

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, FEBRUARY 3, 2015
7700 MISSION ROAD
7:00 P.M.**

I. ROLL CALL

II. APPROVAL OF PC MINUTES - JANUARY 6, 2015

III. PUBLIC HEARINGS

**PC2015-01 Request for Renewal of Special Use Permit for Service Station
3901 Tomahawk
Zoning: C-2
Applicant: Jeff Greene, Sunshine Fuel, LLC.**

**PC2015-02 Request for Renewal of Special Use Permit for Service Station, Car Wash
8120 Mission Road
Zoning: C-2
Applicant: Jeff Greene, Sunshine Fuel, LLC.**

IV. NON-PUBLIC HEARINGS

**PC 2015-101 Request for Building Line Modification for front yard
From 75 feet to 65 feet
4021 West 86th Street
Zoning: R-1a
Applicant: Sohail and Ivett Shah
(Applicant requests continuation to March)**

**PC2014-123 Request for Final Plat Approval - Homestead Estates
6510 Mission Road
Zoning: R-1a
Applicant: Todd Bond, BHC Rhodes**

V. OTHER BUSINESS

Discuss interpretation of Chapter 19.44 - Height and Area Exceptions, Section 19.44.020, Yard Exceptions, C."

VI. ADJOURNMENT

Plans available at City Hall if applicable
If you cannot be present, comments can be made by e-mail to
Cityclerk@Pvkansas.com

PLANNING COMMISSION MINUTES
January 6, 2015

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, January 6, 2015, 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: Nancy Vennard, Nancy Wallerstein, Larry Levy, James Breneman and Randy Kronblad.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, City Planning Consultant; Kate Gunja, Assistant City Administrator; Keith Bredehoeft, Director of Public Works; Terrence Gallagher, Council Liaison; Mitch Dringman, Building Official and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Nancy Wallerstein moved for the approval of the minutes of December 2, 2014 as submitted. The motion was seconded by Jim Breneman and passed by a vote of 5 to 0 with Randy Kronblad abstaining.

PUBLIC HEARINGS

**PC2015-01 Request for Renewal of Special Use Permit for Service Station
3901 Tomahawk Road
Zoning: C-2
Applicant: Jeff Greene, Sunshine Fuel, LLC**

**PC2015-02 Request for Renewal of Special Use Permit for Service Station &
Car Wash at 8120 Mission Road
Zoning: C-2
Applicant: Jeff Greene, Sunshine Fuel, LLC**

Kate Gunja stated that the posting of the signage was not done correctly and these two items will need to be continued to the February 3rd meeting to allow for proper posting.

Chairman Bob Lindeblad asked if anyone was present to speak on these applications. No one was in attendance.

Randy Kronblad moved to continue PC2015-01 for the renewal of a Special Use Permit at 3901 Tomahawk Road to the February 3, 2015 meeting of the Planning Commission so that the property may be properly posted. The motion was seconded by Jim Breneman and passed unanimously.

Jim Breneman moved to continue PC2015-02 for the renewal of a Special Use Permit at 8120 Mission Road to the February 3, 2015 meeting of the Planning Commission so that the property may be properly posted. The motion was seconded by Nancy Vennard and passed unanimously.

NON-PUBLIC HEARINGS

**PC2015-101 Request for Front Yard Platted Building Line Modification
From 75 feet to 65 feet
4021 West 86th Street**

Sohail and Ivett Shah, 4021 West 86th Street, presented their request for a building line modification decreasing the platted front setback from 75 feet to 65 feet to provide more distance from adjacent rear yards and to try to preserve an existing mature red oak tree.

Ron Williamson explained that the Commission, as it approves plats, has the ability to approve a modification to a platted setback that is in excess of the setback required by zoning regulations. He noted this is a unique cul-de-sac. The lot is located on the southwest corner of a cul-de-sac on the west side of Mission Road. The two lots to the left front on Delmar with their rear yards abutting this property. This lot is located in Town and Country Estates which is a subdivision having lots of 30,000 square feet or larger and a front platted setback of 75 feet.

Mr. Williamson noted that in 2003 the Planning Commission approved a Front Building Line Modification for the expansion of a garage on the lot immediately adjacent to the east from 75 feet to 68 feet.

Mr. Shah presented letters of support from the adjacent property owners to the west. He stated there was a neighborhood meeting on the site on November 15th with the proposed house staked out. There was no opposition expressed at that meeting, but overwhelming support given by those attending. He had asked the homes association, which has approved the plans for the house for a letter of support. He received a response stating that the Board does not take positions on matters to be determined by the City, but noted they would support the modification if granted. Mr. Shah also presented a letter from an arborist stating that the proposed location would provide the tree with a better chance of surviving.

Chairman Bob Lindeblad noted that this is not a public hearing, but that he had received a request from a neighbor to address the Commission and would allow comments.

Shelley Guin, 4001 West 86th Street, the property immediately to the east addressed the Commission with concerns that due process was not followed. She stated that she did not receive notice of this hearing or of a neighborhood meeting. The meeting noted by Mr. Shah on November 15 was required by the Homes Association and was a stake walk thru. It does not fall within the requirements of the code for a meeting within two weeks of filing this application.

Ms Guin distributed to the Commission two site plans - one dated 11/13/2014 and one dated 11/17/2014. She noted the initial plan falls within all the requirements of the homes association, within the overlay guidelines and within the platted setback. This is the plan that was staked out at the November 15th meeting. She was at that meeting and stated that no consensus of approval was given. She noted the Board's refusal to submit a letter supporting this requested building line modification.

Ms Guin reviewed the three criteria for approval of a building line modification noting that the suggestion to move the house forward was given by the neighboring property owners to provide more distance between homes - not because of special circumstances or conditions affecting the property. In response to the statement that the relocation is being done to save existing trees, Ms Guin stated she had a statement from an arborist stating the Pin Oak Tree cannot be saved and the Red Oak should be fenced for protection.

The second criteria that the building line modification is necessary for reasonable and acceptable development of the property is not present noting that the original site plan dated 11/13/2014 shows reasonable and acceptable development of the property within the platted setback line.

She feels the granting of the building line modification will be detrimental and adversely affect her property. She noted the proposed house will be 15 feet from her driveway. With this close location, she feels her home will be overwhelmed by the much larger size of the proposed home. Ms Guin presented a letter from her real estate agent stating that he believes the granting of this modification will be detrimental to the property value of Ms Guin's property.

Ms Guin acknowledged that her property has been granted a building line modification from 75 feet to 68 feet, but noted that appropriate notice and procedures were followed in that application and that it is only for the corner of her garage.

Ms Guin asked that the request be denied or at least continued so proper notice can be given.

Mrs. Shah responded she felt appropriate notice had been given by the November 15th meeting. She noted the request is being modeled after the modification given for Ms Guin's property and was suggested by the Homes Association.

Bob Lindeblad questioned what notice is required. Staff responded, unlike variances and rezoning/Special Use Permits, certified return receipt notice is not required. The code states "the applicant shall send a notice to property owners within 200 feet"

Mr. Lindeblad expressed concern with the Commission taking action on this now with the possibility of a legal challenge. He would prefer to continue the application to the February meeting.

Mr. Shah asked if the Commission could provide any feedback the on the request getting approved to help him determine if he wants to go forward. He noted the request would have his home in alignment with the Guin home instead of 10 feet behind it.

Nancy Vennard asked for clarification of the changes from the first site plan to the revised site plan. It was noted that the house is being moved parallel. The maximum encroachment will be 10 feet on the west with much of the remaining house remaining behind the 75' platted setback line or having minimal encroachment. There is only the one corner that extends to the requested 75 feet.

Bob Lindeblad stated he has problems viewing a 95' rear yard as not being large enough. Mr. Shah responded the forward movement is at the request of the neighboring property owners and to attempt to save the mature existing oak tree. If the building were not moved forward it would encroach on the tree. Randy Kronblad noted he shared Mr. Lindeblad's concerns.

Nancy Vennard noted that 5400 square feet is a large home for this area and will have a large presence in this neighborhood. She asked if the corners could be cut back some to save the tree.

Nancy Wallerstein and Larry Levy stated they have no problem approving a building line modification as was approved for the Guin property.

Jim Breneman noted his reason for approval would be to save the tree but that is not guaranteed. However, by not moving the home the tree would die.

Nancy Vennard moved to continue PC2015-101 to the February 3rd meeting of the Planning Commission. The motion was seconded by Jim Breneman and passed unanimously.

Nancy Wallerstein asked staff to review applications to note more clearly the required written notification.

**PC2014-116 Site Plan Amendment for Communication Tower Changes
7700 Mission Road
Applicant: AT&T**

Wayne Medlin, with Black & Veatch, was present to address any questions of the Commission on the requested site plan amendment for the communications tower at 7700 Mission.

Ron Williamson noted at its regular meeting on September 9, 2014, the Planning Commission approved a site plan for AT&T to add three new antennas to the tower behind City Hall. The applicant submitted a structural analysis as requested and the conclusion was that the tower would be at a capacity of 100.3%. Because of the safety

factors built into the structural formula and the tendency to overestimate the weight of the equipment on the tower, the structural engineer rated the tower as acceptable. This was pointed out in the Staff Report and Staff expressed concern about the capacity of the tower for any future equipment additions. The three new antennas approved for AT&T have not been installed.

AT&T has requested to improve the capacity of the tower shaft at this time prior to installing the new antennas. The proposal is to bolt and weld galvanized reinforcement plates and splice plates on the tower shaft, galvanize the welds and repair the galvanizing coating where ever it is damaged. Initially, the new galvanizing will be noticeable, but as it weathers it should blend with the rest of the tower surface.

The structural reinforcement will bring the maximum capacity of the tower down to 92.9% from 100.3 %. The foundation capacity is rated at 60.9% compared to 93.7% before.

Jim Breneman questioned how the proposed changes could reduce the foundation capacity by more than 30 percent. Mr. Medlin reviewed the changes and Mr. Williamson added that some of the change may be the result of a more complete analysis than done earlier.

Nancy Vennard moved the Planning Commission approve the amended site plan for the proposed tower shaft reinforcement subject to the following conditions:

1. That the structural reinforcement be completed prior to the installation of the three new antennas.
2. That all reinforcement plates and splice plates be galvanized.
3. That the welds and all areas of the tower affected by the project be coated or repaired with the galvanized coating.
4. That the galvanized coating of the plates, welds and affected areas be maintained in a condition that is compatible with the rest of the tower shaft.

The motion was seconded by Nancy Wallerstein and passed unanimously.

OTHER BUSINESS

Ron Williamson advised the Commission that the City Council at their meeting on January 5th received a request from the applicant to define "when construction has begun." This will be discussed by the Council at their January 20th meeting as it relates to condition 4 of the approval of the Special Use Permit for Mission Chateau which reads:

"That the Special Use Permit not have a termination or expiration time established for it; however, if construction has not begun within twenty-four (24) months from the approval of the Special Use Permit by the Governing Body, the permit shall expire unless the applicant shall reappear to the Planning Commission and Governing Body to receive an extension of time prior to the expiration."

Kate Gunja stated the Council is not looking for a recommendation from the Commission just comments. Terrence Gallagher asked for Commission members to share from their professional experience "when construction is considered to have begun".

Nancy Vennard noted that question also came up with the CID for the Prairie Village Shops and for that project it was determined the placement of utilities qualified.

Larry Levy stated he felt the demolition of the existing building would be the start of construction for him.

Jim Breneman stated in his experience once the construction trailer is on site and you start moving dirt and making preparations for construction it is considered to have begun. Nancy Vennard agreed. Randy Kronblad expressed caution based on the "Mission Gateway Project" which has moved a lot of dirt without any construction.

Bob Lindeblad shared the phased permitting process that is followed by the City of Overland Park for multi-phased projects. They have the following levels of permits:

- 1) Demolition
- 2) Land Disturbance
- 3) Site Development
- 4) New Building
- 5) Tenant Finish

He views site development as a start of construction.

Larry Levy views the movement of dirt as the beginning of construction, utility location is not required as that may change.

Randy Kronblad feels there has to be additional components as well as the movement of dirt and that has to be done within a certain time frame.

Nancy Wallerstein noted for the Mission Chateau project she would view the completion of the 14 conditions of approval, such as financing in place, to indicate the beginning of construction.

Bob Lindeblad feels there has to be an issuance of a permit and since Prairie Village does not have phased permits there will need to be some discussion of building permit phasing.

Nancy Wallerstein stated she does not feel a comparison to the Village Shops CID commencement of construction is appropriate as that was work in a fully developed center.

Terrence Gallagher thanked the Commission for their input.

Next Meeting

The February 3 meeting will have the three items continued from this meeting and the Final Plat for Homestead Estates.

ADJOURNMENT

With no further business to come before the Commission, Chairman Bob Lindeblad adjourned the meeting at 8:28 p.m.

Bob Lindeblad
Chairman

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
DATE: February 3, 2015, Planning Commission Meeting

Project # 000009686

Application: PC 2015-01

Request: Renewal of SUP for a Service Station

Property Address: 3901 Tomahawk Road

Applicant: Sunshine Fuel, LLC

Current Zoning and Land Use: C-2 General Business District – Service Station

Surrounding Zoning and Land Use: North: R-1B Single-Family Residential – Single Family Dwellings
East: C-2 General Business District – Bank
South: C-2 General Business District – Village Center
West: R-1B Single-Family Residential – Single Family Dwellings

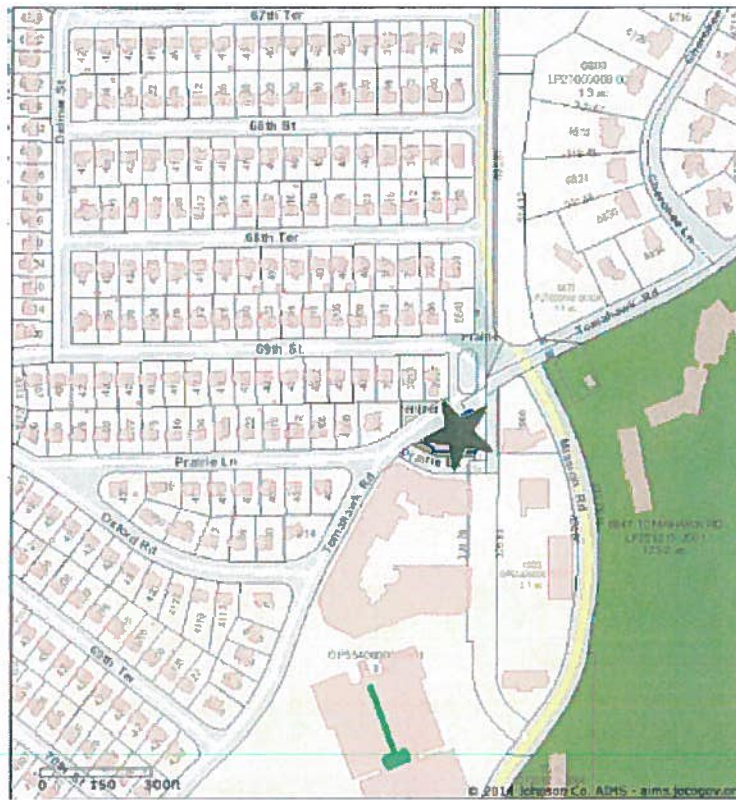
Legal Description: Metes and Bounds

Property Area: 0.24 acres

Related Case Files: PC 2002-13 SUP Renewal Service Station
PC 1997-103 Site Plan Approval
PC 1992-01 Groundwater Remediation
PC 1991-03 SUP Service Station

Attachments: Photos, Application, Site Plan

General Location Map



Aerial Map



COMMENTS:

In 1991, the Governing Body approved a Special Use Permit for a self-service gas station with a canopy and food mart. The Special Use Permit was approved for a period of 10 years and it was renewed in 2002 for a period of 10 more years. The ten-year period expired in 2012 and the applicant is requesting renewal of the Special Use Permit. In 1997 the Planning Commission approved a Site Plan for rebranding the service station.

The Site Plan has not changed from the Plan that was approved in 1991 and reapproval in 2002. No changes are proposed in the operation at this time.

The records are not clear, but apparently KDHE required the remediation and monitoring system to be installed when the tanks were replaced in 1991, which was a common practice at that time. KDHE closed the environmental monitoring in 2011 and monitoring is no longer required. If a situation occurs in the future that requires environmental monitoring, it will be the responsibility of KDHE. Since the environmental concerns have been abated, and use has been in place for 23 years, it is recommended that the Special Use Permit be approved for an indefinite time.

The conditions of approval of the Special Use Permit in 2002 are as follows:

1. That canopy lighting be directed as closely as possible toward the work surface and that no glare be visible on adjacent streets and properties.
2. That the applicant shall continue the groundwater monitoring requirements as specified by KDHE and if it is determined that a groundwater remediation system needs to be reinstalled, the applicant shall apply for an amendment to the Site Plan through the Planning Commission.
3. That since no changes are proposed to the service station, the Site Plan illustrating the existing development be approved as the Site Plan. Any changes in the architectural style or exterior materials of the buildings and structures shall be submitted to the Planning Commission for Site Plan approval.
4. That future changes and improvements to this site be handled as a Site Plan approval rather than an amendment to the Special Use Permit.
5. That the Special Use Permit run with the land and not have a termination or expiration time established for it.
6. If the 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 the noncompliance is corrected.
7. That the applicant shall maintain the landscaping and replace any plant materials as needed so that the integrity of the landscape screen is maintained throughout the life of the project.

The applicant held a neighborhood meeting on December 23, 2014, in accordance with the Planning Commission Citizen Participation Policy and no neighbors attended.

There has been a court decision that Special Use Permits are in reality a change in use and should be considered in the same manner as a zoning change is considered using the "Golden Factors". The Special Use Permit ordinance has factors for consideration similar but not identical to the "Golden Factors" and therefore, both sets of factors will be presented.

The Planning Commission shall make findings of fact to support its recommendation to approve, conditionally approve, or disapprove this Special Use Permit. In making its decision, consideration should be given to any of the following factors that are relevant to the request:

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 applicant has submitted a Site Plan that includes the layout and design that was approved at the initial application and no changes are proposed at this time. Therefore, the existing building and its accessory facilities do meet the requirements of the Zoning Regulations.

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

The use has been at this location for 23 years and it does not appear that there is evidence to indicate that reapproval of this Special Use Permit would 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.**

It should be noted that this is the renewal of an existing Special Use Permit and not the approval of a new use. The applicant does not propose to change the operation of the use and therefore it should not cause any additional injury to the value of the adjacent property.

Canopy lighting is an element that can have an adverse effect on neighboring property. Glare needs to be controlled so that it does not affect the neighbors or traveling public.

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 service station is in place and it is not proposed to change its operation. The area is completely developed around this property and it is abutted on two sides by commercial development. This is one use in a larger complex and it will not have a dominating effect on immediate neighborhood. The applicant has installed landscaping and screening on the site to help make it more compatible with the neighborhood.

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 applicant has provided three regular off-street parking spaces and one handicap space. The areas have been landscaped along Tomahawk Road to help screen the parking spaces from adjacent residences.

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

There will not be a need for any additional utilities because the site is already totally developed and adequately served.

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.**

The site has two accesses; one off Mission Lane and the other off Tomahawk Road. The curb cuts are close to the intersection; however, the speeds are very low in this area and it appears that public travels cautiously so traffic hazards are minimized. The site is very small and there does not appear to be any alternative ways to change the access so that it would reduce the traffic hazards or congestion adjacent to it.

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.**

In 1992, a groundwater remediation and monitoring system was installed. In mid-2000s, the Kansas Department of Health and Environment (KDHE) requested that the remediation system be removed from service and dismantled. Subsequent to the dismantling, the service station has been using the room at the west end of the service station, that was built to house a treatment system, for storage for the station and convenience store. According to KDHE, the service station was in a monitoring program, which was closed in 2011. KDHE does not anticipate that a groundwater remediation system will need to be reinstalled in the future. But if it does, they would request permission to do

so at that time. If through its monitoring KDHE determines that the installation of a groundwater remediation system is necessary, it is suggested that it be handled as a Site Plan approval application rather than a Special Use Permit requirement. Since no auto repair work or servicing are conducted on this site, it appears that future environmental pollution will be minimized.

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.

This is a totally built site and materials that have been used blend with the materials used in the shopping center. The applicant does not plan to change any of the architectural features of the buildings or canopy at this point in time.

If the applicant does change the architectural style or exterior materials, a Site Plan should be submitted for approval to the Planning Commission.

GOLDEN FACTORS FOR CONSIDERATION:

1. The character of the neighborhood;

The service station is located on the north edge of the Village Center on the south side of Tomahawk Road. The development on the south side of Tomahawk is a bank and shopping center, while on the north side of Tomahawk Road the development is single-family residential

2. The zoning and uses of property nearby;

North: R-1B Single-Family Residential – Single Family Dwellings

East: C-2 General Business District – Bank

South: C-2 General Business District – Village Center

West: R-1B Single-Family Residential – Single Family Dwellings

3. The suitability of the property for the uses to which it has been restricted under its existing zoning;

The C-2 General Commercial District allows a wide variety of permitted uses plus several allowed by Special Use Permit. The property is a small pad site, but has functioned effectively at this site for more than 23 years.

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

This is the renewal of an existing Special Use Permit for a service station and no changes in its operation have been proposed.

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

The property has not been vacant since it was developed as a service station in 1991.

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 service station has been on the site since 1991 and is the only service station available in northern Prairie Village. It serves an important purpose in the area and does not create a hardship on the landowners in the area.

7. City staff recommendations;

The service station has operated at this location for 23 years and no change is proposed in the operation. The environmental issues have been resolved; therefore, Staff recommends the renewal of the Special Use Permit be approved.

8. Conformance with the Comprehensive Plan.

One of the recommendations of Village Vision is that a healthy mix of uses be established and maintained. This is the only service station in this part of the City and it provides an important service to area residents. It also complements the uses provided in the Village Center.

RECOMMENDATIONS:

It is the recommendation of Staff that the Planning Commission find favorably on both sets of factors and recommend renewal of the Special Use Permit for a service station to the Governing Body subject to the following conditions:

1. That canopy lighting be directed as closely as possible toward the work surface and that all lighting on the property be in conformance with Section 19.34.50 Outdoor Lighting in the Zoning Ordinance.
 2. If it is determined that a groundwater remediation or monitoring system needs to be reinstalled, the applicant shall apply for an amendment to the Site Plan through the Planning Commission.
 3. Since no changes are proposed to the service station, the Site Plan illustrating the existing development be approved as the Site Plan.
 4. That future changes and improvements, including architectural style or exterior materials, to this site be submitted to the Planning Commission for Site Plan approval rather than an amendment to the Special Use Permit.
 5. That the Special Use Permit run with the land and not have a termination or expiration time established for it.
 6. If the 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 the noncompliance is corrected.
 7. That the applicant shall maintain the landscaping and replace any plant materials as needed so that the integrity of the landscape screen is maintained throughout the life of the project.
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Lot # 00048
Cust # 16929

SPECIAL USE PERMIT APPLICATION

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: PC2015-01
Filing Fees: \$100
Deposit: \$500



Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: _____

APPLICANT: Sunshine Fuel, LLC PHONE: C/O 305-722-8903
ADDRESS: 95 N. Court Rd., Palm Beach, FL 33480 E-MAIL: C/O bds@krs9.com; sig@krs9.com
OWNER: Station Acquisition, LLC PHONE: C/O 816-753-6000
ADDRESS: C/O 605 W. 47th Street, Suite 200, ZIP: 64112
Kansas City, MO
LOCATION OF PROPERTY: 3901 Tomahawk Rd., Prairie Village, KS 66208
LEGAL DESCRIPTION: On file.

ADJACENT LAND USE AND ZONING:

	Land Use	Zoning
North	<u>Res</u>	<u>R-1</u>
South	<u>Comm</u>	<u>C-2</u>
East	<u>Res</u>	<u>R-1</u>
West	<u>Res</u>	<u>R-1</u>

Present Use of Property: Fuel Station and convenience store

Please complete both pages of the form and return to:
Planning Commission Secretary
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Check 90565

Does the proposed special use meet the following standards? If yes, attach a separate Sheet explaining why.

- | | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 1. Is deemed necessary for the public convenience at that location. | <u>X</u> | _____ |
| 2. Is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected. | <u>X</u> | _____ |
| 3. Is found to be generally compatible with the neighborhood in which it is proposed. | <u>X</u> | _____ |
| 4. Will comply with the height and area regulations of the district in which it is proposed. | <u>X</u> | _____ |
| 5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect. | <u>X</u> | _____ |
| 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided. | <u>X</u> | _____ |

Should this special use be valid only for a specific time period? Yes _____ No X

If Yes, what length of time? _____

SIGNATURE: _____

DATE: 12/2/14

BY: Jeff Greene

TITLE: member

Attachments Required:

- Site plan showing existing and proposed structures on the property in questions, and adjacent property, off-street parking, driveways, and other information.
- Certified list of property owners

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
DATE: February 3, 2015, Planning Commission Meeting

Project # 000009686

Application: PC 2015-02

Request: Renewal of SUP for a Service Station and Carwash

Property Address: 8120 Mission Road

Applicant: Sunshine Fuel, LLC

Current Zoning and Land Use: C-2 General Business District – Service Station and Carwash

Surrounding Zoning and Land Use: North: R-1A Single-Family Residential - Library
East: C-2 General Business District – Claridge Court
South: C-2 General Business District – Corinth Square Center
West: C-1 Restricted Business District – Bank

Legal Description: Metes and Bounds

Property Area: 0.85 acres

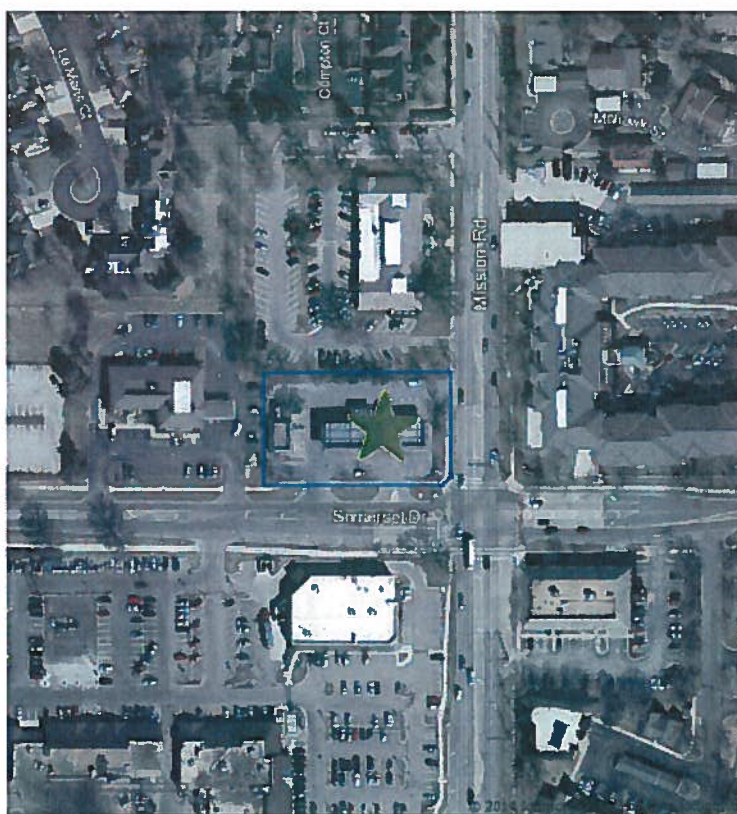
Related Case Files: PC 2002-12 Special Use Permit Renewal
PC 1992-02 Special Use Permit Environmental Remediation
PC 1991-02 Special Use Permit Renewal
PC 1983-108 Special Use Permit for Service Station

Attachments: Application, Site Plan, Photos

General Location Map



Aerial Map



COMMENTS:

In 1991 the City Council approved a Special Use Permit for a self-service gas station with a canopy, an automatic carwash and a food mart at 8120 Mission Road. The Special Use Permit was granted for a period of 10 years and had an automatic expiration of June 3, 2001. In 1992, the City approved a Special Use Permit to allow the installation of a temporary groundwater remediation system, also for a period of 10 years, which expired on July 19, 2002. In 2002, rather than have two Special Use Permits for the site, they were combined into one; which included the approval of the service station and carwash, as well as, the groundwater remediation system. According to the KDHE records, gas odors were detected at the library and it was found that fuel apparently leaked into the stormwater system. This resulted in the installation of the remediation and monitoring system.

KDHE closed the remediation and monitoring in 2005 and it is no longer required. Therefore, the environmental monitoring portion of the Special Use Permit is no longer needed.

The conditions of approval of the 2002 Special Use Permit renewal were as follows:

1. That canopy lighting be directed as closely as possible toward the work surface and that no glare be visible on adjacent streets and properties.
2. The applicant shall keep the remediation system active as requested by KDHE subject to the following conditions:
 - a. The groundwater remediation system and building shall be maintained in accordance with the plans approved in Special Use Permit Case No. 92-02.
 - b. As a condition of this Special Use Permit, the City may ask the Kansas Department of Health and Environment to determine that the clean-up process has been completed. The decision of said department shall be binding on Texaco as to whether or the clean-up process is completed. Texaco may, at its option, remove the structure at the cost to applicant. The building may be used for storage of products used in connection with the operation of the business conducted at 8120 Mission Road as authorized by the ordinances of the City of Prairie Village. The removal of structure shall also terminate this permit.
 - c. The holder of this permit will clean-up its own contamination. "Clean-up" is defined as the remediation effort by Texaco which will continue until contamination levels are at or below the action levels as prescribed by KDHE. The purpose of the structure which is authorized by this Special Use Permit is to provide housing for the equipment that is being used to clean-up present contamination.
 - d. Texaco will make reasonable efforts to obtain an annual progress report from KDHE which shall be submitted to the City Codes Administrator for the City of Prairie Village, Kansas. In the event that KDHE cannot or will not provide a timely annual progress report on the remediation of this site to the City, then this condition may be satisfied by the submission of an annual report to the City from Texaco's environmental consultant. The purpose of the report is to show what progress is being made in the clean-up process and to determine whether or not the level of contamination is above the action level as prescribed by KDHE. Annual progress reports shall be due on July 1 of each year until the remediation of this site is complete. Once remediation has been completed, there should be no further obligation on Texaco to submit annual progress reports to the City.
 - e. The City of Prairie Village, Kansas, at its option, may hire its own environmental consultant to review the annual report. Additionally, if Texaco fails or refuses to provide annual progress reports from either KDHE or its own environmental consultant as prescribed by this Special Use Permit, the City may, at its option, hire its own environmental consultant to conduct whatever tests are necessary to determine the extent of the contamination. The City shall select an environmental consultant from a list of "approved" consultants that is agreed upon by the City and Texaco. Texaco shall reimburse the City for whatever costs it may incur in hiring environmental consultants for the purposes described herein. The identity of the environmental engineer and reasonable engineer's fees for services shall be submitted to Texaco for approval but such approval will not be unreasonably withheld.
3. That since no changes are proposed to the service station, the Site Plan illustrating the existing development be approved as the Site Plan. Any changes in the architectural style or exterior

materials of the buildings and structures shall be submitted to the Planning Commission for Site Plan approval.

4. That future changes and improvements to this site be handled as a Site Plan approval rather than an amendment to the Special Use Permit.
5. That the Special Use Permit be valid for a period of ten years.
6. If the 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 the noncompliance is corrected.
7. That the applicant shall maintain the landscaping and replace any plant materials as needed so that the integrity of a landscape screen is maintained throughout the life of the project.

The applicant held a neighborhood meeting on December 23, 2014, in accordance with the Planning Commission Citizen Participation Policy and no neighbors attended.

There has been a court decision that Special Use Permits are in reality a change in use and should be considered in the same manner as a zoning change is considered using the "Golden Factors". The Special Use Permit ordinance has factors for consideration similar but not identical to the "Golden Factors" and therefore, both sets of factors will be presented.

The Planning Commission shall make findings of fact to support its recommendation to approve, conditionally approve, or disapprove this Special Use Permit. In making its decision, consideration should be given to any of the following factors that are relevant to the request:

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 applicant has submitted a Site Plan that includes the layout and design that was approved and constructed based on initial application and the applicant does not propose to change any of the features. Therefore, the existing buildings and its accessory facilities do meet the requirements of the zoning regulations.

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

The use has been at this location for approximately 23 years and it does not appear that there is evidence to indicate that reapproval of this Special Use Permit would 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.**

It should be noted that this is a renewal of an existing Special Use Permit and not an approval of a new use. The applicant does not propose to change the operation of the use and therefore it should not cause any additional injury to the value of the adjacent property. It should also be noted that this site is located within a business area and that there is a bank to the west, a shopping center to the south, and multi-family residences to the east. The site is not located in an area that would affect single family residential development.

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 service station is in place and the applicant does not propose to change its operation. The area is completely developed around this property with commercial on the south and west and multi-family residences on the east. The Johnson County Library is adjacent to the north side. This use is

part of a larger complex and it will not have a dominating affect on immediate neighborhood. The applicant has installed landscaping and screening on the perimeter site to help make it more compatible with the neighborhood.

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 applicant has provided four regular off-street parking spaces and one handicap space. The parking area is located on the west side of the site, away from the residential property. There is a significant amount of distance between the parking and residential development on the east side of Mission Road.

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

There will not be a need for any additional utilities because the site is already developed and adequately served.

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.**

The site has two accesses from Somerset Drive and one from Mission Road. The pumps, the car wash and the store are set back from the streets so that there is adequate room for traffic to pull off and get onto the site. Even though it is a congested area, it appears that the site is designed in such a manner that it accommodates the traffic with a minimal amount of conflict.

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.**

A groundwater remediation and monitoring system was installed in 1992 to eliminate the gasoline contamination at the facility. KDHE has reported that the levels of contamination have decreased and closed the monitoring in 2005. When the Special Use Permit was originally approved for the remediation system, there were 10 conditions and none of those are needed now.

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.**

This is a totally built site and the materials that have been used on the buildings are similar to those that have been used in the other buildings in the shopping center and in the nearby area. The applicant does not plan to change any of the architectural features of the buildings or canopy at this point in time, but in the event that the applicant does make changes in the future it should be submitted to the Planning Commission for Site Plan approval.

GOLDEN FACTORS FOR CONSIDERATION:

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

The neighborhood has a large amount of retail, office and other commercial uses primarily on the west side of Mission Road. There are senior multi-family residences to the east and single-family residences to the far northwest. The immediate area is a very intensely developed business area.

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

North: R-1A Single-Family Residential - Library

East: C-2 General Business District – Claridge Court

South: C-2 General Business District – Corinth Square Center

West: C-1 Restricted Business District – Bank

3. **The suitability of the property for the uses to which it has been restricted under its existing zoning;**

The C-2 General Business District permits a wide variety of uses plus several Special Use Permits. The property has been developed as a service station/carwash for over 20 years. There are many uses that could be developed on this site under its existing zoning.

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

This use has been at this location for more than 20 years and has not had a detrimental affect on neighboring properties. This is a highly developed commercial area and the service station fits well in this environment.

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

This property has not been vacant since it was originally approved for a service station in 1983.

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;

This is an existing development in a totally developed area and does not create a hardship on the individual owners. This is a needed use in this area and provides a service to the local residents.

7. City staff recommendations;

The applicant proposes no changes to the existing service station/carwash, it has functioned well at this location, no significant issues have been created by the use and it provides a needed service for the area; therefore, Staff recommends the Special Use Permit for the service station/carwash be renewed.

8. Conformance with the Comprehensive Plan.

One of the recommendations of Village Vision is that a healthy mix of uses be established and maintained. This is the only service station in this part of the City and it provides an important service to area residents. It also complements the uses provided in Corinth Square Center.

RECOMMENDATIONS:

It is the recommendation of Staff that the Planning Commission find favorably on both sets of factors and recommend renewal of the Special Use Permit for the service station/carwash to the Governing Body subject to the following conditions:

1. That canopy lighting be directed as closely as possible toward the work surface and that all outdoor lighting be in conformance with Section 19.34.50 Outdoor Lighting in the Zoning Ordinance.
2. That if it is determined by KDHE that a remediation or monitoring system needs to be installed, the applicant shall apply for an amendment to the Site Plan through the Planning Commission.
3. That since no changes are proposed to the service station, the Site Plan illustrating the existing development be approved as the Site Plan.
4. That future changes and improvements to this site be handled as a Site Plan approval rather than an amendment to the Special Use Permit.
5. That the Special Use Permit run with the land and not have a termination or expiration time established for it.
6. If the 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 the noncompliance is corrected.
7. That the applicant shall maintain the landscaping and replace any plant materials as needed so that the integrity of the landscape screen is maintained throughout the life of the project.



SPECIAL USE PERMIT APPLICATION

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: PC 2015-02

Filing Fees: 9100

Deposit: 9500



Date Advertised: _____

Date Notices Sent: _____

Public Hearing Date: _____

APPLICANT: Sunshine Fuel, LLC PHONE: C/O 305-722-8903

ADDRESS: 95 N. County Rd., Palm Beach, FL 33480 E-MAIL: C/O bud5@k159.com; sig@k159.com

OWNER: Station Acquisition, LLC PHONE: C/O 816-753-6000

ADDRESS: C/O 605 W, 47th Street, Suite 200, ZIP: 64112
Kansas City, MO

LOCATION OF PROPERTY: 8120 Mission Road, Prairie Village, KS 66208

LEGAL DESCRIPTION: On file.

ADJACENT LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	<u>Res</u>	<u>R-1</u>
South	<u>Comm</u>	<u>C-2</u>
East	<u>Comm</u>	<u>C-2</u>
West	<u>Comm</u>	<u>C-1</u>

Present Use of Property: Fuel Station and convenience store

Please complete both pages of the form and return to:
Planning Commission Secretary
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Joyce Hagen Mundy

From: Shah, Ivett, T [itshah@cmh.edu]
Sent: Wednesday, January 28, 2015 1:01 PM
To: Joyce Hagen Mundy
Subject: Building Line Modification

Hi Joyce,

Please accept this email as our request to move the building line modification request for our property at 4021 W 86th Street to the March meeting date. We are in the process of meeting with our neighbor to further discuss and we are out of town during the February meeting. Please let me know if this is acceptable.

Sincerely,



Ivett T. Shah, MSHA, MBA

Director, Children's Mercy International Services

Children's Mercy Hospitals & Clinics

www.childrensmercy.org

2401 Gillham Road

Kansas City, MO 64108

Office: 816-701-4524

Fax: 816-701-4525

email: itshah@cmh.edu



Electronic mail from Ivett Shah, Children's Mercy Hospital and Clinics. This communication is intended only for the use of the addressee. It may contain information, which is privileged or confidential under applicable law. If you are not the intended recipient or the agent of the recipient, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. If you have received this communication in error, please immediately notify Children's Mercy Hospitals and Clinics at 816-701-4524 or via return Internet electronic email at <mail to: itshah@cmh.edu> and expunge this communication without making any copies. Thank you for your cooperation.

Electronic mail from Children's Mercy Hospitals and Clinics. This communication is intended only for the use of the addressee. It may contain information that is privileged or confidential under applicable law. If you are not the intended recipient or the agent of the recipient, you are hereby notified that any dissemination, copy or disclosure of this communication is strictly prohibited. If you have received this communication in error, please immediately forward the message to Children's Mercy Hospital's Information Security Officer via return electronic mail at informationsecurityofficer@cmh.edu and expunge this communication without making any copies. Thank you for your cooperation.

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Ron Williamson, FAICP, Lochner, Planning Consultant
DATE: February 3, 2015, Planning Commission Meeting

Project # 000009686

Application: PC 2014-123

Request: Final Plat Approval for Homestead Estates

Property Address: 6510 Mission Road

Applicant: Todd Bond, BHC Rhodes representing Evan Talan Homes

Current Zoning and Land Use: R-1A Single-Family District – Country Club

Surrounding Zoning and Land Use: **North:** R-1A Single-Family District – Single Family Dwellings
East: Residential Mission Hills – Single Family Dwellings
South: R-1A Single-Family District – Single Family Dwellings
West: R-1A Single-Family District – Homestead Country Club

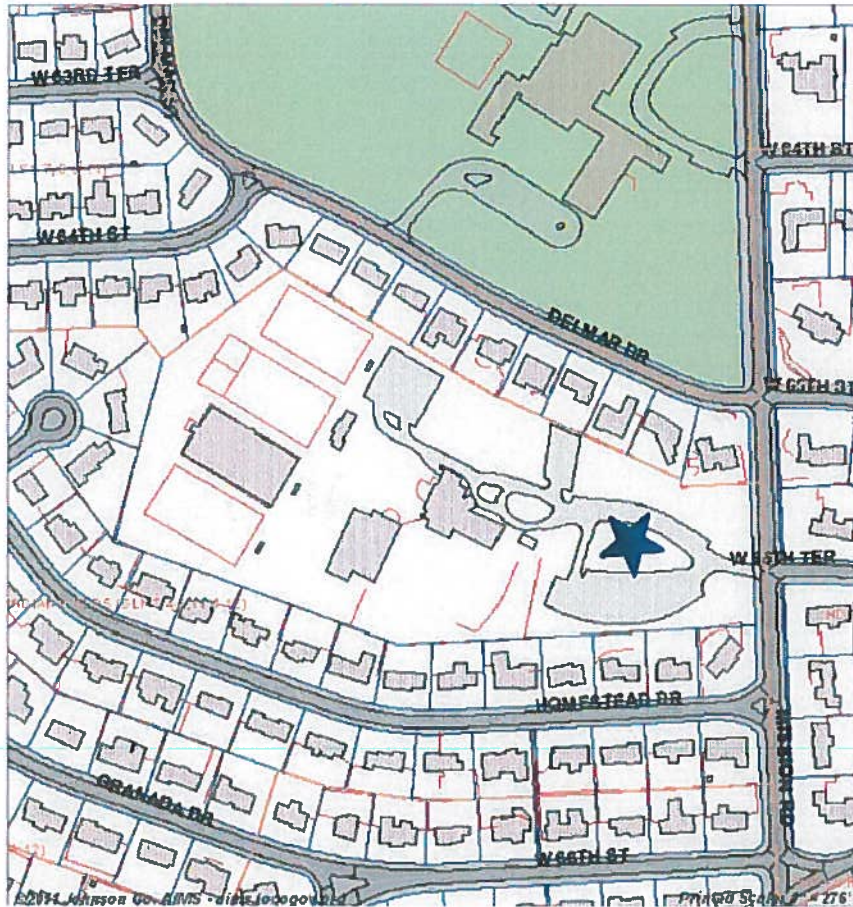
Legal Description: Metes and Bounds

Property Area: 5.62 acres

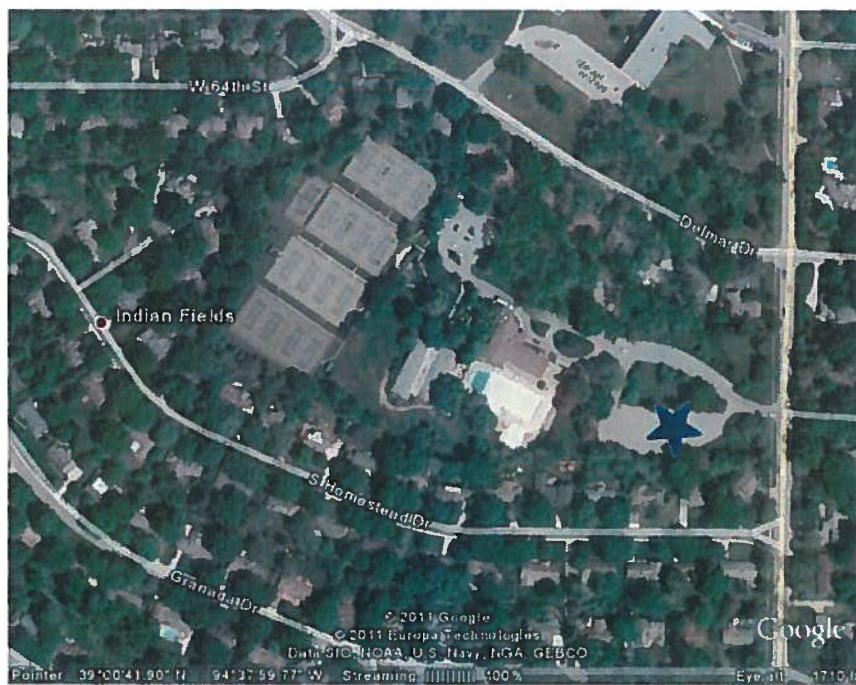
Related Case Files: PC 2013-118 Site Plan Approval for Two Platform Tennis Courts
PC 2011-107 Site Plan Approval for Two Platform Tennis Courts
PC 2002-10 Special Use Permit for Wireless Communication Towers
PC 2001-107 Site Plan Approval for New Swim and Tennis Facilities
PC 1996-107 Site Plan Approval for Air Supported Structure
PC 1992-102 Addition to Four Seasons Building
PC 1988-109 Site Plan Approval for Addition to Tennis Pro Shop
PC 1982-__ Special Use Permit
PC 95-07 Amended Special Use Permit

Attachments: Final Plat

General Location Map



Aerial Map



COMMENTS:

At its regular meeting on December 2, 2014, the Planning Commission approved the Preliminary Plat of Homestead Estates subject to 13 conditions which are as follows:

1. That the applicant provide a sidewalk on the south side of Homestead Court.
2. That the final design of Homestead Court be subject to the approval of Public Works.
3. That the applicant pay for the construction of Homestead Court and the sidewalk.
4. That the applicant work with Public Works on the final design of the storm drainage system and that it be approved by Public Works prior to filing the Final Plat.
5. That the applicant prepare covenants to guarantee the maintenance of the storm drainage improvements and common areas, if any.
6. That the applicant protect and preserve as much existing vegetation as possible on the site during construction.
7. That the Club House and pool concession buildings be demolished within 90 days following the recording the Final Plat of Homestead Estates.
8. That preliminary engineering plans, specifications, and an estimate of cost for the public improvements be prepared for streets, sidewalk and storm drainage, and be submitted with the Final Plat.
9. That the applicant provide fire hydrants as required by the Fire District.
10. That the applicant identify the two parcels on each side of Homestead Court at the intersection of Mission Road.
11. That the applicant vacate the water easement along the south property line and in Lot 3, and relocate the water line.
12. That the applicant resubmit three copies of the updated and revised Preliminary Plat for Homestead Estates.
13. That the proposed street trees be approved by the Tree Board.

Conditions 1, 2, 4, 9, and 13 will be addressed as part of Condition 8. Condition 3 will be addressed under improvements. The covenants in Condition 5 need to be submitted and reviewed. Conditions 6, 7, and 11 will be attached as Conditions of Approval for the Final Plat. Relative to Condition 10, the applicant has proposed only one tract which is on the south side of Homestead Court.

The Subdivision Regulations require the following additional information to be submitted with the Final Plat:

- A. Covenants – submitted condition 5, some revisions are needed.
- B. Proof of Ownership – submitted.
- C. Review by County Surveyor – submitted for information (The County Engineer will not review the Final Plat until it is approved by the City.)
- D. A Certificate showing all taxes and assessments have been paid – submitted.
- E. Construction Documents for streets, sidewalks and storm drainage – submitted.

The Final Plat has the Certificate of Property Owner, Certification of Surveyor, Planning Commission approval and Governing Body acceptance of easements and rights-of-way.

Homestead Court will be lowered from one to four feet from the existing grade. This will allow a 6.82% grade from Mission Road to the top of the hill. Also, lowering the grade of Homestead Court will permit regrading of the site so that drainage will not run off to the existing homes on Delmar. A detention pond will be constructed on the Homestead Country Club property and provisions for its maintenance will need to be addressed.

The City does not want the liability or responsibility for maintaining the storm drains within pipes outside of the street right-of-way. However, it is critical that this storm drainage system not be impaired. Therefore, the following text needs to be added to the Final Plat:

Property Owner Maintenance of Drainage Easements and Improvements

The Owners of Lots 1 - 11 shall maintain all drainage improvements (pipes, conduit, open drainage and detention areas) and shall keep said improvements in good repair and fully functional.

If the City reasonably determines that the drainage improvements require repair or maintenance, including the removal of debris, the City shall provide written notice to such owners indicating the repair or maintenance needed. If said owner does not repair or perform such maintenance within a reasonable period of time, the City may perform the required maintenance or repair and said owner shall reimburse the City for the cost of such work. The City shall have no liability associated with the repair and maintenance.

Section 18.04.060 Cul-de-sacs requires a landscaped island in the cul-de-sac. The Police Department is concerned that a landscaped island will create traffic congestion for visitors entering and leaving Homestead Country Club. The cul-de-sac is offset and the concern is that east-bound traffic will not properly use the cul-de-sac creating a traffic safety issue. Staff recommends the request for a landscaped island be waived for this project.

Access will need to be provided to Homestead Country Club from Mission Road during the construction of Homestead Court. The applicant will need to submit a plan to Public Works showing how that will be accomplished prior to the start of construction.

The applicant plans to record the plat immediately after acceptance of right-of-way and easements by the Governing Body and therefore will need to enter into an Improvement Agreement with the Governing Body to guarantee the installation of public improvements.

RECOMMENDATION:

It is the opinion of Staff that the proposed Final Plat for Homestead Estates has met the conditions set out in the approval of the Preliminary Plat and recommends the Planning Commission approve the Final Plat subject to the following conditions:

1. That the applicant protect and preserve as much existing vegetation as possible on the site during construction.
2. That the applicant submit the Final Plat to the County Engineer after approval by the City.
3. Add Property Owner Maintenance of Drainage Easements and Improvements to text of Plat prior to submission to the Governing Body.
4. That the applicant make revisions to the proposed covenants as requested by Staff prior to submitting the Final Plat to the Governing Body.
5. That the Club House and pool concession buildings be demolished within 90 days following the recording of the Final Plat of Homestead Estates.
6. That the applicant include the purpose of Tract A on the south side of Homestead Court at the intersection of Mission Road in the text of the plat.
7. That the applicant vacate the water easement along the south property line and in Lot 3, relocate the water line, and provide fire hydrants as required by CFD2.
8. Waive the requirement for a landscaped island in the turnaround area of the cul-de-sac.
9. Provide a plan to Public Works to show how access will be provided to Homestead Country Club during construction.
10. That the applicant enter into an agreement with Homestead Country Club to guarantee the maintenance of the detention pond and storm drainage pipes and submit a copy to Staff prior to submission of the Final Plat to the Governing Body.
11. That the proposed street trees be approved by the Tree Board.

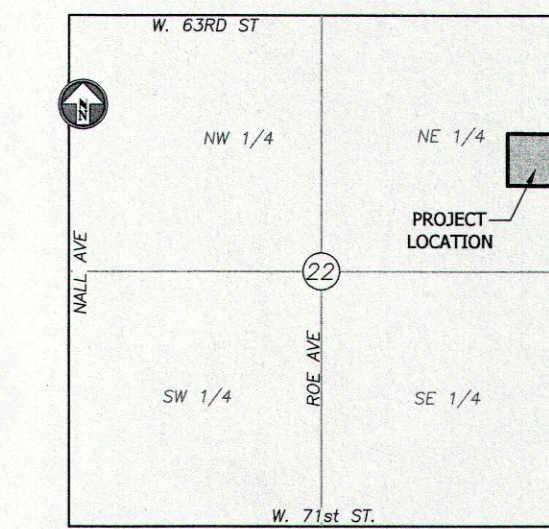
HOMESTEAD ESTATES FINAL PLAT

PRAIRIE VILLAGE, KANSAS

NORTHEAST 1/4, SECTION 16, TOWNSHIP 12S, RANGE 25W

REPLAT OF INDIAN FIELD (BLKS 4-6, 11 & 12), A SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE

SITE INFORMATION



SECTION MAP
SECTION 16-T12S-R25W
(NOT TO SCALE)
ZONING R-1A
PROPOSED USE: RESIDENTIAL

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 12, RANGE 25, IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16; THENCE S 02°16'06"E A DISTANCE OF 1,206.47 FEET ALONG THE SECTION LINE TO A POINT; THENCE S87°05'36"W A DISTANCE OF 30.00 FEET TO THE WEST RIGHT-OF-WAY OF MISSION ROAD AND THE TRUE POINT OF BEGINNING; THENCE S87°05'36"W A DISTANCE OF 139.41 FEET TO A POINT; THENCE N02°54'24"W A DISTANCE OF 15.00 FEET TO A POINT; THENCE N65°34'54"W A DISTANCE OF 439.73 FEET TO A POINT; THENCE N59°07'14"W A DISTANCE OF 87.64 FEET TO A POINT; THENCE S29°55'24"W A DISTANCE OF 131.58 FEET TO A POINT; THENCE S44°36'38"W A DISTANCE OF 43.00 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 51.09 FEET A DELTA ANGLE OF 175°35'26" AND A CHORD BEARING OF S47°07'09"E A CHORD LENGTH OF 102.11 FEET AND AN ARC LENGTH OF 156.58 FEET TO A POINT; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 28.88 FEET A DELTA ANGLE OF 69°01'46" A CHORD BEARING OF N 79°29'08"E A CHORD LENGTH OF 32.84 FEET AND AN ARC LENGTH OF 34.91 FEET TO A POINT; THENCE S24°25'06"W A DISTANCE OF 125.00 FEET TO A POINT; THENCE S65°34'54"E A DISTANCE OF 240.00 FEET TO A POINT; THENCE S12°12'23"W A DISTANCE OF 135.46' TO A POINT; THENCE N87°07'11"E A DISTANCE OF 478.41 FEET TO A POINT; THENCE N02°16'06"W A DISTANCE OF 286.09 TO THE TRUE POINT OF BEGINNING.
CONTAINING 244805.11 SQ. FT. OR 5.62 ACRES MORE OR LESS.

DEDICATION:

THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIPTION TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH HEREAFTER SHALL BE KNOWN AS "HOMESTEAD ESTATES".

-THAT PORTION RESERVED FOR PUBLIC USE AS ROADS, DESIGNATED AS "HOMESTEAD COURT" THE EXTENT AND DIRECTION OF WHICH ARE SHOWN HEREON, ARE HEREBY DEDICATED TO PUBLIC USE UPON COMPLETION.

-BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT, AND NO BUILDINGS SHALL BE CONSTRUCTED BETWEEN THIS LINE AND THE STREET RIGHT-OF-WAY LINES OR ADJACENT LOT LINES.

IN TESTIMONY WHEREOF: EVAN TALAN DEVELOPMENT, LLC, A KANSAS LIMITED LIABILITY COMPANY, HAS BY THE AUTHORITY OF ITS MEMBERS(S) CAUSED THIS INSTRUMENT TO BE EXECUTED BY ITS MANAGER THIS _____ DAY OF _____, 2015.

EVAN TALAN DEVELOPMENT, LLC
OWNER OF LOTS 1-11 & TRACT A

PRESIDENT

STATE OF KANSAS }
COUNTY OF JOHNSON }

ON THIS _____ DAY OF _____, 2015, BEFORE ME APPEARED _____ TO ME PERSONALLY KNOWN WHO BEING BY ME DULY SWORN DID SAY THAT HE IS PRESIDENT OF EVAN TALAN DEVELOPMENT, LLC, A KANSAS CORPORATION, AND THAT THIS INSTRUMENT WAS SIGNED ON BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS MEMBERS, AND SAID _____ ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

APPROVALS:

THIS PLAT OF HOMESTEAD ESTATES HAS BEEN SUBMITTED TO AND APPROVED BY THE PLANNING COMMISSION FOR THE CITY OF PRAIRIE VILLAGE, KANSAS, THIS _____ DAY OF _____, 2015.

THE DEDICATION FOR EASEMENTS AND STREET RIGHTS-OF-WAY SHOWN HEREON ARE ACCEPTED BY THE GOVERNING BODY OF THE CITY OF PRAIRIE VILLAGE, KANSAS, THIS _____ DAY OF _____, 2015.

PLANNING COMMISSION
CITY OF PRAIRIE VILLAGE

RONALD L. SHAFFER, MAYOR

NANCY VENNARD, PLANNING COMMISSION VICE-CHAIRMAN

JOYCE HAGAN MUNDY, CITY CLERK

JOYCE HAGAN MUNDY, SECRETARY

UTILITY STATEMENT:

THE UNDERGROUND UTILITIES SHOWN HEREON ARE FROM FIELD SURVEY INFORMATION OF ONE-CALL LOCATED UTILITIES, FIELD SURVEY INFORMATION OF ABOVE GROUND OBSERVABLE EVIDENCE AND/OR SCALING AND PLOTTING OF EXISTING UTILITY MAPS AND DRAWINGS AVAILABLE TO THE SURVEYOR AT THE TIME OF THE SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE, OR ABANDONED. FURTHERMORE, THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES BY EXCAVATION UNLESS OTHERWISE NOTED ON THIS SURVEY. ONE-CALL TICKET NUMBERS: #14461973.

PROPOSED LOT INFORMATION

NUMBER OF LOTS: 11
MAX AREA: 21,887 SQ FT
MIN AREA: 14,500 SQ FT
AVERAGE AREA: 15,947 SQ FT
APPROX. AREA
DEDICATED RW: 43,451 SQ FT

FEMA FLOOD PLAIN NOTE:

THERE IS NO AREA WITHIN THE FLOOD PLAIN IN THE PROPOSED AREA AS OF 10/30/2014

SURVEYORS STATEMENT

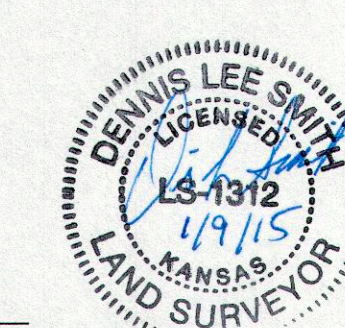
(AN ORIGINAL SEAL AND SIGNATURE IN BLUE INK, SIGNIFIES THE CERTIFICATION OF THE ENTIRE FACE OF THIS DOCUMENT AND ALL OF ITS CONTENT)

I, DENNIS L. SMITH, BEING A DULY REGISTERED LICENSED LAND SURVEYOR IN THE STATE OF KANSAS, HEREBY CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT WAS BASED WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND IS IN ACCORDANCE WITH THE CURRENT KANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS FOR RESURVEYS, AND MEETS OR EXCEEDS THE ACCURACY STANDARDS FOR AN URBAN SURVEY. THAT THE SUBJECT PARCEL IS THE SAME AS THAT DESCRIBED IN THE TITLE COMMITMENT REFERENCED HEREON, THAT THE LINES OF POSSESSION ARE DEPICTED HEREON, THE COURSES AND DISTANCES SHOWN HEREON ARE THOSE MEASURED ON THE DATE OF THE SURVEY AND THAT THE SURVEY WAS COMPLETED IN THE FIELD AND ON THE GROUND AND MAY BE RELIED UPON BY THE PARTIES CERTIFIED AS TO BEING CORRECT TO THE BEST OF MY BELIEF AND KNOWLEDGE.

DATE OF PLAT OR MAP: DECEMBER 5, 2014

DENNIS L. SMITH
KANSAS PLS NO. 1312

Dennis L. Smith



LEGEND

- Set Monument (1/2" Reinforcing Rod w/cap: KS CLS 1312) unless otherwise noted
- Benchmark

SURVEYOR:

FIELD WORK DONE BY:
RAINMAKER SURVEYING
3209 JEFFERY CIRCLE
INDEPENDENCE, MO 64055
P: 816-739-0120
CONTACT: DENNIS SMITH

DEVELOPER INFORMATION:

PLAN PREPARED FOR:
EVAN TALAN DEVELOPMENT, LLC
1920 W 143RD STREET
SUITE 150
LEAWOOD KS 66224
P:913-232-5151
CONTACT: CORY CHILDRESS

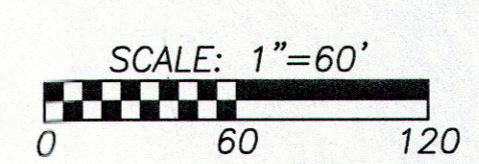
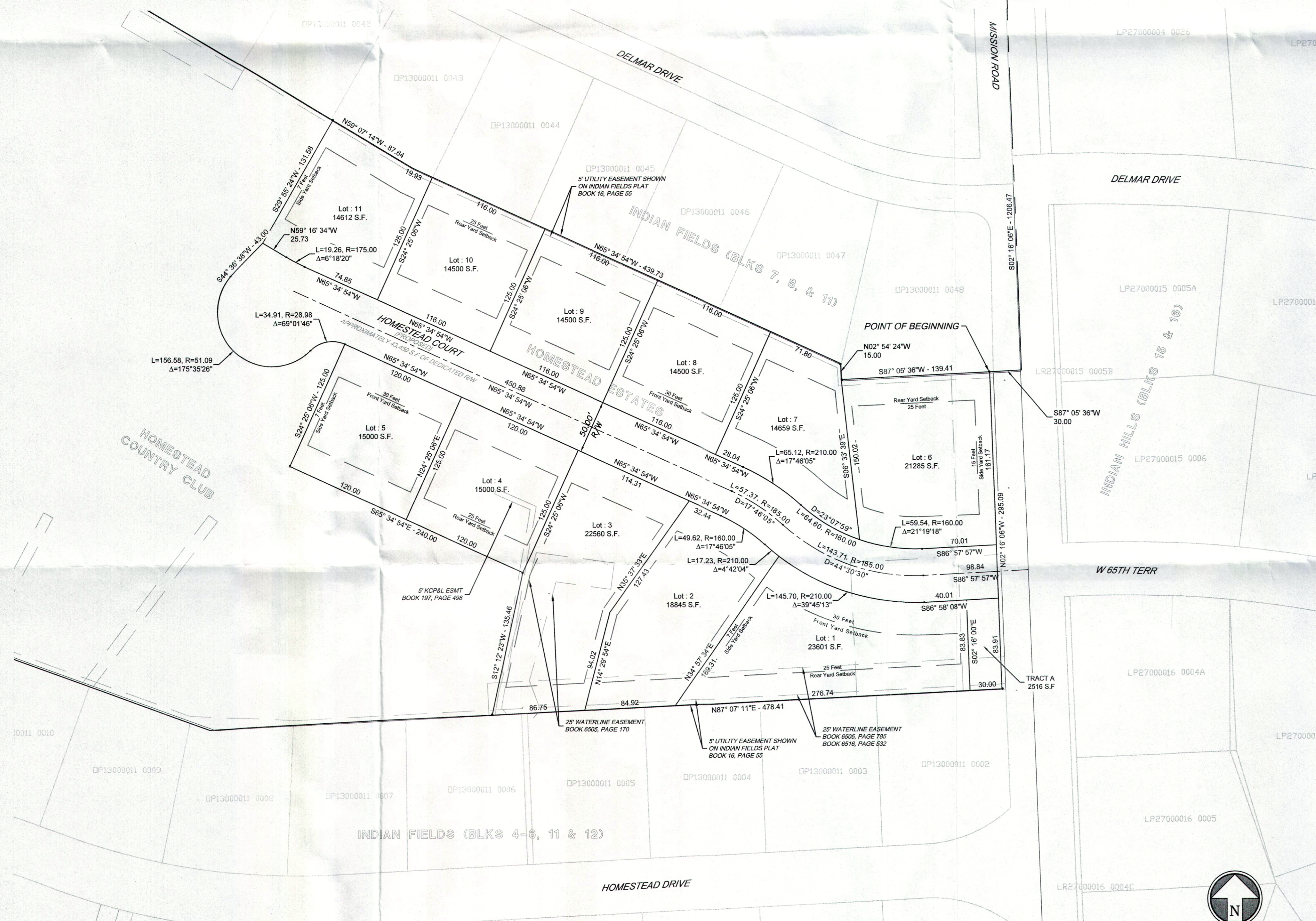
HORIZONTAL DATUM:

ALL BEARINGS ARE BASED ON KANSAS STATE PLANE, NORTH ZONE

BENCHMARK:

POINT NAME: BM 883
ELEVATION: 911.288
LOCATION: 6450 MISSION RD, TOP OF 12 INCH CONCRETE HEAD WALL AT NW CORNER OF RCB
DESCRIPTION: BERNTSEN ALUMINUM DISK STAMPED BM 883
SET BY: SHAFER, KLINE & WARREN, INC

EAST SECTION CORNER OF
16-12-25



Jan 06, 2015 - 10:30pm Plotted By: jpyodell V:\020330\WKO\Eng\Sheet\Even Talan\20330-SHTS-FINAL-PLAT.dwg Layout: Final Plat

Rev.	Date	Description
1	1/9/2015	Revised Lot Layout

Design: JDO	Drawn: JDO
Checked: DLS	
Issue Date: 12/05/2014	
Project Number: 20330	

1 of 1

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BHC RHODES
Civil Engineering • Surveying • Utilities
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BHC, INC. is a trademark of BURGESS NEWMAN & COMPANY, P.A.

Prepared For:
EVAN TALAN DEVELOPMENT, LLC
1920 W 143RD STREET
SUITE 150
LEAWOOD KS 66224
913-232-5151

**HOMESTEAD ESTATES
65TH AND MISSION ROAD
PRAIRIE VILLAGE KS**

FINAL PLAT