

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
MUNICIPAL BUILDING - 7700 MISSION ROAD
TUESDAY, FEBRUARY 5, 2013
COUNCIL CHAMBERS
7:00 P. M.**

- I. ROLL CALL
- II. APPROVAL OF PC MINUTES - January 8, 2012
- III. PUBLIC HEARINGS
 - PC2013-02 Ordinance Revisions to Section 19.25 "Overlay Zoning District" to adopt Design Guidelines for Countryside East Homes Assn
Applicant : City of Prairie Village
(This item will be continued to the March 5, 2013 meeting)
- IV. NON-PUBLIC HEARINGS
 - PC2013-101 Site Plan Approval - Roe 89 Shops
8825 & 8839 roe Avenue
Zoning: CP-1
Applicant: Gastinger Walker Harden
(Continued to the March 5, 2013 meeting at request of applicant)
 - PC2013-104 Preliminary & Final Plat Approval - St. Ann's
7231 Mission Road
Zoning: R-1a
Applicant: Arnie Tulloch, Shafer, Kline & Warren
 - PC2013-105 Amendment to Sign Standards
4617 West 90th Street
Zoning: C-2
Applicant: Jennifer Schellhase
- V. OTHER BUSINESS
 - PC2011-116 Consideration of requested sign change at Corinth Square
- 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

***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
January 8, 2013

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, January 8, 2013, 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, 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 Project Manager, Ted Odell, Council Liaison and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Randy Kronblad moved the minutes of the December 4, 2012 be approved as written. The motion was seconded by Nancy Vennard and passed by a vote of 6 to 0 with Gregory Wolf abstaining.

PUBLIC HEARINGS

PC2013-01 Proposed Amendment to Chapter 19.28 "Special Use Permits" to incorporate a protest process

Ron Williamson noted the City Council established a 90 day moratorium on Special Use Permits at their meeting on November 5, 2012, to allow for the consideration of incorporating a protest process currently found in the rezoning process to the special use permit process. The City of Prairie Village has used the Special Use Permit provision for forty years or more, but a protest provision has never been a part of the approval process.

The special use permit regulations include several provisions that build in protection, such as, the ability to impose conditions, safeguards and restrictions upon the premises benefited by the special use as may be necessary to reduce or minimize any potentially injurious effect upon other property in the neighborhood. All special use permits are valid for a specified time period and cannot be transferred or assigned without acceptance of the terms or conditions of the original approval. Special use permits may be revoked by the Governing Body for violation of the ordinances of the City, for violation of district regulations or non-compliance with the conditions, limitations or requirements contained in the special use permit. With these built in protections, a protest process was not included in the original drafting of the zoning regulations.

Staff has verified that the Cities of Overland Park, Olathe, Lenexa, Mission, Fairway, Westwood, Roeland Park, Shawnee, Bonner Springs, Gardner and Leawood all have protest petitions for Special Use Permits. The Cities of Springhill and Edgerton do not use Special Use Permits, but use Conditional Use Permits instead and have protest petitions. Johnson County also has a protest petition for Special Use Permits.

Mr. Williamson noted that by adding the protest petition provision the application will be presented to the Governing Body at their first meeting of the month rather than the next Council meeting after the Planning Commission meeting. The opponents of a Special Use Permit will have 14 days after the conclusion of the Planning Commission public hearing to file valid protest petitions. There are only 13 days between a regular Planning Commission meeting (2nd Tuesday of the month) and a Governing Body meeting (3rd Monday of the month). Therefore, the application will normally be considered by the Governing Body at its first meeting of the month (1st Monday of the month). This will add two to three weeks to the approval process.

In reviewing the ordinances from other cities, several clarify what is a “valid” protest petition and some language has been added for clarification.

The proposed amendment is as follows:

Add the following Section to Chapter 19.28 Special Use Permits:

19.28.041 Protest

Regardless of whether or not the Planning Commission recommends approval or disapproval of a Special Use Permit, if a valid 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 at least a 3/4 vote (10 votes) of all members of the Governing Body.

Valid Protest Petitions must be signed and acknowledged by each and every owner(s) of property protesting a given action. The word “owner(s)” for purposes of protest petitions shall include all those individuals that may have ownership in subject real property or property within the notification area. If the property is owned by joint tenancy, all such owners must sign the petition by their own hand to be valid, unless the petition itself clearly indicates that one tenant has the legal authority to sign for and on behalf of the other. In the event a corporation, partnership or other organization meets the requirements to protest an action and desires to sign a petition, the following must appear on the petitions for such an organization to be counted with the petition: a) the proper name in which title to their property is held; and b) the address of their property; and c) the name of the individual signing on behalf of the corporation, partnership or other organization; and d) some indication of capacity or authorization of the individuals to sign on behalf of the corporation, partnership or organization.

To be a valid protest petition, the signature of each owner(s) signing the petition must be properly notarized.

Chairman Ken Vaughn reviewed the process to be followed for the public hearing asking speakers to identify themselves and asking those present to remain quiet during the comments to allow for all to be heard. He asked those speaking to keep their comments brief and not to repeat things previously stated.

Neil Shortlidge, attorney for the Mission Valley Neighborhood Association, addressed the Commission in support of the proposed language. He noted special use permits normally are a change in land use which may have a negative impact on the underlying zoning and noted this is why many cities allow for the protest of special use permits, as well as, rezoning. Mr. Shortlidge referenced case law regarding the interpretation and treatment of special use permits and zoning applications and the applicability of the "Golden Factors" to special use permits as well as in rezoning. He noted the KS Supreme Court ruled in at least 4 cases on the validity of the protest process for special use permits recognizing the neighboring property owners' right to be heard.

Mr. Shortlidge noted that protest petitions are allowed by state statutes and if the city fails to add the protest process, he feels its actions would be against state statutes and could be effectively challenged. Gregory Wolf asked if he was saying the current process followed by the city is flawed by Kansas law requirements. Mr. Shortlidge responded that it is his interpretation that it is.

Craig Satterlee, 8600 Mission Road, spoke in support of the proposed revision addressing the potential of in-fill development to negatively impact the existing neighborhood character and property values and the need to grant residents due process in consideration of the requested special use permit as well as in rezoning. .

Brian Doerr, 4000 West 86th Street, spoke in support of the proposed amendment noting that a land use change is a land use change whether it be by the rezoning of property or the allowance of a special use permit and a protest petition process should be available to residents in both scenarios to ensure their due process rights.

Mr. Doerr noted the extensive community input and involvement sought in the development of Village Vision and the Parks Master Plan. He stated a recent example of the city's support of its residents and neighborhoods is the recent approval of the establishment of neighborhood conservation districts giving residents a greater voice in the development and preservation of their community. The addition of the protest petition process for special use permits is another opportunity for the City to facilitate greater participation by its residents. There is no reason to not approve the proposed amendment.

Whitney Kerr, 4020 West 83rd Street, spoke in support of the amendment. He referenced the lack of communication during the initial Mission Road & 84th Street development proposal and between the developer and the residents. He feels the protest petition is needed to get the maximum communication between developers, residents and the City. He believes that without the protest petition process, it is easier for developers to strong-arm their plans through the process.

Jori Nelson, 4802 West 69th Terrace, spoke in support of the amendment as she believes residents should have a voice in the development of property surrounding

their property. She noted that Prairie Village is one of very few cities that do not already allow for this process in the consideration of special use permits. She feels this process will encourage a more open line of communication between the developer, the City and the residents. Ms. Nelson stated that when residents become involved the outcome is better development and urged the Commission to vote to recommend the adoption of the proposed language.

Larry dollar, 4112 West 91st Street, spoke in support of the amendment which affords neighbors a larger voice in the development of surrounding property. He feels this will improve communication between the city, community and developer. He noted getting neighborhoods involved is the role of government. The amendment will give Prairie Village residents the same rights given to most other Johnson County residents.

David Lillard, 3607 West 84th Terrace, a long-time resident of the city spoke in support of the proposed amendment and urged the City to join other cities by adopting the proposed amendment as others have. He believes the best results are achieved when all stakeholders have a voice and referenced his involvement in the development of property by Village Church along Mission Road and 94th Street in which the original application was challenged and through work with the neighboring residents a better project design and layout was created. It is important to give the community the opportunity to participate as full-fledged stakeholders in the development of land surrounding their properties.

With no one else wishing to address the Commission, Chairman Vaughn closed public participation at 7:35 p.m.

Gregory Wolf confirmed the City Attorney is aware of and will review the proposed amendment.

A resident in the audience confirmed that the protest petition applies to all property owners within 200' of the property and requires signatures of 20% of the landowners to be valid. If the protest petition is valid, Mr. Williamson stated the Governing Body will be required to have a supermajority (10 votes) to approve the requested special use permit.

Nancy Vennard stated she agreed with the concept of the protest petition process, but questioned the required 20% criteria. She felt that level potentially placed a lot of power with the contiguous property owners which may not represent the feelings of the entire neighborhood.

Bob Lindeblad noted that at the public hearing anyone is allowed to speak. The 20% criteria is established by state statute for rezoning applications. Mrs. Vennard feels that 30% would provide a better representation. Ron Williamson stated he felt it was better to stay with the 20% stipulated by the state for rezoning applications, noting that to increase it would be breaking new ground and would be more likely to be challenged. Ken Vaughn noted Mrs. Vennard raises a good point. Mrs. Vennard stated she does not want to see a protest based on a few opposing residents.

Nancy Wallerstein stated the need to be very clear on the number of votes - clarifying that a ¾ majority is 10 votes. Mr. Williamson responded the Governing Body includes the Mayor and would be 10 votes.

Mr. Williamson reviewed the process that would be followed in that a certified list of property owners would need to be acquired from the County of all property owners within 200 feet of the affected property. The signatures on the petition will need to be notarized with all property owners signing. Once submitted City staff will verify the petition.

Bob Lindeblad moved the Planning Commission recommend the Governing Body adopt the proposed amendment as written. The motion was seconded by Randy Kronblad and passed by a vote of 7 - 0.

Bob Lindeblad moved the Planning Commission recommend that the last two paragraphs of the amendment be added to Section 19.52.045, the protest petition for zoning amendments after the appropriate publication and public hearing. The motion was seconded by Dirk Schafer and passed by a 7-0 vote.

NON-PUBLIC HEARINGS

**PC2013-101 Site Plan Approval - Roe 89 Shops
8825 & 8839 Roe Avenue**

Dennis Enslinger stated the applicant has requested that this item be continue to the February 5th meeting of the Planning Commission.

Randy Kronblad moved that PC2013-101 be continued to the February 5, 2013 meeting of the Planning Commission. The motion was seconded by Dirk Schafer and passed by a 7 - 0 vote.

**PC2013-102 Site Plan Approval - St. Ann's
7231 Mission Road**

Arnie Tulloch, with Shafer, Kline & Warren, stated St. Ann Catholic Church and School are proposing a number of changes to their campus. They will be done in four phases. He noted revised plans were distributed at the meeting to address the addition of five feet to the north end of the school building.

Phase 1 changes include the demolition of the existing portion of the building north of the cell tower equipment room. This will be replaced by a smaller addition that will include a chapel and administrative offices. The main entrance to the church will be relocated to the lower level off the parking lot on the east side. A new lobby area will be built including an elevator for ADA accessibility.

Eight new classrooms are proposed to be added to the north end of the classroom wing. These classrooms will be on two levels with four on each level. An elevator will also be added to provide ADA access.

Phase 1 also includes relocation of utility lines as needed to accommodate expansion, as well as construction of a new driveway in front of the church parallel to Mission Road and a row of parking on the east side of the gym. The proposed driveway with five new parking spaces will provide additional access for those with disabilities, but also will provide access for hearses and limousines used for funerals. This provides direct access to the Nave while the new lobby and entrance will be at a lower level which would be more difficult to accommodate funerals.

Phase 2 will be a small addition of offices and hallway to the new chapel area.

Bob Lindeblad confirmed the latest revisions to the the north side of the school building was five feet.

Ron Williamson noted that in 1997 the Zoning Ordinance was amended to require private schools to obtain a Special Use Permit. St. Ann School is a private school and a Special Use Permit has not been approved for it. Since it was in existence prior to 1997, it is a legal nonconforming use, but cannot enlarge or expand until a Special Use Permit is approved. This application will only address the Site Plan for the Church and School expansion, but a permit for the school construction cannot be issued until the Special Use Permit is approved. Assuming the Planning Commission makes a recommendation on the protest petition amendment for Special Use Permits at the January meeting, the amendment will be considered by the Governing Body at its meeting on January 22nd. The Special Use Permit application could then be on the March Planning Commission Agenda and then the April 1st City Council meeting.

This property is unplatted and the applicant will submit a plat for consideration by the Commission at its February meeting.

A neighborhood meeting was held on December 19, 2012 in accordance with the Planning Commission Citizen Participation Policy. One family attended and the questions primarily dealt with the interior of the facility.

Ken Vaughn led the Planning 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 site is approximately 10.6 acres and the east five acres are primarily ball diamonds and play area which is open space. The new chapel and office addition will be a smaller building than what exists which will provide more green space between the church and the north access drive. The applicant is providing 21 new parking spaces on the east side of the gym. When the project is complete, there will be 305 off-street parking spaces and the ordinance requires 239 off-street parking spaces.

The applicant has submitted a landscape plan to replace plantings that will be destroyed during construction. It will need to be submitted to the Tree Board for approval.

The internal parking lot is a large mass of asphalt and some landscape islands are needed to soften the hardscape. The internal trafficway needs to be better defined to facilitate traffic flow.

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

The property is currently served with all utilities and the proposed improvements should not create the demand for additional utilities. No additional needs are contemplated for water and sewer services.

c. The plan provides for adequate management of stormwater runoff.

The applicant has proposed a small detention pond east of the new parking area. No calculations have been provided regarding the current impervious area versus the amount of impervious area after the project is complete. The applicant will need to prepare a stormwater management plan for submittal to and approval by the Public Works Department.

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

The ingress, egress and internal circulation will be essentially as it is now. Ingress is from the north drive off Mission Road and from Windsor Street to the east. Egress to Mission Road is available from both driveways and egress is also available to Windsor Street.

The new driveway does raise a concern. It will be one-way and accessed from the south. This means that vehicles will either enter the site from Windsor Street or enter from the north drive on Mission Road and drive completely around the entire complex to enter this drive. It is proposed that no left turns will be permitted from this drive to Mission Road. The plans on some sheets show that a left turn to access Mission Road will be allowed while other sheets show a curb that will prevent that movement. If left turns to Mission Road are permitted it could create cross traffic problems when people are arriving or leaving a service. On the other hand, prohibiting a left turn may create problems for exiting traffic during funerals.

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

The location of the proposed improvements work well with the existing development of the site. The applicant has attempted to retain as much of the existing vegetation on the property as possible and to supplement it with new plantings. The overall plan appears to be adequate and is consistent with good planning and site engineering design principles. The details of the storm water management plan need to be worked out with Public Works. The plans have not addressed outdoor lighting and, if outdoor lighting will be added or changed, it will need to conform to the City's new outdoor lighting regulation.

It appears that the two monument signs on Mission Road will be relocated as a part of this project. This will need to be coordinated with Staff to ensure that the signs will be in compliance with the sign ordinance.

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

The applicant has submitted color renderings of the proposed additions and it appears in general that the new improvements will be compatible with the existing buildings on the site. The applicant will need to identify the materials being used on the new addition and provide a materials board showing what materials will be used.

It also should be noted that any new mechanical units will need to be screened from the streets and adjacent property.

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

One of the goals of the Village Vision is to support a high quality educational and cultural environment for the residents of Prairie Village which includes investment and upgrading of facilities. It is fortunate that the site is adequate to accommodate the proposed expansion. The proposed project is very consistent with the Comprehensive Plan.

Randy Kronblad confirmed there will be sufficient parking on-site with the proposed additions.

Nancy Vennard confirmed the Commission is only approving Phase 1 and 2 at this time.

Arnie Tulloch explained the scheduling to allow for the school addition to be completed for the second semester of the 2013-2014 school year.

Randy Kronblad noted the submitted floor plan does not reflect the Phase 2 addition but noted it is reflected in the elevations and on the site plan. Gordon Kimble, architect on the project, drew the proposed work, an L-shaped addition to the north side of the building, on a floor plan and presented it to the Commissioners. Mr. Kronblad confirmed the building materials will be submitted to staff for review and approval. Ron Williamson added the staff will also review the outdoor lighting plan prior to the issuance of a building permit.

Randy Kronblad moved the Planning Commission approve the revised site plan as presented for Phases 1 & 2 for St. Ann's Church and School additions subject to the following conditions:

1. That the applicant works with Public Works for approval of the storm water management plan.
2. That new drives along Mission Road be designed to prohibit left turns and the design is approved by Public Works.
3. That the applicant use materials similar to those being used on the existing building and submit a material palette to Staff for approval.
4. That an outdoor lighting plan be submitted in accordance with Section 19.34.050 Outdoor Lighting of the Zoning Ordinance if applicable.
5. That the monument sign relocation plans be submitted to Staff for review and approval.
6. That the landscape plan be submitted to the Tree Board for review and approval prior to installation.

7. That all new mechanical units be screened from adjacent streets and properties.
8. That landscape islands be provided in the large parking area subject to review and approval of Staff.
9. That the applicant plat the property and that the plat be completed prior to occupancy of the new expansion.
10. That the site plan for the school expansion is approved subject to the approval of the Special Use Permit for the school. If the Special Use Permit is not approved by the Governing Body, the site plan shall be redrawn and resubmitted to the City removing the proposed school expansion.

The motion was seconded by Nancy Wallerstein and passed by a 7 - 0 vote.

**PC2013-103 Monument Sign Approval - First National Bank
4200 West 83rd Street**

Fred Stieg, with Luminous Neon, addressed the Commission presenting First National Bank located on the northeast corner of the 83rd and Somerset. This property was previously part of Corinth Square, Shopping Center, but is now under new ownership. The new owner is seeking approval for a monument sign and revised sign standards. A new monument sign was distributed to the Commission at the beginning of the meeting without the time & temperature feature on the original submittal. Mr. Steig stated the applicant has reviewed and accepts the staff comments and recommendation.

Nancy Vennard asked how far the proposed monument sign was from the intersection. Ron Williamson replied the plan is not clear and needs to be revised indicating that the sign will be setback 12 feet from the back of the curb from both 83rd Street and Somerset. It also must be on private property.

The proposed sign will be placed diagonally at the corner of 83rd and Somerset Drive and will be double faced. The sign will be five feet in height. The sign face will be 104" x 26" which is 19.5 square feet meeting the city's code. The base of the sign will be made of the same stone as used on the building and the sign will be an aluminum cabinet with the sign base widened so that it matches the edges of the sign. The sign will be internally illuminated.

Nancy Wallerstein asked if there were other monument signs in the City that were back lit. Staff replied there are internally lit signs for UMB, Missouri Bank, Corinth Square and elsewhere.

Ron Williamson noted the temporary sign at this location will need to be removed. The applicant has submitted a landscape plan for the base of the sign identifying specific plant material and that condition #4 of the staff recommendation should be removed. The Commission members acknowledged the colorful landscape plan presented.

Bob Lindeblad moved the Planning Commission approve the revised monument sign presented subject to the following conditions:

1. That the site plan be clarified that the sign will setback 12' from the back of the curb of both 83rd Street and Somerset Drive.

2. That the base of the sign be widened to the same width of the sign.
3. That the applicant remove the temporary sign when the monument sign installation is complete.

The motion was seconded by Gregory Wolf and passed by a 7 - 0 vote.

Ron Williamson noted this property is still operating under the sign standards for the Corinth Square Shopping Center which it was previously part of. New sign standards have been submitted for the building which will be used for a bank and offices.

The Planning Commission may, in the process of approving sign standards, approve deviations for the standard requirements as follows, provided said deviations will provide an equal or better development, adjacent properties will not be adversely impacted, and the spirit and intent of regulation will not be violated by granting of the deviation:

1. One sign may be permitted per façade with no requirement that the tenant has direct outside entrance or that the sign be adjacent to its space.
2. That text not be restricted on monument signs provided the sign is designed and built primarily of brick, stone and masonry, complements the building and does not include a case or enclosed cabinet design.

PROPOSED BUILDING SIGNAGE

In paragraph 2, only one sign is permitted per facade by ordinance, not one sign per tenant. The word fascia should be changed to facade to be compatible with the Sign Ordinance. One facade sign would be permitted on each facade of the building.

In paragraph 3, the maximum size of the sign permitted is 5% of the area of the facade but shall not exceed 50 square feet.

In paragraph 5, only one sign is permitted per facade not per tenant.

The building does not have a sign band and the drawings need to be submitted to identify where the signs will be placed on the building.

MONUMENT SIGNS

In paragraph 1, four wall signs are permitted. In the second sentence, it should state, "The area of the monument sign...."

In the second paragraph, the electronic time and temperature display needs to be deleted because the ordinance only permits a time and temperature display on the wall of the building.

Bob Lindeblad moved the Planning Commission approve the revised sign standards with the following changes recommended by staff:

1. Building Signage Section
 - a. Change the text to one sign per facade.
 - b. Change the word fascia to facade.

- c. Change the maximum size of the sign to 5% of the area of the facade but not exceeding 50 square feet.
 - d. Submit drawings identifying where the signs will be placed on the building.
2. Monument Signs Section
- a. Paragraph 1, four wall signs are permitted. Add "the area of".
 - b. Delete the second paragraph.

Subject to the review and approval by staff. The motion was seconded by Dirk Schafer and passed by a 7 - 0 vote.

OTHER BUSINESS

Direction from City Council to set a Public Hearing on Countryside East Conservation Overlay District

Dennis Enslinger stated the City Council adopted the proposed ordinance revision (Chapter 19.25) allowing for the establishing of Neighborhood Conservation Overlay Districts at its meeting on Monday, December 17, 2012. At that meeting they also directed the Planning Commission to set a public hearing for the consideration of the establishment of the Countryside East Neighborhood Overlay District.

Mr. Enslinger distributed the proposed Countryside East Neighborhood Overlay District final proposal to the Commission noting the only difference from the previous information given to the Commission was the inclusion of the legal description of all the properties within the district and a map.

Nancy Wallerstein moved the Planning Commission authorize a public hearing on Tuesday, February 5th for consideration of the establishment of the Countryside East Neighborhood Overlay District pursuant to Chapter 19.25 of the Prairie Village Municipal Code. The motion was seconded by Gregory Wolf and passed by a 7 - 0 vote.

Next Meeting

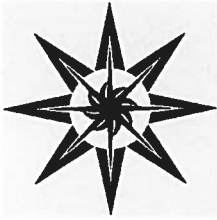
The February 5th meeting of the Planning Commission will be held at the Indian Hills Middle School. The agenda items will include the public hearing for the Country East Neighborhood Overlay District, the continued application PC2013-101 for site plan approval at 8825 & 8839 Roe Avenue and approval of a plat for the St. Ann's Church and School property. The meeting will be followed by a worksession with the development team for the former Mission Valley School property. This will be a worksession after the conclusion of the Commission meeting between the Commissioners and the development team. No public comment will be accepted.

Dennis Enslinger noted that the developer is holding a public information meeting on January 24th from 6:30 to 9:30 p.m. at Shawnee Mission East. He advised staff currently has pre-submittal plans that they intend to place on the city's website project page in the next few weeks.

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



CITY ADMINISTRATION

Planning Commission Meeting Date: February 5, 2013

PC2013-02 Ordinance Revisions to Section 19.25 "Overlay Zoning District" to adopt Design Guidelines for Countryside East Homes Assn
Applicant: City of Prairie Village

RECOMMENDATION:

Staff recommends that the Planning Commission continue consideration of the establishment of the Countryside East Neighborhood Overlay District to March 5, 2013.

MOTION:

I move that the Planning Commission continue item PC 2013-02 Ordinance Revisions to Section 19.25 "Overlay Zoning District" to adopt Design Guidelines for Countryside East Homes Association to March 5, 2012.

BACKGROUND:

On January 8, 2013, the Planning Commission set the public hearing for consideration of the Countryside East Neighborhood Overlay District at the February 5, 2013 Planning Commission meeting. Due to staff error, proper notification of the public hearing did not occur. Staff is requesting that the Planning Commission continue this item to March 5, 2013 to allow for proper notification.

PREPARED BY

Dennis J. Enslinger
Assistant City Administrator
Date: January 30, 2013

LOCHNER

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, Lochner, Planning Consultant
DATE: February 5, 2013 Planning Commission Meeting Project # 000005977

Application: PC 2013-104

Request: Preliminary and Final Plat Approval for Saint Ann's Church

Property Address: 7231 Mission Road

Applicant: Shafer, Kline & Warren for St. Ann Catholic Church

Current Zoning and Land Use: R-1B Single Family Residential District – Church and School

Surrounding Zoning and Land Use: **North:** RP-3 Planned Garden Apt. District & R-1B Single Family Residential – Apartments and Single Family Dwellings
East: R1-B Single Family Residential District – Single Family Dwellings and Windsor Park
South: C-0 Office Building District – Offices and R-1B Single Family Residential District – Single Family Dwellings
West: R1-B Single Family Residential District – Single Family Dwellings

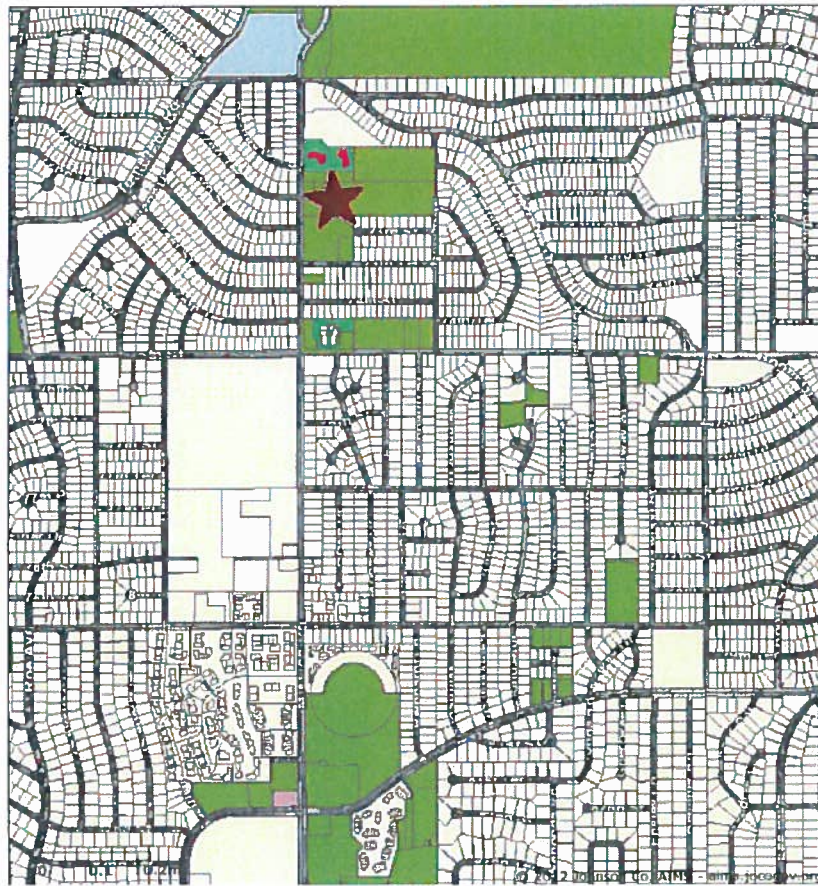
Legal Description: Metes and Bounds - Unplatted

Property Area: 10.6 Acres

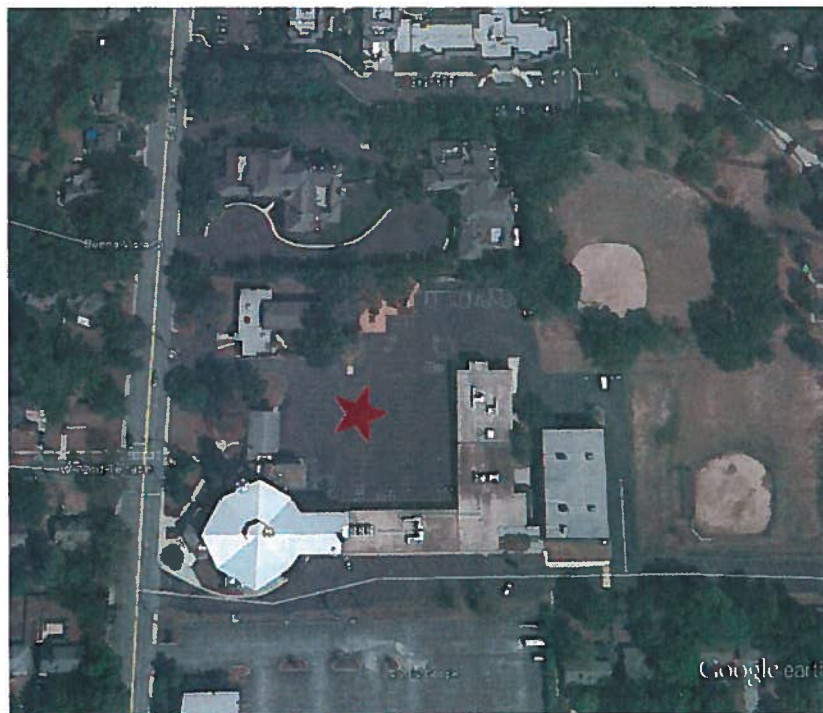
Related Case Files: PC 2013-102 Site Plan Approval for Church & School Expansion
PC 2011-122 Site Plan for Wireless Facility Changes
PC 2011-113 Monument Sign Approval on Windsor Street
PC 2007-120 Monument Sign Approval
PC 2006-11 SUP for Wireless Facility
PC 1996-86 SUP for a Wireless Facility
PC 1987-104 Site Plan Approval for Expansion

Attachments: Application, Plans and Photos

General Location Map



Aerial Map



STAFF COMMENTS:

St. Ann's Church Site is unplatted and is approximately 10.7 acres in area. At its regular meeting on January 8, 2013, the Planning Commission approved a Site Plan for the expansion of the Church and School. One of the conditions of approval was that the land be platted.

The area is proposed to be platted in two lots. Lot 1 is approximately 6.1 acres; includes the developed portion of the property, and fronts on Mission Road. Lot 2 is approximately 4.6 acres, includes the recreation area and fronts on Windsor Street.

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 at the same time.

PRELIMINARY PLAT

The Preliminary Plat contains the information normally required. As can be seen there are several easements for sanitary sewer, power and drainage. There is a water line on the east side of the gym that does not show a connection to either the north or south. It is also noted that it is in a "possible easement." An easement needs to be shown on the Final Plat unless a release is granted by Johnson County WaterOne.

FINAL PLAT

The Final Plat contains essentially all the information required.

There is one minor item. A dimension of 365.52' is shown on the north side of Lot 2. There does not appear to be any purpose for this number and it should be removed.

Also, the Governing Body does not approve plats but accepts easements and right-of-ways. A note should be added under dedications as follows: "All right-of-ways and easements as shown on the face of the plat are hereby dedicated to the public." The signature of the Governing Body should also be changed as follows: "The Governing Body of the City of Prairie Village, Kansas does hereby accept all public easements and right-of-ways contained herein, this ____ day of _____, 2013."

The sanitary sewer easement running north and south through Lot 2 is shown on the Preliminary Plat but is left off the Final Plat.

The water line easement on the east side of the gym needs to be shown on the Final Plat or released.

RECOMMENDATION:

It is the recommendation of Staff that the Planning Commission approve the Preliminary and Final Plats of Saint Ann's Catholic Church subject to the following conditions:

1. That the dimension of 365.52 feet on the north side of Lot 2 be removed.
 2. That the following text be added to the Dedication section:

“All right-of-ways and easements as shown on the face of the plat are hereby dedicated to the public.”
 3. 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 and right-of-ways contained herein, this _____ day of _____, 2013.”
 4. That the sanitary sewer easement be shown on Lot 2.
 5. That the water line east of the gym be in an easement or the easement released by WaterOne.
 6. That the Final Plat as approved be revised and three copies submitted to the City for their records.
 7. That the applicant submit the Final Plat to the Johnson County surveyor for a review.
-

CITY OF PRAIRIE VILLAGE, KANSAS

FINAL PLAT CHECKLIST

PC 2013-1026
Subdivision No.: _____
Date Filed: 1-3-13
Date of Meeting: 2-5-13
Filing Fee: 100
Deposit: 500

- I. Name of Subdivision: SAINT ANN'S CATHOLIC CHURCH
- II. Name of Owner: Roman Catholic Archdiocese of Kansas City in Kansas
- III. Name of Subdivider: Same
- IV. Name of Person who prepared the Plat: Shafer Kline & Warren

V. Instructions:

The following checklist is to be completed by the applicant and shall accompany the Final Plat when it is filed with the City. If the answer to any of the questions is "No." a written explanation must accompany this checklist.

- | VI. Does the Final Plat show the following information? | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| A. Name of the subdivision. | <u>X</u> | — |
| B. Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. | <u>X</u> | — |
| C. Location of monuments or bench marks. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street, lines, including the true angles and distances to such reference points or monuments. | <u>X</u> | — |

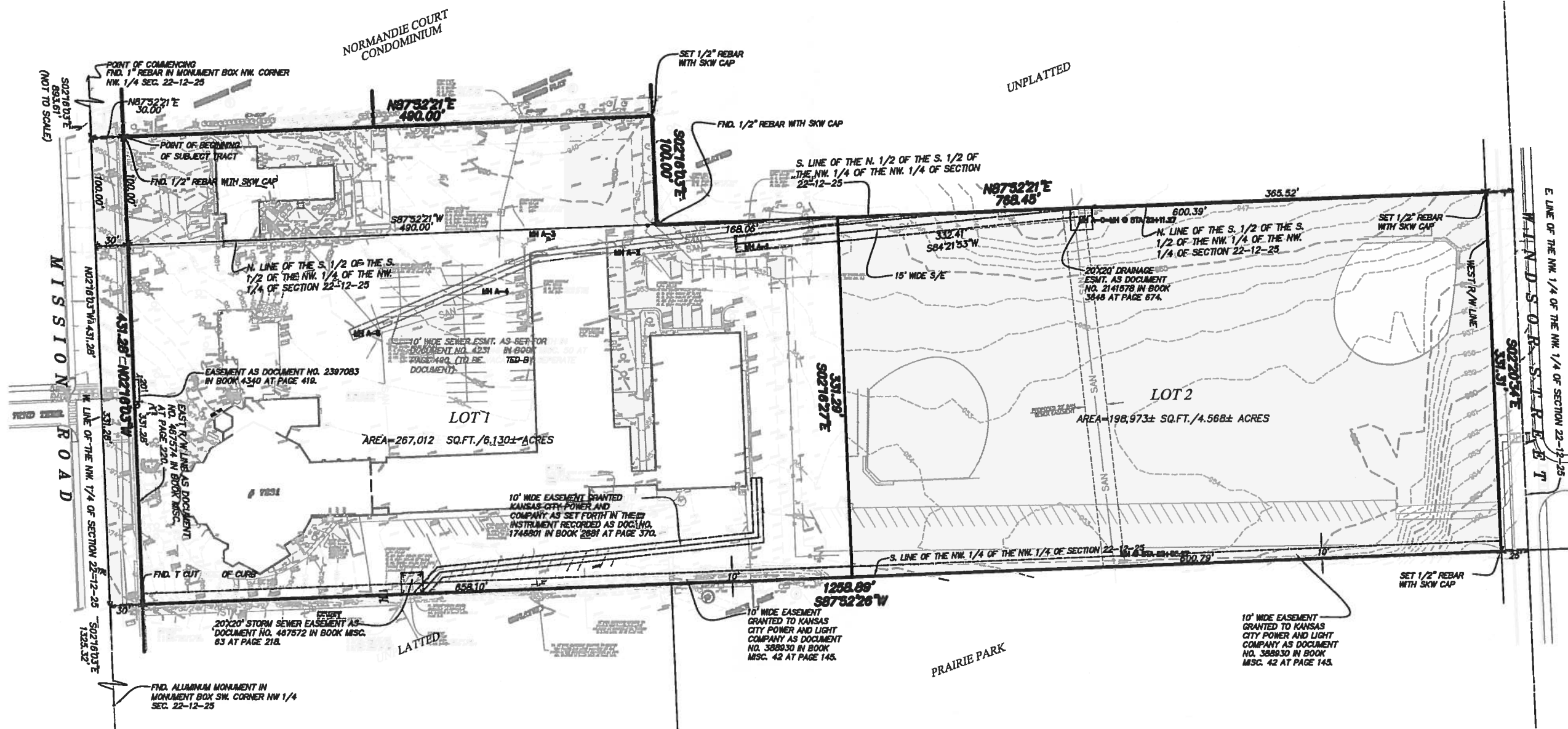
- | | | |
|--|----------|----------|
| D. The location of lots, blocks, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all curbs to lot lines. | <u>X</u> | — |
| E. Lots numbered clearly. Blocks numbered or lettered clearly in the center of the block. | <u>X</u> | — |
| F. Exact locations and widths of all streets, easements, and alleys to be dedicated and the names of all streets. | <u>X</u> | — |
| G. Boundary lines and descriptions of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use. | <u>X</u> | — |
| H. Minimum area and associated minimum elevation for the building on each lot planned as a building site when requested by the Planning Commission. | — | <u>X</u> |
| I. Building setback lines on the front and side streets with dimensions. | — | <u>X</u> |
| J. Name and address of the registered land surveyor preparing the plat. | <u>X</u> | — |
| K. Scale of plat, 1" = 100' or larger, date of preparation, and north point. | <u>X</u> | — |
| L. Have the following certifications been included? | | |
| 1. Owner or owners statement dedicating all easements, streets, alleys, and all other areas not previously dedicated. | <u>X</u> | — |
| 2. Signature of all mortgagers having an interest in the property. | <u>X</u> | — |
| 3. Registered engineer or surveyor preparing the plat. | <u>X</u> | — |
| 4. Chairman and Secretary of Planning Commission. | <u>X</u> | — |
| 5. Mayor and City Clerk for acceptance of dedications. | <u>X</u> | — |
| 6. Registrar of Deeds. | — | — |

- VII. Was the original on mylar and at a size acceptable to the Register of Deeds, and were sixteen (16) copies submitted? ___ X
- VIII. Was the electronic copy prepared for submission to the county in the correct format? ___ ___
- IX. Have all acknowledgements been signed:
 - A. Owner or owners and all mortgagors. ___ X
 - B. Dedications or reservations. ___ X
 - C. Engineer, surveyor, or person preparing plat. ___ X
- X. Title Opinion:
 - A. Submitted (Date) _____ ___ ___
- XI. Has certification been submitted stating that all taxes and special assessments due and payable have been paid? ___ X
- XII. Deed Restrictions:
 - A. Are any deed restrictions planned for subdivision? ___ X
 - B. If so, has a copy been submitted? ___ X
- XIII. Have final engineering drawings been prepared and submitted for all required improvements; i.e., streets, sidewalks, storm drainage, etc.? ___ ___
- XIV. How has installation of the following improvements been guaranteed?

	<u>Construction</u>	<u>Bond</u>	<u>Other Financial Surety</u>
Streets	_____	_____	_____
Water	_____	_____	_____
Sewer	_____	_____	_____
Sidewalks	_____	_____	_____
Other, as required			
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____

- XV. Are additional comments attached? ___ ___

**PRELIMINARY PLAT OF
SAINT ANN'S CATHOLIC CHURCH**
PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS



LEGAL DESCRIPTION:

All that part of the S 1/2 of the S 1/2 of the NW 1/4 of the NW 1/4 of section 22, Township 12 South, Range 25 East, all within the City of Prairie Village, Johnson County, Kansas, more particularly described as follows:
Commencing at the NW Corner of the NW 1/4 of Section 22, Township 12, Range 25, thence S 2° 18' 03" E, along the west line of the NW 1/4 of said Section 22, a distance of 893.61 feet; thence N 87° 52' 21" E, a distance of 30.00 feet, to a point on the east right-of-way line of Mission Road as established by Document No. 467874 in Book Misc. 63 of Page 490 as filed in the Register of Deeds Office Johnson County, Kansas, said point being the True Point of Beginning of Subject Tract; thence N 87° 52' 21" E, a distance of 490.00 feet; thence S 02° 18' 03" E, a distance of 100.00 feet, to a point on the north line of the South 1/2 of the South 1/2 of the Northwest 1/4 of the Northwest 1/4 of said Section 22; thence N 87° 52' 21" E, along the said north line, a distance of 768.45 feet, to a point on the west right-of-way line of Windsor Street, as now established; thence S 02° 20' 34" E, along said west right-of-way line, being 25 feet West of and parallel with the east line of the Northwest 1/4 of the Northwest 1/4 of said Section 22, a distance of 331.31 feet, to a point on the south line of the Northwest 1/4 of the Northwest 1/4 of said Section 22; thence along said south line, S 87° 52' 28" W, a distance of 1258.89 feet, to a point on the east right-of-way line of said Mission Road; thence N 02° 18' 03" W, along said east right-of-way line, being 30 feet East of and parallel with the west line of the Northwest 1/4 of said Section 22 line, a distance of 431.28 feet, to the True Point of Beginning.

OWNER OF RECORD: SAINT ANN'S CATHOLIC CHURCH
7231 MISSION ROAD
PRAIRIE VILLAGE, KANSAS 66208
CONTACT: BILL SCHAFER, BUSINESS MANAGER

CIVIL ENGINEER: SHAFER, KLINE & WARREN, INC.
11250 CORPORATE BOULEVARD
LENEXA, KANSAS 66219
CONTACT: CHARLES A. TULLOCH,
L.S. EMAIL: tulloch@skw-inc.com
p. 913-888-7800 x 2507

LA 110555-000	CONV. 110555-000	PRELIMINARY	DATE: 1/21/2013
LA 110555-000	CONV. 110555-000	PRELIMINARY	DATE: 1/21/2013
LA 110555-000	CONV. 110555-000	PRELIMINARY	DATE: 1/21/2013
LA 110555-000	CONV. 110555-000	PRELIMINARY	DATE: 1/21/2013

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

SHAHER, KLINE & WARREN, INC.
11250 CORPORATE BOULEVARD, LENEXA, KS 66219-1302
913/888-7800 FAX 913/888-7805
Tulsa, OK
Horton, MO
North Kansas City, MO
North Kansas City, KS
Lenexa, KS
St. Louis, MO
St. Paul, MN
St. Petersburg, FL
Tampa, FL
Wichita, KS

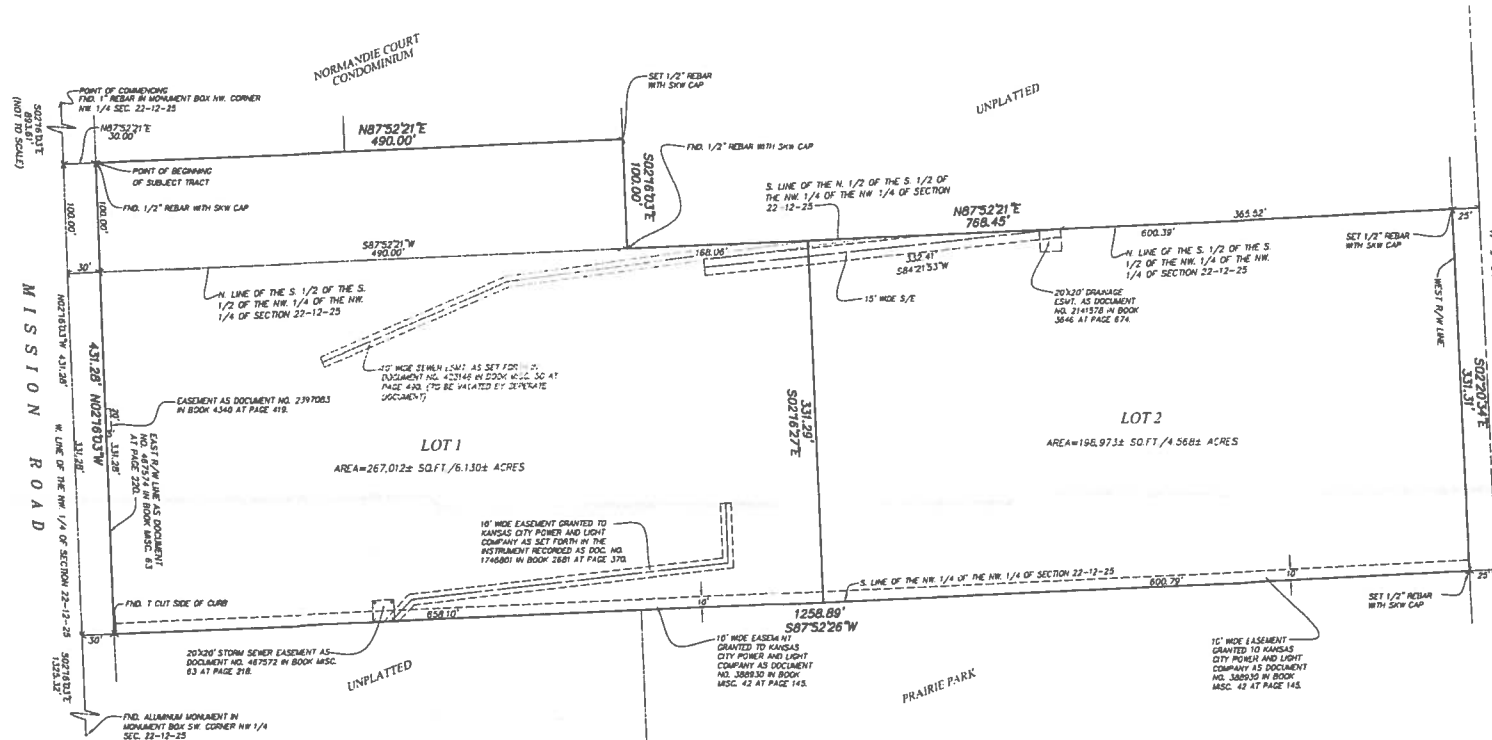
ST. ANN CATHOLIC CHURCH BUILDING ADDENDUM
PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS
PRELIMINARY PLAT
SAINT ANN'S CATHOLIC CHURCH

SCALE: 1" = 40'
40' 20' 0 40'

811
Know what's below.
Call before you dig.

110555-000
SHEET NO.
C0.01

FINAL PLAT OF
SAINT ANN'S CATHOLIC CHURCH
 PART OF NW1/4 OF SECTION 22, TOWNSHIP 12 SOUTH, RANGE 25 EAST,
 THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS



LEGAL DESCRIPTION:
 All that part of the S 1/2 of the NW 1/4 of the NW 1/4 of section 22, Township 12 South, Range 25 East, of within the City of Prairie Village, Johnson County, Kansas, more particularly described as follows:
 Commencing at the NW Corner of the NW 1/4 of Section 22, Township 12, Range 25, thence S 2° 16' 03" E, along the west line of the NW 1/4 of said Section 22, a distance of 893.81 feet; thence N 87° 52' 21" E, a distance of 30.00 feet, to a point on the east right-of-way line of Mission Road as established by Document No. 467574 in Book Misc. 63 at Page 490 as filed in the Register of Deeds Johnson County, Kansas, said point being the True Point of Beginning of Subject Tract; thence N 87° 52' 21" E, a distance of 490.00 feet; thence S 02° 16' 03" E, a distance of 100.00 feet, to a point on the north line of the South 1/2 of the Northwest 1/4 of the Northwest 1/4 of said Section 22; thence N 87° 52' 21" E, along the said north line, a distance of 768.45 feet, to a point on the west right-of-way line of Windsor Street, as now established; thence S 02° 20' 34" E, along said west right-of-way line, being 25 feet West of and parallel with the east line of the Northwest 1/4 of the Northwest 1/4 of said Section 22, a distance of 331.31 feet, to a point on the south line of the Northwest 1/4 of the Northwest 1/4 of said Section 22, thence along said south line, S 87° 52' 26" W, a distance of 1258.89 feet, to a point on the east right-of-way line of said Mission Road; thence N 02° 16' 03" W, along said east right-of-way line, being 30 feet East of and parallel with the west line of the Northwest 1/4 of said Section 22 line, a distance of 431.28 feet, to the True Point of Beginning.

OWNERS CERTIFICATION AND DEDICATION:
 The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "SAINT ANN'S CATHOLIC CHURCH".
 In accordance with KSA 12-512b, all rights, obligations, reservations, easements, or interest not shown on this plat shall be vacated as to use and as in title, upon filing and recording of this plat. The proprietors, successors, and assigns of property shown on this plat hereby observe and agree, jointly and severally, to indemnify the Prairie Village, Kansas, of any expense incident to the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with proposed improvements described in this plat.
 An easement is granted to lay, construct, alter, repair, replace or operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "S/E" on this plat are hereby dedicated to the Johnson County Wastewater Districts or their assigns.

IN TESTIMONY WHEREOF, the undersigned proprietors have hereunto subscribed their hand.
OWNER:
 ROMAN CATHOLIC ARCHDIOCESE OF KANSAS CITY IN KANSAS, A NON-PROFIT CORPORATION

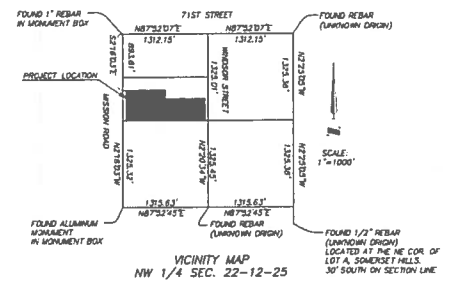
By _____
 STATE OF _____)
 COUNTY OF _____)
 This instrument was acknowledged before me on this _____ day of _____, 2013 by _____
 My Commission Expires: _____
 Notary Public _____

APPROVED by the Planning Commission of the City of Prairie Village, Johnson County, Kansas, this _____ day of _____, 2013.

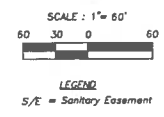
Ken Vaughn, Chairman _____ Joyce Hagen Mundy, Secretary _____
APPROVED by the Governing Body of the City of Prairie Village, Johnson County, Kansas, this _____ day of _____, 2013.

Ronald L. Shaffer, Mayor _____ Joyce Hagen Mundy, City Clerk _____

Flood Note:
 This property lies within Flood Zone X, defined as "Areas determined to be outside the 0.2% annual chance floodplain" as shown on the National Flood Insurance Program Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the City of Lenexa, Johnson County, Kansas, Map No. 20091C0036G, dated August 3, 2009.



- General Notes:**
1. Current Zoning R-1E, Single Family Residential.
 2. Plat corner monuments are as noted.
 3. The Horizontal shown hereon is based on NAD 83, Kansas North State Plane Coordinate System, Kansas NGS Data using the Virtual Reference Station Network, provided through MDDOT and using a grid factor of 0.999925931.
 4. The error of closure exceeds 1 in 50,000.
 5. Information shown on this survey was taken from Stewart Title Guaranty Company, Report No. 211100035, effective date, September 30, 2011.



I hereby certify that the information shown hereon is based on a field survey performed under my direct supervision on January 2, 2013.

SHAFER, KLINE & WARREN, INC.
ENGINEERS ~ SURVEYORS
 11260 CORPORATE AVENUE
 LENEXA, KANSAS 66219
 (913) 888-7800 www.ekw-inc.com

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, Lochner, Planning Consultant
DATE: February 5, 2013 Planning Commission Meeting Project # 000005977

Application: PC 2013-105

Request: Approval of Amended Sign Standards

Property Address: 4601 – 4621 W. 90th Street (Somerset Plaza)

Applicant: Jennifer Schellhase

Current Zoning and Land Use: C-2 General Business District – Restaurant, Service & Retail

Surrounding Zoning and Land Use: **North:** RP-1A Planned Single Family Residential – Patio Homes
East: C-2 General Business District – Retail, Service & Office
South: C-1 Restricted Business District - Office
West: C-2 General Business District - Offices

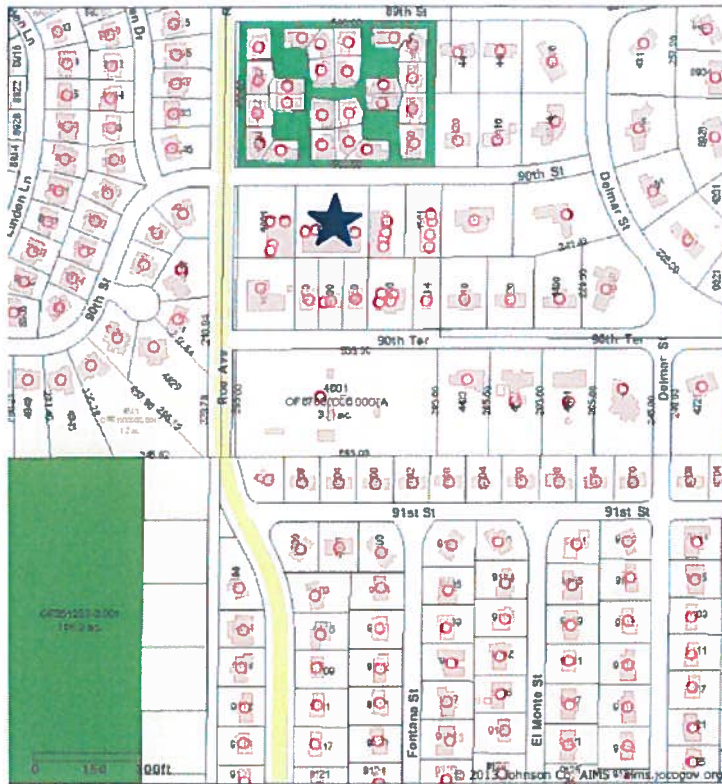
Legal Description: Unplatted

Property Area: 0.91 Acres

Related Case Files: 87-111 Sign Standards

Attachments: Application, Photos

General Location Map



Aerial Map



COMMENTS:

The applicant is requesting approval of Amended Sign Standards. The original standards were approved by the Planning Commission in November 1987. The changes are minor. The old sign standards did not allow logos or lighted signs and the new standards do. The Somerset Plaza Shops were built in 1961 and the tenant that is probably most well-known is Tatsu's French Restaurant.

After reviewing the proposed Sign Standards there are three comments. First, the title of the Sign Standards should contain the addresses of the Plaza Shops, 4601 – 4621 West 90th Street, and the date of Approval, February 5, 2013.

Second, under **Tenant Signs** in the second line of the first paragraph the word "faced" should be "facade".

Third, a section should be added for the monument sign as follows:

Monument Sign: One monument sign shall be permitted for the Center. The sign face may be changed by approval of City Staff. If the sign is relocated or redesigned it shall be submitted to the Planning Commission for review and approval.

RECOMMENDATION:

It is the recommendation of Staff that the Amended Sign Standards for Somerset Plaza Shops be approved subject to the following conditions:

1. That the applicant add the shop addresses and date of approval to the title of the Sign Standards.
2. That the word "face" be changed to "facade" in the Tenant Signs section.
3. That a Monument Sign Section be added as follows:

Monument Sign: One monument sign shall be permitted for the Center. The sign face may be changed by approval of City Staff. If the sign is relocated or redesigned it shall be submitted to the Planning Commission for review and approval.

4. That the applicant revise the Sign Standards and submit three copies to City Staff.
-



Somerset Plaza, Inc.

12520 LINDEN
LEAWOOD, KS 66209

Only the following exterior signs shall be permitted for Somerset Plaza Shops:

Tenant Signs: One wall mounted sign shall be permitted on each principal façade of each tenant shop, provided that the total area, of such signs, shall not exceed 5% of the total area of the faced upon which it is mounted. New signs may be internally illuminated by installing an aluminum cabinet within the existing sign band, which must conform to the overall integrity of the existing sign band. New illuminated cabinet frames must be painted a color to match the existing sign band, constructed from welded or extruded aluminum with vents and on/off switch. All electrical wiring will be concealed under existing canopy. Sign faces shall be of a 3/16" white lexan construct and colored graphics, including company logos, are allowed, however must be pre-approved by Owner of building.

Tenant may elect to use the existing sign band for signage, as non illuminated panel, instead of an illuminated cabinet sign. Sign panel consists of ¼" ivory Plexiglas, painted Dark Bronze, with reversed 8" letters (which will show as Ivory), Optima Medium type style. Panel will set within existing sign panel, held in place by matching Z-channel painted dark bronze.

Installation: Illuminated sign cabinets must be properly braced within existing metal sign band, and also properly braced on wood structure below and above sign band by using appropriate hardware. Sign cabinets must also be back braced to existing wood façade to insure solid install. If client elects to use existing sign band for non illuminated signage the sign panels will be mounted within the existing z-channel which is painted to match background of panels (dark bronze).

Under Canopy Signs: Those tenants, who so desire, will be permitted to have one sign, not to exceed three (3) square feet in area and allowing at leases seven feet six inches (7'-6") clearance above the sidewalk and shall be securely attached to the canopy with decorative hardware. These signs will also be made of ¼" ivory Plexiglas with radius corners, painted dark bronze with reversed Optima Medium type style showing ivory.

Window signs: Those tenants who wish to add window-mounted temporary signs, must submit designs and drawings to the Owner for approval, and must stay within City ordinance provisions.

ALL PROPOSED SIGNS MUST BE SUBMITTED TO, AND APPROVED BY, OWNER. Company logos will be permitted, however all signs must be preapproved by Owner. Owner requires detailed designs and shop drawings for each sign type proposed (i.e. tenant sign, window signs, canopy signs), including brief outline in paragraph form of sign specifications.

No banners, flashing or blinking lights, and neon type lighted signs will be allowed. Illuminated cabinets must utilize LED or fluorescent lights, only.

Variations for Special Events (Christmas, etc) will be judged individually and permitted if approved by Owner only.

Owner will send each tenant a copy of "SIGN STANDARDS FOR SOMERSET PLAZA SHOPS", and it will become a part of their existing or new leases. The new directive will be the basis for all future sign, etc. decisions.

Special directive for tenant occupying space at west end of center. (4621 W. 90th St): The façade on west side of building, facing Roe Avenue, may be used for the placement of one sign for this tenant only. It must be the exact duplicate, in size and material, of the sign permitted for this tenants front façade, the 5% rule not withstanding.



CITY OF PRAIRIE VILLAGE

The Star of Kansas

Planning Commission Application

For Office Use Only	
Case No.:	<u>PC 2013-105</u>
Filing Fee:	<u>\$100</u>
Deposit:	<u>\$300</u>
Date Advertised:	
Date Notices Sent:	
Public Hearing Date:	<u>2/5/13</u>

Please complete this form and return with Information requested to:

Assistant City Administrator
City of Prairie Village
7700 Mission Rd.
Prairie Village, KS 66208

Applicant: Jennifer Schellhase Phone Number: 913 754 3633

Address: 4617 W. 90th ST. PV KS E-Mail: jschellhase@collegenannies.com

Owner: Shirley Nelkin Phone Number: 913 451 9136

Address: 12520 Linden OP KS ~~666209~~ Zip: 666209

Location of Property: 4617 W. 90th St

Legal Description: _____

Applicant requests consideration of the following: (Describe proposal/request in detail) see attach. Sign

AGREEMENT TO PAY EXPENSES

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for Sign Change. As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

APPLICANT hereby agrees to be responsible for and to CITY for all cost incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to APPLICANT. It is understood that no requests granted by CITY or any of its commissions will be effective until all costs have been paid. Costs will be owing whether or not APPLICANT obtains the relief requested in the application.

Jennifer Schellhase
Applicant's Signature/Date

Owner's Signature/Date



LTD SIGNS & GRAPHICS LLC

phone 816.994.8855
fax 816.994.8876

3120 Terrace Street
Kansas City MO, 64111

customer
College Nannies

job #
7845

job
Somerset S. C.

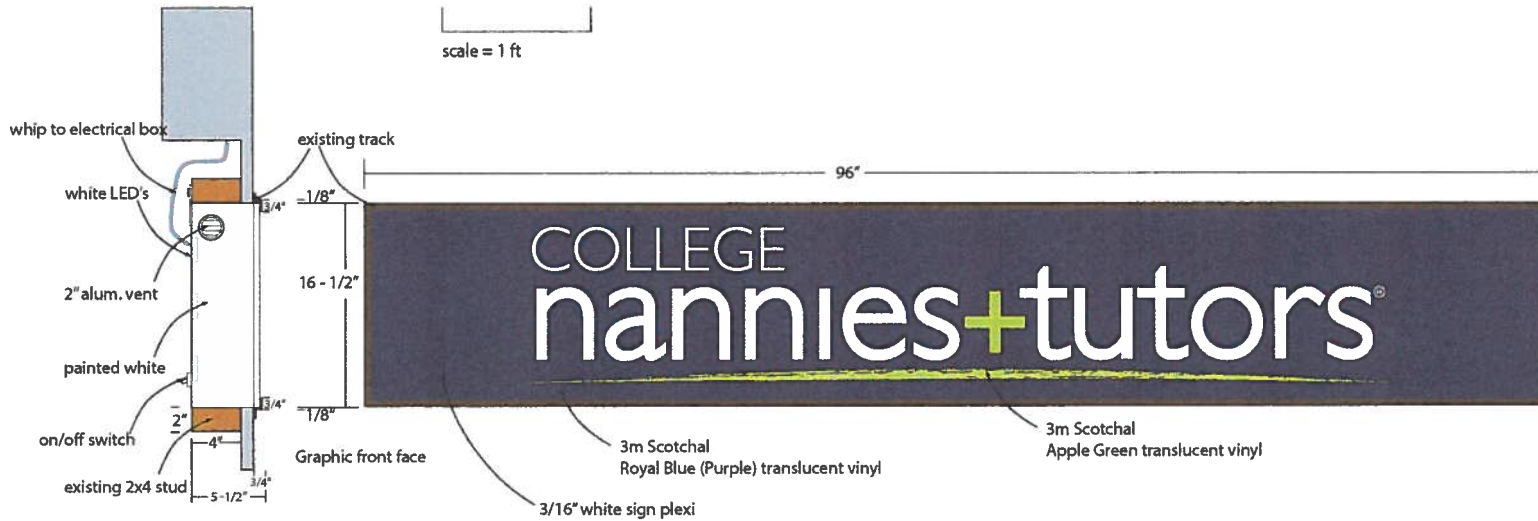
date
1.11.2013

revisions

notes

proof by
Nathan Swearengin

This design is the property of LTD Signs & Graphics and cannot be used in whole or in part without written consent or until purchased by customer





LTD SIGNS & GRAPHICS LLC

phone 816.994.8855 | 3120 Terrace Street
fax 816.994.8876 | Kansas City MO, 64111

customer
College Nannies

job #
7845

job
Somerset S. C.

date
1.11.2013

revisions

notes

proof by
Nathan Swearingin

-3/16" painted acrylic
-stud mounded flust to wall



scale = 1 ft

This design is the property of LTD Signs & Graphics and cannot be used in whole or in part without written consent or until purchased by customer

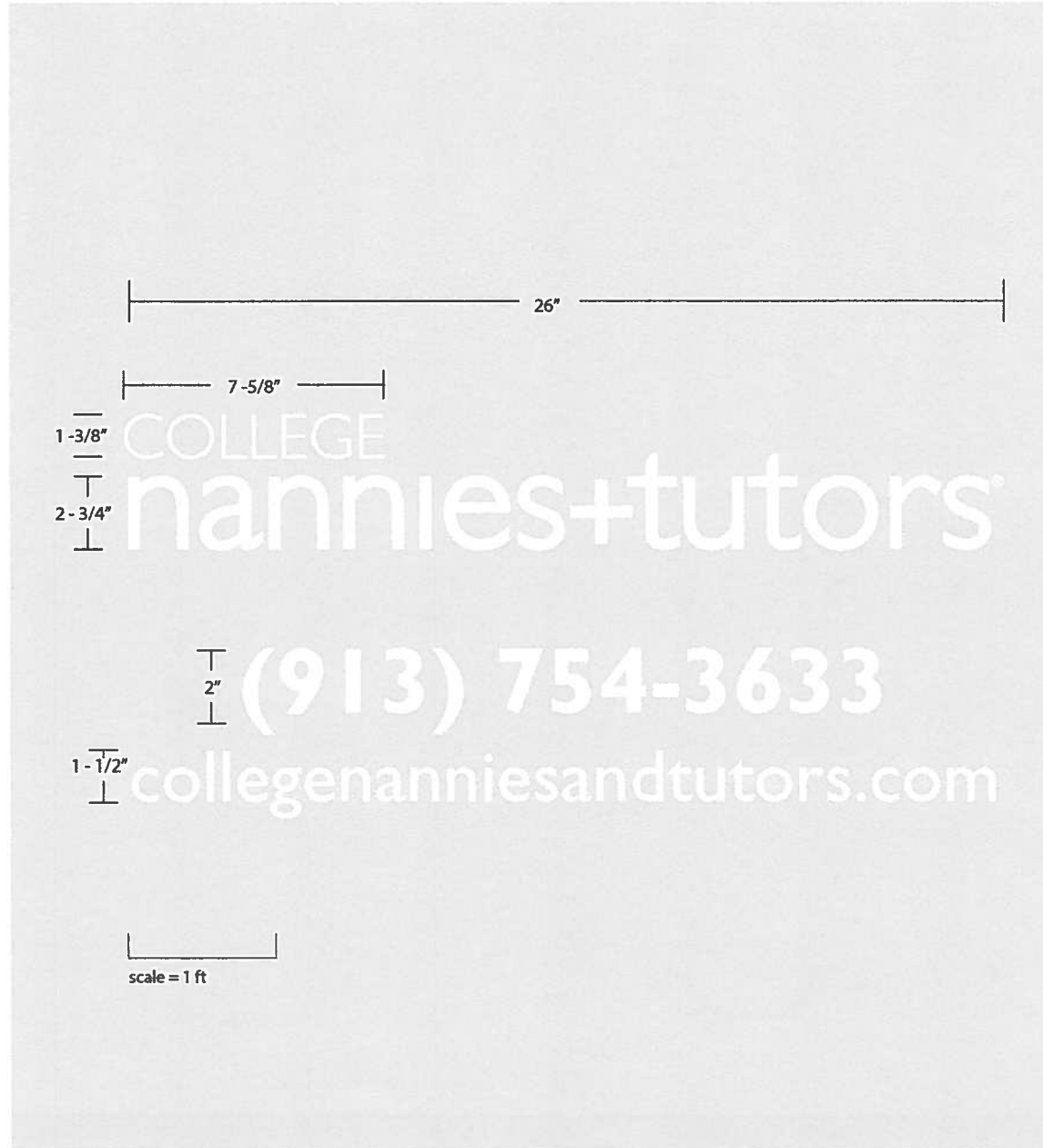


LTD SIGNS & GRAPHICS LLC

phone 816.994.8855 | 3120 Terrace Street
fax 816.994.8876 | Kansas City MO, 64111

31"

34"



customer
College Nannies

job #
7845

job
Somerset S. C.

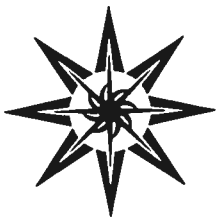
date
1.11.2013

revisions

notes

proof by
Nathan Swearingin

This design is the property of LTD Signs & Graphics and cannot be used in whole or in part without written consent or until purchased by customer



CITY ADMINISTRATION

Planning Commission Meeting Date: February 5, 2013

PC2012-108 Site Plan Approval for Hen House Building Facade and Phase 3 Corinth Square North

RECOMMENDATION:

Staff recommends that the Planning Commission discuss the proposed sign modification and determine if it is appropriate.

MOTION:

I move that the Planning Commission approve the sign modification as shown in the drawings dated 1-08-2013 to allow for a larger wall mounted sign on the south elevation.

BACKGROUND:

On June 5, 2012, the Planning Commission approved a site plan approval of the building façade changes to the Hen House building at Corinth Shopping Center. As part of the site plan approval process the applicant provided proposed signage for the building which was approved by the Planning Commission (see attached).

The applicant has modified the proposed signage. The modification involves the south elevation. Originally, the signage was contained within the sign band and was 20 sq. ft. The proposed signage has been moved to the wall and consists of 85.7 sq. ft.

PREPARED BY

Dennis J. Enslinger
Assistant City Administrator
Date: January 30, 2013



1313 Vernon
North Kansas City
Missouri 64116-4422
(816) 842-8980
FAX (816) 842-5308

CLIENT: HEN HOUSE MARKET 22
ADDRESS: 4050 W. 83RD ST. / PRAIRIE VILLAGE, KS
SALESPERSON: HOUSE
DESIGNER: LYONS
DATE: 1/8/13
SCALE: NOTED

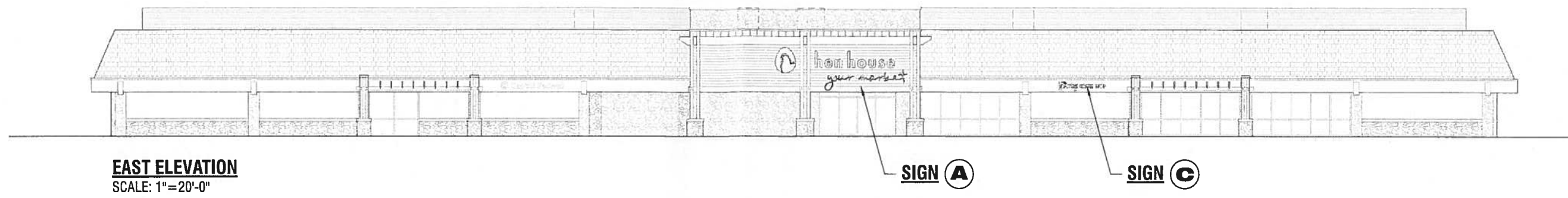
JOB #
FILE: HEN HOUSE 22 EXTERIOR SIGNAGE
SHEET: 2 OF 2

FOLDER

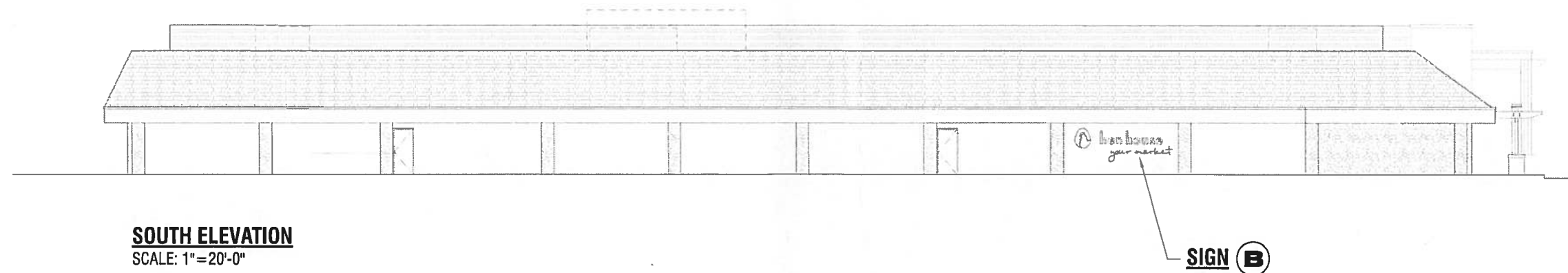
DISK #

This original design and all information contained herein is the property of ACME Sign Inc. and its use in any way other than as authorized is expressly forbidden. This drawing is subject to return on demand.

PROPOSED SIGNAGE HEN HOUSE (1-8-2013)



EAST ELEVATION
SCALE: 1"=20'-0"



SOUTH ELEVATION
SCALE: 1"=20'-0"

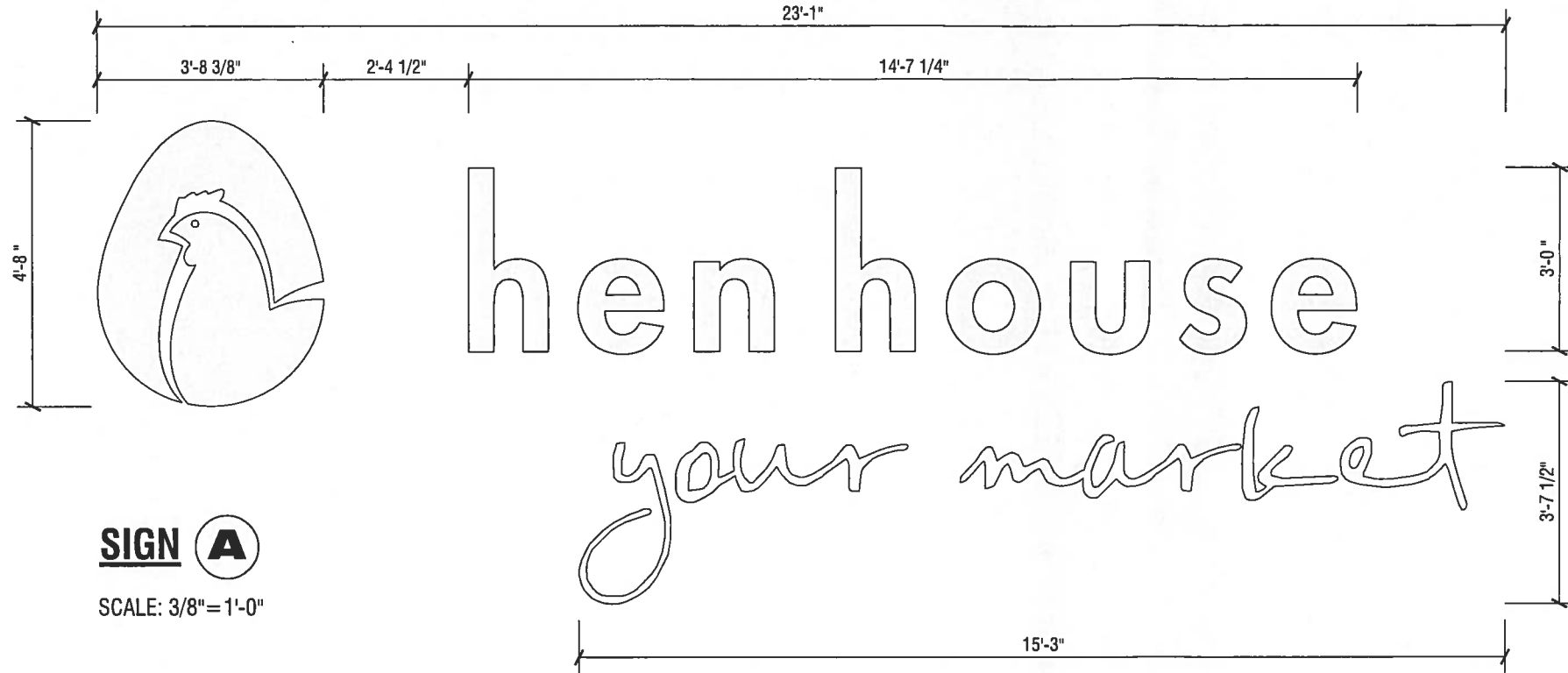
CLIENT APPROVAL:

Client approval insures that spelling, colors & specifications for signage & design meets their satisfaction.

ACME SIGN INC. 1313 Vernon North Kansas City Missouri 64116-4422 (816) 842-8980 FAX (816) 842-5308	CLIENT: HEN HOUSE MARKET 22	DATE: 1/8/13	SCALE: NOTED
	ADDRESS: 4050 W. 83RD ST. / PRAIRIE VILLAGE, KS	SALESPERSON: HOUSE	DESIGNER: LYONS
JOB #	FILE: HEN HOUSE 22 EXTERIOR SIGNAGE	SHEET: 1 OF 2	
FOLDER	This original design and all information contained herein is the property of ACME Sign Inc. and its use in any way other than as authorized is expressly forbidden. This drawing is subject to return on demand.		
DISK #			

CLIENT APPROVAL:

Client approval insures that spelling, colors & specifications for signage & design meets their satisfaction.

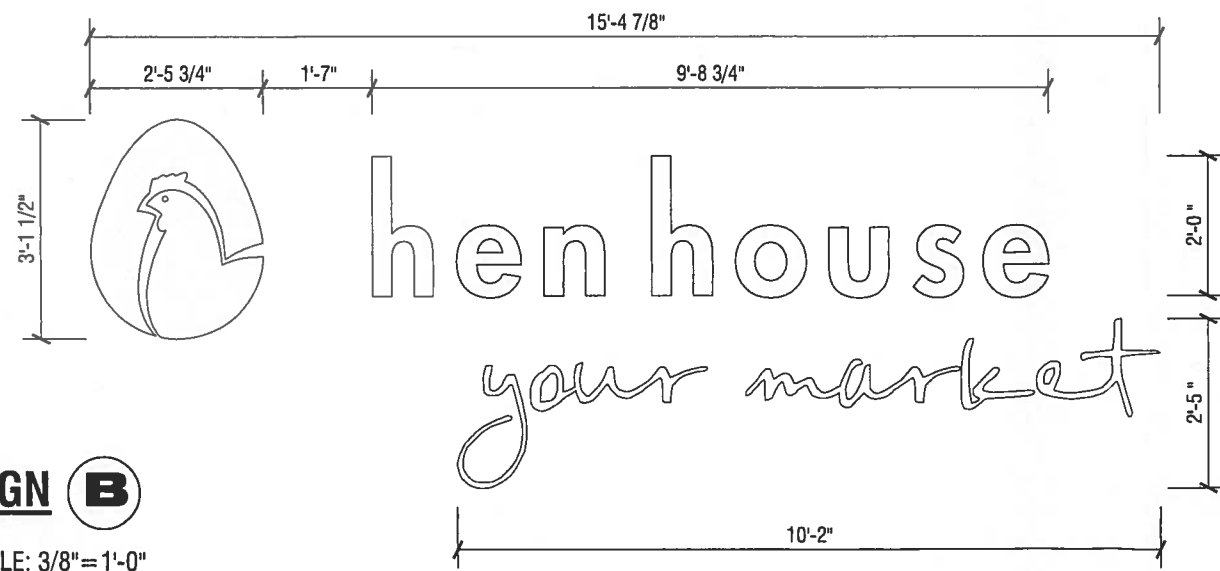


SIGN A
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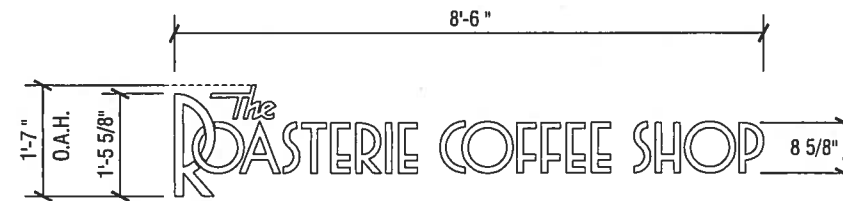
A & B "HEN HOUSE" INT-ILLUMINATED CHANNEL LETTERS

- WHITE ACRYLIC FACES
- WHITE TRIMCAP PLASTIC RETAINERS
- ALUMINUM RETURNS PAINTED TO MATCH PMS 7495

SEE SHEET TWO FOR LOCATION ON BUILDING



SIGN B
SCALE: 3/8" = 1'-0"



SIGN C
1/2" = 1' 0"

SIGN C
SCALE: 3/8" = 1'-0"

C "THE ROASTERIE" INT-ILLUMINATED CHANNEL LETTERS

- WHITE ACRYLIC FACES
- WHITE TRIMCAP PLASTIC RETAINERS
- ALUMINUM RETURNS PAINTED BLACK

SEE SHEET TWO FOR LOCATION ON BUILDING

APPROVED SIGNAGE ON HEN HOUSE (JUNE 5, 2012)

The drawing set includes the following views and sections:

- SECTION 12**: A vertical section showing the structural details of a wall and roof junction.
- EXTERIOR FINISHES 08**: A table detailing the materials and finishes for the exterior walls and roof.
- SIGNAGE CALCULATIONS 04**: A table providing technical specifications for the signage, including dimensions and materials.
- ENTRY SECTION 15**: A section through the building's entrance, showing the interior layout and structural elements.
- NORTH ELEVATION 03**: A perspective view of the building's north side, showing the roofline and facade details.
- SOUTH ELEVATION 02**: A perspective view of the building's south side, showing the facade and entrance area.
- EAST ELEVATION 01**: A perspective view of the building's east side, featuring the 'henho' logo and signage.

GENERATOR

OWNER
 [Illegible text]

ARCHITECT
 [Illegible text]

[Illegible text]

NOT FOR CONSTRUCTION

**HEN HOUSE
 FACADE
 RENOVATIONS**

4050 W. 83RD ST
 PRAIRIE VILLAGE, KS 66208

PLANNING COMMISSION

ISSUE DATE: 04 MAY 2012

**ARCHITECTURAL
 ELEVATIONS**

A102

Zoning Regulations

*As adopted by the City Council – July 17, 1995
Effective Date: August 1, 1995
(including Amendments through 1/22/2013)*

prepared for:

Prairie Village, Kansas

prepared by:

BUCHER, WILLIS & RATLIFF
CORPORATION

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Ord. 2095, Sec. IV, 2005	Ord. 2266, Sec. II, 2012
Ord. 2103, Sec. II, 2005	Ord. 2269, Sec. I, 2013

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CHAPTER 19.28 - SPECIAL USE PERMITS

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19.28.015	Filing Fee.
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19.28.000 Governing Body.

Governing Body means twelve (12) members of the City Council plus the Mayor for a total of thirteen (13) members. (Ord. 2199, Sec. IV, 2009)

19.28.005 General.

Special uses are those types of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where product, process, mode of operation, or nature of business or activity may be detrimental to the health, safety, welfare or property values of the immediate neighborhood and its environs unless it is designed in a manner that is compatible with surrounding properties. Within the various zoning districts, specific uses may be permitted only after additional requirements are complied with as established within this section. In no event shall a Special Use Permit be granted where the Special Use contemplated is not specifically listed as a Special Use in the Zoning Regulations.

19.28.010 Application.

A special use permit application shall be initiated by the owner of the property affected. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owners. If the property is under contract or option to purchase, the name and current mailing address of the purchaser shall also be shown on the application. All applications shall be made on forms prescribed by the City Planning Commission and duly filed with the City Clerk or their designee. (Ord. 2199, Sec. V, 2009)

19.28.015 Filing Fee.

A fee as established by the City Council shall accompany each application for a Special Use Permit. In addition, the applicant is obligated to pay all costs incurred by the City, including publication costs, consultant's charges for application review, if necessary, court reporter costs,

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costs of the original transcript of the hearing of the Planning Commission and as many copies of the transcript as necessary. Simultaneously with the payment of the filing fee, the applicant shall accompany each application with a cost advance as specified by the City Council to be used by the City to pay for said costs. If the costs are less than the stipulated cost advance, the City shall refund the difference to the applicant. If the costs are more than the stipulated cost advance, the City shall so notify the applicant who is obligated to pay such excesses forthwith.

19.28.020 Public Hearing Notice.

All such applications shall be scheduled for hearing not later than the second regular monthly meeting of the Planning Commission following the date of the earliest publication period available as required by law. Any such hearing may, for good cause, in the discretion of the Planning Commission, be continued for a definite time to be specified in the record of the Commission. Notice of such hearing shall be published in one issue of the official newspaper of Prairie Village, such notice to be published not less than twenty (20) days or more than forty (40) days, exclusive of the days of the publication and hearing, prior to the date of said hearing before the Commission. The application area shall be designated by legal description or a general description sufficient to identify the property under consideration. If a general description is used, said notice shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. In addition to such publication, the applicant shall be responsible for mailing notice of such proposed special use permit to all the owners of lands located within two hundred feet, except public streets and ways, of the application area at least twenty (20) days prior to the hearing, thus providing an opportunity to all interested parties to be heard. Such mailed notice shall be given by certified mail, return receipt requested, and shall be in the form of a letter describing the proposed special use. A copy of the publication notice shall be included and such mailed notices shall be addressed to the owners of land mentioned above and not to non-owner occupants. Failure to receive such notice shall not invalidate any subsequent action taken. The applicant shall file with the City Clerk or their designee, not less than six (6) days prior to the date of the hearing, an affidavit to the effect that such notices were indeed mailed in compliance with this title.

In the case of an application for a special use which may, in the opinion of the Commission or Governing Body, substantially change traffic patterns, or create traffic congestion, either body may, by motion, require that the applicant procure the services of a competent professional traffic engineer for the purpose of preparing a traffic study. Such study shall show whether or not the traffic generated by the proposed development will be handled on the site in an orderly and efficient manner and that vehicular ingress and egress from the site onto public streets will function in an orderly and efficient manner.

(Ord. 2199, Sec. V, 2009)

19.28.025 Posting of Property.

Each applicant for a special use permit shall within forty-eight (48) hours of filing such application, place a sign upon the lot, tract or parcel for which the application was filed. Said sign shall be furnished by the city and the applicant shall firmly affix and attach the sign to a wood or metal backing or frame and place the sign as hereinafter set forth. Said signs shall read as follows:

**SPECIAL USE PERMIT
APPLICATION NUMBER.
PUBLIC HEARING AT CITY HALL
BEFORE PLANNING
COMMISSION ON**

.....
CITY OF PRAIRIE VILLAGE, KANSAS
Unauthorized Removal, Defacing, or Destruction of
this Sign Punishable upon Conviction by
Fine not Exceeding \$100.00 and/or not more than 30 days imprisonment.

Said sign shall be maintained and kept in place by the applicant until the conclusion of the public hearing before the Planning Commission, or until withdrawal of the application, at which time the sign shall be removed by the applicant. The applicant shall file an affidavit at the time of said public hearing before the Planning Commission that the sign was placed and maintained to said hearing date as required by this title. No application shall be heard by the Planning Commission unless such affidavit has been filed.

The bottom of said sign shall be a minimum of two feet above the ground line. Said sign shall be placed within five feet of the street right-of-way line, in a central position on such lot, tract or parcel of land and shall have no visual obstructions thereto. If the lot, tract or parcel of land has more than one street abutting thereto, the sign shall face the street with the greatest traffic flow. If the lot, tract, or parcel of land is larger than five acres, a sign as required by this title shall be placed so as to face each of the streets abutting thereto.

It is a misdemeanor for any person to remove, deface or destroy any sign provided for by this title. Any person, upon conviction thereof, shall be fined a sum not to exceed one hundred dollars (\$100.00), or imprisoned in jail for not more than thirty (30) days or be both so fined and imprisoned.

19.28.030 Application Information.

- A. The applicant shall submit a statement in writing justifying the special use permit applied for, and indicating under which Article and Section of the Zoning Regulations the special use is specifically listed.
- B. The applicant shall prepare and submit fourteen (14) copies of the site plan at the time of filing the application as specified in Chapter 19.32 Site Plan Approval as well as any other information which would be helpful to the Planning Commission in consideration of the application.
- C. The applicant shall have first applied for a license(s) or official accreditation from the appropriate agency if required by law, submitting written evidence of such action with the application for the special use permit.

19.28.035 Factors for Consideration.

The Planning Commission and Governing Body shall make findings of fact to support their decision to approve or disapprove a Special Use Permit. (Ord. 1973, Sec. 1, 1999; Ord. 2199, Sec. V, 2009)

- A. The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations;
- B. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public;
- C. 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;
- D. 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 the special use will not dominate the immediate

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- 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 will so dominate the immediate neighborhood consideration shall be given to:
1. The location, size, nature and height of buildings, structures, walls, and fences on the site; and
 2. The nature and extent of landscaping and screening on the site.
- E. 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 uses and located so as to protect such residential uses from any injurious effect.
- F. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- G. 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.
- H. 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.
- I. Architectural style and exterior materials are compatible with such style and materials used in the neighborhood in which the proposed building is to be built or located.

It is not necessary that a finding of fact be made for each factor described herein. However, there should be a conclusion that the request should be approved or denied based upon consideration of as many factors as are applicable. (Ord. 1973, Sec. 1, 1999)

19.28.040 Planning Commission Action.

After the public hearing, the Planning Commission, by a majority of members present and voting, shall be required to recommend approval, approval subject to conditions, or denial of the special use permit to the Governing Body. If the Planning Commission fails to make a recommendation it shall be deemed to have made a recommendation of disapproval. The Planning Commission shall submit its recommendation and the reasons therefore to the Governing Body. (Ord. 2199, Sec. V, 2009)

19.28.041 Protest.

Regardless of whether or not the Planning Commission recommends approval or disapproval of a Special Use Permit, if a valid 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 at least a 3/4 vote (10 votes) of all members of the Governing Body.

Valid Protest Petitions must be signed and acknowledged by each and every owner(s) of property protesting a given action. The word “owner(s)” for purposes of protest petitions shall include all those individuals that may have ownership in subject real property or property within the notification area. If the property is owned by joint tenancy, all such owners must sign the petition by their own hand to be valid, unless the petition itself clearly indicates that one tenant has the legal authority to sign for and on behalf of the other. In the event a corporation, partnership or other organization meets the requirements to protest an action and desires to sign a petition, the following must appear on the petitions for such an organization to be counted with the petition: a) the proper name in which title to their property is held; and b) the address of their property; and c) the name of the individual signing on behalf of the corporation, partnership or other organization;

and d) some indication of capacity or authorization of the individuals to sign on behalf of the corporation, partnership or organization.

To be a valid protest petition, the signature of each owner(s) signing the petition must be properly notarized.

(Ord. 2269, Sec. I, 2013)

19.28.045 Governing Body Action.

After receipt of the Planning Commission's recommendation, the Governing Body may:

- A. Adopt such recommendation by simple majority (7 votes) and if the recommendation is to approve, adopt an ordinance to that effect;
- B. Override such recommendation by a 2/3 majority vote of the membership of the Governing Body (9 votes) and if it is to approve a change, adopt an ordinance to that effect; or
- C. Return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove by a simple majority of the quorum present.

If the Governing Body returns the recommendations, the Planning Commission may resubmit its original recommendations giving the reasons therefore or submit a new and amended recommendation. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting, such inaction shall be deemed a resubmission of the original recommendation. Upon the receipt of any such recommendation, the Governing Body may adopt or may revise or amend and adopt such recommendation by a simple majority (7 votes) thereof or it need take no further action.

(Ord. 2199, Sec. V, 2009)

19.28.050 Conditions of Approval.

In granting a Special Use Permit, the Planning Commission and Governing Body may impose such conditions, safeguards and restrictions upon the premises benefited by the special use as may be necessary to reduce or minimize any potentially injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

(Ord. 2199, Sec. V, 2009)

19.28.055 Expiration of Special Use Permits

All special use permits shall be valid for the length of time set forth in the approving ordinance provided, however, that all such permits shall expire when the use for which the permit has been issued is discontinued or abandoned, for a period of six (6) consecutive months. Such use shall not thereafter be reestablished or resumed, unless a new permit is issued following the procedures set forth herein.

19.28.060 Assignment

Special use permits may be assigned, conveyed or transferred to another owner or operator subject to a signed statement by the new owner or operator that he/she has read the conditions of approval and agrees to be bound by the terms of approval. (Ord. 1973, Sec. II, 1999)

19.28.065 Revocation of Special Use Permits

Special use permits may be revoked by the Governing Body for:

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- A. A violation of the ordinances of this City including, but not limited to, the zoning regulations;
- B. A violation of the district regulations; and
- C. A violation of non-compliance with the conditions, limitations or requirements contained in the special use permit or these regulations.

(Ord. 2199, Sec. V, 2009)

19.28.070 Specifically Listed Special Use Permits

Any of the following uses may be located in any district by special use permit in accordance with Section 19.28.005: unless otherwise noted:

- A. Country clubs, or private clubs or clubs which serve food and alcoholic, wine and cereal malt beverages;
- B. Cemeteries;
- C. Columbariums;
- D. Hospitals;
- E. Nursery sales office, building, greenhouse, or area (wholesale or retail);
- F. Nursing and convalescent homes as defined by state statutes; but not including group homes;
- G. Buildings, structures, towers and premises for public utility services or public service corporations whether located in public right-of-way or on easements on private property except that the following shall be specifically excluded from the Special Use Permit requirements: utility poles; utility boxes; and underground utility lines. (Ord. 2029, Sec. II, 2002)
- H. Assembly halls;
- I. Dwellings for senior adults, as defined herein, and including handicapped adults. Dwellings may be in the form of townhouses, apartments or congregate type living quarters. Nursing care or continuous health care services may be provided on the premises as a subordinate accessory use. Not less than seven hundred square feet of land shall be provided for each occupant in an apartment or congregate dwelling unit and not less than five hundred square feet of land shall be provided for each bed in a nursing or continuous care facility. Not less than three off-street parking spaces shall be provided on the premises for every four apartments or congregate living units, one space shall be provided for every five beds in any nursing facility, and not less than one space shall be provided for each employee on the premises on the maximum shift, provided, however, that this section shall not apply to group homes; Standards for height and setback of buildings applicable to such dwellings shall be those permitted in residential zoning districts R-1 through R-4;
- J. Service stations in C-1, C-2 & C-3 Districts only; not including automatic car wash; provided that all gasoline storage tanks shall be located below the surface of the ground. Display and service racks for new stock normally carried by filling stations, including oils and tires, may be placed outside the building during business hours;
- K. Automatic and semiautomatic car washes, continuous line car washes, self-service car washes, manual car washes and all other car washing facilities located separately or in relation to the operation of a service station in C-1, C-2 & C-3 Districts only;
- L. Skating rinks, arcades and similar commercial recreation facilities in C-1, C-2 & C-3 Districts only provided such use shall be not less than two hundred feet from any existing clinic, hospital, school, church or district R-1 to R-4 inclusive, unless approved by the

Governing Body under such restrictions as seem appropriate after consideration of noise and other detrimental factors incidental to such use;

- M. Mortuaries and funeral homes - in C-0, C-1, C-2 & C-3 Districts only;
- N. Day Care Centers in residential districts;
- O. Drinking Establishments - Bar or Night Club - C-1, C-2, & C-3 Districts only:
 - a. The initial approval shall be for a period of three years;
 - b. Subsequent renewals may be for periods up to ten years but shall not be in excess of the lease term or options thereof;
- P. Accessory uses to motels includes but not limited to restaurants, banquet rooms, liquor, notions and magazine counters, vending machines, beauty and barbershops, flower and gift shops; provided all are within the main building and designed to serve primarily the occupants and patrons of the motel or hotel;
- Q. Accessory uses to hospitals including, but not limited to, residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food service and vending machines, laundry and other similar services for hospital personnel, visitors and patients;
- R. Utility or Storage Buildings: Detached storage or utility buildings for nonresidential uses.
- S. DELETED. (Ord. 1909, Sec. II, 1997; Ord. 2190, Sec. III, 2009)
- T. Private Schools, Colleges and University Education Centers (Ord. 1919, Sec. I, 1997)