

PLANNING COMMISSION MINUTES September 10, 2013

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, September 10, 2013, in the Multi-Purpose Room in City Hall at 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Bob Lindeblad, Randy Kronblad, Nancy Wallerstein and Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, City Planning Consultant; Danielle Dulin, Assistant to the City Administrator; Keith Bredehoeft, Interim Public Works Director, Jim Brown, Building Official and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Randy Kronblad made the following corrections to the August 6th minutes:

- Page 5 bottom of the page line 1) the word “mast” should be **master**
- Page 10 2nd to last paragraph “should be **R-1a** not “R-1” zoned
- Page 18 2nd paragraph third line should be **119’** not 119.5’
- Page 27 2nd line should be **detailed** not “detail”
- Page 30 3rd paragraph from the bottom 4th line should be **improvement** not “improved”

The Planning Commission agreed to the following changes requested by John Petersen:

- Page 14 3rd paragraph 3rd line should be **from the interior road** not “Mission Road”
- Page 30 1st paragraph last two lines should be deleted and replaced with the following: **In the residential neighborhoods, there’s not going to be additional traffic, the street traffic from this project is all going to go out on Mission Road. This is probably your lowest traffic generator development that you can have of any development. This is substantially lower than almost any other kind of development.**

Nancy Wallerstein moved the approval of the Planning Commission minutes of August 6, 2013 with the corrections noted above. The motion was seconded by Nancy Vennard and passed unanimously.

Commission members commended the secretary on the excellent record of a very long and difficult meeting.

PUBLIC HEARING

Chairman Ken Vaughn reviewed the procedures for the scheduled public hearing and confirmed that the notice of hearing of duly published and mailed to all property owners within 200’ as required.

**PC2013-08 Request for Rezoning of Property at 3101 West 75th Street from R-1a to RP-1b
3101 West 75th Street
Current Zoning: R-1a
Proposed Zoning: R-1b**

Bob Royer, 7805 Mission Road, addressed the Commission on the proposed rezoning of 3101 West 75th Street and noted that also in attendance was the property owner Bob Mogren. He is requesting a zoning change from R-1A to RP-1B for a proposed development named Chadwick Court. This would be an infill development on approximately 2.70 acres. They are proposing six new dwelling units for the site in addition to the existing single-family dwelling for a total of seven lots.

Mr. Royer reviewed his proposed plan showing how the proposed dwellings will be located on each lot. The proposed development will be served with a private street 26 feet in width back of curb to back of curb. The building setbacks will be 15 feet from the front, 20 feet from the rear and 6 feet on each side. Lots 1, 2, 4 and 5 are 80 feet wide by 99 feet deep. Lots 3 and 6 are 92 feet wide by 99 feet deep.

The building setbacks in the R-1B district are 30 feet for the front yard; 4 feet on the side yard with 12 feet between dwellings; and 25 feet for the rear yard. The minimum lot width is 60 feet and the minimum lot area is 6,000 sq. ft. The proposed development meets the minimum side yard, lot width and lot area requirements of the traditional district. Modifications are requested for the front yard and rear yard setbacks.

Mr. Royer noted he just learned of the additional 10 feet of right-of-way is requested by the City. This was also requested when the plat was filed in 2007. The current plan does not show the 10 foot right-of-way so the lots will need to be moved further south. Village Vision recommends street trees on 75th Street and the additional right-of-way will help provide area for tree planting. He felt he could work with this, but they are trying to preserve a specimen Linden Tree. He is also working with Public Works Staff on the best handling of stormwater.

A neighborhood meeting was held on August 26th and three neighbors attended. Concerns expressed were verification of the east property line and maintaining the trees along the east property line. It is his goal to preserve the existing trees on the east and the west.

Utilities will be placed on each side of the private street. Mr. Royer stated he does not want to construct sidewalks on each side of the street noting the sidewalk would not connect to anything. He does not feel they are necessary. He also wants to avoid curb and gutter as he is looking at a more rural look without a conventional street. He is investigating surfaces other than asphalt for the street.

Ron Williamson noted that lots 3 and 6 are larger with the proposed homes having a three car garage.

Bob Mogren, 3101 West 75th Street, stated that they have had a surveyor confirm the property lines which were questioned at the neighborhood meeting.

Bob Lindeblad expressed concern with losing the open space requirement. There appears to be too much house on each lot. He felt the intent of planned zoning was to allow bigger houses on smaller lots when there is flexibility in the footprint and footprint size. He feels the proposed footprint is too large and would like to stay within the existing rear yard setback and lot coverage requirements. He is not convinced this is the best design and would like to see the 25' rear yard setback and 30% lot coverage maintained.

Mr. Royer responded that planned zoning allows for a waiver of the 30% lot coverage and rear yard setback.

Mr. Lindeblad stated he is not comfortable that the overall design merits the decreased rear yard setback. A 20 foot setback for a rear yard is too small; he wants to see 25 feet.

Ron Williamson noted this is a planned district and has to come back to the Planning Commission for final development plan approval.

Bob Lindeblad noted he would accept the 35% lot coverage if the proposed plan provided more compensating open space. He noted there could be larger open spaces between the first and second house and 75th Street.

Mr. Royer stated that he has two builders lined up for the first two lots.

Ken Vaughn reminded the Commission that they are considering only the rezoning requests that would go the Governing Body and then the application would come back to the Planning Commission for final development plan approval.

Nancy Wallerstein felt it was important to provide direction to Mr. Royer. She expressed concern with the 20-foot rear yards and the impact on the homes on Aberdeen. She would like to see more buffer.

Nancy Vennard noted there are stated percentages of lot coverage using different scenarios.

Bob Lindeblad believes they should remain at a maximum 30% lot coverage with a 25-foot rear yard setback.

Bob Royer noted it was impossible to do infill development without concessions. He noted there would be privacy fences in the rear yard providing a privacy court.

Nancy Vennard asked what the rear yard setbacks were for Mission Pines. Mr. Williamson stated he did not know, but felt they were less than 25 feet.

Randy Kronblad stated he would prefer a 25 foot rear yard setback if the plan is workable with a 25-foot setback.

Bob Mogren asked if it had to be a full 25 feet, would 22 or 24 feet be acceptable. He stated the biggest concern mentioned in the neighborhood meeting was the preservation of existing trees and the question on the property line. Mr. Royer asked if there was any latitude with the 25 feet.

Bob Lindeblad stated trade-offs have already been allowed with the private street and smaller roadway and shallower lots. An architect should be able to design a residence that complies with the 25 foot rear yard setback and 30% lot coverage.

Mr. Royer stated the RP-1b Districts allows for higher density.

Chairman Ken Vaughn asked for public comment. Being no additional public comment, the public hearing was closed at 7:45 p.m.

Ron Williamson noted he suggested extending lots further south to widen them and increase the area. Bob Lindeblad stated the footprint is too big. Using a 26 foot private street with no right-of-way is a huge concession.

Ron Williamson noted that because there is no right-of-way on the private street, the 15 foot front yard setback would be measured from the front property line. He advised that under the Planned District, modifications may be made to the setbacks, lot area coverage and other requirements provided the proposed development produces a better development than under the standard zoning regulations.

The Commission informally reviewed the requested deviations from code. They approved the front yard setback of 15 feet. They denied the requested 20 foot rear yard setback, requiring 25. They denied the increased lot coverage to 35% requiring 30% and approved the lot depth of 99 feet.

Mr. Williamson stated the objective of the planned district is to permit the applicant to deviate from established and customary development techniques. It is intended to encourage efficient development and redevelopment of small tracts, innovative and imaginative site planning, conservation of natural resources, and a minimum waste of land. In return for approving a plan that is unique, the applicant is required to submit more detailed information on his proposal and the plan becomes an approved part of the rezoning.

The applicant has requested the RP-1B district because it allows one dwelling unit per 6,000 sq. ft. rather one unit per 10,000 sq. ft. as permitted in the R-1A district. The applicant has proposed six new dwelling units for the site in addition to the existing single-family dwelling for a total of seven lots. It should be pointed out that this is the same district (RP-1B) that Mission Pines is zoned; which is located on the northeast corner of 79th and Mission Road. Mission Pines was originally approved for more units than have actually been built and the current plan is for 25 units on 4.3 acres of land, which is a density of 7,549 sq. ft. per unit. This compares with a density of 16,788 sq. ft. per unit for the proposed plan. The existing dwelling is large and is located on the south

portion of the tract. It will have a lot area of 50,555 sq. ft. The water detention area adjacent to 75th Street is 7,308 sq. ft. so the net area left for the six dwellings is 49,605 sq. ft. or 8,268 sq. ft. per dwelling unit. If the detention area is included in the calculation the area would be 9,489 sq. ft. per dwelling unit for the six units.

Chairman Ken Vaughn led the Planning Commission in the following review of the Golden Factors:

1. The character of the neighborhood;

This is a single-family residential neighborhood that is quite diverse in the size and age of the housing. The existing dwelling sets on 2.7 acres and was built in 1928 well before the City of Prairie Village was incorporated. The lots on the west are large (approximately one-half acre) and the dwellings are large. The lots and dwellings north, south and east are more modest at one-quarter to one-third acres in size. The houses to the north, south and east were built in the fifties. The houses to the west were an infill development and built in the seventies. Although there is a great variety in the homes in this area, they are all single-family dwellings.

2. The zoning and uses of property nearby

North: R-1B Single-family District - Single Family Dwellings

East: R-1A Single-family District - Single Family Dwellings

South: R-1A Single-family District - Single Family Dwellings

West: R-1A Single-family District - Single Family Dwellings

3. The suitability of the property for the uses to which it has been restricted under its existing zoning;

The property is zoned R-1A which requires a minimum lot width of 80 feet and a minimum area lot of 10,000 sq. ft. The lot is 524 feet deep by 224 feet in width. Because of its size and the fact that there is an existing dwelling on the south end some form of redevelopment is desirable. The tract is not wide enough to provide a double loaded public street and a planned residential district would allow the developer to make adjustments in standard requirements in order to provide a development that better fits the site.

4. The extent that a change will detrimentally affect neighboring property;

Although the development is going to be single-family detached units, it is going to be a higher density than other developments in the area. There will be an increase in stormwater runoff because of an increase in the amount of hard surface on the site, but that will be handled by the construction of an underground detention facility adjacent to 75th Street. There will be only one entrance and exit to 75th Street for the seven units which will limit the number of potential traffic conflict points on Mission Road. Most of the large trees located in the interior of the site will be lost because of the development.

5. The length of time of any vacancy of the property;

The existing residence was built in 1928 so the property has not been vacant but the tract is 2.7 acres which is very large for one dwelling unit.

6. The relative gain to public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners;

The approval of this project will permit redevelopment for a use that will be of higher value and will be more of an asset to the neighborhood. The site is undeveloped at this time except for the one dwelling at the south end and is under-utilized. The redevelopment of this site should increase the values of the adjacent properties because it is new development rather than create a hardship.

7. City staff recommendations:

It is the opinion of the staff that this is a logical request for the RP-1B single-family dwelling district because the area is residential and the area on the north side of 75th Street is zoned R-1B. The development will provide another housing choice for the area for those who do not wish to maintain large lots. 75th Street is a heavily traveled arterial street and the RP-1B allows a design solution that is more compatible. The proposed development is single-family detached and through proper design can be compatible with the other adjacent single-family dwellings. The density of the development, six new units, seems reasonable but the new units might be a little large for the size of the lots.

8. Conformance with the Comprehensive Plan;

This proposal is in conformance with the two primary principles of the future land use plan which are:

- Existing residential and commercial areas must be stabilized which will occur through reinvestment from both public and private sources.
- Redevelopment of higher density or intensity residential retail commercial and office uses will be encouraged and supported provided that the proposed redevelopment project is designed in a manner that is compatible with adjacent areas.

Also Chapter 6 of Village Vision addresses the 75th Street Corridor. The plan is very general but recommends higher intensity of development and sidewalks and street trees.

9. Consideration of preliminary development plan;

The purpose of the development plan is to encourage and require the orderly development and redevelopment at a higher quality level while permitting deviations from established and customary development techniques. The submittal by the developer and the approval by the City of a preliminary development plan represents a firm commitment by the developers that the development will, indeed, follow the approved plans in such areas as concept, intensity of use, aesthetic levels, and quantities of open space. Deviations in yard requirements, setbacks, and relationships between buildings may be approved by the Planning Commission and Governing Body if it deems that other amenities or conditions will be gained to the extent that an equal or higher quality of development will be produced. Residential areas are to be planned and developed in a manner that will produce more usable open space, better recreation opportunities, safer and more attractive neighborhoods than under standard zoning and development techniques. The planned zoning shall not be used as a refuge from the standard requirements of the zoning district as to intensity of land use, amount of open

space, or other established development criteria. The applicant has submitted a typical floor plan and building elevation that depicts the concept of the development.

The zoning ordinance sets out standards for development in the planned zoning district which are as follows:

A. The maximum height of buildings and structures shall be as set out in the standard requirements of the equivalent district.

The zoning ordinance permits a 35 foot maximum height in the R-1B district and the proposed buildings will not exceed that height.

B The intensity of land use, bulk of buildings, the concentration of populations, the amount of open space, light and air shall be generally equal to that required in the equivalent district.

The dwellings that have been proposed are larger than typical dwellings in this district and therefore the lot coverage for lots 1, 2, 4 and 5 is approximately 35% and the lot coverage for lot 3 and 6 is also 35% where the ordinance allows only 30%. Part of the reason that the lot coverage is higher than the standards in the ordinance is the applicant has divided the three- car garages into one single-car garage and one double-car garage for the larger lots. This breaks up the large garage door and driveway areas, but two garages require more square footage than one three-car garage. A second point is that the dwelling units have a larger floor area than typical homes in the R-1B district. The dwellings on lots 1, 2, 4 and 5 have a footprint of 2,772 sq. ft. and the dwellings on lots 3 and 6 have a footprint of 3,188 sq. ft. Lots 3 and 6 could be increased by 1,040 sq. ft. each by adding the land on the east and west ends of the hammerhead cul-de-sac. This would reduce the lot coverage to 31.4%. The area along 75th Street that is designated as underground stormwater detention will be open space as well. The area on both sides of the private drive is approximately 7,308 sq. ft. which is 14.7% of the area of the six lots. The Planning Commission will need to make a determination on the lot coverage before it sends its recommendation to the Governing Body.

It may also be possible to move the hammerhead cul-de-sac further south to increase the size of the lots and thereby reduce the lot coverage by the dwellings.

C. The density of residential dwelling units, the parking requirements, and performance standards shall be the same as in the equivalent district.

The existing R-1B district permits one dwelling unit per 6,000 sq. ft. and this project has one dwelling unit per 8,268 sq. ft. for the six new lots so it does meet the requirements of density. The project is providing three garaged parking spaces for lots 3 and 6. Each lot should be able to provide three to four visitor parking spaces on the driveways. The proposed project does adequately meet the requirements of the zoning ordinance. The R-1B district requires a lot depth of 100 ft. and the proposed lots will be 99 feet.

D. The permitted uses shall be the same as those permitted in the equivalent district provided that limitations may be placed on the occupancy of certain premises if such limitation is deemed essential to the health, safety or general welfare of the community.

The R-1B zoning district permits single-family detached dwelling units and the applicant has proposed single-family detached dwelling units.

E. The Planning Commission may require assurance of the financial and administrative ability of any agency created by a developer for the purpose of maintaining common open space and facilities of non-public nature.

There will be common open space (the detention facility area) and the private drive with this project which will have to be maintained by a homes association and the developer will need to prepare a document creating the homes association. The final document will need to be reviewed and approved by the Planning Commission with the submittal of the final development plan and final plat.

F. The Planning Commission and Governing Body may, in the process of approving preliminary and final plans, approve deviations from the standard requirements as follows, provided any deviations approved shall be in keeping with accepted land planning principles and must be clearly set out in the minutes as well as on exhibits in the record:

1. Setbacks of buildings and paved areas from a public street may be reduced to 50% of the standard requirement.

The dwellings side to 75th Street and maintain a 15 foot front setback adjacent to the private drive. Since the dwellings will face onto a private drive a deviation is not necessary.

2. The setbacks of buildings from a property line other than a public street may be reduced to 60% of the standard requirement and setbacks at paved areas adjacent to property lines, other than street lines, to zero if existing or proposed development on said adjacent land justifies the same.

The rear yard requirement in the R-1B zoning district is 25 feet and the applicant is proposing to reduce the rear yard to 20 feet. 60% of the standard requirement would be 15 feet.

3. Side yards between buildings may be reduced to zero.

The applicant has not proposed any zero lot line buildings and is maintaining the 12 foot setback between buildings which is the requirement of the R-1B district.

4. The above deviations may be granted by the Planning Commission and Governing Body only when compensating open space is provided elsewhere in the project, whether there is ample evidence that said deviation will not adversely affect the neighboring property nor will it constitute a mere granting of a privilege.

It should be pointed out that there will be no public streets in this project and that the access will be limited to one point on 75th Street. The narrow width of the property causes a need to move the buildings closer to the property lines and thus results in a need to reduce the required front and rear setback lines. This housing complex is designed with a face to face internal orientation as in a conventional type of development rather than a single loaded street.

The concept of this development is to provide dwellings that are well designed on smaller lots to minimize lot maintenance and upkeep. This proposed development will appeal to empty-nesters and families with older children. The concept provides a single-family dwelling on a lot as compared to a patio home or townhouse development. This proposal provides a concept that is similar to Mission Pines which has been very successful; however, the uniqueness of this proposal is that it is only six dwellings. Small enclaves like this mixed with other types of single-family development will provide a variety of housing choices which should strengthen the value of surrounding properties.

The deviation of the setbacks will not adversely affect the neighboring property nor will they constitute a mere granting of a privilege. It is based on a design concept which provides housing options for residents of the City.

G. The design of all planned projects, whether residential, commercial or other, shall be such that access and circulation by firefighting equipment is assured to not be hindered by steep grades, heavy landscaping or building space.

The internal circulation for this project will be a private drive and the applicant has met with the Fire Department who has approved the hammerhead cul-de-sac design.

Bob Lindeblad stated the character of the neighborhood has R-1a on one side and R-1b allows for smaller lots. Infill is workable with the right building setbacks. He feels this project can be a good fit within this neighborhood and complies with the city's comprehensive plan. There is not any negative impact on the neighborhood. He is supportive with maintaining the required setbacks.

Nancy Vennard noted in response to Mr. Royer's comments on the use of alternative materials for the street surface that there are new sustainable ideas for surfacing. Mr. Williamson stated Mr. Royer would need to work with Public Works on the street surface. Mrs. Vennard asked if curb and gutters are part of the standard and if the surface material was a separate standard.

Keith Bredehoeft reviewed his concerns with the Commission and stated that he would continue to work with the applicant.

Bob Lindeblad moved the Planning Commission find favorably on the ordinance factors and the Golden Factors and forward PC2013-08 to the Governing Body with a recommendation for approval of the requested rezoning from R-1a to RP-1b for the property at 3101 West 75th Street subject to the following conditions:

1. Approve the front yard setback of 15 feet.
2. Approve the rear yard setback for 25 feet.
3. Approve the lot coverage for 30%.
4. Approve the lot depth of 99 feet.

In addition to the above, the following conditions need to be included in a favorable recommendation to approve the Preliminary Development Plan for Chadwick Court:

1. That a revised storm drainage plan be submitted to Public Works for their review and approval prior to the submission of the final plan. This will determine the size of the detention facility and how it will connect to the existing storm sewer system.
2. That the internal streets be private, and be built to City standards in terms of pavement depth and materials. The plans and specifications shall be reviewed and approved by Public Works.
3. That the applicant dedicate 10 feet of additional right-of-way for 75th Street and move the lots further south 10 feet.
4. That the plan as submitted be revised based on the requirements of the Planning Commission, be approved as the preliminary plan and be the basis for the preparation of the final plan.
5. That the property be platted prior to obtaining any building permits.
6. That the Homes Association agreement be submitted with the final plan guaranteeing the maintenance of the private street and stormwater detention area designated as Tract A.
7. That the existing trees and vegetation along the east and west property lines be preserved and protected during construction.
8. That a landscape plan be submitted with the Final Plan.
9. That any subdivision identification sign be submitted to the Planning Commission for approval.
10. That the applicant add the area on the east and west ends of the hammerhead cul-de-sac to Lots 3 and 6 to increase their area.
11. That the Preliminary Development Plan be revised based upon the action of the Planning Commission prior to it being submitted to the Governing Body for its consideration.
12. The building elevation and floor plan be approved as the concept plan for the development.

The motion was seconded by Randy Kronblad.

Nancy Wallerstein clarified the maximum lot coverage would be 30%.

Bob Lindeblad stated he wants to promote infill but wants it to be done right and the Commission needs to pay attention to details.

Nancy Wallerstein expressed concern with the lack of response from the neighbors on Aberdeen. The Planning Commission Secretary confirmed that notices were sent out to all property owners within 200' of the property, including the residents on Aberdeen.

The motion was voted on and passed unanimously.

NON-PUBLIC HEARINGS

Chairman Ken Vaughn announced the following changes to the order of the agenda for Non-Public Hearings:

- PC2013-116 - Site Plan Approval - LiveBlue
- PC2013-121 - Monument Sign Approval - Corinth Paddock
- PC2013-110 - Site Plan Approval - Dolce Bakery
- PC2013-118 - Homestead Country Club
- PC2013-120 - Preliminary Plat Approval - Chadwick Court

PC2013-116 Site Plan Approval - Live Blue

15 on the Mall

Zoning: C-2

Applicant: Jacob Palan, HelixKC for Blue Cross/Blue Shield

Jacob Palan with HelixKC addressed the Commission on behalf of Blue Cross/Blue Shield, who is instituting a new retail concept to bring services to customers in a retail setting and engage the community in wellness. The purpose of Live Blue is to prepare for the implementation of the Affordable Act. The facility will have a small amount of health products that they will be promoting; however, these will not be sold at the store.

The applicant is requesting site plan approval for an outdoor seating area, planter boxes and bike racks on the east side of the tenant space and clarification of signage on both the east and west facades.

Ken Vaughn asked if the applicant had received the staff report and if they had any comments. Mr. Palan asked for clarification on condition #2. Ron Williamson replied that a 48" open walkway must be maintained to meet ADA requirements beyond any overhang from parked vehicles.

Mr. Palan stated he thought that the staff had already approved the signage for the site based on the sign standards for the center. Mr. Williamson stated they had and that condition number 4 was not necessary. Jim Brown noted that sign permits have already been issued by staff in compliance with the approved sign standards.

Ron Williamson noted that the City has come to an agreement with Lane4 regarding parking requirements for the center which is based on square footage. This requires that a square footage chart be updated and presented with each new application for the center.

Nancy Wallerstein asked what the hours of operation would be for LiveBlue. Mr. Palan responded it would be open from 10 a.m. to 9 p.m. on weekdays and 10 am to 6 pm on Saturdays.

Randy Kronblad confirmed that the 48" walkway needs to be maintained. Mr. Palan replied it will be. Nancy Vennard questioned an open space on the plans without any parking designated. Mr. Williamson responded there is a fire hydrant in that location and the fire department has required it remain open and accessible.

Ron Williamson presented the following information on this application:

The outdoor seating area is to accommodate three tables, six chairs and a bench along the face of the building and is approximately 7' x 18' or 126 sq. ft. This will serve as a conversation area where people can relax and have a soft drink. No food will be served. The bike racks will be located in the corner west of the store. The distance between the columns and the curb is 54". In order to meet ADA accessibility through this area an unobstructed walkway of 48 inches must be maintained. Vehicle overhang could be 24 inches which reduces the accessible walkway to 30 inches. The curb will need to be moved out at least two feet to widen the sidewalk and allow an ADA accessible walkway. This would increase the outdoor seating space in the Center from 5,319 sq. ft. to 5,445 sq. ft. and would increase the Center sq. ft. from 311,743 to 311,869.

The square footage of Village Center has been agreed upon between the City and the owners. The off-street parking requirement for mixed office/commercial centers over 300,000 square feet is 3.5 spaces per 1,000 square feet. The addition of 126 square feet for the outdoor seating area will increase the required parking from 1,091 spaces to 1,092 spaces. The Center provides 1,133 spaces and has an excess of 41 spaces. Based on the agreed upon parking calculation method, the applicant will need to submit a floor plan indicating the amount of area designated as storage and the Center will need to update the square footage chart, indicating the change in storage area and patio area.

The applicant has proposed to use a wall sign as well as the band sign that is used by other tenants. This is allowed by the sign standards when the tenant space has a flat or brick wall. The applicant also has incorporated wood into the building façade. Wood has not been used extensively in the Center, but the Tavern and UMB building have used wood.

Chairman Ken Vaughn led the Commission in the following review of 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 capable of accommodating the seating area, bike racks and bench provided an ADA accessible walkway is available. The walkway between the curb and the building columns is only 54 inches and with vehicle overhang it would be reduced to 30 inches. The walkway will need to be widened so that there is an unobstructed walkway of 48 inches. The 48-inch width allows for a wheelchair and a pedestrian to pass.

B. Utilities are available with adequate capacity to serve the proposed development. Utilities are currently in place serving the Prairie Village Center and are adequate to serve this minor expansion for outdoor seating.

C. The plan provides for adequate management of stormwater runoff. There will be no increase in impervious surface so stormwater is not an issue.

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

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

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

The addition of outdoor seating will help create a more vibrant atmosphere for the center and is consistent with good land planning practices. The primary site design issue is the need to maintain a minimum 48-inch walkway for ADA accessibility between the canopy columns and the parking lot curb.

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

The façade of this tenant will be significantly different than other tenants in the building. The existing masonry bases at the bottom of the windows will be removed and replaced with glass panels that run to the floor. This will not be as noticeable on the east side because of the bands along the wall, but it will be clearly seen from the mall side. Also, the introduction of wood will be a change from the masonry walls.

Most of the tenants in the center have maintained some type of masonry base under the windows, however, Joseph A. Banks which is nearby has window frames that run to the floor.

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

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

Randy Kronblad moved the Planning Commission find favorably on the site plan criteria and approve PC2013-116 for site plan approval for LiveBlue located at the NW corner of 71st & Mission Road subject to the following conditions:

- 1) That all lighting used to illuminate the outdoor area be installed in such a way as to not create any glare off the site and be in conjunction with the outdoor lighting regulations.

- 2) That a minimum 48-inch wide accessible walkway be maintained on the east side which is not obstructed by vehicle overhangs into the walkway.
- 3) That the applicant submit a landscape plan for the planters to Staff for review and approval.
- 4) That the signage be approved in accordance with the approved sign standards. (included per amendment by Mrs. Wallerstein)
- 5) That the square footage chart and drawings be updated and submitted to the City in order to determine the appropriate square footage for the parking requirement.

The motion was seconded by Bob Lindeblad.

Nancy Wallerstein stated she would like to see condition 4 remain in the approval but worded “that the signage be approved in accordance with the approved sign standards.” The amendment was accepted and the motion was voted on and approved as amended by a vote of 5 to 0.

PC2013-121 Monument Sign Approval Corinth Paddock

Skip Kendall, 3712 West 79th Terrace, in Corinth Paddock addressed the Commission as landscape chairman for the homes association. The homes association would like to replace their existing subdivision identification signs with two new signs at 79th Terrace and Mission Road. The previous monument sign was located on a split rail fence. The new monument sign will be anchored with stone pillars that have already been installed.

Orientation

The proposed signs will replace the existing signs and are located on the north and south sides of 79th Terrace, angled and facing west towards Mission Road.

Setback

The signs will be located approximately 10 feet from the back of curb.

Construction Materials

The sign panels will be constructed out of high density urethane with a medium brown, stucco finish background and raised, enamel lettering in white. The sign panels will be supported by stone columns on either side.

Illumination

Previously, the sign were illuminated from a source that was visible from the street. The proposed signs will be illuminated by the same source, but Mr. Kendall stated the lights will not be visible from either the north or south due to proposed landscaping. .

Height

The proposed signs will be 45” tall, which is within the 5’ maximum height permitted by Section 19.48.015.M.

Area

The proposed sign panels are 6'-3" in length and 2'-1" in height, approximately 13 square feet, which is within the 20 square feet maximum permitted by Section 19.48.015.M.

Landscaping

The applicant has submitted a landscape plan, and the plant selection is appropriate. The source of illumination is not identified on the landscape plan, but as mentioned above, the applicant has indicated that plant material will be used to screen it from view.

Bob Lindeblad moved the Planning Commission approve PC2013-121 - Subdivision Identification Signs for Paddock Court to be located on 79th Terrace and Mission Road as presented with the source of illumination not to be visible from the street or from any dwelling within the subdivision. The motion was seconded by Nancy Wallerstein and passed unanimously.

PC2013-119 Site Plan Approval - Dolce Bakery 3930 West 69th Terrace

Jeff Hall, representing Dolce Bakery, stated that the bakery was moving from its present location to a location in the Prairie Village Shopping Center. They would like to have an outdoor patio area at the new location. The outdoor seating area is approximately 7' x 26' or 182 square feet. There will be four café tables and 8 chairs.

Danielle Dulin noted there is no usable walkway between the columns and the curb, and in order to meet ADA accessibility through this area, an unobstructed walkway of 48" must be maintained between the outdoor furniture and the columns. Mr. Hall responded that smaller café tables will be used to maintain that open walkway.

Ron Williamson noted, as with the previous application, the applicant will need to submit a floor plan indicating the amount of area designated as storage and update the square footage chart indicating the change in storage area and patio area.

The square footage of the Prairie Village Shopping Center has been agreed upon between the City and the owner. The off-street parking requirement for the mixed office/commercial centers over 300,000 square feet is 3.5 spaces per 1,000 square feet. Pending the approval of PC2013-116, the addition of 182 square feet for the outdoor seating area will increase the required parking from 1,092 to 1,093 spaces. There are currently 1,133 spaces, an excess of 40 spaces.

Ken Vaughn led the Commission in the following review of the Site Plan Criteria:

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

The site is capable of accommodating the seating area provided an ADA accessible walkway is maintained between the furniture and the columns at all times. An ADA accessible walkway is 48" wide and unobstructed. This allows for a wheelchair and a pedestrian to pass.

B. Utilities are available with adequate capacity to serve the proposed development.
Utilities are currently in place serving the Prairie Village Shopping Center and are adequate to serve this minor expansion for outdoor seating.

C. The plan provides for adequate management of stormwater runoff.
There will be no increase in impervious surface so stormwater is not an issue.

D. The plan provides for safe and easy ingress, egress and internal traffic circulation.
The proposed site will utilize existing driveways, and the general circulation of the Center will not be changed.

E. The plan is consistent with good land planning and good site engineering design principles.
The addition of outdoor seating will help create a more vibrant atmosphere for the Center and is consistent with good land planning practices. The primary site design issue is the need to maintain a minimum 48-inch walkway for ADA accessibility between the canopy columns and outdoor furniture.

Nancy Wallerstein moved the Planning Commission find favorably on the Site Plan Criteria and approve PC2013-119 for outside seating the Dolce Bakery at 3930 West 69th Terrace subject to the following conditions:

- 1) That all lighting used to illuminate the outdoor area be installed in such a way as to not create any glare off the site and be in conjunction with the outdoor lighting regulations.
- 2) That an unobstructed, 48" wide accessible walkway be maintained between the outdoor furniture and the canopy columns at all times.
- 3) That the square footage chart and drawings be updated and submitted to the City in order to determine the appropriate square footage for the parking requirement.

**PC2013-118 Site Plan Approval - Homestead Country Club
6510 Mission Road**

Brian Collins, addressed the Commission representing the Homestead Country Club in its request for Site Plan Approval to install two additional platform tennis courts. The courts are proposed to be located in the area south of the existing two platform tennis courts. The two existing platform tennis courts were approved by the Planning Commission on June 7, 2011. They were installed with lighting and skirting; and have been very successful with a growing demand as more leagues are formed. In the

Kansas City area, platform tennis courts are located at The Carriage Club and the Kansas City Country Club. Each has two courts.

Platform tennis is primarily a doubles sport that is played year around. The game is played on an elevated aluminum deck $\frac{1}{4}$ the size of tennis court and is surrounded by a 12' high superstructure with taut, 16-gauge "chicken wire" fencing which allows play off the walls, as in racquetball and squash. The court is 44' long and 20' wide on a deck with a playing area 60' by 30'.

The base of a platform tennis court is usually enclosed, allowing for a heating system beneath the deck (propane, natural gas or kerosene.) The heating system melts ice off the aggregate deck surface, allowing athletes to play outdoors in all weather conditions. Most courts have lighting systems for winter so the game can be enjoyed year-round. The proposed courts for Homestead will be lighted and skirted just like the existing courts. Mr. Collins presented an outdoor lighting plan that is in compliance with the outdoor lighting ordinance.

When the two initial platform tennis courts were approved for Homestead, hours of operation were a condition of approval. The hours were 6:00 am to 10:30 pm, Monday-Friday, and 8:00 am to 10:30 pm, Saturday and Sunday. This condition should also apply to the new platform tennis courts.

Mr. Collins stated a neighborhood meeting was held on August 20, 2013 and five property owners were in attendance. The questions were mainly about noise and landscape screening. The neighbors would like additional evergreen planting along the south side of the courts to screen them and soften the noise. The club has agreed to provide the additional trees.

Ken Vaughn asked if the additional trees would be planted near the court or near the property line. Mr. Collins responded the previous trees were planted near the property line and he would anticipate these would also be near the courts.

Chairman Ken Vaughn led the Commission in the following review of the Site Plan Criteria:

1. The site is capable of accommodating the buildings, parking areas, and drives with appropriate open space and landscape.

The site is approximately 14.5 acres in area and is adequate in size to accommodate the proposed structure. No additional parking areas and drives have been proposed. The proposed structure will be approximately 91' from the south property line, 420' from the west property line and 340' from the north property line. The platform tennis courts will not be visible from Mission Road which is to the east. A row of evergreens were planted along the south property line when the two original courts were constructed, however, the neighbors would like this to be enhanced with additional plantings.

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

The property is currently served with all utilities and the only change will be the addition of some electrical line in order to light the courts. No additional needs are contemplated for water and sewer services.

3. The plan provides for adequate management of storm water runoff.

The platform is set on 21 twelve inch piers and the platform is designed so that water drains through it to the ground. Therefore very little impervious surface will be created and the site should adequately handle the storm water.

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

No change is being proposed in the current egress to the property or in the traffic circulation. No new parking is proposed or anticipated as part of this project.

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

The proposed platform tennis courts have been located between two existing facilities on the site - the tennis courts on the west and the fitness center on the east. To the north are the two original platform tennis courts and south is open lawn area. The proposed location should have a minimum negative impact on neighboring properties. The addition of some evergreen landscaping on the south side of the courts should mitigate the concerns of the property owners along Homestead Drive. The light poles are approximately 20' tall and the light fixture is a shoebox design that diverts light down. The applicant will need to submit a photo metric lighting plan that meets the outdoor lighting ordinance, which is 0.0 foot candles at the property line.

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

The proposed platform tennis courts are not of the same design as facilities in the surrounding neighborhood but they are the same as the existing platform tennis courts at Homestead Country Club. As stated earlier, platform tennis courts are currently in existence at The Carriage Club and the Kansas City Country Club where they are close to residences.

7. The plan represents an overall development pattern that is consistent with the comprehensive plan (Village Vision) and other adopted planning policies.

One of the primary objectives of the comprehensive plan is to encourage the reinvestment in the community to maintain the quality of life in Prairie Village. The Homestead Country Club is one of the unique amenities that sets Prairie Village apart from competing areas south of I-435 and the City should support the Club in order to maintain its competitive position. This application is consistent with the comprehensive plan in encouraging reinvestment in the community.

A discrepancy in the staff report was noted with the interior of the report stating the courts would not be closer than 90 feet from the south property line and the conditions for approval stating 91 feet. The condition of approval was changed to read 90 feet.

Nancy Wallerstein asked why the large space between the courts. Mr. Collins stated this is needed for the power lift to be able to access the bubble that is stored in the building east of the courts.

Nancy Vennard noted the neighbors are asking for evergreens, but noted they are going to take several years to grow to the size where they will be an effective screen. She suggested that some other plantings also be added around the court. Nancy Wallerstein agreed a couple of trees are not sufficient landscaping. Mrs. Vennard noted the plan shows seven trees. Mrs. Wallerstein felt more were needed. Mr. Lindeblad suggested that issue be left to the approval of staff. Randy Kronblad pointed out the trees that were installed three years ago with the initial courts are not very large to provide screening. Mr. Collins noted it has been a difficult year to maintain trees. Ron Williamson stated that staff will work with the applicant on a combination of plantings that will be more effective more quickly.

Nancy Wallerstein stated she has heard complaints from several residents on Homestead Lane regarding the noise level late in the evening from playing and people visiting after games. This issue concerns her and she would like to see the courts moved closer to the clubhouse than to the residents. Mr. Collins replied there was not enough room to accommodate the courts. Bob Lindeblad did not feel that two additional courts were going to have a large impact. Nancy Vennard confirmed which courts were lit.

Jim Blackwell, 4200 Homestead Drive, one of three neighboring property owners, addressed the Commission with his concerns on the size and location of the courts as they impact his view and stated there was a lot of noise coming from the courts, especially late at night. He also expressed concern with water coming from the courts. He has requested the skirting be green instead of black. He noted the light poles are 12' tall and wants to be sure the lighting will not shine in his backyard. He asked why the lights couldn't be put on a timer. Mr. Blackwell said he was told the court location could not be moved because of a proposed building.

Nancy Wallerstein asked what building?

Bryce Johnson, 6510 Homestead Drive, stated Mr. Blackwell misunderstood the reference to a possible building. The club has discussed the possibility of placing a warming hut/area between the courts in the future.

Nancy Wallerstein felt if this was a future plan, it should have been depicted on the plans. It appears everything is being presented in a very piecemeal fashion. She would like to see the visions and plans for the club. Mr. Collins responded nothing has been approved or discussed at the Board level regarding possible warming huts. The only things being requested for approval are the two courts.

Ken Vaughn noted it was stated earlier that space was necessary between the courts to move the tennis bubble. Mr. Collins replied yes, to access the tennis bubble which is stored on site in the fitness center to the east.

Mr. Vaughn asked if there was a master plan for the development of the club. Mr. Collins stated there is not an approved master plan. Mr. Vaughn noted the Commission does not appreciate getting blindsided with piecemeal additions to a property.

Paul Wrablica, a member of the Homestead Board, noted at one time there was a plan for an ice skating rink. There is a desire by the membership to grow the club memberships and platform tennis is a growing sport that has brought new life and members to the club. The club is asking for approval to construct an additional two courts. Nancy Wallerstein asked if Mr. Warbe felt the club would be adding more courts in the future. He responded he does not believe there is room for any more courts to be added.

Nancy Vennard asked Mr. Blackwell if he wanted black or green skirting.

Ken Simons, 4110 Homestead, replied he would prefer the green skirting on the courts as it blends better.

Nancy Wallerstein confirmed there were four courts covered by the bubble and there was no other way to access the bubble. Mr. Collins responded it is how the bubble is accessed. Mr. Vaughn questioned if it was the only access or the most convenient access. Nancy Wallerstein noted that if the courts were pulled closer together and the bubble was moved around the south end of the courts, a better buffer could be provided.

Ken Vaughn stated he would like to see more landscaping to provide a more effective buffer. Mr. Collins replied they would do whatever was reasonable. Mr. Vaughn stated he would like it to provide an all-season screening to help with the noise.

Nancy Wallerstein asked if the hours could be cut back to 10 o'clock instead of 10:30 p.m. Mr. Collins stated as set the time frame allows for two start times.

Nancy Vennard asked how the lights were controlled. Mr. Collins stated they were turned on and off manually.

Mary Anne Simons, 4110 Homestead Drive, stated she wants to be a good neighbor as an abutting property owner, but stated that sound is an issue. Especially in the winter particularly the noise from the courts vibrates in her house. She would like to see this addressed before more courts are allowed.

Brian Collins noted they place skirting boards around the bottom of the courts to help buffer the sound. Nancy Vennard confirmed the courts were placed over grass which would provide more of a sound buffer than concrete. Mr. Collins stated he could check on other ways to address the sound, perhaps a product that could be installed similar to insulating. Nancy Wallerstein stated she would like to have that added to the conditions for approval. She would also like added that there shall be a maximum of four courts as has been stated by speakers. Mr. Williamson stated this could be added, but does not feel there would be sufficient room for any more courts.

Nancy Vennard asked if the club would consider moving the playing time back to 10 p.m. Mr. Collins stated he could not speak for the club and noted all of the courts are being used on Tuesday, Wednesday and Thursday for league play and as play gets better matches go longer. They are trying to allow people the time to complete their matches.

Bob Lindeblad noted Homestead is a long established club with an outstanding history of tennis and he feels the requested two additional platform tennis courts is a reasonable request; therefore, he moved the Planning Commission find favorably on the Site Plan Criteria and approve PC2013-118 for the installation of two platform tennis courts at Homestead Country Club, 6510 Mission Road subject to the following conditions:

1. That the platform tennis courts will be located as shown on the site plan submitted and not be closer than 90 ft. from the south property line.
2. That the outdoor lighting be in compliance with the outdoor lighting ordinance and the applicant submit an outdoor lighting plan to the City for Staff review and approval.
3. That the base of the courts be skirted with the same material, but green in color, that was used on the two existing courts. Additionally, the applicant will research ways of softening the sound and implement if required by staff.
4. That the hours of operation shall be 6:00 am to 10:30 pm, Monday-Friday, and 8:00 am to 10:30 pm, Saturday and Sunday.
5. That the applicant submit an all-season landscape plan to screen the courts on the south side and adjacent to the courts for review and approval by Staff.

The motion was seconded by Nancy Vennard. The motion was voted on and passed by a vote of 5 to 0.

**PC2013-120 Preliminary Plat Approval
3101 West 75th Street**

The proposed preliminary plat is a seven lot plat of an unplatted parcel of land that is occupied by one large dwelling at the south end of the tract. The property is proposed to be zoned RP-1B Single-Family Dwelling District and the minimum lot size is 6,000 square feet with a minimum lot width of 60 feet. The area of the parcel is approximately 2.7 acres and the smallest lot, #1, is 7,898.9 sq. ft. which is larger than the minimum lot size.

Ron Williamson stated the plat is dependent upon the approval of the Preliminary Development Plan that is a part of the Zoning Change Request from R-1A to RP-1B. Therefore, it is recommended that the action on the Preliminary Plat be deferred until such time as the Governing Body approves the RP-1B zoning change. If changes occur to the Preliminary Development Plan then the plat will need to change also and be resubmitted.

Ron Williamson added there are several issues related to the plat that need to be addressed including drainage and right-of-way issues as well as a sewer line relocation.

Bob Royer responded that he was ok with the continuation of this item. He would be willing to come back to the Planning Commission in November with the final development plan and the plat.

Nancy Wallerstein moved the Planning Commission continue PC2013-120 until the November 5th meeting after the Governing Body has taken action on the requested rezoning. The motion was seconded by Randy Kronblad and passed unanimously.

OTHER BUSINESS

PC2012-108 - Site Plan Approval for Corinth Hen House

Owen Buckley, representing Lane4 and Kylie Stock with LegaC Properties were present to address the Commission regarding action taken by the Commission at their June 4, 2013 meeting when they required screening be installed on the west side of the building and that RTUs that extend above the screening be painted.

Mr. Buckley asked the Planning Commission to reconsider that requirement. They feel that the landscaping along Somerset Drive and the painting of the units they have already done provides more than sufficient screening. He noted the cost to screen the west side of the building with a wall would cost an additional \$70,000.

He noted that plans submitted and approved for their building permit did not indicate a screening wall. Therefore, they felt the City agreed that the screening from the existing trees was sufficient, and now they are being told they need to provide additional screening. He does not feel the impact of the screening justifies a \$70,000 expenditure of CID funds, noting they want to be fiscally responsible with the expenditure of CID funds and feels they could be more effectively used.

Nancy Wallerstein noted that the RTU's that have been installed are larger than what was presented on the initial plans, which is why the Commission has required additional screening.

Ron Williamson noted several of the pine trees appear to be dying and, therefore, the screening is light and may only be temporary. The metal screening on the north, south and east elevations of the building provides more permanent screening and even though it is not tall enough to screen all the RTUs it does help significantly.

On June 5, 2012, the Planning Commission approved the Hen House Site Plan in Corinth Square subject to several conditions. Condition 6 was as follows:

6. That the final plan for the proposed RTU screening be submitted to Staff for review and approval prior to issuing a permit and any RTUs that are taller than the screen be painted the same color as the screen.

It was discussed, but the Planning Commission did not require the applicant to submit a drawing of the west elevation because the applicant stated that they only planned to

paint that side of the building. The applicant did install screening for the RTUs on the north, east and south sides of the building, but the screen is not tall enough to screen many of the units and no screening was provided on the west side. The Staff Report pointed out that the RTUs must be screened on all sides of the building and it is the understanding of Staff that Condition 6 intended for all sides of the building to be screened from the RTUs. Perhaps a different RTU was selected that was taller than originally proposed, but the screening does not screen the RTUs as shown on the drawings submitted to the Planning Commission.

Mr. Buckley confirmed that the units have all be painted.

Ken Vaughn noted that one of the concerns with landscaping is maintenance. Mr. Buckley stated they would come back with a landscape plan and it would be maintained to keep the screening intact.

Ron Williamson noted that on the approved elevations the screening went to the parapet and it was presumed the units were entirely screened.

Bob Lindeblad stated the elevations were approved on three sides with the fourth side requiring only painting.

Mr. Williamson responded that an elevation was not required on the west side, but the screening requirement applied to all four sides.

Nancy Wallerstein stated the bottom line is that the trees will come down and there will be nothing to provide screening for several years. Mr. Buckley stated only 7 to 10% of the trees are dead at most.

Nancy Vennard stated the corners are the most objectionable, particularly the south entrance from Somerset. There needs to be screening that wraps around the corner. Mr. Buckley responded that the wall was never meant to cover all. Mrs. Vennard stated the wraparound is something that could be done. Bob Lindeblad agreed that wrap around screen was needed at the corners.

Mr. Buckley stated the need to make decisions that are good expenditures of CID funds. Mr. Vaughn noted that landscaping is not an eligible CID expenditure and the screening needs to wrap around the corner. Randy Kronblad noted it was the intent of the Commission that the units be screened.

Nancy Vennard moved the Planning Commission direct staff to work out screening wrapping the corners to a logical spot, with Lane4 for the RTU's on the Corinth Hen House. The motion was seconded by Randy Kronblad and passed unanimously.

NEXT MEETING

The Secretary noted that at this time no new applications have been filed for consideration by the Commission in October. It was noted there are applications

outstanding that need to be brought forward, but staff does not believe they will be ready for October.

Staff will send a confirming e-mail, but at this time it appears the Commission will not need to meet in October. However, a full agenda is anticipated for the November meeting.

ADJOURNMENT

With no further business to come before the Commission, Chairman Ken Vaughn adjourned the meeting at 9:30 p.m.

Ken Vaughn
Chairman