

PLANNING COMMISSION MINUTES
August 5, 2014

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, August 5, 2014, in the Municipal Building Council Chambers at 7700 Mission Road. Vice-Chairman Nancy Vennard called the meeting to order at 7:00 p.m. with the following members present: Jim Breneman, Nancy Vennard, Larry Levy 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 and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary. Also present was Council Liaison Terrence Gallagher.

APPROVAL OF MINUTES

Larry Levy moved the approval of the Planning Commission minutes of July 1, 2014, with the following correction: Page 2, #6 second to last sentence to read "The Tree Board has addressed this issue." The motion was seconded by Gregory Wolf and passed unanimously.

PUBLIC HEARINGS

PC2014-04

Consider Ordinance Revisions to Chapter 19.33 "Wireless Communications" Section 19.33.055 "Existing Site Improvements"

Ron Williamson stated the purpose of the proposed amendment is to delegate administrative review and approval to Staff for minor improvements to existing communications facilities. Currently most changes require Site Plan approval from the Planning Commission. Proposed language changes are shown below including revisions made by the Commission:

19.33.055 Existing Site Improvements.

Alterations or improvements to existing wireless communication sites shall be allowed when these alterations or improvements *are approved as follows.*

- 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.

Any such alteration or improvement 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.

- B. ***Accommodate 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.~~
- C. ***Accommodate New Technology.*** 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.

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.

- D. 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 not exceed the structural capacity of the tower.*

The public hearing was opened for comment. With no one present to speak on this application, the public hearing was closed. Mr. Breneman suggested several revisions to clarify the proposed revisions, which were accepted by the Commission and are included above.

Larry Levy moved the Planning Commission recommend the Governing Body adopt the proposed revisions to Section 19.33.055 "Existing Site Improvements" as modified. The motion was seconded by Jim Breneman and passed unanimously.

NON-PUBLIC HEARINGS

There were no applications to come before the Planning Commission.

OTHER BUSINESS

Proposed Revisions to Off-Street Parking Requirements

Ron Williamson stated the primary purpose of the proposed revisions to the Off-Street Parking and Loading Regulations is to resolve the parking requirements for the KU EYE Surgical Center. However, there are a couple of other amendments that are needed to revise other sections of the Chapter. He noted excessive parking requirements result in under-developed property, which is a concern for cities like Prairie Village, that are built out communities. On the other hand, the City must be cautious that parking does not become a problem in adjacent residential neighborhoods.

At its regular meeting on April 2, 2013, the Planning Commission approved the Site Plan for KU EYE, located at 7400 State Line Road. This is a multi-tenant building that has general office space and the KU EYE Ambulatory Surgical Center. The parking regulation has a standard for general office space which is one space for each 300 sq. ft. of gross floor area. The parking requirements do not include a standard for surgical centers so the medical clinic standard was used, which is one space for each 200 sq. ft. of gross floor area. General office space in the building is 28,678 sq. ft., requiring 96 parking spaces; and the medical area is 17,827 sq. ft., requiring 90 parking spaces; for a total of 186 required parking spaces. The site has 167 spaces and is 19 spaces short of meeting the parking requirement. In order to move forward on this project, the building owner leased 19 spaces from the Capitol Federal building, adjacent to the south, to meet the requirement. The leasing of the 19 spaces was proposed as an interim measure until the parking requirement could be analyzed and a new standard developed.

Staff met with the applicant's representative and requested that a Traffic Engineer be retained to prepare a parking analysis after the use opened. The Surgical Center opened May 1st, 2014. The Traffic Engineer collected data on April 16th and 17th, prior to the opening, and collected data on May 7th and 8th for comparison purposes. Data collection was done during the peak hours of operation which is from 10:00 a.m. to 2:00 pm. The data indicated the parking occupancy at 68% - 72% prior to the surgery center being open and 69% to 75% after the surgery center opened. The result was approximately 42 parking spaces in excess of the spaces required for the use. Staff has visited the site three times since it opened and also noted over 40 parking spaces vacant during its operation.

For this particular use, it appears that the parking requirement is greater than needed. The surgical rooms are larger than exam rooms and the turnover rate is much lower for surgical rooms. This is a new use for which there is very little information on required parking. The building has a total of 46,505 sq. ft. of leasable area, which at one space per 300 sq. ft. requires 155 parking spaces.

The KU EYE Surgical Center is a hybrid use which has characteristics of both a medical clinic and a hospital. The parking requirements for a medical clinic are too high and the parking requirements for a hospital are too low.

To address this, staff is recommending the addition of a definition for “Ambulatory Surgical Center”. There are definitions from both the Federal Government and the State of Kansas as follows:

Federal definition of ambulatory surgery center

An “*Ambulatory surgery center*” or ASC means any distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization and in which the expected duration of services would not exceed 24 hours following admission.

Kansas definition of ambulatory surgery center

“*Ambulatory surgical center*” means an establishment with an organized medical staff of one or more physicians; with permanent facilities that are equipped and operated primarily for the purpose of performing surgical procedures; with continuous physician services during surgical procedures and until the patient has recovered from the obvious effects of anesthetic and at all other times with physician services available whenever a patient is in the facility; with continuous registered professional nursing services whenever a patient is in the facility; and which does not provide services or other accommodations for a patient to stay more than 24 hours.

The State of Kansas definition is more descriptive and Staff recommends that it be added to the Definitions Chapter of the Ordinance.

Nancy Vennard noted the Kansas definition was significantly longer than the Federal definition. Mr. Williamson responded the preference is to the State definitions over the Federal because they are more local and recognized.

The Zoning Ordinance does not have a definition for “Medical or Dental Clinics or Offices”. A definition had been included in a previous edition of the City Code which is as follows:

“Medical or Dental Clinic *or Office*. An establishment where patients, who are not lodged overnight, ~~except for observation or emergency treatment~~, are admitted for examination and treatment by a person or group of persons practicing any form of healing or health building services, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is ~~lawful~~ **licensed** in the State.”

The Commission recommended that the phrase “except for observation or emergency treatment” be removed as patients are not lodged overnight and that the term lawful be replaced by “licensed”.

The next step is to determine a parking requirement for Ambulatory Surgical Centers. Based upon the Parking Analysis of the actual use it appears that the Off-Street Parking Requirement for general office use is adequate for ambulatory surgical centers as well and it is recommended that the use require one space per 300 sq. ft., the same as required for general offices. Mr. Williamson reviewed parking requirements for medical services in other area cities. The parking requirements are varied for medical office uses, but it appears that Prairie Village is on the high side. From an administrative

perspective it is very difficult for the Building Official to assess parking requirements for different office uses when they are located in the same building. Therefore, it is recommended that medical offices use the same standard as general offices, one space per 300 sq. ft. of net leasable area.

Assignment of Parking for Uses Not Listed and Reduction of Parking Requirements:

Overland Park, Olathe, Mission, and Lenexa all include a provision for assigning a parking requirement for uses not listed. The following is the proposed text for this provision.

Add *Section 19.46.030.D. Assignment of Parking for Uses Not Listed*

Any use not included in the parking requirements in the Zoning Ordinance shall be assigned a parking requirement by the Planning Commission.

Ron Williamson noted in reviewing the code, staff found two other areas where clarification is needed under “Mixed Uses” and “Net Leasable Area”.

When the parking requirements were established for large shopping centers it was the intent that basement storage was not included as net leasable floor area. It was not intended that storage areas in retail businesses on the main floor would be removed from the calculation. Therefore, the following revision is recommended:

D. Mixed Uses. When a building or development contains mixed uses and has less than 300,000 square feet of net leasable floor area, the off-street parking requirements shall be calculated for each individual use and the total parking requirement shall be the sum of individual parking requirements. When a building or development contains mixed uses excluding residential uses and has greater than 300,000 square feet of net leasable floor area and located in a C-2 General Business District, the off-street parking shall be calculated as set out in Mixed Business and Commercial Center Standard. Net Leasable Floor Area does not include *basement* storage areas.

14. Mixed Office and Commercial Centers that exceed 300,000 square feet in net leasable floor area and are located in District C-2 General Business District shall provide a minimum of 3.5 spaces per 1,000 square feet of *net* leasable area.

Net Leasable Area:

A definition for “net leasable area” should be established for all uses. Gross area would normally include common areas, such as foyers, elevators, and stairwells that do not generate traffic. In the ordinance “gross area” would be replaced by net leasable area. The following is a suggested definition:

Net Leasable Area: The area devoted to sales or service, but excludes restrooms, common hallways, employee lounges, common foyers, stairwells, elevators, and basement storage areas.

The Commission discussed the wording of the proposed revisions to “Mixed Uses” and “Net Leasable Area”. It was noted the language could be changed during the public hearing; however, it was suggested that mechanical/electrical equipment rooms be added.

Fred Logan, 8340 Mission Road, addressed the Commission on behalf of Tower Properties addressing the KU Eye parking requirements and the proposed additional language to be added to allow the Planning Commission to assign parking requirements for uses not addressed by the code.

Mr. Logan thanked Mr. Williamson and staff for efforts to resolve the parking issues for KU Eye. The staff has done a great job addressing the issues and putting into place regulations that will allow for the Commission to address unique situations. As the traffic studies have shown the existing parking is adequate for the use. The addition of the surgery center had no impact on parking.

He strongly supports the provision allowing the Commission to set parking requirements for hybrid uses. He is pleased to office in a medical/office hybrid building with Village Pediatrics operating out of the same building as his law firm.

Gregory Wolf moved the Planning Commission authorize a public hearing on the proposed amendments as revised for the September 9th Planning Commission meeting. The motion was seconded by Larry Levy and passed unanimously.

Next Meeting

The filing deadline for the September 9th meeting is the end of this week. No applications have been filed yet. Mr. Williamson noted the car wash at 95th & Mission is being redone and may be submitted for site plan approval. It was noted due to the Labor Day holiday, this meeting is the second Tuesday of the month instead of the usual 1st Tuesday.

Kate Gunja announced that the City's Building Official Jim Brown will be leaving the city to become the Building Official for the City of Salina. There will be a reception for him on Friday from 1 to 2 p.m. The Planning Commission members expressed appreciation for Jim's excellent work over the past years. He will be missed. Larry Levy stated as a contractor, he had great respect for Jim and noted it was a pleasure to work with him.

ADJOURNMENT

With no further business to come before the Commission, Vice Chairman Nancy Vennard adjourned the meeting at 7:35 p.m.

Nancy Vennard
Vice Chairman