

**PLANNING COMMISSION MINUTES**  
**February 10, 2014**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in Special session on Monday, February 10, 2014, in the Municipal Building Council Chambers at 7700 Mission Road due to the weather related cancellation of the regular February 4<sup>th</sup> meeting. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Nancy Wallerstein, Gregory Wolf; Randy Kronblad and Nancy Vennard.

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

**APPROVAL OF MINUTES**

Gregory Wolf moved the approval of the Planning Commission minutes of January 7, 2014. The motion was seconded by Randy Kronblad and passed by a vote of 4 to 0 with Nancy Wallerstein abstaining.

**PUBLIC HEARINGS**

Chairman Ken Vaughn noted the public hearing on the original agenda has been moved to the March 4<sup>th</sup> agenda as republication of the notice of hearing is required.

**NON PUBLIC HEARINGS**

**PC2013-128 Site Plan Approval for Wall in Front Yard  
6330 Granada**

Danielle Dulin stated the applicant is requesting site plan approval to allow construction of a brick wall that is located in the front yard. The proposed brick wall will match the existing brick on the house and will have a 12' painted wood gate for entry. The proposed wall is 4' in height including the brick cap and 47' 4" in length across the existing driveway. It extends approximately 20' past the front plane of the house, but is set back approximately 75' from the front property line. The purpose of the wall is to create a motor court screening the garage and parked cars in the driveway from view of the street.

Nancy Vennard noted the plans show a painted brick wall; however, the existing brick columns at the entrance are not. Emily Eckles, 6330 Granada, responded all the new brick will be painted, but the two existing columns at the entrance will stay as they are.

Gregory Wolf moved the Planning Commission approve the proposed brick wall at 6330 Granada Street as presented on the plans dated October 16, 2013. The motion was seconded by Nancy Wallerstein and passed unanimously.

**PC2013-08 Final Development Plan for Rezoned Property  
3101 West 75<sup>th</sup> Street**

Robert Royer, 7805 Mission Road, gave a power point on his final development plan showing changes that have been made including the flipping of houses on lots #3 and #6 to address the concern with the houses being too close to the curb and gutter. He also noted the homes on lots #2 and #5 have been moved slightly to the north. The architectural theme for the development will be French country following the existing character of the Mogren home. He presented pictures of different homes that could be constructed in the development under that theme.

Mr. Royer addressed the staff recommendation requesting that conditions 3, 5, 6 and 7 be removed. He did not feel the city and the tree board had the right to approve landscape within a private development. Mr. Royer felt conditions 5, 6 and 7 restricted the ability of the project to allow for customization by the individuals purchasing the homes within the overall restrictions of the covenants. Mr. Royer reviewed the covenants which had been submitted to the City Clerk earlier in the day. Commission members stated they would have preferred to have that information in their packet for review prior to the meeting.

Mr. Royer stated he will be selling the six lots to individual builders for the construction of spec homes.

Nancy Vennard questioned the allowance of various roofing materials. She stated that roofing material is a feature of uniformity in a development.

Ron Williamson noted that at previous meetings concern was expressed by the Commission on the shortened back yard. He stated this is not six regular lots being developed. It is a planned development for which several concessions were granted for a compensating better design and building materials. Staff does not feel the plans present a clear design with compensating building materials. The landscape plan has trees in the detention area and only ornamental trees - no shade trees including those abutting 75<sup>th</sup> Street.

Nancy Vennard questioned the need for an approved landscape plan on a private development. She is ok with a landscape plan for the street area along 75<sup>th</sup> Street. Mr. Williamson stated he does feel the city and tree board has the right to dictate landscape on private property.

Randy Kronblad stated he would like to see more information on the grading, including first floor elevations, noting there is only 16 feet between dwellings. He would like more than concepts on how this is going to drain. Mr. Royer replied he felt that was part of the final plat approval and stated it would be reflected on the final plat.

Nancy Vennard felt that conditions 5, 6 and 7 could be waived as requested. She does not feel the Commission should be dictating individual design. Owners of homes costing \$750,000 will require appropriate quality design and building materials. She felt condition number 3 should only address the 75<sup>th</sup> Streetscape.

Randy Kronblad asked if the stormwater basin would be a grass bottom. Mr. Royer responded that it would. Mr. Kronblad asked what depth it would be. Mr. Royer replied indicating that there would be limestone cut boulders two to three feet on the north side.

Ron Williamson reviewed the Governing Body's approval of the rezoning and Preliminary Development Plan subject to the following conditions:

1. That the front yard setback be 15 feet.
2. That the rear yard setback be 20 feet.
3. That the lot coverage be 35%.
4. That the lot depth be 99 feet.
5. 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.
6. 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.
7. That the applicant dedicate 10 feet of additional right-of-way for 75<sup>th</sup> Street and move the lots further south 10 feet.
8. 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.
9. That the property be platted prior to obtaining any building permits.
10. 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.
11. That the existing trees and vegetation along the east and west property lines be preserved and protected during construction.
12. That a landscape plan be submitted with the Final Plan.
13. That any subdivision identification sign be submitted to the Planning Commission for approval.
14. That the applicant add the area on the east and west ends of the ends of the hammerhead cul-de-sac to Lots 3 and 6 to increase their area.
15. 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.
16. That the building elevation and floor plan be approved as the concept plan for the development.

The revised the Preliminary Development Plan as required by the Planning Commission and is now labeled as the Final Development Plan, dated 1-20-14.

Mr. Williamson noted the applicant has added more detail to the building elevations and labeled the materials. In reviewing the plans, staff has the following comments:

1. The Front Elevation Lots 1, 3, 4 & 6 has some good detail but the vast majority of the façade is stucco. The houses to the west in Canterbury Court also use stucco but have incorporated brick and stone to add interest and aesthetics to the facades. These will be high-end residences and the addition of masonry would improve their appearance
2. The Back Elevation Lots 1, 3, 4 & 6 is fairly plain and needs additional aesthetic treatment. The roof over the covered deck does not appear to be in proportion to the building. It needs to be lengthened. A 6 foot by 12 foot covered outdoor space does not seem to be adequate for a residence of this size.
3. The elevation for Lots 2 & 5 include stone accents on the windows and garages which helps break up the stucco facades. The comments on the Back Elevation are the same as for Lots 1, 3, 4 & 6.
4. Staff anticipated that the dwellings would use the same materials, but each dwelling would be unique in design making a cohesive yet different enclave.
5. The plans specify stone or stucco for the chimneys and Staff recommends they be stone.

The landscape plan shows a variety of trees, which is good. However, they are all ornamentals and no shade trees. There are trees in the detention area and ornamentals on 75<sup>th</sup> Street. The applicant needs to work with Staff to revise the landscape plan.

The applicant is working with the Public Works Department on the storm drainage and street design and will resolve the details prior to approval of the Final Plat.

A fence design is shown on the landscape plan.

It is the recommendation of Staff that the Planning Commission approve the Final Development Plan for Chadwick Court subject to the following conditions:

1. That the applicant obtain approval of the stormwater design and plans from Public Works prior to submitting the Final Plat.
2. That the applicant obtain approval of the private street plans and specifications prior to submitting the Final Plat.
3. That the applicant work with Staff on the tree planting and submit the landscape plan to the Tree Board for review and approval.
4. That the applicant prepare the homes association document to maintain the common areas and street and submit them with the Final Plat.
5. That the applicant use stone or brick to improve the aesthetics of the Front Elevation on Lots 1, 3, 4 & 6.

6. That the applicant design a deck cover for the Back Elevations of all the buildings that is more in scale with the dwelling.
7. That the chimneys be stone, not stucco.
8. That the applicant revise the plans if changed by the Planning Commission and submit three copies to the City for the record.

Nancy Vennard moved the Planning Commission approve the Final Development Plan for Chadwick Court subject to the following conditions:

1. That the applicant obtain approval of the stormwater design and plans from Public Works prior to submitting the Final Plat.
2. That the applicant obtain approval of the private street plans and specifications prior to submitting the Final Plat.
3. That the applicant work with Staff on the tree planting and submit a landscape plan for the area abutting 75<sup>th</sup> Street to the Tree Board for review and approval.
4. That the applicant prepare the homes association document to maintain the common areas and street and submit them with the Final Plat.
5. That the applicant revise the plans if changed by the Planning Commission and submit three copies to the City for the record.

The motion was seconded by Randy Kronblad and passed on a 5 to 0 vote.

#### **PC2013-120 Preliminary Plat Approval Chadwick Court**

The Preliminary Plat for Chadwick Court was first submitted to the Planning Commission at its September 10, 2013 meeting. Approval of the plat has been continued as the application for rezoning was considered by the Governing Body. The Governing Body approved the RP-1b zoning and preliminary development plan on December 2, 2013 and as a result, the size of the lots changed which changed the data on the preliminary plat. The applicant has not met all subdivision requirements for the preliminary plat and staff recommends the preliminary plat be continued until the March 4, 2014 Planning Commission meeting.

Randy Kronblad moved the Planning Commission continue PC2013-120 - Preliminary Plat Approval for Chadwick Court to its March 4, 2014 meeting. The motion was seconded by Nancy Wallerstein and passed unanimously.

#### **PC2013-127 Preliminary Plat Approval Mission Chateau**

John Petersen with Polsinelli addressed the Commission on behalf of MVS, LLC. He noted Joe Tutera was also present. Mr. Petersen stated they had received the staff report and were in agreement with the staff comments and recommendation. However, he asked for clarification on Condition #6 referencing a 15 foot sidewalk. Mr. Williamson replied Condition #6 should read, "That 30-foot platted front setback lines be shown on the plat and a 15-foot setback be shown on Lot 1 adjacent to 85<sup>th</sup> Circle.

Ron Williamson stated the proposed Preliminary Plat of Mission Chateau is a 10 lot plat that includes nine single-family lots, a public street, and one large lot for the proposed Senior Housing Community. The nine single-family lots vary in size from 17,483 sq. ft. to 30,590 sq. ft. and the average for the nine lots is 20,292 sq. ft. In the R-1A Single-Family District, the minimum lot size is 10,000 sq. ft. and all the lots exceed that minimum by a significant amount. The proposed public street, 85<sup>th</sup> Circle, is a cul-de-sac and will serve the single-family lots, as well as provide two access points for the Senior Housing Community.

## **STREETS**

Access from Lot 10 to Mission Road will be one driveway and the plat should show access control on the rest of the Mission Road frontage. No additional right-of-way is needed for Mission Road.

The proposed cul-de-sac, 85<sup>th</sup> Circle, is approximately 1,020 feet in length. The subdivision Regulations state that cul-de-sacs shall generally not exceed 500 feet in length and loop streets are encouraged. A private loop street is provided for the Senior Housing Community approximately 240 feet from the end of the cul-de-sac. Access to this private drive needs to be a condition of approval of the plat. The cul-de-sac turnaround is required to have a minimum diameter of 80 feet to the gutter. The proposed turnaround has a right-of-way diameter of 102 feet which should be adequate to accommodate the required pavement. The proposed right-of-way width of 85<sup>th</sup> Circle is 58 feet. The applicant proposed an 8-foot wide median to be landscaped. This will also provide some screening between the single-family dwellings and the Senior Housing Community. The City does not want to maintain the median so a Home Owners Association will need to be created to provide for long term funding for maintenance.

## **SIDEWALKS**

A sidewalk will be required on the south side of 85<sup>th</sup> Circle as well as along Mission Road. The applicant will construct the sidewalk adjacent to Lot 10 as approved on the Site Plan and will construct a sidewalk adjacent to Lot 1 on Mission Road.

Mr. Williamson noted when the previous application was submitted for the Senior Housing Community it included the entire site and pedestrian access was provided to Somerset Drive. The proposed Preliminary Plat eliminates that connection. Staff feels that consideration should be given to providing a 10-foot wide pedestrian easement along the west side of Lot 9 to provide pedestrian access.

## **UTILITIES**

Since the site was developed as a middle school, utilities are available at the site. The applicant has worked with the various utilities and adequate capacity is available to serve the development.

## **STORM DRAINAGE**

The applicant has prepared a preliminary Stormwater Management Plan which has been reviewed by the City's Consultant and Public Works and is consistent with the

requirements of the City's Stormwater Management code. The original Stormwater Management Plan was prepared based on the previous plan and used 8.6 acres of impervious area. The impervious area on the proposed plan is 6.35 acres not including the single-family lots.

### **BUILDING SETBACK LINES**

Building setback lines for the Senior Housing Community buildings on Lot 10 shall be as approved on the Site Plan. Front building setback lines for Lots 1 - 9 are 30 feet and shall be shown on the plat. The side yard setback for Lot 1 adjacent to Mission Road is 15 feet and shall be shown on the plat.

### **TREES**

Preserving existing trees and vegetation is important, particularly along the south and southwest property lines, which includes Lots 1 - 9. Landscaping on Lot 10 is addressed as part of the Site Plan.

Street trees will also be required along Mission Road, 85<sup>th</sup> Circle, and the medians. The variety, size and spacing will be subject to the approval of the Tree Board.

### **EXISTING IMPROVEMENTS**

There are a number of existing items such as fencing, bleachers, etc. located in the single-family and 85<sup>th</sup> Circle area. All these items will need to be removed prior to recording of the Final Plat.

The applicant held a neighborhood meeting for the revised plan on October 22, 2013 and approximately 60 people were in attendance. The concerns expressed were the height of the buildings, the size, traffic, parking, and flooding, green space, compatibility with the neighborhood, density, public safety, and construction disruption.

Chairman Ken Vaughn led the Planning Commission in consideration of the following factors and conditions in reviewing a subdivision plat for approval:

**1. The size of the lots which currently abut the proposed subdivision:**

There are four single-family residential lots abutting the south property line and the average size of the four lots is 31,479 sq. ft. There are also four single-family residential lots abutting the southwest property line and the average size of those four lots is 44,512 sq. ft. which is a little larger than an acre. The average size of the combined eight single-family residential lots is 37,995 sq. ft. There are three multiple-family lots adjacent to the northwest which are 0.55 acres, 1.3 acres and 1.7 acres in area. There is one multiple-family lot of 3.3 acres adjacent to the north.

**2. The average size of lots which are within 300 feet of the proposed subdivision:**

For the purpose of this factor, only single-family lots are reported. The lots in Town and Country Estates to the southwest average 41,800 sq. ft. and the lots to the south average 37,703 sq. ft. The lots on the east side of Mission Road in Leawood Lanes average 30,100 sq. ft. The lots on the east side of Mission Road in Corinth Meadows average 13,445 sq. ft. The lots on the west side of Somerset Drive in Somerset Place

average 10,321 sq. ft. The lots that back up to those on Delmar Lane average 37,348 sq. ft.

All the single-family lots within 300 feet in Prairie Village are zoned R-1A which requires a minimum lot area of 10,000 sq. ft. The lots in Leawood are zoned R-1 Single-Family and the minimum lot area is 15,000 sq. ft. There are a variety of lot sizes in the immediate neighborhood ranging from 10,000 sq. ft. to over an acre and the quality of development has been very high regardless of the lot size.

**3. The fact that the width of the lot is more perceptive and impacts privacy more than the depth or the area of the lot:**

The R-1A Single-Family District requires a minimum lot width of 80 feet and a minimum lot depth of 125 feet. All the lots are a minimum of 125 feet in width which is well above the minimum requirement. The applicant has proposed nine single-family lots that back up to eight lots on the south and southwest property line.

**4. The likelihood that the style and cost of homes to be built today may be quite different from those which prevailed when nearby development took place:**

The trend in Prairie Village, as well as the metro area, is to build larger homes on infill lots. It therefore can be assumed that the new homes will be larger and higher priced than other existing homes in the area on similar sized lots. Many of the homes in this area were built in the 50s and 60s so the design and amenities will be significantly different. Also people want larger homes and less yard maintenance.

**5. The general character of the neighborhood relative to house sizes, aging condition of structures, street and traffic conditions, terrain, and quality of necessary utilities:**

The neighborhood is quite diverse in the size of its housing. The residences to the south and southwest were for the most part built in the late 50s and early 60s, and have the larger homes. The area on the west side of Somerset Drive was built in the mid-70s and the homes are smaller. The area east of Mission Road in Leawood was built in the late 50s and early 60s. The area to the north on the east side of Mission Road was built in the mid to late 50s. Most of the dwellings in the area are over fifty years in age. The size of the dwellings varies considerably from 1,500 sq. ft. to 6,000 sq. ft. The residences have been well maintained and many have undergone renovation to update them.

The street and traffic conditions are good. The terrain is relatively flat in this area. Utility services are readily available.

**6. The zoning and uses of nearby property:**

North: R-3 Garden Apartment District - Apartments

West: R-3 Garden Apartment District - Apartments

South: R-1A Single-Family Residential District - Single Family Dwellings and vacant

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

(Leawood) R-1 Single-Family Residential - Single Family Dwellings

**7. The extent to which the proposed subdivision will, when fully developed, adversely or favorably affect nearby property:**

The nine single-family lots adjacent to the south and southwest property lines will provide a transition from the existing single-family development to the Senior Housing Community. This should have a favorable impact on the existing adjacent residents.

**8. The relative gain to the public health, safety, and general welfare if the subdivision is denied as compared to the hardship imposed on the applicant:**

The approval of this Preliminary Plat is predicated on the approval of the Special Use Permit for the Senior Housing Community. The Special Use Permit was approved by the Governing Body for Lots and this is a logical and reasonable plat for both the neighbors and the applicant.

**9. Recommendations of the City's professional staff:**

After performing a detailed review of the proposed plat, it is the opinion of Staff that this is a good proposed use of this land and that the subdivision fits well and will be compatible with the existing neighborhood. It is the opinion of Staff that it should be approved subject to a number of conditions.

**10. The conformance of the proposed subdivision to the policies and other findings and recommendation of the City's Comprehensive Plan:**

It was not anticipated when Village Vision was proposed in 2006 that Mission Valley Middle School would be closed. As a result an amendment was prepared in 2012 to specifically address this site. The property owner, the neighbors and the community at large provided input in the development of the amendment to Village Vision. The Planning Commission held a public meeting on May 1, 2012 and recommended adoption to the Governing Body who adopted the amendment on May 21, 2012.

The recommendations of the Plan Amendment included two sections as follows:

**1. Encourage developers to obtain community input.**

The proposed developer held a number of meetings with area neighbors on the original application as well as meetings open to all residents of Prairie Village. The neighbors and the applicant have not reached consensus on many issues. The neighbors countered that it is not compatible with the existing development in that it is too large and too tall and will create traffic and flooding problems. The applicant has submitted a Stormwater Management Plan and a Traffic Impact Study and has resolved these issues from a technical perspective. Both studies have been reviewed by the City's Traffic and Stormwater Management Consultants and are acceptable. The applicant has obtained input, made plan revisions; reducing the number of units, reducing the height of the buildings, and moving the buildings further north on the site, but still has not received endorsement from the neighbors. The use proposed is a senior housing development which is one of the uses identified in the plan.

**2. Limit the uses to those allowed in the R-1A Single-Family District.**

The plan restricted the uses to those listed in the R-1A district plus those included as Conditional Use Permits and Special Use Permits. The proposal is for a senior living development which is allowed if approved as a Special Use Permit.

One of the issues the Plan listed was density. The proposed project has 310 units on 12.8 acres of land for a density of 24.2 units per acre which is about the same as the apartments and condominiums on the northwest, but much greater than the single-family dwellings to the east, south and southwest. The applicant has proposed a public street and a row of single-family lots along the south to provide a distance buffer for the adjacent single-family residences.

The proposed developer has met with the surrounding neighbors and has discussed density, access, traffic, and stormwater runoff. Although agreement has not been reached by both parties, it appears that the applicant has addressed the issues and proposed a use that is in conformance with the Comprehensive Plan Amendment, Chapter 8 Potential Redevelopment D. Mission Valley Middle School.

Village Vision also has pointed out in several areas of the plan that more housing choices should be available to the residents, particularly in the area of senior living.

The Commission reviewed the minimum standards for plat approval.

**1. No single-family lot shall have less width, depth, or area than is set out in appropriate lot size regulations for District R-1A:**

The proposed subdivision complies with these requirements. The minimum lot width in R-1A is 80'; lot depth is 125'; and the minimum lot area is 10,000 sq. ft. compared to the minimum lot width of 125'; lot depth of 127'; and the minimum lot area of 17,483 sq. ft. in Mission Chateau Subdivision. The proposed subdivision meets these minimum requirements.

**2. Lot width and area shall generally be equal to or greater than the average of the width or area of the existing lots within 300' of the proposed subdivision provided lots or tracts of greater than 25,000 sq. ft. may, if deemed reasonable by the Planning Commission, be excluded from such average:**

The average lot width is 125 feet and the average area is 20,292 sq. ft. for the nine single-family lots proposed for Mission Chateau. The average lot width is 160 feet and the average lot area is 40,153 sq. ft. for Town and Country Estates which is located adjacent to the south and southwest property lines. The average lot width is 150 feet and the average lot area is 30,100 sq. ft. for Leawood Lanes which is located on the east side of Mission Road. The average lot width is approximately 100 feet and the average lot area is 13,945 sq. ft. for Corinth Meadows which is also located on the east side of Mission Road. The average lot width is about 80 feet and the average lot area is 10,321 sq. ft. for Somerset Place which is located on the west side of Somerset Drive.

The proposed lots in Mission Chateau are larger than Somerset Place and Corinth Meadows but smaller than Town and Country Estates and Leawood Lanes. The last single-family subdivision that was platted in Prairie Village was Pine Creek at 83<sup>rd</sup> and Juniper. The average lot size for Pine Creek was 17,390 sq. ft. which is similar to Mission Chateau. These lots are more than ample to accommodate a

new dwelling that meets today's market demands. It is the recommendation of Staff that the lots in excess of 25,000 sq. ft. be excluded from the average and the proposed lots be approved as submitted.

3. **The Planning Commission may require the submittal and subsequent recording of covenants to run with the land, such covenants to include such protective restrictions as minimum house floor area, general style and height of house, maintenance of any private streets, screening, preservation of existing vegetation, time allowed for completing construction or other reasonable requirements that will tend to blend the new construction into the existing neighborhood in the shortest possible time:**

The applicant will need to prepare covenants to guarantee the maintenance of the medians on 85<sup>th</sup> Circle.

Nancy Wallerstein moved the Planning Commission approve the preliminary plat for Mission Chateau at 8500 Mission Road, Prairie Village, Kansas subject to the following conditions:

1. That the applicant provide a sidewalk on the south side of 85<sup>th</sup> Circle and the west side of Mission Road.
2. That two outbound lanes be provided for 85<sup>th</sup> Circle.
3. That the final design of 85<sup>th</sup> Circle be subject to the approval of Public Works.
4. That the applicant pay for the construction of 85<sup>th</sup> Circle and sidewalks.
5. That the applicant work with Public Works on the final design of the storm drainage system.
6. That 30-foot platted front setback lines be shown on the plat and a 15-foot setback shown on Lot 1 adjacent to 85<sup>th</sup> Circle.
7. That the applicant prepare covenants to guarantee the maintenance of the medians on 85<sup>th</sup> Circle.
8. That the applicant dedicate a 10-ft. pedestrian easement on the west side of Lot 9 to provide access to Somerset Drive.
9. That the applicant protect and preserve as much existing vegetation as possible along the property lines.
10. That all existing improvements be removed from the 85<sup>th</sup> Circle right-of-way and the nine single-family lots prior to recording the Final Plat.
11. That access control be indicated on Mission Road on the plat.
12. That the west driveway connection from the Senior Housing Community to 85<sup>th</sup> Circle be constructed at the same time as 85<sup>th</sup> Circle.

13. That engineering plans and specifications be prepared for streets, sidewalks and storm drainage and be submitted with the Final Plat.
14. That three copies of the revised Preliminary Plat, including all required changes, be submitted to the City as record copies.

The motion was seconded by Randy Kronblad and passed unanimously.

**PC2014-103 Site Plan Approval  
6641 Mission Road**

Ron Williamson noted at its meeting on January 7, 2014, the Planning Commission continued the Site Plan approval of Village Presbyterian Church to February 4<sup>th</sup> in order for the applicant and Staff to address the cooling tower noise issue. Staff met with representatives of the applicant on January 23<sup>rd</sup> to discuss the issue. The Church has retained an Acoustical Engineer to provide solutions for the noise problem which could range from providing sound attenuation to replacing the unit. Unfortunately, only the fans can be turned on at this time of year and an accurate sound reading could not be obtained because the cooling tower would not be operating under a load. The decibel reading would probably be low. In order to allow the applicant to proceed with the project and allow enough time to test the system during warm weather under load conditions, Staff is recommending that Condition #6 of the Staff recommendation be revised to state that the noise issue will be resolved prior to the time the new addition is occupied.

Condition #4 required that a lighting plan be submitted in accordance with the outdoor lighting ordinance. Neighbors mentioned that lighting on the east side of the building was a concern. In visiting the site it did not appear that lighting on the building was an issue, but a pole on the west side of the north parking lot has two flood lights which shine on adjacent property.

Ron Williamson briefly reviewed the proposed expansion that will be located on the northwest corner of the existing building. The proposed addition will be two-story with 7,790 sq. ft. on the first floor and 6,700 sq. ft. on the second floor. The addition will include a two-story fellowship foyer, café, offices, chancel storage, elevators and restrooms. The existing steeple will be removed and replaced with a new steeple on the southwest corner of the addition. The ordinance allows a maximum height of 75 ft. The Board of Zoning Appeals has granted a variance to allow the 99 ft. for the steeple height. A new north entrance is also proposed with a portico for dropping off and picking up visitors. The north entrance will provide better access to the church from the north parking lot.

The applicant held a neighborhood meeting on November 25, 2013 in accordance with the Planning Commission Citizen Participation Policy. Four neighbors attended and the questions primarily dealt with the noise of the cooling tower, parking, storm drainage, and landscaping.

The Commission has also received communication from neighboring property owners regarding their concerns with noise and light.

Nancy Vennard noted Mr. Nearing's letter indicated that the buffering landscaping on by the cooling tower has died. Mr. Williamson responded the area surrounding the tower is very limited and it may not be able to sustain a landscape buffer. He suggested that perhaps painting the unit to match the existing color of the church would be a more successful screening option.

Nancy Wallerstein asked if there was a material that could be used to muffle the sound. Barry Rogers, representing Village Church, stated they have hired an acoustical engineer to provide solutions for the noise problem. Once this study is done, they will be able to determine the best solution to address the problem. He expects that the solution will include some type of sound barrier. Mr. Rogers stated even if the church did not go forward with this project they are committed to solving the noise issue for the neighboring property owners.

Ken Vaughn asked what would happen if they did not proceed. Mr. Williamson replied the lighting concerns would need to be corrected to be compliant with the city's current code. If the City adopts a new noise ordinance, the church would have to comply with the city's regulations.

Howard Nearing, 3704 West 67<sup>th</sup> Street, Mission Hills, gave a brief history of the problems experienced with each new addition added by the Church. However, he believes the church is diligently working to correct the current problems.

Randy Kronblad asked how long construction was estimated to take. Mr. Rogers replied one year.

Ken Vaughn confirmed with Mr. Rogers that both the noise and lighting problems would be addressed as soon as possible.

Chairman Ken Vaughn led the Commission in consideration of the following criteria:

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

The total site is approximately 6.59 acres and provides parking on the north and south ends of the church. The proposed addition is on the west side of the existing building, between Mission Road and the existing building; therefore, it will not impact any of the parking areas. There are 268 regular spaces and 19 accessible spaces for a total of 287 spaces. The proposed plan will have 239 regular spaces and 29 accessible spaces for a total of 268 spaces. Accessible spaces require more area than regular spaces and, therefore, account for the reduction in total parking spaces. The church has a seating capacity of 951 which requires 238 parking spaces and the church will exceed that number by 30 spaces after the proposed addition is built. The church also has an agreement to use parking at Prairie School for Sunday Services.

The area where the new addition is proposed is heavily landscaped with mature trees. Most of these will be lost due to the construction of the addition. The applicant will need to submit a new detailed landscape plan for the area along Mission Road.

**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 underground detention in the south part of the parking lot. The applicant has prepared a stormwater management plan for submittal to and approval by the Public Works Department, but it was received last week and has not been reviewed.

**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. The proposed portico is approximately 57 ft. from Mission Road, which means there is stacking for only three vehicles. This does not appear to be adequate. The applicant has agreed to restrict access from the Mission Road driveway and the portico for Sunday Services.

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

The location of the proposed addition works well with the existing development of the site. 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.

A detailed landscape plan needs to be provided to address landscaping along Mission Road.

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

The plans indicate that the materials proposed for the addition will match the existing building. The design of the new addition is compatible with the design of the existing building.

**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 moved the Planning Commission approve the proposed site plan for the addition to the Village Presbyterian Church at 6641 Mission Road subject to the following conditions:

1. That the applicant work with Public Works for approval of the storm water management plan.
2. That the applicant will restrict access from Mission Road and the portico for Sunday Services.
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 and specifically address lighting on the east side of the building and the area light in the north parking lot that is adjacent to Mission Road and has two flood light fixtures. The outdoor lighting plan will need to be submitted to Staff for review and approval and any required improvements be completed prior to the occupancy of the proposed addition.
5. That the landscape plan for the area adjacent to Mission Road be submitted to Staff and the Tree Board for review and approval prior to installation.
6. That the applicant prepare a study of the cooling tower noise and propose solutions which may range from replacement of the cooling tower to sound attenuation. The noise level shall not exceed 65 decibels at the property line at all times of the day or the decibel level established by the City Council. The solution shall be submitted to Staff for review and approval and improvements shall be completed prior to occupancy of the proposed addition. All new mechanical units shall be screened from adjacent streets and adjacent properties.
7. That the steeple height shall be a maximum of 99 feet as approved by the Board of Zoning Appeals.
8. That the applicant provide landscape screening for the mechanical units on the east side.

The motion was seconded by Gregory Wolf and passed unanimously.

#### **PC2014-106 Request for Sign Standards Approval 4000 Somerset Drive - Intrust Bank**

Scott Schultz with Luminous Neon presented the request from Intrust Bank for approval of sign standards to allow exterior signage for its other tenant, Continental Title Company. Intrust Bank has no sign on the building, but does have a monument sign. Continental Title Company wants to put a wall sign on the south façade. He has reviewed the staff recommended changes to the sign standards submitted and accepts them.

Ron Williamson stated that normally only one sign is permitted on a building façade, but the Planning Commission may approve more than one sign through approval of sign standards that address all the signage for a specific project.

Staff recommends that wall signs only be permitted on the south façade and that two signs be permitted; one on the west end of the front façade and one on the east end of the front façade.

Nancy Vennard moved the Planning Commission approve the Sign Standards for 4000 Somerset subject to the following conditions:

1. That the applicant change the title from “*Tenant Sign Criteria*” to “**Sign Standards.**”
2. That the applicant reword the Building Sign section as follows:

**Building Signage:**

Two wall signs shall be permitted on the south building façade. No signs shall be permitted on the east, west or north facades. Signs shall not exceed five percent (5%) of the building façade, but in no event be larger than 50 sq. ft. in area. Tenant signs shall consist of ¼” thick aluminum individual computer cut letters with mounting rails to minimize mounting penetrations in brick façade. Letters shall have a primed and painted finish. White is preferred, but not required. Color of letters and/or logos must be approved by Developer.

All sign designs are subject to developer approval prior to installation.

3. That the applicant revise and submit the final sign standards, dated, to the City for the record copy.

The motion was seconded by Gregory Wolf and passed unanimously.

## **OTHER BUSINESS**

### **Discussion of possible changes to RV regulations**

Kate Gunja stated that at the December 16 meeting, the City Council heard a number of resident comments regarding recreational vehicle storage. Council directed staff to place the item on a future agenda.

At the City Council’s direction, staff researched neighboring cities’ restrictions regarding the parking and storage of recreational vehicles and presented them to the Council for discussion. A survey was also mailed to all of the Homes Associations in Prairie Village to inquire if they regulated the parking and storage of RVs. The City received responses from 10 HOAs.

Mrs. Gunja stated the City adopted its current Recreational Vehicle ordinance in September, 1994, and reviewed the current regulations and definitions.

RVs may be stored in an enclosed structure, or it must meet several location requirements if stored outside. The requirements are:

1. All RVs must be parked on a hard surface.
2. Not located in a required front yard (30 feet from the street)
3. Five feet away from rear lot line
4. Five feet away from side lot line.
5. In all instances, an RV must be at least 15 feet from the street.

There was extensive discussion by the City Council at the January 21 Meeting. The discussion ranged from leaving the ordinance as it currently is, to implementing further restrictions, to a complete ban. On a 6 to 2 vote, the Council requested the Planning Commission evaluate the issue and consider authorizing a public hearing. The City Council also requested that the Planning Commission give consideration to the following items:

- RVs and equipment cannot be used as storage or permanently located on the property if not in regular use
- RVs and equipment must be actively licensed and operable
- RVs and equipment must be screened
- Address storage on corner lots and visibility
- RVs and equipment must be parked on a hard surface and definition of hard surface should be refined
- RVs and equipment must not only be parked behind the front building line of their property but behind the front building line of neighboring properties directly adjacent
- Regarding temporary storage length of time – Is 72 hours within any 14 day period adequate and acceptable?

Ken Vaughn stated he felt the temporary storage length of time could be lengthened to a week within a 30 day period.

Nancy Vennard noted the vague language in the definitions “used on a regular basis”. Nancy Wallerstein felt this was a knee jerk reaction by the Council to one complaint received on regulations that have been in effect for more than 20 years.

Kate Gunja provided information on the complaint that precipitated the Council direction.

Ken Vaughn expressed concern that the potential screening may be more of a nuisance than the recreational unit.

Nancy Wallerstein questioned if the existing problem would be grandfathered if the regulations were changed. Mrs. Gunja replied that she had discussed this with the City Attorney and there could be a date given in the ordinance by which all units must be in compliance. She noted the couple with the unit is looking at doing more to screen their recreational vehicle.

Ken Vaughn stated he did not feel any change was needed, except perhaps addressing the size of the units.

Kate Gunja noted in discussing this with the Chief of Police, Chief Jordan had some suggestions for changes that would make it easier for his staff to enforce.

Nancy Wallerstein suggested the Commission wait until they receive comments from Chief Jordan to take any action. Ron Williamson stated that staff will also look at the regulations and present a marked up copy of the existing chapter showing possible changes for consideration. Nancy Vennard suggested staff look at the definitions. Nancy Wallerstein noted the difficulty in enforcing what is currently in the code.

### **Discussion of possible changes to Noise Regulations**

Danielle Dulin stated Ordinance 1326 was adopted in 1972 and established specific decibel level limitations within the City. The ordinance was included in Chapter VII until 1973 when the "Noise and Vibration Control Code" was designated as Chapter VIII. During a recodification process in 1996, Staff recommended the removal of the specific decibel levels because the City did not own the necessary equipment to read decibel levels and enforce the ordinance. The decibel levels were officially removed from the code with the adoption of the new code on December 20, 2004. The Zoning Regulations have never included decibel level limitations.

Staff reviewed noise restriction ordinances and zoning regulations for Fairway, Leawood, Lenexa, Merriam, Mission, Mission Hills, Olathe, Overland Park, and Shawnee. Each city has similar language as the Prairie Village Municipal Code, and 5 cities (Leawood, Lenexa, Merriam, Olathe, and Overland Park) have specific decibel limitations. Leawood limits the decibel level at the property line to 60 db in all districts at all times in their Development Ordinances which is separate from their municipal code, and in their Zoning Regulations, Merriam designates specific decibel levels for each use and distinguishes between continuous and instantaneous noise. In their municipal code, Lenexa, Olathe, and Overland Park include decibel level limitations per residential, commercial, and industrial use for day and night hours. A spreadsheet with specific details for each city was distributed.

If the Planning Commission is interested in reinstating decibel level limitations, Staff suggests the Planning Commission pass a motion recommending that City Council pass an ordinance to be included in Chapter VIII, Article 5 of the Municipal Code. Per its research, Staff is recommending a limitation of 65 db(A) at the property line for all uses at all times of the day. A decibel level reader can be purchased for \$200-500 to enforce the ordinance.

Ken Vaughn and Randy Kronblad stated they would like to review the proposed language. Mr. Vaughn felt the limit could be lower, perhaps 60 db(A)..

Nancy Vennard asked for the current language. Mrs. Dulin restated the current code as "plainly audible to a reasonable person at the property line." Mrs. Vennard noted the noise from bands from the Harmon Park pavilion.

Danielle Dulin noted the code is looking at addressing mechanical noise. She would like to wait until spring to enable the city to get some current noise readings before she brings back a recommendation.

Nancy Wallerstein asked about the noise from the Homestead Paddle Ball courts. The City has not received any complaints. Mr. Williamson noted that noise is intermittent.

#### **NEXT MEETING**

The March 4, 2014 meeting will be held in the Council Chambers of the Municipal Building. There will also be a BZA meeting for a lot depth variance to allow for a lot split and a variance for reduced rear yard setback. Returning to the Commission will be the plat for Chadwick Court and possible changes for recreational vehicles. New applications include a Special Use Permit for a Private School in the current Cherokee Christian Church and site plan approvals for antenna changes by Verizon and AT&T on the city's cell tower.

#### **JOINT MEETING**

Kate Gunja noted that a joint meeting of the Planning Commission and City Council has been requested. Staff felt the meeting should be after the upcoming elections as there will be several new Council members. The meeting would be held during the Council Committee meeting time from 6 to 7:30. Possible dates for the meeting are Monday, May 3<sup>rd</sup> or Monday, July 21<sup>st</sup>. Suggested items for discussion are MXD developments, Special and Conditional Use Permits. Mrs. Gunja asked Commission members to let her know of other items they would like to have discussed.

#### **ADJOURNMENT**

With no further business to come before the Commission, Chairman Ken Vaughn adjourned the meeting at 8:30 p.m.

Ken Vaughn  
Chairman