

**PLANNING COMMISSION MINUTES**  
**October 2, 2012**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, October 2, 2012, in the Council Chamber, 7700 Mission Road. Vice Chairman Bob Lindeblad called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Dirk Schafer, Nancy Wallerstein, Gregory Wolf and Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, City Planning Consultant; Dennis Enslinger, Assistant 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 Vennard moved to approve the minutes of September 11, 2012 with the following changes: on page 4 - 7<sup>th</sup> paragraph - *strong* should be *strongly*; 9<sup>th</sup> paragraph *centers* should be *buildings*; on page 7 2<sup>nd</sup> paragraph, 4<sup>th</sup> sentence should read "Prairie Village Center is becoming more urban than suburban". The motion was seconded by Randy Kronblad and passed by a vote of 6 to 0.

**PUBLIC HEARINGS**

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

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

**PC2012-114 Request for Preliminary & Final Plat Approval - PV Shopping Center**

Ron Williamson stated that staff is recommending continuation of PC2012-08 Request for a Conditional Use Permit and PC2012-113 Site Plan approval for all but Phase 1 because all of the requested information has not been provided by the applicant. No elevations have been received for Hen House, nor has the entrance been determined. Staff has had discussions with the applicant on parking, but has not resolved any issues. The Commission asked for a response to the points raised by the tenants regarding the service area and these have not been addressed. The fire department is still reviewing emergency vehicle access information. This is a large project and staff does not recommend moving forward with a lot of loose ends. However, in order to be in compliance with the CID agreement, the Commission has adequate information to consider the entrances to the center from Mission Road and Tomahawk, which are Phase 1 of the Mission Lane Site Plan and the preliminary and final plats.

Curtis Petersen, with Polsinelli, Shughart, PC, representing the PV Shopping Center ownership, stated the applicant intended to come back with all three applications ready. They are very close to getting the needed answers from Hen House and discussions are moving forward on the new building. They are requesting the commission take action on what has been identified as (Phase 1) by staff on the site plan and the plat. The balance of the project will be submitted within the next few days for approval in November.

Gregory Wolf moved the Planning Commission continue PC2012-08 a request for a conditional use permit for a drive thru at 6920 Mission Road to the November 6<sup>th</sup> Planning Commission meeting. The motion was seconded by Nancy Vennard and passed unanimously.

### **PC2012-114 Request for Preliminary & Final Plat Approval - PV Shopping Center**

Prairie Village Shopping Center is an unplatted tract of land that is bordered by Mission Road on the east, 71<sup>st</sup> Street on the south and Tomahawk Road on the west and north. The applicant is proposing to vacate Mission Lane and Prairie Lane which the City has been encouraging for several years and is a requirement of the CID agreement. The applicant proposes to change the parking configuration in the center and implement a major streetscape plan for Mission Lane. Vacating the public right-of-way will provide the applicant more flexibility in design. In order to vacate Mission Lane and still provide access to Tomahawk Road, the service station and bank have agreed to the street vacation and will sign the plat.

Since this is the platting of an existing developed area and is relatively uncomplicated, staff has agreed to allow the applicant to submit both the Preliminary and Final Plats for consideration at the same time. The applicant also has a time constraint and needs to have the plat approved and recorded in order to start construction on Mission Lane in November to be in compliance with the CID Agreement.

### **Preliminary Plat**

The Preliminary Plat contains most all the information required by the subdivision regulations. There are a number of water, storm water and sanitary sewer lines on the property. Some of the lines are in easements and other lines are service lines to specific businesses. Since the applicant is submitting site plans for the redevelopment of the center in several phases, many items normally addressed in platting will be addressed through site plan approval.

The Flood Plain Zones are not currently labeled. The Zone X on the west side of Tomahawk is actually Zone AO. Also, the division line between Zone AD and Zone AE needs to be shown on the plat. The applicant needs to determine where the trail easement will be and show it on the plat. There is a KCP&L line running east and west across Lot 2 which needs to be in a utility easement or a letter needs to be obtained from KCP&L stating that an easement is not needed.

Staff recommends approval of the Preliminary Plat subject to the applicant making the Flood Plain corrections, adding the trail easements along Mission Road or Mission Lane and Tomahawk Road and resubmitting three copies of the revised document.

### **Final Plat**

Curtis Petersen responded the applicant agrees with staff conditions 1 and 9, but does not agree with #1 & #3. Their study of Mission Road reflects that it is not possible to construct even a six foot trail along Mission Road under the proposed development plan. They do not feel the construction of a trail along Mission Lane would be prudent from a safety viewpoint.

In addressing the ability of pedestrians and bike traffic to get from the south end of the center to the north end, Mr. Petersen presented the following available means: 1) the existing 10' trail along Tomahawk, 2) the public easement would allow bike riding on Mission Lane and 3) sidewalks can be used for bikes.

The Final Plat essentially has all the information on it that is required.

The trail easements need to be shown on the plat for both Tomahawk Road and Mission Road or Mission Lane and dedicated.

As depicted in the master trail plan and as required in the CID agreement the applicant has indicated they would prefer only language referencing to the possible dedication of the trails along Tomahawk and Mission Road.

The Tomahawk Trail is a City Project funded by the CID and the CID agreement contains clear language regarding the general location and design of the proposed trail. Therefore Staff is comfortable referencing the CID agreement on the face of the plat related to the Tomahawk Trail.

However, based on the proposed site plan, the applicant has not adequately addressed how the City would construct a trail on the West side of Mission Road. Originally, the CID called for buildings to front along Mission lane to accommodate a trail on Mission Road (i.e. the US Bank building would be replaced). With the proposed site plan, the overall concept of buildings fronting along Mission Lane has been revised to accommodate the Hen House expansion. Based on the site plan, it would be impossible for a trail to be constructed along Mission Road. Staff has proposed an alternative, that the trail be constructed along Mission Lane at the time it is redeveloped. However, the applicant has indicated that this is not desirable.

With the redevelopment of the UMB Bank site, a 10 foot section of sidewalk was constructed along Mission Lane and Mission Road to accommodate a trail as per the Master Parks Trail Plan. The applicant needs to address how a future trail along Mission Road or Mission Lane will be accommodated prior the filing of the plat and any future easements should be shown on the face of the plat.

The City does not want the liability or responsibility for maintaining the portion of the storm drain that is within the enclosed conduit. However, it is critical that this stream water flow not be impaired. The following language should be added to the PROPERTY OWNER MAINTAINED DRAINAGE AREA section on the Final Plat:

The Property Owner Maintained Drainage Area shall remain free of any obstruction which would restrict the flow of stormwater and said Drainage area shall be maintained by the property owner. On or before May 1<sup>st</sup> of each year, the property owner shall submit a certification from a professional engineer licensed in the State of Kansas to the Director of Public Works that said Drainage area is in good repair and is fully functional. If it is determined that repair is needed, the property owner shall be given a reasonable opportunity to perform the required maintenance or repair. If the City is required to perform maintenance or repair for any reason including debris removal, it shall have the right to assess said costs to the property owner. The City shall be absolved from all liability for the Property Owner Maintained Drainage Area.

The "60' Storm Drainage Easement" needs to be changed to "Property Owner Maintained Drainage Area" on the face of the plat.

The existing KCP&L line crossing Lot 2 needs to be installed underground.

The text for the City Council needs to be revised as follows:

The Governing Body of the City of Prairie Village, Kansas does hereby accept all public easements, ways of land and approves the public street vacations contained herein, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

The following recommendation was provided by Staff: It is the recommendation of Staff that the Planning Committee approves the Final Plat of Prairie Village Shopping Center subject to the following conditions:

1. That the trail easement for Tomahawk Road be noted as Section 7.04 of the CID Agreement and easements for Mission Road or Mission Lane be shown on the plat.
2. That the "60' Storm Drainage Easement" be changed to "Property Owner Maintained Drainage Area".
3. That text be added to the Property Owner Maintained Drainage Area as follows:

The Property Owner Maintained Drainage Area shall remain free of any obstruction which would restrict the flow of stormwater and said Drainage area shall be maintained by the property owner. On or before May 1<sup>st</sup> of each year, the property owner shall submit a certification from a professional engineer licensed in the State of Kansas to the Director of Public Works that said Drainage area is in good repair and is fully functional. If it is determined that repair is needed, the property owner shall be given a reasonable opportunity to perform the required maintenance or repair. If the City is required to perform maintenance or repair for any reason including debris removal, it shall have the right to assess said costs to the property owner. The

City shall be absolved from all liability for the Property Owner Maintained Drainage Area.

4. That the KCP&L line running across Lot 2 be installed underground.
5. That the signature block for the Governing Body be revised as follows:  
The Governing Body of the City of Prairie Village, Kansas does hereby accept all public easements, ways of land and approves the public street vacations contained herein, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.
6. That letters of subordination from lenders be submitted.
7. That the applicant submit the Final Plat to the Johnson County surveyor for a review.
8. That the applicant submit a certificate showing that all taxes and special assessments due and payable have been paid.
9. That the Final Plat as approved be revised and three copies submitted to the City for their records.

Curtis Petersen stated in response to condition #1 that the applicant would like to add the following language because the CID agreement may be amended from time to time, "That the trail for Tomahawk Road be noted as Section 7.04 of the CID agreement." They also do not want trail easements shown on the plat. Regarding condition #3 they would agree to take ownership and maintain the drainage area; however, they would like language added that would reflect where the city has done work in the past the developer would be held harmless for any liability and maintenance.

Bob Lindeblad stated the biggest question on the plat is the inclusion of the trail easements and asked if staff had provided the applicant possible trail scenarios. Mr. Enslinger responded staff has discussed possible options but has not provided any trail design for potential locations to the applicant.

Nancy Vennard asked if the plat needed to be approved in order for them to begin work. Bob Lindeblad responded they need to vacate the street to get things going. Nancy Wallerstein asked what would happen on the west side of Mission Road for trails. Mr. Enslinger responded there are trail connections needed at Tomahawk and at the corner of 71<sup>st</sup> and Mission Road. He noted the applicant could dedicate some portions along Mission Road as an option, but are unwilling to do so because of loss of parking spaces. Dirk Schafer felt the issues were too complicated to resolve this evening. Mr. Enslinger stated the only action needed is approval of the site plan for the north end.

Nancy Wallerstein confirmed that if the date was changed in the CID, the entire agreement would be open to possible change. Mr. Enslinger noted that both parties have to approve the changes.

Bob Lindeblad asked why the trail easements were being required. Mr. Enslinger replied by requiring the easements future development would be allowed. He added at the north end of the UMB site there is already a ten foot trail/sidewalk provided. Mr. Lindeblad stated it goes back to the implementation of the Trails Master Plan. Mr. Enslinger responded the direction he received from the Council was for an easement along Mission Lane to be considered. Mr. Lindeblad stated he felt Mission Lane was the worst possible location. Mr. Enslinger stated the easement could be given along Mission

Road as was the original intent of the CID but noted the existence of the U.S. Bank building in the current development makes this impossible.

Dirk Schafer asked what action could be done by Planning Commission without over committing. Mr. Enslinger responded approval of the north end of phase 1 of the site plan would be the simplest action. Randy Kronblad asked if that could be done without the approval of the plat. Mr. Enslinger replied it could be done with the approval of all the signers on the plat. Mr. Williamson noted there are other property owners included on the plat. Mr. Enslinger stated he doubted the plat could be approved by the County and filed by November 1<sup>st</sup>.

Curtis Petersen stated their intent is to work on the property only after the plat is approved. . He stated the applicant would be amenable to adding the trail easements where feasible along Mission Road. They have talked with the County and feel they could get the plat filed by November 1<sup>st</sup>.

Dennis Enslinger pointed out the work on the north entrance can be done without plat approval, as landscape work at UMB bank was allowed, and continue to work on the plat. Public Works will issue the necessary right-of-way permit.

Bob Lindeblad said the problem is the master plan for trails requiring trails where they don't fit and he did not recommend requiring the easements. Mr. Enslinger stated staff will work with whatever direction they receive from the Commission.

Curtis Petersen clarified their easement proposal along the retail section of Mission Road, noting it does not include the Macy's property. Mr. Enslinger stated a condition of approval could be the construction of a trail from Mission Lane to 71<sup>st</sup> Street. Mr. Lindeblad stated as long there are buildings in the way, he does not feel it is the right time to ask for easements. Nancy Vennard asked why an easement couldn't be given on the Macy's property. Mr. Enslinger noted they would lose parking spaces with a trail. It needs to be decided prior to ensure desired greenspace or trail.

Bob Lindeblad confirmed the applicant had issues on conditions #1 and #3 on the staff recommendation. Mr. Enslinger responded the requested change to condition #3 would need to be approved by the City Attorney and he does not see the City waiving liability on the face of a plat.

Keith Bredehoeft stated the closed part of the channel has always been the owner's responsibility to maintain. He doesn't understand the proposed language as every piece of land vacated has had some city improvement at some time.

Ron Williamson stated the information on the preliminary plat should be the same as the final plat.

Dirk Schafer stated that while the trail easements as proposed lead nowhere, he feels they should be given. Randy Kronblad noted they could be vacated at a future time, but this places the responsibility on the owner.

Dirk Schafer moved the Planning Commission approve PC2012-113, the preliminary and final plats for the Prairie Village Shopping Center subject to the following conditions:

1. That the trail easement for Tomahawk Road be noted as Section 7.04 of the CID Agreement. An easement for Mission Road from UMB to the US Bank Building.
2. That the "60' Storm Drainage Easement" be changed to "Property Owner Maintained Drainage Area".
3. That text be added to the Property Owner Maintained Drainage Area to be worked out between the staff and the applicant prior to the Council meeting.
4. That the KCP&L line running across Lot 2 be installed underground.
5. That the signature block for the Governing Body be revised as follows:  
The Governing Body of the City of Prairie Village, Kansas does hereby accept all public easements, ways of land and approves the public street vacations contained herein, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.
6. That letters of subordination from lenders be submitted.
7. That the applicant submit the Final Plat to the Johnson County surveyor for a review.
8. That the applicant submit a certificate showing that all taxes and special assessments due and payable have been paid.
9. That the Final Plat as approved be revised and three copies submitted to the City for their records.

The motion was seconded by Randy Kronblad. The motion passed unanimously.

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

It is critical that the applicant move forward on implementation of the CID Agreement in November and therefore, Staff is recommending that the Planning Commission only consider and approve Phase 1 of the proposed Mission Lane improvements. Phase 1 is indicated in blue on Sheet AS102 Phasing Plan and includes the two entrances to the Center one from Tomahawk Road and the other from Mission Road. Site Plan Approval for the Hen House expansion and the new building, including the Conditional Use Permit, are recommended to be continued to a future meeting.

The entrance from Mission Road to Mission Lane will have a stone wall, a fountain and landscaping on each side. An elevation of the wall is shown on Sheet AS102. The trail has not been shown on the plan for either Mission Road or Mission Lane.

Sheet LX-10.1 indicates that a stone wall will be constructed at the Tomahawk Road entrance; however, there will not be a fountain because of limited area. An elevation of the proposed wall needs to be submitted. The wall was left off the Planting Plan Sheet.

The applicant held a Neighborhood Meeting on August 23, 2012 in accordance with the Planning Commission Citizen Participation Policy. There were 16 attendees, and a number of issues were discussed. The Mission Lane streetscape was presented; however, no questions concerned Phase 1.

The Planning Commission reviewed the following criteria for site plan approval relative to the proposed Phase 1:

**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 pedestrian environment and the building and site aesthetics. Existing parking areas and drives will be utilized but enhanced with dedicated pedestrian ways and landscaping.

Phase 1 includes two very small areas while the remaining Phases 2 - 6 will have a significant impact on the aesthetics of the Center when they are completed.

**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.

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

The proposed Mission Lane plan provides more green space by adding plant beds along both sides of the street. A storm water management plan was not required for Phase 1, but will be required for the proposed addition of the Hen House and the new building.

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

The proposed improvements in Phase 1 will not affect the ingress or egress from the Center or change traffic patterns. Later Phases of the Mission Road Improvements will change some of the parking layouts and the profile of Mission Lane. Overall the proposed improvements will make the Center more accessible for customers.

**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.**

This is Phase 1 of the proposed 6 Phase improvement of Mission Lane. 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 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 today's market demands.

The Trail Plan has been adopted into the Comprehensive Plan and the trail needs to be located on Mission Road or on Mission Lane as an alternative.

It was the recommendation of the Staff that the Planning Commission approve this site plan for Phase 1 of Prairie Village Shopping Center subject to the following conditions:

1. 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.
2. That the applicant submit an elevation for the proposed wall at the Tomahawk Road entrance to Staff for review and approval prior to obtaining a permit.
3. That the applicant submit a materials palette to Staff with samples of the actual products that will be used.

Curtis Petersen stated the applicant accepted the recommendation with the conditions stipulated by Staff.

Dirk Schafer ask why the Commission was asked to approve part of this and not all. Curtis Petersen stated the CID agreement requires that Project A (the streetscape/Mission Lane work) is begun by November 1, 2012. Therefore, to be in compliance with the agreement partial approval of the site plan is necessary. They would be ok with waiting for full approval, if that were not the case.

Dennis Enslinger noted there is not sufficient time to amend the CID agreement and noted a change to the date would open all areas of the CID agreement to consideration.

Nancy Wallerstein said she would be more comfortable to get it right than to take action prematurely noting this is a large and important project. Dennis Enslinger responded the CID agreement provided two years to begin work on this project. The Council has not indicated that they want to open the CID agreement and staff is seeking a way for the applicant to be in compliance with the agreement. He would suggest starting with the improvements on the north end as they have the least impact on the remainder of the project that has not been approved. Once construction is begun the applicant has five years to complete.

Ted Odell felt it didn't make sense to start, but agreed with Mr. Enslinger that the work on the north side would be the best starting point under the circumstances.

Curtis Petersen stated the applicant would agree if the Planning Commission felt it would make more sense to provide additional time and not approve anything at this

point in time. Dennis Enslinger noted the Commission does not have the authority to change the requirements of the CID agreement.

Nancy Vennard stated one of the significant problems from her viewpoint is the lack of detail on the parking situation. The day after their last meeting it was announced that a theater was moving into the center which will obviously result in changes to the needed parking. The Commission can't work off partial parking data when the entire parking center needs must be considered. She needs a complete parking count. Bob Lindeblad asked if that information would be available for the next meeting. Mr. Petersen responded that plans are 95% complete missing only a couple details from Hen House.

Randy Kronblad moved the Planning Commission approve PC2012-113 granting site plan approval for the northern portion of the site as identified as "Phase 1" as shown on Sheet AS702 subject to the following conditions:

1. 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.
2. That the applicant submit an elevation for the proposed wall at the Tomahawk Road entrance to Staff for review and approval prior to obtaining a permit.
3. That the applicant submit a materials palette to Staff with samples of the actual products that will be used.

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

## **NON-PUBLIC HEARINGS**

### **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, requested approval of a waiver requiring retaining walls to be a minimum of two (2) feet from the property line to allow for the construction of an approximately 20 inch high retaining wall along the west property along for approximately 75 feet. A portion of the wall has already been constructed. The wall is to be constructed of concrete block, will have a bonding coat and will be painted. The wall will also have a capstone. The wall was constructed on a gravel base and has some rebar enforcement.

Ms Fisher stated the wall is being constructed because of grade and drainage issues relative to an existing garage structure causing water damage to his house. She stated the neighboring property owner has agreed to the placement of the wall on their property and the installation of French drains. The northeast corner of the garage appears to be approximately 12" on the neighboring property. Ms Fisher indicated there is also an easement to allow the footing of the garage on the adjacent property and she is working on securing additional easements for the wall.

Mr. Scott plans are to build a "v" section around the corner of the garage and then continue the retaining wall to the south approximately 20 feet to just past the existing

garage allowing for grade changes. Mr. Enslinger stated staff is not sure if the “v” section of the wall would be contained within the existing easement and the applicant should document that the “v” section would be within the existing easement that was granted for the garage structure.

Nancy Wallerstein felt this application needs to be continued.

Maggie Fisher noted the staff recommendation for approval and noted they are working on securing a survey to document the location of the retaining wall and will secure additional easements if necessary.

Gregory Wolf moved the Planning Commission approve PC2012-115 granting a waiver from Section 19.44.025B for the retaining wall at 2201 West 72<sup>nd</sup> Street subject to the following conditions:

1. The applicant provide documentation that the retaining wall is located on the applicant’s property, or within the easement obtained from the adjacent property as part of the garage structure;
2. The applicant provide drainage on the west side of the retaining wall to address any drainage issues related to the site;
3. The applicant provide a sample of the capstone for staff approval; and
4. The applicant provide documentation that the adjacent property owner has approved the installation of the drainage (French drain) on the west side of the wall.

The motion was seconded by Dirk Schafer.

Randy Kronblad asked if there was any reason the wall could not be constructed the required two feet from the property line. Ms Fisher responded the wall needs to connect with the corner of the house.

Nancy Vennard asked what the capstone material would be. Mr. Scott replied it would be a cinder block capstone approximately 2” to 4”. He is just looking for a way to stop the water.

Randy Kronblad stated he appreciates Mr. Scott’s problem but feels there are other ways to resolve the problem. He is not concerned with the corner of the garage but questioned why the wall needs to go all the way to the street,

Nancy Vennard stated she does not want to approve the waiver without the easements in place. Dirk Schafer stated he was comfortable approving because according to the conditions of the motion without the easements it will not happen.

Bob Lindeblad stated he has always had issues with the required two foot setback. He does not see a problem with the wall being placed on the property line and feels the wall is fine as constructed.

Dirk Schafer noted it would be better if it didn’t extend to the street.

Bob Lindeblad asked if the wall was in the right-of-way. Keith Bredehoeft replied it probably was.

Dennis Enslinger clarified that the wall would be extended approximately 20' in the back. Bob Lindeblad stated he does not feel anything should be done in the rear yard without a survey. Gregory Wolf stated his motion was intended for the front. Mr. Enslinger stated there are also drainage issues in the rear that need to be addressed. Mr. Scott stated he intended to extend the wall into the back approximately 10 feet. Mr. Enslinger stated the water issues would not be solved without the approval of some wall.

Maggie Fisher confirmed an easement was needed for any section of the project that was not being completed on Mr. Scott's property.

Gregory Wolf withdrew his original motion and moved the Planning Commission continue this application to its November meeting. Dirk Schafer agreed with the withdrawal of the original motion and seconded the new motion, which was passed unanimously.

**PC2012-117      Request for Site Plan Approval - Spin Pizza  
8226 Mission Road**

Chris Hafner, with Davidson Architecture & Engineering, was pleased to announce that Spin Pizza is locating in a portion of the old CVS Store and requesting elevation changes, a small expansion and approval of an outdoor eating area on the north and east sides of the proposed restaurant. The outdoor eating area is approximately 850 square feet with a seating capacity of 36. The proposed expansion is for a new vestibule of approximately eleven feet by thirteen feet. It also includes a door for access to the outdoor eating area.

The proposed outside seating area on the north side under the canopy would be located between the exterior building wall and the center of the canopy columns, which is approximately 11 feet in width. In order to maintain ADA accessibility through this area an unobstructed walkway of 42-inches should be maintained. That only allows one-way access. Two-way ADA access requires 60 inches. The distance between the columns and the curb is approximately 6'2" of which 30 inches is needed for vehicle overhangs and therefore would be adequate to accommodate an unobstructed 42-inch walkway in front of the canopy columns.

Corinth Center has approximately 313,139 square feet of leasable area including outdoor seating areas and the new CVS Pharmacy. The off-street parking requirement for mixed office/commercial center over 300,000 square feet is 3.5 spaces per 1,000 square feet. Therefore the required off-street parking is 1,096 spaces. LANE4 Property Group had a site survey prepared when the property was acquired and it indicates 1,238 spaces with 39 spaces designated as ADA accessible. The Center exceeds the minimum number of required off-street spaces by 142. The additional 800 square feet

added by Spin Pizza would require an additional 3 parking spaces. The CVS plan along with the revised parking layout along Mission Road increased the number of spaces by two. The Center would still exceed the minimum by 141 spaces.

An outdoor plaza is under construction on the east side of this proposed use. The exterior portion of the building is being upgraded in accordance with the redesign concept approved by the Planning Commission.

The plan shows planters on the east side but not on the north side. Staff recommended adding planters on the north side; however, Mr. Hafner stated they feel that would negatively impact ADA accessibility and would prefer to use hanging flower baskets placed on the wrought iron fence. Nancy Wallerstein confirmed the hanging flower baskets would be north of the sidewalk.

The Planning Commission reviewed the following site plan criteria:

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

The proposed site plan indicates the outdoor sidewalk location can accommodate the additional square footage for the outdoor eating area; however, it will need to meet ADA requirements for pedestrians to circulate along the covered walkway. No new parking areas or drives are required for this use. Planters are proposed between the plaza and the dining area on the east side. Hanging flower planters can be added to the north side. No plants have been identified on the plan and the applicant will need to submit that information to Staff for approval.

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

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

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

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

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

The proposed site will utilize existing driveways and the general circulation of the Center will not be changed. Adequate pedestrian accessibility will need to be maintained between the seating area and the parking lot on the north side.

**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. The primary site design issue is the need to maintain a minimum 42-inch walkway for ADA accessibility between the canopy columns and the parking lot curb.

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

The building façade will be changed significantly from the current predominantly stone to windows on both the north and east sides. The columns and stone will all be the same materials as the rest of the center so the proposed change will be compatible. The elevations indicate that the lower 42" of the glass area will be spandrel glass, but the color has not been identified. Spandrel glass is an additional material being introduced to the Center. The north elevation proposes glass to the floor while Land of Paws just to the west has a stone base under the windows. It would be preferable if the north elevation was consistent in design.

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

One of the principles of the Village Vision was to focus on redevelopment and reinvestment in the community. These issues have become primary goals for the City and this project represents a step in that direction. This is the opportunity to enhance and intensify the use of the building that will generate additional revenues for the City.

Randy Kronblad moved the Planning Commission approve PC2012-117, site plan for Spin Pizza's outdoor dining area subject to the following conditions:

- 1) That all lighting used to illuminate the outdoor area be installed in such a way as to not create any glare off the site and be in conjunction with the outdoor lighting regulations.
- 2) That a minimum 42-inch wide accessible walkway be maintained on the north side between the canopy columns and the parking lot curb so as to not be obstructed by vehicle overhangs onto the sidewalk.
- 3) That the applicant installs hanging flower planters on the north side and submit final landscape plan to Staff for review and approval.
- 4) That the glass on the north elevation have a stone base similar to Land of Paws.
- 5) That the applicant submit the color of the spandrel glass to staff for approval prior to the installation.

The motion was seconded by Nancy Wallerstein.

Nancy Vennard noted she works for the company that will be doing the interior space for this project, but does not view this as a conflict of interest and will be voting. The motion was voted on and passed unanimously

## **OTHER BUSINESS**

### **Presentation of Proposed Overlay Design District - Countryside East Homes Association**

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

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 development of development/design standards.

Staff has drafted the enabling language for the Neighborhood Conservation Overlay District. The draft language sets forth the criteria for the establishment of neighborhood conservation overlay districts, use of development/design standards and the appeal process.

The intent of the process is to have the Planning Commission, Governing Body, or at least 51% percent of the property owners within the proposed area, initiate the establishment of a district. There would be a formal hearing process before the Planning Commission and the Governing Body would 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.”

Dennis Enslinger stated 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 and the Countryside East Homes Association, felt that it was important to have some input from the property owners within the overlay district 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). This is a revision that is not included in the written documents submitted to the Planning Commission.

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.

Dan Blom, Chairman of the Overlay Committee, stated a committee of the home association was formed to review their deed restrictions and to determine what elements they wanted to address in the overlay district. The types of items to be included in the design overlay district guidelines are as follows:

- Focused on the street facing elevations
- Focused on “big ticket items” such as additions, porches and site placement of rebuilt homes, etc.
- Focused on providing options on how to expand existing homes within the neighborhood
- Focused on the “good neighbor approach”
- Focused on form of the additions and not on any particular style.

Mr. Blom reviewed the process which was started in 2009 by the Board. At their November Association meeting the concept of an overlay design district was presented. A neighborhood survey was then taken with more than 50% responding to the survey with 92% of the surveys approving the board moving forward on the concept. A neighborhood working group was formed. Full neighborhood group presentations were made as well as small group neighborhood presentations. Mr. Blom stated the committee worked with the following objectives in mind: 1) to allow flexibility for remodeling; 2) to protect the investment of current and future homeowners; 3) to maintain the character of the neighborhood with the guidelines; and 4) to encourage investment with clear guidelines.

Mr. Enslinger reviewed some of the proposed guidelines addressing building additions. A key component in the design overlay guideline is the definition of a one and a half story home. Although many of the Prairie Village homes associations have covenants that restrict development to one and a half story structures, those restrictions are not clearly defined as revealed in a recent court challenge of a homes association's deed restrictions.

Mr. Enslinger reviewed the proposed zoning amendment that would allow the overlay zoning district. This could be created in a residential or commercial zoning district. There are three ways to initiate the establishment of a district: 1) may be initiated by the Planning Commission; 2) may be initiated by the Governing Body or 3) may 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. The NC District does not change the underlying zoning.

The language has been added as a new Section 19.25.005 and addresses the purpose of such districts, the selection criteria and establishment of a district as well as the procedure and the development/design standards. The language also provides for an appeal process as described previously. The specific neighborhood conservation district would be adopted by reference.

Randy Kronblad confirmed there is no intent for this to become an architectural review board. He noted this will be a good tool to use at the beginning of a building process by a homeowner. Dennis Enslinger added this information would be available on the association's web site. Mr. Blom added it would be given out to and discussed with new residents moving into the area.

Mr. Enslinger stated based on the Commission's feedback the complete draft development/design standards for the Countryside Homes Association Overlay District will be presented to the Homes Association at their annual meeting in November.

Since the neighborhood overlay zoning district does not currently exist in the zoning code, the code amendment must first be approved and in place before the Countryside East Overlay District can be established. Once the zoning language is in place, it is the intent to either have the Planning Commission or City Council initiate the establishment



of the Countryside Homes Association Overlay District following the process outlined in the proposed amendment.

Bob Lindeblad stated he admired the homes association with staying on this project and keeping the process simple and addressing big items.

Nancy Vennard moved the Planning Commission authorize a public hearing on the proposed amendment to the City's Zoning Regulations by adding a new Chapter 19.25 entitled "Overlay Zoning District" for December 4<sup>th</sup> at the regular meeting of the Planning Commission. The motion was seconded by Randy Kronblad and passed unanimously.

**PC2011-121 Request for reconsideration of conditions of approval for  
SUP for wireless antenna at  
9011 Roe Avenue**

Gregory Wolf recused himself from hearing this application due to a professional conflict of interest.

Pete Ackers, representing Sprint, addressed the Commission regarding their earlier site plan approval for the addition of antennas and the replacement of equipment cabinets at the Fire Station site at 9011 Roe Avenue.

Sprint is requesting reconsideration of conditions #3 (that all equipment and wiring shall be below the screening fence) and #7 (that the applicant replaces the existing wood fence with a brick wall that is tall enough to screen the equipment boxes. The brick shall match the fire station brick as close as possible and plans for the wall shall be submitted to Staff for review and approval prior to obtaining a permit.

It was pointed out by Staff that the ice bridge is much higher on the pole than other installations and the intent was that it be lowered on the pole and the fence be increased to a height of 8 feet to screen all the cabinets and the ice bridge. However, Mr. Ackers stated that the ice bridge is owned by another carrier and Sprint does not have control of it and therefore cannot relocate it.

Mr. Ackers noted that the cost of building a wall that would screen the ice bridge as well as the cabinets would be cost prohibitive. He offered a compromise plan of an eight foot tall fence that is a combination of brick columns and vinyl panels. This equipment compound is located in a parking lot next to a driveway.

Ron Williamson noted vinyl is not as durable a material as brick and there are concerns regarding how well it will stand up in this location. Also there appears to be too much white. The Fire Station is red brick trimmed in white while this fence is white trimmed in red brick.

Staff concurred that constructing a wall tall enough to screen the ice bridge is more than what was intended. A compromise on the wall design from brick to white vinyl does not

achieve the aesthetic that was intended. The brick wall would blend with the Fire Station while the white vinyl fence would call attention to the equipment compound.

Randy Kronblad moved the Planning Commission's approval of PC211-122 for wireless antenna at 9011 Roe Avenue given on December 6, 2011, be amended to delete Condition #3 and retain Condition #7 as previously approved. The motion was seconded by Nancy Vennard and passed by a 5-0 vote with Gregory Wolf abstaining.

**PC2012-03 Request for Reconsideration of Parking as shown on approved site plan for Highlawn Montessori School**

Katherine Morrison on behalf of Highlawn Montessori, 3531 Somerset Drive, asked the Planning Commission to reconsider the location and number of parking spaces shown on the approved site plan approved by the Planning Commission on March 6, 2012.

The site plan approved by the Commission included four (4) additional parking spaces bringing the total parking spaces on the site to eighteen (18). The three spaces along the west edge of the property were to be constructed with grass pavers because they are in required green space setback. Mrs. Morrison stated that school has bid the cost of this type of construction and found it to be cost prohibitive. The required number of spaces by zoning ordinance provisions is two spaces for each classroom or sixteen (16) spaces.

Dennis Enslinger stated the applicant is seeking approval to provide three (3) additional spaces for a total of seventeen (17) spaces. One (1) of the spaces will be located at the south end of the existing lot as shown on the approved site plan. The applicant has located the two (2) remaining spaces on the adjacent parcel (playground area) in the driveway of the former residence on this location. Mr. Enslinger reviewed the proposed parking site locations.

Randy Kronblad moved the Planning Commission modify their March 6, 2012 site plan approval associated with PC2012-03 to provide a reduction of three parking spaces located on the west side of the property. The motion was seconded by Gregory Wolf and passed unanimously.

Bob Lindeblad asked when the new addition would open. Ms Morrison replied October 12<sup>th</sup>.

**NEXT MEETING**

Dennis Enslinger announced the filing deadline for the November 6<sup>th</sup> meeting is on Friday. The agenda will have the three continued applications from this evening and a residential fence height waiver has been filed. He also expect Standees to file for site plan approval in the Prairie Village Shopping Center. A possible BZA application for a side yard setback variance of just over a foot for garage addition at 5105 West 66<sup>th</sup> Street is expected.

Mr. Enslinger noted staff has met with Tutera regarding the Mission Valley School site. The school has been reserved for a preliminary presentation before the Planning Commission at the December meeting and a formal presentation with Commission action at the January 8, 2013 meeting. He noted at this time the plans only include a senior living facility that is larger than any of the existing facilities in the city.

Nancy Vennard asked about a tour of the Benton House facility. Mr. Enslinger stated they will be requesting of certificate of occupancy by Thanksgiving for marketing staff. He will contact them regarding arranging a tour for interested commission members.

#### **ADJOURNMENT**

With no further business to come before the Planning Commission, Vice-Chairman Bob Lindeblad adjourned the meeting at 9:40 p.m.

Bob Lindeblad  
Vice-Chairman