eating area and new building facades for "Standees" which will be located in the space previously occupied by Einstein Bagel and Macy's Home Store with a three screen theater and restaurant. The three screens will accommodate 250 people and the restaurant is proposed to seat 200. The area of the proposed complex is approximately 13,900 square feet. The basement level of the Macy's space will not be used.

Mr. DeGasperi presented revised elevations to the Commission based on the staff report lowering the entrance tower so as not to be in competition with the clock tower. They have revised the entrance area using brick that is more compatible with the existing center with stucco inset panels that will feature signage. The north elevation uses the existing windows from the Einstein building treated with a white frosted film. From the exterior the windows will appear as they were previously. Backlit poster boxes will be used for signage such as "now showing", "coming soon" etc.

The outdoor eating area located on the mall side is approximately 510 square feet and will accommodate eight four-top tables seating 32 persons. The proposed outdoor dining area will be elevated six (6) inches making it level with the inside dining area. The area would have indirect cove lighting.

Dirk Schafer asked what exterior material would be used. Mr. DeGasperi responded it would be concrete stamped brick similar to the existing center materials.

Nancy Vennard confirmed they would also be keeping the existing Macy windows with the frosted white film. Ken Vaughn asked what affect this would have at night. Mr. DeGasperi replied the only visible light would be from lighting outside. Mrs. Vennard noted "Story" has similar windows and they are very cold. Mr. DeGasperi noted they are aware of that problem and will try to address it.

Ron Williamson noted the only issue staff has is with the elevated patio area. Typically, these outdoor dining areas are seen as temporary and could be easily removed or modified if a new tenant occupies the space. The proposed outdoor dining area will be elevated six (6) inches and would be difficult to remove at a later date. In addition, the raised dining area will require an ADA ramp. All other approved outdoor eating areas are at grade level including Story on the other side of the mall. Staff recommends that the exterior dining area be placed at grade which can be accomplished through minimal modifications to the interior floor plan, to accommodate an interior ramp to the elevated dining area.

Gregory Wolf asked why the patio area is being elevated. Mr. DeGasperi stated there are raised platforms inside the building and this keeps the patio area level with

the inside dining area. He also noted the raised areas provide a different feel for the customers than simply sitting out on the adjacent sidewalk/street. There are also interior design issues with having the patio at street level.

Ron Williamson noted this is a large facility that will generate a significant parking demand. There is not a lot of parking available on the north side, so it is assumed that the majority of parking will be on the west side. The relocation of Einstein Bagel to another space in the Center will open up more parking spaces. Also, the major parking demand will occur in the evening after the normal retail business hours. The restaurant and theater will be open for lunch and dinner with the general hours being 11:00 a.m. to 11:00 p.m.

The projection system for the theaters is a digital design which reduces the need for the high ceilings required by older theaters. This theater will be one of the first designed for digital projection and will take advantage of the reduced space need.

The Village Center has approximately 322,086 square feet of leasable area according to a recent calculation. The off-street parking requirement for mixed office/commercial centers over 300,000 square feet is 3.5 spaces per 1,000 square feet. Therefore, the required off-street parking is 1,127 spaces. LANE4 Property Group had a site survey prepared when the property was acquired and the survey indicates 1,248 spaces but, after renovation, the Center will have 1,147 spaces. The Center has exceeded the minimum number of required off-street parking spaces by 21. The addition of 510 square feet for the outdoor eating area will increase the total square feet of the Center to 322,596 which will require 1,129 parking spaces.

Alfresco dining and drinking are now very popular and the proposed atmosphere should appeal to customers. The Planning Commission has previously approved outdoor areas for the Blue Moose, Cactus Grill, Story, Johnny's Tavern, BRGR and Noodles & Company. The outdoor area is enclosed with a fence at some of these locations, but it is not required by code unless alcohol is served.

The applicant held a Neighborhood Meeting on October 16, 2012 in accordance with the Planning Commission Citizen Participation Policy.

Ken Vaughn led the Commission in the 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 eating location, which is located in the mall area, can accommodate the additional square footage for the outdoor eating area with very little effect on the Center or the ability for pedestrians to circulate to other stores in this area. No new parking areas or drives are required for this use. This area is all hardscape, with planters proposed along the railing of the outdoor eating area.

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

Utilities are currently in place serving the Village 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 an increase in impervious surface so stormwater is not an issue.

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

The proposed site will utilize existing driveways and the general circulation of the Center will not be changed. Adequate pedestrian accessibility will be maintained between the outdoor eating area and other uses in the Center.

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

The addition of outdoor seating will help create a more vibrant atmosphere for the Center and is consistent with good land planning practices. This is a good infill use of underutilized space in the Center. The plan shows that the outdoor eating area is elevated two steps.

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

The applicant is making changes to the west, north and east facades of the building. The west elevation is proposed to retain the window openings, but initially were replaced with stucco panels. Stucco is not used extensively in the Center and staff asked the applicant to consider other modifications to the window openings. The applicant has proposed to mimic the original window mullion style and plans a frosted film on the back of the glass.

Even with the proposed modifications, the west elevation will be an expansive non-active "storefront." Given the focus of the center, as pedestrian friendly, the applicant should consider modifications to provide a more active storefront.

The east elevation will not change significantly regarding the windows. The entrance tower submitted originally to Staff has been revised removing the upper clerestory windows and replacing with a traditional cornice replicating the styles found throughout the center.

The north elevation appears to retain the existing window openings for the most part; although they will be screened with film. The film will need to be submitted to Staff for review and approval. The exit door has steps; however, the applicant states that it is in accordance with ADA requirements and the low wall at the steps on the north elevation to painted brick to complement the predominant material along the façade and fit in.

The plans indicate poster case locations in several areas. This will need to be considered as a part of the sign package which will be submitted at a later date.

The plans do not show outdoor lighting fixtures. If any changes are proposed in the outdoor lighting, the fixtures will need to be reviewed and approved.

**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 an the opportunity to enhance and intensify the use of the Center that will generate additional revenues for the City.

Randy Kronblad moved the Planning Commission approve PC2012-119 the site plan for the elevations and outdoor seating at Standees (3939 West 69<sup>th</sup> Terrace) 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 accordance with the outdoor lighting regulations, and the cut sheets for fixtures be submitted to Staff for review and approval.
- 2) That the outdoor area be approved for a maximum of 32 seats.
- 3) That the applicant submit the film sample to Staff for review and approval
- 4) That the applicant submit a materials board.
- 5) That the poster case locations be considered with the signage at a later date.
- 6) That the applicant submit the design of planters to be provided by Lane4 that will be located on the mall side of the railing for Staff review and approval.
- 7) That no sign permits be issued until such time as sign standards have been submitted to and approved by the Planning Commission
- 8) That the applicant work with staff on design changes and details to ensure that the building is compatible with the Center.

The motion was seconded by Dirk Schafer and passed unanimously.

Gregory Wolf asked when they planned to open. Mr. DeGasperi responded May 20, 2013.

## **OTHER BUSINESS**

Ron Williamson announced that the City Council at their meeting November 5<sup>th</sup> approved a 90 day moratorium on Special Use Permits to allow for the City to consider revisions to its code for a protest petition process to be implemented on Special Use Permits. They will send a formal request to the Commission at their November 19<sup>th</sup> meeting asking the Commission to authorize a public hearing on the proposed code revisions for their January meeting.

There will be a public hearing at the December meeting on the proposed code revisions regarding the establishment of overlay zoning districts. The meeting will

now be held at in the Council Chambers as usual instead of Shawnee Mission East as earlier planned.

Jim Brown announced that Benton House will be having an open house for City Council and Planning Commission members the first week in December.

Nancy Vennard confirmed the required notices were send for PC2012-08. Mr. Williamson replied the City has received the mailing list and certified receipts from the mailing to property owners within 200 feet. He noted the mailing for the informational meeting, which includes the homes association presidents is not required by statute and the City does not require it to be sent by certified mail. He noted the president of the Prairie Village Homes Association is included on their mailing list.

#### **ADJOURNMENT**

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 11:00 p.m.

Ken Vaughn  
Chairman



## PLANNING COMMISSION

City Council Meeting Date: December 4, 2012

PC2012-09 Consider Proposed Revisions to Zoning Regulations adding Chapter 19.25 entitled "Overlay Zoning Districts"  
Applicant: City of Prairie Village

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### **BACKGROUND:**

The City of Prairie Village has been looking at ways to assist homes associations with potential issues that arise with the construction of additions and new homes within existing residential areas. The City has already implemented a process for notifying homes associations of projects which will significantly alter the exterior of the structure (porches, etc.) or add additional square footage.

Council members Michael Kelly, Laura Wassmer and Dale Warman have been also working with the City's Homes Association Committee to develop other methods to assist homes associations with these issues. An outgrowth of this work has been the idea of a conservation overlay district which would address design issues within a specific neighborhood.

In 2010, the City Council directed staff to work with the Countryside East Homes Association in the development of a neighborhood conservation overlay district and the creation of development/design standards. It was decided the Countryside East Homes Association would be the initial model for the development of this tool.

### **DISCUSSION:**

After reviewing the proposed draft text, Planning Commission set the public hearing for the proposed text amendment to be held on December 4, 2012.

Staff has revised text amendment for the Neighborhood Conservation Overlay District to exclude the references to the establishment of the Countryside East Homes Association Neighborhood Conservation Overlay District (see attached public hearing draft). This was done because a separate public hearing will need to be scheduled once the enabling legislation has been approved by the Planning Commission and the City Council. It is anticipated that upon approval of the text amendment by the City Council, the City Council will initiate the creation of the Countryside East Homes Association Neighborhood Conservation Overlay District.

The text amendment sets forth the criteria for the establishment of neighborhood conservation overlay districts, use of development/design standards and the appeal process.

The process allows for the Planning Commission, Governing Body, or at least 51% percent of the property owners within the proposed area to initiate the establishment of a district. There would be a formal hearing process before the Planning Commission who would make a recommendation to the Governing Body. The Governing Body would then have the final authority for the approval of each district. The area must be at least 25 years or older, minimum of 5 acres, and have "built environmental characteristics that create an identifiable setting, character or association."

Projects subject to review would be reviewed at the City staff level for compliance with the approved development/design standards. If staff determines the project is not in compliance with the standards, the applicant could appeal the decision. The current draft language has a two-stage appeal process.

Staff, in consultation with the several homes associations, felt that it was important to have some input from the property owners within the overlay district during the in the appeal process. Therefore, the first appeal would consist of one member from the Planning Commission (appointed by the Chair) and two members from the participating neighborhood association (appointed by the homes association which is covered under the overlay district).

To comply with legal requirements, there must be a final appeal body which has final authority to review the decision of the first appeal body. The current draft establishes this body as the Board of Zoning Appeals.

**RECOMMENDATION:**

Staff is requesting that Planning Commission hold a public hearing on the proposed text amendment. In addition, staff recommends that the Planning Commission recommend the proposed text amendment to the Governing Body.

**ATTACHMENTS:**

Draft Neighborhood Conservation Overlay District Code Amendment

**PREPARED BY**

Dennis J. Enslinger  
Assistant City Administrator  
Date: November 28, 2012



## 19.25 OVERLAY ZONING DISTRICTS

**19.25.005 Overlay Districts** Overlay Districts are tools for dealing with special situations or accomplishing special zoning goals. As the name implies, Overlay Districts are "overlaid" on Base District classifications to alter the Base Zoning District regulations. Overlay Districts are shown on the Official Zoning District Map as suffixes to the applicable Base Zoning District classification. For example, an R-1a -zoned Parcel that is included in the Neighborhood Conservation Overlay Districts would be shown on the map as R-1a-NC.

**19.25.010 Districts Established** The following Overlay Zoning Districts are included in this Zoning Code:

District Name	Map Symbol
Neighborhood Conservation Overlay	NC

### 19.25.015 Purpose

The NC, Neighborhood Conservation Overlay District, is intended to:

- (1) encourage development that conforms to the size, orientation and setting of existing buildings in a neighborhood or area;
- (2) reduce the need for zoning variances for development that conforms to the size, orientation and setting of existing buildings in a neighborhood or area;
- (3) provide building setbacks, lot dimensions and related physical characteristics; and
- (4) foster development that is compatible with the scale and physical character of original buildings in a neighborhood or area through the use of Development/Design Standards and guidelines.

### 19.25.020 Selection Criteria

A NC District shall be a geographically defined area that has a significant concentration, linkage or continuity of sites that are unified by physical development, architecture or historical development patterns. To be eligible for NC zoning, the area shall comply with the following criteria:

- (1) the general pattern of development, including streets, lots and buildings, shall have been established at least 25 years prior to the Effective Date;

- (2) the area shall possess built environmental characteristics that create an identifiable setting, character and association;
- (3) the designated area shall be a contiguous area of at least five (5) acres in size. Areas of less than five (5) acres may be designated as an NC Overlay District only when they abut an existing five (5) acre or greater NC Overlay District.

#### **19.25.025 Establishment of District**

NC Zoning Districts are established in accordance with the Zoning Map Amendment procedures of Section 19.52, except as modified by the following provisions:

- (1) an application to establish a NC District may be initiated by the Planning Commission or the Governing Body;
- (2) applications may also be initiated by petition when signed either by the Owner of at least 51% of the area within the proposed NC District or by at least 51% of total number of Landowners within the proposed District;
- (3) the Planning Commission shall hold public hearings and submit written recommendations to the Governing Body, regarding each application to establish a NC District;
- (4) the Planning Commission is responsible for reviewing NC zoning applications for compliance with the selection criteria of Section 19.25.010 and for recommending development/design standards and guidelines for the District;
- (5) the Planning Commission is responsible for reviewing NC applications for its planning and zoning implications; and
- (6) the Governing Body is responsible for making a final decision to approve or deny the Overlay District Zoning.

#### **19.25.030 Procedure**

Upon receipt of an application for NC zoning or upon initiation of a NC zoning application by the Governing Body or Planning Commission, the following procedures apply:

- (1) unless otherwise expressly stated, the zoning map amendment procedures of Chapter 19-52 apply;
- (2) public hearings on NC zoning applications shall be held by the Planning Commission prior to consideration by the Governing Body; and
- (3) the Planning Commission shall make a recommendation that NC District zoning be approved, approved with conditions or denied. The Planning Commission's recommendation shall be submitted to the Governing Body. The item shall be

placed on the Governing Body agenda after receipt of the Planning Commission's recommendation. The recommendation shall be accompanied by a report containing the following information:

**(i)** an explanation of how the area meets or does not meet the selection criteria contained in Section 19.25.010;

**(ii)** in the case of an area found to meet the criteria in Section 19.25.010:

**a.** a description of the general pattern of development, including Streets, Lots and Buildings in the area; and

**b.** Development/Design Standards to guide development within the District;

**(iii)** a map showing the recommended boundaries of the NC District; and

**(iv)** a record of the proceedings before the Planning Commission;

#### **19.25.035 Allowed Uses**

NC District Classifications do not affect the use of land, buildings or structures. The use regulations of the Base Zoning District control.

#### **19.25.040 Development/Design Standards**

In establishing a NC District, the Planning Commission are authorized to propose, and the Governing Body is authorized to adopt, by ordinance, District-Specific Development and Design Standards (referred to herein as "Development/Design Standards") to guide development and redevelopment within NC Districts:

**(1)** when Development/Design Standards have been adopted, all exterior modifications requiring a city permit or approval within the designated NC District shall comply with those standards;

**(2)** when there are conflicts between the Development/Design Standards of the Base Zoning District and adopted NC District Development/Design standards, the UC Development/Design Standards will govern;

**(3)** the Development/Design Standards will be administered by City staff in accordance with adopted administrative policy.

#### **19.25.045 Appeals**

**(1)** notwithstanding the procedure set forth in Section 19.54, a person aggrieved by a decision of the City staff, determining whether the Development/Design Standards have been met, may file a written appeal with the Neighborhood Conservation Overlay District Appeals Committee. The appeal shall be filed within ten (10) working days after the decision has been rendered.

- (i) after the appeal before the Neighborhood Conservation Overlay District Appeals Committee has been filed, the one representative from the Planning Commission (appointed by the Chair) along with two representatives from the affect NC Overlay District area (appointed by the HOA Board or the Mayor in the absence of an active Homes Association) shall hold a public meeting to make a determination if the proposed modification meets the NC Development/Design Standards. The two representatives shall be appointed by the Homes Association Board in which the NC Overlay District is located. In the absence of a Homes Association Board, the Mayor shall appoint the two representatives from a list of property owners within the NC Overlay District.
- (2) a person aggrieved by a decision of the Planning Commission, determining whether the Development/Design Standards have been met, may file a written appeal with the Board of Zoning Appeals. The appeal shall be filed within ten (10) working days after the decision has been rendered.
- (3) the Board of Zoning Appeals is the final decision-making authority in determining whether a proposed project meets the adopted Development/Design Standards.
- (4) the Board of Zoning Appeals has no authority to grant interpretations, exceptions or variances from the adopted Development/Design Standards.
- (5) within thirty days after the Board of Zoning Appeal’s final decision, in passing upon an appeal pursuant to this Section, any person aggrieved by the decision may file an action in District Court to determine the reasonableness of the decision.

**19.25.050 NC Districts Established**

The following NC Districts are established:

<b>Neighborhood Conservation District Name</b>	<b>Boundaries</b>
	<b>See Ordinance No.</b>

**19.25.055 NC District Development/Design Standards Established**

The following NC District Development/Design Standards and Administrative Policies are established:

<b>Neighborhood Conservation District Name</b>	<b>Design Standards and Administrative Policies</b>
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**19.25.060 RESERVED FOR INCORPORATION BY REFERENCE OF "DESIGN GUIDELINES ADOPTED**

## STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, Lochner, Planning Consultant  
**DATE:** December 4, 2012 Planning Commission Meeting

Project # 000005977

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**Application:** PC 2012-120

**Request:** Vacation of Utility Easement

**Property Address:** 7348 Roe Circle

**Applicant:** Jerad & Jessica Foster

**Current Zoning and Land Use:** R-1B Single Family Dwelling District – Single Family Dwelling

**Surrounding Zoning and Land Use:** **North:** R-1B Single Family Dwelling District-Single Family Dwelling  
**East:** R-1B Single Family Dwelling District-Single Family Dwelling  
**South:** R-1A Single Family Dwelling District-Church  
**West:** R-1B Single Family Dwelling District-Single Family Dwelling

**Legal Description:** Lot 4, Block 38, Prairie Village Subdivision

**Property Area:** 9,057 sq. ft.

**Related Case Files:** BZA 2012-05 Variance of Side Yard Setback  
Prairie Village Subdivision Plat

**Attachments:** Application, Site Plan, Photos, Letters from Utilities

General Location Map



Aerial Map



**COMMENTS:**

The applicant is requesting the vacation of a platted utility easement that runs across the rear portion of the lot. The applicant is proposing an addition to the rear of the dwelling and a few inches of the southeast corner of the addition will encroach into the easement. The applicant has contacted all the utilities and there are no utilities in the platted easement. There is an overhead utility line located south of the utility easement which is not in an easement. The applicant will need to dedicate a utility easement by separate instrument so that the existing utility line is within an easement. Because a drainage easement is located along the rear of the lot, the proposed utility easement will need to be coordinated with Public Works.

The applicant has also requested approval of a variance of the side yard setback for the southwest corner of the proposed addition.

**RECOMMENDATION:**

It is the recommendation of Staff that the Planning Commission approve the vacation of the platted easement and forward it to the Governing Body subject to the following condition:

1. That the applicant provide easement vacation document to be filed with County for review by City Staff.
2. That the applicant dedicate an easement by separate instrument for the existing utility line subject to the approval of Public Works.





Application For Vacation / Relocation of Utility Easement  
7348 Roe Circle  
Jerad + Jessica Foster

We are requesting that a non used utility easement running through our property be relocated so that we can do an addition on our home. Please see the attached Site Plan.

The existing Utility Easement is located on the original plat for our neighborhood ( attached for reference ) . The existing overhead power lines and their support poles are located on the site plan for reference. One of the poles is not located within the easement, subsequently this makes the overhead lines not in the easement either. We would like to propose that the existing utility easement be vacated and a new utility easement be located as proposed.

We have contacted the following utilities in effort to seek their approval of our proposed plan.

Water One - Email Reply Attached

Kansas Gas Service - Reply Letter Attached

Johnson County Wastewater - Reply Attached

Kansas City Power and Light - Reply Attached

Time Warner Cable - Scheduled Service Call w/ technician. Spent 30 minutes on the phone trying to navigate through their system to find someone in engineering or planning department to speak with.

AT+T - Spent 30 min on phone w/ support. No U Verse available in area. Cannot get through to someone in engineering or planning to answer my question.

Surewest - Called and left message w/ service technician. Waiting on call back from someone in engineering or planning. Spoke w/ corporate and local customer service no one knows who to put me in touch with since they are not in the area yet.

**Joyce Hagen Mundy**

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**From:** Jerad Foster [jerad.foster@gmail.com]  
**Sent:** Thursday, November 29, 2012 10:54 AM  
**To:** Joyce Hagen Mundy  
**Subject:** Fwd: 7348 Roe Circle R/W easement.

Here you go. Let me know if you need anything else.

----- Forwarded message -----

**From:** **Randy L. Freeborn** <rfreeborn@waterone.org>  
**Date:** Thu, Nov 1, 2012 at 10:44 AM  
**Subject:** RE: 7348 Roe Circle R/W easement.  
**To:** Jerad Foster <jerad.foster@gmail.com>

Jerad,

WaterOne has no facilities within the area of Lot 4 platted as "8' R/W" and has no objection to the vacation thereof.

Randy Freeborn

Field Day Coordinator

WaterOne  
10000 Wagner Blvd.  
Des Moines, IA 50319

(913) 895-5772

(816) 719-0361

[rfreeborn@waterone.org](mailto:rfreeborn@waterone.org)

Water

WaterOne

**From:** Jerad Foster [mailto:[jerad.foster@gmail.com](mailto:jerad.foster@gmail.com)]  
**Sent:** Thursday, November 01, 2012 10:12 AM  
**To:** [twila.smith@jcw.org](mailto:twila.smith@jcw.org); Randy L. Freeborn  
**Subject:** 7348 Roe Circle R/W easement.

Hello.

I spoke with you on the phone about my project at 7348 Roe Circle. Attached is a site plan showing the proposed addition to my house that is in conflict w/ the existing r/w easement in the backyard. As you can see the the existing overhead lines are not located within the easement. I need a letter from each utility stating that they either do not need access to the easement in the backyard or that they are ok with the proposed new easement location. As requested by the City of Prairie Village I am reaching out to all utilities to make sure there are no conflicts.

I would really appreciate it if you can give me a quick turnaround. Friday November 2, is the deadline for submittal for the last meeting of 2012. I'm hoping to make the agenda on that meeting if possible.

Please give me a call if you have any questions. I really appreciate your help.

Jerad Foster

[816-726-1927](tel:816-726-1927)

**MEMORANDUM**


November 1, 2012

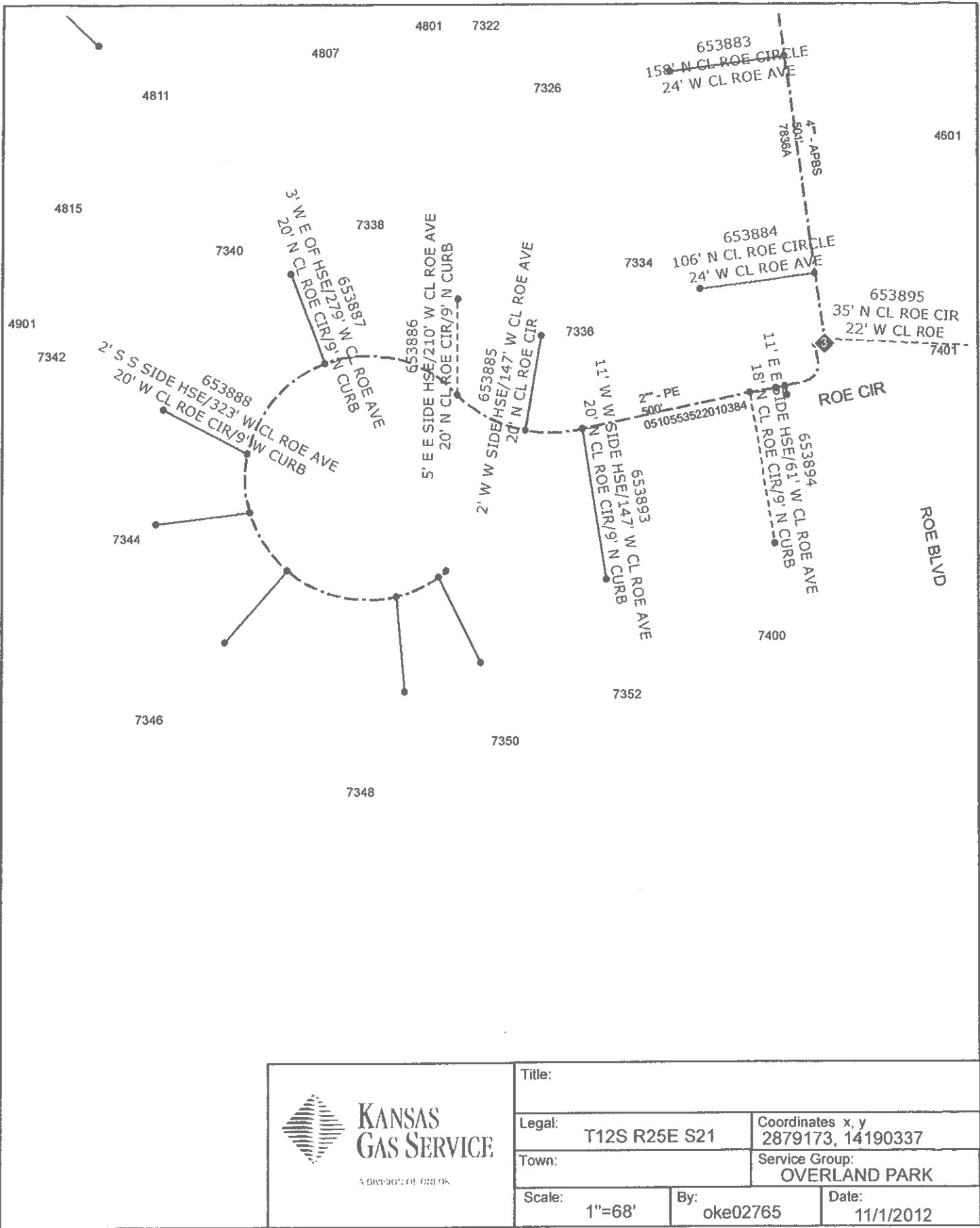



**Jerad Foster  
7348 Roe Circle  
Prairie Village  
RE: Lot 4 Block 38 Prairie Village Subdivision**

**Dear Sir:**

**I have reviewed the plans for the building addition at above referenced lot. Kansas Gas Service facilities are located in the front of the property and all homes on the aculdesac are served from there as seen on the attached map. Kansas Gas Service has no future plans to locate a gas main or services on the platted easement either now or in the future. Kansas Gas Service has no need for access to the existing easement, and Kansas Gas Service is OK with the relocation of the easement.**

 11/01/2012  
**Dale Didde  
KGS Engineering Group  
11401 W. 89<sup>th</sup> Street  
Overland Park, Ks 66214  
913-599-8982 office  
913-481-3143 cell**



 <p><b>KANSAS GAS SERVICE</b> A DIVISION OF ONEOK</p>	Title:		
	Legal:	T12S R25E S21	Coordinates x, y 2879173, 14190337
	Town:		Service Group: OVERLAND PARK
	Scale:	1"=68'	By: oke02765

November 2, 2012

Dennis Enslinger  
Assistant City Administrator  
Administration, Community Development  
7700 Mission Road  
Prairie Village, Kansas 66208

RE: 7348 Roe Circle

Dear Dennis,

We have been contacted by Mr. Jared Foster who is a prospective buyer of Lot 4, Block 38, in the City of Prairie Village. Lot 4, is currently encumbered by an 8 foot right of way easement in which Mr. Foster is requesting a release of. Johnson Count Wastewater does not have any sewer mains within the easement and has no objections to the vacation thereof.

Please accept this letter a permission to proceed with the vacation at your discretion. If you should need anything else please contact me at your convenience.

Sincerely,



Timothy D. Reeves, R.L.S.  
Engineering Technician/Land Surveyor  
(913) 715-8533

Cc: Jared Foster  
Zack Milbern, Permit Group Supervisor  
File



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## 7348 Roe Circle Easement Letter.

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**Simon Vivian** <Vivian.Simon@kcpl.com>  
To: Jerad Foster <jerad.foster@gmail.com>

Mon, Nov 19, 2012 at 3:54 PM

Mr. Foster,

Per your request, KCP&L has reviewed the documents you have presented to us. The 8' right of way has no KCP&L facilities within it and we have no objections to the vacation thereof. However, in light of your future building plans we will need to obtain an easement for the existing overhead lines, which you have agreed to. If we can be of further assistance, please contact us.

Evone Simon  
General Design Technician  
KCP&L  
Johnson Co. Field Design

**From:** Jerad Foster [mailto:jerad.foster@gmail.com]  
**Sent:** Monday, November 12, 2012 11:35 AM  
**To:** Simon Vivian  
**Subject:** 7348 Roe Circle Easement Letter.

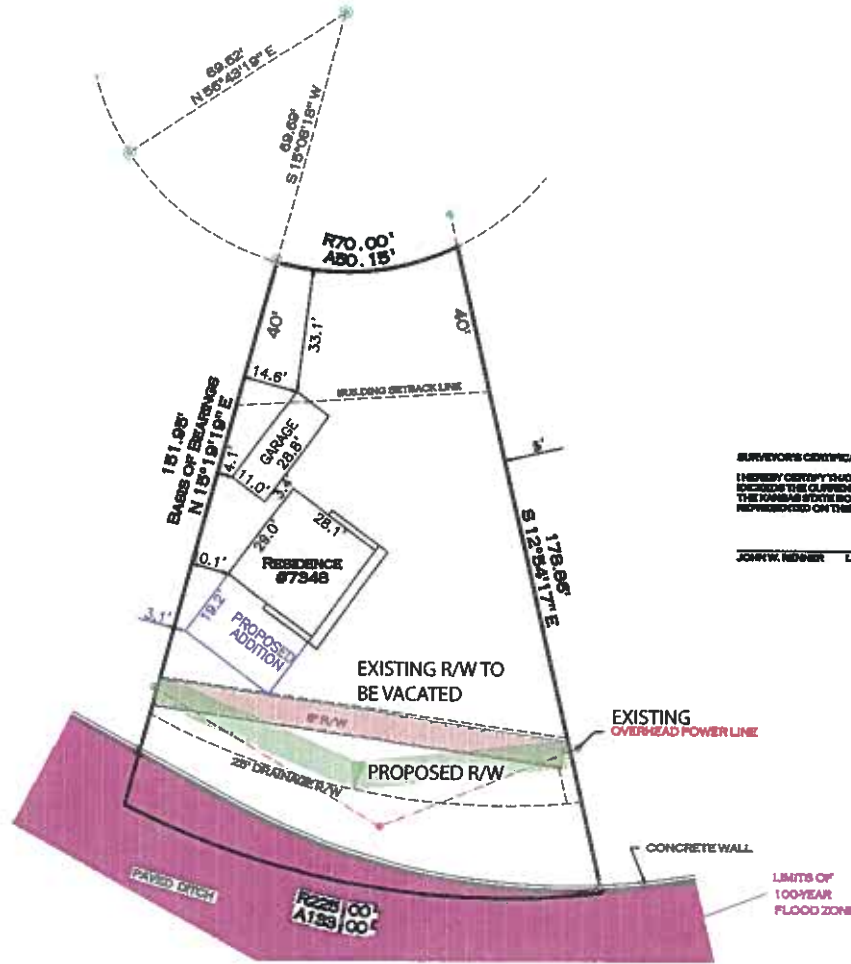
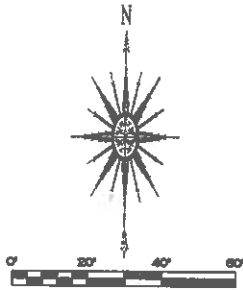
Attached is a copy of the letter I recieved from Johnson County Wastewater, for you reference.

[Quoted text hidden]



LOT 4, BLOCK 38  
**PRAIRIE VILLAGE**  
 A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS

FOR:  
**JARAD FOSTER**



**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT WE HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS FOR PROPERTY SURVEY SERVICES AS ESTABLISHED BY THE KANSAS STATE BOARD FOR TECHNICAL PROFESSIONS, AND THAT THE RESULTS OF OUR SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

JOHN W. RENNER    LEAD    DATE

- (A) = ARC LENGTH
- R0 = RADIUS
- M0 = MEASURED
- FOUND 1/2" BAR
- FOUND 3/8" BAR
- SET 1/2" BAR
- SET CHISELED CUT
- SET COTTON PICKER SPINDLE

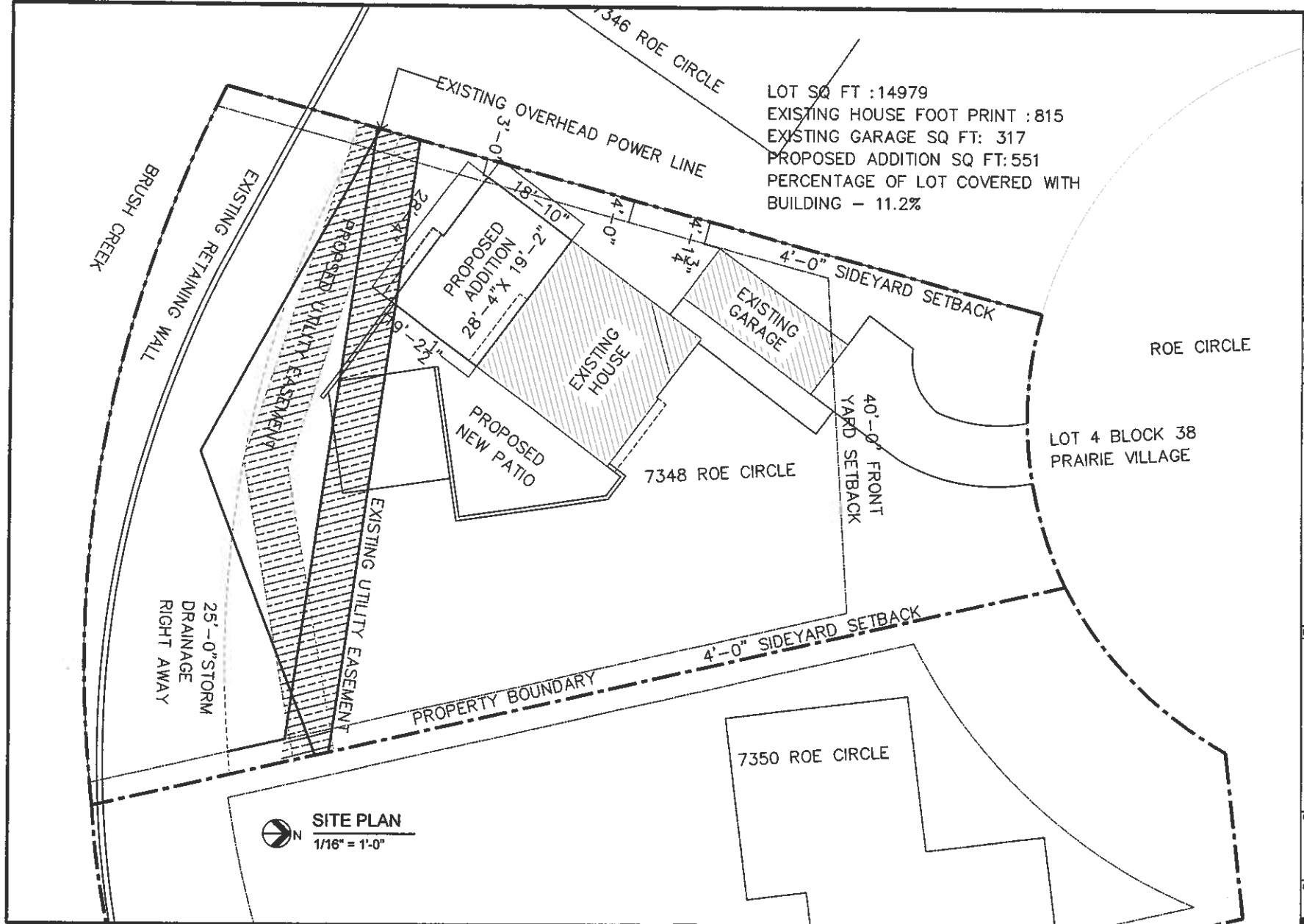
**JOHN RENNER**  
 LAND SURVEYOR  
 208 W. 65TH STREET  
 SUITE 201  
 KANSAS CITY, MO 64113  
 816339841  
 URBAN CLASS SURVEY  
 JOB No. 2-13-078  
 P.L.D. WORK: 10-10-2012

# STUDIO BUILD

**studiodbd**  
 1400 w 13th street  
 Kansas city, mo  
 6 4 1 0 2  
 p: 816 . 726 . 1927  
 p: 913 . 957 . 0263  
 p: 816 . 786 . 8567  
 www.studiodbd.com

7348 ROE CIRCLE

LOT SQ FT : 14979  
 EXISTING HOUSE FOOT PRINT : 815  
 EXISTING GARAGE SQ FT: 317  
 PROPOSED ADDITION SQ FT: 551  
 PERCENTAGE OF LOT COVERED WITH BUILDING - 11.2%



**SITE PLAN**  
 1/16" = 1'-0"

LOT 4 BLOCK 38  
 PRAIRIE VILLAGE

Project:

Sheet name:

Sheet #:



## CODES ADMINISTRATION

Planning Commission Meeting Date: December 4, 2012

**PC2012-121 Request for Approval of City Entrance Signs 3535 Somerset Drive & 7700 Mission Road**

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### **BACKGROUND:**

On November 5<sup>th</sup>, City Council has reviewed and has given tentative approval of the expenditure for the installation of new monument signs at the City Hall Complex and at the Public Works Facility. As part of the review process, City Council is requesting the Planning Commission review and approve the proposed signs prior to City Council formally approving the installation of the signs.

### **DISCUSSION:**

The proposed monuments are based on a design similar to the City's entry markers and park monument signs. They will be constructed of similar materials as the existing park monument signs. The signs will be two-sided. Based on the weight of the signs they will be placed on a permanent footing. Specifications and drawings of the proposed signs are included in the packet materials.

Exact site placement of the signs has not yet been determined but the Public Works Department has provided a generalized location for each sign. The signs will be located a minimum of twelve (12) feet from the back of curb as per ordinance requirements.

The proposed signs meet the height, size, and sign square footage requirements as outlined in Section 19.48.M with the exception that the City Hall sign exceeds the square footage requirement of 20 sq. ft. by .67 sq. ft. Section 19.48 M also has requirements for placement of the signs to be 3 feet from the property line or 12 feet from back of curb. In addition, the section indicates that the sign base should be located in a landscaped area. Exact site placement of the signs has not yet been determined but the Public Works Department has provided a generalized location for each sign.

### **RECOMMENDATION:**

Staff recommends the Planning Commission review the proposed sign design and recommends approval with the following condition:

The Planning Commission grant Public Works staff the authority to approve the site placement and landscaping plans for each sign within the proposed park.

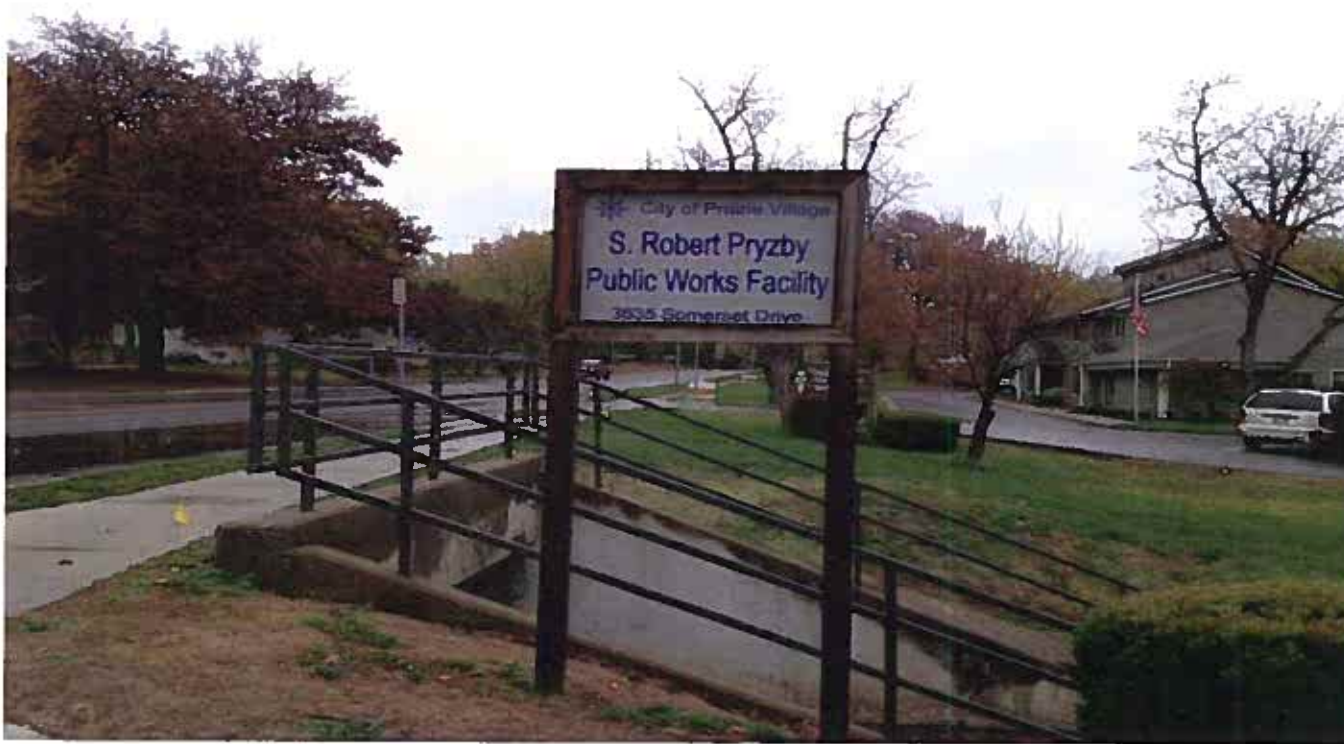
**ATTACHMENTS**

Sign Drawings and Specifications  
Approximate Location Maps

**PREPARED BY:**

Dennis J. Enslinger  
Assistant City Administrator  
Date: November 29, 2012

# Existing Public Works Sign



# Existing City Hall Sign

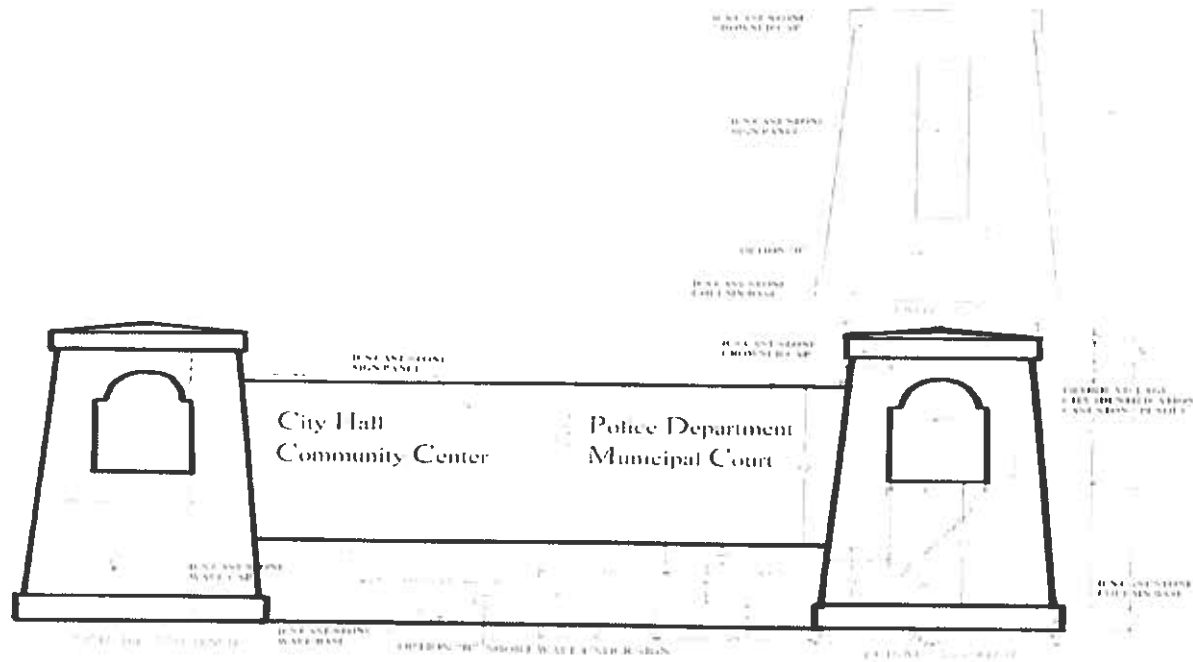




# Existing Park Sign/New Public Works Sign



# New City Hall Sign







Location of New  
Purple Works Sign

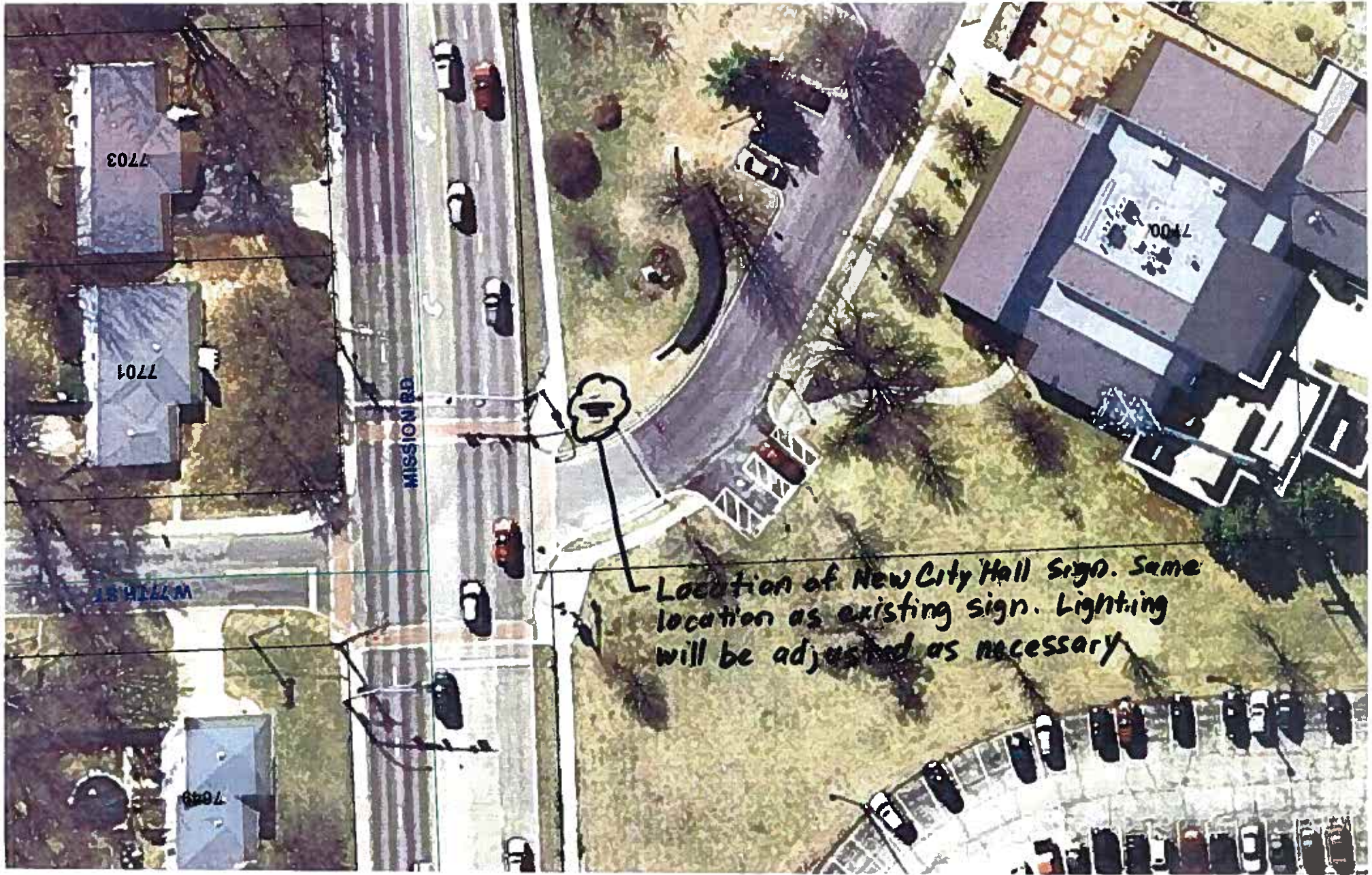
8018  
SOMERSET DR

CORINTH DR

SOMERSET DR

3531





Location of New City Hall Sign. Same location as existing sign. Lighting will be adjusted as necessary

MISSION RD

7703

7701

7000

7000

W 7TH ST



## MEMORANDUM

**TO:** Prairie Village Planning Commission  
**FROM:** Ron Williamson, Lochner, Planning Consultant  
**SUBJECT:** Proposed Amendment to Chapter 19.28 Special Use Permits to Incorporate a Protest Process  
**DATE:** December 4, 2012

Project # 000005977

### COMMENTS:

At its regular meeting on November 19, 2012, the City Council discussed the issue of including protest petitions for Special Use Permits and requested the Planning Commission authorize a public hearing to consider an amendment. There is a protest provision for zoning change requests which is mandated by State Statute. It states that if 20% of the property owners within the required notification area file a protest petition against the proposed change a 3/4 vote of all members of the Governing Body (10) are required to override a protest. There is no statutory requirement for protest petitions for Special Use Permits and each city can establish its own procedure. Prairie Village has had a Special Use Permit process in the ordinance since at least 1975 and probably longer, but has not included a protest provision.

As reported by citizens, the following communities in Johnson County provide for protest petitions for Special Use Permits:

- Overland Park
- Olathe
- Lenexa
- Mission
- Fairway
- Westwood
- Roeland Park
- Spring Hill
- Shawnee
- Bonner Springs
- Edgerton
- Gardner
- Leawood

If a protest provision is to be included, it is suggested that it be similar to the protest provision used for zoning change requests. A new section would need to be added to Chapter 19.28 Special Use Permits. The proposed language would generally be as follows, however, it may be modified and revised based on input from the public hearing:

#### **19.28.041 Protest**

Regardless of whether or not the Planning Commission recommends approval or disapproval of a Special Use Permit, if a protest petition against such Special Use Permit is filed in the Office of the City Clerk within 14 days after the date of the conclusion of the public hearing, signed by the owners of record of 20% or more of the total area required to be notified of the proposed Special Use Permit, excluding streets and public ways, such Special Use Permit shall not be passed except by a last a 3/4 vote (10 votes) of all members of the Governing Body.

### RECOMMENDATION:

It is the recommendation of Staff that the Planning Commission authorize a Public Hearing for the January 8, 2013 Planning Commission Meeting to consider adding a protest petition procedure for Special Use Permits.