

The public may attend the meeting in person or view it online.

**Planning Commission Meeting Agenda
City of Prairie Village
7700 Mission Road
Council Chambers
Tuesday, August 4, 2026
6:00 PM**

- I. Roll Call**
- II. Approval of Planning Commission Minutes**
 - A. Approval of planning commission minutes - July 7, 2026
- III. Public Hearings**
- IV. Non-Public Hearings**
- V. Other Business**
 - A. Presentation of the 2027 capital improvement plan
 - B. Discussion of Senate Bill 418
- VI. Adjournment**

Plans available at City Hall if applicable. If you cannot be present, comments can be made by e-mail to cityclerk@pvkansas.com

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

If any individual requires special accommodations – for example, qualified interpreter, large print, reader, hearing assistance – in order to attend the meeting, please notify the City Clerk at 913-385-4616, no later than 48 hours prior to the beginning of the meeting.

PLANNING COMMISSION MINUTES JULY 7, 2026

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, July 7 at 6:00 p.m. in the council chambers at 7700 Mission Road. Chair Greg Wolf called the meeting to order with the following members present: Jonathan Birkel, David Herron, James Kersten, and Melissa Brown.

The following individuals were present in their advisory capacity to the planning commission: Chris Brewster, Multistudio; Nickie Lee, Deputy City Administrator; Mitch Dringman, Building Official; Cliff Speegle, Public Works Project Manager; Adam Geffert, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Mr. Birkel made a motion to approve the minutes of the June 2, 2026, regular planning commission meeting. Mr. Herron seconded the motion, which passed 5-0.

OLD BUSINESS

None.

PUBLIC HEARINGS

None.

NON-PUBLIC HEARINGS

PC-26-15 Site plan review for fence, with exception
 9329 Catalina Street
 Zoning: R-1A
 Applicant: Steve Maurer

Mr. Brewster said that the applicant was applying for a fence exception to construct a rear and side yard fence with the finished side facing in, rather than facing outward (towards streets or abutting property) as required by the city's zoning regulations. The applicant also proposes that a portion of the fence along the side yard line but projecting in front of

the front building line be 6' high rather than the required decorative fence height and design (2.5' high / 50% open). This fence would replace an existing wood privacy fence that is on the existing property and extend further to screen an existing chain link fence that is on the rear of the apartment property.

The property is an end lot on a cul-de-sac. The proposed exceptions are requested on the south lot line that transitions to the abutting apartment complex. Zoning regulations allow rear yard privacy fences, provided they are no higher than 6', but any portions of fences along the side lot line in front of the front building line are considered front yard fences that are limited to decorative fences. All fences also require that support structures are on the interior so that the finished side is outward facing.

The proposed fence meets all design standards with the exception of having structural posts on the outside of the fence along the entire south property line and having the privacy fence extend in front of the front building line (approximately 62.5') to the western edge of the property. This encompasses the lot's boundary with the apartments. Mr. Brewster noted that the fence standards allowed the planning commission to consider exceptions through site plan review and subject to specific criteria in 19.44.025(g).

The property is zoned R-1A. The fence standards in Section 19.44.025 apply to this property, and the following specific sections are the subject of this application:

(b). Design.

(1) Appearance. Those fences which have surface material, whether it be wood, chain link, metal bars, or other permitted material, attached on one side of posts and/or rails, thus producing a finished side and an unfinished side, shall be installed with the finish sides exposed towards the street and adjacent properties. and;

(3) Height. No fence shall exceed six feet in height, except tennis court enclosures which may not exceed 12 feet in height, and except fences which are located within the building envelope of a lot shall not exceed eight feet in height.

(c) Location.

(1) Fences located in the front yard are limited to decorative fences no closer than 10 feet from the street right of way.

The intent of the applicable fence standards is to protect the front yard and streetscape views of lots along streetscapes and to preserve the ability to reasonably screen property from adjacent lots and other private areas.

The decorative fence standards (2.5' maximum height and 50% open view) is based on the assumption that front yard fences are the most visible from adjacent properties along the block and have a significant impact on the streetscape. However, in this case, with the cul-de-sac terminating at the south side of the lot the boundary functions more like a rear yard than a typical side or front yard.

Mr. Brewster stated that the design requirement (outward facing fences with structural supports on the interior of the lot) balances the views from public spaces, views from abutting property, and views from the subject property. The standard prioritizes those elements, placing the view from the subject property (typically within the rear yard) as the lowest priority in appearance. However, in this case, due to the transition of the development pattern and street configuration, this proposed fence location will have the most visibility from the Catalina Street streetscape, and the view from the abutting property is the least visible as it is the rear portion of the apartment complex. This area functions more like a rear yard, and there is an existing chain link fence on the apartment property that will remain. This area is visible from the end of Catalina Street, and the privacy fence with fished side facing the street will improve the aesthetics when viewed from more public spaces and streetscapes.

Mr. Brewster said that the following factors affect this situation:

- The lot is a unique circumstance due to the being the end lot on a cul-de-sac and the transition to abutting apartments.
- The current conditional of the yard and buffer includes many trees and landscape elements that soften the appearance of the fence from both the streetscape and abutting property.
- The portion of the fence projecting beyond the front building line functions more like a rear yard than a side yard due to the transitions to abutting lot and the positioning of this lot and the opposite lot on Catalina Street.

In addition to the site plan review criteria, the following are the specific criteria the planning commission shall consider for exceptions to the fence standards:

- Results in a design that is more compatible
- Provide better screening
- Provides better storm drainage management
- Provides more appropriate utilization of the site

This fence exception impacts all of these criteria but the stormwater criteria, for which there is no impact. The proposed fence location will allow better utilization of the site and present better screening. The large nature of these yards, and the use of a combination of fences, landscape, and trees softens the fence structures and the 6' high privacy fence extending in front of the front building line does not negatively impact the public streetscape or abutting property. The design with the finished side inward on the fence along the south property also achieves the intent of the ordinance by placing the "finished side" to the most publicly visible portion of the fence, which in this particular case is the "inward" side of the fence.

Mr. Brewster said that staff recommended approval of the site plan with the exception to the fence height and design standards based on the above factors and to the extent documented in the submitted fence permit.

Property owners Steve and Dawnlee Maurer were present to discuss the application. Mr. Maurer noted that the existing chain link fence belongs to the apartment complex behind the property. He added that there would be a 2' buffer between the new proposed fence and the chain-link fence.

Ms. Brown made a motion to approve the fence exception as presented. Mr. Birkel seconded the motion, which passed 5-0.

PC-26-16 Site plan for monument sign
 9400 Mission Road
 Zoning: C-1
 Applicant: Envision Sign Solutions

Mr. Brewster said that the applicant was requesting to replace a monument sign on a 1.5 acre site used as a bank. The property is zoned C-1, Restricted Business District, and includes an approximately 19,000 sq. ft. two-story office building with a drive-through service window on the south end (approximately 12,500 sq. ft. building footprint). The proposed sign will replace the existing sign and be in the same location. However, since it is a new sign structure it requires a full site plan review.

Monument signs require approval by the planning commission and have the following specific standards in nonresidential districts

- 1 per street frontage
- 20 sq. ft. max
- 5' high max (allowance for support structures to exceed)
- 3' setback from all property lines or 12' from street, whichever is greater, with associated landscape plan to integrate sign into site and soften appearance of structure elements
- Base under at least 75% of sign structure, and materials that complement the building or other site elements.

The proposed sign appears to meet all standards as indicated in the plan:

- It is the only monument sign proposed for this site.
- It is midway along the property frontage; approximately 68' from the north driveway, 135' from the south driveway, 6' from the front sidewalk and property line, and 12' from the curb edge.
- It is 18.08 sq. ft. (the sign height is 2.5' on top of the base). The sign is a 31" x 84" aluminum cabinet, with routed letters and acrylic backing, that will be backlit with LED lighting.
- It is proposed to be on a brick base matching the primary building material.

Mr. Brewster noted that there are two elements of the plan that are not specified. There is no width to the sign cabinet, and the dimension is marked "TBD". The standard depth for cabinet monument signs is between 18" and 24". Also, the total sign height is not

included. It is unclear if the sign is proposed to be constructed on the existing base, or if a new base similar to the existing will be constructed. The height of the sign panel is dimensioned at 2.58', and if placed on the existing base it would be under the overall 5' height limit. The application should be conditioned on these two issues being clarified and resolved prior to issuing permits.

There is no landscape plan submitted with this sign. Although this application replaces an existing sign in an established lawn area, as a new structure it is required to comply with the sign and site plan standards. All new monument signs are required to include a landscape plan that integrates the sign area into the overall site, softens views of structural components, and improves the image from the streetscape. Due to the low nature of the sign base (and assuming it is being retained, or if replaced it will be a similar base), staff recommends a narrow landscape bed around the sign with 15 *ground hug aronia* planted along the base. The site plan was reviewed by public works for all sight distance requirements and was found to be acceptable.

Mr. Brewster said that the sign meets all other applicable standards, and that staff recommends that the planning commission approve the monument sign subject to the following:

1. That the depth of the cabinet for the monument sign be no greater than 24".
2. Regardless of whether the existing base is retained or a new base created, the total sign height shall not exceed 5'.
3. A landscape plan be included with the sign permits with 15 *ground hug aronia* planted along the sign base on all sides. Alternatively, the applicant may submit a different landscape plan with comparable planting that is subject to the approval of city staff.

Mr. Kersten asked if there were specific regulations regarding the brightness of backlit signs. Mr. Brewster said that the lighting standards dealt more with nuisance conditions, such as glare or brightness on adjacent property rather than specific brightness. He added that the existing sign is indirectly lit by external lights.

Paul Tribble with Envision Sign Solutions was present to discuss the application. He noted that the sign would hang over the base somewhat for serviceability purposes, and added that the lighting would be similar in brightness of other signs in the area.

Ms. Brown asked whether the bank specifically requested an internally-lit sign. Mr. Tribble stated that the bank did request a sign that was lit internally rather than using external lighting.

Mr. Birkel made a motion to approve the monument sign with the conditions noted by staff. Mr. Kersten seconded the motion, which passed 5-0.

PC-26-11 Final plat approval
4200 W. 79th Street

Zoning: R-1A
Applicant: Price Brothers

Mr. Brewster said that the applicant was requesting approval of a final plat to divide the property at 4200 W. 79th Street into 20 residential lots, plat a private common access for the lots, and designate common space fronting the park on the north and providing a north/south connection from 79th Street. The plat approval accompanies approval to rezone approximately 4.5 acres from R-1A Single-Family Residential to RP-1B Planned Single-Family Residential district. The property was previously used as a YMCA up until 2024, which is a permitted use in the R-1A zoning district. The proposal includes a “planned” designation of R-1B for specific deviations from the standards of R-1B, primarily regarding the minimum lot width, lot coverage standards, and setbacks.

The planning commission held a public hearing on the proposed rezoning at its June 2, 2026, meeting, and also considered a preliminary plat associated with the proposed rezoning. Based on the information submitted and considered at the public hearing, the commission recommended approval of the rezoning and approved the preliminary plat subject to conditions outlined in the staff report and on additional conditions that the final plat be submitted with a grading plan, approved as part of the final plat, that addressed the following items:

- The grading plan show building footprints and proposed setbacks are coordinated with the grades
- The grading plan show proposed scale and massing of buildings in relation to proposed front setbacks incorporating grades of the lot frontages
- The grading be coordinated with the proposed stormwater master plan, particularly considering the swales between houses and the grading of pedestrian passages
- The lots and setback be updated with accurate dimensional numbers on lot sizes, lot coverages, and building footprints

The applicant held a neighborhood meeting on April 14, 2026, as required by the Prairie Village Resident Participation Policy and an additional courtesy meeting on May 21, 2026, and supplemented the prior applications with background on those meetings.

Mr. Brewster stated that plats are required to divide property into separate lots to be recorded eligible for sale. The preliminary and final plat process established that all required improvements (access, utilities, drainage, etc.) are in place prior to the potential fracturing of ownership, and that all lots meet the required development and zoning standards and will result in buildable lots ready for final design and permits. A preliminary plat is the conceptual approval of a development plan, and approval authorizes the preparation of a final plat which includes more detailed and specific information to align with more developed engineering, design, and construction documents.

Based on the preliminary plat, and the proposed project plan associated with the rezoning from R-1A to RP-1B, the final plat divides two currently unplatted tracts into:

- 20 lots for detached houses ranging in sizes from 8,149 sq. ft. to 8,814 sq. ft. The lots on the south side are approximately 8,500 sq. ft to 8,600 sq. ft and the lots on the north side are approximately 8,149 - 8,560 sq. ft.
- 4 common area tracts:
 - Tract A - a pedestrian passage of approximately 11,547 sq. ft.
 - Tract B - a pedestrian passage of approximately 1,680 sq. ft.
 - Tract C - an approximately 15' buffer on Delmar Street south of the entrance, approximately 2,235 sq. ft.
 - Tract D - a 15' buffer on Delmar Street north of the entrance, approximately 2,107 sq. ft.
 - All lots also include private access easements providing the private drive on the rear of lots accessing garages and provide drainage easements in accordance with the stormwater plan.

The lots meet R-1B standards except that they are proposed to be 58' wide rather than the required 60' wide. (R-1B standards are 60' wide and 100' deep; some zoning deviations for setbacks and building coverage were also addressed in the zoning plan). The easement and tracts will be owned, managed and maintained by a private property owners' association to be established in conjunction with this plat. The tracts will contain sidewalks for internal circulation between the public sidewalk on Delmar Street to the west and on 79th Street to the south and remain open for a potential public connection to the park on the northeast side of the project. The park connection would be contingent on the city planning and designing a connection to the edge of this property at a future date.

The access easement is designed to be 28' wide. Despite being intended as a "rear alley", this will accommodate additional on-street parking for guest or overflow parking and meet emergency access standards (each lot can park up to four vehicles including garage spaces and driveway spaces). It is approximately 540' long terminating in a turnaround bulb that meets the fire district emergency access requirements. Design and construction of this private access will still be subject to public standards and subject to final review and approval by public works.

Mr. Brewster said that the city's subdivision regulations have the following review elements for preliminary and final plats:

Streets & Street Arrangement

The project is at the intersection of two public streets - 79th Street and Delmar Street - and is primarily served by these streets. The individual lots will be accessed by a private access street designed to public street standards and extending east / west into the project. This street will function as an alley, providing access to the rear of homes to ensure that the projects outward-facing frontages address the surrounding public spaces - primarily Harmon Park on the north and 79th Street on the west, and treating Delmar Street as a corner side street.

This arrangement results in two "half-blocks" - each approximately 610' long and 130' wide, and is consistent with the street and block criteria despite not connecting to the east. In general, the subdivision regulations provide that blocks should be no longer

than 1,800' and where they are longer than 1,000' they should provide pedestrian passages through the block. In conjunction with adjacent developed residential area, the extent of this frontage approaches 1,000' and the entire block between Mission Road and Delmar Street is approximately 1,200'. The applicant has also provided a mid-block pedestrian connection through their project in a common area tract.

As an infill project and with limited ability to shape the street and block patterns based on surrounding conditions, the proposed street arrangement adequately addresses the subdivision standards and achieves the desired goals for connectivity and access.

The applicant provided a trip generation analysis showing expected traffic to be less than the prior use (community center / recreation facility) and the existing streets and proposed access street are sufficient to serve the proposed development.

The street arrangement also involves the dedication or confirmation of right-of-way for a narrow tract along the entire frontage of this property along 79th Street. This tract aligns with the property / right-of-way of the abutting property to the east and will allow the proposed landscape area and sidewalk configuration along 79th Street to occur in the right-of-way.

Sidewalks

Mr. Brewster stated that the project is primarily served by public sidewalks on the north side of 79th Street and the east side of Delmar Street on the perimeter of the property. The zoning plan indicates that these sidewalks should be 6' to 8' wide based on coordination with the streetscape and landscape area plans. The sidewalk on 79th Street will be relocated from the back of curb to an alignment consistent with the sidewalk fronting the property immediately to the east and allow for a sufficient landscape area between the curb and sidewalk.

There is an existing sidewalk on the east side of Delmar Street, and staff is recommending that this sidewalk also be sufficiently moved back from the curb to allow planting of the required street trees (at least 6' to 8' from the back of curb). This will require an alignment shift to the existing sidewalk on the park property to the north, until that sidewalk could be reconstructed and aligned with sufficient curb separation.

The subdivision regulations require sidewalks to be on both sides of the street and around the bulb of cul-de-sacs. However, since the access street is intended to function as a rear alley, is private access, and the project provides alternative internal circulation between the public sidewalks on Delmar Street and 79th Street, staff does not interpret the sidewalk standard to apply to the private access, and feels the pedestrian circulation plans achieve the goals for sidewalk requirements in the subdivision regulations.

With the absence of sidewalks on the internal access street, the zoning plan also includes sidewalks that provide internal circulation within the project and a connection into Harmon Park. The zoning plan specifies that there will also be 6' to 8' sidewalks within Tract A (east-west from Delmar Street) and Tract B (north-south between 79th

Street and Harmon Park), with a connection into the park at the northeast corner of the property.

Utilities already serve the site, and the applicant is working with the various utility companies to provide the necessary water, sewer, power, communication, gas, etc. to each lot. The applicant will need to work with the fire district to determine the location of any fire hydrants.

Storm Drainage

The applicant submitted a stormwater management study with the proposed rezoning and preliminary plat demonstrating that the proposed development will match or reduce peak runoff rates compared to existing site conditions, ensuring no adverse downstream impacts. Further details of this study have been confirmed and coordinated with the final grading plan and documented in a stormwater memo dated June 12, 2026.

Lot Sizes and Building Lines

Mr. Brewster said that the applicant is proposing 20 lots for detached houses in association with the proposed RP-1B standards. The zoning plan includes requested deviations included with the rezoning analysis but otherwise meets the R-1B development and design standards. Updated and accurate data on the lots has been supplied with lots ranging from 8,149 sq. ft. to 8,814 sq. ft. (approximately 17% of which includes the access easement and drainage easement on the typical lots). Larger lots are at the east end (lots 9, 10, 19, and 20) of the site. These lots are the focus of the more detailed building concepts associated with the grading plan due to the constraints of the access turnaround and the grading, demonstrating building heights, frontage designs, and relationship to the streetscape.

Grading Plan

As a condition of the rezoning recommendation and the preliminary plat approval, the planning commission requested a final grading plan that demonstrated how execution of specific elements of the plan would occur:

- The applicant has provided more detailed information on building heights related to the grade and each lot. All of these will generally follow the standard R-1B practices and allow a 29' building height from the top of foundation at the front elevation. However, the four lots on the east end fronting 79th Street (Lots 17, 18, 19, and 20), propose a height limit of 29' from the top of foundation at the front and the rear building lines (with these two limits connecting and forming the outer building envelope). This will let the primary two-level homes to step with the grade on these lots that are most affected by the grading plan, rather than integrate into the grade from the high-point as the other buildings do and as the R-1B standard would permit. This primarily affects the scale of buildings on the rear portion of those lots relative to the private internal access street and does not have a significant impact on other elevations. In all other cases, the proposed two-level buildings will result in building scales less than otherwise allowed in R-1B.

- The applicant has demonstrated the grading of swales between the lots and these profiles correspond with the stormwater plans.
- The applicant has provided more detailed sections and conceptual elevations of how the frontages will relate to both 79th Street (primarily two-story elevations with steps from the entry features to street level) and the park frontage (primarily one-story elevations with limited steps from the entry features to the grade at the lot frontage). The illustrative rendering has also been updated to reflect these additional details that emerged from the more detailed grading plan.
- The applicant has demonstrated the grade particularly on Tract B and the north/south connection to the park, and how that impacts the side yard grade of homes abutting this space.
- The applicant has supplied more detailed and accurate lot and building coverage calculations for the lots.
- The plat includes updated plat notes regarding the maintenance obligations for the property owners' association of common area tracts.
- The applicant has submitted updated plat notes regarding right-of-way dedication, easement disposition, and except for the condition that Tracts A and B shall remain open to public access to the park from 79th Street and from Delmar Street.

Mr. Brewster said that staff reviewed the final plat and supporting exhibits and finds that the plat meets the subdivision standards and is in substantial conformance with the preliminary plat and the planning commission's conditions of the rezoning approval. Staff recommends that the planning commission approve the final plat, and subject to approval by the city council of land dedications, the plat may be recorded with the county, subject to the following conditions:

1. Tracts A and B are to remain open and permit public access to the park from Delmar Street and 79th Street. The plat notes should be updated to confirm this commitment prior to recording.
2. At the time of construction, the applicant shall coordinate with the city on the design and will construct a connection from the northeast portion of the property to public sidewalks in the park in conjunction with other improvements.
3. Future improvements may require fire hydrants to meet fire district and WaterOne standards, and the plat shall account for this in the applicable utility or access easements.
4. The final plat shall have the following additional information, required by Section 18.12.040, submitted prior to being routed for signatures by the city and recording by the county:
 - a. HOA documents and restrictive covenants that ensure both the organizational and financial capacity to maintain all common areas and stormwater facilities shall be submitted prior to recording the plan, and be in a form approved by the city attorney.
 - b. Proof of ownership.
 - c. Certificate showing all taxes and special assessments have been paid. Construction documents or if to be submitted at a later date other commitment that all required improvements will be built to public works specifications.

5. Final plans for any improvements or structures shall be reviewed by public works and are subject to their approval to meet easement requirements and the approved stormwater management plan.
6. Final design and construction of the private access road (78th Place) be subject to approval of public works.

The following applicants were present to discuss the application:

- Bart Lowen, Price Brothers, 12721 Metcalf Avenue, Suite 200, Overland Park
- Patrick Reuter, Klover Architecture, 8113 Penrose Street, Suite 400, Lenexa
- Seth Reece and Terry Parsons, Olsson, 7301 W. 133rd Street, Overland Park

Mr. Reuter gave a presentation providing updated details of the grading plan, streetscape, site sections, and data tables.

Mr. Wolf asked if Klover Architecture would be designing the homes. Mr. Reuter said that a firm associated with Price Brothers would be handling the design.

Mr. Wolf asked Mr. Speegle for his thoughts on how the updated grading plan would affect drainage at the site. Mr. Speegle stated that public works felt that the updates did not affect drainage negatively, but that the final plans, once received, would be reviewed to ensure the proposed drainage was still adequate.

Mr. Birkel asked whether the proposed on-site drainage detention was for a two-year storm. Mr. Parsons said that the existing detention system at the site had a two-year capacity, but the new system would have a 25-year capacity.

Mr. Herron asked whether the grading plan could be revisited again in the future if the planning commission approved the application. Mr. Brewster said that further review would typically be handled during the permitting process, but if significant changes were made to the design and scale, the application would need to come back to the planning commission for consideration.

Ms. Brown asked if there was a potential for each lot's grading to change as they are sold. Mr. Speegle said that all plans submitted in the future would be reviewed to ensure they met the intent of the drainage plan. Mr. Reuter added that the grading would all be completed at the beginning of the project.

Mr. Kersten asked if the underground water retention systems would need to be cleaned out periodically. Mr. Speegle said that they would need to be pumped out annually to remove sediment. Mr. Kersten shared concern that there was a significant amount of regular maintenance that would need to be done by the homeowners' association, including cleaning the retention systems and maintaining swales and public-facing plantings.

Ms. Brown made a motion to recommend approval of the final plat, with the conditions identified by staff. Mr. Herron seconded the motion, which passed 4-1, with Mr. Kersten opposed.

OTHER BUSINESS

None.

ADJOURNMENT

With no further business to come before the commission, Mr. Wolf adjourned the meeting at 7:18 p.m.

Adam Geffert
City Clerk/Planning Commission Secretary

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Nickie Lee, Deputy City Administrator & Keith Bredehoef, Public Works Director
DATE: August 4, 2026 Planning Commission Meeting

BACKGROUND:

In December 2025 and February 2026, the Planning Commission completed their annual review of the Comprehensive Plan, including a presentation from Public Works on projects related to [Village Vision 2.0](#).

As a follow up, Public Works will attend the August 4, 2026 Planning Commission meeting to give a presentation on the 2027-2031 Capital Improvement Plan. The City Council approves the Capital Improvement Plan on an annual basis as part of the budget process.

Kansas Statute requires the Planning Commission to report conformance or non-conformance of each capital improvement project with the Comprehensive Plan unless conformance of all projects is otherwise determined by reviewing the CIP. Staff proposes this review process occur on an annual basis.

Public Works Director Keith Bredehoeft will attend the meeting to present and answer questions.



2027

Public Works CIP



Agenda

- 2026 Projects
- Approved 2027 CIP
- Discussion



2026 Current and Planned Work

❑ **Street Projects**

77th Street/Booth, from Hyvee to Somerset

Cambridge Street, Stateline to Somerset

68th Street Mission to Delmar

69th Street, Fontana to Roe Ave

77th Street , Juniper to Nall Ave

Ash and Birch loop, 77th Terr to 79th Street

Booth, 71st Terrace to 75th Street

Reeds Lane, 81st Terr to 83rd Street

87th Terrace, Catalina to Roe Ave

❑ **CARS Project: Roe Avenue | 63rd Street to 83rd Street**

❑ **Drainage Projects**

- ❑ Drain26X

❑ **Other Projects**

- ❑ 2026 Concrete Repair, 2026 Asphalt Repairs, 2026 Crack Seal and Micro Surface, 2026 UBAS
- ❑ Franklin Park Surfacing, Park Signage, Windsor Park Trail
- ❑ Municipal Complex Improvements



2027 CIP Budget - PARK

PROJECT #	PROJECT DESCRIPTION	BALANCE	2027 BUDGET	2028 BUDGET	2029 BUDGET	2030 BUDGET	PROJECT TOTAL
PARK							
POOLRESV	Park Infrastructure Reserve	\$ 268,461.92	\$ 105,000.00	\$ 105,000.00	\$ 105,000.00	\$ 105,000.00	688,461.92
	Harmon Park Tennis Court Improvements		\$ 400,000.00				\$ 400,000.00
	Pool Shade Structures		\$ 300,000.00				\$ 300,000.00
	Porter Shelter & Playset			\$ 560,000.00			\$ 560,000.00
	All Park Trail Repairs/Resurface				\$ 395,000.00		\$ 395,000.00
	Bennett Play Improvements					\$ 200,000.00	\$ 200,000.00
PARK TOTAL PER YEAR		\$ 268,461.92	\$ 805,000.00	\$ 665,000.00	\$ 500,000.00	\$ 305,000.00	2,543,461.92



2027 CIP Budget - DRAIN

PROJECT #	PROJECT DESCRIPTION	BALANCE	2027 BUDGET	2028 BUDGET	2029 BUDGET	2030 BUDGET	PROJECT TOTAL
DRAINAGE							
WDPRRESV	Water Discharge Program Reserve	\$ 81,820.13		\$ 20,000.00		\$ 20,000.00	\$ 121,820.13
DRAIN27x	Drainage Repair Program		\$ 1,444,100.00	\$ 1,130,000.00	\$ 1,050,000.00	\$ 1,030,000.00	\$ 4,654,100.00
DRAINAGE TOTAL PER YEAR		\$ 81,820.13	\$ 1,444,100.00	\$ 1,150,000.00	\$ 1,050,000.00	\$ 1,050,000.00	\$ 4,775,920.13



2027 CIP Budget - STREETS

PROJECT #	PROJECT DESCRIPTION	BALANCE	2027 BUDGET	2028 BUDGET	2029 BUDGET	2030 BUDGET	PROJECT TOTAL
STREETS							
TRAFRESV	Traffic Calming Program Reserve	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 100,000.00
PAVP2027	Residential Street Rehabilitation Program		\$ 3,500,000.00	\$ 3,500,000.00	\$ 3,500,000.00	\$ 3,500,000.00	\$ 14,000,000.00
UBAS2027	UBAS Overlay Program		\$ 400,000.00	\$ 400,000.00	\$ 400,000.00	\$ 400,000.00	\$ 1,600,000.00
83ST0003	83rd St - Mission Rd to Nall Ave + Nall Signal (CARS & OP)		\$ 3,020,000.00				\$ 3,020,000.00
NAAV0006	Nall Ave - 63rd St to 67th St UBAS (Mission)		\$ 170,000.00				\$ 170,000.00
75ST0003	75th St - Mission to Nall (CARS)		\$ 300,000.00	\$ 4,000,000.00			\$ 4,300,000.00
ROAV0009	Roe Ave - 91st St to 95th St UBAS (CARS)			\$ 30,000.00	\$ 250,000.00		\$ 280,000.00
	Mission Rd - Tomahawk to 75th St (CARS)				\$ 180,000.00	\$ 1,100,000.00	\$ 1,280,000.00
	Mission Rd - 75th to 95th UBAS (CARS)					\$ 50,000.00	\$ 50,000.00
STREET TOTAL PER YEAR		\$ 20,000.00	\$ 7,410,000.00	\$ 7,950,000.00	\$ 4,350,000.00	\$ 5,070,000.00	\$ 24,800,000.00



2027 CIP Budget - BUILDING/OTHER

PROJECT #	PROJECT DESCRIPTION	BALANCE	2027 BUDGET	2028 BUDGET	2029 BUDGET	2030 BUDGET	PROJECT TOTAL
BUILDING							
BLDGResv	Building Reserve	\$ 335,554.21	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	535,554.21
	PD Elevator Update		\$ 175,000.00				
BUILDING TOTAL PER YEAR		\$ 335,554.21	\$ 225,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	535,554.21

PROJECT #	PROJECT DESCRIPTION	BALANCE	2027 BUDGET	2028 BUDGET	2029 BUDGET	2030 BUDGET	PROJECT TOTAL
OTHER							
ADARESVx	ADA Compliance Program Reserve	\$ 99,748.71	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	199,748.71
CONC2027	Concrete Repair Program		\$ 600,000.00	\$ 600,000.00	\$ 600,000.00	\$ 600,000.00	2,400,000.00
SIDEWALK & CURB TOTAL PER YEAR		\$ 99,748.71	\$ 625,000.00	\$ 625,000.00	\$ 625,000.00	\$ 625,000.00	2,599,748.71

DISCUSSION MEMORANDUM

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Multistudio, Planning Consultant
RE: Kansas Senate Bill 418
DATE: August 4, 2026 Planning Commission Meeting

BACKGROUND

The Kansas Legislature passed Senate Bill 418 in March 2026 and it became effective on July 1, 2026. This bill is called the “by right housing act” and impacts how Kansas municipalities regulate and review specific types of housing. The bill affects both building codes and zoning authority. City staff have been reviewing how this bill impacts the Prairie Village zoning ordinance, how other local municipalities are reacting to the bill, and are beginning to consider what steps - if any - may be necessary.

The bill includes some things that are clear and have direct connections to how Prairie Village zoning standards, review, and permitting are impacted. However, the bill includes several other provisions that are either not clear or where there is no direct connection between the bill and how the city currently approaches planning and zoning for specific types of housing.

The purpose of this agenda item is to have a preliminary discussion with the Planning Commission on Senate Bill 418 and its potential effects on planning and zoning in the city. The discussion will focus on three things:

- (1) How Village Vision 2.0 addresses the types of housing that could be affected by SB 418. (Village Vision 2.0 represents the Commission’s most recent formal recommendation on housing issues.);
- (2) How the zoning ordinance currently addresses the types of housing that could be affected by SB 418. (The city amended several zoning districts in 2024 in response to some of the housing policies in Village Vision 2.0 - primarily R-2, R-3, R-4, and MXD.);
- (3) What are some preliminary observations and possible responses for compliance with SB 418.

SB 418 SUMMARY

A full copy of the adopted and effective version of Senate Bill 418 is attached with this staff report. The following reflects planning staff’s initial observations on how the bill could affect the Prairie Village zoning ordinance.

- *Housing Types.* The bill addresses “neighborhood-scale” housing - specifically accessory dwellings, detached houses, duplexes, and townhouses. It particularly elevates “single-family housing” considerations within all zoning districts.
- *“By Right Housing.”* The bill uses the term “by-right housing,” which means that housing projects that meet all applicable requirements must be approved administratively by city staff. This is already common practice in Prairie Village, where many housing types can be approved without discretionary review in each zoning district. “By right” does not eliminate local regulations. Instead, it limits the use of discretionary approval processes, such as site plan review by a commission, design review boards, or planned zoning approvals, for certain housing projects. However, questions remain about how the bill would be interpreted, including which local regulations would still apply and which housing types would be covered.
- *Procedural Elements.* The bill intends to streamline review for certain types of housing through the following procedural adjustments:
 - The statutory protest petition is eliminated if a property owner is requesting a rezoning to a single-family district.
 - Some applications have time limits for a city decision, ranging from 15 days to 90 days depending on the type of application.
- *“Qualifying Home.”* The bill designates a particular housing type as a “qualifying home” and establishes some specific requirements or limitations on how cities may regulate that type.

A “qualifying home” is:

- Single-family homes less than 2,500 square feet of livable area (exclusive of garage and basement)
- Constructed on its own separate lot or parcel

A “qualifying home” is entitled to the following allowances:

- Use of the 2018 IRC (building code)
- Permitted on lots as low as 3,000 square feet, except for application of reasonable setbacks
- May only require 1-car garages; and
- Can only apply one-side of architectural finish.

ACTION & RECOMMEDATION

This is a discussion item, and the Planning Commission is not being asked to take any formal action at this time. Staff is not yet presenting specific recommendations. Instead, staff seeks feedback and questions from the Commission to help inform further analysis and develop a more detailed response.

At this stage, staff has not reached a professional planning opinion regarding how the City should respond to these issues. Staff will continue to evaluate the potential

implications of the legislation and will work with the City Attorney to identify legal and policy considerations. This additional analysis will help inform future discussions with staff, the Planning Commission, and the City Council as the City considers its direction and any potential response.

SENATE BILL No. 418

AN ACT concerning housing; relating to new housing development; enacting the by-right housing development act providing a streamlined permit approval process for by-right housing developments; allowing for third-party review of new residential construction development documents and inspection of improvements; requiring political subdivisions to allow certain building provisions for certain single-family residences of a certain size; excluding owner initiated rezoning to a single-family residential district from protest petition provisions; providing for all land within the corporate limits of a city that is zoned for any type of residential use to be considered zoned for single-family residential use; amending K.S.A. 12-757 and 12-758 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) (1) This section shall be known and may be cited as the by-right housing development act.

(2) The purpose of this section is to promote the development of housing by streamlining the approval process for by-right housing development, including single-family homes, townhouses and accessory dwelling units (ADUs). By facilitating the construction of additional housing units, this section aims to address statewide housing shortages and promote affordability.

(b) For the purposes of this section:

(1) "Accessory dwelling unit" or "ADU" means a secondary housing unit that is subordinate to the primary dwelling unit on the same lot and may include a separate kitchen, bathroom and entrance.

(2) "By-right housing development" refers to the approval of proposed housing projects as a matter of right without the need for discretionary review or approval if such projects comply with established land use regulations and:

(A) Do not require federal or state discharge permits or stormwater drainage studies;

(B) have a maximum of 12 attached units as part of any townhouse project;

(C) comply with the condition that the construction of public infrastructure extensions or improvements:

(i) Is not required for the development;

(ii) has been completed; or

(iii) is a condition of the regulatory authority's approval of the application for a by-right housing development that has been agreed to by the applicant;

(D) would not increase impervious surface in a manner that adversely affects drainage into a special flood hazard area as defined by any adopted floodplain management ordinance, as designated by the Kansas department of agriculture's division of water resources or other office designated by the governor or by law; and

(E) are not located within a district listed on the national register of historic places or otherwise subject to historic preservation review under applicable state, federal or local law.

(3) "Single-family home" means a detached or semi-detached dwelling arranged, intended or designed to be occupied by a single family. A semi-detached dwelling is also known as a duplex.

(4) "Townhouse" means a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof with a yard or public way on not less than two sides.

(c) By-right housing development. (1) All proposed housing developments, including single-family homes, townhouses and accessory dwelling units (ADUs), that meet the definition of a by-right housing development pursuant to subsection (b)(2) and the criteria outlined in the zoning code and land use regulations shall be approved by-right, without the need for discretionary review or approval by planning commissions, zoning boards or other regulatory bodies.

(2) A complete application for a by-right housing development that demonstrates that such development meets the criteria outlined in the zoning code and land use regulations shall be deemed approved unless the application is denied within 30 days of receipt by the permitting or regulatory authority, or within 60 days for an application that requires approval of a subdivision plat pursuant to K.S.A. 12-752, and amendments thereto, or within 90 days for an application that requires approval of a subdivision plat of more than 40 single-family homes pursuant to K.S.A. 12-752, and amendments thereto. Notwithstanding the foregoing, a subdivision plat shall not be deemed approved unless such plat complies with all applicable subdivision statutes and regulations adopted pursuant to K.S.A. 12-752, and amendments thereto.

(d) *Monitoring and compliance.* (1) Regulatory authorities shall monitor compliance with approved by-right housing developments to ensure adherence to applicable regulations and standards.

(2) Noncompliance with by-right approvals may result in enforcement actions, such as fines, penalties or project modifications to bring the development into compliance.

(e) *Restrictive covenants or condominium association or homeowners association regulations.* Nothing in this section shall be construed to invalidate or limit the legality, enforceability or effect of restrictive covenants or condominium association or homeowners association regulations. Courts shall recognize and enforce such covenants and regulations in accordance with applicable laws.

(f) *Appeal of denied permit application.* (1) An appeal of a denied by-right housing development permit application pursuant to this section shall adhere to the provisions of K.S.A. 12-760, and amendments thereto, except that if the regulatory authority has established an administrative appeal process to consider such appeals, such administrative appeal process may be completed first. Notwithstanding any provisions of law to the contrary, the court reviewing a denied permit application for a by-right housing development shall review the decision of the permitting authority de novo. The inquiry in such a case shall extend to the questions of whether the permitting authority proceeded without, or in excess of, jurisdiction, whether there was a fair process and whether there was any abuse of discretion.

(2) For the purpose of this section, abuse of discretion is established if the court determines that the permitting authority's findings are not supported by clear and convincing evidence in light of the record as a whole.

(3) If the court overturns the denial, the court may remand the matter to the permitting authority or direct the permitting authority to grant the permit.

(4) The court retains the authority to exercise equitable authority where appropriate and may, upon a finding that the permitting authority acted in bad faith, award reasonable attorney fees and costs to a prevailing applicant. In no circumstances shall attorney fees or costs be awarded to the government or a third party challenging a permit.

New Sec. 2. (a) For the purposes of this section:

(1) "Development document" means a document, including an application for a plat, plan or development permit, related to the development of or improvement to land for new residential construction that is required by law, ordinance, rule or other measure to be approved by a regulatory authority in order for a person to initiate, engage in or complete the development or improvement.

(2) "Development inspection" means the inspection of an improvement to land for new residential construction required by a

regulatory authority as part of a project to develop the land for residential construction or construct or improve an improvement to the land for new residential construction.

(3) "Development permit" means a permit required by a regulatory authority to develop land for new residential construction or construct or improve an improvement to land for new residential construction.

(4) "Regulatory authority" means the governing body of a political subdivision or a department, board, commission or other entity of the political subdivision responsible for processing or approving a development document or conducting a development inspection that has elected to be subject to this section.

(b) *Third-party review of development documents or inspection of improvements in consenting political subdivisions.* The governing body of a political subdivision may elect to be subject to this section by the adoption of an appropriate ordinance or resolution by a majority vote of the governing body.

(1) If a regulatory authority does not approve, conditionally approve or deny a development document within 30 days of receipt, any required review of the document may be performed by a person:

- (A) Other than:
 - (i) The applicant; or
 - (ii) a person whose work is the subject of the application; and
- (B) who is:
 - (i) Employed by the regulatory authority to review development documents;
 - (ii) employed by another political subdivision to review development documents, if the regulatory authority has approved the person to review development documents; or
 - (iii) a licensed professional engineer as defined in K.S.A. 74-7003, and amendments thereto.

(2) If a regulatory authority does not conduct a required development inspection within 30 days after receipt of a request for an inspection, the inspection may be conducted by a person:

- (A) Other than:
 - (i) The owner of the land or improvement to the land that is the subject of the inspection; or
 - (ii) a person whose work is the subject of the inspection; and
- (B) who is:
 - (i) Certified to inspect buildings by the international code council;
 - (ii) employed by the regulatory authority as a building inspector;
 - (iii) employed by another political subdivision as a building inspector, if the regulatory authority has approved the person to perform inspections; or
 - (iv) a licensed professional engineer as defined in K.S.A. 74-7003, and amendments thereto.

(c) *Additional fee prohibited.* A regulatory authority may not impose an additional fee related to the review of a development document or the inspection of an improvement conducted under subsection (b).

(d) *Third-party requirements.* (1) A person who reviews a development document or conducts a development inspection under subsection (b) shall:

- (A) Review the document, conduct the inspection and take all other related actions in accordance with all applicable provisions of law; and
- (B) not later than 15 days after the date that the person completes the review or inspection, provide notice to the regulatory authority of the results of the review or inspection.

(2) A regulatory authority may prescribe a reasonable format for

the notice required under paragraph (1).

(e) *Waiver prohibited.* A regulatory authority may not request or require an applicant to waive a deadline or other procedure under this section.

(f) Appeal. (1) Notwithstanding any provision of law to the contrary, an aggrieved person may appeal to the governing body of a political subdivision or to an appeal board established by such governing body:

(A) A decision to conditionally approve or deny a development document made by the regulatory authority for the political subdivision or a person authorized by subsection (b)(1) to perform the review of the document; or

(B) a decision regarding a development inspection conducted by the regulatory authority or a person authorized by subsection (b)(2) to perform the inspection.

(2) An aggrieved person shall file the appeal under this subsection not later than 15 days after the date that the decision being appealed is made.

(3) Notwithstanding any provision of law to the contrary, if the governing body or designated appeal board hearing the appeal does not affirm or modify the decision being appealed by a majority vote within 60 days after the date that the appeal is filed, then:

(A) The development document that is the subject of the appeal shall be deemed approved; or

(B) the development inspection that is the subject of the appeal shall be considered to be waived by the governing body or designated appeal board.

New Sec. 3. (a) Notwithstanding any provision of law to the contrary, for new construction of single-family residences that are less than 2,500 square feet of total livable floor area, or gross floor area minus garages and basements, in size, and are constructed on each such residence's own separate lot or parcel with its own individual legal description, all political subdivisions shall allow the following:

(1) Use of any of the following, at the discretion of the political subdivision:

(A) The 2018 edition of the international residential code (IRC);

(B) the version of the 2018 edition of the IRC previously adopted by the political subdivision; or

(C) the version of the 2018 edition of the IRC adopted by another political subdivision;

(2) construction of single-car garages;

(3) only one side of architectural finish; and

(4) a minimum residential lot size of 3,000 square feet subject to any reasonable setback requirements that avoid unwarranted hardship yet protect the public welfare and safety.

(b) Any part of any building code, ordinance, resolution, regulation or rule of any political subdivision that violates this section shall be null and void as applied to such property.

(c) For purposes of this section, "political subdivision" means any county, city, unified government or any other political or taxing subdivision of the state of Kansas, or an administrative unit thereof, with authority to regulate the new construction of single-family residences.

Sec. 4. K.S.A. 12-757 is hereby amended to read as follows: 12-757. (a) The governing body, from time to time, may supplement, change or generally revise the boundaries or regulations contained in zoning regulations by amendment. A proposal for such amendment may be initiated by the governing body or the planning commission. If such proposed amendment is not a general revision of the existing

regulations and affects specific property, the amendment may be initiated by application of the owner of property affected. Any such amendment, if in accordance with the land use plan or the land use element of a comprehensive plan, shall be presumed to be reasonable. The governing body shall establish in ~~its~~ *such governing body's* zoning regulations the matters to be considered when approving or disapproving a rezoning request. The governing body may establish reasonable fees to be paid in advance by the owner of any property at the time of making application for a zoning amendment.

(b) All such proposed amendments first shall be submitted to the planning commission for recommendation. The planning commission shall hold a public hearing thereon, shall cause an accurate written summary to be made of the proceedings, and shall give notice in like manner as that required for recommendations on the original proposed zoning regulations provided in K.S.A. 12-756, and amendments thereto. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary or classification of any zone or district. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration. In addition to such publication notice, written notice of such proposed amendment shall be mailed at least 20 days before the hearing to all owners of record of real property within the area to be altered and to all owners of record of real property located within at least 200 feet of the area proposed to be altered for regulations of a city and to all owners of record of real property located within at least 1,000 feet of the area proposed to be altered for regulations of a county. If a city proposes a zoning amendment to property located adjacent to or outside the city's limits, the area of notification of the city's action shall be extended to at least 1,000 feet in the unincorporated area. Notice of a county's action shall extend 200 feet in those areas where the notification area extends within the corporate limits of a city. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the planning commission or the governing body. Such notice is sufficient to permit the planning commission to recommend amendments to zoning regulations ~~which~~ *that* affect only a portion of the land described in the notice or ~~which~~ *that* give all or any part of the land described a zoning classification of lesser change than that set forth in the notice. A recommendation of a zoning classification of lesser change than that set forth in the notice shall not be valid without republication and, where necessary, remailing, unless the planning commission has previously established a table or publication available to the public ~~which~~ *that* designates what zoning classifications are lesser changes authorized within the published zoning classifications. At any public hearing held to consider a proposed rezoning, an opportunity shall be granted to interested parties to be heard.

(c) (1) Whenever five or more property owners of record owning 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification initiate a rezoning of ~~their~~ *such owners'* property from a less restrictive to a more restrictive zoning classification, such amendment shall require notice by publication and hearing in like manner as required in subsection (b) ~~of this section~~. Such zoning amendment shall not require written notice and shall not

be subject to the protest petition provision of subsection (f) ~~of this section~~.

(2) *Whenever a property owner that is not a city or county initiates a rezoning of such owner's property to a single-family residential district, such amendment shall require notice by publication and hearing in like manner as required in subsection (b). Such zoning amendment shall not require written notice and shall not be subject to the protest petition provisions of subsection (f).*

(3) Whenever a city or county initiates a rezoning from a less restrictive to a more restrictive zoning classification of 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification having five or more owners of record, such amendment shall require notice by publication and hearing in like manner as that required by subsection (b) ~~of this section~~. In addition, written notice shall be required to be mailed to only owners of record of the properties to be rezoned and only such owners shall be eligible to initiate a protest petition under subsection (f) ~~of this section~~.

(d) Except as provided in subsection (g) and unless otherwise provided by this act, the procedure for the consideration and adoption of any such proposed amendment shall be in the same manner as that required for the consideration and adoption of the original zoning regulations. A majority of the members of the planning commission present and voting at the hearing shall be required to recommend approval or denial of the amendment to the governing body. If the planning commission fails to make a recommendation on a rezoning request, the planning commission shall be deemed to have made a recommendation of disapproval. When the planning commission submits a recommendation of approval or disapproval of such amendment and the reasons therefor, the governing body may: (1) Adopt such recommendation by ordinance in a city or by resolution in a county; (2) override the planning commission's recommendation by a $\frac{2}{3}$ majority vote of the membership of the governing body; or (3) return such recommendation to the planning commission with a statement specifying the basis for the governing body's failure to approve or disapprove. If the governing body returns the planning commission's recommendation, the planning commission, after considering the same, may resubmit ~~its~~ *the planning commission's* original recommendation giving the reasons therefor or submit new and amended recommendation. Upon the receipt of such recommendation, the governing body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by the respective ordinance or resolution, or ~~it~~ *the governing body* need take no further action thereon. If the planning commission fails to deliver ~~its~~ *the planning commission's* recommendation to the governing body following the planning commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the planning commission as a resubmission of the original recommendation and proceed accordingly. The proposed rezoning shall become effective upon publication of the respective adopting ordinance or resolution.

(e) If such amendment affects the boundaries of any zone or district, the respective ordinance or resolution shall describe the boundaries as amended, or if provision is made for the fixing of the same upon an official map ~~which that~~ has been incorporated by reference, the amending ordinance or resolution shall define the change or the boundary as amended, ~~shall~~ order the official map to be changed to reflect such amendment, ~~shall~~ amend the section of the ordinance or resolution incorporating the same and ~~shall~~ reincorporate such map as amended.

(f) (1) Except as provided in subsection (g), whether or not the planning commission approves or disapproves a zoning amendment, if a protest petition against such amendment is filed in the office of the city clerk or the county clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of any real property proposed to be rezoned or by the owners of record of 20% or more of the total real property within the area required to be notified by this act of the proposed rezoning of a specific property, excluding streets and public ways and property excluded pursuant to paragraph (2) ~~of this subsection~~, the ordinance or resolution adopting such amendment shall not be passed except by at least a $\frac{3}{4}$ vote of all of the members of the governing body.

(2) For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the owner of the specific property subject to the rezoning or the owner of the specific property subject to the rezoning does not oppose in writing such rezoning, such property also shall be excluded when calculating the "total real property within the area required to be notified" as that phrase is used in paragraph (1) ~~of this subsection~~.

(g) An ordinance or resolution adopting a zoning amendment for mining operations subject to K.S.A. 49-601 et seq., and amendments thereto, regardless of a protest petition or failure to recommend by the planning commission shall only require a majority vote of all members of the governing body.

(h) Zoning regulations may provide additional notice by providing for the posting of signs on land ~~which~~ *that* is the subject of a proposed rezoning; for the purpose of providing notice of such proposed rezoning.

Sec. 5. K.S.A. 12-758 is hereby amended to read as follows: 12-758. (a) Except as otherwise provided by this section and K.S.A. 12-770 and 12-771, and amendments thereto, regulations adopted under authority of this act shall not apply to the existing use of any building or land; but shall apply to any alteration of a building to provide for a change in use or a change in the use of any building or land after the effective date of any regulations adopted under this act. If a building is damaged by more than 50% of its fair market value, such building shall not be restored if the use of such building is not in conformance with the regulations adopted under this act.

(b) Except for flood plain regulations in areas designated as a flood plain, regulations adopted by a city pursuant to K.S.A. 12-715b, and amendments thereto, or a county pursuant to this act shall not apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon for such purposes so long as such land and buildings are used for agricultural purposes and not otherwise.

(c) Notwithstanding any provision of law to the contrary, all land within the corporate limits of a city that is zoned for any type of residential use shall be considered zoned for single-family residential use in addition to any other zoning adopted by the city for such land. This provision shall not limit a city's ability to impose reasonable regulations related to setbacks, the provision of development and performance standards, utility and subdivision standards, future provisions for street and utility connections, grading plans and platting the property that are related to single-family residential developments of land not zoned for single-family residential use.

Sec. 6. K.S.A. 12-757 and 12-758 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the
SENATE, and passed that body

SENATE adopted

Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE

as amended _____

HOUSE adopted

Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.