**PLANNING COMMISSION MINUTES**

FEBRUARY 6, 2018

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, February 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 and Gregory Wolf.

The following persons were present in their advisory capacity to the Planning Commission Chris Shires, City Planning Consultant on Meadowbrook Development; Chris Brewster, City Planning Consultant; Jamie Robichaud, Assistant City Administrator; David Waters, City Attorney and Joyce Hagen Mundy, Commission Secretary.

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

Gregory Wolf moved for the approval of the minutes of the January 9, 2018 regular Planning Commission meeting as presented. The motion was seconded by Jonathan Birkel and passed by a vote of 4 to 0 with Mrs. Brown abstaining.

Chairman Nancy Wallerstein announced the agenda has been amended and items PC2018-01 – the request for a Special Use Permit at Homestead Country Club and PC2018-03 – the request for rezoning & lot split for 7540 Reinhardt will be continued to the March 6th Planning Commission meeting. Individuals in attendance for those two items were advised that no action would be taken on these applications by the Planning Commission this evening.

**NON PUBLIC HEARING**

**PC2018-106 Final Development Plan – Meadowbrook Inn**

 **4901 Meadowbrook Parkway**

Gregory Wolf stated that as his law firm represents VanTrust, he would be recusing himself and left the meeting. Chris Brewster also recused himself and left the dais.

Justin Duff, 4900 Main, with VanTrust Real Estate, requested Final Development Plan approval for the proposed Meadowbrook Inn. The Inn is located along the south side of Meadowbrook Parkway (Lot 54) and contains 2.91 acres. The Plan is consistent with the concept shown in the approved Vision Booklet and Preliminary Development Plan for the Meadowbrook development. The Meadowbrook Inn has 54 rooms and approximately 5,000 square feet of retail, including a restaurant with an outdoor patio.

Victor Buckles, with LLK Architects out of Memphis, reviewed the proposed site plan for the inn, noting it is very similar to that presented in the preliminary development plan. The three-story building with a pitched residential style roof building is located close to the residential buildings and auto court. The upper right corner of the building is where the restaurant and potential retail tenant is located. The inn entry is in the middle of the building with a porte cochere and special paving to set off the lobby. Also planned is a rear courtyard with amenities for the guests. The parking is surrounded by a landscaped wall. The architecture is consistent with the original vision, an English romantic cottage theme. Mix of classic building with a combination of white fiber cement board siding and stone. Material pallet kept elegant. Perspective elevations from different views were presented. The north elevation borders Meadowbrook Parkway.

Jonathan Birkel confirmed the site plan shows a garage for trash containers. Mr. Buckles pointed out the three doors for the fully enclosed trash area with dumpsters that pull out. Mrs. Wallerstein confirmed that the inn is off from Meadowbrook Parkway. Mrs. Wallerstein asked how many parking spaces were provided. Mr. Buckles replied there are 95 on-site parking spaces for the 54 room inn. Mr. Birkel asked how many employees were projected. Justin Duff responded 4 to 5 employees are projected for the inn. Mrs. Wallerstein confirmed overflow parking would be on Meadowbrook Parkway.

Jeffrey Valentino asked if there would be a monument sign for the Inn. Mr. Duff replied that at this time they don’t have a sufficient feel for the type of restaurant to design a sign and will be coming back to the Commission with that at a later date.

Mrs. Wallerstein asked if there would be meeting rooms on the second floor. Mr. Duff responded that currently there is a meeting room on the main floor. He reviewed the proposed layout of the first floor and how it could accommodate corporate board meetings or retreats. He hoped the restaurant would be flexible and also have meeting areas.

Chris Shires, with Confluence, the Planning Consultant on the Meadowbrook Project, noted the proposed Final Development Plan is consistent with the approved Preliminary Development Plan. The conditions of approval from the Preliminary Development Plan approved in December of 2015 have been addressed.

The Meadowbrook Vision Booklet and Preliminary Development Plan estimated the room count for the Inn at 50 rooms. The slight increase to 54 rooms, as proposed, is permissible as this increase is less than a 10% variance from the approved Preliminary Development Plan, as is allowed in the zoning code.

The parking memorandum prepared by the applicant’s engineer provides an appropriate basis for the Inn’s parking demand and credit for parking shared between the hotel and restaurant use is appropriate in this situation, as many restaurant customers will also be staying at the hotel.

As part of the previous approval of the Preliminary Development Plan, a condition was placed that all major service vehicles for the Senior Living Center and the Inn shall use only the entrance at 94th Terrace/Rosewood Avenue and that deliveries avoid the am and pm peak traffic times. This original condition has been added as a recommended condition of approval of the Final Development Plan for the Inn.

Mr. Shires noted the applicant will need to provide an auto-turn analysis to verify that emergency service vehicles can adequately circulate through the site and may need to modify the site plan to provide an emergency vehicle access along the west side of the building. The building’s covered entrance (porte cochere) will need to be designed and constructed with a minimum 13.5 feet of vertical clearance for emergency vehicles. The clearance width of this covered entrance will also need to be wide enough to accommodate emergency vehicles. The location of the fire department connection to the building’s fire sprinkler system and the location of all on-site fire hydrants will need to be reviewed and approved by the Fire Department.

Mr. Shires reviewed the following recommended conditions of approval:

1. The applicant agrees that all major service vehicles for the Inn shall use only the entrance at 94th Terrace/Rosewood Avenue and to direct their vendors to avoid am and pm peak traffic hours.
2. The applicant providing an auto-turn analysis for the site for emergency vehicle circulation and addressing, to the satisfaction of the Fire Chief, all emergency vehicle circulation requirements as well as the locational requirements for the fire department connection and all fire hydrants.
3. Prior to the issuance of any building permits, the applicant provide a revised Final Development Plan and building elevations that address all staff comments.

Nancy Wallerstein asked if the service vehicles could be limited to a specific time of day. She is concerned with large vehicles driving through the center of a park. Mr. Shires stated that technically they could be limited, but his recommendation would be to encourage the Commission not be specific on that issue. He feels the proposed use as an inn would have limited service vehicle traffic.

Justin Duff responded that, as they have committed for the other areas of the park, they would try to manage service drivers and delivery times to the early morning or late evening hours. He agrees with Mr. Shires’ recommendation. Mrs. Wallerstein noted the Senior Living traffic is coming from 94th Terrace or Rosewood and not through the center of a park.

Jeffrey Valentino moved the Commission approve the Final Development Plan for the

Meadowbrook Inn at 4901 Meadowbrook Parkway subject to the following conditions:

1. The applicant agree that all major service vehicles for the Inn shall use only the entrance at 94th Terrace/Rosewood Avenue and to direct their vendors to avoid am and pm peak traffic hours.
2. The applicant providing an auto-turn analysis for the site for emergency vehicle circulation and addressing, to the satisfaction of the Fire Chief, all emergency vehicle circulation requirements as well as the locational requirements for the fire department connection and all fire hydrants.
3. Prior to the issuance of any building permits, the applicant providing a revised Final Development Plan and building elevations that address all staff comments.

The motion was seconded by Jonathan Birkel.

Melissa Brown asked for clarification on the north elevation, if a sign was to be located at that point. Mr. Buckles replied there is no signage proposed. Mrs. Brown noted on the second perspective she likes the massing of the restaurant; however, the portico on the south extends into the stone massing wall and suggested where a stronger element could be placed. Mr. Buckles replied that they will keep that in mind.

Jonathan Birkel asked if there were rooms on the second floor behind the gable. Mr. Buckles confirmed there were rooms behind the gable on the second floor.

Chairman Nancy Wallerstein called for a vote with the motion passing unanimously.

Commissioner Wolf returned to the meeting.

**PUBLIC HEARINGS**

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

 **4100 Homestead Court**

Dennis Hulsing, 5009 West 68th Street, stated he purchased the County Club in early November with plans to revitalize the club with improvements to the existing facility as well as expanding its facilities and enclose a bank of four tennis courts currently covered by a temporary bubble.

Chris Brewster noted that staff had completed their review of the application; however, a drainage study was not completed and submitted to Public Works for review. Staff felt there may be changes to the staff report based on the drainage study and recommend the application be continued to the March 6th meeting with a drainage study to be completed and presented to Public Works for review.

Chairman Nancy Wallerstein opened the public hearing on this application.

Mary Anne Murray Simons, 4110 Homestead, stated that she was speaking on behalf of the neighbors on Homestead Drive adjacent to Homestead. Over the past years, their homes have experienced serious drainage runoff from the existing lot on the north side of the club. They view the expansion as a significant encroachment. The additional impermeable square footage is of great concern, as storm runoff flows directly to and through their yards toward the drain on Homestead Drive. Add to this the addition of two banks of raised tennis courts between the clubhouse and the tennis courts that create additional runoff on the south side of the club, not to mention the significant light pollution experienced by the adjacent residents.

Screening the perimeter of the club with mature evergreen trees of a certain height, width and caliper is something the neighbors would like to see to both screen their homes from the club as well as serve as a sound barrier and also asked the club to maintain both the new and existing trees on the site. They asked that Homestead partner with the neighborhood to contain and control storm water runoff, to present detailed plans to neighbors and provide the opportunity for their input and comment and look to the City to be diligent in its oversight of the Homestead expansion plans.

Nancy Wallerstein stated that the public hearing will remain open and continue at the March 6th Planning Commission meeting.

Gregory Wolf moved the Planning Commission continue consideration of PC2018-01 to the March 6th Planning Commission meeting. The motion was seconded by Jeffrey Valentino and passed unanimously.

**PC2018-02 Request for Special Use Permit for a carwash &**

**PC2018-102 Amendment to Preliminary Development Plan**

 **7930 State Line Road**

Aaron March, 4510 Belleview, attorney for the applicant, introduced the following members of their team in attendance: Pettey Hardin, principal with Tidal Wave, and Thomas Wells, development consultant for Tidal Wave. He thanked the staff and the neighbors for their comments and input on this application. Mr. March noted the proposed site is an approximately 1.3 acre lot at 7930 State Line Road that previously housed an office building that has been vacant for the past two years. In 2015, the property was rezoned CP-1 to accommodate a fast food drive-thru restaurant. They are not seeking rezoning of the property, but approval of a revised preliminary development plan and special use permit for the operation of a car wash. Mr. March stated they concur with the staff report and conditions of approval with one exception.

Pettey Hardin, PO #311 Thomasville, GA, provided history on Tidal Wave which first began in 2004 in Atlanta, Georgia. They were selected by the United States Small Business Administration as the Small Business of the Year for Georgia in 2009. This site would be their 36th operation in the country. He noted of the 27,000 car wash facilities in the country, they have consistently been ranked in the top 50. The company objectives are 1) to be the most attractive business in the community, 2) to provide the cleanest, greenest and easiest car cleaning service and 3) to maintain each location in a clean and beautiful manner with superior customer service.

They generally operate their facilities seven days per week from 8 a.m. to 8 p.m. at most locations. This can change with the seasons, generally closing earlier in the winter. Recycled water is used at all locations. Water conservation is promoted by reducing the amount of “fresh” water needed to provide a quality exterior wash vs. car washes at home using 14 to 20 gallons of fresh water vs. 80 to 140. Waste water from their operation is filtered prior to entry into the sanitary sewer system.

Mr. Hardin stated Tidal Wave is very active in the communities where they are located, partnering with local schools, athletic teams, service organizations, churches and other 501(c)(3) organizations. The third Friday of September is designated as “Charity Day,” with 100% of ALL proceeds donated to special needs charities.

Thomas Wells, developer consultant for Tidal Wave, reviewed the site plan for the project with the proposed landscaping. He noted that they have taken the existing two entrances and combined them into one location. The entrance lane comes up to the pay station and circles around to the tunnel where the car wash is done. Prior to preparing this plan they met with the neighbors to gather input to address their concerns and the concerns addressed with the previous application for this site, amending their original site plan. As a result of that meeting, the tunnel location was moved from the center of the site to closer to State Line Road and further from the residential properties.

Mr. Wells shared a photo of an existing operation, showing stacked veneer stone on top of a water table then a split base masonry unit on the lower elevation. He pointed out the mechanical room that adjoins the car wash, noting that all of the equipment is enclosed. These elements are continued throughout the site. Mr. Wells showed a photo of the pay terminal, which is enclosed in brick (similar to an ATM machine) and attached to the canopy. The tunnel entrance to the north was presented. The south elevation is predominately glass with stone and masonry accent on each end. The tunnel canopy has an eave height of 12 feet and a peak height of 18 feet. A rendering of the exit elevation that is located closest to State Line Road and contains the dryers was reviewed. The northern elevation was shown that backs to the interior of the site. The proposed vacuum canopies have a 9 foot clearance with a façade of 42 inches. A rendering of the brick vacuum enclosure was shown and Mr. Wells noted that at the request of the neighbors, this also has been moved to a different location than their original plan.

A privacy fence is proposed where this property abuts the residential properties on the northwest side and southwest corner. It is a composite fence with a lifetime guarantee that simulates a rock wall but also has soundproofing qualities. The fence would require zero maintenance once constructed as opposed to a cedar wooden privacy fence.

Mr. Wells reviewed a cross section of the enhanced landscape buffer location where the fence would be constructed on the northwest side. The property line is in the backyard of the residential properties to the northwest and an existing chain link fence serves as a barrier between the residential properties and the parking lot of the vacant office building. Their plan is to create a landscape buffer by planting some evergreens, large shrubs and small trees along that portion and the privacy fence would be located on the interior of the site adjoining the paved area.

The two primary issues were presented at the neighborhood meeting. One was to relocate the vacuum enclosure, which was proposed in closer proximity to the residential properties, even though it is a fully enclosed structure. Sound measurements have been taken finding this to be less than 63 decibels at 25 feet. However, they were able to relocate it from the proposed island to further away from the residential properties. The second request was to extend the privacy fence beyond the end of the residential property to the abutting south property line.

Mr. Wells summarized the following actions taken in response to residents’ requests:

* The site was reconfigured so that the tunnel exit is facing and closest to State Line Road
* South levels at a distance of 25 feet from the vacuum enclosure were measured at 62.4 dBA, which is less than normal conversation at 3 feet
* Vacuum enclosure has been relocated on the site to provide additional separation from the residential properties. It is 140+ linear feet to the nearest residential property line.

Aaron March noted the preliminary plan approved for this site in 2015 was for a drive-thru fried chicken restaurant that would be open until 11 p.m., consistent with the many drive-thru restaurants located along State Line Road. They feel that their use is much less invasive and more compatible with the adjacent residential properties. Their hours of operation are fewer, creating a reduction in light and noise. There is no smell or odor associated with their operation. This use will generate less traffic, with 34% fewer afternoon peak traffic trips and the proposed plan reduces the number of curb cuts unto State Line Road from two to one, creating safer conditions.

Mr. March stated they are in agreement with the conditions of approval numbers 1 through 7 recommended by staff. They request that condition #8 be amended as follows:

 The Special Use Permit shall be valid for a period of 5 years, and shall automatically renew for successive 5 year periods ~~at which time a renewal of the permit shall be~~ based on Staff’s determination that the special use continues ~~continuing~~ to meeting the criteria of the original approval, and the Applicant addressing any unanticipated impacts identified by Staff from this use on adjacent residential property.

Mr. March stated it is very difficult to get a loan for a $3.4M investment that is only secured for a five year timeframe. They are looking for a little more certainty that if they are following the requirements of the city that the permit will be renewed. They are not seeking an unlimited period of time, but that the renewals be automatic, pending their compliance with the requirements of the City.

Chris Brewster noted this site was rezoned for C-O and R-1B to CP-1 in 2015, in association with a preliminary development plan for a restaurant. An associated conditional use permit for a drive through restaurant was approved at the same time. The Planning Commission and City Council approved the application in September 2015. A final site plan was approved by the Planning Commission in October 2015.

The approved application and use was never constructed, and this new proposal for the site reflects a change in the preliminary development plan, requiring Planning Commission review and a recommendation to the City Council on the new development plan. In addition, the proposed use as a Car Wash is a special use in the CP-1 zoning district, also requiring a Planning Commission recommendation and City Council final decision. Therefore, this application involves two separate but related actions by the Planning Commission:

* Recommendation to the City Council for an amended preliminary development plan; and
* Recommendation to the City Council for a special use permit

If each application is approved by the City Council, a final development plan will be submitted to Planning Commission for review prior to building permits being issued.

Approval of each of these applications by the City Council will allow the applicant to prepare and submit a final development plan for construction, refining of the details of the preliminary plan, addressing any conditions of approval of the preliminary plan or special use permit, and demonstrating compliance with all other city ordinance requirements.

This property is located south of the Panda Express, which was rezoned to CP-1 in 2007. The parcel has 100 feet of frontage on State Line Road and has a depth of 651 feet along the south property line. The parcel has an irregular boundary and contains approximately 1.37 acres. The site is occupied by an office building that was built in 1968 and the applicant proposes to demolish that building and construct a Tidal Wave car wash. A neighborhood meeting was held on January 15, 2018, and the applicant has noted the changes made at the residents’ request at that meeting.

In considering an amended preliminary development plan for CP-1 zoning, the Planning Commission must consider the same criteria for the initial preliminary development plan. Mr. Brewster noted that most of the conditions of the property have not changed since the application that came before the Commission in 2015. The factors include, but are not limited to the following:

1. The character of the neighborhood;

The general character of this area is business on both sides of State Line Road. Culvers, Wendy’s, CVS Pharmacy and McDonald’s are located on the east side of State Line Road and all four have drive-thru windows, and in general are automobile-oriented commercial sites. To the south are offices. The immediate area to the north is developed with restaurants and retail uses, the abutting Panda Express also has a drive-thru window.

There are residential uses to the northwest and west of this property which have their rear yards adjacent to this site. Due to the irregular shape of this lot and pattern of streets in the vicinity, the residential adjacency begins approximately half-way down the northwest property line of this site, comprising the rear lot line of residential lots that front on Somerset. The southwest rear edge of this property abuts rear lot lines or residential lots in Leawood. This is a sensitive adjacency that is typical of many commercial corridors in older residential areas.

1. The zoning and uses of property nearby;

North: CP-1 Planned Restricted Business – Panda Express and R-1B Single-Family Residential – Single-Family Dwellings

East: Commercial (Kansas City, MO) – CVS and Wendy’s

South: R-1 Single-Family Residential – Single-Family Dwellings and SD-0 Business Office District – Financial Institution (Leawood, KS)

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

All of the property in the immediate vicinity along this corridor is zoned for commercial or office uses. There is a small area between Somerset and 79th Street north of this site that is zoned residential (R-1B), and residential property south of 83rd Street in Leawood, which is also residential. Property generally to the rear of this site is zoned residential. Property immediately off the corridor to the west transitions to R-1B zoning.

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

The existing building was previously used for office space, but has been vacant since around the time of the original application in 2015. At that time, the property was experiencing some degree of vacancy and the previous application noted that the office market in Prairie Village is weak for this type of space. The building is older, having been built in 1968, and its appearance is not such that it would command the interest of many potential tenants. The existing building probably is at a state where a teardown and rebuild is a logical solution to more economically and effectively use the site. Since this property is on State Line Road, redevelopment for commercial use has a stronger potential.

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

The properties to the north, south and east are developed for business uses and the redevelopment of this property will not detrimentally affect them. There will be additional traffic because a car wash generates more traffic than an office, but State Line Road can accommodate it. The applicant has submitted a traffic study, which projects that the expected traffic flow will be comparable or less than the previous anticipated use as a restaurant. This is in part reflected by different expected peak times, different capacity of the site (car wash bays vs. tables /drive-through in a restaurant), and the general nature and market for the proposed use in this area.

The residential uses to the northwest and southwest would be most affected by the car wash because of noise and lights from the traffic. The development plan proposes locating the higher intensity activities of this use to the front portion of the site along State Line, separating this from residences by both distance and the buildings. However, traffic circulation and other lower intensity activities are located closer to the residential property. Fencing and landscaping will be required to screen the use from the residential properties in a manner that mitigates negative effects. The car wash will be required to follow the outdoor lighting regulations, which prohibit outside lighting from impact on adjacent property.

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

Until 2015, the building had been continually occupied by office uses since it was built, but was beginning to experience some degree of vacancy. It has been completely vacant more recently, due to the pending redevelopment of the site.

1. 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 redevelopment of this site will permit the removal of one structure that is not at the quality that is desired by the market, and will allow the redevelopment for a use that will be of higher value relative to what has been occurring on this site and in the vicinity more recently. The site has not been well maintained or fully occupied under the previous office zoning. The recent approval of a redevelopment plan for a restaurant and drive-through under the current CP-1 zoning also were not completed. Maintaining the standards of this previously approved development plan does not present any significantly different impacts on adjacent neighbors or property that cannot be adequately addressed through comparable site plan, design or performance standards for the new development plan.

1. City staff recommendations;

Mr. Brewster stated it was the opinion of Staff that this is a logical request for an amended plan in the CP-1 Planned Restricted Business District Zoning. The use is of a comparable intensity to the previously considered use under a different development plan for the CP-1 district. The lot fronts on a commercial corridor where commercial uses benefit from exposure and capturing traffic from the corridor, so the context attracts uses such as proposed. This is an unusual site due to the long, narrow configuration of the lot, which is not compatible to more conventional or typical office building formats under the previous zoning. The proposed plan and use seems to use this irregular shape to its advantage. However, due to the car-oriented nature of this use (as was with the previous use approved under the CP-1 rezoning), and due to the intensity of activities under this plan, mitigating any potential impacts is important. Improving the relationship to the adjacent residential property and improving the aesthetic appearance of the buildings and site along State Line are the key strategies for making this generally appropriate concept meet the intent of the Planned Zoning District.

1. Conformance with the Comprehensive Plan;

Village Vision identifies this area as a Commercial Improvement area in the Conceptual Development Framework. There are no specific policies, plans or concepts for this portion of the State Line corridor.

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, and redevelopment with particular attention on how they relate to surrounding neighborhoods and to public streetscapes.

1. Approval of the Preliminary Development Plan.

Mr. Brewster noted that all planned zoning is conditioned on an approved preliminary development plan. Therefore, substantial amendments to a preliminary development plan require consideration of the criteria for evaluating the preliminary development plan, which are the same criteria as is used in site plan approval. Staff analysis of the proposed preliminary development plan is as follows:

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

The landscape plan demonstrates attention to some of the sensitive relationships of this site. The proposed vinyl fence will be a dominant feature on this property and is crucial to the relationship with the residential uses. Evergreen plants are shown on the neighbors’ side of the fence to soften the impact of this feature. Specifics on the exact type and color of the fence will need to be supplied prior to the final development plan, including either material samples or photos if this product applied on other similar sites. The design, location and size of the fence included in the plan demonstrates the visual screening aspect, and specifically the mitigation of headlights from the circulation or any queuing of vehicles. Per the residents’ request the fence will continue around the western-most extent of the south property boundary that also abuts residential property.

Some additional landscape materials are recommended for portions of the site, including: the front shrub bed to improve the relationship to the streetscape, the triangular lawn on the northeast corner of the building, the southeast corner of the building along the neighborhood property line, and the interior side of the fence.

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

The property is currently served with water, sewer, gas, electric, telephone and cable. The size of the proposed building does not appear that it would require anything out of the ordinary and the available utilities should be adequate to handle the project.

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

The area of the site is 1.36 acres with 1.15 acres covered with impervious material including a building and pavement. The proposed project will have 0.93 acres of impervious area. This is a reduction of approximately 9,583 sq. ft. of impervious area. Since the impervious area has been reduced, a stormwater master plan will not be required at this time. The stormwater and drainage will be reviewed by Public Works as a part of the building permit process.

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

Ingress and egress will be provided from a single point off State Line Road, near the existing north entrance to the site. The plan shows a single-lane entry and a two-lane exit providing a left and right out option onto State Line Road. Within the site a circulation lane allows an ample number of stacking spaces so there should not be a traffic problem on State Line. The internal portion of the site is designed for circulation between the queuing area for the car wash, the pay kiosks and the exit. The volume of traffic generated by the car wash is projected in the traffic study, and has been reviewed by Public Works. The projected traffic is comparable and less than the impacts under the previous plan, and does not appear significant enough to affect State Line Road.

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

The site plan appears to be well laid out considering its limited size and irregular configuration of the lot. The more intense activities have been oriented toward State Line Road, which is a high traffic commercial corridor. The plan has added additional landscape area and fencing beyond the current condition, which can help mitigate potential impacts on adjacent residential property. More open areas allow for more landscaping as well as reduce stormwater runoff from the current condition.

The plan demonstrates attention to the sensitive residential boundary with screening and landscape to block visual impacts. The circulation and queuing area does pass near this screen but the majority of activity is located to the internal portion of the site, and the building with the most intense activity located farthest from the residential boundary. The central portion of the site does include both a series of pay kiosks and a trash enclosure. However, there are not design concepts or details associated with the pay kiosks. If canopies, structures, or other related service stations will be constructed here, typical details and examples should be provided. In addition, details to the operating and performance of the pay kiosks shall also be provided including any expected noise impacts for residents, and how those potential impacts are to be mitigated under this plan.

A lighting plan has been submitted that demonstrate the light levels at the residential perimeter are zero. The adjacent commercial properties are at varying levels, but are within commonly acceptable levels for commercial adjacency. However, pole heights should be shown on the plan to verify these performance levels and the general compatibility with surrounding property.

 Mr. Brewster noted when the Planning Commission has considered other redevelopment projects, pedestrian access and connectivity has been considered. The applicant has provided a sidewalk adjacent to State Line Road, which will connect to the sidewalk to the north. The proposed use of this site is vehicle-focused so pedestrian access to the building and site is not provided, nor considered necessary.

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

The applicant has submitted photographs of a comparable prototype facility, a photo simulation of the proposed building, and typical elevations. The plan includes four structures – a car wash building of approximately 3,500 square feet, a canopy that covers 17 pay kiosks in the central portion of the site, a vacuum screening structure at the west end of the pay kiosks, and a trash enclosure further to the west end of the kiosk.

The car wash is the most significant structure and the submitted images and elevations depict a cultured stone veneer as the predominant material on the front facade with natural earth tones, built upon a split-faced block base. The roof is blue prefinished standing seam metal. A large portion of the facades on the north and south elevations is glass, providing views into the car wash equipment aligned in a long, linear fashion. A larger part of the building projects into the internal portion of the site is EFIS material with stone accents.

The canopy over the pay kiosks is also a significant structure. It appears that a blue metal panel canopy that covers the parking area and equipment is typical.

Details on the dumpster enclosure show an 8-foot high, fully enclosed structure with “facade to match the on-site buildings.” It is not clear which materials of the building are proposed for this, however from other examples split-face block base with an EFIS main wall is typical.

The vacuum enclosure has been relocated to the east end of the pay kiosk. Examples of the typical enclosure have been provided, materials, elevations and details will need to be provided at final plan approval.

Material samples were provided for view at the Planning Commission meeting for all structures including:

* The fence (photo examples or manufacture specifications for this specific material may be acceptable if a sample is not possible)
* The car wash building, canopy, vacuum screen and trash enclosures.
* Colors and basic material parameters should be committed to in the preliminary development plan, or detailed on conceptual elevations.
1. The plan presents an overall development pattern that is consistent with the Comprehensive Plan and other adopted plan policies.

This was reviewed in Section 8. of the general CP-1 criteria. There are no specific plans or policies for this area under the comprehensive plan, that would impact the preliminary development plan beyond that criteria.

1. The Planning Commission and Governing Body may, in the process of approving preliminary and final plans, approve deviations from the standard requirements as follows, provided any deviations approved shall be in keeping with accepted land planning principles and must be clearly set out in the minutes as well as on exhibits in the record:

The setbacks of buildings from a property line other than a public street may be reduced to 60% of the standard requirement and setbacks at paved areas adjacent to property lines, other than street lines, to zero if existing or proposed development on said adjacent land justifies the same.

Site plan has elevations for the trash enclosure and the typical elevations include dimensions that demonstrate compliance with the C-1 zoning standards. The C-1 district has the following development standards for buildings:

* height – 35 feet max;
	+ The main carwash feature is 18 feet high at the ridgeline; approximately 12 feet high at the soffit (eave) height along the longer elevations; with a cupola beginning at approximately 21 feet, 9 inches
* front setback – 15 feet;
	+ The site plan shows the main car wash building approximately 42.5 feet from the front property line.
* side setbacks – none, except when abutting lesser districts the standards of that district apply. In this case, the south lot line is zoned office and the comparable setback under the Prairie Village zoning ordinance is 10 feet for one-story (approximately 10 – 18 feet); 15 feet for two story (approximately 19-28 feet); and 20 feet for two and one-half story buildings (approximately 29-35 feet). Therefore, the actual height of the proposed structure will determine the appropriate setback on this side.
	+ The site plan shows the main car wash building to be greater than 10 feet from the south side property line. It is primarily a one-story structure with an eave height of 12 feet along this elevation and a ridge height of 18 feet further internal to the site.
* rear setback – none, except 10 feet when abutting lesser districts, which is the case for this lot.
	+ The site plan shows that all structures are well beyond a 10 foot rear property line.

Dimensioned plans have not been submitted for the accessory structures, including the 20 x 20 prep canopy, the 25 x 16 pay kiosk or the vacuum canopy; however, the illustrations and prototype examples demonstrate these are typically within these standards and accessory to the car wash building.

Detailed and dimensioned plans should be submitted prior to final plans, demonstrating that all building dimensions meet the above standards, and, in general, the preliminary development plan should commit to general compliance with these standards.

**ANALYSIS – SPECIAL USE PERMIT:**

Mr. Brewster stated car washes are listed for eligibility in the C-1, C-2 and C-3 districts only, and therefore are applicable to the planned version of these districts (CP-1). There are no specific criteria or standards for car washes, so the special use permit should be evaluated according to the general special use criteria in Section 19.28.035. He noted that some of these criteria are similar to those for a preliminary development plan and have been addressed.

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

This was more fully reviewed in the overall CP-1 and preliminary development plan criteria above. Car washes do not have any additional use-specific standards to apply in this situation.

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

This was more fully reviewed in sections 3., 4., and 6. of the CP-1 / preliminary development plan criteria.

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

This was reviewed in section 6. of the CP-1 / preliminary development plan criteria.

**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 that the special use will not dominate the immediate neighborhood so as to hinder development and use of neighborhood property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood consideration shall be given to:**

**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 was generally reviewed in sections 9.a., d., e. and f. in the CP-1 / preliminary development plan criteria.

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

This was reviewed in sections 4., 9.a, d., e. and f. in the CP-1 / preliminary development plan criteria.

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

This was reviewed in sections 9.b. and c. in the CP-1 / preliminary development plan criteria.

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

This was reviewed in section 9.d in the CP-1 / preliminary development plan criteria.

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

This was covered under the general development plan criteria. In addition, a car wash has particular impacts that need consideration under this factor, which is why it requires a special use permit in the CP-1 district.

As a water intensive use, specifics on the drainage, run-off and how wastewater is handled on the site and in relation to other water, wastewater and run-off infrastructure will be reviewed by Public Works in association with the drainage permit and other construction permits. The applicant has supplied some analysis in the preliminary plan and indicated that this plan will recapture all waste water resulting from the car wash.

In addition, some activities associated with this use occur in parking areas. The visual screening of this has been covered under other criteria. The applicant has submitted an acoustic measurements document of a comparable location in Sharpsburg, Georgia to assess the potential impact on adjacent sites, which is included in the packet. This test resulted in measurements between 56.6 decibels and 89.7 decibels – the highest being at a distance of 25’ from the most intensive equipment and on axis with it. This would be comparable to a location on State Line Road for this site plan. This study does not make a direct translation to the findings or typical expected results for this site. The applicant should provide this information at the hearing, and identify how any of the screening and noise mitigation components of the site plan will affect the west and northwest boundaries near residential property.

For reference, a survey of several peer community noise ordinances revealed the following typical ranges, measured at the boundary of adjacent property. (ranges reflect different communities’ thresholds):

|  |  |  |
| --- | --- | --- |
|  | Business Hours (7AM – 10PM) | Quiet Hours (10PM – 7AM) |
| Residential | 60 dBA – 70 dBA | 45dBA – 55dBA |
| Commercial | 65 dBA – 80dBA | 50dBA – 60dBA |
| Industrial | 80dBA – n/a | 60dBA – n/a |

I. Architectural style and exterior materials are compatible with such styles and materials used in the neighborhood in which the proposed structure is to be built or located.

This was reviewed in section 9.f. in the CP-1 / preliminary development plan criteria.

Mr. Brewster stated that staff recommends approval of both the amended preliminary development plan and the special use permit, subject to the following conditions to be addressed prior to a final development plan, which shall be approved by Planning Commission:

1. Landscape plan amendments.

a. Add two shade trees to the front shrub bed. They should be 2.5” caliper and species of Qeurcus bicolor is recommended.

b. Add shrubs and perennials to fill the triangle lawn island at the northeast corner of the buildings

c. Add shrubs in the lawn area at the southeast corner of the building, along the neighboring property line.

d. Provide shrubs and perennials on the interior side of the fence to soften the visual impact (to be reconsidered in association with specific fence color and material sample reviews).

e. Tree types at the west corner of the planting plan are not indicated on the schedule. Norway Spruce is recommended.

2. Site Plan amendments

a. Identify the fence color and provide samples of the fence, prior to final plan. Extend the fence at the west side of the site to continue up the south property line to the point of the last rear boundary of a residential lot. (Note: Manufacture specifications showing photographs and the sound-mitigating characteristics of the fence have been submitted as a supplement to the application, and will be reviewed by staff – SlimTek Simulated Stone Fence.)

c. Identify utility boxes to determine the visual impact, and screen these from adjacent property and streetscape with landscape materials.

d. Indicate pole heights and specific locations of lights to show performance criteria on the photometric plan.

e. The applicant continue to advance the concept for emergency vehicle access shown in the Autoturn Exhibit, except that the backing area be a fire land designed for no parking, and an loss of employee parking be located elsewhere on the site.

3. Final elevations and details of the car wash building, canopy and associated equipment, and the vacuum screen shall be supplied including materials, colors, building dimensions, and other details. Specific materials and color for the trash enclosure, canopy and vacuum screen that complement the primary materials of the car wash building shall be specified. (Note: Typical elevations were provided as a supplement to the application, and have been incorporated into the staff review in this report.)

4. All signs shall be approved by a separate permit and meet the City of Prairie Village sign requirements. Any proposed monument signs shall be shown on the final development plan and approved by the Planning Commission.

5. Operational limits and specifics of the facilities are confirmed including the following:

a. Details of the pay kiosks, including design, location of structures, and operating characteristics of equipment, and particular any anticipated noise impacts and mitigation strategies.

c. Hours of operation shall be limited to 7AM to 9PM

6. Appropriate drainage permits be reviewed and approved by Public Works, including facilities designed to address the water and wastewater quantities and quality associated with the car wash activities.

7. The acoustic measurement study of the Sharpsburg, Georgia site shall be interpreted to expected noise levels for this particular site plan, and noise impacts on the adjacent residential property shall be mitigated with a combination of vegetation, structural screens, noise regulators on the equipment and/or operational limits. The site shall meet a performance standard measured from any adjacent residential property of a maximum of 65 decibels between 7 a.m. and 10 p.m., and 55 decibels between the hours of 10 p.m. and 7 a.m.

8. The special use permit shall be valid for a period of 5 years, at which time a renewal of the permit shall be based on continuing to meet the criteria of the original approval, and addressing any unanticipated impacts from this use on adjacent residential property.

Gregory Wolf asked if the city had ever granted the requested language regarding the term of a special use permit. Mr. Brewster replied that the city has granted permits with indefinite terms. He noted the city still has the ability to revoke a permit should the conditions not be met. The concern expressed by Mr. March is a common concern. As long as the city has the ability to revoke and enforce, staff accepts the proposed language.

Chairman Nancy Wallerstein opened the public hearing on the application:

David Wooldridge, 2115 Somerset Drive, stated when they purchased their property it abutted two small office buildings. They have experienced several problems since the zoning was changed to allow Panda Express, including excessive noise, late deliveries and increased traffic. He noted that the neighborhood on the Kansas side contains 70% office buildings whereas on the Missouri side it is 92% commercial. There are no residences behind these intense commercial properties. There are 9 residences behind this proposed commercial use. He stated that an eight or ten foot fence would not screen the proposed carwash from his view due to the change in elevation between his property and this site. He will still see the full operation of the car wash, 12 hours a day, seven days a week. Mr. Wooldridge stated this is not acceptable, it is against his best interest and goes against the Golden Factors. This mass of impervious surface is not acceptable. The residents do not deserve to have a giant car wash in their backyard.

With no one else to address the Commission, the public hearing was closed at 8:35 p.m.

Mr. Wells stated they met with Mr. Wooldridge before they made their initial application to the City, trying to discern what the previous issues were and during those series of meetings, the reorientation of the site occurred. Melissa Brown stated she like the new orientation but noted that the civil drawings do not reflect that change. On sheet 4 with the striping of the lines for the car wash, she would like to see a striped line added behind the sidewalk to better protect pedestrians from cars pulling out on to State Line Road. Mr. Wells responded that these are preliminary concept plans and that striping and an ADA ramp will be shown on the final development plans.

Jeffrey Valentino confirmed the canopy was metal and that they are proposing 17 vacuum stations. Mr. Wells replied generally 8 to 12 spaces are being used at any one time. Typically they like to have at least 18 stations for the convenience of their customers, preferably 20 to 24 stations. Mr. Valentino stated he would like to see a reduction in the number of stations and the turn area rounded out. He compared this operation to that of Big Splash on Metcalf that doesn’t have nearly as many vacuum stations. Mr. Wells stated the operation has been pulled back considerably already in response to the residents.

Mr. Valentino noted the bright blue canopy structure catches the eye and he feels its color should be reconsidered. He is not fully on board with the decibel ratings. Mr. Wells replied the central vacuum system is tied to one 25 horse power motor that powers all the vacuum stations. The motor is in a fully enclosed concrete structure with any noise going up. The most noise from their operation is at the end of the tunnel inside the building where the cars are dried, which would face State Line Road. He stated noise from the vacuum stations has not been an issue at other sites, even those with more than 30 vacuum stations. A reduction in the number of vacuum stations would be detrimental to their customers and their business. Mr. Wells noted this is not the same as other facilities, where there are individual vacuums and motors at each station. Melissa Brown confirmed they did not have a detail service at the end of the car wash where cars are dried by staff. Mr. Valentino asked if they had any feedback on the materials or and if they had samples of the proposed fence. Mr. Wells shared samples of materials for the building and stated that they could have samples of the fence material at the final development plan. Mr. Valentino noted the elevation change from the residences to this site makes it difficult for both parties.

Jonathan Birkel questioned the decibel information presented. From the information presented, it appeared that at 100’, the sound is still at around 70 decibels, which seems quite loud. Mr. Wells responded that rating was taken at the end of the tunnel, which points out to State Line Road. He added the measurement was also impacted by ambient road noise, which was greater than the noise from the dryers. He noted the reading at the vacuum stations was significantly less. Mr. Birkel replied he was trying to determine what the noise level would be for the neighboring residents and how or if it could be mitigated. Mr. Wells responded this was the reasoning behind the reorientation, which places the loudest part of their process as far from the residences as possible and directs the sound out to State Line Road. He added that their hours of operation also address the noise concerns, as they are not operating before 7 am or after 9 p.m. which corresponds with most cities noise restrictions.

Nancy Wallerstein asked what the hours of operation were for contractors in the city. Jamie Robichaud replied 7 a.m. to 10 p.m.

Gregory Wolf asked if they were ok with the condition related to emergency access by the fire department. Mr. Wells replied that he spoke with the Fire Marshall and they feel the proposed solution is very workable for them.

Nancy Wallerstein asked if the proposed fencing material had any sound barrier qualities. Mr. Wells replied it does, but he did not have any technical data. The Iowa Department of Transportation recognizes its use as a sound barrier material. It is 100% opaque and a solid fence would prevent more noise and light from penetrating through than traditional fences.

Mrs. Wallerstein asked for clarification on the location of the fence. Mr. Wells replied that the property line for this property is in the back yard of several of the residences. The existing chain-link fence was installed years ago within two to five feet of the deeded property line. Rather than remove the chain link fence, they are going to leave it intact. They will raise the grade and install the new privacy fence ten to twelve feet in from the actual property line itself and are proposing a continuous row/hedge of large evergreen shrubs on the residential side of the fence. They plan to maintain the existing trees and landscape in this area also. This will also help soften the impact of the fence. Mr. Wells noted that this area also serves as the center of the KCP&L easement.

Nancy asked who would maintain this landscaping. Mr. Wells replied that Mr. Brewster addressed that in his staff report, stating that the applicant is responsible for maintenance of the landscape buffer. He added that this design came from their discussions with the neighbors and Mr. Wooldridge. Mrs. Wallerstein noted that maintenance does not always occur. She also stated that she feels the size and caliber of the trees to be planted should be designated. Mr. Hardin reaffirmed that they would maintain the trees/shrubs. He could not guarantee that they would be six feet in height, but noted they would be as large as possible. Mr. Wells noted the buffer area was 9 to 12 feet in width. They are looking to put in evergreens that have a good growth rate, would spread, are hearty and low maintenance, having a mature height of six to ten feet that would not impact KCP&L and provide a good permanent buffer.

Mrs. Wallerstein asked how many cars could be stacked. Mr. Wells replied the plan allowed for 30 vehicles to be stacked bumper to bumper.

Mrs. Wallerstein asked if pole height had been discussed. Mr. Brewster replied that this is something that would be verified in the final development plan. Mrs. Wallerstein asked what the distance was from their exit to that of Panda Express. She wanted to verify that their entrance would not be blocked from stacking cars. Mr. Hardin replied that a new vehicle goes through the tunnel at a rate of one vehicle per minute. There will not be any problem with stacked cars blocking an entry.

Melissa Brown stated it would be helpful with the final plan to have a cross section showing light projecting onto the residential properties. They have prepared a photometric plan at ground level. This showed zero foot-candles at the property line. There will be some shielding of light from the fixture and from the fence and landscaping. This should be reflected in the final development plan.

Mrs. Brown confirmed that their operation used less water for their operations. Mr. Hardin explained the different processes that reused water and those using new water.

Nancy Wallerstein confirmed they have five parking spaces for employees. Mr. Hardin responded that the anticipate having 12 employees with 4 to 5 on duty most of the time. There will never be fewer than three people working.

Gregory Wolf asked if all of the conditions have been covered. Chris Brewster responded that most of the issues remaining were issues that staff and the applicant can address as the standards that have to be met are stated in the code, with most of them applying to final development plan approval. Signage is approved with the final development plan. The building elevations presented as sufficient for preliminary plan approval, with more details to be presented with the final development plan. The only issue remaining would be if the Commission wanted them to change the canopy.

Mr. Wolf stated that he was uncomfortable with the automatic renewal. Melissa Brown stated she would be ok with a ten year SUP with an audit after five years. Mr. Wolf asked how long of a period would be needed to make their lender comfortable. He would support a term of more than five years, but not a lot more.

Mr. Hardin stated he has no reservation returning to the Planning Commission to confirm or reaffirm that the conditions of approval have and are being met knowing that the renewal would be based on their compliance. They are trying to avoid is going through a discretionary process where decisions are based on factors other than land use factors. Their concern is being able to ensure that the renewal is based on compliance to the conditions of the special use permit.

Jamie Robichaud advised the Commission that a special use permit coming before them at their March meeting was approved with a very similar condition. “Should no issues or code enforcement arise in the initial period, the renewal periods may be extended to a longer duration at the discretion of the Planning Commission.”

Nancy Wallerstein noted the wording presented by the applicant was based on staff determination, not the Planning Commission. Mrs. Robichaud replied that she and Mr. Brewster do not have any concerns with the proposed language; however, she is hearing concerns from Commission members and feels that requiring them to come back to the Planning Commission for determination would be appropriate if that is what the Planning Commission wanted to do.

Mrs. Robichaud confirmed that all complaints and code violations are recorded by Code Enforcement and could easily be verified. Mr. Valentino asked if it required a public hearing. David Waters noted that the determination was to be made on any “violations” of the conditions and he questioned if a complaint would necessarily be considered a violation of the conditions of the special use permit. Mrs. Robichaud noted that Code Enforcement Officers do investigate all complaints and make a determination as to whether there is an actual violation.. Mr. Wolf suggested the following amendment: **The special use permit shall be valid for a period of 5 years and shall renew for successive 5 year periods provided no code violations exist and all conditions of the original Special Use Permit continue to be met and the applicant addresses any unanticipated impacts identified by staff from this use on adjacent residential property.** Mr. Wolf stated he felt this was necessary to allow the City to protect the residents from potential future problems by the use. Mr. March stated the proposed language addresses their concerns and is acceptable.

Mr. Brewster confirmed that the suggested language requires the applicant to come back to the Planning Commission to renew the application and that the renewal is based on their compliance with the conditions of approval.

Gregory Wolf moved the Planning Commission recommend the City Council approve PC2018-02 and PC-2018-102 as recommended by staff with the amendments suggested to condition 7 and the addition of condition 2E and also an amendment to 2D.

Jonathan Birkel asked if the applicant would be open to dropping the decibel requirements on number seven from 65 to 60 between the hours of 7 to 10 p.m. and from 55 to 50 between the hours of 10 p.m. and 7 a.m.

Nancy Wallerstein asked for clarification on the hours noted. Mr. Brewster responded that the staff recommendation was based on normal noise ordinance regulations and not on the specific hours of operation for this business. She wants to tighten it down so there is no misconception on what the hours of operation would be.

Mr. Birkel restated his requested change to be from 65 to 60 between the hours of 7 to 9 p.m. and from 55 to 50 between the hours of 9 p.m. and 7 a.m.

Aaron Mack referenced information in the staff report that noted typical ranges for business hours (7 a.m. to 10 p.m.) are between 60 dBA and 70 dBA and from (10 p.m. to 7 a.m.) at 45 dBA to 55 dBA. They are not a residential use, but they are below what would be required in most communities for residential neighborhoods. They can comply with the residential decibels.

Mr. Brewster clarified the table represents the range from noise ordinances from cities that they surveyed. The most restrictive during the day time hours was at 60 dBA, measured from the impacting property line. Mr. March replied the 50 dBA from 9 pm to 7 am is not a problem, as they are not operating. 65 dBA is the middle range of residential use and they can do that. However, with blowing wind it can easily be above 60 dBA, and he is uncomfortable agreeing to a condition when he knows there will be times when they are above 60 dBA. He can state with certainty that they will never go above 65 dBA. Mr. Birkel stated their acoustical study had a rating of 62.4 dBA. Mr. March stated with a north wind blowing to the west property line the noise level could reach 64 dBA. He doesn’t want to buy a problem that with a windy day he could be in violation. Mr. Valentino noted the ratings are based on an average day.

Melissa Brown noted the acoustical report stated “To the southeast, the sound level due to the dryers would be 68 dBA at a distance of approximately 139’.” Mrs. Wallerstein confirmed that Mr. Birkel was more concerned with noise for the homeowners to the west near the tunnels. Mrs. Wallerstein asked what the distance was from the dryers to the residences. Mr. Wells responded the relocated vacuum house to the closest residence is 140 feet. From the dryer to the nearest residential property is probably 200 feet. The measurements that were done in the report were at the end of the tunnel and directed outward. Their site plan was reconfigured so that the largest noise element was farthest from the residential properties and directed toward State Line Road. Mrs. Brown asked what the dBA was from the vacuum hut. Mr. Wells replied that 25 feet from the vacuum hut at the adjoining residential property line, the dBA is 60. For a reference, he added that two people having a conversation three feet apart exceeds 60 dBA.

Mr. Wolf stated what he is looking for is rating over a period of time or average. For example, on a given 20 day stretch, the average decibel rating would be 60 dBA or less. Mr. Wells replied in an isolated location with no roads nearby, they could. The issue is with this location by State Line Road, there are other ambient noises over which they have no control. He doesn’t know of a location 150’ from the dryer where the reading would not be impacted by other ambient noises.

Mr. Birkel noted that every time you double the distance, you drop 6 decibels. He wants to be on the low end of the allowed decibel range for all of the neighboring properties.

Mr. March suggested that they do the study and agree to the appropriate decibel level when it comes before the Council. They have already committed that the number will not exceed 65 dBA. Between now and the time this goes to the City Council, they conduct a study and work with staff to explore their ability to reduce the decibel rating below 65 dBA. They will provide staff with the study, showing the various points at the property line to the west with what the noise level will be. They will commit to whatever that number is found to be, but they cannot commit to a number this evening.

They can commit to doing the study and before this application comes before the City Council they will be able to agree to a maximum average decibel level that they will not exceed. Mr. Wolf stated he would like to know what the noise level currently is and compare it to that. Mr. March agreed there needs to be baseline conditions determined.

Mr. Wolf stated he would amend his pending motion to add that the applicant prepare a sound study that is presented to City Council that justifies the decibel level and recognize the Planning Commission goal of a maximum level of 60 dBA, noting that the applicant agrees not to exceed 65 dBA. Mrs. Wallerstein confirmed that this is addendum to condition 7.

Mr. Brewster confirmed that the hours of operation are also changed to 7 a.m. – 9 p.m.

Mrs. Wallerstein stated the recommended motion now has a change to 7 and to 2E.

Mrs. Brown requested a change to 2D addressing the location, pole height, type of shield. She wants to be able to see how the lighting impacts adjacent residential properties.

Nancy Wallerstein stated it has been moved by Mr. Wolf and second by Mr. Birkel to recommend the City Council approve PC2018-02 and PC-2018-102 as recommended by staff with the amendments suggested to condition 7, which requires that the applicant prepare a sound study to present to the City Council that justifies the sound level and recognizes the Planning Commission goal of a maximum level of 60 dBA, noting that the applicant agrees not to exceed 65 dBA. The motion also included the addition of condition 2E and also an amendment to 2D.  Mr. Wolf and Mr. Birkel accepted the amendment by Mrs. Brown.   The motion was voted on and passed by a vote of 4 to 1 with Mr. Valentino voting in opposition.

**PC2018-03 Request for Rezoning from R-la to R-lb**

**PC2018-103 Request for Lot Split**

 **7540 Reinhardt**

Chris Brewster noted that it was discovered by staff that the applicant failed to send notices of their neighborhood meeting. Therefore, staff is recommending that the application be continued. The scheduled public hearing will be opened providing those in attendance to address the Commission, however, the public hearing will not be closed and will be continued to the March 6th meeting.

Chairman Nancy Wallerstein opened the public hearing on PC2018-03 request for rezoning of the property at 7540 Reinhardt from R-la to R-lb.

Dennis Noland, 7601 Reinhardt, expressed concern that the property be fenced to keep children off the property while construction is underway. He also asked if homes would be built on both properties at the same time and if trash services can be provided to both properties. Mr. Noland is supportive of the application if the homes to be constructed adhere to the character of Prairie Village.

Commission secretary Joyce Hagen Mundy reported that the applicant has scheduled their neighborhood meeting for Tuesday, February 13th at 6:30 p.m. at City Hall.

Gregory Wolf moved the Planning Commission continue PC2018-03 and PC2018-103 to the March 6th meeting of the Planning Commission. The motion was seconded by Melissa Brown and passed unanimously.

**NON PUBLIC HEARINGS**

**PC2018-104 Request for Site Plan Approval**

 **5200 West 95th Street**

The applicant has requested the Planning Commission continue this item to its March 6th meeting.

Gregory Wolf moved the Planning Commission continue PC2018-104 to the March 6th meeting of the Planning Commission. The motion was seconded by Melissa Brown and passed unanimously.

**OTHER BUSINESS**

**Meeting time change**

Jamie Robichaud stated the City Council is looking at revisions to its policy on committees. The recommendation has been made, subject to approval by the Planning Commission, of changing the meeting time from 7 p.m. to 6 p.m. This would be more consistent with other committee meeting times and prevent the late evenings when there is a large agenda to be considered.

Jeffrey Valentino stated he could do a change to 6 p.m. for the BZA meeting and 6:30 for Planning Commission.

Nancy Wallerstein noted that this change would require that public hearings be held at 6 or 6:30, and she feels that would be difficult for residents wanting to attend. Mrs. Wallerstein stated that she would like meetings to go more quickly and commended staff on their analysis of applications.

Mr. Wolf stated he was frustrated by applicants representing the information in the staff report that the Commission has already reviewed. Mrs. Robichaud noted that the Tidal Wave presentation this evening had items that had not been discussed in the staff report, but she added that staff would work with applicants to keep their presentations as short as possible for the sake of everyone’s time. that Mr. Birkel asked if public comments could be limited. Mrs. Wallerstein noted that has been done in the past.

It was the consensus of the Commission that it was in the best interest of the residents to not change the meeting time.

**NEXT MEETING**

The Commission Secretary announced the following items would be on the March 6th agendas:

* BZA application for a side yard setback at 4111 West 73rd Terrace. John Schutt, Variance from 19.08.025A, side yard setback. Continued from February 6th.

**Planning Commission**

* PC2018-04 – Renewal of Special Use Permit for Animal Daycare at 8827 Roe Avenue
* PC2018-01 - 4100 Homestead Court – Homestead Country Club – Special Use Permit for Country Club and Site Plan Approval Continued from February 6th
* PC2018-03 - 7540 Reinhardt Street, John Moffitt, MoJo Built, LLC – rezoning request from R-1a to R-1b Continued from February 6th
* PC2018-103 7540 Reinhardt Street, John Moffitt, MoJo Built, LLC – lot split request Continued from February 6th

5200 W. 95th Street, Garren Miller – site plan approval – exterior and façade changes Continued from February 6th

**ADJOURNMENT**

With no further business to come before the Commission, Chairman Nancy Wallerstein adjourned the meeting at 10:04 p.m.

Nancy Wallerstein

Chairman