

PLANNING COMMISSION MINUTES
July 1, 2014

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, July 1, 2014, in the Municipal Building Council Chambers at 7700 Mission Road. Chairman Bob Lindeblad called the meeting to order at 7:00 p.m. with the following members present: Jim Breneman, Nancy Vennard, Larry Levy, Randy Kronblad and Gregory Wolf.

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

APPROVAL OF MINUTES

Randy Kronblad moved the approval of the Planning Commission minutes of June 3, 2014, as written. The motion was seconded by Jim Breneman and passed by a vote of 5 to 0 with Vennard abstaining.

PUBLIC HEARINGS

There were no Public Hearings scheduled.

NON PUBLIC HEARINGS

**PC2013-120 Final Plat Approval
Chadwick Court**

Bob Royer, 7805 Mission Road, stated that he had received the staff report and recommended conditions for approval and accepted the staff recommendation. However, he noted that he may want to file the plat prior to the construction and installation of the proposed improvements to the property. He will determine if this is the route he would like to take within the next 30 to 45 days. If so, he would post a bond with the city to cover the estimated cost of the improvements.

Mr. Williamson stated that either the posting of a bond or the provision of an installation guarantee would be acceptable and noted this option could be added to condition #2.

Jim Breneman noted that in the proposed declaration of restrictions under "13. Common Areas" only the streets are referenced. There is no reference to maintenance of the common areas and to Tract A. Mr. Royer responded it is his intent for Tract A and the common areas between homes to be maintained by the Homes Association and would change to language to clearly reflect that intention.

Nancy Vennard confirmed that the references to the maintenance of driveways also includes walkways/sidewalks.

Ron Williamson noted that the Tree Board met and reviewed the proposed landscape plan. They changed some of the tree species and stated that there will be no trees in the detention area. Mr. Royer stated he was in agreement with the Tree Board recommendation.

Ron Williamson reviewed the proposed Final Plat as it related to the conditions established by the Planning Commission.

At its regular meeting on June 3, 2014, the Planning Commission approved the Preliminary Plat and authorized the preparation of the Final Plat, subject to the following conditions:

1. Dedicate an additional 10' of right-of-way for the south side of 75th Street.
The 10' dedication is shown on the Final Plat
2. Indicate who will maintain the water line and fire hydrant located on the west side of the private road.
Water One will maintain the water line.
3. Identify those trees that will be removed and protect the trees on the east and west property lines.
The applicant resubmitted the tree removal plan. The applicant plans to preserve the major trees on the east and west property lines, but all the internal trees will be removed.
4. Revise the covenants that will be filed to guarantee the maintenance of the private roadway, the stormwater detention area, and any other private improvements on the property as requested by Staff.
The applicant has submitted preliminary covenants that are being reviewed by Staff and some revisions will be necessary.
5. Provide gas, water, and sewer easements to Lot 7.
The applicant is coordinating this with the utilities and will indicate the appropriate easements when the utilities decide on the location and width of those easements. Proposed easements for water and sanitary sewer were shown on the Preliminary Plat, but are not shown on the Final Plat.
6. Resolve any issues with Public Works regarding stormwater management and submit construction drawings.
The applicant has met with Public Works, resubmitted the stormwater plan and resolved all design issues with the exception of proposed trees in the detention ponds. The Tree Board has addressed this issue. The fence detail has been revised and the pickets are 4" on center.
7. Design the private drive to City standards and submit the plans and specifications to Public Works for review and approval.
The applicant has submitted plans and specifications to Public Works and they are adequate for construction.
8. Clarify the size of the water line.
The water line will be 6" in diameter to the fire hydrant and will be 2" in diameter from the hydrant south to serve lots 3, 6 and 7.

9. Revise the covenants to reflect that the Homes Association is responsible for compliance with BMP for natural vegetation as set forth in the drainage study.
This has been done.
10. Resubmit an updated final landscape plan showing compliance with the BMP requirements.
This has been submitted and will be reviewed by the Tree Board.
11. Submit the following information with the Final Plat:
 - a. A copy of the revised covenants.
This has been submitted.
 - b. A title opinion or attorney's opinion stating the name of the owner and the names of all other persons or institutions that have an interest or encumbrance on the property.
This has been submitted.
 - c. A receipt showing all taxes due and payable have been paid.
This has been submitted and all taxes due and payable have been paid.
 - d. Construction documents for all proposed improvements.
Documents have been submitted to Public Works.
 - e. An engineer's estimate of probable construction cost in order to determine the amount of the bond or other surety required to guarantee the improvements.
The engineer's estimate of probable cost has been submitted and the estimate for improvements is \$330,000.

Ron Williamson noted that prior to the recording of the Final Plat, it will be necessary for the property owner to either construct all the proposed improvements or provide a financial guarantee to the City that the proposed improvements will be constructed. It is the responsibility of the City to ensure that all improvements are made and the lots are buildable when the Final Plat is approved.

Randy Kronblad moved the Planning Commission approve the Final Plat for Chadwick Court and forward it on to the Governing Body for its acceptance of rights-of-way and easements, subject to the following conditions:

1. That the applicant show easements for water, sewer and gas on the Final Plat, subject to approval of Staff. The Final Plat will not be released for recording until such time as the easements are shown on the plat.
2. That the applicant construct and install or guarantee the construction and installation of all proposed improvements prior to the recording of the Final Plat. The Mayor and City Clerk shall not sign the Final Plat and the City will not release the Final Plat for recording until all improvements are installed or the city receives a financial guarantee to cover the cost of the improvements, subject to the approval of Public Works.
3. That the applicant submit three (3) copies of the revised Final Plat to Staff for final review and approval.
4. That the applicant revise the Declaration of Conditions and Covenants, and the Declaration of Restrictions as recommended by Staff and with the clarification on the maintenance of common areas as requested by the Commission. The applicant shall submit three (3) revised copies to the City for the record.

The motion was seconded by Jim Breneman and passed by a vote of 5 to 0 vote with Mr. Levy abstaining.

OTHER BUSINESS

Consider Revisions to Wireless Communication Ordinance regarding the approval of Existing Site Improvements

Ron Williamson noted at its regular meeting on June 3, 2014, the Planning Commission discussed the issue of minor improvements to existing wireless communications facilities and directed Staff to prepare an amendment to the regulations.

Recently there have been several minor facility changes to wireless communications installations as they upgrade to meet the level of competitors. Most of these have been very minor changes, but the Wireless Communications Ordinance Section 19.33.055 Existing Site Improvements Section C, Additional Antennae states, "additional antennae or replacement of current antennae may be added through an application for a revised site plan and will require submission to and approval by the Planning Commission." And Section E states, "Any proposal by a permit holder to replace a current antenna or to alter and improve an existing facility, tower or antenna in a manner to make the same less obtrusive such as lessening the tower height, converting the structure to an alternative tower structure, or modifying the antenna to a "slim line" or internal design shall be considered as an amended site plan and will only require submission to and approval by the Planning Commission."

Mr. Williamson reviewed the following suggested revisions to Section 19.33.055. Text to be deleted is lined out and text to be added is shown in italics.

19.33.055 Existing Site Improvements.

Alterations or improvements to existing wireless communication sites shall be allowed when these alterations or improvements are implemented to:

- A. Accommodate additional wireless service providers, provided that the alterations or improvements meet all applicable requirements of this Chapter. ~~Unless otherwise provided for by the current Special Use Permit, application for such alteration or improvement to an existing site will require approval through an amended Special Use Permit. However, if provided by the current Special Use Permit,~~ Such application shall be considered a revised final site plan and will only require submission to and approval of the Planning Commission.
- B. Any such alteration or improvement shall meet any and all current applicable design and technical standards and requirements. The cumulative effect of any additional antennae and related facilities must comply with the radio frequency radiation emission guidelines established by the FCC.
- C. Additional Antennae. When provided for in the approved capacity limit of a multi-user tower's current Special Use Permit, additional antennae or replacement of current antenna *and other support equipment* may be added through an application for ~~a revised site plan and will only require submission to and approval by the Planning Commission.~~ *an Administrative Review and approval by*

Staff. The applicant shall submit three copies of the proposed plans and the Structural Analysis for Administrative Review and will be responsible for the costs of the review and approval. Any additional antennae that exceed the ~~originally approved structural~~ capacity limit shall be considered a revised application, and shall require an amended ~~Special Use Permit~~ ***Site Plan approved by the Planning Commission*** to locate.

Any additional antennae or replacement of current antennae shall meet any and all current applicable design and technical standards and requirements ***including the structural capacity of the tower.*** The cumulative effect of any additional antennae and related facilities must comply with the radio frequency radiation emission guidelines established by the FCC.

- D. In the event that new technology provides a better alternative to the design requirements herein, the Planning Commission, ***by Site Plan approval,*** may reasonably approve or require design modification of a wireless communication facility, tower or antenna when the appearance of the same is deemed to be less obtrusive than the requirements permitted herein.
- E. Any proposal by a permit holder to replace ~~a current antenna~~ or to alter and improve an existing facility, ~~or tower or antenna~~ in a manner to make the same less obtrusive such as lessening the tower height, converting the structure to an alternative tower structure, or modifying the antenna to a “slim line” or internal design shall be considered as an amended site plan and will only require submission to and approval by the Planning Commission.
- F. Any such alteration or improvement shall meet any and all current applicable design and technical standards and requirements, and the cumulative effect of any additional antennae and related facilities must comply with the radio frequency emission guidelines established by the FCC ***and the structural capacity of the tower.***

Mr. Williamson noted that until the code is revised any approval for Administrative Reviews will be made by the Planning Commission Chairman.

Nancy Vennard moved the Planning Commission authorize a public hearing on the proposed revisions for the August 5, 2014 Planning Commission meeting. The motion was seconded by Randy Kronblad and passed unanimously.

APA Membership

Bob Lindeblad noted the information included in the packet regarding the availability of Planning Commission Members joining the American Planning Association. He reviewed the opportunities provided by the APA for Commissioners to stay up to date on planning issues throughout the country and to grow as Commissioners. The City would pay for the membership. The Commission members agreed that it would be valuable and directed staff to obtain membership for each of the Planning Commission members. Mr. Lindeblad noted there is also an affiliate membership available to City Council members.

Next Meeting

The filing deadline for the August 5th meeting is the end of this week. No applications have been filed yet. Mr. Williamson noted the KU Eye Center will be seeking approval for revisions to their parking regulations at the August meeting. It was noted that Bob Lindeblad and Randy Kronblad would not be at the August meeting; however, the remaining members would constitute a quorum with Nancy Vennard serving as Chair.

Mrs. Vennard asked about the lack of landscaping surrounding the communications box by Meadowbrook Country Club. Mr. Williamson responded that he and Keith Bredehoeft have contacted AT&T representatives who have agreed to take action.

ADJOURNMENT

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

Bob Lindeblad
Chairman