

PLANNING COMMISSION MINUTES
January 7, 2014

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, January 7, 2014, in the Municipal Building Council Chambers at 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Bob Lindeblad, 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; Keith Bredehoeft, Public Works Director, Jim Brown, Building Official and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary. Also present was Andrew Wang Council liaison.

APPROVAL OF MINUTES

Bob Lindeblad moved the approval of the Planning Commission minutes of December 3, 2013. The motion was seconded by Gregory Wolf and passed by a vote of 4 to 0 with Randy Kronblad abstaining.

Chairman Ken Vaughn noted four public hearings on the agenda and reviewed the procedure for the public hearings. Due to the similarity of applications the two applications from the YMCA would be heard together as well as the two applications from Johnson County Park & Recreation District.

PUBLIC HEARINGS

**PC2013-09 Request for Special Use Permit for Day Care Program
7230 Belinder Avenue (Belinder Elementary School)**

Pam Watkins, Vice President - Youth Development Services for the YMCA, stated the YMCA provides before and after school child care at Belinder Elementary School. The program operates from 7 am to 6 pm (7 to 8:10 a.m. and 3 to 6 p.m.) on days when the school is open. The Belinder program has 64 students enrolled between the ages of 5 to 12 supervised by five staff. The program uses the school gym and cafeteria, along with outdoor play areas. Access to the day care is an exterior door to the cafeteria. No changes have been made to the school for the operation of the program. Ms Watkins noted that a summer program is sometimes provided. This program would operate from 7 a.m. to 6 p.m. Monday through Friday using the same facilities.

A neighborhood meeting was held on Monday, January 6th with no one attending.

Bob Lindeblad confirmed the applicant accepted the recommended conditions of approval.

Chairman Ken Vaughn opened the public hearing for public comments. No one was present to address the Commission on this application. The public hearing was closed.

Ron Williamson noted the program has operated for several years with the approval of the school district and provides a valuable service to the community. He recommends that the special use permit be approved for an indefinite period of time in compliance with the conditions of approval.

Chairman Ken Vaughn led the Commission in the following consideration of the factors for Special Use Permits and the Golden Factors:

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

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

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

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

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

The child care center will be located within an existing school building and use an existing parking lot therefore it should not create any problems for the adjacent property in the neighborhood.

4. **The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to: a) the location, size and nature of the height of the building, structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.**

The child care center will accommodate Kindergarten through Sixth Grade and will use the school facility during normal school hours. This use will not have a dominating effect in the neighborhood because it will be located within an existing building. No expansion or modification of the building is proposed.

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

The day care center will use the existing school parking lot and driveways. Pick-up and drop-off will be on the south side of the building and will normally occur prior to and after school hours.

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

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

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

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

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

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

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

The special use will not require any changes in the exterior architecture or style of the existing building. It should be noted that the school was remodeled in 2010.

GOLDEN FACTORS FOR CONSIDERATION:

1. **The character of the neighborhood;**

The neighborhood character is single-family dwellings on the north, south, east and west sides.

2. **The zoning and uses of property nearby;**

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

East: R-1B Single-Family District - Single-Family Dwellings

South: R-1B Single-Family District - Single-Family Dwellings

West: R-1B 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-1B Single-Family Residential District which permits single-family dwellings, churches, schools, public buildings, parks, group homes and other uses that may be permitted either as a conditional use or special use such as a day care center. The property has a variety of uses available, but has been developed as a school since 1960, which is a permitted use.

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

The day care center has been in existence since the start of the school year and has not created any detrimental neighborhood issues. The south drive will be the main drop-off and pick-up area and should be adequate to accommodate the traffic. There do not appear to be any detrimental effects on the neighborhood.

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

Belinder Elementary School was built in 1960 and the site has not been vacant since that time.

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 proposed day care center is within an existing building that will not have any exterior modifications. The applicant will be able to utilize the property for a needed community service and no hardship will be created for adjacent property owners.

7. **City staff recommendations;**

The use has been in operation for several months with no complaints; the use will be within an existing building with no exterior changes; the use will have minimal impact on the neighborhood; and the use will provide a needed day care service for children that is in demand in Prairie Village. It is recommended that it be approved for an indefinite period of time unless issues develop that adversely affect the neighborhood, and if that occurs reevaluation of the day care center would be required.

8. **Conformance with the Comprehensive Plan.**

One of the primary objectives of Village Vision is to encourage reinvestment in the community to maintain the quality of life in Prairie Village. The day care center is an amenity that will improve quality of life in Prairie Village and help make it a desirable location for young families. This application for approval of the day care center is consistent with Village Vision in encouraging reinvestment; providing multiple uses in existing buildings and making better use of underutilized facilities.

Bob Lindeblad moved the Planning Commission find favorably on the ordinance factors and the Golden Factors and forward PC2013-09 request for a Special Use Permit for the operation of a child day care program at 7230 Belinder (Belinder Elementary School) to the Governing Body with a recommendation for approval subject to the following conditions:

1. That the child care center be approved for use on school days from 7:00 am to 6:00 pm, and from 7:00 am to 6:00 pm, Monday through Friday, during the summer.
2. That the child care center be permitted to operate subject to the licensing requirements by the Kansas Department of Health and Environment.
3. That the special use permit be issued for the child care center for an indefinite period of time unless it creates issues in the neighborhood and then they shall file a new application for reconsideration by the Planning Commission and Governing Body.

4. That the day care center be in compliance with Fire Department regulations and inspections.
5. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.

The motion was seconded by Gregory Wolf and passed unanimously.

SITE PLAN APPROVAL

Since the proposed day care center will be within an existing school building and no changes to the building or site will occur, Bob Lindeblad moved the Site Plan Approval be waived. The motion was seconded by Gregory Wolf and passed unanimously.

PC2013-10 Request for Special Use Permit for Day Care Program 6642 Mission Road (Prairie Elementary School)

Pam Watkins, Vice President - Youth Development Services for the YMCA, stated the YMCA provides before and after school child care at Prairie Elementary School. The program operates from 7 am to 6 pm (7 to 8:10 a.m. and 3 to 6 p.m.) on days when the school is open. The Prairie Elementary program has 29 students enrolled between the ages of 5 to 12 supervised by two staff. The program uses the school gym and cafeteria, along with outdoor play areas. Access to the day care is an exterior door to the cafeteria. No changes have been made to the school for the operation of the program. Ms Watkins noted that a summer program is sometimes provided. This program would operate from 7 a.m. to 6 p.m. Monday through Friday using the same facilities.

A neighborhood meeting was held on Monday, January 6th with no one attending.

Chairman Ken Vaughn opened the public hearing for public comments. No one was present to address the Commission on this application. The public hearing was closed.

Ron Williamson noted that a special use permit for the operation of a day care center at this site was previously approved at this location for another provider.

Chairman Ken Vaughn led the Commission in the following consideration of the factors for Special Use Permits and the Golden Factors:

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

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

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

The child care program will be an asset to the community because it will provide a much needed service for taking care of the children within the local area. It will be located

within an existing building and will not adversely affect the welfare or convenience of the public.

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

The child care center will be located within an existing school building and use an existing parking lot; therefore, it should not create any problems for the adjacent property in the neighborhood.

- 4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to: a) the location, size and nature of the height of the building, structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.**

The child care center will accommodate Kindergarten through Sixth Grade and will use the school facility during normal school hours. This use will not have a dominating effect in the neighborhood because it will be located within an existing building. No expansion or modification of the building is proposed.

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

The day care center will use the existing school parking lot and driveways. Pick-up and drop-off will be on the south side of the building and will occur prior to and after school hours.

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

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

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

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

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

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

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

The special use will not require any changes in the exterior architecture or style of the existing building.

GOLDEN FACTORS FOR CONSIDERATION:

- 1. The character of the neighborhood;**

The areas to the north, south and west are developed for single-family dwellings. A church exists on the east side of Mission Road. With the school, church and single-family dwellings the character of the area is unquestioningly residential.

- 2. The zoning and uses of property nearby;**

North: R-1A Single-Family District - Single-Family Dwellings

East: R-1A Single-Family District - Church

South: R-1B 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 Single-Family Residential District which permits single-family dwellings, churches, schools, public buildings, parks, group homes and other uses that may be permitted either as a conditional use or special use. The property has a variety of uses available, but has been developed as a school since 1882.

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

The day care center has been in existence for several years and has not created any detrimental neighborhood issues. The south drive will be the main drop-off and pick-up area and should be adequate to accommodate the traffic. There do not appear to be any detrimental effects on the neighborhood.

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

Prairie School was originally built on the site in 1882. A new school was built in 1912. In 1990 the school burned down and was rebuilt in 1993. The site has not been vacant since it was developed as a school.

- 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 proposed day care center is within an existing building that will not have any exterior modifications. The applicant will be able to utilize the property for a needed community service and no hardship will be created for adjacent property owners.

- 7. City staff recommendations;**

The use has been in operation for several years with no complaints; the use will be within an existing building with no exterior changes; the use will have minimal impact on the neighborhood; and the use will provide a needed day care service for children that is in demand in Prairie Village. It is recommended that it be approved for an indefinite period of time unless issues develop that adversely affect the neighborhood, and if that occurs reevaluation of the center would be required.

8. Conformance with the Comprehensive Plan.

One of the primary objectives of Village Vision is to encourage reinvestment in the community to maintain the quality of life in Prairie Village. The day care center is an amenity that will improve quality of life in Prairie Village and help make it a more desirable location for young families. This application for approval of the day care center is consistent with Village Vision in encouraging reinvestment; providing multiple uses in existing buildings and making better use of underutilized facilities.

Bob Lindeblad moved the Planning Commission find favorably on the ordinance factors and the Golden Factors and forward PC2013-10 request for a Special Use Permit for the operation of a child day care program at 6642 Mission Road (Prairie Elementary School) to the Governing Body with a recommendation for approval subject to the following conditions:

1. That the child care center be approved for use on school days from 7:00 am to 6:00 pm, and from 7:00 am to 6:00 pm, Monday through Friday, during the summer.
2. That the child care center be permitted to operate subject to the licensing requirements by the Kansas Department of Health and Environment.
3. That the special use permit be issued for the child care center for an indefinite period of time unless it creates issues in the neighborhood and then they shall file a new application for reconsideration by the Planning Commission and Governing Body.
4. That the day care center be in compliance with Fire Department regulations and inspections.
5. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.

The motion was seconded by Gregory Wolf and passed unanimously.

SITE PLAN APPROVAL

Since the proposed day care center will be within an existing school building and no changes to the building or site will occur, Bob Lindeblad moved the Site Plan Approval be waived. The motion was seconded by Randy Kronblad and passed unanimously.

PC2013-12 Request for Special Use Permit for Day Care Program 5300 West 86th Street (Briarwood Elementary School)

Rob Knaussman with Johnson County Park & Recreation District stated that the District has provided before and after school child care at Briarwood Elementary School since

1993 for children who attend the school. The daycare hours are 7 to 8 a.m. and 3:10 to 6:00 p.m. for children from kindergarten through grade 6. The average enrollment is 40 to 50 students with a 1 to 12 staff/student ratio. The program operates from an assigned classroom with access to the cafeteria and gymnasium as well as the playground area.

A neighborhood meeting was held on November 14th with no one from the public attending.

Chairman Ken Vaughn opened the public hearing for public comments. No one was present to address the Commission on this application. The public hearing was closed.

Ron Williamson noted that this use has been in place for over 20 years, with no complaints from the public and staff recommends approval for an indefinite period of time. He also noted that the previous permits limited participation to Briarwood Students and recommends that this limitation be removed.

Chairman Ken Vaughn led the Commission in the following consideration of the factors for Special Use Permits and the Golden Factors:

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

The proposed special use for the day care program would be contained within an existing building, which is in compliance with the zoning regulations.

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

The proposed special use permit is an asset to the community as it utilizes an existing school facility to provide a much needed service for taking care of children after school hours.

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

The special use has been in operation for 20 years, located within an existing structure, and does not create any problems for the adjacent property in the neighborhood.

- 4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to: a) the location, size and nature of the height of the building, structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.**

The proposed childcare use accommodates a smaller group of students than currently use the school facility during normal school hours. This use is an extension of the school

hours and does not have a dominating effect in the neighborhood, as it is located within an existing building.

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

The proposed day care use will use the existing off-street parking and loading areas that are currently provided by the school.

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

Since this use occupies an existing facility, utility services are already provided.

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

Adequate entrance and exit drives currently exist at the school facility and this proposed special use will use the existing drives that are already in place.

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

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

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

The proposed special use does not require any changes in the exterior architecture or style of the existing building.

GOLDEN FACTORS FOR CONSIDERATION:

- 1. The character of the neighborhood;**

The neighborhood is predominantly single-family dwellings to the north, south, east and west. The existing property is Briarwood Elementary School. The character of the immediate neighborhood is residential with single-family dwellings.

- 2. The zoning and uses of property nearby;**

North: R-1A 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 Single-Family Residential District which permits single-family dwellings, churches, schools, public buildings, parks, group homes and other uses that may be permitted either as a conditional use or special use. The property has a variety of uses available and it can accommodate uses that complement the primary use as a school.

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

The use has been in existence for approximately 20 years and has not created any detrimental neighborhood issues. The renewal request is proposed to operate a day care as it has in the past.

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

The school was built in 1966 and has been used as a school since it opened.

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 proposed day care center is within an existing building that will not have any exterior modifications. The applicant will be able to utilize an existing facility and no hardship will be created for adjacent property owners.

7. City staff recommendations;

The use has been in operation for 20 years with no complaints; the use will be within an existing building with no exterior changes; the use will have minimal impact on the neighborhood; and the use will provide a needed service for children that is in demand in Prairie Village. It is recommended that it be approved for an indefinite period of time unless there are complaints from neighbors or the use changes significantly.

8. Conformance with the Comprehensive Plan.

One of the primary objectives of Village Vision is to encourage reinvestment in the community to maintain the quality of life in Prairie Village. The day care center is an amenity that will improve quality of life in Prairie Village and help make it a desirable location for young families. This application for approval of the day care center is consistent with Village Vision in providing multiple uses in existing buildings and making better use of underutilized facilities.

Randy Kronblad moved the Planning Commission find favorably on the ordinance factors and the Golden Factors and forward PC2013-12 requesting a Special Use Permit for the operation of a child day care program at 5400 West 86th Street (Briarwood Elementary School) to the Governing Body with a recommendation for approval subject to the following conditions:

1. That the day care program be approved for use from 7:00 am to 6:00 pm on school days and from 7:00 am to 6:00 pm, Monday through Friday, during the summer.
2. That the day care center be permitted to operate subject to the licensing requirements of the Kansas Department of Health and Environment.

3. That the Special Use Permit be issued to Briarwood Elementary School for an indefinite time and renewal will not be required unless the use changes significantly or complaints are received from the neighbors, and then a new application will be need to be filed for consideration by the Planning Commission and Governing Body.
4. That the day care center be in compliance with Fire Department regulations and inspections.
5. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit, it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.

The motion was seconded by Gregory Wolf and passed unanimously.

SITE PLAN APPROVAL

Since the proposed day care center will be within an existing school building and no changes to the building or site will occur, Randy Kronblad moved the Site Plan Approval be waived. The motion was seconded by Gregory Wolf and passed unanimously.

PC2013-13 Request for Special Use Permit for Day Care Program 8301 Mission Road (Corinth Elementary School)

Rob Knaussman with Johnson County Park & Recreation District stated that the District has provided before and after school child care at Corinth Elementary School. The daycare hours are 7 to 8 a.m. and 3:10 to 6:00 p.m. for children from kindergarten through grade 6. Enrollment is on a first come, first serve basis and is about 40 to 50 students with a 1 to 12 staff/student ratio. The program uses existing classrooms, the gymnasium, cafeteria and playground.

A neighborhood meeting was held on November 14th with no one from the public attending.

Chairman Ken Vaughn opened the public hearing for public comments. No one was present to address the Commission on this application. The public hearing was closed.

Chairman Ken Vaughn led the Commission in the following consideration of the factors for Special Use Permits and the Golden Factors:

FACTORS FOR CONSIDERATION SPECIFIC TO SPECIAL USE PERMITS:

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

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

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

The child care program will be an asset to the community because it will provide a much needed service for taking care of the children within the local area. It will be located

within an existing building and will not adversely affect the welfare or convenience of the public.

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

The child care center will be located within an existing structure and use an existing parking lot therefore it should not create any problems for the adjacent property in the neighborhood.

- 4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it, are such that this special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to: a) the location, size and nature of the height of the building, structures, walls and fences on the site; and b) the nature and extent of landscaping and screening on the site.**

The child care center will accommodate a group of 40 - 50 children, and will use the school facility before and after normal school hours. This use will not have a dominating effect in the neighborhood because it will be located within an existing building. No expansion of the building is proposed.

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

The day care center will use the existing school parking lot and driveways. The drop-off and pick-up times will be before and after normal school hours and the parking and driveways should be adequate to handle the traffic.

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

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

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

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

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

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

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

The special use will not require any changes in the exterior architecture or style of the existing building.

GOLDEN FACTORS FOR CONSIDERATION:

- 1. The character of the neighborhood;**

The neighborhood contains a mix of uses. There are single-family dwellings to the south and east; apartments and offices to the north; and apartments, offices and commercial to the west. The day care center fits well in the higher density use of the surrounding area.

- 2. The zoning and uses of property nearby;**

North: C-0 Office Building District - Offices
RP-3 Planned Garden Apartment District - Apartments
East: RP-3 Planned Single-Family- Single-Family Dwellings
R-1A Single-Family District - Single-Family Dwellings
South: R-1A Single-Family District - Single-Family Dwellings
CP-2 Planned General Business - Offices and Retail
West: C-0 Office Building District - Offices
R-3 Garden Apartment District - Apartments

- 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 and is developed for an elementary school that was rebuilt in 1996 and expanded in 2007. The proposed day care center is a practical and reasonable use of the existing school.

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

The use has been in existence for several years and has not created any detrimental effects on neighboring property. The day care center is an excellent use of an existing facility and provides a highly needed service to the community.

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

The property was first developed as an elementary school in 1858 to serve Leawood and Prairie Village residents. The school has been rebuilt several times and the site has never really been vacant.

- 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 proposed day care center is within an existing building that will not have any exterior modifications. The applicant will be able to utilize the property for a needed community service and no hardship will be created for adjacent property owners.

7. City staff recommendations;

The use has been in operation for several years with no complaints; the use will be within an existing building with no exterior changes; the use will have minimal impact on the neighborhood; and the use will provide a needed day care service for children that is in demand in Prairie Village. It is recommended that it be approved for an indefinite period of time unless neighborhood issues cause concerns that would require reevaluation.

8. Conformance with the Comprehensive Plan.

One of the primary objectives of Village Vision is to encourage reinvestment in the community to maintain the quality of life in Prairie Village. The day care center is an amenity that will improve quality of life in Prairie Village and help make it a desirable location for young families. This application for approval of the day care center is consistent with Village Vision in encouraging reinvestment; providing multiple uses in existing buildings and making better use of underutilized facilities.

Randy Kronblad moved the Planning Commission find favorably on the ordinance factors and the Golden Factors and forward PC2013-13 requesting a Special Use Permit for the operation of a child day care program at 8301 Mission Road (Corinth Elementary School) to the Governing Body with a recommendation for approval subject to the following conditions:

1. That the child care center be approved from 7:00 to 8:00 am and 3:00 to 6:00 pm during the school year, and 7:00 am to 6:00 pm in the summer.
2. That the child care center be subject to the licensing requirements by the Kansas Department of Health and Environment.
3. That the Special Use Permit be issued for the child care center for an indefinite period unless it creates issues in the neighborhood, and then they shall file a new application for reconsideration by the Planning Commission and Governing Body.
4. That the day care center be in compliance with Fire Department regulations and inspections.
5. If this permit is found not to be in compliance with the terms of the approval of the Special Use Permit it will become null and void within 90 days of notification of noncompliance unless noncompliance is corrected.

The motion was seconded by Gregory Wolf and passed unanimously.

SITE PLAN APPROVAL

Since the proposed day care center will be within an existing school building and no changes to the building or site will occur, Randy Kronblad moved that the Site Plan Approval be waived. The motion was seconded by Gregory Wolf and passed unanimously.

NON PUBLIC HEARINGS

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

Chairman Ken Vaughn announced that this application has been continued to the February 4th Planning Commission meeting at the applicant's request.

PC2014-101 Request for approval of Monument Sign 3520 West 75th Street

Todd Brendon, Chief Operating Officer for Big Industrial, 3500 West 75th Street, stated they are requesting approval for a monument sign for the Continental Building located at 3520 West 75th Street. The sign standards for this building were approved at the November meeting of the Planning Commission. The proposed sign will be identical to the existing sign for the Windsor Building which is located immediately adjacent to the east of this building.

Randy Kronblad confirmed the masonry in the monument sign will match the masonry of the office building.

Ron Williamson noted the applicant could have a double faced sign that would typically be perpendicular to the street, but is proposing a wall with two 20 sq. ft. sign panels. The design presented appears to be a good solution and complements the sign at the Windsor Building.

The proposed sign would be placed parallel to 75th Street on the west end of the building. The sign would be set back approximately 20 feet from the back of the curb exceeding the required 12 foot setback required by code and is on private property.

The proposed sign would be a translucent acrylic face in an aluminum cabinet and attached to a brick screen wall. The brick of the screen wall would match the new accent trim being added to the facade of the building. The sign boxes will be internally illuminated.

The proposed height of the sign is 4 feet 6 inches, which is in accordance with the maximum 5-foot height requirement permitted by the ordinance. The ordinance requires that monument signs not exceed 20 square feet in area per face and each face of this sign appears to have the actual signage square footage of 20 square feet. Therefore, it does meet the minimum requirement of the ordinance. The two sign panels are separated by a brick panel.

The applicant has submitted a landscape plan. The ordinance requires the landscaping to be three feet on all sides of the sign so there will need to be additional plantings in front to extend the planting bed to three feet. The additional plantings could be annuals to add color to the planting beds.

Gregory Wolf moved the Planning Commission approve PC2014-101 for a monument sign at 3520 West 75th Street submitted to the following conditions:

1. That the applicant increase the width of the landscape planting bed to three feet and submit a revised landscape plan to Staff for review and approval.

The motion was seconded by Bob Lindeblad and passed unanimously.

PC2014-102 Site Plan Approval - Westlake Ace Hardware 4049 Somerset Drive

Bob Massengill, Store Manager, Jenna Bobrukiewicz, Westlake corporate offices, and Kylie Stock with Lega C. Properties, LLC appeared before the Commission to present the application for Site Plan Approval to build a permanent garden center structure in the parking lot where they currently sell annuals, potting soil, rock, etc.

The proposed structure is 12' deep by 64' in width. There is a concrete area in front approximately 13' deep by 72' in width that will have stone columns and a wrought iron fence to provide a safe space for those entering and leaving the outdoor garden center. A shade house structure will be attached to the garden structure and is approximately 20' deep by 64' wide. The total structure is 22' deep by 64' wide for an area of 1,408 sq. ft. The entire garden center area is 69' x 120' or 8,280 sq. ft. In addition to the permanent area of the garden center, the 13 parking spaces along the west side will be used from April 1st to June 30th, as well as a strip 8 foot in width along the north side of the garden center. Ten parking spaces on the north side of the lot will be used from February 15th to October 15th for pallet goods.

Ron Williamson stated that since the pallet goods area will be used for eight months of the year, these 10 spaces should be removed from the available parking calculation for the center. The proposed garden center eliminates 26 parking spaces so the total reduction in permanent parking spaces is 36. The 13 parking spaces on the west side are only used for three months in the spring so they can be counted. The garden center, which is 8,280 sq. ft.; the 10 parking spaces on the north, 1,440 sq. ft.; and the 8' strip on the north side, 552 sq. ft.; for a total of 9,720 sq. ft., that will count as retail space for which parking will need to be provided.

Mr. Williamson noted in January 2011, the Planning Commission approved a Site Plan for an outdoor sales area for lawn, garden, nursery, and landscape products. The purpose of this approval was to improve the appearance of the area and better organize the merchandise. The approval was for 7,350 sq. ft., which is about 2,370 sq. ft. less than this request with the following conditions:

1. That any 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 accordance with the outdoor lighting regulations of the zoning ordinance.
2. That a minimum 48-inch wide accessible walkway be maintained either under or in front of the canopy on the north side of the store.

3. That the Site Plan approval be for the permanent outdoor sales area approximately 65' x 112' as shown on the plan submitted and that the shelving of racks be installed generally in accordance with that plan.
4. That signage be permitted only in accordance with the sign standards approved for Corinth Square.
5. That the temporary outdoor sales area immediately east of the permanent area designated for sales from April 1st to June 4th be approved with the provision that all materials and equipment will be removed within 7 days after June 4th and the area will be restored to its normal condition.
6. That the proposed temporary sales area designated from April 23rd to May 13th will be subject to annual approval of a short-term permit by the City Council or its designee.

The applicant conducted a neighborhood meeting on December 30, 2013, in accordance with the Planning Commission Citizen Participation Policy. Three residents appeared and no issues were identified.

Chairman Ken Vaughn led the Commission through 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 garden center has been operated at this location for several years. The existing drives will be utilized and are unaffected by the proposed facility. The proposed garden center will remove 36 parking spaces from the off-street parking count. Also, the proposed use is 9,720 sq. ft. and at 3.5 spaces per 1,000 sq. ft. it will require 32 parking spaces. The information submitted by the Center currently has 1,232 parking spaces and is required to have 1,067 by ordinance. Staff is in the process of verifying this information.

Staff feels there needs to be four permanent trees installed as part of this project. They could be internal to the garden center or outside. Two tree wells will be removed.

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

Utilities are currently in place serving the Corinth Square Center and are adequate to serve this area. Water and power will be extended from Westlake Hardware and the lines should be installed under the pavement.

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 safety measures will need to be maintained in the crosswalk between the garden center and Westlake Hardware store.

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

The use has been at this location for many years and has not been as well maintained as it could be. The installation of a permanent structure should improve the appearance and provide a more orderly operation.

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

The design of the proposed facility shows the use of timber columns for the structure and stone columns for the fence. These are materials used in the center. The proposed materials description is as follows. There are only four sections that have wall panels and they would be clear polycarbonate material like the gable ends. The roof panels are an "opal" or white translucent polycarbonate panel. The trim and flashing components are aluminum extrusions and galvanized metal. All the uprights and truss assemblies are hot dipped galvanized square tube stock and will be manufactured per a structural, stamped drawing. This engineering drawing was referenced when the concrete area was poured so the thickened slab with rebar reinforcements could be positioned correctly. Timbers have been rough cedar 8 x 12 stock milled down to a smooth finish and stained with a preservative sealer. This would be color matched to the shopping center. The standing seam panels have been a Firestone "Silver Metallic" and will form a continuous band around the structure to hide the horizontal framing and the gutter/downspout assemblies. This color should be specified as bronze or earth-tone to match the shopping center. Interior lighting is provided by three T-5 weatherproof light fixtures that are positioned behind the standing seam material to provide good area lighting and a soft glow to the gable ends. The oval sign will be built to match the look of the three existing storefront signs with the gooseneck lighting.

Staff recommends that the standing seam panels, aluminum extrusions, trim, and structural components be an earth-tone or bronze color to match the shopping center. The lighting needs to be the same as what is used in the center and needs to comply with the outdoor lighting ordinance. The applicant needs to submit final plans of the building, a materials palette, and an outdoor lighting plan for Staff review and approval.

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 center that will generate additional revenues for the City.

Ron Williamson reviewed the conditions of approval noting that #9 and #10 can be combined.

Bob Massengill requested that condition #2 of approval in the staff recommendation be removed. He noted the difficulty they have experienced with maintaining trees in the past and added the garden center itself would provide significant plants and foliage. Mr. Williamson responded the area was very barren and noted two tree wells were being removed for the project. He would like to see tree wells added on the northwest and northeast corners.

Bob Lindeblad noted the trees would intrude on the driving area.

Nancy Vennard stated there would be times when the center is not being used for plant materials. She would like to see planter boxes similar to those next to the large columns in the corners of the main shopping center. She added they could be native grasses.

Kylie Stock felt that would be a good solution and that it could be done. Mrs. Vennard stated she would like to see permanent planters, like those outside of Spin Pizza, so there would be plant material all year.

Bob Lindeblad stated he would prefer big planters that could be moved around and would provide more flexibility. Mrs. Vennard stated she was ok with moveable planters.

Randy Kronblad confirmed the signage would be as presented on the plan. Mr. Williamson replied the proposed signage meets the approved sign standards following the same pattern as found on the Westlake storefront.

Bob confirmed that they would not be adding any additional outdoor lighting. Mr. Massengill replied all of the lighting would be beneath the canopy. He agreed to meet with staff to ensure the lighting is the same as found elsewhere in the center.

Ken Vaughn noted there are ten spaces designated for pallets almost year-round.

Ron Williamson noted the proposed structure would add approximately 9,720 additional square feet of retail space.

Randy Kronblad confirmed the revisions to the site plan would be presented to staff for approval and would not be coming back before the Planning Commission.

Bob Lindeblad moved the Planning Commission approve the Site Plan for the Westlake Ace Hardware Garden Center 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, be the same design and color of lights used in the center, meet the outdoor lighting regulations, and a lighting plan be submitted to Staff for review and approval.
- 2) That the applicant install a minimum of two portable planters and submit the locations and plant material to Staff for review and approval.

- 3) That the proposed "Temporary Expansion Area" which includes the 8 foot strip on the north side, designated for use from April 1st to June 30th be approved provided that all materials are removed from that area within seven (7) days after June 30th.
- 4) That the 10 spaces on the north that are designated as the pallet goods area only be used from February 16th to October 15th and all materials and goods will be removed by October 15th.
- 5) That the applicant submit a Final Plan labeling all materials and colors on the permanent structure for review and approval by Staff.
- 6) That the 9,720 sq. ft. allocated to the garden center be counted as retail space and off-street parking be provided for that area.
- 7) That all utilities serving the proposed use be installed underground.
- 8) That a safe pedestrian crosswalk be maintained between the Westlake Ace Hardware store and the proposed garden center.
- 9) That the applicant submit three copies of the revised plan that includes all the information on materials, lighting, landscaping, etc. to the City.
- 10) That prior to the applicant obtaining a building permit for the proposed Garden Center, Corinth Square Shopping Center shall submit revised drawings and tabulations to the City for the required off-street parking calculation.

The motion was seconded by Gregory Wolf and passed unanimously.

**PC2014-104 Request for Building Line Modification from 45' to 30'
6641 Mission Road - Village Presbyterian Church**

Matt Schlicht with Engineering Solutions stated this property has a 45-foot platted front yard setback along Mission Road. The proposed addition will be on the west side of the existing church building and will set back approximately 35 feet from the Mission Road right-of-way. Therefore, the applicant is requesting a setback modification from the platted 45-foot setback to 30 feet. They are requesting a modification to 30 feet in order to give them additional area in case there are changes in the final plans. The closest point of the existing building sets back approximately 60 feet from Mission Road.

They met with the adjacent homeowners on November 25, 2013 and reviewed the plans with the four persons that attended. No one expressed any opposition to the proposed setback modification. The questions primarily dealt with the noise of the cooling tower, parking, storm drainage, and landscaping.

Ron Williamson stated the proposed location for the expansion is the best location on the site because it will not affect parking and he does not see any negative impact. Although the proposed building extends to 35 feet, he recommends a modification be grant to 30 feet in compliance with city code.

Nancy Vennard confirmed not the entire area of the expansion would extend to the revised building line.

Randy Kronblad confirmed the trees presently shown along Mission Road would be lost. Mr. Schlicht stated they would be replacing 14-15 trees along Mission Road. Chairman Ken Vaughn led the Commission in the following review of the required factors:

1. That there are special circumstances or conditions affecting the property;

This is the most logical area for expansion of the church. It works well with the internal use of the church and it does not reduce any of the existing parking areas. It should also be pointed out that the church is the only use of the east side of Mission Road from 66th Street south to Tomahawk Drive.

2. The building line modification is necessary for reasonable and acceptable development of the property in question;

The proposed location is the most logical direction for expansion in order to keep the church compact and to have a minimum impact on the parking areas.

3. That the granting of the building line modification will not be detrimental to the public welfare or injurious to or adversely affect adjacent property or other property in the vicinity in which the particular property is situated;

The proposed addition will not be detrimental to the public or adversely affect adjacent property because it will still set back at least 30 feet from Mission Road, which is the same as the zoning setback requirement of 30 feet. Also, as previously pointed out there are no houses or buildings in that block on the east side of Mission Road.

Bob Lindeblad stated the proposed building line modifications meets all of the required factors and is in compliance with city code.

Gregory Wolf moved the Planning Commission find favorably on the three factors and approve the front yard building setback modification from 45' to 30' for only that portion of the building as shown on the plans dated December 27, 2013. The motion was seconded by Randy Kronblad and passed unanimously.

**PC2014-113 Request for Site Plan Approval
Village Presbyterian Church
6641 Mission Road**

Matt Schlicht with Engineering Solutions briefly reviewed the proposed site plan for the proposed expansion of Village Church. The expansion 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 proposed steeple is 99 ft. in height as it was approved by the Board of Zoning Appeals. The applicant has requested a variance to allow the 99 ft. 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 addition will be similar in character to the existing building. There are no significant grade changes proposed. The plan retains the interior courtyard area.

Mr. Schlicht noted the church would close access to the Church from Mission Road on Sundays with all traffic entering off 68th Street with one-way traffic.

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.

Bob Lindeblad noted the neighborhood comments regarding the noise from the cooling units and asked how they would be addressed.

Brian Rathsam, architect for the project, further reviewed the site plan drawings. He noted the focus of the project is to address accessibility issues both in entering the church and within the church. The materials match the existing building. The brick corners that set off the building are the same style and profile as the current structure.

He stated that during the engineering process a review was made of the capacity of the existing HVAC unit and it was found that the existing unit can meet the needs of the expanded structure. They will not have to get a larger unit, nor should the existing unit be required to run any more than it currently runs.

The existing unit is approximately 15 years old and the church is looking at getting an upgraded HVAC system as an alternate for the project bid.

Nancy Vennard confirmed, if replaced, the location would be the same.

Bob Lindeblad asked what the maximum decibels of noise at the property line is allowed by city code. Ron Williamson responded there is no decibel restriction on noise in the City Code. Danielle Dulin added "noise" is addressed in Chapter 8 of the City Code and that language does not reference specific decibel levels.

Mr. Lindeblad asked if the city had any documentation on the actual decibels for the unit on the church. Mr. Williamson replied no reading has been taken at the property line. He noted direct sound control is difficult because of the location being so close to Brush Creek and on the property line. Mr. Williamson asked if a new tower would be smaller and allow some noise control. Mr. Rathsam responded he did not have information at this time on other cooling towers. The Church is aware of the issue and trying to address it as best they can.

Mr. Williamson said based on the decibel levels, Mr. Nearing gives in his information, the noise level is high, but not high enough to cause hearing damage. It is, however, a serious annoyance and adversely affects their quality of life.

Gregory Wolf asked what the estimated cost of a new unit would be. Mr. Rathsam responded just under \$200,000.

Nancy Vennard noted that if it is not replaced in conjunction with this project, it will probably be replaced in a few years - possibly 3 to 5 years.

Bob Lindeblad stated he was more concerned with the lack of specific decibel level requirements at a residential property line. Mr. Williamson stated that such regulations would have to be outside the zoning regulations or any existing applications would be grandfathered. Mr. Williamson asked the estimated cost of the proposed project. Mr. Rathsam responded seven to eight million dollars.

Bob Lindeblad moved to continue this application to the next meeting. The motion was seconded by Gregory Wolf.

Mr. Rathsam questioned if the HVAC unit was not part of the project or requiring additional usage, why the application was being held up.

Ron Williamson stated this has been a problem for years and could go on for another five years. Bob Lindeblad stated he felt the Commission needs to be proactive in resolving this issue.

Gregory Wolf asked what options were available to reduce the sound. Mr. Rathsam and Mr. Williamson reviewed options. Mr. Wolf asked if there was any way to get a current noise level reading at the property line and what should that level be.

Danielle Dulin stated most other cities restrict noise at residential property lines to 65 to 75 decibels. Ken Vaughn stated the lack of specific regulations is an issue the Commission needs to look into.

Ron Williamson advised Mr. Rathsam that the variance and building line has been approved with the only site plan issue being noise. He believes the applicant can proceed based on that action. Mr. Rathsam stated it is not their practice to proceed without full approval.

The motion was voted on and passed unanimously.

OLD BUSINESS

Consider proposed amendment to add reapplication waiting period

Ron Williamson stated at its regular meeting on October 21, 2013, the City Council discussed amending the zoning regulations to include a reapplication waiting period for Special Use Permits and Rezoning Applications. The discussion ranged from leaving the ordinance as it currently is to having a one-year reapplication waiting period. On a 6 to 5 vote, the Council requested the Planning Commission evaluate the issue and consider authorizing a public hearing.

Staff has researched the other communities in Johnson County and the following is a summary of their requirements:

<u>City</u>	<u>Zoning Reapplication Waiting Period</u>	<u>Special Use Permit Reapplication Waiting Period</u>
Leawood	6 months	6 months
Olathe	1 year	1 year
Shawnee	none	none
Overland Park	6 months	none
Lenexa	1 year	none
Mission	6 months	none

The concern with having no waiting period is that controversial applications require significant Staff, Planning Commission, and City Council time, as well as, numerous meetings for interested or affected citizens. Prairie Village has a small staff and repetitive applications take staff away from other responsibilities. It appears that the most common waiting period is six (6) months and that might be a good starting point. Another question is whether the reapplication waiting period applies to the same Special Use Permit or Rezoning, or if a different request is made should the waiting period not apply.

Mr. Williamson presented proposed language for rezoning applications as an addition of a new Section 19.52.055 Reapplication Waiting Period would be added to Chapter 19.52 PROCEDURAL PROVISIONS.

19.52.055 Reapplication Waiting Period

In the case of denial of an application by the Governing Body, the applicant must wait a period of 6 months before reapplying for approval of a new development plan or zoning change on the same property, unless the application is for a more restrictive use than the original or that reapplication is approved by the Governing Body upon a showing of changed circumstances.

Fewer cities have a reapplication waiting period for Special Use Permits. Since case law has determined that Special Use Permits are a change in land use and are subject to the “Golden Criteria” it would appear logical to treat them the same as rezoning applications.

A new Section 19.28.075 Reapplication Waiting Period would be added to Chapter 19.28 SPECIAL USE PERMITS. Suggested wording is as follows:

19.28.075 Reapplication Waiting Period

In the case of denial of an application by the Governing Body, the applicant must wait a period of 6 months before reapplying for approval of a Special Use Permit on the same property, unless the new application is for a Special Use Permit that

is a different use than the original or that reapplication is approved by the Governing Body upon a showing of changed circumstances.

Bob Lindeblad stated the biggest issue he sees is the neighborhoods feeling like their being harassed.

Ken Vaughn noted that now is a good time, between significant applications, to consider this issue.

Randy Kronblad noted that perhaps if it was known that there was a waiting period for reapplication, that the applicant's would submit their best proposal with the initial application.

Ron Williamson noted the ordinance needs to carefully identify what would be considered a change.

Bob Lindeblad stated he felt a reapplication would be for the same legal description and for the same use. If the legal description changed or the proposed use changed, the waiting period would not apply.

Randy Kronblad moved the Planning Commission authorize a public hearing on language requiring a waiting period for the reapplication of rezoning and special use permit applications. The motion was seconded by Nancy Vennard and passed unanimously.

NEXT MEETING

The February 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. Returning to the Commission will be the plats for Mission Chateau; the plat & final development plan for Chadwick Court, the continued site plan for Village Presbyterian and the continued site plan for the wall.

ADJOURNMENT

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

Ken Vaughn
Chairman