**PLANNING COMMISSION MINUTES**

March 1, 2016

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, March 1, 2016 in the Municipal Building Council Chambers at 7700 Mission Road. Chairman Nancy Wallerstein called the meeting to order at 7:00 with the following members present: James Breneman, Melissa Brown, Patrick Lenahan, Jonathan Birkel and Jeffrey Valentino.

The following persons were present in their advisory capacity to the Planning Commission: Chris Brewster, City Planning Consultant; Wes Jordan, Assistant City Administrator; Mitch Dringman, Building Official; Eric Mikkelson, Council Liaison and Joyce Hagen Mundy, Commission Secretary.

###### **APPROVAL OF MINUTES**

James Breneman moved for the approval of the minutes of the Planning Commission for February 2, 2016 as submitted. The motion was seconded by Patrick Lenahan and passed unanimously.

**PUBLIC HEARINGS**

There were no public hearings scheduled before the Planning Commission.

**NON PUBLIC HEARINGS**

**PC2016-104** **Request for Building Line Modification**

**8830 Catalina**

Craig Gaugh, 8830 Catalina, they are doing some interior remodeling to their current home that will expand into the existing garage space, therefore, they are proposing to extend the existing garage on 89th Street. The new garage area will extend over the platted building line, but is within the city required setback. They have contacted both their homes association and neighbors and neither have any objections to the proposed addition. The Somerset Acres West Homes Association has reviewed and approved the proposed addition.

Jonathan Birkel asked if the driveway was going to be tapered. Mr. Gaugh replied that it would be tapered.

Chris Brewster noted the lot is located on the northwest corner of 89th and Catalina Drive, and has a platted building line of 50 feet adjacent to both 89th Street and Catalina Drive. The building line also tapers at approximately the mid-point of each building line in relation to the corner of the lot, and cuts off the corner of the buildable area at an angle. The house orients directly to Catalina Drive, and the current house extends over the platted building line in the tapered area on northeast portion of the building at the corner of 89th and Catalina (approximately 20’ to 25’ at each corner). Aside from the corner issues, the home is setback greater than 50’ from each street side, and approximately 73’6 from the 89th street side.

This proposal would extend the existing garage approximately 12’-8” on the 89th street side. The bulk of this extension is still within the platted setback except for the tapered area of the platted setback. The proposed garage is also stepped back from the existing front elevation, and generally exceeds the 50’ platted setback on Catalina, except for the taper at the corner. The proposed addition has a similar relationship to the platted setback as the current home, except stepped back (the majority of the addition conforms, but the southeast corner extends over the tapered portion of the platted building line.) The proposed addition is behind all zoning setbacks for the R-1A district.

The property to the west of this property is closest to the proposed addition. It has a platted setback of 60’. The structure on this lot is situated approximately 55’ from the closest corner of the existing building and proposed addition.

The following criteria were reviewed:

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

The lot is a corner lot with the building oriented to the side street. The platted setbacks are similar to adjacent lots, however the taper on the subject lot cuts substantially into the buildable area.

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

The buildable area of the lot is reduced as a result of the platted setbacks. While the lot is large and there is a reasonable amount of buildable area under the platted setbacks, it is still more constraining than other lots in the area, and since the home does not have a “corner orientation”, but instead is oriented to Catalina Drive, this corner of the buildable area is cut off.

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

The addition of the garage is effectively the side lot of the current home, and still has a substantial setback from 89th street, and most of the proposed addition is beyond the platted setbacks. This side also has a similar relation to the street as the home to the west, which has its front oriented to 89th street.

James Breneman moved the Planning Commission approve Resolution PC2016-104 granting a building line modification for 8830 Catalina along 89th street as depicted on the survey dated 09/09/15 and that the applicant file such resolution with the register of deeds prior to obtaining a building permit. The motion was seconded by Patrick Lenahan and passed unanimously.

**PC2016-105** **Request for Building Elevation Exception**

**6708 Fontana**

Jim Lambie, 6708 Fontana, stated he is seeking approval to construct a new home with a first floor elevation of one foot higher than the current first floor elevation to ensure that water drains away from the home.

Patrick Lenahan confirmed with Mr. Brewster that the proposed porch is allowed to encroach the setback.

Mr. Brewster noted the existing home has a current first floor elevation of 936.9’. The applicant is proposing to construct a new home with a first floor elevation of 937.9’ for an increase of one foot.

This site is relatively flat with the highest elevation of 937’ (northwest, rear corner) and a lowest elevation of 932’ (southeast, front comer), resulting in a gradual grade to the front.

The proposed home meets all required setbacks:

* Front: 30’ required; 41’ +/- for the home; 38’ +/- for the garage; 34’ +/- for the front porch (note: a 35’ platted building line also applies to this site)
* Interior side: 4’ required; 7.4’ and 5.4’ proposed. (also meets the required 12’ building separation from existing structure)
* Rear: 25’ required; 44.8’ proposed at closest point.
* The proposed home includes a garage slightly below the top of foundation (1.4’ lower at 935.5) and a porch along the remainder of the lot frontage that will create transitions to the first floor elevation along the front building line.

Although the proposed building is proposed behind the required setbacks, it is only 1.4’ to 3.4’ beyond the required side setback which would not permit an increase in first floor elevation without Planning Commission approval. All elevation change proposals (more than 6” per each additional 5’ of setback) require Planning Commission review.

Patrick Lenahan moved the Planning Commission approve PC2016-105 granting a building elevation exception for 6708 Fontana of one foot as depicted on the plans submitted. The motion was seconded by Jonathan Birkel and passed unanimously.

**PC2016-106** **Request for Building Line Modification**

**8604 Cedar**

Sharon Sigman, 8604 Cedar, stated she is proposed to a small building addition to the northeast side of her home for a bathroom and additional closet space. The addition will make her house more symmetrical in appearance. She is also seeking to extend the existing garage beyond the platted 40’ building setback. Ms. Sigman showed photos of her existing home and those adjacent to her property.

James Breneman asked if she has received any comments from the neighboring residents. Ms. Sigman responded the neighbors are supportive of her proposed plans.

Chris Brewster noted the lot is located on the southwest corner of 86th and Cedar Drive and has a platted building line of 50 feet adjacent to both 86th Street and Cedar Drive. The house orients towards the corner of 86th and Cedar, and both corners of the current structure are approximately at the 40’ building line on both street sides. All other portions of the structure are setback further from both the 40’ platted building line and the zoning setbacks.

This proposal would extend and addition approximately 13.2’ into the platted building line on the 86th street side (21’ x 13’ addition). Due to the angled orientation of the home, the north corner is the deepest encroachment, and the encroachment lessens on each side as the addition angles back closer to conforming to the building line. The proposed addition is behind all zoning setbacks for the R-1A district

The property to the west of this property is closest abutting lot to the proposed addition; however, the rear of the existing structure is placed closer to this home than the proposed addition due to the angle of the home and the substantial setback from the street of the home to the west. The addition will not be visible from this home. The home immediately across 86h street is the structure that could be most impacted. It also has a corner orientation and has a setback of approximately 30’ on the 86th Street side nearest the proposed addition.

The following criteria for building line modifications were reviewed:

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

The lot is a corner lot with the building situated at an angle. The platted setbacks are parallel to each street creating a squared off buildable area. With the home situated on an angle, only the corners are at the extent of this buildable area currently.

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

Due to the angled orientation of the existing home, it is not taking up as much of the buildable area as platted setback lines would otherwise allow. Many homes in this area on corner lots due have a corner orientation. Overall home in this area are larger and enjoy a larger buildable area on the lot. This modification is not inconsistent with the lot and building patterns in the area.

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

The abutting lot to the west will not be impacted by the proposed addition, as it is not visible due to the angle of the existing home and the large setback from 86th street. The property across 86th street is the nearest home with visibility of the addition, however it has a similar relationship to 86th street as is proposed by this addition. The proposed addition is consistent with the scale of homes and orientation of corner lots in this area and is behind all required zoning setbacks for the R-1A zoning district.

Patrick Lenahan moved the Planning **Commission** approve Resolution PC2016-106 granting a building line modification for 8604 Cedar along 86th Street as depicted on the survey dated 01/07/2016 and that the applicant file such resolution with the register of deeds prior to obtaining a building permit. The motion was seconded by James Breneman and passed unanimously.

**PC2016-107** **Request for Building Height Exception**

**2702 West 71st Terrace**

Commissioner Jonathan Birkel recused himself from hearing this application due to a professional conflict of interest and left the room.

Jim Engel, 6815 Fontana, stated he is requesting to raise the elevation for a new home at 2702 West 71st Terrace which is constructed on a slab approximately 3.8 feet in order to correct current drainage on this site.

The existing home is a slab on grade house with a current first floor elevation of 1,000.2’. The City Building Official has noted that typically at least 14” of increased elevation is needed to convert from slab on grade to a foundation built home. This application proposes a new home with a first floor elevation of 1,004.00’, which is 3’ – 9.6” above the existing slab on grade first floor elevation.

Chris Brewster noted the highest grade elevation on the site is 1002’ at the southwest corner. This site is relatively flat from the street frontage (street to front door) with a gradual slope to the northeast corner (rear street side), and a steeper slope on the far northeast corner where the lowest elevation is 993’. The existing driveway mirrors this grade with a slight downward slope to the existing garage.

The proposed new home responds to those conditions as follows:

* The front lot includes some slight grade changes to place the garage floor slightly above prevailing grade in response to potential drainage issues (1002.6’)
* The top of foundation is placed just under 6” above the garage floor (1003.0’)
* This results in the first floor elevation (12” above top of foundation) at 1004’
* Grading along the west side (adjacent to the home) proposes a slight swale to minimize potential impacts on adjacent lot and tie in with prevailing rear grade.

These are all reasonable responses to the grade of the site, garage placement and

foundation placement.

The resulting impact on the proposed home vs. proposed grades is as follows:

* Lowest exposed foundation is at the southwest corner of the structure - 2’ from proposed finished grade; 3’ from existing grade.
* Highest exposed foundation near existing home is at the northwest (rear) corner of the structure – 5’ to 6’ from proposed and existing grade.
* Highest exposed foundation overall is at the northeast corner (rear, street side) – 8’ from proposed and existing grade. (note: this is largely due to the building footprint now extending into the steeper slope of the lot.)

The proposed home meets all required setbacks:

* Front: 30’ required; 36’ +/- proposed (note: a 35’ platted building line also applies to this site)
* Interior side: 4’ required; 8’ proposed. (also meets the required 12’ building separation from existing structure)
* Street side: 15’ required; 22.4’ to 23.47’ proposed
* Rear: 25’ required; 33.27’ proposed at closest point.

Although the building is proposed behind the required setbacks, it is only 7.4’ beyond the street side setback (which would only permit a 6” rise in first floor elevation according to Section 19.44.030) and 4’ beyond the interior side (which would not permit an increase in first floor elevation according to section 19.44.030).

All other elevation change proposals (more than 3’ OR more than 6” per each additional 5’ of setback) require Planning Commission review and approval per section 19.44.030.C.

It was noted that the footprint for the proposed home is larger than the existing home. James Breneman confirmed that the new home was a single family structure. Mr. Breneman noted an error in the survey contour on 71st Terrace which reads 101 and should be 102.

Nancy Wallerstein asked if the raised elevation would impact the neighbor to the north. Mr. Engle replied that it should not, adding that they are proposing to construct a swale to direct water flow to Belinder. They will use a stepped foundation wall so less foundation is exposed at the highest points on the north east side and more of the primary building material is visible. Mrs. Wallerstein asked if he had contacted the homes association. Mr. Engle stated he has been unable to connect with the homes association.

Wes Jordan stated the city received an e-mail from a neighbor to the north regarding drainage. Mr. Jordan reported that the Public Works Department has established a new policy that requires all tear-downs to complete a drainage study prior to receiving a building permit. Therefore, all drainage issues will need to be addressed before an application can be made for a building permit. This information addressed the individual’s concerns.

Jeffrey Valentino noted that if there are drainage issues, the foundation would need to be lower and questioned the Commission taking action prior to that study. Mr. Engle replied that he has used other alternatives to successfully address drainage issues. Mr. Brewster noted his landscape architect reviewed the grading plan and did not see anything that would indicate potential drainage issues, but that will be confirmed through public works permit procedures. Mr. Dringman stated that a building permit cannot be issued without a successful drainage study.

Jeffrey Valentino moved the Planning Commission approve PC2016-107 approving the request to raise the first floor elevation 3’ 9.6” higher than the current first floor  
elevation as depicted on the survey dated 01/12/2016 and submitted with the application. The motion was seconded by James Breneman.

Melissa Brown stated she had concerns with the entry and foundation on the east side. The motion was voted on and passed by a vote of 5 to 0 with Mr. Birkel having recused himself.

Commissioner Birkel returned to the meeting.

**PC2015-08 Request for Final Development Plan**

**8500 Mission Road**

Commissioner Melissa Brown recused herself due to a professional conflict of interest on this application and left.

Tim Homburg, NSPJ Architects, stated that they were in receipt of the staff report on their application and were in agreement with all of the recommended conditions except for #5. He noted on-going conversations regarding the recommended changes to the landscape plan and feel that they can be worked out. A materials board was presented and Mr. Homburg noted that the basic site plan has not changed since preliminary development plan approval by the Commission. The materials will be primarily stone and stucco. They will be of hearty quality requiring minimal maintenance.

Chris Brewster noted the proposed landscaping is discussed in detail in the staff report. It was stated that as much existing vegetation as possible would be preserved. There is no documentation on this. He noted there is not much landscaping depicted around the perimeter of the development. Suggestions were given for more trees and more variety of trees along Mission Road. The applicant has also agreed to provide streetscape along the interior street and to work with the city on parking lot landscaping. They are still working on landscaping around the buildings.

Nancy Wallerstein stated she agrees that there should be more mature trees in the proposed landscaping. She noted the appearance of the buildings has changed from the “French Chateau” look to more of an “English Tudor” and asked if it would still be called Mission Chateau. Mr. Homburg noted the change was made to be more compatible with the surrounding neighborhood.

Patrick Lenahan asked about the screening for trees. Mr. Brewster stated this would be addressed on the final landscape plan. Nancy Wallerstein asked if the Commission would see the final landscape plan. Mr. Brewster the direction is for it to be reviewed by the Tree Board, but it could come back to the Planning Commission.

Mr. Brewster noted at its July 29, 2015 meeting, the Planning Commission approved a preliminary development plan / site plan subject to the several conditions which he address in the following staff comments:

1. That the applicant prepare a plan showing the location and design of all signs for review and approval by the Planning Commission.

*The sign plan proposes the following signs. Residential projects are permitted to submit their own subdivision identification signs. The remarks on sign size permitted by 19.48.015.M are included only for reference to the scale and size of signs that are permitted for monument signs generally. Section 19.48.020.B allows the Planning Commission to approve subdivision identification signs independent of these limits according to a sign plan.:*

* *1 Main entry sign (Subdivision Signs per 19.48.020.B)*
* *7’ 2” high (5’ high permitted 19.48.015.M)*
* *32 s.f. +/- (20 s.f. permitted by 19.48.015.M)*
* *Location meets all setbacks.*
* *2 Signage Column; one at each entry*
* *2.75 s.f. logo plagues (none specified in ordnance)*

*The material specifications on these signs state the basic stone cap and base with a note that it will match the architecture.*

*The sign plan, including location, size, materials and lighting are consistent with all provisions of Section 19.48.020.B of the City sign ordnance pertaining to identification signs for residential subdivisions, provided the stone material and plaque are subject to the same conditions of any planning commission approval relative to the building materials.*

1. That the applicant submit a final outdoor lighting plan in accordance with the Outdoor Lighting Ordinance for Staff review and approval after the outdoor lighting has been specified for the buildings and prior to obtaining a building permit.

*A photometric lighting plan is provided for Lot 1 only.  The photometric study shows that lighting does not spill onto neighboring properties as required by City ordinance.  Pole height is not listed and the pole height used for the study needs to be specified.  The height of all lights shall also be specified prior to construction to demonstrate compliance with the photometric study, particularly that the location, height and intensity will eliminate glare onto adjacent property. Photometrics for Lot 2 need to be submitted to demonstrate compliance with this standard, should any future lighting be proposed on Lot 2.*

Patrick Lenahan questioned the amount of lighting along Mission Road and the internal road on the site.(85th Street/Terrace)

Mr. Homburg the street lighting will be handled on standard size poles with the lighting providing the minimum number of foot-candles necessary for security. Mr. Breneman noted the plans indicate 30’ poles. Mr. Jordan noted that a final lighting plan will be submitted.

1. That the applicant will implement the Stormwater Management Plan and submit final plans for the stormwater improvements for review and approval by Public Works.

*Public Works has approved the Storm Drainage Report and will review all civil drawing including the drainage system when final construction documents are submitted.*

1. That the applicant shall obtain all necessary permits from the Corps of Engineers and State of Kansas regarding drainage and flood control and shall prepare erosion control plans as required.

*Public Works has approved the Storm Drainage Report and will review all civil drawing including the drainage system when final construction documents are submitted.*

Nancy Wallerstein asked if the plan still included the detention area in the northeast corner. Jeff Bartz with BHC Rhodes replied that it was and that it would have a three to one slope and not be fenced. It is a natural pond outlet structure with inlets at different elevations to address water flow. He added the structure will have a rain garden feature with no ponding.

1. That all HVAC units except wall units be screened from adjacent streets and properties.

Tim Homburg stated that all HVAC units will be located on the roof and will be screened from view and not visible from the ground. They will be using a modified mansard roof with a segment of the roof used for the HVAC equipment. This will be reflected in the construction documents.

1. That all trash bins and dumpsters be screened.

*Only 3 evergreen trees are screening the back side of the trash area.  There is no screen wall enclosure and no gate to screen this use.  It is recommended that a masonry enclosure wall with an opaque gate in included in the design.*

Nancy Wallerstein noted that only one trash enclosure is shown on the plan and questioned if that would be sufficient to accommodate both facilities. Mr. Homburg replied the number of units is more a reflection of the number of trash pick-ups and there will be multiple weekly pick-ups. He added the size of the enclosure is based on what is necessary for a 250 unit apartment building, which would have more trash than would be generated by the Independent and Assisted Living facilities. Mr. Brewster stated that staff only looked at the screening leaving the size and number of units to be determined by the applicant.

1. That final plan details, including both the Site Plan and the building elevations, shall be reviewed and approved by Staff based upon the conceptual plans approved by the Planning Commission.

*The Building Elevations are consistent with the preliminary plan. At the preliminary plan approvals, a material sample was provided. The final development plan does not include further specification of those materials. The applicant is required to submit the following, subject to the review and approval of the Planning Commission:*

* *Specification as to the type and color of the primary materials indicated on the final plan (stone, stucco and composite roofing)*
* *Information on details of materials and application, including:*
  + *Reveals to be used for application of the stucco*
  + *The texture of the stucco.*
  + *Extent and final treatment of exposed wood shown in the plan.*
  + *Guard rail material on balconies*
  + *Material and details of windows, headers, and sills.*
  + *Coordination of all materials with sign plan and fencing materials on the landscape plan.*

1. That the applicant incorporate LEED principles and practices as reasonable and practical in the demolition and final design of the project.

*Specifics of this condition are not available in the final plan materials.* Mr. Homburg a high level of LEED principles were incorporated into the demolition process. Before demolition rehabilitation groups were invited to the site and removed materials that could be recycled and/or used elsewhere. When the building was demolished, the materials were separated by type into separate areas and again recycled as possible. He noted that the concrete removed with be crushed and used as subsurface material for the street. Over $100,000 has been spent to date on repurposing the building.

1. That the applicant submit the final Landscape Plan to the Planning Commission and Tree Board for review and approval.

*See landscape plan comments associated with condition 10 below.*

1. That the applicant install a sprinkler system for the lawn and plant materials and the plan be approved by Staff.

*A landscape plan has been submitted, and the following changes are recommended and a revised landscape plan shall be submitted to staff for approval in accordance with the following changes prior to submission to the Tree Board:*

*General site landscape comments:  Tree counts are low.  Landscape buffering at adjacent parcels and the R.O.W. is minimal.  Evergreen trees and shade trees are absent in these areas.  Screening of parking is non-existent.  It is recommended that the street tree count increases to 1 tree per 40 linear feet (27 trees), placed between the street and the sidewalk.   The west, south and north perimeter buffers and parking perimeter areas shall contain 8 evergreen trees and 3 shade trees per 100 linear feet.  Tree species are acceptable except Red Maple and Greenspire Linden.  Substitute Red Maple with Sugar Maple or Pacific Sunset Maple and substitute Greenspire Linden with a true American Linden or Silver Linden.*

*Lot 1 landscape comments:  Shade trees are few, with only 13 on the entire parcel.  Shade over paved areas is kept to a minimum.  It is recommended that additional trees are added along paved areas to lower the heat island effect, provide comfort and to intercept rainwater.  Only 3 evergreen trees are screening the back side of the trash area.  There is no screen wall enclosure and no gate to screen this use.  It is recommended that a masonry enclosure wall with an opaque gate in included in the design.*

*Lot 2 landscape comments:  Internal drive lane trees are spaced approximately 75’ with no additional front yard trees shown.  The typical rear yard shade tree count is under one tree per residential unit.  Evergreen trees along the south property line are shown at about .5 trees per residential unit.  It is recommended to add shade and evergreen trees in front yards and along the south and west property boundary as noted above and additional front yard shade trees are added.*

*Common Area landscape comment:  No additional trees are added to this area except along Mission Road.  It is assumed that existing trees are intended to be saved in this area.  The applicant needs to provide a tree preservation plan to document the trees to be saved.  Additional trees may need to be planted if enough trees have not been retained.*

Nancy Wallerstein noted that she does not see much color or flowering in the proposed landscape plan. Katie Martinovic with NSPJ Architects reviewed the proposed landscape plan and tree species. It was noted that there are 66 shade trees, 27 evergreens, and 75 ornamental trees on the site. The existing tree buffer areas along the north, west and south will be maintained and per staff’s direction, they will document the number and size of trees in each buffer. Along Mission Road, some of the ornamental trees will be replaced with shade trees for a total of 27 and be located between the sidewalk and curb. The tree substitutions suggested by staff will be made. Mrs. Wallerstein encouraged Ms Martinovic to have year-round color in the landscaping.

Jonathan Birkel confirmed irrigation would be provided for both phases. Mr. Homburg stated there would be separate water meters and the irrigation would be set by zones.

1. That the internal drives and roads be constructed to City Standards. Plans and specifications to be approved by Public Works.

*Public Works has reviewed the Final Plat and the driveways and access controls are acceptable. Public Works will review final construction documents to ensure compliance with City standards.*

1. That the applicant install fire hydrants at locations designated by the Fire Department.

*The plan is consistent with the preliminary plan. Staff will confirm the hydrant locations meet the Fire Department needs prior to the Planning Commission meeting..*

1. That the applicant be responsible for plan review and inspection costs associated with the construction of the facility.

*This condition will be meet through construction review.*

1. That the applicant submit final plans for the retaining walls to Public Works for review and approval.

*Public Works has approved the Storm Drainage Report and will review all civil drawing including the drainage system when final construction documents are submitted.*

1. That the applicant submit plans for the proposed pool, bathhouse and shelter adjacent to Mission Road for Site Plan approval by the Planning Commission prior to obtaining a building permit.

*No plans have been submitted for this portion of the project. Any building permit for these facilities shall be submitted in accordance with this condition prior to construction.*

1. That the applicant construct a sidewalk to the southwest corner of the site to eventually connect to the Trail on Somerset Drive.

*The sidewalk is shown at this location on the final development plan, and an easement for the sidewalk is indicated on the final plat.*

1. If the gate creates traffic congestion on Mission Road, the applicant will meet with the Prairie Village Police Department to resolve the issue.

This is a continuing condition of the Final Development Plan approval. In addition, the operation of all gates including the sidewalk access at the southwest portion of the site is based on the assumption that they remain open in primary business hours, visiting hours and all significant shift changes.

Nancy Wallerstein confirmed it is still the intent to have the complex gated and how it would function. Mr. Homburg replied the gates would be open during daytime hours. In the evening residents will have keypad access with guests being able to call in to gain access. He noted the fenced area restricts vehicular entry, but there are three open areas along the fence that allow pedestrian access.

1. Flip the layout of the east villa on the north side of the south entrance to minimize the prominence of garage doors at the entry to the site and to coordinate driveway ingress and egress near the gate islands.

*This condition has been met as shown on the submitted Final Development Plan.*

Nancy Wallerstein expressed concern with the lack of distinctive coloring in the building materials. She sees a very neutral color palette and hopes that the landscaping can offset this.

Mrs. Wallerstein questioned the number of ADA parking spaces provided for a community that focuses on providing services to the elderly. Mr. Homburg replied the ADA spaces are in compliance with code. Mr. Breneman agreed that 8 ADA spaces seems low to him as well. Mr. Homburg stated that most of the residents will not be driving and requiring ADA parking. Mrs. Wallerstein asked about the size of the parking spaces. Mr. Homburg responded they are the standard 8’ van accessible spaces.

Mrs. Wallerstein asked if they would be providing maintenance services for the villas.

Mike Flanagan with Flanagan & Associates, LLC, legal counsel for the applicant, replied that the concept for the villas is that they be maintenance free with the homes association being responsible for mowing, snow removal, etc. Mr. Flanagan explained that the villa area reflected as lot 2 is currently shown as a blank space on the plat. This area would be revised after the lots are developed and again after the units are sold. The intent is to have these sold and owner occupied. The applicant’s experience is not in home building and they are currently talking with potential firms to handle the responsibilities for the sale and development of the Lot 2 property.

Nancy Wallerstein asked if there would be any cohesiveness in the look of the villas. Mr. Flanagan reviewed some of the many conditions of the settlement agreement with the neighbors in relation to the development of the villas which included size limitations, type of materials to be used, maximum footprint, etc.

Nancy Wallerstein asked if they had to be owner occupied. Mr. Flanagan responded that under the terms of the settlement agreement the only people who could own and rent a villa would have to live in the attached villa or the controlling entity (Tutera). Construction on the units must commence within one year of the issuance of the certificate of occupancy for the senior living complex on a minimum of six villas .

Mr. Breneman asked if one unit could be built instead of a villa. Mr. Flanagan responded that would not be allow under the terms of the settlement agreement that is part of the special use permit and has been registered.

Mr. Birkel confirmed there are minimum and maximum building footprints controlled by the settlement agreement and asked if these are per side or the entire building. Joe Tutera replied there is a square footage requirement established as a range. The intent of the settlement agreement was to ensure the construction of villas similar to the Corinth Downs development.

Joe Tutera stated that he had the same concerns expressed by Mrs. Wallerstein with regard to the lack of coloring initially; but has been assured by the architects that the overall view of the complex will have distinctive color differentiations. Mrs. Wallerstein responded that she is not seeing it on the color board presented. Mr. Homburg replied that the natural stone will have color differentiations. He added that a large scale mock up would be created before the materials are applied.

Mr. Lenahan noted that without a rendering it is difficult to place the different materials and asked Mr. Homburg to go through the locations of the various materials based on the elevation shown. Mr. Homburg reviewed the use of the stucco, the dark trim color, the location of the accent materials and the darker roof coloring. He noted the stone will be natural stone and will have variations in coloring. The impact of the window coloring and accents. Mr. Breneman asked if the windows would be clear. Mr. Homburg replied they would have a UV tinted coating. Mrs. Wallerstein stated she wants to see more contrast and asked if they have done a project with similar coloring that they could view. Mr. Homburg stated they had done several and noted the “Villas of Highland Lodge” off 105th and Roe.

Mr. Breneman noted the rendering shown depicts a much lighter roof than the roof material shown. Mr. Homburg restated that before anything is installed a mock up with large scale materials will be presented to Mr. Tutera for approval. Jonathan Birkel suggested using a slightly darker window trim to “pop” out the windows. He expressed concern that much of the stone material that will be located at the lower elevations will not be visible because of landscaping. Mr. Homburg noted that when the project is built out the view from Mission Road will be primarily of the villas.

Jeffrey Valentino stated the design is generally compatible with the area and constructed with durable materials and meets the criteria; however, he noted he shares Mr. Birkel’s concern that he stone material being placed so low to the ground will not be visible.

Nancy Wallerstein stated the building materials are fine, but the material colors need to be reviewed. She feels the dark material selected for the roof will be overwhelming. Mr. Lenahan noted the roof material is a weathered wood color that will fade.

Mr. Lenahan confirmed that the trash enclosures will be screened by a masonry wall.

Chairman Nancy Wallerstein thanked the applicant for listening to the Commissioners’ questions and concerns.

Chris Brewster stated that in addition to the conditions of the Special Use Permit approval and preliminary plan approval, The Planning Commission needs to consider the criteria for site plan approval and reviewed the following staff analysis:

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

The site is capable of accommodating the proposed building and parking, and is in accordance with the preliminary development plan. However the open space and landscape plan are recommended to be updated as specified above.

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

The utility access and capacity are adequate for this site.

1. **The plan provides for adequate management of stormwater runoff.**

Public Works has approved the Storm Drainage Report and will review all civil drawing including the drainage system when final construction documents are submitted.

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

Public Works has reviewed the Final Plat and the driveways and access controls are acceptable. Public Works will review final construction documents to ensure compliance with City standards.

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

The plan is consistent with the preliminary plans, and reflects good land planning and site engineering design principles to the extent the conditions of preliminary approval are adequately addressed as stated above.

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

The plan is consistent with the preliminary plans, and reflects good quality and compatibility to the extent the conditions of preliminary approval are adequately addressed as stated above. Particularly, material details and specification consistent to that provided with the preliminary approvals shall be submitted and further specifications that meet the Planning Commission’s approval with regard to comments in this memo.

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

The plan is consistent with the preliminary plans, and relates to the comprehensive plan and adopted planning policies as identified in the preliminary approvals.

The Commission members reviewed the following staff recommended conditions of approval and the applicant’s written response that was distributed to the Commissioners.

1. That all lighting used to illuminate the outdoor area be installed according to all submitted lighting, landscape and sign plans, and in any case in such a way as to not create any glare off the site and be in conjunction with the outdoor lighting regulations. **Acknowledged by applicant and will be met.**
2. The materials designated for the sign plan be subject to the same conditions for any approval by the Planning Commission for the architecture and materials of the principle structures. **Acknowledged by applicant.**
3. Building materials will need to be specified to the satisfaction of the Planning Commission per condition 7, to demonstrate compliance with the approved preliminary plan and further the concepts shown regarding quality, color and details in the conceptual elevations. **Applicant agreed to return to Commission with final material selection.**
4. The landscape plan be revised for Lots 1 and 2, the common area and streetscape be submitted addressing staff comments prior to review by the Tree Board.

**Applicant will continue to work with staff and will make the tree substitutions suggested by staff. Trees will be added to the parking lot areas. A screen wall and gate will be provided around the trash enclosure. Larger shade trees will be substituted for ornamentals on Lot 2.**

1. All continuing conditions of the preliminary approval including:
   1. PW specs on construction documents – street construction, stormwater and retaining walls, fire hydrant locations.
   2. Operation and maintenance of gates and hours of opening.
   3. Costs of permitting and review to be paid by the applicant
   4. Lot 2 buildings subject to this final development plan and any subsequent changes will require approval of a new plan, including landscape plans.
   5. Any subsequent construction of the pool or accessory structures associated with the pool shall require final plans reviewed and approved by Planning Commission.

**Acknowledged by the applicant.**

Jim Breneman moved that the Planning Commission approve PC2015-119, the final development plan for 8500 Mission Road subject to the following conditions:

1. That all lighting used to illuminate the outdoor area be installed according to all submitted lighting, landscape and sign plans, and in any case in such a way as to not create any glare off the site and be in conjunction with the outdoor lighting regulations.
2. The materials designated for the sign plan be subject to the same conditions for any approval by the Planning Commission for the architecture and materials of the principle structures.
3. Building materials will need to be specified to the satisfaction of the Planning Commission per condition 7, to demonstrate compliance with the approved preliminary plan and further the concepts shown regarding the quality, color and details in the conceptual elevations.
4. The landscape plan be revised for Lots 1 and 2, the common area and streetscape be submitted addressing staff comments prior to review by the Tree Board.
5. All continuing conditions of the preliminary approval including:
   1. PW specs on construction documents – street construction, stormwater and retaining walls, fire hydrants locations.
   2. That the gates will remain open primary business hours, visiting hours and all significant shift changes.
   3. Costs of permitting and review to be paid by the applicant
   4. Lot 2 buildings subject to this final development plan and any subsequent changes will require approval of a new plan, including landscape plans.
   5. Any subsequent construction of the pool or accessory structures associated with the pool shall require final plans reviewed and approved by Planning Commission.

The motion was seconded by Jeffrey Valentino and passed by a vote of 5 to 0.

**PC2015-110 Request for Preliminary & Final Plat Approval – Mission Chateau**

**8500 Mission Road**

Chris Brewster stated the Planning Commission heard the application for a Special Use Permit, Site Plan approval and a Preliminary Plat at a Special Meeting on July 29, 2015. The Commission recommended approval of the Special Use Permit and Site Plan, subject to conditions, and the Council approved both recommendations on August 17, 2015. At that meeting, the Planning Commission declined to take action on the Preliminary Plat, and continued that to the September meeting. However no official action was taken on that plat. At that time, staff reviewed and created a staff report recommending approval of the preliminary plat, subject to 8 conditions. Despite the Planning Commission not taking official action on that plat, the development has progressed through further levels of design and engineering based on the SUP and Site Plan approvals, and a Final Plat has been prepared that addresses the comments in the original staff report and review of the Preliminary Plat. Therefore the applicant is requesting a combined approval of the Preliminary and Final Plat.

Since approval of the Special Use Permit and Site Plan by the Governing Body the applicant has advanced on planning and engineering based on those approvals and in furtherance of the previously submitted preliminary plat. They have submitted preliminary and final plat, and the following comments relate the submitted final plat to the recommended conditions for of the preliminary plat from Staff’s July 7, 2015 review:

1. That the applicant provide a 5-foot sidewalk on the west side of Mission Road.

On the Final Plat, the applicant has indicated that a 40’ deep easement along the west side of Mission Road for the location of the 5-foot sidewalk. The proposed site plan in accompanying application shows the location of the sidewalk within that easement.

1. That the applicant work with Public Works on the final design of the storm drainage system.

Public Works has approved the Storm Drainage Report and will review all civil drawing including the drainage system when final construction documents are submitted.

1. That the 25-foot platted rear setback line be dimensional on the northwest property line of Lot 1.

Most of the edge is designated as “common area” and the platted lot line is proposed to be at the requested 25-foot setback. However, the plat shows a 20’ building line in the common area, which is not consistent with this condition, nor the notion that the common area will not have any structures. This will need to be revised and resubmitted before recording. The final development plan shows that the structure on Lot 1 is in compliance with this condition and is setback more than 25’ from the recommended platted rear setback.

1. That the applicant prepare covenants to guarantee the maintenance of the common areas and utilities and submit it with the Final Plat.

Draft covenants have been submitted with final site development and approvals to address this condition. Prior to recording the Final Plat, the final proposed covenants shall be submitted demonstrating that this condition is met, and reviewed and approved by the city attorney.

1. That the applicant dedicate a pedestrian easement on the west side of Lot 2 to provide access to Somerset Drive and construct the sidewalk.

On the Final Plat, a 10’ easement is shown at this location; the sidewalk will need to be constructed as shown on the final development plans.

1. That the applicant protect and preserve as much existing vegetation as possible along the property lines.

The perimeter of the property encompasses common areas and sidewalk easements and buffers. The plat preserves areas for the applicant to preserve as much existing vegetation as possible. The execution of this condition will be subject to permitting review, grading plans and the proposed new comments associated with the final landscape plan and covenants submitted as part of the preliminary development plan.

1. That access control to two locations on Mission Road be indicated on the plat.

Public Works has reviewed the Final Plat and the driveways and access controls are acceptable.

1. That the driveways be constructed to City standards.

Public Works will review final construction documents to ensure compliance with City standards.

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

1. Covenants – draft covenants are submitted with the final development plan. Final covenants (if changed from the draft) shall be reviewed by staff prior to recording to demonstrate that all conditions of the Special Use Permit, Site Plan and Plat approvals have been met.
2. Proof of Ownership – submitted
3. Review by County Surveyor – (The County Engineer will not review the Final Plat until it is approved by the City.)
4. A Certificate showing all taxes and assessments have been paid – submitted.
5. Construction Documents for streets, sidewalks and storm drainage – Construction documents will be submitted prior to final permits for site development and construction of improvements.

Chris Brewster advised the Planning Commission that there will be further platting of Lot 2 for the villas.

Tim Homburg stated the applicant acknowledged and accepted all of the recommended conditions of approval except for number seven. He felt that as this was a private street the bonding was not necessary. It was noted that this was a condition of the previous application which had a public street.

Wes Jordan responded that this may be a condition of public works. Mr. Homburg replied that public works will be involved. The private road will be built to city specifications. However, as a private street it will be maintained and plowed by the property owner. He added that they do not plan to build the street until all of the heavy equipment work necessary for construction is completed because of its impact on the road.

Mr. Jordan reported that he spoke with the Public Works Director and he did not have any objection to the removal of the bonding condition in number 7.

Jeffrey Valentino moved that the Planning Commission approve the Preliminary and Final Plat for Mission Chateau, 8500 Mission Road, subject to the following conditions:

1. The approval is conditioned on approval of the final development plans, or any changes to approved final development plans that do not correspond to the platted lot and easements shown on the proposed Final Plat shall require the submittal of a new Final Plat corresponding to those changes and meeting all of the conditions for project approval.
2. Final covenants be submitted for review by the city attorney and approved prior to recording the final plat.
3. That the recommended comment regarding maintenance of the drainage facilities in Common Areas be added prior to recording the final plat.
4. The platted Building Line on the northwest side of Lot 1 be removed from the common area, and located along the edge or the property line at of Lot 1 to achieve the 25’ building line from the property line (i.e. the common area makes up the 25’ setback.).
5. That the applicant submit the Final Plat to the County (surveying and engineering) after approval by the City.
6. The Final Plat be submitted to the Governing Body for acceptance of easements.
7. The property owner shall construct all the proposed improvements in accordance with the approved final development plans that were conditions of the Special Use Permit and Site Plan Approval.

The motion was seconded by James Breneman and passed by a vote of 5 to 0.

**OTHER BUSINESS**

Nancy Wallerstein noted the number of utility cabinets around the city, noting in particular the one recently placed in front of 89th & Roe Shops without any landscaping. Chris Brewster noted the city’s code addresses the size of the pad and the footprints. Mr. Jordan added they need to secure a right-of-way permit from Public Works. Mrs. Wallerstein stated she is particularly concerned with the potential of these cabinets along the streetscape improvements planned for Mission Road from 71st to 75th Street.

Mr. Jordan stated that applicants are now considering the use of utility poles. He added that the city is considering the purchase of utility poles from KCP&L. Verizon representatives have advised the city that the data use requirements in our community is overwhelming and the right-of-way corridors conduits already have too much fiber wire in them.

Wes Jordan provided an update on the public information meetings held on the proposed design guidelines and advised that the final public meeting will be held on March 2nd at 6:30 p.m. in the Council Chambers. He noted the city received five building permit applications for “tear-downs” last week. The city has received significant input from the public that will be considered by the Governing Body and ad-hoc committee before a public hearing is scheduled before the Planning Commission.

**NEXT MEETING**

The planning commission secretary noted the filing deadline for the April meeting is March 4th; however, several applications have already been submitted including an application by Children’s Mercy for a temporary use permit for a day camp at Kansas City Christian School; sign and sign standard approval for 7830 State Line Road; the Special Use Permit request by Dr. Kraus is anticipated as is site plan approval for 7501 Mission Road. Meadowbrook may also be making additional submittals.

**ADJOURNMENT**

With no further business to come before the Commission, Chairman Nancy Wallerstein adjourned the meeting at 9:35 p.m.

Nancy Wallerstein

Chairman