

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, OCTOBER 4, 2016
7700 MISSION ROAD
7:00 P.M.**

I. ROLL CALL

II. APPROVAL OF PC MINUTES - SEPTEMBER 13, 2016

III. PUBLIC HEARINGS

IV. NON-PUBLIC HEARINGS

- PC2016-123 Request for Monument Sign Approval
6510 Mission Road
Current Zoning: R-1a
Applicant: Evan-Talon Homes
- PC2016-126 Request for Monument Sign Approval
5300 West 86th Street
Current Zoning: R-1a
Applicant: Robin Norman with STAR Signs
- PC2016-127 Request for Vacation of Easement
5012 West 70th Street
Current Zoning: R-1a
Applicant: Joe Elder

V. OTHER BUSINESS

Discussion - Countryside East Overlay District

Discussion - Changes to SUP and CUP regulations

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

***Any Commission members having a conflict of interest, shall acknowledge that conflict prior to the hearing of an application, shall not participate in the hearing or discussion, shall not vote on the issue and shall vacate their position at the table until the conclusion of the hearing**

PLANNING COMMISSION MINUTES
September 13, 2016

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, September 13, 2016 in the Municipal Building Council Chambers at 7700 Mission Road. Chairman Nancy Wallerstein called the meeting to order at 7:00 p.m. with the following members present: Gregory Wolf, Melissa Brown, 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, Serena Schermoly, Council Liason, and Meghan Buom, Deputy City Clerk

APPROVAL OF MINUTES

Gregory Wolf moved for the approval of the minutes of the Planning Commission for August 3, 2016 as submitted. The motion was seconded by Jonathan Birkel and passed by a vote of 4 to 1 with Nancy Wallerstein abstaining.

PUBLIC HEARINGS

There were no Public Hearings scheduled before the Planning Commission.

NON PUBLIC HEARINGS

**PC2016-123 Request for Monument Sign Approval
6510 Mission Road**

Staff stated that this item will be continued for the submittal of additional information.

Gregory Wolf moved PC2016-123 be continued to the October Planning Commission meeting. The motion was seconded by Melissa Brown and passed unanimously.

**PC2016-124 Request for Planned Unit Exception
7878 Howe Circle**

**Current Zoning: RP-1b
Applicant: Craig & Julie Mahurin**

Craig & Julie Mahurin, 7878 Howe Circle presented their request for an exception to the platted footprint to expand an existing sunroom located at the southeast portion of the building nearest the intersection of 79th Street and Howe Circle. The addition would expand the current sunroom by about 50% and result in an approximately 7' x 13' extension of the footprint. Due to the angle of the lot and building this would extend the depth of the footprint by about 5' closer to 79th Street than the existing corner (at the

furthest encroaching corner), resulting in that corner being 8' from the lot line on 79th Street.

Mr. Mahurin stated that the Mission Pines Home Owners Association has granted its conditional approval, pending the City's approval.

Chris Brewster provided history on the Mission Pines development that was rezoned to RP-1b in 1986. This rezoning was based on specific proposed plan for the lots, buildings and open spaces, and a final plat was approved in March 1987 indicating the building setbacks based on the footprints of proposed buildings. It was originally conceived as a 35 lot development, but was eventually reduced to 25 lots through the final plan approvals, resulting in approximately 7,492 square feet per dwelling (the R-1B base is 6,000 square feet, so the deviations in the plan dealt mainly with lot orientation, building lines, and internal access and circulation.) Between 1987 and 1989 several exceptions and adjustments to the plan were approved to deal with the specifics of lot lines, easements, fences and decks that differed from the exact locations of the platted building footprints. In 2013 the Planning Commission approved a plan exception to allow a slightly larger building and different building configuration on Lot 35 (southwestern most lot on corner of Mission and 79th Street). There are no other records of exceptions or other deviations from the plan.

Mr. Brewster stated the Prairie Village zoning ordinance provides a Planned Zoning District option to regulate development through distinct alternative means from the typical standards and processes that would otherwise apply. [Chapter 19.24] The most comparable base district development standards apply, except to the extent they are altered by a specific plan as provided in that chapter. The Planned Zoning District Statement of Objectives provides the following: [19.24.010]

"The use of the planned zoning procedures is intended to encourage efficient development and redevelopment of small tracts, innovative and imaginative site planning, conservation of natural resources and minimum waste of land."

Among the stated objectives is a commitment to develop land according to approved plans in terms of "concept[s], intensity of use, aesthetic levels and quality of open space." [19.24.010.B.] One of the significant objectives of the planned district is to "[allow deviations in yard requirements, setbacks and relationships of buildings." [19.24.010.C.] The standard for approval of these deviations is to implement a plan with amenities or conditions that are equal or higher quality of development than will be obtained under the general development standards. Overall the objectives specify innovation and greater amenity in exchange for relief from conventional development standards.

This property was approved, platted and developed according to such a plan, and that plan fixed the original building footprints as the setback lines for the property. Among the most significant deviations were the lot sizes and building setbacks which resulted in an overall concept that staggered lots and angled buildings with a unique orientation, implementing an "enclave style" development. In exchange for smaller, more private

spaces on the individual lots and two common “courtyards” at the center of each pod, and both the small private spaces and these large pods were richly landscaped.

The Planned District Procedures do provide some flexibility from approval of the original plan and build out of that plan. While it is reasonably interpreted that this is intended to account for adjustments that are often needed between concept approval and construction, these criteria are helpful in evaluation post-construction adjustments as owner/occupants needs change. Section 19.24.040 allows for the following after plan approval in Planned Zoning districts:

“Variations between the preliminary and final plans, which do not in the judgment of the Planning Commission, violate or exceed the above seven criteria, shall be approved by the Planning Commission in its administrative role.”

The seven referenced criteria area:

- A. It does not substantially vary from the concept agreed to at the time of rezoning.
- B. It does not increase the density or intensity of residential uses more than 5%.
- C. It does not increase the floor area of nonresidential buildings by more than ten percent.
- D. It does not increase the area covered by buildings or pavement by more than 10%.
- E. It does not increase the height of a building by one or more stories or four or more feet.
- F. It does not involve changes in ownership patterns or stages of construction that differ from the concept, its architectural harmony or quality, or impose substantially greater loads on the streets and neighborhood facilities.
- G. It does not vary from any specific development criteria adopted with the rezoning.

According to AIMS data, the existing building footprint is 40% of the lot. The proposed addition (7' x 13' expansion of sun room), will increase the coverage to just under 42%. Other lots in this plan area range in size from 3,704 square feet to 8,415 square feet, with the most typical lot size in the range of 4,000 to 6,000 square feet. This lot is at the smaller end of the range. Building coverages vary widely based on the configurations and sizes of lots, from 31% to 55% with the most typical coverage in the range of 40% to 50%.

The setbacks on the interior of the project vary widely based on the individual lot configurations and building patterns. The setbacks on the perimeter of the property are typically 12' to 15' and primarily only projecting corners due to the building orientation. There are three instances of approximately 9' to 12' in the south and east portion of the project (on 79th Street and on Mohawk Drive) and one instance of 6' in the southwest portion of the project (the corner lot on Mission Road). The proposed addition is on the corner oriented away from any existing building, and will be located 8' from the lot line on 79th street at the closest corner.

The plat indicates an easement located on the rear side of these properties (along 79th Street) for KCP&L. Although this is generally a private property matter outside of the right-of-way, the City requested that the applicant demonstrate that this will not be an

issue. The applicant has supplied a disclaimer and release of this easement from KCP&L.

Mr. Brewster noted that If the Planning Commission finds favorably on the above seven considerations, and otherwise does not feel that this proposed application negatively impacts the Planned Zoning Concept for RP-1B as specifically approved for this property, it may grant an exception to the plan, and specifically the building lines associated with this lot. If granted, staff recommends the following conditions be included in the approval:

- That the applicant shall use the same materials and colors used in the construction of the existing dwellings.
- That all construction must continually but independently meet any applicable private restrictions, processes and approval criteria, including the Mission Pines Home Owners Associations requirements and any easement limitations, exceptions or waivers for easements on the property.
- The exception should be recorded with the Johnson County Records and Tax Administration.

Melissa Brown asked for clarification on the KCP&L easement release. Mr. Brewster confirmed that KCP&L has granted the release.

Jonathan Birkel asked if the addition would require removal of trees or landscaping. The applicant stated that it would not require more than trimming.

Gregory Wolf moved the Planning Commission approve PC2016-124 granting an exception to the planned building lines for 7878 Howe Circle subject to the following conditions: 1) That the applicant shall use the same materials and colors used in the construction of the existing dwellings; 2) That all construction must continually but independently meet any applicable private restrictions, processes and approval criteria, including the Mission Pines Home Owners Associations requirements and any easement limitations, exceptions or waivers for easements on the property and 3) The exception should be recorded with the Johnson County Records and Tax Administration. The motion was seconded by Jeffery Valentino and passed unanimously.

PC2016-125 Request for Monument Sign Approval
5300 West 94th Terrace
Current Zoning: C-0
Applicant: Charles Payne, Image 360

Charles Payne, 3637 Main Street, Kansas City, MO, presented the proposed monument sign for the multi-tenant office building at 5300 West 94th Terrace.

The proposed sign meets all of the applicable sign standards:

- The proposed height is 4.5' (below the 5' maximum)
- The proposed area is 12.5 s.f. (below the 20 square feet maximum)

- The proposed location is more than 12' from the curb, more than 3' from the front property line, and 5' from the adjacent side property line.
- The proposed sign is built on a brick base incorporating materials similar to the principal building on the site.

Mr. Payne noted the proposed sign is comparable to monument signs located on other property in the vicinity. He stated that the sign will be lighted internally with LED.

Mr. Brewster noted that the fragmented ownership of other office buildings within the area does not facilitate a uniform sign plan for all properties on 94th Terrace in association with this application, four other monument signs do exist. None of them exhibit strong uniformity, however there are some similarities:

- Three of the four include either a brick structure or a brick base matching the brick of the buildings (though not all buildings have the same brick, the brick is very similar among buildings)
- All meet the size and location standards of subsection M. noted above.
- Two of the four have letters mounted on the brick, while two of the four are sign panels (one on a brick base as is proposed here, one in a wood frame.)
- Three are not illuminated, and one is. The illuminated sign is white letters in a dark panel cabinet.

Mr. Brewster stated the location of the sign is in a larger landscape area, so it does not require any specific landscape base (as would be required for monument signs with less than 3' of landscape area around it). However, the applicant is proposing to remove an existing tree to locate the sign. There are several trees along the frontage of this lot and adjacent lots that begin to form a "street edge," and the tree proposed to be removed is not a significant contributor to this landscape affect. Further, this tree appears to be in poor health. While the overall streetscape would benefit greatly if the remaining trees were truly "street trees" and future trees were located in the tree lawn, none currently are. No other location for a replacement tree would appear to have a significant effect on either the streetscape or the screening of the parking area.

Gregory Wolf moved the Planning Commission approve PC2016-125 approving the proposed monument sign for 5300 West 94th Terrace subject to the following conditions: 1) that the exact location of the monument sign be specified and confirmed to be at least 5' from the side property line, and at least 3' from both the sidewalk and the parking area (3' of landscape clearance on all sides and 2) that this monument sign shall be the only monument sign permitted for this multi-tenant building and lot, and the it shall be the owner's responsibility to allocate sign space among tenants of the building. The motion was seconded by Melissa Brown and passed unanimously.

OTHER BUSINESS

Wes Jordan shared introductory information with the Planning Commission related to the Countryside East Overlay District. An information packet was left on the dais for Commissioners to review prior to the next meeting. The Overlay was approved by the Planning Commission in 2012. Mr. Jordan shared that during the review of Prairie

Village building standards earlier in 2016, Countryside East was approached about removing the overlay in favor of the Prairie Village standards. No change was made at that time. Because of the overlay, City staff is in the position of being required to approve plans that don't meet the Prairie Village requirements.

Jonathan Birkel serves as a Planning Commission representative on the Country Side East appeals board shared an example of how the standards differ from Prairie Village. He also shared that the area is zoned R1-a which could lead to increased teardown opportunities.

Mitch Dringman provided an overview of how the Countryside East appeals board operates. The board consists of two homes association representative and a Planning Commission representative. If the appeal is denied, the applicant would come before the Planning Commission for a second appeal. Four appeals have come before the appeals board with no denials.

Jeffery Valentino inquired about incorporating these changes into the second phase of the building standards. Mr. Jordan stated that at this time, phase two is on hold as City staff evaluates how the first phase impacts the community.

Nancy Wallerstein asked Commissioners to review the materials for future discussion.

ADJOURNMENT

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

Nancy Wallerstein
Chairman

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, AICP, Gould Evans, Planning Consultant
DATE: October 4, 2016, Planning Commission Meeting

Application: PC 2016-123

Request: Approval of Monument Sign

Property Address: 6510 Mission Road

Applicant: Evan-Talen Homes

Current Zoning and Land Use: R-1A Single-Family Residential; Single-Family Dwellings

Surrounding Zoning and Land Use: **North:** R-1A Single-Family Residential - Single-Family Dwellings
East: Residential, City of Mission Hills
South: R-1A Single-Family Residential - Single-Family Dwellings
West: R-1A Single-Family Residential - Single-Family Dwellings

Legal Description: INDIAN FIELDS LT 1 & LT A BLK 11 EX PT LT A BG NE CR 16-12-25 S 1206.47' W 30' TO W/L MISSION RD W 139.41' N 15' NW 439.73' & 87.65' TO TRUE POB NW 406.87' SW 310.42' & 391.77' SE 621.87' E 265.15' NE 135.46' NW 240' NE 125' SW CUR LF 34.91' NW CUR RT 156.58' NE 43' & 131.59' TO POB

Property Area: 5.41 Acres (235,475 s.f.)

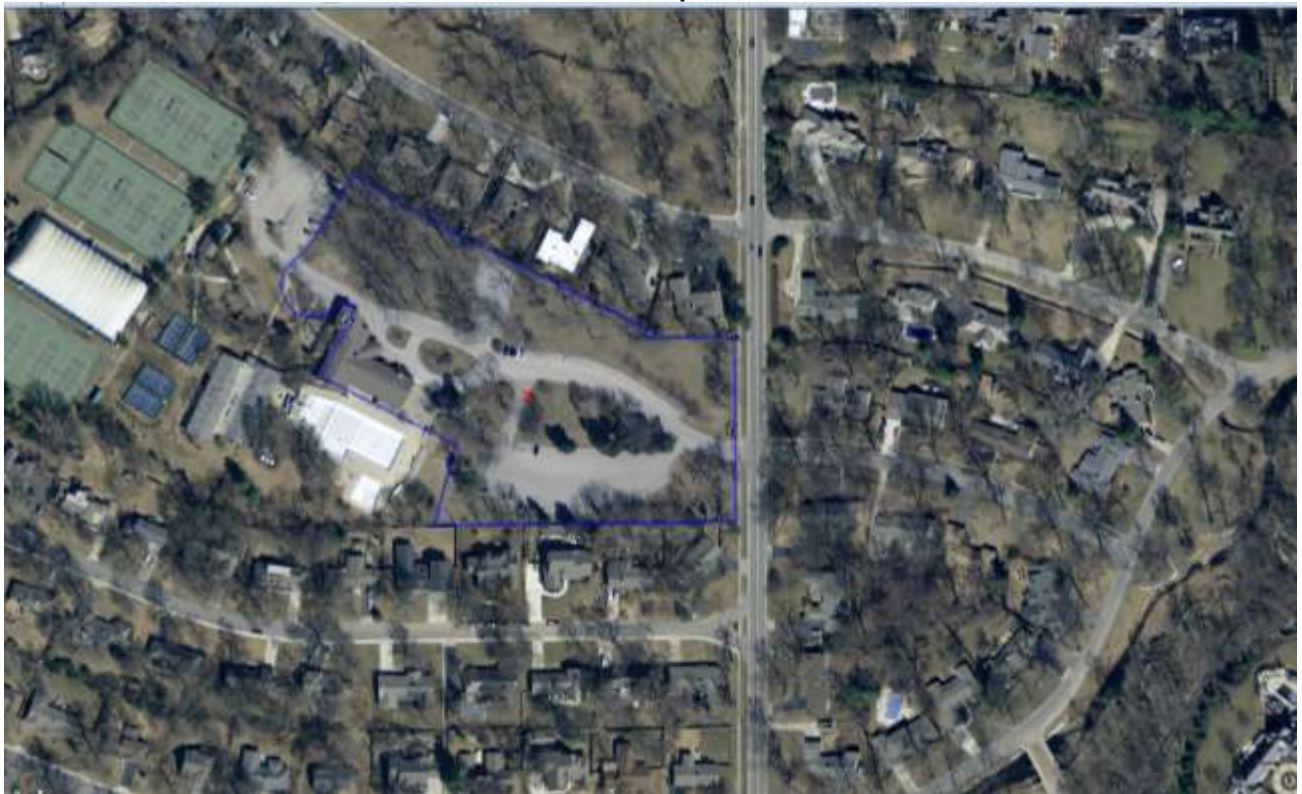
Related Case Files: PC 2014-09 Special Use Permit, Homestead Country Club
PC 2014-123 Preliminary and Final Plat, Homestead Estates

Attachments: Application, Sign Plans

General Location Map



Aerial Map



SUMMARY:

This application was scheduled for the September 2016 Planning Commission meeting, but was continued to get more information on the location and siting of the sign.

The applicant is requesting approval of monument sign as a neighborhood entry feature to the new neighborhood development Homestead Estates and Homestead Country Club.

Evan Talan Homes purchased the east 5.62 acres from the Homestead Country Club to develop 11 single-family lots. The 11 single-family lots vary in size from 14,500 sq. ft. to 22,560 sq. ft. in area. The lots will be served by a public street, Homestead Court. Homestead Court is a cul-de-sac that is approximately 770 ft. in length. The street will also provide access to the Homestead Country Club.

In association with this development, Homestead Country Club requested approval of a Special Use Permit for their reduced size of the Country Club. The preliminary plat and special use permit were approved by the planning commission December of 2014. The final plat was conditionally approved by the Planning Commission in February of 2015, and required the applicant to complete several steps prior to the final acceptance of public improvements and recording of the plat. The Governing Body accepted the rights-of-way and easements in February of 2015, subject to those same conditions. The applicant is in the process of completing those items.

Included in the plat was a tract of land on the south side of the street at the intersection with Mission Road, where the proposed sign will be located. Part of the conditions of previous approvals was the submission of proposed covenants, and maintenance obligations specific to this tract noted on the plat.

ANALYSIS OF PROPOSED SIGN STANDARDS:

The City's sign regulations currently provide the following applicable to this property:

"One or more signs which are for the sole purpose of identifying a subdivision or residential project may be permitted under the following standards and procedures:" [19.48.020.B.. Regulations Applicable to Districts R-1a through R-4 inclusive]

Specific items in that section include:

1. Detailed plans of the sign and supporting or supplemental structures approved by the Planning Commission.
2. Identification of the residential project and any other appropriate supplemental information approved by the Planning Commission
3. Approval of location in relation to visibility and safety, whether in rights-of-way or on private property.
4. Design of walls, fences or other architectural features
5. Maintenance obligations for the land and landscape around the sign.
6. Any illumination proposed.
7. The design, shape, size and location of the sign and accompanying structure shall be in harmony with the neighborhood and the project that is served.

In addition to those procedures and design criteria, the sign regulations also provide the following standards applicable to all monument signs [19.48.015.M Regulations Applicable to All Districts, Monument Signs].

- Maximum height 5' above average grade of base.
 - Sign area maximum 20 s.f. per face (not including base or structural elements)
 - Location – at least 12' from curb and at least 3' from property lines, plus any other safety or visibility location limitations.
 - Materials compliment building materials on the site or in the area.
 - A landscape plan approved by the Planning Commission.
-

The proposed sign meets all of these standards. Specifically –

- Maximum height is 5' for the monument structure and approximately 3.5 feet (excluding grade) for the sign portion.
- Sign area is 6.25 square feet
- Location – The sign structure is 2.2' from the closest boundary of Tract A along the mission frontage and at least 10' at all other locations, however it is well over 12' from the curb lines of adjacent streets. As part of the construction permits, the grading and specific location for any sight clearance issues related to Mission Road will need to be approved by Public Works.
- Materials – the applicant has proposed a stone monument structure with associated retaining walls, and a synthetic foam material for the sign board to replicate metal plates. Samples or specifications of these materials, or examples of comparable signs should be provided for review by the Planning Commission.
- The landscape plan has been reviewed and is considered acceptable to staff.

RECOMMENDATION:

Staff recommends approval of the proposed monument sign subject to the following:

1. Covent's reviewed and recorded as part of the final plat acceptance clearly designate maintenance of Tract A, and specifically the sign, supporting structures and landscape is the obligation of the homeowners, and shall at all times maintain safe visibility for the intersection.
2. Any changes to the proposed landscape associated with the monument sign shall require review and approval by staff.
3. As part of the construction permits, the grading and specific location for any sight clearance issues related to Mission Road shall be approved by Public Works.
4. Material specification be provided at the Planning Commission shall demonstrate quality materials and a style and color that is compatible with the surrounding area.



Street View looking south on Mission Road (prior to development)



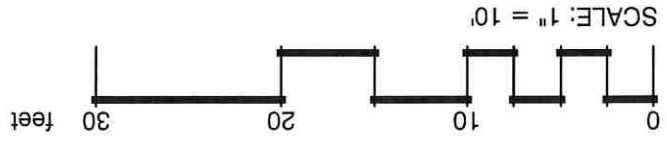
Street View looking north on Mission Road (prior to development)



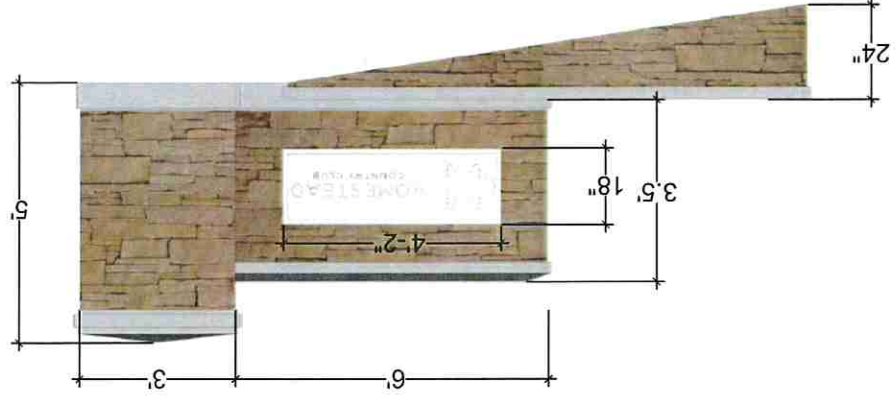
Street View of previous sign and entry feature for country club (prior to development)



PLAN NORTH



ILLUSTRATIVE ELEVATION - MONUMENT SIGN W/ DIMENSIONS



HOMESTEAD MONUMENT SIGN

SEPTEMBER 13, 2016

SCALE: 1"=10'

AUTUMN GOLD GINKGO OR SWAMP WHITE OAK

STEEL EDGER

MY MONET WEIGELA

SIENNA SUNRISE NANDINA

LOW RETAINING WALL

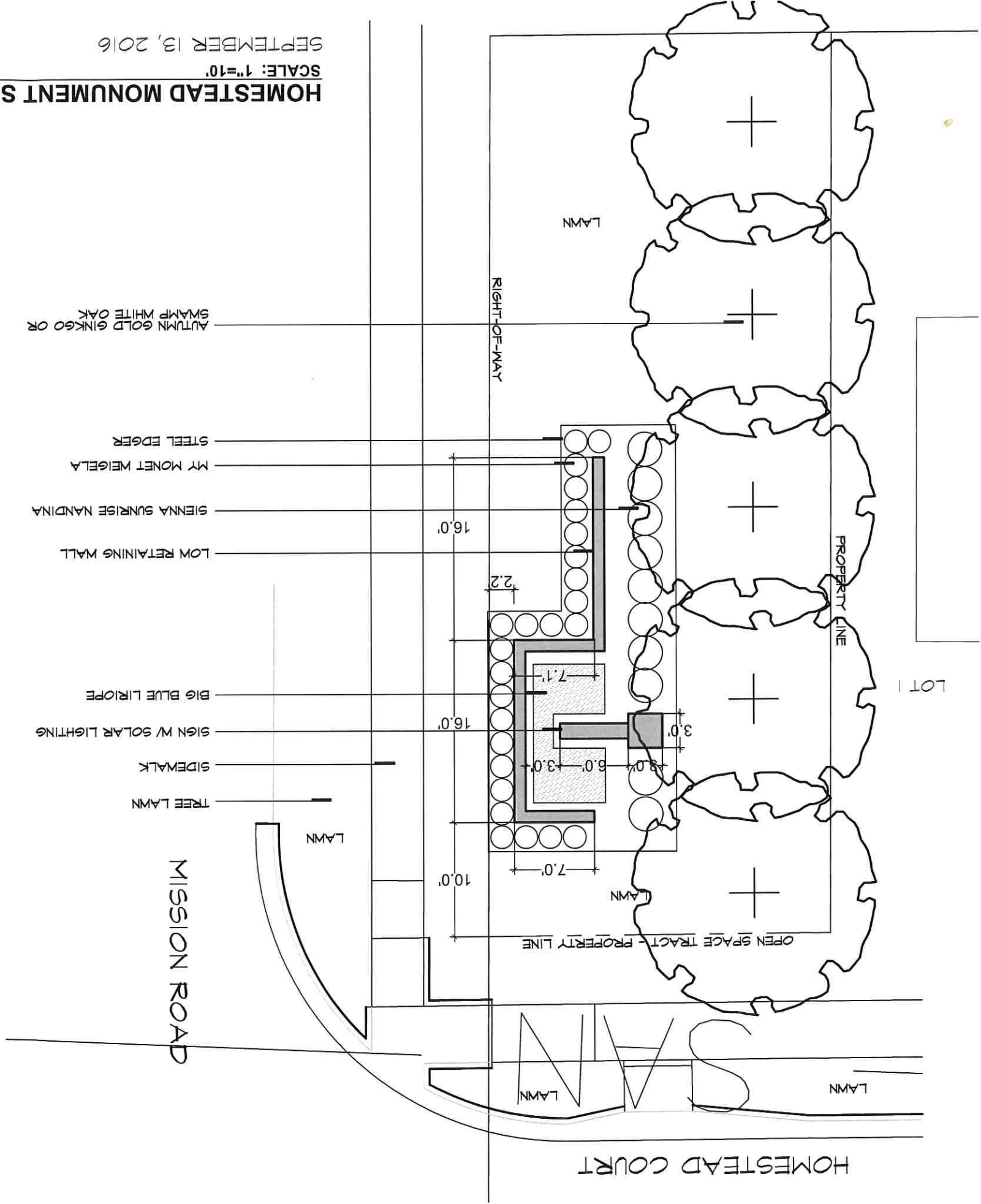
BIG BLUE LIRIOPE

SIGN W/ SOLAR LIGHTING

SIDEWALK

TREE LAWN

MISSION ROAD



HOMESTEAD COURT

LOT 1

LAWN

RIGHT-OF-WAY

PROPERTY LINE

OPEN SPACE TRACT - PROPERTY LINE

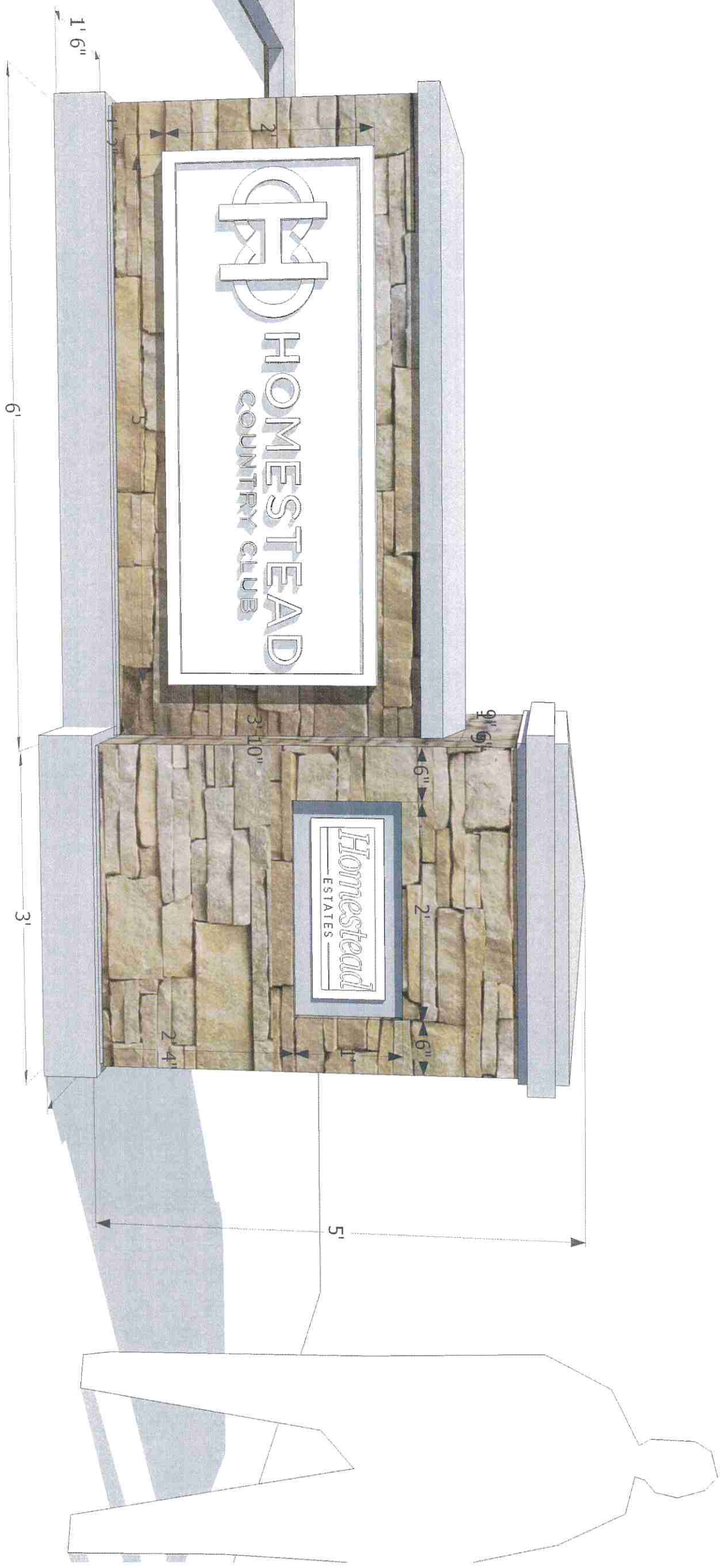
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STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, AICP, Gould Evans, Planning Consultant
DATE: October 4, 2016, Planning Commission Meeting

Application: PC 2016-126

Request: Approval of Monument Sign

Property Address: 5300 W. 86th Street, Briarwood Elementary School

Applicant: Shawnee Mission School District
JE Dunn and Star Signs, LLC

Current Zoning and Land Use: R-1A Single-Family Residential - Briarwood Elementary School

Surrounding Zoning and Land Use: **North:** R-1A Single-Family Residential - Single-Family Dwellings
East: R-1A Single-Family Residential - Single-Family Dwellings
South: R-1A Single-Family Residential - Single-Family Dwellings
West: R-1A Single-Family Residential - Single-Family Dwellings

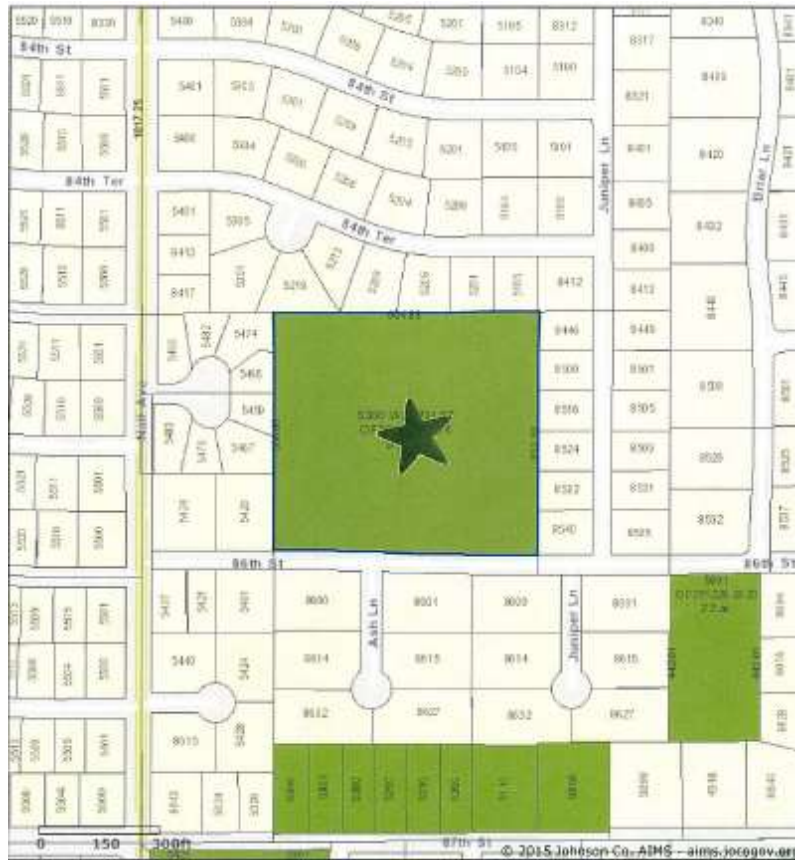
Legal Description: Metes and Bounds, recently platted

Property Area: 9.18 acres

Related Case Files: PC 2002-112 Monument Sign Approval
PC 2015-108 Site Plan Approval
PC 2015-109 Preliminary and Final Plat

Attachments: Application, Drawings, Photos

General Location Map



Aerial Map



SUMMARY:

The Planning Commission approved a site plan, and a preliminary and final plat for Briarwood Elementary School on July 7, 2015. The site plan was approved with a condition that any monument signs be submitted to the planning commission for review and approval, subject to the City's sign ordinance requirements. The applicant has also submitted one building sign that has been reviewed and approved by staff. It is compliant with the ordinance standards and does not require Planning Commission Review. A landscape plan – including landscape for the area near the proposed monument sign – has also been submitted and recommended for approval by staff.

The proposed monument sign is similar to one approved by the Planning Commission in May 2015, and reflects a new district sign – specifically it is more of a “cube” design with a 4' x 4' panel logo of the specific school on the side, and a perforated metal panel with aluminum letters, and mounted on a brick base with materials that complement the primary materials of the building or site. The Shawnee Mission East Sign was 5' high with a 4' high x 4' deep x 5' wide cube mounted on the base.

ANALYSIS OF PROPOSED SIGN STANDARDS:

The City's sign regulations currently provide the following applicable to this property:

“[P]ublic schools...shall be allowed not more than two (2) signs identifying the premises and activities provided therein. Such signs may either be wall mounted or monument signs... No such monument sign shall be constructed, installed or replaced until plan have been reviews and approved by the Planning Commission.” [19.48.020.A.1. Regulations Applicable to Districts R-1a through R-4 inclusive, Public Churches, Synagogues, Schools and Community Buildings]

This section includes specific standards for wall signs, which allows them to be administratively approved, but does not have specific standards for monument signs

In addition to those procedures and design criteria, the sign regulations also provide the following general standards applicable to all monument signs [19.48.015.M Regulations Applicable to All Districts, Monument Signs].

- Maximum height 5' above average grade of base.
- Sign area maximum 20 s.f. per face (not including base or structural elements)
- Location – at least 12' from curb and at least 3' from property lines, plus any other safety or visibility location limitations.
- Materials compliment building materials on the site or in the area.
- A landscape plan approved by the Planning Commission.

The proposed sign presents some interpretation issues on the sign area. Section 19.48.015.N. Sign Area Calculations states the following for monument signs – “The area shall include the sign panel but not the sign base on which it is mounted or the structural elements or frames that form the perimeter of the panel. The following are specific to this application:

- The area of the sign panel is 25.25 square feet. (20 square feet is the generally applicable limit, and was the size approved in May 2015 for Shawnee Mission East)
- The actual sign area (text and changeable copy area) is slightly under 20 square feet.
- The sign includes a 4' x 4' school logo on the side. (a similar design was approved in July 2015 for Shawnee Mission East.)
- The brick base of the sign – which is to be excluded from sign area per the ordinance section above – includes sign text. (This text was included in the second calculation above where the text area was shown to be slightly below 20 square feet.)
- The proposed base material is not specified by appears to be the same or similar materials and colors as proposed for the school building.

- A landscape plan associated with the overall site plan approval has been approved subject to comments by staff, as required by that approval.

Although this sign is larger than the size for monument signs generally applicable for the area if you measured just the sign panel, the text area is compliant with the sign area limit. Further, the site is 9.1 acres and to overall structure (base and sign panel) are within scale of this sized site.

RECOMMENDATION:

Staff recommends approval of the proposed monument sign subject to the following:

1. The location of the sign be specifically verified to be at least 3' from all property lines and be verified by Public Works to demonstrate no other site issues associated with the location and drive entrance.
2. The location and siting be integrated with the proposed landscape plan approved with staff comments.

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, AICP, Gould Evans, Planning Consultant
DATE: October 4, 2016, Planning Commission Meeting

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JE Dunn and Star Signs, LLC

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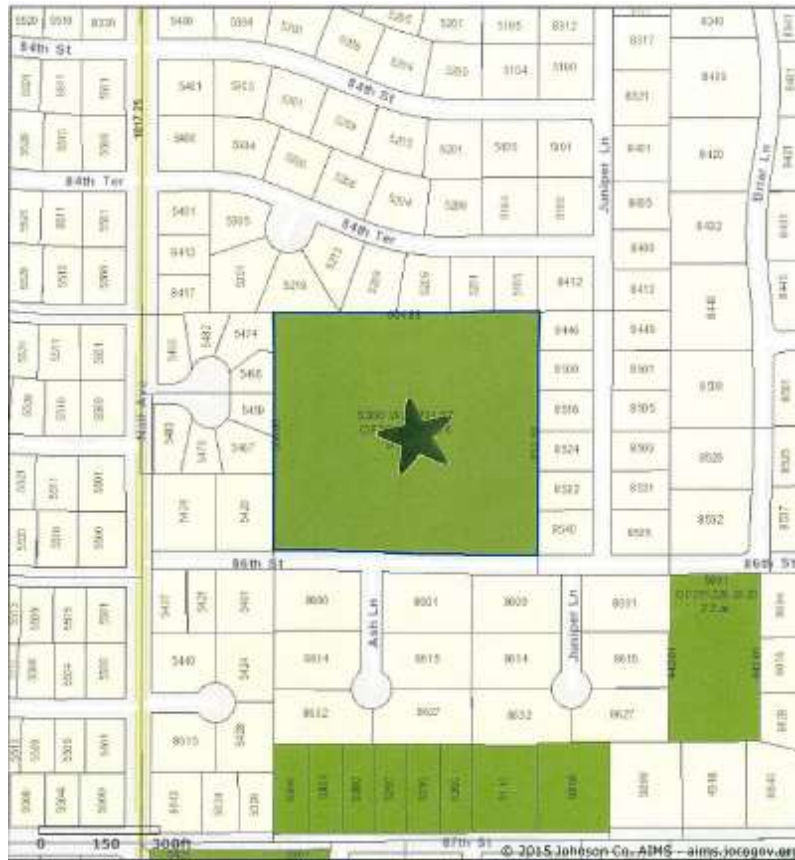
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PC 2015-109 Preliminary and Final Plat

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Aerial Map



SUMMARY:

The Planning Commission approved a site plan, and a preliminary and final plat for Briarwood Elementary School on July 7, 2015. The site plan was approved with a condition that any monument signs be submitted to the planning commission for review and approval, subject to the City's sign ordinance requirements. The applicant has also submitted one building sign that has been reviewed and approved by staff. It is compliant with the ordinance standards and does not require Planning Commission Review. A landscape plan – including landscape for the area near the proposed monument sign – has also been submitted and recommended for approval by staff.

The proposed monument sign is similar to one approved by the Planning Commission in May 2015, and reflects a new district sign – specifically it is more of a “cube” design with a 4' x 4' panel logo of the specific school on the side, and a perforated metal panel with aluminum letters, and mounted on a brick base with materials that complement the primary materials of the building or site. The Shawnee Mission East Sign was 5' high with a 4' high x 4' deep x 5' wide cube mounted on the base.

ANALYSIS OF PROPOSED SIGN STANDARDS:

The City's sign regulations currently provide the following applicable to this property:

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This section includes specific standards for wall signs, which allows them to be administratively approved, but does not have specific standards for monument signs

In addition to those procedures and design criteria, the sign regulations also provide the following general standards applicable to all monument signs [19.48.015.M Regulations Applicable to All Districts, Monument Signs].

- Maximum height 5' above average grade of base.
- Sign area maximum 20 s.f. per face (not including base or structural elements)
- Location – at least 12' from curb and at least 3' from property lines, plus any other safety or visibility location limitations.
- Materials compliment building materials on the site or in the area.
- A landscape plan approved by the Planning Commission.

The proposed sign presents some interpretation issues on the sign area. Section 19.48.015.N. Sign Area Calculations states the following for monument signs – “The area shall include the sign panel but not the sign base on which it is mounted or the structural elements or frames that form the perimeter of the panel. The following are specific to this application:

- The area of the sign panel is 25.25 square feet. (20 square feet is the generally applicable limit, and was the size approved in May 2015 for Shawnee Mission East)
 - The actual sign area (text and changeable copy area) is slightly under 20 square feet.
 - The sign includes a 4' x 4' school logo on the side. (a similar design was approved in July 2015 for Shawnee Mission East.)
 - The brick base of the sign – which is to be excluded from sign area per the ordinance section above – includes sign text. (This text was included in the second calculation above where the text area was shown to be slightly below 20 square feet.)
 - The proposed base material is not specified by appears to be the same or similar materials and colors as proposed for the school building.
-

- A landscape plan associated with the overall site plan approval has been approved subject to comments by staff, as required by that approval.

Although this sign is larger than the size for monument signs generally applicable for the area if you measured just the sign panel, the text area is compliant with the sign area limit. Further, the site is 9.1 acres and to overall structure (base and sign panel) are within scale of this sized site.

RECOMMENDATION:

Staff recommends approval of the proposed monument sign subject to the following:

1. The location of the sign be specifically verified to be at least 3' from all property lines and be verified by Public Works to demonstrate no other site issues associated with the location and drive entrance.
2. The location and siting be integrated with the proposed landscape plan approved with staff comments.

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, AICP, Gould Evans, Planning Consultant
DATE: October 4, 2016, Planning Commission Meeting

Application: PC 2016-127

Request: Easement Vacation / Replat of Lot 17

Property Address: 5012 W. 70th Street

Applicant: Joe Elder

Current Zoning and Land Use: R-1B Single-Family Residential - Single-Family Dwellings

Surrounding Zoning and Land Use: **North:** R-1B Single-Family Residential - Single-Family Dwellings
East: R-1B Single-Family Residential - Single-Family Dwellings
South: R-1B Single-Family Residential - Single-Family Dwellings
West: R-1A Single-Family Residential - Single-Family Dwellings

Legal Description: PRAIRIE VILLAGE LOT 17 & W 5 FT LOT 18 BLK 55

Property Area: 0.28 acres (12,259.21 s.f.)

Related Case Files: PC 2016-121, Building Line Modification

Attachments: Application, Certificate of Survey

General Location Map



Aerial Map



COMMENTS:

The applicant is requesting the easement on the east portion of the lot (lot line between Lot 17 and Lot 18) be vacated. There is currently a 10' easement down the west lot line. The existing building encroaches into this easement. An application related to the construction activity was approved by the Planning Commission in August. Since that time it was discovered that the wider than normal easement exists on the west property boundary.

The City of Prairie Village subdivision regulations and city code do not include a specific process for vacating an easement. The Kansas Statutes provide a way for municipalities to vacate easements through a "replat" of the property, and provided proper notice to all parties who may have an interest is given. The City subdivision regulations do not have a specific process for replat, but replatting has been done in the same manner that the City approves a final plat and accepts easements – through a Planning Commission approval, and Governing Body acceptance.

The applicant has contacted the utility companies and each has stated there are no facilities in this easement, and that they have no interest in the easement nor an objection to vacating it. (Attached correspondence from Water One, Kansas Gas Services, Time Warner Cable.) Similarly the Prairie Village Public Works Department has reviewed this request and also has no facilities in the easement. Public Works has requested that a 5' easement remain on the property line – effectively vacating the 5' western most portion of the easement, and leaving the 5' eastern most portion of the easement.

Staff recommends approval of the vacation request / replat of PRAIRIE VILLAGE LOT 17 & W 5 FT LOT 18 BLK 55 with the following condition:

1. The vacation only to the western 5' of the utility easement on the boundary of Lot 17 and Lot 18, and that the eastern 5' be held in place as designated on the plat.
2. That the Governing Body accept the replat and vacation of the easement.
3. That the certificate of survey provided with this application dated 8/26/16 be filed with the County.



CITY OF PRAIRIE VILLAGE
The Star of Kansas

Questions Contact
Wes Jordan
Chris Brewster

Thank you
Joe Elder

Planning Commission Application

| |
|----------------------|
| For Office Use Only |
| Case No.: |
| Filing Fee: |
| Deposit: |
| Date Advertised: |
| Date Notices Sent: |
| Public Hearing Date: |

Please complete this form and return with Information requested to:

Assistant City Administrator
City of Prairie Village
7700 Mission Rd.
Prairie Village, KS 66208

Applicant: Joe Elder Phone Number: 816-820-1250
 Address: 2705 W. 51 Terr. Westwood, KS E-Mail: Josephelder2@gmail.com
 Owner: George, Julie Gilchrist Phone Number: George (cell) 913-221-8959
 Address: 5012 W 70 St Prairie Village, KS Zip: 66208
 Location of Property: 5012 W. 70 St PV KS
 Legal Description: Lot 17, and the West 5' of lot 18 measured on the front and rear lines of said lot 18, BIK 55, PV.
 Applicant requests consideration of the following: (Describe proposal/request in detail) The vacating of the western 5' utility easement located on the east side of lot 17, 5012 W 70 St

AGREEMENT TO PAY EXPENSES

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for Vacating an easement.
 As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

APPLICANT hereby agrees to be responsible for and to CITY for all cost incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to APPLICANT. It is understood that no requests granted by CITY or any of its commissions will be effective until all costs have been paid. Costs will be owing whether or not APPLICANT obtains the relief requested in the application.

Joe Elder 9.27.16
Applicant's Signature/Date

Owner's Signature/Date

816-820-1250

Sent from my iPhone

Begin forwarded message:

From: Melissa Prenger <mprenger@pvkansas.com>
Date: September 26, 2016 at 11:06:37 AM CDT
To: "gilchristg@sbcglobal.net" <gilchristg@sbcglobal.net>, "josephelder2@gmail.com" <josephelder2@gmail.com>
Cc: Mitch Dringman <mdringman@pvkansas.com>, Suzanne Lownes <slownes@pvkansas.com>, Chris Castrop <castropdesigngroup@live.com>, "Chris Brewster" <Chris.Brewster@GouldEvans.com>, Keith Bredehoeft <kbredehoeft@pvkansas.com>
Subject: RE: 5012 w 70 St right of way along east side of property

Good Morning All,

Public Works has no interest in the western 5' utility easement, highlighted on the attached certificate of survey provided to the City dated 8-28-16.

The western 5' of utility easement can be vacated, until the point of intersection with the rear utility easement, without issue.

The eastern 5' of utility easement shall be held in place for use as designated by the plat.

The Codes Administration can assist with the vacation process.

On Sep 26, 2016, at 3:31 PM, "Vervynck, Danny, JCW" <Danny.Vervynck@jcw.org> wrote:

JCW is Ok with the vacation of the Platted 5' U/E along the East line of Lot 17 of "Prairie Village" as long as the vacation doesn't include the portion along the back of Lot 17.

JCW has a main line in a portion of the 5' U/E along the back line of Lot 17 and is not part of this vacation approval.

Danny Vervynck

Surveyor

Johnson County Wastewater

11811 S. Sunset, Suite 2500 Olathe, Kansas 66061-7061

Direct (913) 715-8539 | Office (913) 715-8500 | Fax (913) 715-8501

Email: Danny.Vervynck@jcw.org

<image001.jpg>

From: josephelder2@gmail.com [<mailto:josephelder2@gmail.com>]
Sent: Monday, September 26, 2016 1:22 PM
To: Vervynck, Danny, JCW
Subject: Fwd: 5012 w 70 St right of way along east side of property

Hello Danny ,

I had spoke to David in engineering regarding the east side easement at 5012 w 70 st PV , Ks and the vacating of said easement . The city and public work looked at it in this a.m. (the director of PW , Keith was out last week) and are on board with said vacating at this location . The following is there acknowledgement and I need , is possible , from you a quick email stating you have no interest is this easement and have no problem with it's being vacated . There is a real time issue with being able to pull all this together and be able to get paperwork ready to present in front of the Planning committee for early next week . The city administration have and are being overly helpful in making this special concession occur so the project can move ahead .

Thanks in advance for your letter / email of the aforementioned .

Joe Elder

Elder Custom Home

PRAIRIE VILLAGE SEWERS

BLOCKS-51-58-INCLUSIVE



5012 W 70TH ST is Lot # 17

The manhole is located in the NE corner of the property. Other than the manhole there are no other JCW lines on the property. The JCW sewer main exits the manhole and runs East.

3/2016

Hello Mr. Elder.

WaterOne has no facilities along the common lot line between 5008 and 5012 West 71st Street. Should you request the city of Prairie Village vacate the platted utility easement between the two lots, WaterOne would have no objections thereto.

If you have any questions, please feel free to get back with me.

Randy Freeborn

R/W Coordinator



Randy Freeborn
Right-of-Way Coordinator
Direct: 913.895.5772
Cell: 816.719.0361
rfreeborn@waterone.org

From: josephelder2@gmail.com [mailto:josephelder2@gmail.com]
Sent: Monday, September 12, 2016 3:24 PM
To: Mapper Mailbox
Cc: Chris J. Anderson; Kirk Eidson; Randy L. Freeborn
Subject: Re: 5012 W. 70th St

[Quoted text hidden]

Mon, Sep 12, 2016 at 5:10 PM

josephelder2@gmail.com <josephelder2@gmail.com>
To: "Randy L. Freeborn" <rfreeborn@waterone.org>

Hello Randy thank you for the information I was wondering if you could turn that 71st St. in the 70th St.. I've only emailed you back if that's OK .
Joe

Sent from my iPhone

On Sep 12, 2016, at 3:56 PM, "Randy L. Freeborn" <rfreeborn@waterone.org> wrote:

Hello Mr. Elder,

WaterOne has no facilities along the common lot line between 5008 and 5012 West 71st Street. Should you request the city of Prairie Village vacate the platted utility easement between the two lots, WaterOne would have no objections thereto.

If you have any questions, please feel free to get back with me.

5/20/16

Randy Freeborn

R/W Coordinator

<image001.jpg>

[Quoted text hidden]

Wed, Sep 14, 2016 at 8:06 AM

Randy L. Freeborn <rfreeborn@waterone.org>
To: "josephelder2@gmail.com" <josephelder2@gmail.com>

Mr. Elder,

My apologies – I was looking at 5008 and 5012 W. 70th Street and for some reason listed it as 71st Street. I was out yesterday so sorry it took so long to respond back to you.

Randy



Randy Freeborn
Right-of-Way Coordinator
Direct: 913.895.5772
Cell: 816.719.0381
rfreeborn@waterone.org

From: josephelder2@gmail.com [mailto:josephelder2@gmail.com]
Sent: Monday, September 12, 2016 5:11 PM
To: Randy L. Freeborn

[Quoted text hidden]

[Quoted text hidden]

Wed, Sep 14, 2016 at 9:00 AM

josephelder2@gmail.com <josephelder2@gmail.com>
To: "Randy L. Freeborn" <rfreeborn@waterone.org>

Hello Randy ,
No worries .
Thanks again for your help .
Joe Elder

Sent from my iPhone

On Sep 14, 2016, at 8:06 AM, "Randy L. Freeborn" <rfreeborn@waterone.org> wrote:

Mr. Elder,

My apologies – I was looking at 5008 and 5012 W. 70th Street and for some reason listed it as 71st Street. I was out yesterday so sorry it took so long to respond back to you.

5/2016

Joe Elder <josephelder2@gmail.com>



5012 W 70th street Prairie Village Easment

2 messages

Tue, Sep 13, 2016 at 4:11 PM

Teefey, David S. <David.Teefey@onegas.com>
To: "josephelder2@gmail.com" <josephelder2@gmail.com>

Joe,

I have looked at our maps and we do not have anything running along the east side of the property in the utility easement you were telling me about. We do have a main along the north of the property in that utility easement and then a service coming off that main into the back of the house. Since we do not have anything in the easement along the East side of the property I do not have any issues with that easement being vacated. If you have any questions please let me know.

Thanks

David Teefey



David Teefey

Engineer I

Kansas Gas Service

11401 W 89th St.

Overland Park, KS 66214

www.kansasgasservice.com

Desk: 913-599-8933

E-mail: david.teefey@onegas.com

9/20/16

Mr. Elder,

KCP&L has no objection to vacating the platted utility easement ("U/E") located on the easternmost five feet of Lot 19 (5012 W. 70th Street, Prairie Village, KS). We do not have any facilities in that five-foot strip.

From: josephelder2@gmail.com [mailto:josephelder2@gmail.com]
Sent: Wednesday, September 14, 2016 2:59 PM
To: Ward Derek
Cc: Wienstroer John
Subject: Re: Customer Inquiry 5012 W 70th PVKS

This is an EXTERNAL EMAIL. Stop and think before clicking a link or opening attachments.

[Quoted text hidden]

Wed, Sep 14, 2016 at 3:18 PM

josephelder2@gmail.com <josephelder2@gmail.com>
To: Ward Derek <Derek.Ward@kcpl.com>
Cc: Wienstroer John <John.Wienstroer@kcpl.com>

Derek and John , thanks again for all your help !
Joe

Sent from my iPhone
[Quoted text hidden]



September 14, 2016


Joseph Elder
5012 W. 70th Street
Prairie Village, KS 66208

SUBJECT: 5012 W 70th Street Prairie Village KS

We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby grants the abandonment 5012 W. 70th Street, Prairie Village, KS.

If applicable, please contact the Kansas Excavation Safety System (KS811) to have facilities marked & located within affected easements before any excavations are started.

For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to west-engineering-relo@twcable.com. Please share this information with whoever needs these services.

Sincerely,

Lisa Law
Manager of Data Operations
Time Warner Cable
750 Canyon Drive
Coppell, TX 75019
1-972-537-5323

5012 W 70th Street Prairie Village
KS - map
Prairie Village, KS

Red-existing Time Warner aerial facilities within project limits.

Green-existing Time Warner underground facilities within project limits.





Joe Elder <josephelder2@gmail.com>



5012 W 70th St utility easement vacation

2 messages

Wed, Sep 14, 2016 at 11:55 AM

Sieger, Richard <Richard.Sieger@charter.com>
To: "josephelder2@gmail.com" <josephelder2@gmail.com>

Joseph,

This email is to inform you that Time Warner Cable does not have any services that operate or reside in the utility easement on the east side of the property located at 5012 W 70th Street in Prairie Village, Kansas.

TWC has no issue with the east side easement being vacated.

Thank you,



Richard "Pup" Sieger | Constuction Coordinator III
8221 W 119th St | Overland Park, Ks. 66213
desk 913.643.1925 |cell 816.215.8935



Wed, Sep 14, 2016 at 1:08 PM

josephelder2@gmail.com <josephelder2@gmail.com>
To: "Sieger, Richard" <Richard.Sieger@charter.com>

Thanks Richard . Have a great day .

October 4, 2016

STAFF MEMO

TO: Planning Commission
FROM: Chris Brewster, AICP, Gould Evans, Planning Consultant
DATE: October 4, 2016, Planning Commission Meeting

Issue: Special Use Permits and Conditional Use Permits; Background information for discussion

At September 19, 2016 Council Committee of the Whole, the attached memo providing background on Special Use Permits and Conditional Use Permits was presented for discussion. Improving and updating the current Special Use Permit and Conditional Use Permit provisions of the zoning ordinance is Project Initiative that the Council identified to be addressed in 2016. After discussion at that meeting, the Council directed staff to initiate discussions with the Planning Commission to update these sections of the zoning ordinance, and to present a recommendation back to the Governing Body. The minutes of that discussion are included in this packet along with the background memo that was provided as part of that discussion.

STAFF MEMO

TO: Mayor and City Council
FROM: Chris Brewster, AICP, Gould Evans, Planning Consultant
DATE: September 19, 2016, City Council Meeting

Issue: Special Use Permits and Conditional Use Permits; Background information for discussion

In general planning practice, Special Use Permits (SUP) and Conditional Use Permits (CUP) can refer to the same process and are often used interchangeably. It is a tool that allows more flexibility for uses and development of a site in exchange for greater site-specific planning and analysis, and where the jurisdiction often reserves some discretion on each application until the review process.

This tool is best applied in two situations:

1. To allow uses that are not ideal for the long-range planning goals of a particular area or district, but are an appropriate interim use on a particular site that will not undermine other surrounding investments that are consistent with plans or goals for the area.
2. To allow uses that are not universally appropriate for a particular zoning district under generally applicable standards, but based on specific site conditions, uniqueness of a particular location, or design or operation criteria for that particular application, it may be appropriate.

In both instances, in addition to site-based analysis and reserved discretion, the periodic review and renewal of the permit is needed to ensure that the conditions that warrant approval of the use remain and the standards of the approval are complied with. However, the specifics of the tool are unique to each jurisdictions' particular ordinance, and can vary widely among jurisdictions.

This tool has evolved out of municipalities general police powers and zoning authority as a means to implement planning policies. Kansas' planning enabling legislation is a bit unique in that it specifically mentions special use permits and conditional use permits, although there are no definitions for the term or clear distinctions on the difference between the two terms within the statute. [KSA 12-755(a)(5)] It is important to note that the jurisdictions discretion is limited to the same criteria it must consider in rezoning decisions, plus any specific criteria that are included in the ordinance for SUP or CUP process, or for any specific use.

The current Prairie Village Zoning Ordinance draws a distinction between these two terms which is a variation on the above general planning practice. Although the ordinance does not clearly state this, it is apparent that Special Use Permits are intended for things that are more significant, where the analysis required in association with each application is more in depth, and where the City reserves more discretion in the review process. In contrast, Conditional Use Permits are intended for things that are more routine, smaller scale, or with some pre-approved conditions or performance criteria for each conditional use are listed in the ordinance.

Under this system, the Special Use Permit is most similar to re-zoning and a Conditional Use Permit is most similar to site plan approval. Although both application process do require a public hearing before the Planning Commission, the Special Use Permit has to be approved by the Governing Body with the Planning Commission's recommendation, while the Conditional Use Permit is approved by Planning Commission.

The Prairie Village Zoning ordinance addresses Special Use Permits in Chapter 19.28. Section 19.28.070 provides the following list of uses that are eligible for approval with a special use permit in any district:

- Country clubs / private clubs
- Cemeteries
- Columbarium
- Hospitals
- Nursery sales / green house
- Nursing and convalescent homes as defined by state statutes; but not including group homes
- Utility services and public services (except utility poles and boxes)
- Assembly Halls
- Dwellings for senior adults
- Service Stations (C-1, C-2, and C-3 only)
- Car washes (C-1, C-2 and C-3 only)
- Skating rinks, commercial recreation (C-1, C-2 and C-3 only)
- Mortuaries and funeral homes (C-O, C-1, C-2, and C-3 only)
- Day care centers in residential districts
- Bar / Night Club (C-1, C-2 and C-3 only)
- Accessory uses to motels (restaurants, and banquet rooms)
- Accessory uses to hospitals
- Utility Storage Buildings (non-residential)
- Private Schools, Colleges and University Education Centers.

This Chapter also provides specific criteria against which all Special Use Permits shall be reviewed in Section 19.28.035.

Additionally, the Wireless Communication Chapter (19.33) also identifies telecommunications towers as a special use permit. That entire chapter is dedicated to procedures and criteria for Special Use Permits for wireless facilities that are in addition to those found in Chapter 19.28

The Prairie Village Zoning Ordinance addresses Conditional Use Permits in Chapter 19.30. Section 19.30.055 provides the following list of uses that are eligible for approval with a conditional use permit:

- Temporary uses of land (commercial or industrial)
- Off-street parking lots and parking structures.
- Drive-up, drive-through or drive-in services (C-O, C-1 and C-2 only)
- Satellite dish antennas (limited sizes)
- Property maintenance facilities
- Portable carts, booths or stands for retail sales of merchandise.
- Utility boxes (limited sizes)

This Chapter also provides specific criteria against which all Conditional Use Permits shall be reviewed in Section 19.30.030.

**EXCERPT FROM
COUNCIL COMMITTEE OF THE WHOLE
September 19, 2016**

**DISCUSSION ABOUT SPECIAL USE PERMITS AND CONDITIONAL USE PERMITS
IN RESIDENTIALLY ZONED PROPERTY**

Chris Brewster introduced the review of Special Use Permits (SUP) and Conditional Use Permits (CUP) as a project initiative identified by City Council to be addressed in 2016. This item has been on the radar for clarification for several years, including under the previous City Planner. Staff will be seeking direction on what Council envisions as permitted uses that needs further review or consideration of changes, additions, or amendments.

Chris Brewster provided background information on how the City has typically used SUP and CUP. The two processes exist to provide the City maximum discretion when considering specific projects. They were originally intended to be completely separate processes but have become confused over time.

SUP and CUP are tools to allow uses that are not ideal for the long-range planning goals of a particular area or district, but are an appropriate interim use on a particular site that will not undermine other surrounding investments that are consistent with plans or goals for the area. Or, to allow uses that are not universally appropriate for a particular zoning district under generally applicable standards, but based on specific site conditions, uniqueness of a particular location, or design or operation criteria for that particular application, it may be appropriate.

In Prairie Village, SUP are intended for things that are more significant, where the analysis required in association with each application is more in depth, and where the City reserves more discretion in the review process. CUP are intended for things that are more routine, smaller scale, or with some pre-approved conditions or performance criteria for each conditional use are listed in the ordinance.

Jori Nelson stated her desire to see SUP and CUP allowances changed so they don't negatively impact Prairie Village neighborhoods. Certain uses do not belong in residential areas. Residential areas should remain residential. Council needs to act in the interest of those residents who have chosen to live in Prairie Village.

Ted Odell stated that there have been some allowances that have certainly pushed the limit on what is appropriate in certain areas. While he doesn't want to impede future development, some items could be tightened up. He asked for clarification on what the Council needs to do to move forward on this item. Chris Brewster stated that with Council direction, Planning Commission would begin to discuss this item and make recommended changes that would clearly distinguish between SUP and CUP, set clearer expectations for developers, and set new standards based on district. He provided an example of micro-hospitals and emergency rooms. Both are eligible for an

SUP as a "hospital" but there is a vast difference in the impact they have on the neighborhood in which they are located.

Sheila Myers asked for an example of temporary land use. Mayor Wassmer provided Kansas City Christian School as an example. They are permitted to use the land as a school, but if they were to move, a new tenant would not be grandfathered in to that use. The land would return to the original residential zoning. Myers stated her desire to ensure residents have ample opportunity to protest uses. She provided Slim Chickens as an example. Myers asked if accessory uses, such as a restaurant in the inn at the Meadowbrook development, would be allowed. Chris Brewster stated that would be allowed under the mixed use zoning.

Eric Mikkelson asked if the two items could be combined. Chris Brewster stated that rather than combine the two, the differences should be accentuated. Satellite dishes should not need to be approved under the same standards as a drive-thru restaurant. The procedures should be more specific and codify standards. Mikkelson asked if the standards should dovetail with the Village Vision. Brewster replied that the any standards set would need to comply with the City's master plan.

Mayor Wassmer stated her belief that the way the ordinance is written gives the assumption that the City will always allow certain items when that is not the case. Clarifying this process will benefit both the developers and neighborhoods. It is a proactive approach so a developer doesn't get too far into the process only to be denied an SUP. Mayor shared her desire that City Council is granted right of refusal on all drive-thru restaurants.

Shelia Myers asked how specific other cities ordinances are. Chris Brewster replied that Prairie Village's is unique as it is a list, rather than a matrix or spectrum dependent on zoning district.

Chris Brewster stated that the City has a range of options, including creating a district based matrix. The Planning Commission will create a new document with the help of the City Planner and city staff.

Eric Mikkelson asked if there should be a list of uses that are never allowed. Chris Brewster replied that ordinances are enabling documents and all uses that are not listed are assumed to be not allowed. Listing them creates a grey area.

Ted Odell directed Chris Brewster and city staff to work with the Planning Commission to recommend changes to the ordinances addressing Special Use Permits and Conditional Use Permits, and present those recommendations to Council at a future meeting.