

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 cannot be present, comments can be made by e-mail to 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 December 4, 2012

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, December 4, 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, Bob Lindeblad, Dirk Schafer, Nancy Wallerstein 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, Chris Engel, Assistant to the City Administrator, Keith Bredehoeft, Public Works Project Manager, Ted Odell, Council Liaison and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Minor changes to the minutes were made on the following pages: 6 (¶#9 - replace "deals with" with **determines**), 7 (¶#4 - replace "a" with **of**), 11 (last ¶ - delete sentence "The applicant is to report back to the Council on November 5th."), 19 (¶#5 - last sentence to read, **"All sides of the building are very visible"** and 29 (¶#3 - replace "send" with **sent**).

On page 25 Nancy Vennard noted the reference in the second to the last paragraph should be **"The Tavern"** not "The Story".

On page 14 Dirk Schafer the following sentence after the first sentence in the third paragraph: **"The applicant and staff will do an on- site tour of the Center to determine the use of space, including basements to determine to necessary parking required."**

Ron Williamson responded to questioned raised by Curtis Petersen regarding the minutes. Some of the wording questioned came directly from the staff report on the application and is appropriate. **If the staff and applicant cannot agree on the clearstory design, it will be returned to the Planning Commission for review and approval.**

Curtis Petersen, Polsinelli Shughart, addressed the Commission regarding the November 6th Planning Commission minutes. He noted there was significant discussion on the parking requirement issue and the methodology of determining how many parking spaces would be required. He requested that the following language be added to the minutes for further clarification: "The developer and staff agree that the parking table will show all the basement areas within the Center and will further identify the basement square footage as either office, public use/access and/or storage. In addition, the developer and staff will analyze and agree on the percentages of first floor space that is currently being used for storage".

Mr. Petersen also noted there was significant discussion on the entry element that is not reflected in the minutes. He noted it is very important to "Hen House" to maintain

the height and prominence of this entrance and have the ability to provide adequately sized signage that would still need to be approved by staff.

Randy Kronblad clarified that the Conditions of Approval on page 20 supersede the confirmation comment made by Curtis Petersen regarding the building façade design.

Nancy Wallerstein moved the minutes of the November 6, 2012 Planning Commission meeting be approved as amended with the changes noted by Commission members. The motion was seconded by Randy Kronblad and passed by a vote of 6 to 0.

PUBLIC HEARINGS

PC2012-09 Proposed revisions to Zoning Regulations adding Chapter 19.25 entitled “Overlay Zoning Districts”

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’s Homes Association Committee discussed several ways 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 development of development/design standards. It was decided the Countryside East Homes association would be the initial model for the development of this tool.

Dennis Enslinger presented the proposed enabling language for the Neighborhood Conservation Overlay District which sets forth the criteria for the establishment of neighborhood conservation overlay districts, the 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.

Nancy Wallerstein asked for clarification on the definition of a Neighborhood Conservation Overlay District. Mr. Enslinger responded there is not a specific definition. An area must meet the selection criteria of an area of at least five acres, possess an identifiable setting, character and association and have been established for at least 25 years. Also 51% of the landowners directly impacted must support the proposed district. He noted it could be an entire homes association as in the case of Countryside East or part of a homes' association.

Nancy Vennard confirmed the proposed language does not establish a neighborhood conservation overlay, but sets in place the language for an application to be made for the establishment of one and does not relate to a particular project or area.

Ken Vaughn asked who would work with the neighborhoods wanting to establish a district. Mr. Enslinger replied it would be someone from the City's Planning staff, probably himself or Mr. Williamson.

Chairman Ken Vaughn opened the public hearing for comments asking individuals wishing to address the Commission to come to the podium and give their name and address prior to making comment.

Dan Blom, 5408 West 64th Terrace, spoke on behalf of the Town & Country Homes Association who will be submitting for the first neighborhood Conservation Overlay District in support of the proposed revision to the code. He noted they took their final plan before their association at its last meeting and have 100% support for the district. Mr. Blom reviewed the process followed beginning with the discussion of the concept at the Homes Association Committee three years ago. He feels this option gives homes association with a way to address outdated or unclear deed restrictions. He noted that many times homes association boards do have members with the expertise and experience to address these issues and expressed appreciation for the support of Mr. Enslinger in the development of their district.

In their situation, they are not recreating deed restrictions, but providing a backup for the enforcement of deed restrictions while providing flexible guidelines while maintaining consistency throughout the neighborhood in the review and approval of proposed improvements while keeping in place the character of their neighborhood.

Dennis Enslinger noted an e-mail communication received from Loring Leifer in opposition to the proposed zoning regulations.

With no further comments the public hearing was closed at 7:32 p.m.

Nancy Vennard asked if there would be any fees other than the permit assessed. Mr. Enslinger stated that staff does not foresee any additional fees, but that will be a Council decision. Mrs. Vennard noted that during the development stage additional

city staff time will be required. Mr. Enslinger agreed but noted the review process will not require extra time and can be handled by staff in conjunction with the plan review.

Bob Lindeblad moved the Planning Commission recommend the Governing Body adopt the proposed change to the zoning code by adding Section 19.25 entitled "Overlay Zoning Districts". The motion was seconded by Nancy Wallerstein and passed unanimously.

Bob Lindeblad expressed his appreciation to the Board of Countryside East for their past three years of work to get the City to this point and commended them for their well thought-out guidelines and process.

Dennis Enslinger announced that this will go forward to the City Council on Monday, December 17th.

**PC2012-120 Request for Vacation of Utility Easement
7348 Roe Circle**

Jerad Foster, 7348 Roe Circle, stated there is an existing utility easement across the rear portion of his lot. He 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. Mr. Foster noted he 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. He is seeking approval to vacate the easement.

Nancy Wallerstein asked for the letter from KCP&L regarding the proposed vacation. The Commission Secretary read the letter received from KCP&L approving the proposed vacation.

Randy Kronblad confirmed the new easement will follow the actual location of the existing overhead lines.

Staff advised Mr. Foster he would 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.

Randy Kronblad moved the Planning Commission approve PC2012-120 approving the vacation of the platted utility easement at 7348 Roe Circle and forward their recommendation for approval to the Governing Body subject to the following conditions:

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

The motion was seconded by Dirk Schafer and passed unanimously.

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

Dennis Enslinger stated on November 5th, City Council reviewed and gave tentative approval for the expenditure funds 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.

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 were reviewed.

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.

Mr. Enslinger noted 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.

Randy Kronblad noted the proposed sign for City Hall does not include the R.G. Endres Gallery as it is on the current sign. Mr. Enslinger stated he would make that recommendation to the City Council

Nancy Vennard confirmed the change from "Public Safety" to "Police Department". Nancy Wallerstein questioned if the façade sign stated "Public Safety" and noted the two signs need to be consistent. Keith Bredehoeft stated Chief Jordan has requested the change to "Police Department".

Nancy Wallerstein asked if the signs would be lighted. Mr. Enslinger responded the City Hall would be lit as it currently is. There will be no lighting of the Public Works sign.

Bob Lindeblad moved the Planning Commission approve the proposed sign design for monument signs at 7700 Mission Road and 3535 Somerset subject to the following condition that the Planning Commission grant Public Works staff the authority to approve the site placement and landscaping plans for each sign and with the recommendation that the art gallery be identified on the City Hall sign. The motion was seconded by Randy Kronblad and passed unanimously.

OTHER BUSINESS

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

Ron Williamson state that 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. He noted there is a protest provision for zoning change requests which is mandated by State Statute which 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, most communities in Johnson County provide for protest petitions for Special Use Permits.

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.

Ted Odell report the Council felt that some of the special use permits have gone outside of the customary uses for the underlying zoning districts and feel the same option to protest should be available for residents.

Nancy Vennard asked how this would fit within the current moratorium. Dennis Enslinger reviewed the proposed timeline with the public hearing being held on January 8th and the Planning Commission's recommendation going before the Governing Body on January 21st. Once action is taken by the City Council, an ordinance will then be presented repealing the moratorium which was established to allow for consideration of this language.

Bob Lindeblad moved the Planning Commission authorize a public hearing for January 8, 2013 before the Planning Commission for consideration of a revision to the City's code adding a protest petition procedure for Special Use Permits. The motion was seconded by Randy Kronblad and passed unanimously.

Discussion regarding possible remodel to an existing non-compliant structure at 5225 West 87th Street.

John Sullivan, 5225 West 87th Street, is seeking to remodel a current non-compliant structure at this location. The property currently has a main house constructed in the 1920's and a second structure building in approximately 1964. They would like to remodel the smaller house. At this time, they are only allowed to work on the main

house as two houses are not allowed under code on one lot. Mr. Sullivan noted they were looking at a possible pool house or an unattached garage. Staff have advised him neither are allowed under current zoning.

Ken Vaughn stated the question before the Commission is the possibility of changing the regulations to allow for such use, not consideration of any action on this particular property. Mr. Enslinger reviewed what would currently be allowed under the zoning regulations.

Mr. Vaughn stated the Commission is not making a change in the zoning regulations at this time and advised Mr. Sullivan to work with staff within the guidelines of the current regulations and bring a specific plan back to the commission for consideration.

Consideration of Mission Valley Work session

Dennis Enslinger advised the Commission that the applicant for the development of the Mission Valley site has requested a work session with the Planning Commission to be held in February prior to the official public hearing and consideration of their application. The earliest the applicant could file would be January 22nd once the moratorium is lifted. That would place them on the March Planning Commission Agenda. Staff has recommended a March work session with an April public hearing and action by the City Council; however, they would like to get started as soon as possible.

Nancy Vennard asked what they are looking for in the work session. Mr. Enslinger stated they will be presenting three applications - one for an SUP for senior housing; an SUP for assisted living and site plan approval of the design elements. They are looking for preliminary feedback and interaction with the Commission.

Randy Kronblad confirmed the meeting would be open to the public. Mr. Enslinger stated it would need to be, but it would be the staff's recommendation that the Commission would not take public comment. It would be solely an informational opportunity for the residents. This timeline would allow staff more time for their review of this project.

Ken Vaughn confirmed that no action would be taken by the Commission but there would be interchange with the applicant. Nancy Vennard asked if this would be part of their regular meeting. Mr. Enslinger replied it is currently being considered as part of a regular meeting. He added staff has secured space at Shawnee Mission East and Indian Hills Middle School for the meetings when this is being considered.

Bob Lindeblad stated it is a reasonable request; however, he does not want to do it as part of a meeting. Ron Williamson stated the Commission could hold their regular meeting, adjourn and then enter into the work session. Staff is recommending a two month review process due to the scope of this project. Nancy Wallerstein noted that even starting in February, this may not get final action until April.

Nancy Vennard asked if they would have had neighborhood meetings with residents prior to the work session. Mr. Enslinger stated he could request that they do. They

cannot be required until they actually make application and the policy calls for the meeting to be held within a week of filing.

After additional discussion on meeting dates, times and format, staff was directed to notify the applicant that the Commission would hold a work session after the completion of its regular meeting on Tuesday, February 5, 2013 provided they hold an informational meeting with residents prior to this date/

Dennis Enslinger stated he would announce the work session in the January/February issue of the Village Voice. The notice would state that resident comments would not be taken at the work session with the only communication being between the developer and the Commission.

Next Meeting

The next meeting will be Tuesday, January 8th. At this time the only agenda item is the public hearing authorized this evening. The filing deadline is Friday, December 7th so there may be additional items on the agenda.

ADJOURNMENT

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 8:25 p.m.

Ken Vaughn
Chairman