

PLANNING COMMISSION MINUTES
November 1, 2016

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, November 1, 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: James Breneman, 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 and Joyce Hagen Mundy, Commission Secretary.

APPROVAL OF MINUTES

James Breneman moved for the approval of the minutes of the Planning Commission for October 4, 2016 as submitted. The motion was seconded by Jonathan Birkel and passed by a vote of 5 to 0 with Nancy Wallerstein abstaining.

PUBLIC HEARINGS

PC2016-06 Request for Rezoning of Homestead Estates from R-1a to RP-1a

Doug Sloter, 1920 West 143rd Street, #150 representing the applicant, stated the proposed rezoning will allow homes to be constructed meeting the previous side yard setback regulations for R-1a districts for interior lots not less than five feet with a minimum of 14 feet between structures on adjacent lots

Chris Brewster noted that the application needs to be continued to a future date due to an error in the publication of the legal address for this property. He confirmed Mr. Sloter's explanation of their request noting that the rezoning simply deals with the side yard setback. When this property was platted, R-1a Districts required a 5 foot minimum side yard with 14 feet between structures. The plat approved reflects a 7 foot building line setback meeting the 14 foot required separation between structures. After the approval of the plat, the city made changes to the code regarding side yard setbacks. By rezoning this property as a Planned Residential District, the Commission is able to approve deviations from the code to allow for the setback requirements as required when the plat was approved.

Wes Jordan noted that a continuation to the next Planning Commission meeting on December 6th would not allow for the required 14 days between the action of the Planning Commission and action by the City Council at their December 19th meeting pushing approval of the rezoning into January, 2017. Mr. Jordan noted that a special meeting the week of November 28th would allow for the required publication of 20 days

prior to the Planning Commission meeting and the 14 days between the consideration by the Planning Commission and the City Council at their December 19th meeting.

Patrick Lenahan moved the Planning Commission hold a special meeting on Wednesday, November 30th at 7 p.m. for consideration of PC2016-06: Request for rezoning of Homestead Estates from R-1a to RP-1a. The motion was seconded by James Breneman and passed unanimously.

Nancy Wallerstein confirmed that the rezoning only applies to the 11 lots of Homestead Estates.

Margaret Cummins, 4001 Delmar Drive, asked if existing concerns can be addressed at the Special Meeting. Chairman Nancy Wallerstein noted that residents would be able to speak during the public hearing portion of the meeting.

Wes Jordan noted that some of the residents have expressed concerns with drainage issues and these are being reviewed by the Public Works Department. Mrs. Cummins noted when the application was initially presented, residents were informed that the property elevation would be lowered and it is now actually 4 feet higher than their backyard. Mr. Jordan responded that the grading plan is part of the drainage review conducted by Public Works and noted the change may have been required by Public Works. Mrs. Wallerstein asked that the Public Works Director be present at the special meeting on the 30th to respond to questions.

Sueann Heim, 4009 Delmar, expressed concern that if the applicant were allowed to build bigger homes it would create greater drainage issues for adjacent property owners.

Chairman Nancy Wallerstein stated that comments would be taken during the public hearing at the November 30th meeting.

NON PUBLIC HEARINGS

PC2016-126 Request for Monument Sign Approval

5300 West 86th Street

Robin Norman, with Star Signs 801 East 9th Street, and Joan Leavens with the Shawnee Mission School District, presented the application for a monument sign for Briarwood Elementary School. The proposed monument sign is similar to one approved by the Planning Commission in May 2015 for Shawnee Mission East High School, 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. Ms. Norman noted the area of the sign panel is 25.25 square feet, slightly larger than allowed by code.

Nancy Wallerstein asked if the applicant was aware of the city's regulations. Ms. Norman replied yes. The new standard design for the school district incorporates a reader board requested by her client.

Chris Brewster noted the zoning code has specific regulations for signs in residential districts but no specific standards for church and school signs. Generally the city-wide monument sign standards are applied for these signs in residential districts; however, the Commission does have the authority to grant exceptions as was recently done for a church. Mr. Brewster added that the base is generally not included in the computation for size; however, the proposed sign has text on the base. In computing the area for wall signs (i.e. signs not on a sign panel), the outline of the area with lettering is calculated. When the lettering is calculated independently of the sign base or sign panel, the sign area is within the required code.

Mr. Brewster noted that concerns were raised at the previous meeting regarding the location of the sign. A new sign location has been identified which is 12' back of the curb plus an additional 3' for a total of 15 feet. There should not be any sight clearance issues. Mr. Breneman noted two different sign locations presented in the plans received and questioned which one was accurate. Mr. Brewster replied the location shown on sheet L-100.

Mr. Breneman questioned Mr. Brewster's sign calculations noting he calculated 31 square feet. Mr. Brewster noted he used only the outline of the lettering in his calculations. Mr. Birkel agreed with Mr. Breneman's calculations and that they met the intent of the code. Mr. Brewster responded that on the monument sign for Homestead Estates only the panel size was computed, not the base. Mr. Brewster clarified that he does not think counting the lettering should be the interpretation on how to determine sign area for this sign, except to the portion of lettering appearing on the sign base. The overall lettering calculation is only intended to put the extent of the exception they would need in perspective.

Mr. Breneman noted the Shawnee Mission South sign does not include "Shawnee Mission School District" on it. He feels that the size on the top could be reduced from 24" to 18" and the size of the reader panel could also be reduced.

Nancy Wallerstein suggested that "Briarwood Elementary School" be placed on two lines instead of three allowing for a reduction in size. Ms. Norman noted that smaller lettering could be used.

Mr. Birkel noted that "Shawnee Mission School District" was not on any of the signs presented and if it was removed from this sign, the sign would be in compliance.

Ms. Leavens noted that the Shawnee Mission School District covers 14 cities and they are striving to design a sign that identifies the schools as part of the District. She is concerned with reducing the size of the lettering as this is to be a standard sign.

Patrick Lenahan stated the area of the sign is 24% greater than what is allowed by ordinance.

Mrs. Wallerstein asked if the "SMSD" designation was going to be added to the existing signs. Ms. Leavens replied it will only be added to future signs. Schools that are currently under renovation are being targeted for the new signage.

Mr. Breneman noted the existing Corinth Elementary sign is in compliance with the code.

Nancy Wallerstein stated she also has an issue with a 75" backlit sign in the middle of a residential neighborhood and questioned why the sign needed to be backlit, noting there are generally very few evening activities at the school. Ms. Leavens noted the signage is also to inform residents in the neighborhood of what is happening at the school, not just for parents. She added that a timer could be placed for the lighting. James Breneman confirmed that the sign would have LED lighting and stated he does not have a problem is the sign is on a timer that shuts off at 8 p.m.

Mr. Breneman stated his biggest problem with the proposed sign is that it does not meet the city's code and that it could be modified to meet the city's code.

Mr. Lenahan stated he was ok with "Shawnee Mission School District" on the base if the remainder of the sign was reduced to be in compliance with code at 20 square feet.

Jeffrey Valentino expressed concern with the visibility of the lettering on the base with the growth of any landscaping. Ms. Leavens replied that the landscaping is located to the side of the sign.

Mrs. Wallerstein felt the cabinet was very large, but liked having a timer on the lighting.

James Breneman moved the Planning Commission direct the applicant to redesign the sign to stay within 20 square feet overall and allowing them to retain the lettering on the base without being included in the calculation with a timer being installed to shut off the lighting at 8 p.m. The motion was seconded by Jeffrey Valentino.

Ms. Leavens noted that there are school events that happen past 8 p.m., particularly facility rentals and restated that the sign was for the benefit of the general public. Mr. Breneman stated he would agree to amend his motion to allow for the signage to be lit until 9 p.m. Mr. Valentino agreed with the amendment.

Chris Brewster confirmed with the Commission that the final approval of the monument sign would be handled by staff based on the directions given by the Commission.

The motion as amended was voted on and passed unanimously subject to the following conditions:

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.
3. That the sign cabinet be redesigned so that the sign panel and changeable copy area stays within the 20 square foot limit.
4. That the text on the base be granted as an exception to the area to the extent shown on the plans.
5. That the sign include a timer that automatically shuts off illumination beyond 9 p.m.

**PC2016-128 Request for Replat of Prairie Ridge
5201, 5215 and 5219 West 77th Street**

David Gamber with Phelps Engineering stated that at the July 12, 2016, Planning Commission Meeting, the Commission approved a replat of the 3 lots into 5 lots for redevelopment of single-family structures. The applicant has since revised plans and would like to replat the 3 lots into 4 lots, rather than the previously approved 5 lots.

Chris Brewster noted the property is zoned R-1B which has a required minimum lot size of 60' x 100' [19.08,035]. In addition the Prairie Village subdivision regulations provide that the Planning Commission consider the average size of all lots within 300' of a proposed subdivision as part of the lot size standards, along with other similar criteria regarding the size, pattern and configuration of lots. [18.04.090].

The proposed lots all exceed the minimum standards for the R-1B zoning district. Three lots are approximately 78' x 209, and one - the corner lot, is approximately 110' x 115'.

The area has many different configurations of lots due to the street network and pattern of blocks. However, the proposed lots are consistent with the sizes and patterns of lots within 300' of the proposed subdivisions:

- The typical lot pattern to the south and east is 65' - 72' x 125'. Deviations from this pattern are primary due to irregular block shapes or internal corners.
- The typical pattern to the north and west is 75' - 85' x 140'. A few lots are smaller than this, and several are significantly larger (6 lots in the 12,000 to 25,000 square foot range). The larger lots are primarily due to the large block and unusually deep lots immediately to the north across 77th street.

Some setback changes were pending at the time of the original replat of these lots, and anticipated changes were shown on the previous proposed replat. The current proposed plat only shows the front building line (30') and the side building line on the corner lot (proposed lot 4 - 15'). Each of these is consistent with the recent amendments. However, the City Council ultimately approved the following setbacks, but which are not specifically shown due to the flexible nature of the setbacks dependent on actual house plans:

- 6' side setbacks minimum; 12' between structures;

- Minimum of 20% of frontage between each sides (so approximately 15.6' minimum total - i.e. it could be 6' on one side and correspondingly 9.6' on the other); and

Public Works has reviewed this plat and has no issues with respect to utilities, infrastructure or drainage.

The previous application had a lot that spanned an existing sanitary sewer easement, and was conditioned on that easement being vacated by a separate document. However with the new configuration that easement is now along the lot line between proposed lots 3 and 4, and it does not impact the buildable area of either lot whether that easement remains or not.

The subdivision regulations do not have a specific procedure for re-plats of lots. Since the lots have been previously platted, this application is being reviewed according to the final plat procedures and standards. Since there is no "preliminary plat" associated with the application, the existing conditions and development patterns have been substituted for "conformance with the preliminary plat."

Patrick Lenahan moved the Planning Commission approve PC2016-128 requested replat of Prairie Ridge lots 3, 4 & 5 into four lots subject to the following conditions:

1. No new easements or lands dedicated for public purposes are proposed as part of this application, other than those previously accepted by the Governing Body in July. Should any be required in the future, they would need to be shown on the plat and submitted to the Governing Body for acceptance of easements.
2. That the applicant submit the Final Plat to the County (surveying and engineering) after approval by the City.
3. In addition to the building lines shown on the plat, zoning setbacks for R-1B apply. A note to this effect should be added to the plat prior to recording:
 - All applicable zoning standards shall apply. At the time of replating R-1B setbacks require the following:
 - Front yard - 30'
 - Side yard - 6' minimum; 20% of lot width total both sides
 - Rear yard - 25'

The motion was seconded by Jim Breneman and passed unanimously.

**PC2016-129 Request for Site Plan Approval for Fence
At 6810 Roe Avenue**

David Reuter, 6810 Roe Avenue, presented their request to construct a wood fence, most of which is 6' high, but a portion of which will be placed on top of a 2' to 2.5' retaining wall and a portion of which will be 8' high to match the neighboring fence. The fenced area is being expanded beyond the current fenced backyard to enclose a portion of the driveway. Mr. Reuter does not foresee any additional drainage issues created by the fence, but will work with Public Works to address any that may be found.

Jonathan Birkel asked why the fence was being repositioned. Mr. Reuter stated originally they looked at only have a green landscape barrier; however, determined it would take too long for it to grow into an effective barrier.

Chris Brewster stated the proposed fence is generally compliant with the standards of 19.44.025, except where specifically indicated below. Particularly the fence meets the following standards:

- 19.44.025.B.1. Design, Appearance - The fence will be wood with the finished side outwards, and the section of the proposed retaining wall will be stone faced or stamped concrete.
- 19.44.025.B.2. Design, Height - The fence is generally 6' high, including the portions that are proposed on top of a 2' to 2.5' retaining wall. This wall is proposed for the northeast corner of the expanded fence area where the grade of the yard drops - just to the north and east of the existing driveway. As identified below, a small portion of the fence, in association with the northeast corner of the *existing fence* is proposed to be replaced with an 8' section to tie in with the fence on the property to the north.
- 19.44.025.C. Location. The proposed fence will be 10' from side lot line along Roe Avenue, which is more than the 5' setback required. (19.44.025.C.3.). No portion of the fence will extend into the front yard.

Mr. Brewster referenced Section 19.44.025 B.S for the portion of the fence that does not meet the height limit:

19.44.025.B.3. Height - *No fence shall exceed six (6) feet in height except...[tennis court exception] and except fences which are located within the building envelope of a lot shall not exceed eight (8) feet in height. The height of the fence shall be deemed to be the average distance from the finished grade to the highest point on the fence panel, excluding posts which may project above the fence panel no more than eight (8) inches. Where the terrain is not level, the average dimension may, at the discretion of the Building Official, be applied to each eight (8) foot section of the fence. Fences built in combination with retaining walls and/or berms shall be measured from the finished grade on the high side of the wall. In addition, fences and walls build on slopes shall comply with the required height measurement along the line of the fence location.*

The applicant's site plan notes the following, which do not comply with the above standards:

- Elevation 4 - an approximately 6' section of fence that will replace the existing fence on the north lot line. This section is proposed to be 8' high to tie in with the neighbor's fence, which is approximately 8' high.
- Elevation 3 - an approximately 15' section of fence that will replace the existing fence line (east line) from the proposed new fence and retaining wall, and tie into the existing fence on the north lot line. This section is proposed to be 8' high to tie in with the 6' high fence that is sitting on top of the 2' to 2.5' retaining wall proposed for the new fence.

The fence standards allow the Planning Commission, through site plan review, to approve adjustments to the height and location of fences if it “results in a project that is more compatible, provides better screening, provides better storm drainage management, or provides a more appropriate utilization of the site. [19.44.025.G.1.]

The following are the Site Plan review criteria from Section 19.32.

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

This site is capable of meeting all requirements for residential property, although its configuration as a corner lot with grade differential on the north presents a different rear and side yard fencing configuration in relation to the street.

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

This site is currently served by utilities and they should be adequate to serve the proposed use.

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

The grading and proposed retaining wall will be reviewed by Public Works for any stormwater issues at the time of permitting.

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

N/A

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

The intent of the proposed design standards for fences is to improve the appearance of the community with proper relationships of fences to streetscapes, and to avoid any adverse impacts on abutting property from fence design. The proposed fence does not adversely affect the relationship to the streetscape as the fence is placed farther back from the side street than is required, meets the material and design standards, and will have the finished side outward. The section of the fence that is proposed to be over the height limit does so due to the grade differential on the lot, and will tie in with the height of the existing fence on the north so no adverse impact on abutting property will result.

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

Other than as noted above in E., the fence complies with all design standards and is compatible for the area.

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

N/A

James Breneman moved the Planning Commission approve the proposed site plan for a fence at 6810 Roe Avenue with a portion of the fence height exceeding 6’ subject to the following conditions:

1. At the time of building permits, public works shall review a grading plan and construction plan for the retaining wall proposed at the northeast portion of the fence area.

The motion was seconded by Jonathan Birkel and passed unanimously.

OTHER BUSINESS

Consider 2017 Meeting and Deadline Schedule

Planning Commission Secretary Joyce Hagen Mundy presented the proposed meeting and deadline submittal application for the Planning Commission and Board of Zoning Appeals in 2017. The requirement for submittal is approximately three weeks prior to the meeting allowing sufficient time for required publications and legal notices to be mailed.

When the first Monday of the month falls on a holiday, the City Council meetings move to the first Tuesday, conflicting with the Planning Commission meetings. In 2017, this occurs in January, July and September resulting in the Planning Commission meeting being moved to the second Tuesday of the month. Commission members were asked if they wanted to move the November meeting as November 7th will be an election day for School Board and County positions. The Commission agreed to meet on the 7th, noting that the meeting date could be changed later if necessary.

James Breneman moved the Planning Commission accept the proposed 2017 meeting and submittal schedule. The motion was seconded by Jonathan Birkel and passed unanimously.

Discussion on the Interpretation of Accessory Structures

Chris Brewster noted that several recent building permits and development applications have resulted in some interpretation questions with respect to accessory structures in residential districts. These are typically impacting how detached buildings (i.e. detached garages), storage sheds, or other accessory structures are regulated under existing zoning standards.

The following sections are most often impacted:

- 19.34.020.E. (Storage buildings listed under “Other Accessory Uses”
“Storage building or tool shed not exceeding 10’ x 12’ in floor area and not more than one such building per single-family or two-family dwelling. Building permits shall be required for all storage buildings.”
- 19.34.020.A. (garages - attached or detached - listed under “Other Accessory Uses”)
“For any single or two family dwelling there shall be provided one private garage or carport with space for one or more motor passenger vehicles for each dwelling unit. If the garage or carport is detached from the main dwelling it shall be located not less than sixty (60) feet from the front lot line, nor less than three (3) feet from any side lot line, nor less than one (1) foot from any alley line, and the floor area shall not exceed 576 square feet. When the rear lot line is common to

a side or rear lot line of another lot such garage or carport shall be located not less than three (3) feet from said rear lot line. ...”

- 19.06.040 and 19.08.035 (“Lot Coverage” - R-1A and R-1B respectively)
“Buildings and structures shall not cover more than 30% of the net lot area.”

The first two sections - 19.34.020.E. and 19.34.020.A. - are specific to a particular kind of accessory structure, storage sheds and detached garages respectively. Each of these sections has a restricting level on both the number and the footprint of structures that are allowed. However, neither is exclusive of all of the types of accessory structures that may be encountered in a typical R-1A or R-1B setting. Further, it is clear that the last sections - 19.06.040 and 19.08.035 - are intended to cover accessory buildings generally, and anticipate that a site may have more than one accessory building or structure, provided it is within the overall lot coverage limits.

This creates an interpretation question specifically when a lot has one of the specifically listed accessory structures, and then wants another “general” accessory structure. For instance, if a site has a storage shed compliant with 19.34.020.E., it may not have a second shed. However, it may still have a detached garage, subject to the limits in 19.34.020.A, or another general accessory structure provided all structures are under the 30% coverage limit.

Staff is of the opinion that reading these sections together leads to the following interpretation:

1. All lots in the R-1A and R-1B zoning districts may have the principal building and one or more accessory buildings and structures, provided:
 - a. The entire building and structure coverage is less than 30% of the lot; and
 - b. Any of these structures meet the required setbacks for the lot (same as principal building).
2. Out of those possible detached accessory structures in 1. above, one of them can be used as a garage provided that:
 - a. It is no larger than 576 square feet.
 - b. It may have the relaxed setback placements indicated with the detached garage provisions.
3. Out of the possible detached accessory structures in 1. above, one of them can be a “storage shed”, provided that:
 - a. It is no larger than 10’ x 12’; and
 - b. No more than one is allowed.

Nancy Wallerstein asked how often these situations occur. Mitch Dringman replied he receives an application addressing these issues about every three weeks.

Mr. Brewster noted staff has been dealing with the following two related issues:

- There is no specific definition of what constitutes a “garage” - whether attached or detached, and a garage is required by 19.34.020.A. With the pressures of rehabilitation older homes and configurations of interior spaces, and with the advent of smaller cars such as a “Smart Car,” this has begged some interpretation issues on what should count towards this requirement. Without getting into the discussion of the policy issues and design implications of if the City should require a garage, and what that may mean for some of the homes that are being rehabilitated, staff has been borrowing from the Parking provisions of the ordinance and using a 9’ x 18’ space capable of being accessed by a car is required. Whether this space is used as storage or where on the specifically site or lot it is designed (other than the above building parameters) is not part of the regulations.
- Based on the above, there is not necessarily a limit on the “general” accessory buildings, and how they are used. Therefore, if someone used the allocation for their “detached garage” under 2. above, or their allocation for a “storage shed” under 3. above, there is not necessarily a limit on if they used another one of their general accessory buildings for storage (it just could not be of “storage shed” design) or for parking a car (it just could not also utilize the exceptions with respect to setbacks afforded the one specified detached garage).

Jeffrey Valentino stated he believes that the 30% lot coverage should be the ruling factor. He questioned how a “structure” was defined. Jonathan Birkel noted that in some cities’ ordinances open structures are considered as half a structure in determining coverage. He would like to see the code have a limitation on the number of accessory structures allowed. Mr. Breneman asked if the issue was the number of structures or the size. He also noted the difference between a solid roof on a structure and an open or trellis type roof.

Patrick Lenahan felt the code should allow 1 garage, 1 storage structure and everything else should be within the 30% lot coverage. Mr. Breneman agreed.

Nancy Wallerstein asked how other cities handled these. Mr. Brewster replied that most codes are fairly silent in other cities with minimal provisions addressing accessory structures. Most cities allow setbacks to control.

Jonathan Birkel moved the Planning Commission accept the staff interpretation on accessory structures. The motion was seconded by James Breneman and passed unanimously.

NEXT MEETING

Several items are anticipated for the December 6th meeting including final development plans for Meadowbrook 2020; the Meadowbrook Park Activity Center site plan approval, SUP renewal for the communications tower at 7700 Mission Road, and a possible BZA application. The filing deadline for the meeting is November 4th.

ADJOURNMENT

With no further business to come before the Commission, Chairman Nancy Wallerstein adjourned the meeting at 8:27 p.m.

Nancy Wallerstein
Chairman