

**PLANNING COMMISSION MINUTES
AUGUST 7, 2012**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, August 7, 2012, in the Multi-Purpose Room, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Randy Kronblad, Bob Lindeblad, Gregory Wolf and Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Dennis Enslinger, Assistant City Administrator; Ted Odell, Council Liaison and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Nancy Vennard noted a spelling error on "clematis" on page 2 of the minutes. Randy Kronblad moved for the approval of the minutes of July 10, 2012 with the correction noted. The motion was seconded by Nancy Vennard and passed by a vote of 4 to 0 with Bob Lindeblad abstaining.

PUBLIC HEARINGS

**PC2012-07 Request for Special Use Permit for Daycare Program
9100 Mission Road**

Angela Bertocchini, Premier Learning Early Childhood Education, requested approval of a Special Use Permit for a child care center children ranging in age from 0 - 5 years. The child care center is located in Resurrection Lutheran Church at 9100 Mission Road. It is anticipated to use five existing classrooms in the church with each classroom designated for a specific age group as follows:

- Classroom A - Infants (0 - 12 months/walking, Ratio 2:6)
- Classroom B - Toddlers (Walking - Two years, Ratio 1:5)
- Classroom C - Two's (Two - Three years, Ratio 1:7)
- Classroom D - Three's (Three - Four years, Ratio 1:12)
- Classroom E - Four's (Four years - Pre-K, Ratio 1:12)
- Total number of children - 42

Ms. Bertocchini stated this is an estimated breakdown of children. She stated the site has been inspected and she has received a temporary license from the State of Kansas. Based on the size of the facility the state has granted a license for 52 children. The hours of operation will be 7:00 a.m. to 6:00 p.m., Monday - Friday, all year long with the exception of eight Holidays when they will be closed. It is anticipated that eight people will be employed at the child care center.

An outdoor play area is located at the south end of the building. A 42" black chain link fence has been installed. The playground will be divided into two sections; one for

children under 2.5 years and the other for those over 2.5 years. Playground equipment also has been installed.

Since the proposed child care center is entirely contained within the existing church building, no exterior changes are proposed for the building, and the outside improvement is a fence.

A neighborhood meeting on July 21, 2012 in accordance with the Planning Commission Citizen Participation Policy and one person attended the meeting. The attendee was interested in the operation of the facility and their only concern was keeping the dumpster within the fenced area.

No one was present to speak on the application. Chairman Ken Vaughn closed the public hearing at 7:06 p.m.

Dennis Enslinger noted that although Ms. Bertocchini has given a breakdown by age for the children staff recommends the permit be issued for a maximum number of children as the class breakdown could change over time. He stated staff is comfortable with increasing the number of children allowed to 52 as licensed by the state as there are no other providers at this location.

The Planning Commission made the following findings in review of this application for a Special Use Permit:

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

The child care program will be contained within an existing building and fenced playground which is in compliance with the zoning regulations.

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

The child care program will be an asset to the community because it will provide a much needed service for taking care of the children within the local area. It will be located within an existing building and will not adversely affect the welfare or convenience of the public.

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

The child care center will be located within an existing structure and use an existing parking lot therefore it should not create any problems for the adjacent property in the neighborhood. The playground area is fenced and the fence is approximately 150 feet north of 92nd Terrace providing significant green space. The request should be approved for a five year period so it can be reevaluated at that time.

4. **The location and size of the special 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 giving access to it, are such that this special 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 special use permit will so dominate the immediate neighborhood, consideration shall be given to: a) the location size and nature of the height of the building, structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.**

The child care center will accommodate a group of up to 42 children, and will use the church facility during normal working hours. This use will not have a dominating effect in the neighborhood because it is for a small number of children and it will be located within an existing building. No expansion of the building is proposed.

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

Access to the child care center will be from the parking lot on the west side of the building. The parking lot is large and can certainly accommodate the employee parking and the pick-up and drop-off traffic that will occur. There will be no changes in the parking lot from what currently exists.

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

Since this use will be occupying an existing facility, utility services are already provided.

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

Adequate entrance and exit drives currently exist at the facility and this proposed special use will utilize the existing infrastructure that is already in place. The access will be from Alhambra Street.

8. **Adjoining properties will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors, or unnecessary intrusive noises.**

This particular use does not have any hazardous materials, processes, odors or intrusive noises that accompany it.

9. **Architectural style and exterior materials are compatible with such style and materials used in the neighborhood in which the proposed structure is to be built or located.**

The special use has not required any changes in the exterior architecture or style of the existing building. The fence material is black chain link and appears to be compatible with the neighborhood. No independent signs are permitted on the property for this use unless approved by the Planning Commission.

Bob Lindeblad moved the Planning Commission find favorably on the factors for approval and recommends the Governing Body grant a special use permit for the operation of a child care program at 9100 Mission Road subject to the following conditions:

1. That the child care center be approved for a maximum of 52 children.
2. That the child care center be permitted to operate year-round from 7:00 a.m. to 6:00 p.m. subject to the licensing requirements by the Kansas Department of Health and Environment.
3. That the special use permit be issued for the child care center for a period of five years from the date of City Council approval and that if the applicant desires to continue the use after that time period expires, they shall file a new application for reconsideration by the Planning Commission and City Council.
4. No independent signs shall be permitted unless approved by the Planning Commission.
5. That the child care center occupies the outdoor space as shown on the plans submitted and if it is increased in area, the proposed expansion will be submitted to the Planning Commission for Site Plan Approval.
6. That the trash dumpster is contained within the fenced area so that it is screened from view.
7. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.

The motion was seconded by Gregory Wolf and passed unanimously.

Randy Kronblad noted there is currently a sign on the playground fence. Mr. Enslinger confirmed the sign was temporary and would be allowed for 90 days.

NON-PUBLIC HEARINGS

PC2012-112 Request for Site Plan Approval for fence setback 4310 West 71st Street

Claire Brettell, 4310 West 71st Street, requested a waiver from Section 19.44.025 C.1 which requires a ten (10) foot setback adjacent to 71st Street and 70th Terrace for the installation of a split rail fence. This property is located on a corner lot with two platted front yards (71st Street and 70th Terrace). The Chief Building Inspector has made the determination that the property has two front yards because of the platted designation.

The original fence location was actually located in the right-of-way of both 70th Terrace and 71st Street. The applicant is requesting the waiver from the setback requirements to make a more balanced and visual appearance in relationship to the residence. The request is to place the fence two (2) feet-four (4) inches from the property line along 70th Terrace and three (3) feet- seven (7) inches from the property line along 71st Street.

Dennis Enslinger stated that staff has been working with the applicant and calculated what it felt was a reasonable accommodation to allow for a fence.

The Planning Commission made the following review of the request:

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

The applicant is not proposing to significantly alter the existing building, parking or drive configuration. The open space will remain relatively the same since the proposed fence design is the same as the previous fence. The height of the proposed fence will meet existing code provisions of 2.5 feet.

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

The site has existing utilities.

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

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

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

The Planning Commission has given the placement of fences a great deal of consideration related to safe ingress and egress circulation. In developing setback standards for fences, the Planning Commission has considered impacts on adjacent properties. In this case, the two properties to the west could be adversely impacted. To alleviate such, an impact the zoning ordinance requires that new front yard fences be setback a minimum of ten (10) feet. This would allow clear visibility for anyone backing out of the adjacent driveway.

It was noted the applicant is proposing a decorative split rail fence which exceeds the 50% void ratio and should not have any adverse impact on the adjacent properties.

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

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

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

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

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

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

Nancy Vennard asked if the previous fence was 30" in height. Ms Brettell responded she was not sure. Mrs. Vennard noted this may be shorter than the previous fence. Ms Brettell stated the fence height was measured by the Building Inspector on site and it is approximately two inches shorter.

Randy Kronblad moved the Planning Commission approve PC2012-112 for a waiver to Section 19.44.025 C, for the property located at 4310 West 71st Street subject to the following conditions:

1. The fence be a minimum of two (2) feet -four (4) inches from the property line along 70th Terrace and three (3) feet- seven (7) inches from the property line along 71st Street;
 2. The fence design shall be a split rail fence design with a maximum height of 2.5 feet and
 3. Letter from the Homes Association approving the request is submitted.
- The motion was seconded by Gregory Wolf and passed unanimously.

OTHER BUSINESS

Discussion of Setback for Accessory Structures

Dennis Enslinger reviewed a draft of proposed language to clarify the setback requirements for accessory structures prepared by Ron Williamson as a follow-up to last month's application.

The new language states "Unless otherwise set out in these regulations, any accessory structure shall setback a minimum of three (3) feet from the rear and side lot lines, except that an accessory structure exceeding ten (10) feet in height shall be located a distance of one third its height from the rear and side lot lines. In residential districts, unless otherwise set out in these regulations, accessory structures shall not be located in the front yard."

Dennis Enslinger noted additional clarification needs to be added to address detached garages. This will be done and the new language brought back to the Commission for formal action at a later date.

Gregory Wolf asked if the introduction "unless otherwise set out in these regulations" was not sufficient to address detached garages. Mr. Enslinger responded it would, but staff would like it to be more clearly addressed.

Mr. Wolf asked if staff had made any progress in resolving the sign issue at 2200 West 75th Street. Mr. Enslinger responded staff is still working on that issue.

Next Meeting

The deadline for filing for the September meeting is August 10th. No applications have been received; however, it is anticipated that Lane4 will file an application for site plan approval, a conditional use permit for a drive-thru and an application for platting at the Prairie Village Shops. Due to the Labor Day Holiday, the September meeting will be on the second Tuesday, September 11th.

ADJOURNMENT

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 7:25 p.m.

Ken Vaughn
Chairman