

**PLANNING COMMISSION AGENDA  
CITY OF PRAIRIE VILLAGE  
TUESDAY, APRIL 3, 2018  
7700 MISSION ROAD  
7:00 P.M.**

- I. ROLL CALL
- II. APPROVAL OF PLANNING COMMISSION MINUTES - March 6, 2018
- III. PUBLIC HEARINGS
  - PC2018-01 Request for Special Use Permit - Homestead Country Club  
4100 Homestead Court  
Zoning: R-1a  
Applicant: 73016, LLC  
**(Continued to May 1st Planning Commission meeting)**
- IV. NON-PUBLIC HEARINGS
  - PC2018-107 Request for Site Plan Modification Approval  
4100 West 85<sup>th</sup> Street  
Zoning: R-1a  
Applicant: Katie Martinovic with NSPJ Architects  
for Mission Chateau Property, LLC
  - PC2018-108 Request for Building Line Modification  
8820 Catalina  
Zoning: R-1a  
Applicant: Brian & Jackie Hartis
- V. OTHER BUSINESS
  - Comprehensive Plan Discussion - Graham Smith, Gould Evans
  - Update on Neighborhood Design Standards - Chris Brewster
  - Election of Officers - Chair and Vice Chair
- 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](mailto: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  
MARCH 6, 2018**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, March 6, 2018 in the Council Chambers at 7700 Mission Road. Chairman Nancy Wallerstein called the meeting to order at 7:10 p.m. with the following members present: Jonathan Birkel, Jeffrey Valentino, Melissa Brown, Patrick Lenahan and James Breneman.

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

**APPROVAL OF MINUTES**

Jonathan Birkel moved for the approval of the minutes of the February 6, 2018 regular Planning Commission meeting as presented. The motion was seconded by Jeffrey Valentino and passed by a vote of 4 to 0 with Mr. Breneman and Mr. Lenahan abstaining.

**PUBLIC HEARINGS**

**PC2018-01 Request for Special Use Permit - Homestead Country Club  
4100 Homestead Court**

Chairman Nancy Wallerstein advised the Commission that the applicant has requested this application be continued to the April 3<sup>rd</sup> meeting of the Planning Commission.

James Breneman moved the Planning Commission continue PC2018-01 Request for the Special Use Permit by Homestead Country Club to the April 3, 2018 Planning Commission meeting. The motion was seconded by Patrick Lenahan and passed unanimously.

**PC2018-03 Request for Rezoning from R-1a to R-1b**

**PC2018-103 Request for Lot Split  
7540 Reinhardt**

John Moffitt, 5300 College Blvd, noted that this property was developed prior to the establishment of any zoning regulations. It is a grandfathered non-conforming property. The property needs to be upgraded and they are proposing to split off the 128' wide lot into two 64' lots. However, the property is currently zoned R-1a and the dimensions of the split lots would not conform to code. Therefore, they are requested a zoning change from R-1a to R-1b which allows smaller size lots bringing the proposed lots into compliance. They are intending to build two new homes on the new lots. A rendering of the proposed homes was presented to Planning Commission members.

Nancy Wallerstein asked how deep the proposed houses were. Mr. Moffitt responded approximately 40 feet deep, possibly 36 feet. He reviewed the colored overall site plan distributed to the Commission, noting the dark green represented the footprint of the allowable building area. The proposed homes will only use about 60% of that space. Mrs. Wallerstein confirmed the front setback would be 30 feet per code and consistent with the properties on either side. Mrs. Wallerstein asked how large the homes would be and what price range. Mr. Moffitt replied they are looking at 4 bedroom, 3 ½ baths in the \$500,000 to \$600,000 range.

James Breneman confirmed that the rezoning is only for this specific lot.

Chris Brewster noted the building and lot predates zoning and subdivision regulations with the home constructed in the 1930's. Mr. Brewster showed views of the neighborhood reflecting the variety of lot sizes and zoning in the area. He also presented an aerial view showing the location of the homes on the lots and photographs of this site and adjacent homes.

Mr. Brewster noted the city has been looking at this area and reviewed a map reflecting the dates when homes were built. Most of the homes in the area were built between 1950 and 1970 with the homes becoming dated. A second map reflected the location and number of non-conforming lots in the area. These were either non-conforming by width, depth or both. The area is zoned R-1a, but many of the lots do not meet the requirements for R-1a. Many of them are comparable in size to the proposed lots. Many of them are 65 feet wide, some are 60 feet wide but deeper. Of the lots that are conforming, there are eight that are 120 feet wide and if this area was zoned R-1b could be split as Mr. Moffitt is proposing to do with his 128 foot wide lot. A third map reflected lots by lot size with the green colored lots being similar in size to the two lots created by the requested lot split. The current zoning map shows R-1b zoning north of 75<sup>th</sup> Street and east of Norwood. The Comprehensive Plan designates this area as neighborhood conservation area. The plan is relatively neutral to this issue. Mr. Brewster noted that generally, rezoning a single lot is to be avoided. But there are conditions in this area that need to be looked at and the number of factors related to zoning applications do apply to this lot as reflected in the staff analysis below:

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

This is a single-family residential neighborhood with a variety of lot sizes and ages of homes. Homes in the area are primarily 1-story, 1.5-story ranches and split-levels. The majority of homes in the area were built between 1950 and 1970. A few of the homes were built prior to 1950, including this home built in 1930.

This area does include a wide variety of lot sizes reflecting platting and development patterns that pre-date the zoning and subdivision regulations. The majority of lots on this block are larger with all but one over 10,000 square feet and many over 15,000 square feet. Smaller lots are located to the east and west of this block.

Lot widths are also important to the character of neighborhoods, as that affects the frontage design, building pattern and access along a streetscape. In this general vicinity, many lots have a 60 to 75 foot width. These exist primarily on several blocks immediately east of Reinhardt. The blocks to the west of Reinhardt have a bit more irregular pattern due to Mohawk Drive alignment, some cul-de-sacs and irregular or corner-orientation lots. Reinhardt Street and the east side of Pawnee Street reflect predominantly wider lots - typically 120 feet wide, with a few noted irregularities where two lots were re-platted as three, or three lots were re-platted as four. In this specific case, the subject lot includes the north 8 feet of the lot immediately to the south, resulting in the subject lot being 128 feet wide and the south lot being 112 feet wide. Lots further south on the block are 120 feet wide. The lots immediately to the north are 70-feet, 90-feet, and 80-feet respectively, likely resulting from the two original 120-foot parcels being re-platted to three lots.

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

- North: R-1A Single-family District - Single Family Dwellings
- East: R-1A Single-family District - Single Family Dwellings
- South: R-1A Single-family District - Single Family Dwellings
- West: R-1A Single-family District - Single Family Dwellings

All of the property in the general vicinity is zoned R-1A, with the exception of some property along the 75<sup>th</sup> Street Corridor or Mission Road zoned for commercial, multi-family, or planned residential projects. Property further to the east of Norwood and north of 75<sup>th</sup> Street is zoned R-1B.

This area has many lots that do not conform to the R-1A zoning districts. This is likely due to the platting and construction of homes prior to the adoption of the zoning ordinance. Non-conformances are typically for lots less than 80 feet wide or less than 10,000 square feet, or both. The majority of these exist on the blocks immediately to the east (Windsor Street and Falmouth Street) and west and southwest (Mohawk Street and Howe) of this area. The lots on Reinhardt are typically conforming to R-1A, although the lot immediately abutting this lot is non-conforming.

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

This property is zoned R-1A which requires a minimum lot width of 80 feet and a minimum area lot of 10,000 sq. ft. The lot is 138 feet deep by 128 feet wide. The lot is suitable for a residential lot, despite being larger than required by the zoning district. There are many examples of lots this size in the R-1A zoning district. These are most prevalent in the south area of the City. However, there are several lots of a similar size in the area and on this block that are currently used for single-family homes.

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

The existing home does not comply with the current R-1A requirements, and is an old structure in need of maintenance, reinvestment or redevelopment. The applicant is proposing two single-family homes, which is generally consistent with uses in the area. However, the rezoning and lot split would allow lots smaller than any lots on this block,

although it is comparable to some of the smallest non-conforming lots in the vicinity. Additionally, the R-1B zoning category does allow taller buildings than generally exist in this area (29' / 2-story from the top of foundation, compared to the typical 1-story, 1.5 story or split-levels). Although this is lower than what is currently allowed under existing R-1A zoning (35' / 2.5 stories), the potential to build to this extent on two smaller lots could change the affect on neighboring property both in terms of what is built on comparable size lots in the area and what could be built under existing R-1A zoning. The applicant has proposed site plans with building footprints and house plans including building elevations for what he anticipates building under the R-1B rules.

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

The existing residence was built in 1927, so the property has not been vacant, but the structure is one of the older homes in the area and is a legal non-conforming structure, not meeting the R-1A setbacks.

**6. The relative gain to public health, safety and welfare by destruction of value of the applicant's property as compared to the hardship on other individual landowners;**

The existing home does not conform to the setback requirements and is generally in need of investment, maintenance or redevelopment. The approval of this request will permit redevelopment that will increase the value of this site, and make it more practical to build smaller, single-family homes. This is generally consistent with the use and patterns in the vicinity, though smaller than most lots on this block. However, there are no specific standards under the current or proposed ordinance to address the design, scale and relationship to these homes to adjacent homes or the streetscape, other than the basic setback and height requirements.

**7. City staff recommendations;**

The proposed rezoning of this site may make sense to promote this redevelopment, and general reinvestment in the neighborhood. Typically, rezoning property for site-specific applications should be avoided, unless specifically called for under a plan or clearly justified through a site-specific analysis. Many of the justifications for this rezoning could be applicable to other properties in the vicinity. However, the impact of a potential larger-scale rezoning of the area has not been considered under the comprehensive plan or through a specific plan or detailed analysis for the area. Further, the conditions in the area that support rezoning are not typical on this specific block, which does have larger lots.

In addition, the R-1B zoning district facilitates the smallest single-family lots for the City, and these lots have been more problematic with respect to new homes and promoting the character of neighborhoods within the City. The concerns have been that either larger homes or homes meeting more contemporary market needs for size, scale, and car access do not reflect the character of these areas where they are being built. These issues were discussed before the Planning Commission in 2016 and led to some amendments to the R-1B standards, with the understanding that the amendments did not resolve all issues with the R-1B development standards, and that further discussion is warranted. These issues are part of an on-going discussion with a stakeholder committee, and could result in further recommendations for amendments to the R-1B

zoning district. The applicant has submitted building plans and proposed elevations to demonstrate specific design concepts that would not necessarily be required under the R-1B zoning.

The Planning Commission is currently undertaking a review of the comprehensive plan to discuss updating some of the more relevant policies, including neighborhood reinvestment. Areas further to the east are specifically called out for a re-investment strategy, which may impact what the appropriate zoning strategy is for infill development in this general area.

Mr. Brewster noted that staff believes this rezoning application is premature in light of the comprehensive plan; however, many of the site-specific considerations can also support rezoning. These considerations are reflected in the other seven criteria in this report. The Planning Commission should evaluate the zoning designation of this entire area to determine if R-1A zoning is appropriate, and may consider approval of this application the first step in a broader reclassification.

#### **8. Conformance with the Comprehensive Plan;**

The Policy Foundation for the comprehensive plan includes the following:

- Community Character and Activities: Provide an attractive, friendly and safe community with a unique village identity appealing to the diverse community population.
- Housing: Encourage neighborhoods with unique character, strong property values and quality housing options for families and individuals of a variety of ages and incomes.

The Conceptual Development Framework maps areas of the City for specific implementation strategies associated with the Policy Foundation. This area is mapped as Neighborhood Conservation, which includes the following specific policies and goals:

- Examine zoning regulations to determine where the uniform lot and building standards restrict the amount of land available to accommodate building expansion.
- Create basic building design standards that can protect the character of neighborhoods.
- Consider financial incentives where home renovations are not possible through traditional financing or other qualified home improvement programs.
- Allow for more compact housing or different and more dense housing options along major thoroughfares.

In contrast, the Neighborhood Improvement areas identified in the Conceptual Development Framework have more proactive strategies for reinvestment, redevelopment or code enforcement based on specific neighborhood initiated plans for investment and/or redevelopment.

Other implementation actions and policy statements in the plan include:

- Permitting higher density, primarily near existing commercial areas or along arterial corridors.

- Keeping neighborhoods vibrant by encouraging home renovation and housing investment.
- Allowing housing variety throughout the City, while maintaining distinct neighborhood character within specific neighborhoods

Patrick Lenahan confirmed this property is zoned R-1a. He asked if the area bounded by 75<sup>th</sup> & Norwood were at some point zoned as R-1b, would there be a hardship imposed on the non conforming lots or would the impact be neutral.

Mr. Brewster responded there are basically two differences between the two zoning classifications. First, the R-1b has a lower building height restriction of 29' rather than 35'. All of the homes going forward would have a building height limitation of 29'. Based on the existing neighborhood construction, he does not feel the change would have much of an impact. Secondly, the setbacks are the same under the new regulations. The eight larger lots that have been identified, would then be able to be split into two lots.

Melissa Brown asked if this area were to stay R-1a, would someone be able to purchase two lots and build a very large home. Mr. Brewster replied there is no restriction under either R-1a or R-1b on consolidating lots.

John Moffitt responded they considered building only one larger home, valued at \$1M rather than two homes valued at \$500,000; but they did not feel it would fit the character of the neighborhood.

Chairman Nancy Wallerstein opened the public hearing on this application. No one was present to address the Commission and the public hearing was closed at 7:30 p.m.

Nancy Wallerstein confirmed the applicant had received and agrees with the staff recommendation.

Chris Brewster advised the Commission that they were considering two separate applications. The rezoning application would go forward to the Governing Body as a recommendation. If approved, the lot split action taken by the Commission should be contingent upon the Governing Body's approval of the rezoning. If the recommendation is for denial, he recommends the lot split application be tabled.

Jeffrey Valentino stated this application makes sense in this location at this time. However, he is concerned with future scenarios being in character with the neighborhood

James Breneman agreed with Mr. Valentino and noted that normally he is strongly against the rezoning of a single lot; however, looking at this particular location at this time, he is not opposed to the action and feels that at some point in time the City will need to evaluate the entire area for possible rezoning.

Melissa Brown stated the requested rezoning makes sense for this site. She noted she spoke with a resident in the neighborhood owning a double wide lot. She is comfortable with the spot zoning as requested.

Nancy Wallerstein asked what concerns were addressed at the neighborhood meeting, noting a resident spoke at the last meeting requesting the area be fenced while under construction. Mr. Moffitt replied no other concerns were raised.

Mr. Breneman confirmed the Commission did not need to vote on each of the factors.

James Breneman moved, based on their analysis of the factors for approval, the Planning Commission recommend the Governing Body approve the request to rezone 7540 Reinhardt from R-1a to R-1b. The motion was seconded by Melissa Brown.

Jonathan Birkel noted the proposed designs for the homes are in compliance; however, he would like the applicant to consider pulling the garages back as he feels garages near the front change the character of the neighbor.

Nancy Wallerstein state that she would be voting in support of the motion based on the drawings provided. She felt the proposed homes would enhance the neighborhood.

Patrick Lenahan echoed the earlier concerns with spot rezoning and noted that he would be supportive of looking at rezoning the entire area. However, this application conforms with the factors for rezoning.

Nancy Wallerstein confirmed this application would go as a recommendation to the Governing Body. Jamie Robichaud noted the application would be considered after the 14 day protest petition period is over, at the April 2 council meeting.

The motion was voted on and passed unanimously.

Chris Brewster noted Chapter 18.02 of Prairie Village subdivision regulations allows the Planning Commission to approve lot splits provided each lot meets the zoning standards. Section 18.02.010 of the subdivision regulations provides the criteria for approval of a lot split. Essentially, the applicant must submit a certificate of survey demonstrating that both lots will meet the zoning ordinance standards and that any existing buildings on a remaining lot are not made nonconforming as a result of the lot split. The certificate of survey is also required to ensure that no utility easement or right-of-way issues are created by the lot split or need to be addressed due to the lot split.

In this case, the proposed lot split does not meet the width required in R-1A, and the applicant has proposed an associated rezoning to R-1B. If the Planning Commission recommends approval and the City Council approves the proposed rezoning, then proposed lot split would meet all criteria of the ordinance and should be approved.



James Breneman moved contingent to the Governing Body's approval of the requested rezoning of this property to R-1b, the Planning Commission approve the proposed lot split of 7540 Reinhardt subject to the following conditions:

1. That the City Council, accepts the Planning Commission recommendation and approves the rezoning; and
2. That the applicant submit a certificate of survey to comply with the following information required in the ordinance prior to a building permit being issued:
  - 1) The location of existing buildings on the site, or specifically noting the removal of existing buildings.
  - 2) The dimension and location of the lots, including a metes and bounds description of each lot.
  - 3) The location and character of all proposed and existing public utility lines, including sewers (storm and sanitary), water, gas, telecommunications, cable TV, power lines, and any existing utility easements
  - 4) Any platted building setback lines with dimensions.
  - 5) Indication of location of proposed or existing streets and driveways providing access to said lots.
  - 6) Topography (unless specifically waived by the City Planning Commission) with contour intervals not more than five feet, and including the locations of water courses, ravines , and proposed drainage systems. (Staff recommends waiver of topography)
  - 7) Said certificate of survey shall include the certification by a registered engineer or surveyor that the details contained on the survey are correct.
3. That the applicant records the approved lot split with the register of deeds and provide a copy of the recorded document prior to the issuance of a building permit.

The motion was seconded by Melissa Brown and passed unanimously.

**PC2018-04 Request for Renewal of Special Use Permit for Animal DayCare  
8827 Roe Avenue**

Christine Gregory, 8827 Roe Avenue, advised the Commission the staff report references involvement with the veterinary clinic at 8825 Roe and stated this application is for her business only. Queen of Paws offers grooming services, animal training and animal daycare. Her initial permit was for two years and she is requesting the permit be renewed for five years.

Ms. Jennings noted she had received a letter of support from Louise Gruenebaum at 4623 West 88<sup>th</sup> Street which backs to her property. Mrs. Gruenebaum had expressed concern at the hearing for her initial permit but is now a client of hers. She also had Bill Rainen, 4619 West 88<sup>th</sup> Street, come by her business and express his support. She held a neighborhood meeting on February 15th with no one attending.

Chris Brewster responded the references to the veterinary clinic were to provide historical background. Staff does recommend approval of the renewal of this permit for 8827 Roe Avenue for a period of five years subject to some conditions.

Mrs. Wallerstein inquired whether a special use permit application could just be approved by the Planning Commission and not go forward to the Governing Body. Mr. Brewster clarified the application does go to the Governing Body, but it is evaluated on whether the applicant continues to meet all of the original conditions for approval. The Commission has commonly given subsequent permits a five year term and some longer noting that violation of any of the conditions would allow the City to void the permit.

Jonathan Birkel asked if the business was sold would the conditions for the permit apply to the new owner. Mr. Brewster responded it depends on the wording of the permit and verified that the conditions of this permit would be applicable to future owners.

Nancy Wallerstein asked Ms. Jennings if she had any concerns with the conditions recommended by staff.

Ms. Jennings noted the conditions are similar to those of the initial permit recommendation and she thought they were changed during the Commission's review of her application. For example, condition #2 states "no more than 20 dogs total at any time, including dog grooming and day care services." She has four groomers and grooming is by appointment only as those animals come in, get groomed and leave. The condition of her original permit only restricted the number of animals in daycare.

Jim Breneman remembered the discussion at the initial application and concurs with Ms. Jennings. He would like to see the language changed back to the original permit stating "No more than 20 dogs under 20 pounds at any time for daycare services." As well as the second bullet "No more than 15 dogs over 20 pounds at any time for daycare services." Mr. Breneman asked why they were changed. Mr. Brewster replied that he took the recommendation from the Council approval packet and it can be changed by the Commission. Mr. Breneman asked why the veterinary clinic was referenced and if the application also applied to it. Mr. Brewster responded this application is only for Ms. Jennings business; however, animal daycare is not addressed in the city code so staff is interpreting it as a similar use thus allowing it as a special use. Otherwise with the code being silent, this special use permit would not be allowed.

Ms. Gregory noted that if the number of animals allowed was compared to child daycare, she is in compliance with those regulations.

Jonathan Birkel questioned if this classification should be added as an allowable special use in the code. Mr. Brewster responded that staff is currently reviewing the list of allowable uses under the special use regulations. He noted it is common to borrow from similar uses and it is his opinion that it is better to address this generally allowing for interpretations to be made. In issuing special use permits, you are concerned with the scale of the use and the impact on the neighborhood. These are being reviewed on a broader scale.

Nancy Wallerstein noted condition #3 appears to also bundle this application with the veterinary clinic and would like to see it changed. Melissa Brown felt the language in condition #3 was confusing.

Chris Brewster noted condition #3 was there because of the proximity of the veterinary clinic, which had limited boarding use. This presents a future opportunity; however, staff would agree to revise the condition.

Various language changes were considered with the following language being approved for condition #3:

“Should coordination of this use with the adjacent veterinary clinic occur the limitations of each uses scale and intensity shall control. Boarding is specifically and currently limited to medical care and observation, and daycare is limited as provided above. Each of these may not be combined to affect and expansion of the intensity. If animal boarding should specifically be offered as a service, an amendment of either or both applications shall be required. Should the applicant wish to request that with this application, parameters similar to the limitation on day care services shall be recommended.”

Chairman Nancy Wallerstein opened the public hearing on this application.

Ruth Prito, 4011 West 37<sup>th</sup> Street, spoke in support of the application. She is a resident of Prairie Village and uses Ms. Gregory’s services. With no one else wishing to address the Commission, the public hearing was closed at 8:14 p.m.

Mr. Brewster stated staff recommends the approval of this request based on the following analysis of the factors for approval:

**A. The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.**

The site and buildings meet all standards for the C-1 district. The buildings were upgraded and improved through a site plan in 2013 that meets all standards and design criteria to ensure the site fits in with the character and context of the area.

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

The continuation of this use is of a similar scale and intensity of uses already occurring on the site. To staff’s knowledge, some similar use of this site has occurred for more than 25 years without many complaints or problems for the neighborhood. Since the 2016 special use permit and slight increase the level of activity, there have been no significant impacts on adjacent property and the City has received no complaints. Many of the concerns voiced during the initial hearing in 2016 appear to be adequately addressed by the operation and performance of the applicant, and through the conditions of the previous approval.

**C. The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is located.**

The proposed business is a neighborhood-oriented service, similar to what is intended and permitted generally in the C-1 district. However, whether the specific proposal

could substantially injure the value of other property in the neighborhood is dependent on the extent of outdoor activity and number of animals cared for as indicated under B. above.

**D. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such as the special use will not cause substantial injury to the value of the property in the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will cause substantial injury to the value of property in the immediate neighborhood, consideration shall be given to:**

- 1. The location, size, nature and height of buildings, structures, walls, and fences on the site; and**
- 2. The nature and extent of landscaping and screening on the site.**

This application is in an existing building and proposes no alterations to the site or buildings. The existing buildings are compliant with all standards and criteria dealing with the impact on surrounding areas, and similar neighborhood-scale businesses and services have been operating on this site in conformance with these criteria.

**E. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.**

The site as a whole meets all City parking requirements, and there is no indication that this proposed use will cause any parking impact substantially different from any of the other allowed uses.

**F. Adequate utility, drainage, and other such necessary facilities have been or will be provided.**

The site has been operating as a neighborhood retail and service center for years, and all facilities are adequate.

**G. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.**

The site has been operating as a neighborhood retail and service center for years, and access is adequate. There is no indication that this proposed use will cause any traffic impact different from any other allowed uses in this zoning district.

**H. Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors or unnecessarily intrusive noises.**

The performance standards applicable to all service and retail uses in the C-1 district will adequately protect and limit any of these potential impacts.

**I. Architectural design and building materials are compatible with such design and materials used in the neighborhood in which the proposed facility is to be built or located.**

The site and buildings meet all standards for the C-1 district. The buildings were upgraded and improved through a site plan in 2013 that meets all standards and design criteria to ensure the site fits in with the character and context of the area.

James Breneman moved the Planning Commission, finding the criteria for the renewal of the special use permit being met, recommend the Governing Body approve a special use permit for an animal daycare at 8827 Roe Avenue subject to the following conditions:

1. The use remains accessory to the generally permitted service use of dog grooming and training services maintaining a reservation based grooming service.
2. The use is limited to the scale and intensity. Specifically:
  - No more than 20 dogs under 20 pounds at any time for daycare services.
  - No more than 15 dogs over 20 pounds at any time for daycare services.
  - In the event that complaints are revived at this level of activity, Staff is authorized to assess the situation, and work with the applicant to reduce activity so that complaints are minimized and activities and impact are more similar to current levels at this location.
  - Indoor activities only - behavioral and socialization; and outdoor activity shall be limited as follows:
    - Only to the 12' x 130' grass strip behind the building, and specifically excluding any property along the north edge, whether it is owned by the subject lot or the adjacent owner.
    - Only for short periods of time sufficient for the animals to relieve themselves;
    - No more than four animals at any one time;
    - Clean-up and maintenance of this area shall occur on at least a weekly basis.
3. Should coordination of this use with the adjacent veterinary clinic occur the limitations of each uses scale and intensity shall control. Boarding is specifically and currently limited to medical care and observation, and daycare is limited as provided above. Each of these may not be combined to affect and expansion of the intensity. If animal boarding should specifically be offered as a service, an amendment of either or both applications shall be required. Should the applicant wish to request that with this application, parameters similar to the limitation on day care services shall be recommended.
4. The special use permit shall be for a period of five (5) years. Should no issues or code enforcement arise in the renewal periods may be extended to a longer duration at the discretion of the Planning Commission.

The motion was seconded by Jonathan Birkel and passed unanimously.

**NON PUBLIC HEARINGS**  
**PC2018-104 Request for Site Plan Approval**  
**5200 West 95<sup>th</sup> Street**

Garen Miller, 515 St. Charles Place, Shrewsbury, Missouri, addressed the Commission representing Vargas Face & Skin Center. Mr. Vargas currently operates at 5000 West 95<sup>th</sup> Street, but is proposing to purchase the building at 5200 West 95<sup>th</sup> Street to accommodate her growing business. Mr. Miller stated they have been working on the purchase since November, noting that several deed restrictions from the original building have complicated matters. They are currently seeking to close on the purchase on May 1, 2018. Mr. Miller noted he is still working on interior renovation plans for this change of use from a restaurant to a medical clinic. The proposed exterior changes include façade changes, a possible reduction in parking spaces, and additional landscaping. He is proposing to cover the existing brick with a dark grey stucco with the addition of an architectural stucco covering element of “Spatial White”. Metal awnings will be added to the front of the building with canvas awnings light grey in color and Black Metal Sign Letters on the white stucco façade.

Mr. Miller noted the trash enclosure on the site is used by other tenants and he is unaware if under the deed restrictions they are required to maintain it. They would prefer to remove the existing trash enclosure. Due to the nature of the business and products disposed of, they would prefer to have a dumpster located closer to the building in a more secure location. Mr. Breneman asked where the proposed new location would be. Mr. Miller replied the desired location is at the back of the building and reflected on the site plan, indicating the current manhole which will be removed.

Mrs. Wallerstein noted that would result in the loss of at least three parking spaces. Mr. Miller replied he did not feel a dumpster would be necessary. Mrs. Brown asked if the commercial carrier would require a dumpster. Mr. Miller replied they still need to determine who would provide trash services, their requirements and whether they would offer recycling. The owner had indicated that most of their trash could be compacted and recycled. Based on current usage, a rolling trash container would be sufficient. If the trash service required the use of a dumpster, it would remain in the existing location and would be screened.

Mrs. Wallerstein confirmed there are 32 parking spaces proposed with 20 spaces required by this new use. The loss of a couple of spaces would not have an impact. Mr. Miller noted the clientele will come and go on a regular basis and 20 spaces would not be needed at any one time.

Chris Brewster noted that since the proposed renovation proposes a substantial variation in the style and materials of the building, it requires site plan approval by the Commission and presented the following staff analysis of the application:

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

The site plan meets the development standards of the CP-1 district and adequately accommodates the building, parking and circulation and open space and landscape. The change of use from restaurant to medical clinic does create a different parking requirement on this site - from 2.5 spaces per maximum seating capacity for restaurants to 1 per 300 square feet for medical clinic. The building is approximately 6,300 square feet according to Johnson County AIMS data, which would produce a zoning code parking requirement of 21 parking spaces for this site. The site currently has approximately 62 spaces. The site plan shows replacing many of these with the new landscape buffers on the east side abutting Rosewood, south site abutting 95<sup>th</sup> street, and in relation to the building on the east side. Approximately 32 spaces are proposed to be removed resulting in 30 parking spaces (two of which will be maintained as accessible parking spaces where they are currently located).

**B. Utilities are available with adequate capacity to serve the proposed development.**  
This is the change of use of an existing building and there have not been any reports of inadequate capacity for any utilities in the area.

**C. The plan provides for adequate management of stormwater runoff.**  
The site proposes a decrease in impervious surfaces by replacing surface parking with green space which presents an opportunity to improve stormwater management on the site. There have been no reports of inadequate stormwater management in the area. Concurrence of Public Works with the stormwater analysis and approval of any grading and facility construction shall be required prior to permits.

**D. The plan provides for safe and easy ingress, egress, and internal traffic circulation.**  
The renovations will not impact any existing vehicle ingress and egress issues.

**E. The plan is consistent with good land planning and good site engineering design principles.**  
The site plan deals primarily with existing elements with the main change being a façade renovation and additional landscape in association with the parking. The most significant site change is the removal of parking stalls and replacement with landscape. This primarily occurs on the street-facing bays, which may improve some of the aesthetic aspects of the site. A detailed landscape plan shall be submitted per the recommended conditions prior to removal of any parking stalls.

The removal of the parking and replacement with landscape areas does not add significant benefits in relation to the streetscape or surrounding areas, although less impervious area can have a benefit to storm water runoff and water quality. Further, the removal of the parking could limit the long-term adaptability of this site to other uses. While there is not anything specifically wrong with the proposed plan in this regard, the costs and loss of options with the removal of parking may outweigh the benefits. Regardless, any reconfiguration of parking, curbs and landscape elements shall meet the City's construction specifications, and otherwise be approved by the Building Official or Public Works with respect to grading and site drainage.

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

The proposed retail building sits at the corner of West 95th Street and Rosewood. The building sits among several other retail and commercial properties that are similar in scale, and all have the same finish. While the building has a 95th Street address, the dominate face and main entrance face Rosewood. The building is a simple one-story structure, and this proposal would cover the exiting brick with dark grey stucco with white architectural stucco covering elements. Fenestration consists of storefront windows that are well proportioned and match the building's aesthetic. A dark metal canopy is proposed over the entry on the east side and gray canvas awnings are proposed over the windows on the south elevation facing the parking and 95th Street. Although this proposal will break this building from the design of others in the center, the center includes six parcels under separate ownership. They all have a similar brown brick finish as the predominant material, but a building at the southwest corner breaks from this, and only the central buildings maintain a common design with blue barrel awnings. Other buildings in the vicinity use predominantly brick finishes of different colors and styles, but do not have any particular architectural character or theme. While this proposal will break this building from the primary finish of most others in the center, in general it is compatible with the commercial character of the neighborhood.

The existing trash enclosure on the north portion of the site matches the existing building materials, and no changes are included in the proposal. Additional landscape may be needed to screen this or tie it in better to the site with the proposed new building facing.

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

Village Vision identifies this area as a Commercial Improvement area in the Conceptual Development Framework, and this site is near the Meadowbrook redevelopment project also identified in the plan and currently under development to the north and east. There are no specific policies, plans or concepts for this shopping center in the plan, unless it was to be included as part of a complete redevelopment of the center in association with the Meadowbrook redevelopment (in which case the policies established for Corinth or the 75<sup>th</sup> Street corridor relating to greater intensity, mixing of uses, defining the public realm, and better integrating uses with improved connectivity).

The general policies for Commercial Improvement areas suggests that periodic upgrades are necessary for the City's commercial areas to remain attractive and retain tenants, including façade changes, signage or landscape improvements with particular attention on how they relate to surrounding neighborhoods and property. Specific concepts emphasized in the plan are:

- Ensuring that buildings relate to streets and public spaces with windows, and doors;
- Establishing a healthy mix of dwellings, restaurants, stores, offices and civic uses.
- Promoting smaller, independent businesses,
- Providing public spaces within commercial areas.



- Enhancing accessibility, particularly for walking or biking.
- Promoting pedestrian scale design.

This modest change of use and facade rehabilitation does not present the opportunity to advance the more significant of these policies, which are reflective of a more substantial building redevelopment. However, in general the site and facade improvements reflect some of these principles with respect to maintaining and improving existing commercial centers.

Mrs. Wallerstein asked Mr. Miller if he had received the staff recommendation. Mr. Miller replied that he had and has no objection to the conditions; however, he would like to add that should the owner abandon the site plan with the landscaping and removal of the parking space that the approval of the façade changes be granted. He would like some flexibility in the façade as minor alternations are still being considered such as the addition of another window and adding the address. He noted that signage is also still being discussed, such as adding the address.

Chris Brewster stated the Planning Commission only needs to approve the façade; other site issues, such as landscaping and parking, can be handled administratively by staff through the permitting process. Mr. Lenahan questioned if that being the case, if the Commission can be silent on the landscaping requirements. Mr. Brewster stated he would prefer that they remain as a condition.

Mr. Breneman suggested the addition of the following language to the beginning of the condition #3: “Should the owner elect to proceed with landscape improvements that it be as presented with their site plan application.

Mrs. Wallerstein stated she would like to add “E. The owner shall maintain or replace new or existing landscaping.”

Patrick Lenahan asked what was proposed for the screening of the trash enclosure. Mr. Miller responded they would follow the requirements of the City and would have to be addressed when the location is determined.

Chris Brewster accepted Mr. Breneman’s suggested language with #3 reading:

Should the applicant proceed with site improvements, a detailed landscape plan shall be submitted in conformance with the conceptual plan and be approved by staff including:

- a indicate the species, quantity and size of all trees, shrub and perennials
- Indicate all trees and shrubs that are to remain through any removal or reconfiguration of the parking.
- Add landscaping with shrubs or perennials around the trash enclosure

- Specify at least 3 different shade tree species from the site. Trees should be at least 2.5” caliper and selected from the Great Trees for the Kansas City Region list
- Trash enclosure shown as part of the plan

Nancy Wallerstein asked who owned the building. Mr. Miller responded it is owned by the restaurant ownership group. Mrs. Wallerstein noted this area has a sea of red brick from surrounding businesses and asked if any of the Commission had concerns with the proposed aesthetics.

Mrs. Wallerstein noted the stucco was grey. Mr. Miller stated the stucco is a dark grey, more contemporary color. He added the intent was to pick up on the buildings behind this building.

Nancy Wallerstein confirmed the office is only open Monday through Friday and asked if any exterior building lighting was planned. Mr. Brewster replied they are proposing lighting and simply need to meet the city’s lighting requirements regarding foot-candles on the adjacent properties. Mr. Miller added there is existing street lighting. Mrs. Wallerstein asked if they were planning for a monument sign. Mr. Miller responded they would be using the existing monument sign.

Melissa Brown felt that covering the entire building with efface would be a huge downgrade for this area, where the majority of the materials are brick and masonry, which are more long-term materials. She feels the proposed materials are more in tune with a strip center and strongly dislikes it. Mr. Miller replied to recast the entire building with brick would be very expensive. He noted the center across the street was done in stucco and the public school. Mrs. Brown replied the school is masonry.

Mrs. Wallerstein stated she understands Mrs. Brown’s concerns noting that this site sits at the entrance to the Meadowbrook development which has very high standards for construction materials. She agrees with Mrs. Brown and would like to see other options than stucco be explored.

Mr. Miller noted the existing building exterior has not been well maintained and is badly stained. The surface cannot be cleaned without damaging the material. The proposed use of efface will provide additional insulation for the building, cover any imperfections of the exterior of the building and the stucco can be done to have the appearance of stone or brick. By working with the joints, he feels he can make it look like masonry. Based on the way the building was built, he has very limited choices.

Mr. Breneman agreed with Mr. Miller that adjustments can be made to make the building look good. Jonathan Birkel noted the three sided elevation of the building is a challenge. He suggested giving the bottom two blocks a lighter color to tie to the frame around the building adding one more dimensional level of detail. He feels the stucco over the block can satisfy some of the design issues. Mr. Miller noted his client is looking for a very classic, elegant design. On the east side of the building they are proposing a dark siding to tie in some of the residential aspects. They are looking into ways to remove the tile under the roof and reskin the building. Mr. Birkel suggested in

the void areas of the stucco to add a light color frame to help minimize the bigger areas of stucco. Mr. Miller noted he was looking at doing something with the windows.

Melissa Brown stated that she would not bring the stucco to the ground. She feels there could be a better design for the front. Mr. Valentino agreed with Mrs. Brown that stucco is generally used on top, not at the ground. He expressed concerns with the durability of it. Jonathan Birkel noted that he has been impressed with some of the synthetic stone that is being used for entrances. Mr. Miller noted they are removing the existing entrance and rebuilding it under the existing roofline and adding new footings. This would allow for the use of veneer stone.

Nancy Wallerstein stated she would have liked to have seen a north elevation, noting this is what would be viewed from the Meadowbrook development. Mr. Miller replied that he is looking at placing a courtyard to the north.

Mrs. Wallerstein asked if the Commission would like to add a recommendation for any change to exterior building materials or aesthetics.

Jeffrey Valentino noted this is a significant improvement to the property and he is concerned with the impact of adding costs to the project.

Patrick Lenahan asked if there was anything in the CP-1 regulations that would address this. Mr. Brewster stated the only reason this application is before the Commission is for the change in the façade.

Mr. Birkel noted this building sets approximately 250' from the corner off 95<sup>th</sup> and the concerns expressed with the stucco façade may be valid in close proximity to the building, at this distance he doesn't see it as a big concern. It was the current landscaping next to the building.

Commission members confirmed the amendments made by the Commission to the staff recommended conditions of approval.

Patrick Lenahan moved the Planning Commission approve PC2018-104 proposed site plan and conceptual façade elevations for 5200 West 95<sup>th</sup> Street subject to the following conditions:

1. A grading plan be approved by Public Works in association with any of the site work related to the parking lot, including a determination that no negative impacts on stormwater will result.
2. All future signs shall require a separate sign permit meeting the general sign standards for the City.
3. Should the applicant proceed with site improvements, a detailed landscape plan shall be submitted in conformance with the conceptual plan to be approved by staff and include the following:
  - a. Indicate the species, quantity and size of all trees, shrub and perennials;
  - b. Indicate all trees and shrubs that are to remain through any removal or reconfiguration of the parking

- c. Add landscaping with shrubs or perennials around the trash enclosure for screening; if moved or related, the trash enclosure shall be screened.
- d. Specify at least three different shade tree species from the site. Trees should be at least 2.5" caliper and selected from the Great Trees for the Kansas City Region list
- e. The owner shall maintain or replace all new and existing landscaping.

The motion was seconded by James Breneman and passed by a vote of 5 to 1 with Melissa Brown voting in opposition.

## **OTHER BUSINESS**

Jamie Robichaud introduced Councilman Ron Nelson who will be serving as the Council liaison to the Planning Commission this year.

The Tidal Wave application was approved by the Governing Body on March 5<sup>th</sup> by a vote of 7 to 5. They will be returning to the Planning Commission for final development plan approval.

The Design committee is close to completing their recommendations for Phase II neighborhood design standards. They will continue to meet bi-weekly until completed. Melissa Brown, James Breneman and Jonathan Birkel serve on that committee. Mrs. Robichaud hopes to be able to present the committee's recommendation to the City Council and Planning Commission in April.

Staff is still reviewing the Comprehensive Plan trying to determine the best direction for moving forward. She will have an update in April.

## **NEXT MEETING**

The Commission Secretary announced the following items would be on the April 3<sup>rd</sup> agenda:

- PC2018-01 - Special Use Permit for Homestead Country Club
- PC2018-107 - Revised Site Plan approval for Mission Chateau
- PC2018-108 - Front Building Line Modification for 8820 Catalina

## **ADJOURNMENT**

With no further business to come before the Commission, Chairman Nancy Wallerstein adjourned the meeting at 9:07 p.m.

Nancy Wallerstein  
Chairman

# STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Chris Brewster, AICP, Gould Evans, Planning Consultant  
**DATE:** April 3, 2018, Planning Commission Meeting

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**Application:** PC 2018-107

**Request:** Site Plan Approval – Modification to site plan (changing plan from outside pool and cabana to patio, grilling area and future amenities)

**Action:** *A Site Plan requires the Planning Commission to apply the facts of the application to the standards and criteria of the ordinance, and if the criteria are met to approve the application*

**Property Address:** 4100 W. 85<sup>th</sup> Street

**Applicant:** Katie Martinovic, NSPJ Architects for Mission Chateau Property LLC.

**Current Zoning and Land Use:** R-1A Single-Family District – SUP for Adult Senior Dwellings

**Surrounding Zoning and Land Use:** North: R-3 Garden Apartment District - Apartments  
East: R-1A Single-Family District – Single Family Dwellings (Leawood) R-1 Single-Family Residential – Single Family Dwellings  
South: R-1A Single-Family District – Single Family Dwellings & vacant  
West: R-3 Garden Apartment District - Apartments

**Legal Description:** Mission Chateau LT 1

**Property Area:** 18.43 acres (803,077 s.f.)

**Related Case Files:** PC 2015-110 Preliminary & Final Plat – Mission Chateau  
PC 2015-08 Final Development Plan – Mission Chateau  
PC 2015-08 Special Use Permit for Adult Senior Dwellings  
PC 2013-127 Preliminary Plat  
PC 2013-126 Site Plan Approval for Adult Senior Dwellings  
PC 2013-11 Special Use Permit for Adult Senior Dwellings  
PC 2013-05 Special Use Permit for Adult Senior Dwellings  
PC 2013-114 Site Plan Approval for Adult Senior Dwellings  
PC 2004 Monument Sign  
PC 1995-104 Site Plan Approval for Expansion of Mission Valley Middle School

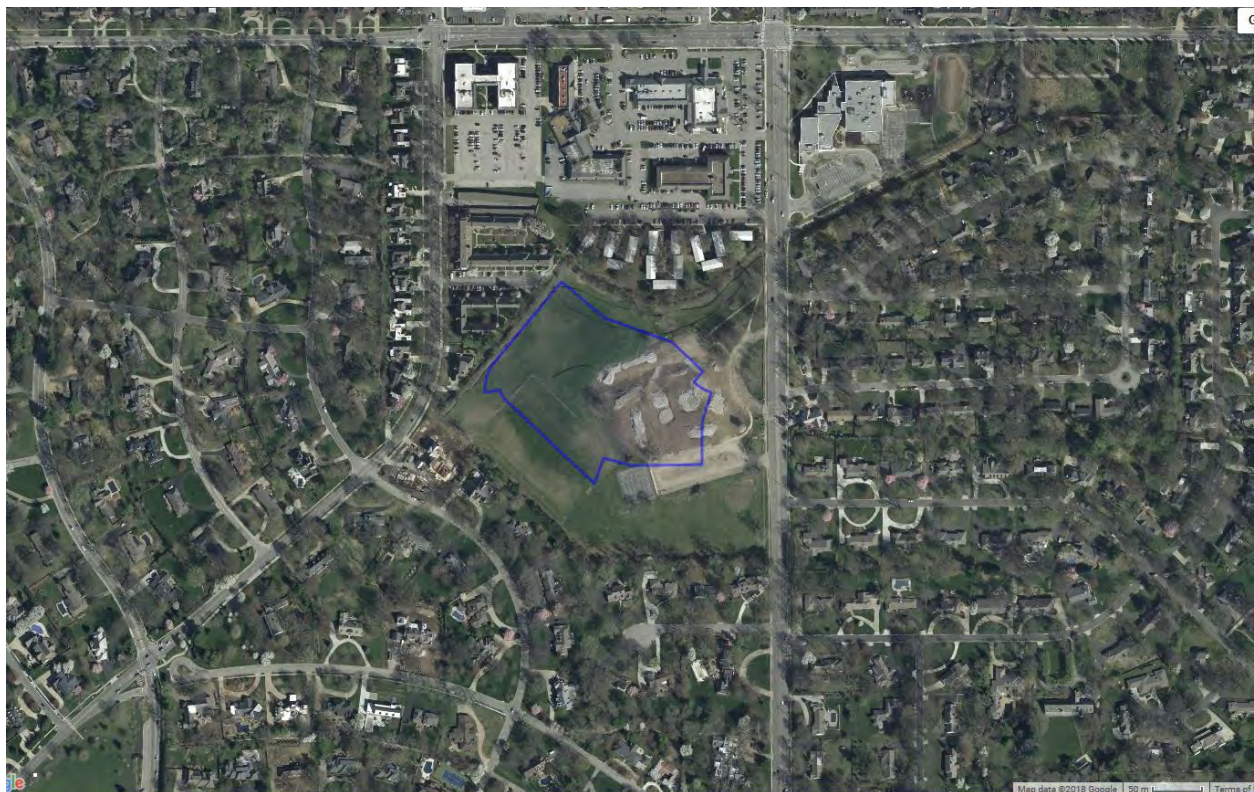
**Attachments:** Application, site plan and conceptual elevations

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### General Location Map



### Aerial Map



**Aerial Site**



**Bird's Eye Site**



**BACKGROUND**

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. The applicant has submitted a Preliminary and Final Plat in conjunction with a Final Development Plan, which were approved in March 2016.

One of the conditions of those approvals was:

15. *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 were submitted for this portion of the project until this time, and prior to building permit for these facilities, a modified site plan needs to be approved.

**COMMENTS:**

Since the original approvals for this project in 2015 and 2016, the applicant's concept for this outdoor amenity has changed. The original plan included a concept for a pool and cabana at the southeast corner of the main senior housing building. The location, footprint and relation of this area to the project remains the same; however, they are proposing an outdoor patio area with trellis and grilling area, storage building and restrooms. The plan includes a trellis structure on the south and the grilling/storage/restroom on the north. The central seating area includes a fire pit as the focal point of the patio. The elevations of the structure are consistent with the materials and design themes of the entire Mission Chateau project. The plans include options for future outdoor amenities within the area including a potential bocce court and potential golf green. All other elements of the approved plans surrounding this area remain unchanged.

Based on previous plans, either the original concept or this modified concept required approval of a modified site plan showing details for this outdoor amenity.

According to Section 19.32.030 of the Prairie Village Zoning Regulations, the Planning Commission shall consider the following criteria in approving or disapproving a site plan.

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

The proposed amenity area is consistent with the overall development plan approved by the City in 2015. This site plan is for a smaller, detailed portion of the previous plan and will not impact any of the parking, drives or other elements of that plan. The landscape proposed within this plan is consistent with what was previously proposed on the site

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

This is a site plan for a detailed portion of an overall redevelopment project, where utility access was handled through the redevelopment plan. Utility access for the structures in this plan will be addressed through permitting in accordance with the overall development plan.

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

The site plan involves the same area and location indicated on the preliminary plans with concept plans pool and cabana, and involves the same or less impervious surface. Prior to building permits, the applicant shall submit to Public Works grading, and other drainage permit information to demonstrate that the proposed plan is consistent with the overall stormwater study and grading plans for the entire project.

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

The amenity area will not impact any vehicle ingress and egress; it is a site amenity for residents of the overall redevelopment project, and ingress, egress, and internal circulation has been adequately addressed through that redevelopment plan.

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

The location of the amenity is the same as the previous pool and cabana location, and all surrounding pedestrian connections and landscape design is consistent with the overall development plan.

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

The site plan for the amenity area is a change from the previously approved development plan, which included a potential pool and cabana; however, the details for the amenity area were only conceptual at that time, which is why any plans for this area required a future site plan approval by the Planning Commission. This site plan maintains the area as an amenity for the residents of the senior housing project, and the proposed structures and materials are consistent with the overall design theme of the entire area.

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

This site plan is a detailed portion of the larger redevelopment plan that was previously determined to be consistent with the comprehensive plan. The site plan is consistent with the previously approved development plan.

**RECOMMENDATION:**

It is the recommendation of Staff that the Planning Commission approve the modification of the site plan, changing the outside pool and cabana to a patio, grilling area, and approve the specific proposed plan for this area, including other potential future amenities at the applicant's discretion. Coordination with the overall development plan in terms of permitting, drainage and landscape design shall be verified through subsequent permits submitted to staff prior to construction.

PC 2018-108  
0016762



**CITY OF PRAIRIE VILLAGE**  
*The Star of Kansas*

### Planning Commission Application

For Office Use Only
Case No.: <u>PC 2018-108</u>
Filing Fee: <u>9100</u>
Deposit: <u>1500</u>
Date Advertised:
Date Notices Sent:
Public Hearing Date: <u>4/3/18</u>

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: KATIE MARTINOVIC, NSPJ ARCHITECTS Phone Number: 913-831-1415

Address: 3515 W 75TH ST. SUITE 201 E-Mail: KMARTINOVIC@NSPJARCH.COM

Owner: MISSION CHATEAU PROPERTY, LLC Phone Number: 816-444-0900

Address: 7611 STATE LINE RD, SUITE 301, KANSAS CITY, MO Zip: 64114

Location of Property: 4100 W 85TH ST

Legal Description: MISSION CHATEAU LT 1

Applicant requests consideration of the following: (Describe proposal/request in detail) MINOR MODIFICATIONS TO PREVIOUSLY APPROVED SITE PLAN INCLUDING THE REPLACEMENT OF AN OUTDOOR POOL AND CABANA WITH AN OUTDOOR GRILLING STRUCTURE

#### 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 \$600.00

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.

Katie R Martinovic 03/01/18  
Applicant's Signature/Date

[Signature]  
Owner's Signature/Date



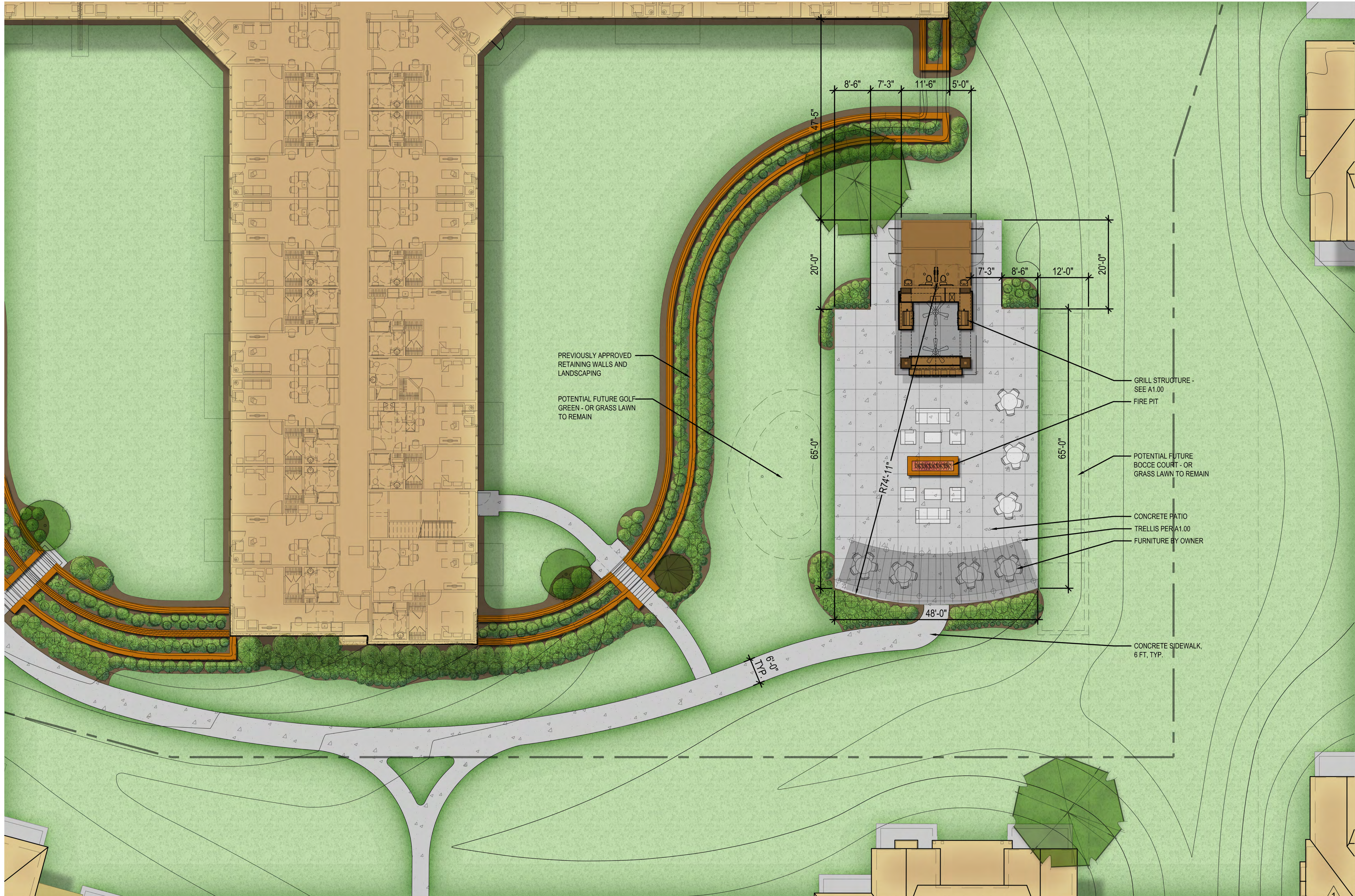
**PLANT LEGEND:**

Existing Trees to Remain				
Code	Common Name	Botanical Name	Size	Note
<b>Overstory Trees</b>				
	Common Name	Botanical Name	Size	Notes
FEM	Frontier Elm	Ulmus carpinifolia x parvifolia 'Frontier'	2" Cal.	B&B
FFM	Fall Fiesta Sugar Maple	Acer saccharum 'Fall Fiesta'	2" Cal.	B&B
PSM	Pacific Sunset Maple	Acer truncatum x A. platanoides 'Warrenred'	2" Cal.	B&B
RPO	Quercus robur x bicolor 'Long'	Columnar Regal Prince Oak	2" Cal.	B&B
SWO	Swamp White Oak	Quercus bicolor	2" Cal.	B&B
<b>Evergreen Trees</b>				
ERC	Eastern Red Cedar	Juniperus virginiana	B&B	5' Ht.
GGA	Green Giant Arborvitae	Thuja plicata	B&B	5' Ht.
NWS	Norway Spruce	Picea abies	B&B	5' Ht.
SBS	Serbian Spruce	Picea omorika	B&B	5' Ht.
<b>Ornamental Trees</b>				
ERB	Eastern Redbud	Cercis Canadensis	1.5" Cal.	6' Ht.
PFC	Prairiefire Crabapple	Malus x 'Prairiefire'	1.5" Cal.	6' Ht.
RRC	Royal Raindrops Crabapple	Malus 'Royal Raindrops'	1.5" Cal.	6' Ht.
RVB	Heritage River Birch	Betula nigra 'Heritage'	B&B	Multi-stem
SSC	Spring Snow Crabapple	Malus 'Spring Snow'	1.5" Cal.	6' Ht.
SVB	Servceberry	Amelanchier grandiflora 'Autumn Brilliance'	Multi-stem	8' Ht.
<b>Landscape Bed</b>				

**GENERAL NOTES:**

- EACH BIDDER SHALL VISIT THE SITE OF THE PROPOSED WORK AND EXAMINE THE SITE CONDITIONS. HE SHALL ALSO CAREFULLY EXAMINE THE DRAWINGS FOR THE PROPOSED WORK AND FAMILIARIZE HIMSELF WITH ALL CONDITIONS, WHICH MAY AFFECT THE PROPOSED WORK.
- THE PLANTING PLAN GRAPHICALLY ILLUSTRATES OVERALL PLANT MASSING. EACH PLANT SPECIES MASSING SHALL BE PLACED IN THE FIELD TO UTILIZE GREATEST COVERAGE OF GROUND PLANE. THE FOLLOWING APPLIES FOR INDIVIDUAL PLANTINGS:
  - CREEPING GROUNDCOVER SHALL BE A MINIMUM OF 6" FROM PAVING EDGE.
  - ALL TREES SHALL BE A MINIMUM OF 3' FROM PAVING EDGE.
  - ALL PLANTS OF THE SAME SPECIES SHALL BE EQUALLY SPACED APART AND PLACED FOR BEST AESTHETIC VIEWING.
  - ALL SHRUBS SHALL BE A MINIMUM OF 2' FROM PAVED EDGE.
- NOTIFY LANDSCAPE ARCHITECT 1 WEEK PRIOR TO ANTICIPATED START OF PLANT MATERIAL INSTALLATION. LANDSCAPE CONTRACTOR SHALL STAKE ALL PROPOSED PLANTING BED EDGES, SET OUT SHRUBS IN INTENDED LOCATIONS, AND STAKE TREE LOCATIONS FOR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- REFER TO SHEET L1.00 FOR TREE PLANTING PLAN, L2.00 SERIES FOR SHRUBS, & L3.00 FOR PLANTING DETAILS & SPECIFICATIONS.
- ALL NEW PLANT BED AREAS TO BE IRRIGATED. REFER TO SHEET L1.01 FOR IRRIGATION SYSTEM LOCATIONS & SPECIFICATION BOOK FOR DESCRIPTION.
- IN THE EVENT OF WORK IN OR ON THE SANITARY MAIN, ANY TREES OR PLANTINGS PLACED WITHIN THE SEWER EASEMENT MAY BE REMOVED WITHOUT REPLACEMENT OR COMPENSATION THERE OF AND SHALL BE REPLACED BY THE PROPERTY OWNER AS REQUIRED BY THE CITY.

- REVISIONS
- 05.27.2016 - PERMIT SET
  - 06.10.2016 - JCW COMM. CONNECT.
  - 07.12.2016 - CITY COMMENTS
  - 08.25.2016 - CONSTRUCTION SET
  - 03.02.2018 - PLAN. COMM. APPROVAL



PREVIOUSLY APPROVED  
RETAINING WALLS AND  
LANDSCAPING

POTENTIAL FUTURE GOLF  
GREEN - OR GRASS LAWN  
TO REMAIN

GRILL STRUCTURE -  
SEE A1.00

FIRE PIT

POTENTIAL FUTURE  
BOCCIE COURT - OR  
GRASS LAWN TO REMAIN

CONCRETE PATIO

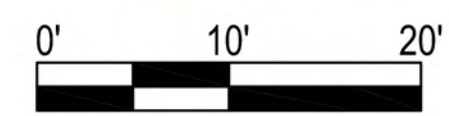
TRELLIS PER A1.00

FURNITURE BY OWNER

CONCRETE SIDEWALK,  
6 FT, TYP.



**OUTDOOR KITCHEN AND FIREPLACE**  
1" = 10'-0"



REVISIONS

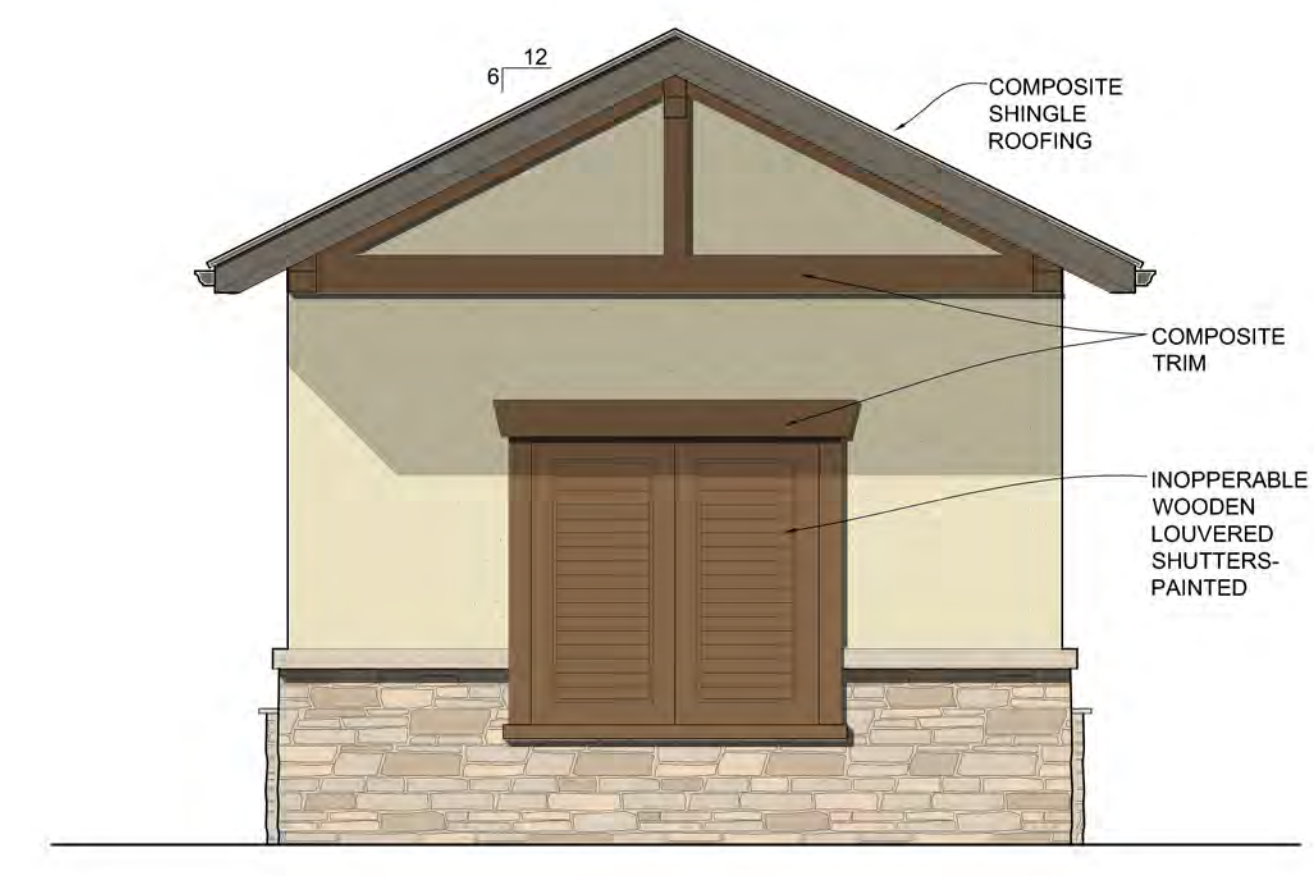
DATE  
03/02/2018  
JOB No.  
558114  
DRAWN BY:  
REJ / NSPJ  
SHEET NO.



1 OUTDOOR GRILLING AREA PLAN 1/4" = 1'-0"



2 SOUTH ELEVATION 1/4" = 1'-0"

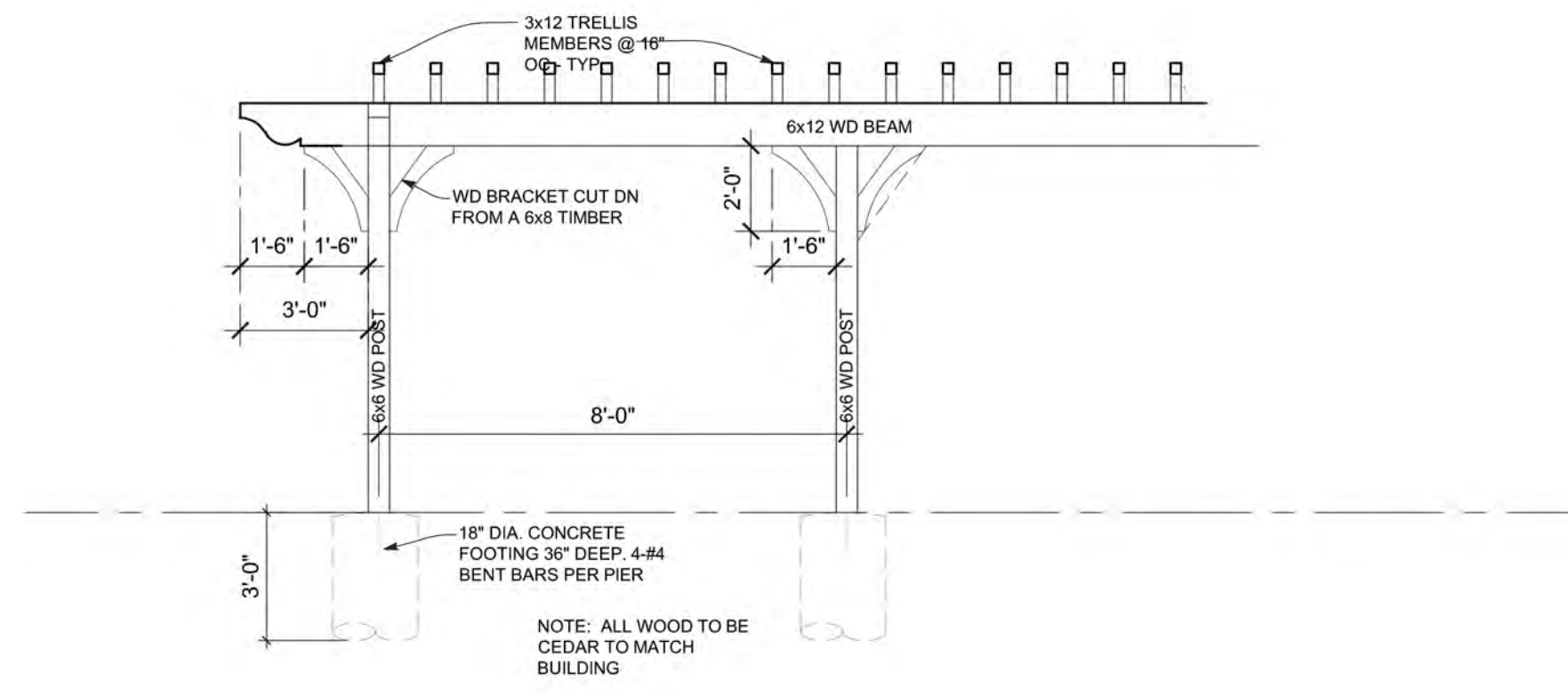


3 NORTH ELEVATION 1/4" = 1'-0"

NOTE: ALL EXTERIOR FINISHES TO MATCH MAIN BUILDING.



4 EAST ELEVATION (WEST MIRRORED) 1/4" = 1'-0"



5 OUTDOOR GRILL TRELLIS STRUCTURE TO MATCH APPROVED ENTRY MONUMENT TRELLIS STRUCTURE 1/4" = 1'-0"

REVISIONS

DATE  
03/02/2018  
JOB NO.  
558114  
DRAWN BY:  
REJ / NSPJ  
SHEET NO.

# STAFF REPORT

**TO:** Prairie Village Planning Commission  
**FROM:** Chris Brewster, AICP, Gould Evans, Planning Consultant  
**DATE:** April 3, 2018, Planning Commission Meeting

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**Application:** PC 2018-108

**Request:** Building Line Modification

**Action:** *A Building Line Modification requires the Planning Commission to apply the facts of the application to the standards and criteria of the ordinance, and if the criteria are met, to approve the application*

**Property Address:** 8820 Catalina Drive

**Applicant:** Brian and Jackie Hartis

**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: 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:** SOMERSET ACRES WEST LOT 5 BLK 10 PVC-0714 0093

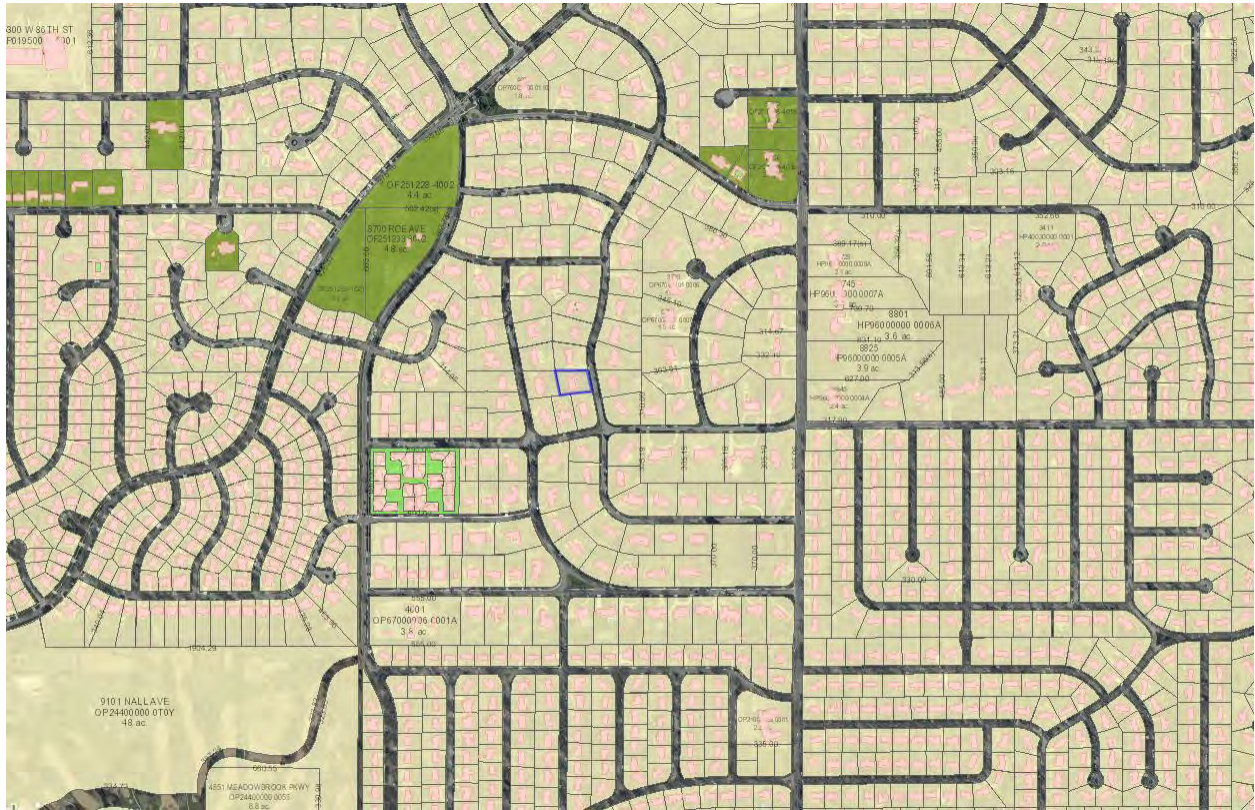
**Property Area:** 0.63 acres (27,450.16 s.f.)

**Related Case Files:** n/a

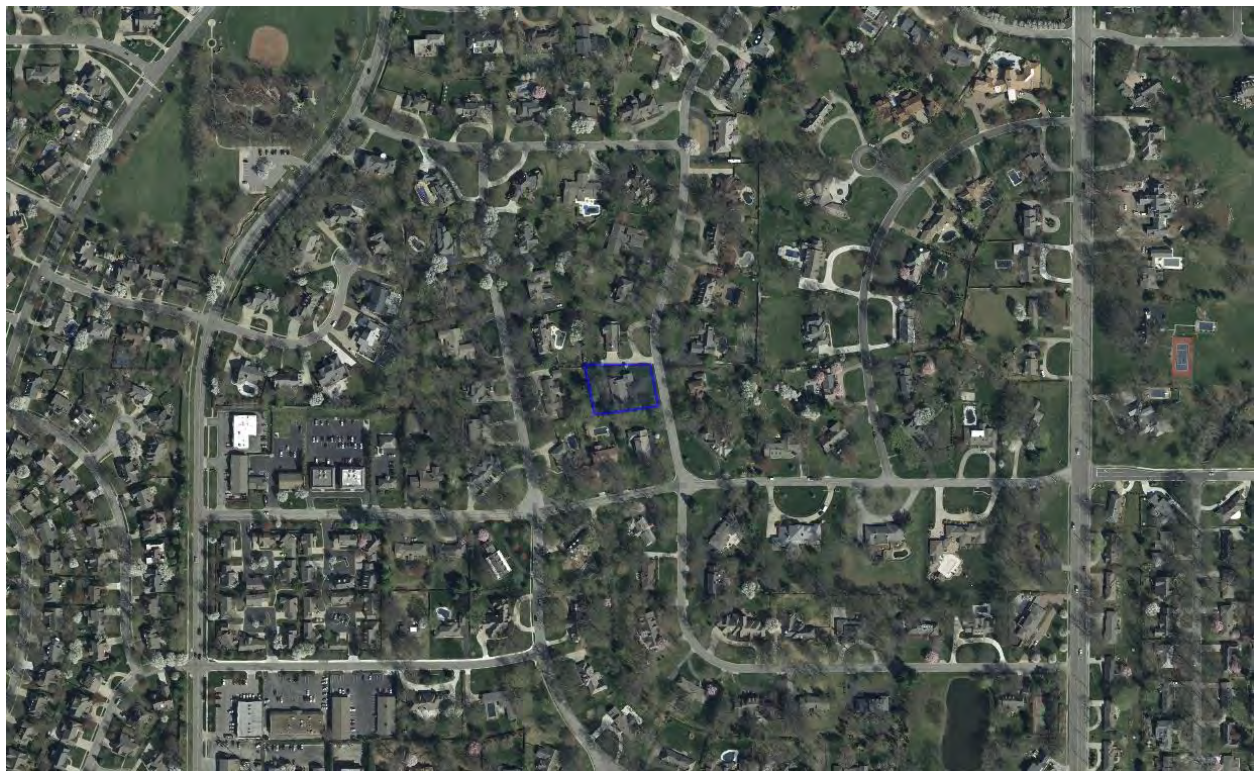
**Attachments:** Application, neighbor review summary, elevations, plat and site plan

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**General Location Map**



**Aerial Map**



Site



Street view of subject property from Catalina Drive.





*Street view looking southwest from adjacent lot.*



*Bird's eye view*

**COMMENTS:**

The applicant is requesting a building line modification as provided in Chapter 18.18 of the subdivision regulations, to expand an existing 2-car garage into a 3-car garage. The garage expansion is in relation to a remodeling project that includes a new second story expansion and a slight expansion of the building footprint in two other areas. All other portions of the project comply with all zoning regulations. The proposed garage expansion complies with the zoning ordinance, but would extend 10 feet beyond the 60 feet platted setback line, along approximately 23.25 feet of the front elevation.

The lot is located on Catalina Drive, just south of 89<sup>th</sup> Street. The lots in this area are larger than required for R-1A zoning. Most are between .65 to 1.5 acres, and have homes set back far deeper than the required 30-foot front setback. Most of the lots have a front building line established beyond 60 feet, however several in the vicinity have building lines between 40 feet and 50 feet. These are typically corner lots where the buildings have an intersection orientation, or "end-grain" lots that have their front on the side of the block.

Typically, platted building lines in Prairie Village originated from developer-imposed restrictions at the time of the original building to deal with unique circumstances on a lot or block, or to establish setbacks on lots constructed prior to the adoption of the zoning ordinance. This case appears to be a combination of both, as the lots are larger and in atypical patterns, but also the homes in the area were built between 1957 and 1966 (prior to the zoning ordinance).

**ANALYSIS:**

The Prairie Village zoning ordinance and subdivision regulations provide that the stricter of platted building lines or zoning setbacks shall generally apply, with some limited exceptions. In addition, the subdivision regulations allow the Planning Commission to consider modifications to platted setbacks where they are greater than required by the zoning setbacks. The proposed addition meets all zoning setbacks and height standards for the R-1A zoning district.

Section 18.18.D provides the criteria for the Planning Commission to consider for building line modifications:

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

The lot is first lot in from 89<sup>th</sup> street fronting on Catalina. It abuts two lots that front on 89<sup>th</sup> street to the south – one on the corner and one interior "end-grain" lot. Lots to the north are somewhat irregular shape accounting for the curve of Catalina Drive and the irregular shape of the block from the overall street network. All of the lots are well over the minimum required R-1A lot size of 10,000 square feet. Most are between 0.63 and 0.93 acres. The deep setbacks and curves of the street allows homes to have varied orientations to the street frontage, and several have circle drives, side entry garages.

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

The buildable area of the lot is reduced beyond R-1A standards because of the platted setback, but it remains large due to the size of the lot. However this is a remodel of an existing home within the current building footprint, and the proposed expansion of the garage is using the same driveway access pattern and the location of the current garage. The proposed expansion will still be 20' beyond the required zoning setback for R-1A.

**3. 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 proposed extension of the existing garage wing is along less than 30% of the entire front elevation and the remainder of the front elevation is over 27 feet beyond the platted front building line. The proposed addition and encroachment is closest to the lot to the north, but is just over 20 feet from the side lot line at the closest point, and over 70 feet from the adjacent building. This side of the building to the north is also the garage side of that home. The applicant has submitted a list showing approval of abutting property owners, including owners of the lot immediately to the north.

**EFFECT OF DECISION:**

If the Planning Commission finds favorably on the three considerations, it shall adopt a resolution that must be recorded with the register of deeds prior to obtaining a building permit.



6016763

### Planning Commission Application

For Office Use Only
Case No.: <u>PC 2018-108</u>
Filing Fee: <u>\$100</u>
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: BRIAN + JACKIE HARTIS Phone Number: 816 694 0129

Address: 8820 CATALINA DRIVE Zip 66207

Owner: BRIAN + JACKIE HARTIS Phone Number: 816 694 0129

Address: 8820 CATALINA DRIVE Zip: 66207

Location of Property: 8820 CATALINA DRIVE

Legal Description: LOT 5, BLOCK 10, SOMERSET ACRES WEST

Applicant requests consideration of the following: (Describe proposal/request in detail) BUILDING LINE MODIFICATION

#### 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 \_\_\_\_\_.

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.

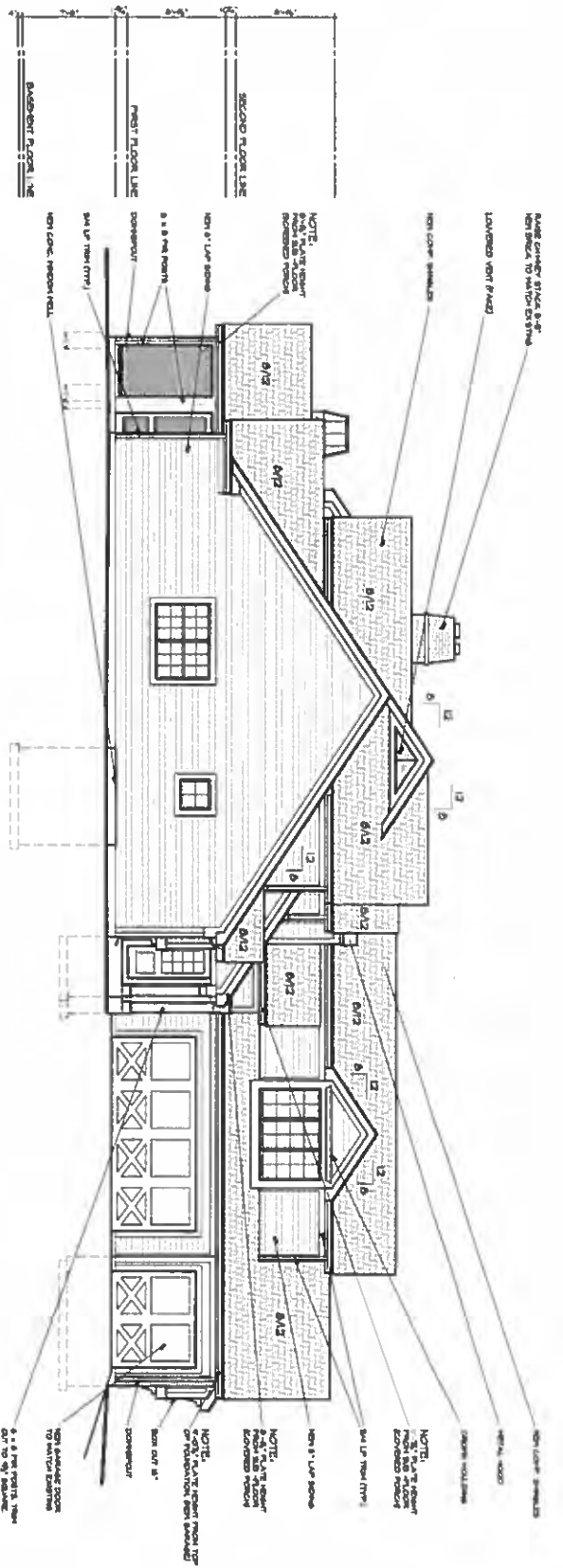
APPLICANT hereby agrees to be responsible for and to CITY for all cost incurred by CITY as a result of said application. Said costs shall be paid within ten (10) days of receipt of any bill submitted by CITY to APPLICANT. It is understood that no requests granted by CITY or any of its commissions will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

\_\_\_\_\_  
Applicant's Signature/Date

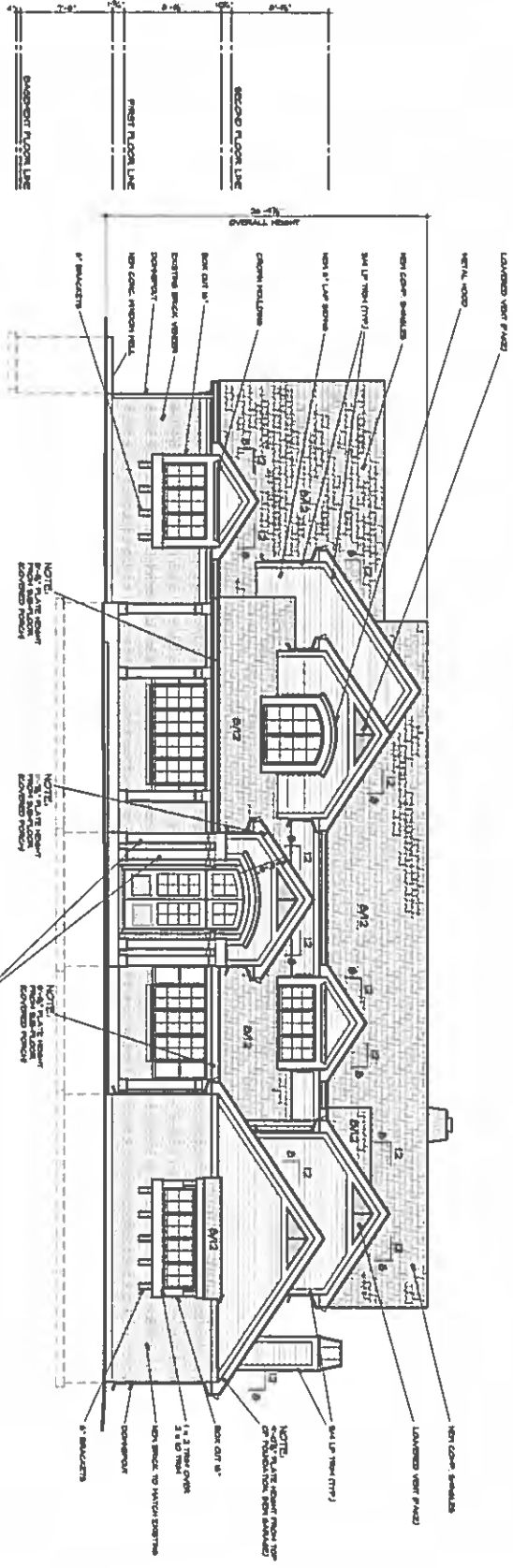
B Hartis  
\_\_\_\_\_  
Owner's Signature/Date

Adjacent property owners plan review and approval for garage variance at 8820 Catalina Drive

<u>Property Address</u>	<u>Owner</u>	<u>Approval</u>	<u>Date</u>	<u>Comments</u>
8728 Catalina Drive	Don and Marilyn	X	10-1-17	Good addition to area
8733 Catalina Drive	Robert and Nancy Ash	X	1-12-18	Plan <del>looks</del> great - good luck! What a great home for your family!
8821 Catalina Drive	James and Linda Gibson	X	9/30	FROM OUR PERSPECTIVE THE EXTENDED HOUSE IS NOT OUT OF PROPORTION TO THE LOT & THE EXTENDED GARAGE IS ACCEPTABLE.
8831 Catalina Drive	Michael and Robb Slapper	X	10/1	We completly approve of the proposed construction Just add to the Plain Valley.
8830 Catalina Drive	Craig and Rhonda Gough	X	10/23	Looks Great! Can't wait to see it finished!
4306 W 89th St.	Kyle and Glare Cassias	X	10/22	Looks good!



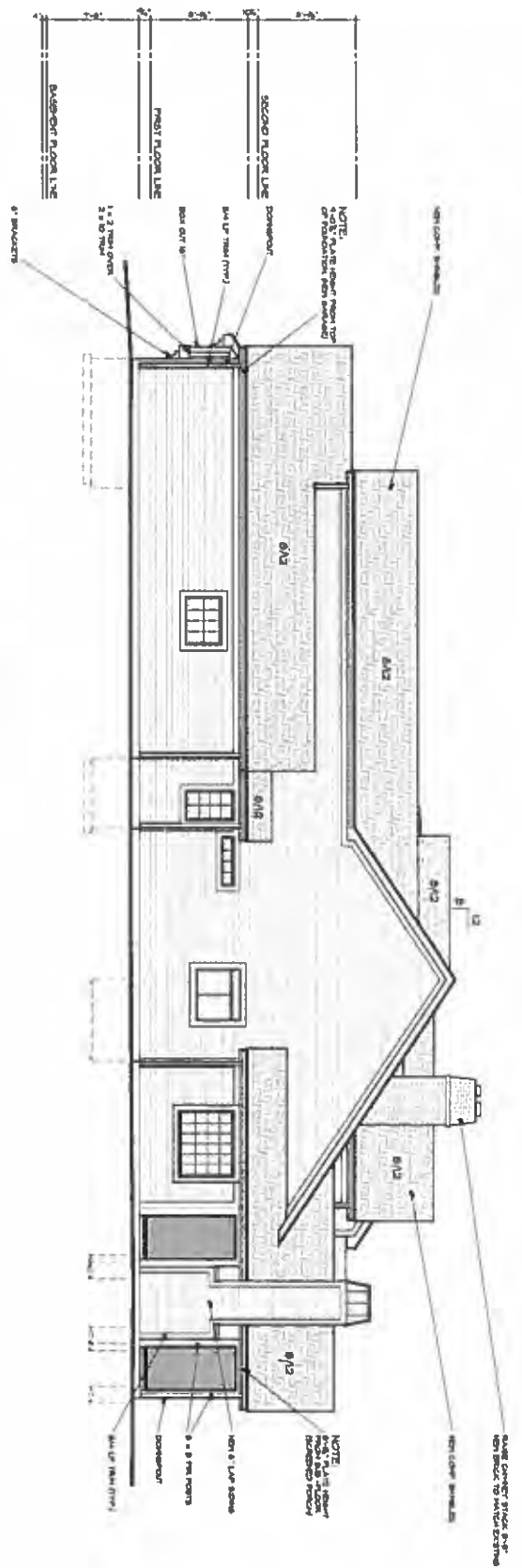
**NEW LEFT (SOUTH) ELEVATION**  
 1/2" = 1'-0"



**NEW FRONT (EAST) ELEVATION**  
 1/2" = 1'-0"

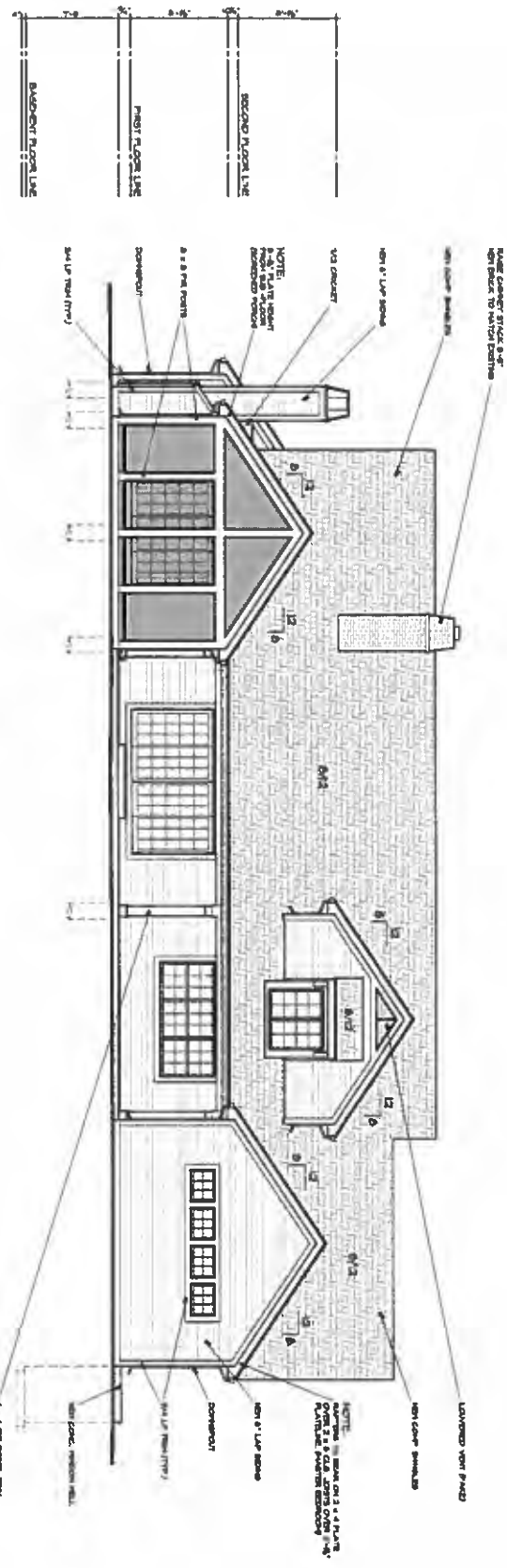
**AN ADDITION FOR:**  
**BRIAN & JACKIE HARTIS**  
 8820 CATALINA DRIVE  
 PRAIRIE VILLAGE, KANSAS

Brian & Jackie Hartis  
 8820 Catalina Drive  
 Prairie Village, MO 64070  
 Phone: 913-831-1111  
 Fax: 913-831-1112  
 Email: bjh@bjh.com



**NEW RIGHT (NORTH) ELEVATION**

1/4" = 1'-0"



**NEW REAR (WEST) ELEVATION**

1/4" = 1'-0"

**AN ADDITION FOR:**  
**BRIAN & JACKIE HARTIS**  
 8820 CATALINA DRIVE  
 PRAIRIE VILLAGE, KANSAS

Brian & Jackie Hartis  
 8820 Catalina Drive  
 Prairie Village, MO 64071  
 Phone: 913-431-1111  
 Fax: 913-431-1112

**2**

March 1, 2018

City of Prairie Village, Kansas  
Attn: Board of Zoning Appeals  
7700 Mission Road  
Prairie Village, KS 66208

RE: Application for Building Line Modification

To whom it may concern:

We are requesting a building line modification for the property located at 8820 Catalina Drive in Prairie Village, Kansas, also known as Lot 5, Block 10, Somerset Acres West, a subdivision in the City of Prairie Village, Kansas (the "Property"). More specifically, we are requesting a modification to the platted building setback line adjacent to Catalina Drive for Lot 5 as shown on the Final Plat of SOMERSET ACRES WEST dated May 4, 1956, approved by the Mission Township Zoning Board on April 23, 1956 and recorded in the Office of the Register of Deeds on May 8, 1956 (the "Final Plat"), from 60 feet to fifty feet 2 inches to accommodate a proposed garage addition.

The requested modification should be approved the following reasons:

1) The requested building line modification arises from conditions that are unique to the property and the need for the modification is not caused by the actions of either Jacqueline Hartis or Brian Hartis (hereafter "Property Owners"). The improvements on the Property are situated such that the proposed garage addition cannot extend in any other direction. The proposed remodel will add significant square footage and value to our property. However, the value of the Property would be significantly diminished in the absence of a three car garage. The inability to build the garage addition due to the current setback line is an unnecessary hardship to the Property Owners.

2) The granting of the building line modification will not be materially detrimental or adversely affect the rights of adjacent property owners or residents. In fact – all of the owners of the property within two hundred (200) feet of our house are very excited about the proposed remodel and approve of the requested building line modification. See enclosed signatures and comments of applicable neighbors and surrounding property owners within two hundred (200) feet of the Property. Moreover, other Property Owners have been granted similar variances which have not adversely affected the right of other property owners or residents of Somerset



Acres West. More specifically Lot 7, Block 10 of Somerset Acres West Subdivision was granted almost the identical variance in August of 2008 and Lot 3, Block 8 of Somerset Acres West was granted similar variance in April of 2006 (copies of Resolutions of Planning Commission enclosed).

3) The strict application of the provision of the zoning regulations, from which the modification is requested, will constitute an unnecessary hardship upon the applicant. As discussed above, the potential increase in profitability of the Property that would not be recognized in light of a denial of the requested variance is an unnecessary hardship on the Property Owners. The proposed remodel will significantly increase the square footage of the house and additional space for storage of maintenance equipment, such as mowers, etc., in addition to the Property Owner's vehicles is necessary. In addition, the proposed remodel would be unbalanced without the garage extension which could potentially create more of a visual issue than the line modification or worst case scenario, result in not moving forward with the addition/remodel as the absence of the third car garage when such significant funds are being spent for the remodel might not be worth it if the resulting Property value isn't significantly increased. Phrased differently, in the event of a sale of the Property, potential purchasers will be much less likely to purchase a house of the proposed expanded size without the third car garage.

4) The variance will not adversely affect the public health, safety, morals, order, convenience or general welfare of the community. The proposed building line modification does not impair an adequate supply of light or air to adjacent properties; it does not substantially increase the congestion in the public streets; it does not increase the danger of fire; it does not endanger the public safety; and it does not substantially diminish or impair property values within the neighborhood. In fact, the proposed line modification would result in significantly increased Property values.

5) The grant of the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

6.) The variance requested is the minimum variance that will make possible the reasonable use of the land or structure. The proposed garage expansion was drawn up to require the least amount of building line modification that could still accommodate current-day vehicles sizes.

We respectfully request your consideration of the proposed variance/building line modification for the aforementioned reasons.

Sincerely,

  
Brian and Jacqueline Hartis

Enclosures



**PROPERTY DESCRIPTION:**

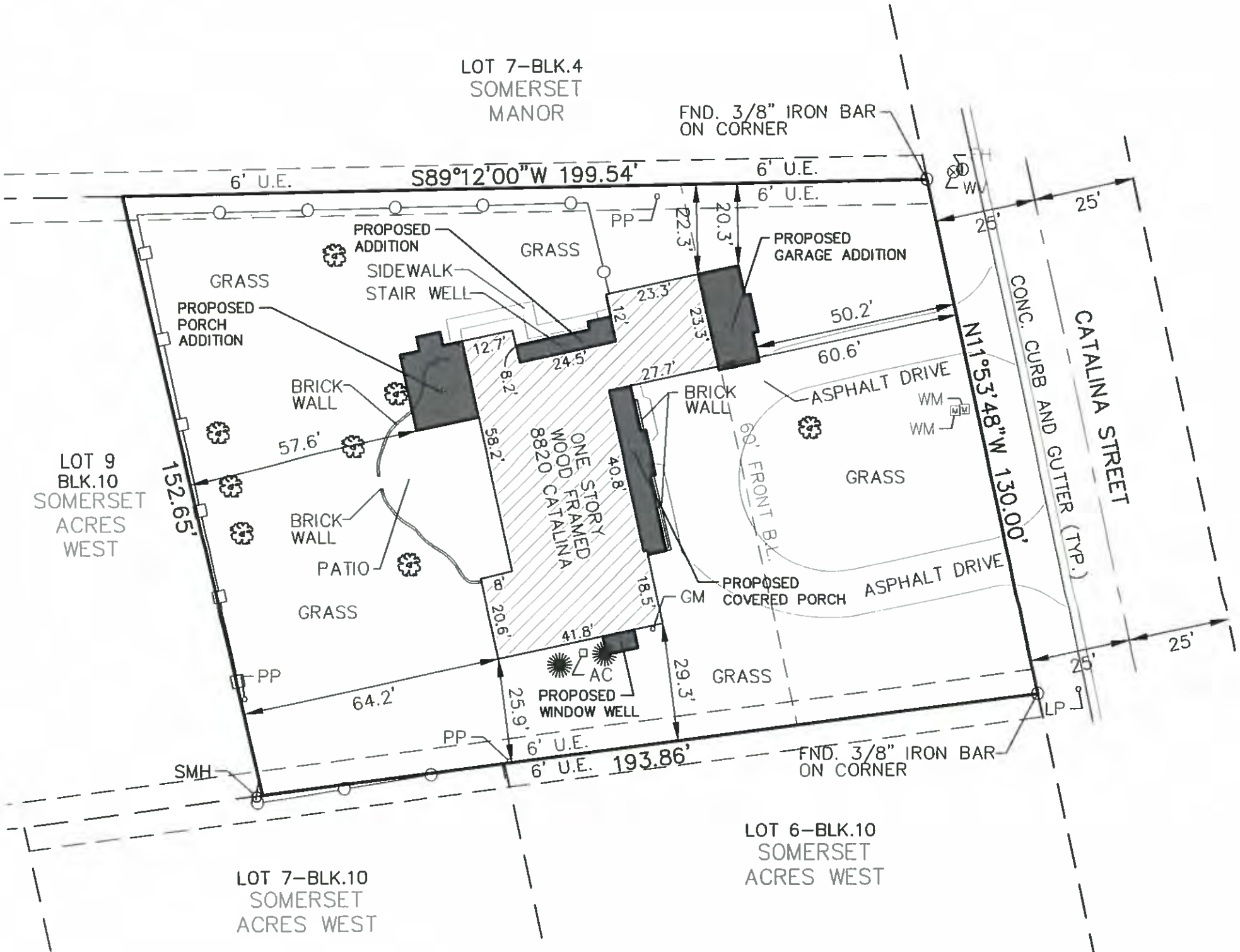
ALL OF LOT 5, BLOCK 10, SOMERSET ACRES WEST, A SUBDIVISION IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.



SCALE  
1"=30'

**SURVEYORS NOTES:**

1. Property information referencing this survey was taken from the Johnson County AIMS Mapping System Web Site.
2. The subject property contains 27,452 square feet or 0.63 acres more or less.
3. The subject property is currently zoned "R-1A".



**PLAN LEGEND**

- SMH SANITARY MANHOLE
- AC AIR CONDITIONER
- GM GAS METER
- FENCE; STOCKADE, WOOD, VINYL OR PLASTIC
- FENCE; CHAIN LINK, STEEL OR ALUMINUM
- LP LIGHT POLE
- PP POWER POLE
- ⊗ TREE
- WV WATER VALVE
- WM WATER METER
- FH FIRE HYDRANT
- FOUND PROPERTY CORNER
- B.L. BUILDING LINE
- U.E. UTILITY EASEMENT

**CERTIFICATION:**

I hereby certify that this drawing is based on an actual field survey made by me or under my direct supervision.



Jason S. Roudebush 1415  
February 27, 2017  
jroudebush@olssonassociates.com

Location: D:\...roudebush\Brian Hartis Property\Hartis Plan 11x17.dwg



1381 Burlington, # 100 TEL: 816.567.4325  
North Kansas City, MO 64116 FAX: 816.567.1383 www.olssonassociates.com

Project No.: HARTIS

**EXISTING CONDITIONS**

**BRIAN AND JACKIE HARTIS**  
8820 CATALINA STREET  
PRAIRIE VILLAGE, JOHNSON COUNTY, KS

Memorandum

**To: Prairie Village Planning Commission**

The Comprehensive Plan is the most important document for guiding the physical growth and development within any community. The plan provides the policies, strategies and actions necessary for achieving a desired vision. The Comprehensive Plan is the Planning Commission's primary decision-making tool for which the pattern, form and quality of development is shaped.

Now 11 years old, Village Vision has served the city, residents and businesses well in creating a regionally respected community. However, an update to Village Vision is necessary to adequately address the current challenges and opportunities within the community, and refine the community's desired future. *Village Vision 2.0* will provide necessary guidance to help Prairie Village continue its evolution.

Prairie Village has significant achievements because of Village Vision, resulting in numerous changes and improvements to the community. Addressing important community items, such as the Corinth Square improvement, the Parks Master Plan, the Meadowbrook Redevelopment Plan, various regulatory updates, better regional cooperation, and expanded community art programming, has afforded the community the opportunity to build upon the quality of life we all enjoy.

A planning process that builds upon the foundation of success that has been achieved by Village Vision is necessary to create an updated/new Village Vision - *Village Vision 2.0*. The process will involve three primary tasks:

- *Community Profile Update* – a technical update to the socio-economic data in the plan to create a current picture of the community. The community profile will provide the foundation for revised or new development policies and recommendations.
- *Validate Community Direction* – verification of the vision, goals and development principles within Village Vision for their applicability now and to the future of Prairie Village.
- *Implementation Update* – identification of strategies and actions necessary to achieve a desired future. This component will provide an action plan for future development and improvements within the community.

The City Council has prioritized an update to the Comprehensive Plan, and has asked for your recommendation as to how this should be accomplished. We would suggest the previously presented process as a means to achieve this goal. We look forward to discussing this further with you.