

PLANNING COMMISSION MINUTES
September 9, 2014

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, September 9, 2014, in the Municipal Building Multi-Purpose Room at 7700 Mission Road. Chairman Bob Lindeblad called the meeting to order at 7:00 p.m. with the following members present: Jim Breneman, 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 and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary. Also present was Council Liaison Terrence Gallagher.

APPROVAL OF MINUTES

Gregory Wolf moved the approval of the Planning Commission minutes of August 5, 2014 as written. The motion was seconded by Jim Breneman and passed with Bob Lindeblad and Randy Kronblad abstaining.

PUBLIC HEARINGS

PC2014-05 Consider Ordinance Revisions to Chapter 19.46 "Off Street Parking Requirements and Chapter 19.02 "Definitions"

At its regular meeting on August 5, 2014, the Planning Commission discussed the proposed off-street parking amendments and authorized a public hearing to consider the proposed changes. 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. Mr. Williamson noted that 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.

The proposed amendments affect two chapters. The proposed definitions are inserted into Chapter 19.02 - Definitions; while the proposed regulation changes are contained in Chapter 19.46 - Off-Street Parking and Loading Regulations.

Chapter 19.02 - DEFINITIONS

Add the following definitions:

19.02.027 Ambulatory Surgical 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 overnight.

19.02.367 Medical or Dental Clinic or Office.

“Medical or Dental Clinic or Office” means an establishment where patients, who are not lodged overnight, and 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 licensed in the State.

19.02.377 Net Leasable Floor Area.

“Net Leasable Floor Area” means the area devoted to sales or service, but excludes restrooms, common hallways, employee lounges, common foyers, stairwells, elevators, mechanical/electrical equipment rooms, and basement storage areas.

Ron Williamson reviewed the following proposed revisions to Chapter 19.46. “Off-Street Parking and Loading Regulations” noting that there are no changes to Sections 19.46.005 “Applicability” and 19.46.010 “General Provisions”

In Section 19.46.015 “Layout and Design Requirements” G 3 the last sentence is revised to read “Any new construction of or addition to or enlargement of buildings shall require compliance with the parking standards of this title, as applied to the **net leasable** floor area of the new buildings or new portion thereof.

There is no change to Section 19.46.020 “Parking Design Standards” or 19.46.025 “Accessible Parking”.

Section 19.46.030 “Required Spaces” is proposed as follows:

Text to be deleted is lined out and text to be added is in bold italics.

19.46.030 Required Spaces.

Off-street parking spaces shall be provided as follows:

A. Dwelling and Lodging Uses.

1. Boarding or rooming houses: One parking space per each three sleeping rooms.
2. Dormitories, fraternities, sororities: Two parking spaces for each three occupants based on the maximum design capacity of the building.
3. ~~Hotels and motels: One space per each rental unit plus one space per each two employees in the largest working shift and such spaces as are required for restaurants, assembly rooms, and other affiliated facilities provided.~~

4. Manufactured homes: Two parking spaces per each home.
5. Nursing homes and convalescent homes: One parking space per each four beds based on the designed maximum capacity of the building, plus one parking space for each employee.
6. Single-family and single-family residential design: Two spaces per dwelling unit, one of which shall be provided in an enclosed garage or carport.
7. Two-family and multiple-family excluding group homes: Two spaces per dwelling unit.
8. Two-family and multiple-family dwelling units designed specifically for the elderly, excluding group homes, one space per two dwelling units.

B. Business and Commercial Uses.

1. Automobile, truck, recreational vehicle and mobile home sales and rental lots: One parking space for each 3,000 square feet of open sales lot area devoted to the sale, display and rental of said vehicles, plus one parking space for each employee.
2. Day Care Centers: One space for each employee plus one space for each 8 children.
3. Financial, business, and professional offices: One parking space for each 300 square feet of *gross net leasable* floor area.
4. Bowling alleys: Five parking spaces for each lane.
5. Automobile wash: Three holding spaces for each car washing stall plus two drying spaces for each car washing stall.
6. Funeral homes and mortuaries: One parking space for each three seats based upon the designed maximum capacity of the parlor, plus one additional parking space for each employee and each vehicle maintained on the premises.
7. Furniture and appliance stores, household equipment or furniture repair shop: One parking space for each 400 square feet of *net leasable* floor area.
8. Medical and dental clinics or offices: One parking space for each ~~200~~ 300 square feet of *gross net leasable* floor area.
9. Restaurants, private clubs and taverns: One parking space for 2.5 seats based on the maximum designed seating capacity; provided, however, that drive-in and drive-through restaurants shall have a minimum of at least ten parking spaces.
10. Retail stores and shops: One space per 250 square feet of *net leasable* floor area.
11. Service stations: One parking space for each employee plus two spaces for each service bay.
12. Theaters, auditoriums, and places of assembly, with or without fixed seats: One parking space for each four people, based upon the designed maximum capacity of the building.
13. All other business and commercial establishments not specified above: One parking space for each 250 square feet of *net leasable* floor area.

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 *floor* area. (Ord. 2089, 2004)

15. Ambulatory Surgical Centers: One space for each 300 square feet of net leasable floor area.

C. Other Uses.

1. Churches: One parking space for each four seats based upon the maximum designed seating capacity, including choir lofts.
2. Elementary, junior high and equivalent parochial and private schools: Two parking spaces for each classroom.
3. High schools, colleges, universities and other similar public or private institutions of higher learning: Eight parking spaces for each classroom, plus one space for each two employees.
4. Hospitals: One parking space for each four beds, plus one parking space for each resident or staff doctor plus one space for each two employees based on the largest working shift in any 24-hour period.
5. Laundromats: One space for each two washing machines.
6. Fraternal associations and union headquarters: One parking space for each four seats based upon the design maximum seating capacity.
7. Public Swimming pools: One parking space for each 38 square feet of water area.
8. Trade and commercial schools: One parking space for each three students and one space for each employee.

D. Assignment of Parking for Uses Not Listed.

Any use not included in Sections A - C above, Required Spaces, shall be assigned a parking requirement by the Planning Commission.

Mr. Williamson noted the general change is the removal of Hotels and motels as they are not allowed by code and the change from “gross floor area” to “net leasable floor area”. Also Ambulatory Surgical Centers has been added as a classification.

Paragraph D is language taken from the Overland Park code that allows the Planning Commission to assign parking requirements for uses not identified specifically by code.

There are no changes to Sections 19.46.035 “Plans and Approval Required”, 19.46.040 “Off-Street Loading” and 19.46.040 “Access Streets and Loading Docks”.

Bob Lindeblad stated he preferred the use of gross floor area as it was less complicated and also suggested that all the office uses be listed as one and not separated. He suggested combining numbers 3, 8 and 15. Mr. Williamson responded that under the gross area calculations parking requirements are high for several uses.

Jim Breneman pointed out that elevator room equipment was the same as mechanical/ equipment. He suggested it also be included in the definition of “Net Leasable Floor Area”.

Jim Breneman asked why Hotel and Motel were being removed. Mr. Williamson replied that they are not allowed in the city nor under a special use permit. Bob Lindeblad noted that may be something to reconsider especially if the city is looking at mixed use development and higher density development.

Jim Breneman asked for clarification on 19.46.030 A (6, 7 & 8). It was recommended that A8 be deleted.

Chairman Bob Lindeblad opened the public hearing for comment.

Fred Logan, 8340 Mission Road, addressed the Commission on behalf of Tower Properties addressing the KU Eye parking requirements and supporting 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 at KU Eye 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 and the increased to the net leasable floor area definition for determining parking requirements to 300. He is pleased to office in a medical/office hybrid building with Village Pediatrics operating out of the same building as his law firm. He feels the proposed regulations will provide an opportunity for more medical uses to locate in Prairie Village. These are quality tenants that will bring value to the city.

With no one else present to address the Commission, the public hearing was closed at 7:22 p.m.

Gregory Wolf moved the Planning Commission forward to the Governing Body the proposed amendments with their recommendation for adoption with the following revisions by the Planning Commission:

- 1) In Section 19.02.377 entitled “Net Leasable Floor Area” and after “mechanical/electrical **and elevator equipment rooms**
- 2) In Section 19.46.015 G (3) in the last sentence following “as applied to the **net leasable** floor area of the new buildings or new portion thereof.”
- 3) In Section 19.46.030A “Dwelling and Lodging Uses” delete A(8)
- 4) In Section 19.46.030B “Business and Commercial Uses” combine #3, #8 & #15 to read as follows:
 3. Financial, business, **medical and dental clinics and offices, ambulatory surgical centers**, and professional offices: One parking space for each

300 square feet of **net leasable** floor area.” “Businesses revised by the Commission with the recommendation that they be adopted. The motion was seconded by Randy Kronblad and passed unanimously.

NON-PUBLIC HEARINGS

PC2014-115 Site Plan Approval for the Replacement of Wireless Communication Antenna at 9011 Roe Avenue

Ron Williamson stated AT&T is requesting Site Plan Approval to replace three antennas. Two of the new antennas will be 96” in length compared to the existing antennas that are 72” in length. There are two providers on the monopole, Sprint is at 97 ft. centerline and AT&T is at the 90 ft. centerline.

In 2009, the Special Use Permit for the monopole was approved based on the updated Wireless Communications Ordinance. It was approved for multiple carriers and subject to twenty conditions. Condition #9 reads as follows:

The applicant may change out equipment boxes, cables and antennas subject to Staff approval provided that the replacements are generally consisted with the approved plan. If change-outs are significantly different, as determined by the Building Official, a revised Site Plan shall be submitted to the Planning Commission for its review and approval.

Since the two proposed antennas will be larger than those being replaced, this application is being submitted to the Planning Commission for Site Plan Approval. All the Sprint antennas and canisters are 72”. AT&T has nine antennas and six are 72” in length while two are 98” in length. This request is to replace two of the 72” canisters/antennas with two 96” canisters/antennas and one 72” canister/antenna with a 72” canister/antenna.

This monopole was approved in 1996 and at that time approval was by Conditional Use Permit. The monopole was approved for a height of 100 feet and Sprint antennas are on the top. In 2004, a Special Use Permit was granted to Cingular (now AT&T) to install antennas at the 90 foot elevation along with equipment cabinets in the compound at the base of the antenna. In 2009, a Special Use Permit was granted to Clearwire (now Sprint) to install antennas and equipment cabinets. Sprint is a major shareholder in Clearwire and the Clearwire antennas were installed as a modification to the Sprint antennas at the top of the tower. The three companion Sprint antennas were replaced with new panels, approximately 12” wide by 72” long, in 2013.

Subsequent to the application in 2011, a new Federal law was passed that requires all local governments to approve any request for replacement of transmission equipment on an existing wireless tower or base station (we call this the equipment compound) provided the request does not substantially change the physical dimensions of the tower or base station.

It is the opinion of Staff that the request does not substantially change the installation and should be approved. The law does not say that local government may not require an application to be filed or that reasonable conditions could be required as part of the approval.

Since no neighbors have appeared at previous neighborhood meetings and the changes were not major, the applicant was not required to hold a neighborhood meeting.

The Planning Commission reviewed the following criteria for site plan approval:

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

The capability of the site to accommodate the equipment compound was addressed in the approval of the Special Use Permit. The proposed improvements will occur on the existing tower and within the existing equipment compound.

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

Adequate utilities are available to serve this location.

C. The plan provides for adequate management of stormwater runoff.

No additional impervious area will be created and therefore a stormwater management plan is not required.

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

The site utilizes the existing driveway and parking lot for circulation that currently serves it and no changes are proposed.

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

The details of the overall design of the equipment compound were worked out on the approval of the Conditional Use Permit and new fencing was installed as a part of the Sprint Site Plan Approval in 2013. The applicant has prepared a structural analysis to confirm that the tower is sufficient to carry the load.

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

The tower has been at this location for approximately 18 years. The tower is located at the Fire Station in a commercial area and has very little impact on surrounding residential areas. All the equipment will be located within the equipment compound and the wiring will be routed inside the tower.

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

Wireless communications are not specifically addressed in Village Vision. Generally it falls into maintaining and improving infrastructure.

Gregory Wolf moved the Planning Commission approve PC2014-115 the site plan for AT&T as submitted subject to the following conditions: 1) That the antennas be installed as shown on the proposed site plan and 2) That all wiring be contained inside the tower. The motion was seconded by Jim Breneman and passed unanimously.

**PC2014-116 Site Plan Approval for the Replacement of
Wireless Communication Antenna at
7700 Mission Road**

Ron Williamson stated that AT&T is proposing to add three antennas and a cable to its platform on the tower behind City Hall. The proposed antennas are to serve AT&T's LTE, Long Term Evolution Network. One of the proposed antennas is approximately 72" in length and the other two antennas will be approximately 96" in length. The three antennas will add approximately 140 lbs. to the tower. The cable will be inside the tower.

AT&T added three antennas and an emergency generator in 2011 and replaced three antennas earlier this year. In October 2009, the Planning Commission approved the Special Use Permit Renewal for this tower and the approval was based on the new Wireless Communications Ordinance. The installation of additional antennas is required to be submitted to the Planning Commission for site plan review and approval.

A Structural Analysis Report was prepared which included the proposed improvements by Verizon, Sprint and AT&T. The pole capacity was rated at 100.3% and the base plate was rated at 88.3%. The structural engineer rated the pole as acceptable even though it was rated at 100.3%. A 2.5 to 3.0 safety factor is typically included in the calculation for structures and therefore 0.3% is not of concern according to the structural report.

Since no neighbors have appeared at previous neighborhood meetings and the changes were not major, the applicant was not required to hold a neighborhood meeting.

The Planning Commission reviewed the following criteria for site plan approval:

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

The proposed improvements will occur on the existing tower which is adequate to accommodate the proposed improvements.

B. Utilities are available with adequate capacity to serve the proposed development.
Adequate utilities are available to serve this location.

C. The plan provides for adequate management of stormwater runoff.
No additional impervious area will be created because all improvements will be on the tower.

D. The plan provides for safe and easy ingress, egress, and internal traffic circulation.
The site utilizes the existing driveway and parking lot for circulation that currently serves it and no changes are proposed.

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

The applicant has prepared a structural analysis and has stated the tower is sufficient to carry the additional load.

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

The tower has been at this location for more than twenty years and the proposed installation consists of replacing three antennas, which is a minor improvement compared to the size of the tower. The tower is located in the Municipal Complex and has very little impact on surrounding residential areas.

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

Wireless communications are not specifically addressed in Village Vision. Generally it falls into maintaining and improving infrastructure.

Mr. Williamson stated that at some point in time the city, as owner of the tower, may need to have an independent structural analysis done.

Jim Breneman asked who did the structural analysis. Mr. Williamson responded that three different analysis were done on this tower. Black & Veatch did an analysis reporting the tower at 96.8%. Selective Site Consultants conducted an analysis in March, 2014 in conjunction with Sprint's application. Another analysis was done by Fullerton Engineering Design which reported a maximum stress ratio of 100.3%, but stated the tower was in conformance with the loadings considered.

Randy Kronblad moved the Planning Commission approve PC2014-116 the site plan for AT&T as submitted subject to the following conditions: 1) That the three antennas be installed as shown on the proposed site plan and 2) That all wiring be contained inside the tower. The motion was seconded by Gregory Wolf and passed unanimously.

OTHER BUSINESS

PC2014-04 - Wireless Communication, Existing Site Improvements

At its regular meeting on August 18, 2014, the Governing Body considered the proposed amendment to the Existing Site Improvements section of the Wireless Communications chapter and returned it to the Planning Commission for reconsideration. Their primary concern was that the proposed ordinance did not adequately define what constitutes minor improvements. More definition and quantitative information needs to be included to adequately define what can be approved as an Administrative Review. Also, concern was expressed that the public would not have an opportunity for input when improvements are approved in an Administrative Review.

Ron Williamson presented the following amendment based on the comments from the Governing Body:

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 antenna and related facilities must comply with the radio frequency radiation emission guidelines established by the FCC.~~

B. ***Accommodate Replacement & Additional Antenna.*** When provided for in the approved capacity limit ***conditions of approval*** of a multi-user tower's current Special Use Permit, additional antenna or replacement of current antenna ***and the installation of 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. ~~Any additional antenna that exceed the originally approved capacity limit shall be considered a revised application, and shall require an amended Special Use Permit to locate.~~ ***Administrative Review and approved by Staff. If, however, the replacement of the antenna are the same size or smaller, all the equipment will be contained within the existing equipment compound, all the antenna are inside the pole whether replacement or additional or the installation is a stealth facility, the proposed improvements may be approved through an application for 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 antenna that exceed the structural capacity limit shall be considered a revised application, and shall require an amended Site Plan approved by the Planning Commission to locate.***

Any additional antenna or replacement of current antenna shall meet any and all current applicable design and technical standards and requirements ***including the structural capacity of the pole and base***. The cumulative effect of any additional antenna and related facilities must comply with the radio frequency radiation emission guidelines established by the FCC. ***Any changes to the size or height of screen walls of the equipment compound will require Site Plan Approval 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.
- D. 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.
- E. 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 antenna and related facilities must comply with the radio frequency emission guidelines established by the FCC ***and not exceed the structural capacity of the tower.***

Mr. Williamson noted the changes from the original proposed revisions are found in Sections A and B. Section A was not changed from the original and Section B was reworded to read as follows:

- B. Accommodate Replacement or Additional Antennae. Additional antennae or replacement of current antenna and the installation of support equipment may be approved by Staff, if the replacement of the antennae are the same size or smaller, all the equipment will be contained within the existing equipment compound, all the antennae are inside the pole whether replacement or additional or the installation is a stealth facility. 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. If the replacement antenna are larger or additional antennae are proposed or any additional antennae exceed the structural capacity shall be considered a revised application and shall require an amended 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 pole and base. The cumulative effect of any additional antennae and related facilities must comply with the radio frequency radiation emission guidelines established by the FCC. Any changes to the size or height of screen walls of the equipment compound will require Site Plan Approval by the Planning Commission.

Gregory Wolf moved the Planning Commission forward and recommend approval of the revised amendments to 19.33.055 - Existing Site Improvements to the Governing Body. The motion was seconded by Jim Breneman and passed unanimously.

Update regarding Proposed Recreational Vehicles

Kate Gunja reviewed the latest history on this issue which was brought to the Council by a resident December 16, 2013. Staff was directed to research other cities' regulations and these were presented to the council committee on January 21st along with the results of a survey of local homes associations regarding their restrictions. The issue was sent to the Planning Commission as the regulations are currently part of the zoning regulations. The Planning Commission reviewed the regulations on March and had the following recommendations:

- Revise temporary parking to “not to exceed 7 days total in a 30 day period”
- Agreed with the staff recommendation to move the regulations from the Zoning Regulations to the Municipal Code,
- Prior to holding a public hearing to remove the provisions from the Zoning Regulations, PC requested to see the proposed changes

The recommendation of the Planning Commission was presented to the Council Committee of the Whole on April 7th. The Council was interested in moving forward with the Planning Commission recommendation and other possible changes. A work group including Council members Weaver, Wassmer and Gallagher was formed to investigate the matter further.

The work group met four times, with the meetings open to the public. The work group was comfortable with the recommended change to the temporary storage regulations and focused on permanent storage. They considered screening provisions, setback provisions, parking on hard surface and limiting storage by height, length, weight or class.

The work group came up with the following four options with the City Council selecting Option C which includes the following:

- Revise the definition of temporary parking per the Planning Commission recommendation.
- Add that items shall not be stored in front of the front building line or the line of the building as it extends to each side of the property.
- RV must be fully screened up to six feet. RV may be over six feet in height, but must be screened up to six feet. (Screening means that at a minimum the use of evergreen plantings to substantially shield the RV from the view of neighboring properties on all sides.)
- Add that all covers must be custom fit to the contours of the boat, RV or trailer; however, covers are not required.

Kate Gunja reported that the work group recommended Option C as it is a compromise on the wide spectrum of options considered. It also improves the visual appearance of neighborhoods by increasing the screening and revising the location options for storage. RVs are still allowed provided they are able to be stored in compliance with the revised code.

Mrs. Gunja noted that as the regulations are currently located in the zoning regulations, the Planning Commission needs to authorize a public hearing on the removal of the

regulations from the zoning code. This could be set for October or November. She noted the removal would be contingent on the adoption of the regulations as part of the municipal code. The City Council is also considering a grace period before the new regulations would be enforced to allow owners to make the necessary changes.

James Breneman moved the Planning Commission authorize a public hearing on the removal of Chapter 19.38 from the zoning regulations on October 7, 2014. The motion was seconded by Gregory Wolf and passed unanimously.

Memo on Temporary Signs

Ron Williamson noted that after the lawsuit by ACLU, the sign ordinance was amended and liberalized the Temporary Sign provision. However, it was never the intent to allow business or commercial advertising as a part of temporary signs, but that area is not clear. Several signs have recently appeared as banners that advertise a business. Fortunately, these have been in multi-tenant buildings and sign standards, or the lack thereof, have required them to be removed. Probably the best place to address this situation is in the definitions.

The definition of business sign is as follows:

- C. **Business Sign:** A sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

The following is a suggested revision:

- C. **Business Sign:** A sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where such sign is located or to which it is affixed. *A temporary sign shall not be used as a business sign.*

The definition of temporary sign is as follows:

- M. **Temporary Sign:** A sign that is intended for a temporary period of posting on public or private property, and is typically constructed from nondurable materials, including paper, cardboard, cloth, plastic and/or wall board and does not constitute a structure subject to the City's Building Code and Zoning provisions.

It is suggested that the definition be revised as follows to clarify the intent of the temporary sign provision.

- M. **Temporary Sign:** A sign that is intended for a temporary period of posting on public or private property, and is typically constructed from nondurable materials, including paper, cardboard, cloth, vinyl, plastic and/or wall board, *except for real estate or contractor signs which may be of more durable materials*, and does not constitute a structure subject to the City's Building Code and Zoning provisions. *A temporary sign shall not be used as a business sign.*

Mr. Williamson noted that the cities of Overland Park and Mission are in the process of revising their entire sign regulations and that at some point Prairie Village will need to review its regulations in entirety, but this change will address an immediate problem.

Bob Lindeblad stated he would like to have the City Attorney review the proposed revisions prior to the Planning Commission taking any formal action.

Randy Kronblad moved the Planning Commission authorize a public hearing for October 7, 2014 on the proposed amendment to definition of Business Sign and Temporary Sign. The motion was seconded by Gregory Wolf and passed unanimously.

Next Meeting

The next meeting will include the two public hearings authorized and site plan approval for the car wash at 95th & Mission Road. It was also noted that the Board of Zoning Appeals will meet to consider a variance request for 5115 West 81st Street.

ADJOURNMENT

With no further business to come before the Commission, Chairman Bob Lindeblad adjourned the meeting at 8:05 p.m.

Bob Lindeblad
Chairman