

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, MAY 3, 2022
7:00 P.M.**

The Planning Commission will be meeting remotely via Zoom. To watch the meeting, click the following link: <https://us02web.zoom.us/j/84884970197>. The meeting will also be live-streamed on the City of Prairie Village Facebook page at <http://www.facebook.com/CityofPrairieVillage>.

Residents may email comments to City Clerk Adam Geffert at cityclerk@pvkansas.com. All comments must be received by 5:00 p.m. on Tuesday, May 3.

I. ROLL CALL

II. APPROVAL OF PLANNING COMMISSION MINUTES - FEBRUARY 1, 2022

III. OLD BUSINESS

IV. PUBLIC HEARINGS

PC2022-105 Renewal of special use permit for service station, car wash and convenience store
Minit Mart LLC
9440 Mission Road
Zoning: C-2
Applicant: Christopher S. Burger, Stevens & Brand, LLP

V. NON-PUBLIC HEARINGS

PC2022-106 Lot split - 4109 W. 85th Street and 4113 W. 85th Street
Zoning: R-1A
Applicant: Kevin Green

PC2022-107 Site plan exception for retaining wall
7801 Chadwick Street
Zoning: R-1A
Applicant: Russell Davidson

PC2022-109 Site plan exception for fence
9119 Alhambra Street
Zoning: R-1A
Applicant: Jason Leiker

PC2022-110 Lot split - 7540 Delmar Street
Zoning: R-1A
Applicant: Scott Confer, Phelps Engineering

VI. OTHER BUSINESS

VII. ADJOURNMENT

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

PLANNING COMMISSION MINUTES FEBRUARY 1, 2022

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, February 1, 2022 at 7:00 p.m. Due to the COVID-19 pandemic, Commission members attended a virtual meeting via the Zoom software platform. Chair Greg Wolf called the meeting to order at 7:00 p.m. with the following members present: James Breneman, Patrick Lenahan, Melissa Brown, Nancy Wallerstein and Jeffrey Valentino.

The following individuals were present in their advisory capacity to the Planning Commission: Chris Brewster, Gould Evans; Jamie Robichaud, Deputy City Administrator; Mitch Dringman, Building Official; Greg Shelton, Council Liaison; Adam Geffert, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Mr. Breneman moved for the approval of the minutes of the January 4, 2022 regular Planning Commission meeting. Mrs. Wallerstein seconded the motion, which passed 6-0.

PUBLIC HEARINGS

None

NON-PUBLIC HEARINGS

PC2022-102	Site Plan Approval for Building Addition Shawnee Mission East High School 7500 Mission Road Zoning: R-1A Applicant: Duane Cash, Incite Design Studio
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Mr. Brewster stated that the applicant was proposing a 7,600 square feet, two-story addition on the north side of the existing high school building, including multipurpose learning space, two classrooms, storage, and an outdoor environmental learning area. The existing building is approximately 375,000 square feet, with a total footprint of 210,000 square feet. The addition would be built in an existing courtyard area framed by two existing wings of the building that each extend further to the north and closer to 75th Street. The total area for the project is approximately 0.6 acres.

The proposed addition meets all building design criteria in the site plan review standards. However, the landscape plan proposes removing four existing trees and planting three new trees, which would not meet the requirements of the tree protection ordinance. Instead, eight replacement trees would need to be planted due to the sizes of the trees being removed.

Mr. Brewster stated that staff recommended approval of the site plan for the building addition and outdoor environmental learning space at 7500 Mission Road with the condition that five additional replacement trees be planted between the proposed addition and 75th Street.

Mrs. Wallerstein asked if ADA-compliant ramps would be installed in the outdoor area along with the stairs and terraced areas.

Applicant Duane Cash of Incite Design Studio, 7200 West 75th Street, Overland Park, was present to discuss the application. He stated that the top and bottom of the terraced areas were both ADA-accessible from the outside of the building, but getting from one to the other would require someone to use an elevator inside the planned addition.

Mr. Breneman asked if the terraced areas would be covered with grass. Mr. Cash stated that some sections would be sodded, while others would be covered with native grasses which would be used as an educational tool by the science department.

Mr. Lenahan made a motion to approve the site plan with the condition that five trees be planted between the addition and 75th Street. Mr. Breneman seconded the motion, which passed 6-0.

OTHER BUSINESS

Election of Officers

Ms. Brown made a motion to reelect the current slate of officers:

- **Mr. Wolf, Chair**
- **Mr. Breneman, Vice-Chair**
- **Mr. Geffert, Secretary**

Mrs. Wallerstein seconded the motion, which passed 5-0, with Mr. Wolf in abstention.

ADJOURNMENT

With no further business to come before the Commission, Chair Greg Wolf adjourned the meeting at 7:20 p.m.

Adam Geffert
City Clerk/Planning Commission Secretary

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: May 3, 2022, Planning Commission Meeting

Application: PC 2022-105

Request: Renewal of Special Use Permit – Service Station

Action: *A Special Use Permit requires the Planning Commission to evaluate facts and weigh evidence, and based on balancing the factors and criteria in the zoning ordinance, make a recommendation to the City Council.*

Property Address: 9440 Mission Road, Prairie Village, KS

Applicant: Stevens & Brand, LLP / Christopher F. Berger, for Minit Mart LLC (owner)

Current Zoning and Land Use: C-2 General Business District – Restaurant

Surrounding Zoning and Land Use: **North:** C-2 General Business – Restaurant / Retail / Services
East: SD-CR Planned General Retail (Leawwod) – Retail / Restaurant
South: CP-1 Planned Restricted Business (Overland Park) – Retail / Services
West: C-1 Restricted Business District– Restaurant / Retail

Legal Description: 33-12-25 BG SE CR SE1/4 N 240'W 42' TO POB W 173' S 200' E 155.21' NE ON CUR 22.18' N 188.93' TO POB .79 AC M/L PVC 715D

Property Area: 0.79 acres (34,280.86 s.f.)

Related Case Files: PC 2014-117 Site Plan for New Car Wash
PC 2005-120 Site Plan Approval for Re-Imaging
PC 1994-101 Site Plan Approval
PC 1991-13 SUP for Service Station and Carwash

Attachments: Application, survey

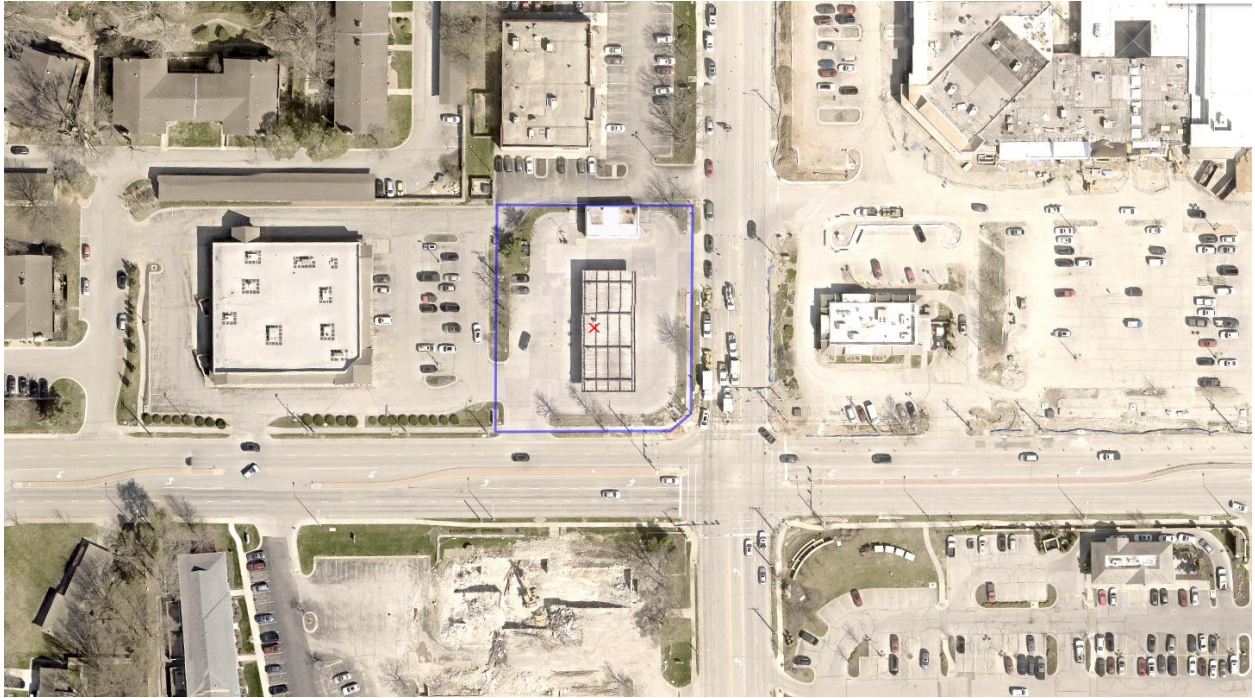
General Location Map



Aerial Map



Site



Birdseye



Street Views



Looking east on 95th Street



Looking south on Mission Road



Looking northwest from the intersection of 95th & Mission

Background:

The applicant is requesting the renewal of a special use permit for a service station. The original building was constructed in 1963. In 1992 the City approved a special use permit for the service station for 30 years. The application was most recently updated in 2014 for the reconstruction of the car wash. This application is a renewal due to expiration (April 5, 2022 expiration date) and does not involve any physical or operational changes to the property or use. The city does not have records of any complaints or other reports of non-compliance with ordinances or the conditions of the special use permit.

The applicant held a neighborhood meeting on April 14, 2022, in accordance with the City's Resident Participation Policy, and has provided background on the meeting to supplement the application.

Zoning Requirements:

The property is zoned C-2 General District, and the building and site meet all C-2 standards. Service stations with accessory car washes and retail stores are permitted uses in C-2, subject to review and approval of a special use permit. The permit application is accompanied by a survey demonstrating all facilities unchanged from the most recent site plan approved by the City.

Special Use Permit Factors:

The Planning Commission shall make findings of fact to support its recommendation to approve, conditionally approve, or disapprove this Special Use Permit. It is not necessary that a finding of fact be made for each factor. However, there should be a conclusion that the request should be approved or denied based upon consideration of as many factors as are applicable. The factors to be considered in approving or disapproving a Special Use Permit include the following [19.28.035:]

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

The building and site meet all standards of the C-2 zoning district.

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

The proposal is the renewal for an existing building and use, that was originally built in 1962, issued a special use permit in 1982 (most recently updated 1992), and the most recent site construction was an approved site plan in 2014. No changes have occurred to the use, intensity, or physical nature of the site since that time, and none are proposed. The site is on an intersection of a commercial corridor that spans three cities (Prairie Village – this site and the north and west), Leawood (east), and Overland Park – west). All property is zoned and used in a similar way with compatible design and intensity of uses. The site complies with all standards and will not adversely affect the welfare or convenience of the public.

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

Similar to the analysis in B. above, there will not be any substantial injury to the value of other property and there are no changes proposed to how the use has been situated and operating in the past.

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 neighboring 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.**
-

There are no changes to the proposed site. It is situated on a corner and has access from both Mission Road and 95th Street, and includes cross access easements to property to the west. The property includes landscape buffers on the north and west (between parking) and streetscape buffers with street trees and sidewalks on the public frontages on the south and east. This is an appropriate design and street treatment for a busy commercial corridor.

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

This is a renewal for an existing site and building, use does not necessarily trigger the parking standards. However, the ordinance would require the following:

- 1 space per employee and two spaces for each service bay (service station)
- 3 holding spaces for each washing stall (automobile wash)
- 1 space per 250 square feet of gross floor area (retail)

This results in approximately 24 parking spaces, queuing areas, or service stops for this site, despite no activity being conducted to trigger a new parking requirement. Between the service areas, queuing areas, and 7 parking spaces, with accessible parking stalls this site appears to comply with the ordinance requirement. Further, there have been no problems or unusual difficulties with access reported in this area that impact other businesses or traffic flow on the street. As indicated under D., the site is appropriately landscaped based on the context and adjacent property and streets

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

The application is reuse of an existing building and site, with no site development activity. There are adequate utilities in the area, and there have been no reports of drainage issues caused by the existing site layout.

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

There are no proposed changes to the access or intensity and operations on the site. The site has functioned properly under these conditions and there have been no reports of problems or unusual difficulties with access or traffic in this area due to the use or site layout.

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

Storage of gasoline can produce environmental or hazardous material concerns, and underground storage tanks are subject to safety and remediation standards. Staff is not aware of any evidence of non-compliance or any other reports of problems or concerns regarding hazardous or toxic materials. The applicant shall be subject to all other applicable state or federal requirements for use, operation, and removal of tanks should the use change or be discontinued.

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

No changes are proposed for the building or site, and the site meets all applicable standards and conditions of previous approvals. Should any changes be proposed in the future the application shall be subject to the standard in effect at that time.

Recommendation:

Staff considers that the facts support the requisite findings of fact required for the Planning Commission, and that the Planning Commission should recommend that the City Council approve the renewal of the special use permit subject to the following: recommends approval of the site plan subject to the following (Planning Commission approval):

1. The use continues to comply with all conditions of the original special use permit and renewals, and all other applicable standards of the zoning ordinance.
 2. Staff recommends approval with no expiration date, but the permit is subject to revocation for non-compliance with any ordinance standards, other regulations, or special use permit conditions; or if unforeseen problems or significant changes in conditions in the area make the use and operation no longer consistent with the findings of the Commission.
 3. The application be subject to all conditions of the original special use permit, except for those changes approved through the applicable to site plan process according to the standards in place at the time of a proposed change. The original conditions listed in Special Use Permit 91-13, but are summarized as:
 1. Compliance with all City standards and regulations.
 2. The use is conducted according the approved plans filed with the permit (unless above exception applies)
 3. Environmental audits / compliance shall be provided prior to any construction.
 4. Uses are limited to those permitted by the zoning code
 - 5, 30 year time period (except recommending no expiration with this renewal)
 6. Ability for revocation continues.
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CITY OF PRAIRIE VILLAGE

The Star of Kansas

Planning Commission Application

For Office Use Only
Case No.: <u>PC 2022-105</u>
Filing Fee: <u>\$100.00</u>
Deposit: <u>\$500.00</u>
Date Advertised:
Date Notices Sent:
Public Hearing Date: <u>5/03/2022</u>

Please complete this form and return with
Information requested to:

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

Applicant: Christopher F. Burger / Phone Number: 785-843-0811
Stevens & Brand, LLP
Address: 900 Massachusetts, Suite 500 E-Mail: cburger@stevensbrand.com
Lawrence, KS 66044
Owner: MINIT MART LLC / EG America Phone Number: 508-270-1434
165 Flanders Road, mackenzie.leahy@eg-america.com
Address: Westborough, MA 01581 Zip: _____

Location of Property: 9440 Mission Road, Leawood, KS 66206
33-12-25 BG SE CR SE1/4 N 240'W 42' TO POB W 173' S 200' E
Legal Description: 155.21' NE ON CUR 22.18' N 188.93' TO POB .79 AC M/L PVC 715D
Property ID: OF251233-4011, KS Parcel Num: 0460683304017005000
Applicant requests consideration of the following: (Describe proposal/request in
detail) Requesting a continuation of the special permit effective 4/6/92 and expiring
4/5/22, maintaining existing conditions of the permit

AGREEMENT TO PAY EXPENSES

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or
the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS
(City) for continuation of an existing special permit located at 9440 Mission Road, Leawood, KS.

As a result of the filing of said application, CITY may incur certain expenses, such as publication
costs, consulting fees, attorney fees and court reporter fees.

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

Chris Burger 3-23-22
Applicant's Signature/Date

Nick Unkaric
Owner's Signature/Date
Nick Unkaric, SVP General
Counsel & Secretary

SPECIAL USE PERMIT APPLICATION

CITY OF PRAIRIE VILLAGE, KANSAS

For Office Use Only

Case No.: _____

Filing Fees: _____

Deposit: _____



Date Advertised: _____

Date Notices Sent: _____

Public Hearing Date: _____

APPLICANT: Stevens & Brand, LLP/Christopher F. Burger PHONE: 785-843-0811

ADDRESS: 900 Massachusetts, Suite 500, Lawrence, KS 66044 E-MAIL: cburger@stevensbrand.com

OWNER: Minit Mart LLC PHONE: _____

ADDRESS: 165 Flanders Rd. Westborough, MA ZIP: 01581

LOCATION OF PROPERTY: 9440 Mission Road (Northwest corner of 95th & Mission)

LEGAL DESCRIPTION: 33-12-25 BG SE CR SE1/4 N 240'W 42' TO POB W 173' S 200' E 155.21' NE
ON CUR 22.18' N 188.93' TO POB .79 AC M/L PVC 715D
(OF251233-4011)

ADJACENT LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
	<u>For All - Business-Commercial:</u>	
North	<u>General Business District</u>	<u>C2</u>
South	<u>Planned Revisited Business District</u>	<u>CP-1, C-1</u>
East	<u>Planned General Retail</u>	<u>SD-CR</u>
West	<u>Restricted Business District</u>	<u>C-1</u>

Present Use of Property: Service Station, Car Wash and Convenience Store (Retail-Micro)

Please complete both pages of the form and return to:

Planning Commission Secretary
City of Prairie Village
7700 Mission Road
Prairie Village, KS 66208

Does the proposed special use meet the following standards? If yes, attach a separate Sheet explaining why.

- | | <u>Yes</u> | <u>No</u> |
|---|------------|-----------|
| 1. Is deemed necessary for the public convenience at that location. | <u>X</u> | |
| 2. Is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected. | <u>X</u> | |
| 3. Is found to be generally compatible with the neighborhood in which it is proposed. | <u>X</u> | |
| 4. Will comply with the height and area regulations of the district in which it is proposed. | <u>X</u> | |
| 5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect. | <u>X</u> | |
| 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided. | <u>X</u> | |

Should this special use be valid only for a specific time period? Yes _____ No X

If Yes, what length of time? _____

SIGNATURE: Chris Burger

DATE: 3-23-22

BY: Chris Burger, Counsel

TITLE: Attorney for Minit Mart LLC/EG America

Attachments Required:

- Site plan showing existing and proposed structures on the property in questions, and adjacent property, off-street parking, driveways, and other information.
- Certified list of property owners

This is a request to renew Special Permit 91-13 for the existing and operating service station, with its car wash and accessory convenience store. The continuation of the use is in accord with Ordinance 19.27.010 per 19.18.005, and 19.28.070 (j) & (k) & (u), as applicable. This application does not propose any change to the nature or intensity of the existing use, and the site plan is unchanged. The continuation of the use will:

- a. continue to comply with all the applicable provisions of the City's regulations, including intensity of use regulations, yard regulations and use limitations;
- b. not adversely affect the welfare or convenience of the public;
- c. not cause substantial injury to the value of other property in the neighborhood in which it is to be located;
- d. not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations;
- e. continue to provide applicable off-street parking and loading areas in accordance with the applicable standards set forth in the City's regulations;
- f. continue to use adequate utility, drainage, and other such necessary facilities;
- g. continue to use adequate entrance and exit drives to prevent traffic hazards and to minimize traffic congestion in public streets and alleys;
- h. continue to adequately protect adjoining properties and the general public from any hazardous or toxic materials, obnoxious odors or unnecessarily intrusive noises; and
- i. continue in an architectural style and exterior materials that remain compatible with such style and materials used in the neighborhood.

In response to the questions in the Application:

1. The continuation of the use under Special Permit 91-13 advances the public convenience at the location. The site is at the intersection of highly trafficked roads and is surrounded by businesses that are dependent upon vehicular traffic.
2. The continuation of the design, location and operation protects public health, safety and welfare. The business remains permitted by KDHE, without incident, and has been designed and operated in a manner that is compatible with the surrounding properties. All gasoline storage tanks are below ground.
3. The continuation of the use remains generally compatible with the neighborhood, which remains commercial and dependent upon vehicular traffic. All performance standards under 19.18.010 are satisfied, with the possible exception that fuel is dispensed under a canopy (permissible under 19.28.070 (j)). Any retail use is of low intensity, occurs through a small scale building, has little to no impact on adjacent properties, is

harmonious with other uses in the area, and has no detrimental effect on the character of the area.

4. The continuation of the use complies with the district's height and area regulations under 19.18.015; the structures are under 35 feet in height and under 2.5 stories.
5. There are no adjoining residential uses and the application does not include any requests for new buildings or structures, or additions thereto. Parking and loading is in accordance with the applicable zoning regulations.
6. The site continues to have adequate utility, drainage, and other such necessary facilities.

1 TITLE DESCRIPTION

TRACT 1:

ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 12, RANGE 25, IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 33; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION 33, A DISTANCE OF 240 FEET; THENCE WEST ALONG A LINE THAT DEFLECTS TO THE LEFT 90 DEGREES 36 MINUTES 53 SECONDS FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 42.00 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE HEREIN DESCRIBED; THENCE CONTINUING WEST ALONG THE LAST DESCRIBED COURSE, A DISTANCE OF 173.00 FEET; THENCE SOUTH ALONG A LINE THAT DEFLECTS TO THE LEFT 89 DEGREES 23 MINUTES 07 SECONDS FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 200.0 FEET; THENCE EAST ALONG A LINE THAT DEFLECTS TO THE LEFT 90 DEGREES 36 MINUTES 53 SECONDS FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 155.21 FEET; THENCE EAST, NORTHEASTERLY AND NORTH ALONG A CURVE TO THE LEFT FROM THE LAST DESCRIBED COURSE AS A TANGENT, HAVING A RADIUS OF 20.00 FEET, A DISTANCE OF 22.18 FEET; THENCE NORTH ALONG A LINE PARALLEL TO THE EAST LINE OF SECTION 33, A DISTANCE OF 188.93 FEET TO THE POINT OF BEGINNING.

MORE CORRECTLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 12 NORTH, RANGE 25 EAST, IN THE CITY OF PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 240.00 FEET; THENCE SOUTH 89 DEGREES 23 MINUTES 07 SECONDS WEST A DISTANCE OF 42.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 23 MINUTES 07 SECONDS WEST A DISTANCE OF 173.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 200.00 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 07 SECONDS EAST A DISTANCE OF 155.21 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET (SAID CURVE SUBTENDED BY A CHORD WHICH BEARS NORTH 57 DEGREES 39 MINUTES 55 SECONDS EAST A DISTANCE OF 21.05 FEET) AND AN ARC DISTANCE OF 22.17 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 188.93 FEET TO THE POINT OF BEGINNING.

TRACT 2:

A NON-EXCLUSIVE MUTUAL ACCESS EASEMENT AND MAINTENANCE THEREOF FOR THE PASSAGE OF VEHICLES AND PEDESTRIANS, AS PROVIDED IN THE INSTRUMENT LABELED "RECIPROCAL EASEMENT AGREEMENT" FILED IN VOLUME 3357, PAGE 493.

THE LAND SHOWN IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FILE NUMBER 3020-906160KS49 WITH AN EFFECTIVE DATE OF JUNE 7, 2016 AT 8:00 A.M.

2 TITLE INFORMATION

THE TITLE DESCRIPTION AND SCHEDULE B ITEMS HEREON ARE FROM FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FILE NUMBER 3020-906160KS49 WITH AN EFFECTIVE DATE OF JUNE 7, 2016 AT 8:00 A.M.

3 SCHEDULE 'B' ITEMS

NOTES CORRESPONDING TO SCHEDULE "B":

- EASEMENT GRANTED TO KANSAS CITY POWER & LIGHT COMPANY, FILED IN MISC. BOOK 130, PAGE 644. AFFECTS, AS SHOWN
- TERMS AND PROVISIONS OF THE RECIPROCAL EASEMENT AGREEMENT FILED IN BOOK 3357, PAGE 493. AFFECTS, SHOWN AS TRACT 2
- RIGHT OF WAY GRANTED TO J.C. NICHOLS COMPANY, FILED IN BOOK 3357, PAGE 501. AFFECTS, AS SHOWN
- TRAFFIC SIGNAL EASEMENT GRANTED TO THE CITY OF PRAIRIE VILLAGE, KANSAS, FILED IN BOOK 201102, PAGE 002720. AFFECTS, AS SHOWN

6 CEMETERY

THERE IS NO VISIBLE EVIDENCE OF CEMETERIES ON THE SUBJECT PROPERTY AT THE TIME OF SURVEY.

5 FLOOD INFORMATION

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 20091C0054G, WHICH BEARS AN EFFECTIVE DATE OF 08/03/2009 AND IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

ZONE "X" - DENOTES AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN

4 SURVEYOR CERTIFICATION

TO
TA OPERATING LLC, TOGETHER WITH ITS SUCCESSORS AND ASSIGNS AS THEIR INTERESTS
MAY APPEAR;
FIRST AMERICAN TITLE INSURANCE;
AND COMMERCIAL DUE DILIGENCE SERVICES;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A), 6(B), 7(A), 7(B)(1), 7(C), 8, 9, 13, 14, 16, 20, AND 21(A) (GRAPHICALLY DEPICT IN RELATION TO THE SUBJECT TRACT OR PROPERTY ANY OFFSITE EASEMENTS OR SERVITUDES BENEFITING THE SURVEYED PROPERTY AND DISCLOSED IN RECORD DOCUMENTS PROVIDED TO THE SURVEYOR AS PART OF THE SCHEDULE "A"), OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 06/15/2018.

DATE OF PLAT OR MAP:

BUCKLEY D. BLEW
LICENSE NUMBER: 1498
IN THE STATE OF KANSAS
SURVEY@BLEWINC.COM

PRELIMINARY

8 ZONING INFORMATION

ZONING DISTRICT: "C-2" BUSINESS COMMERCIAL
CURRENT USE: GAS STATION WITH ACCESSORY AUTOMATED CAR WASH
SETBACKS:
- FRONT / STREET SIDE OF CORNER LOT: 15'
- SIDE / REAR: NONE REQUIRED EXCEPT WHERE THE SIDE / REAR LOT LINE ABUTS A LOT IN A DISTRICT R-1 TO C-0 INCLUSIVE
MAX. BUILDING HEIGHT OR STORIES: 35' / 2 } STORIES
APPROXIMATE BUILDING FOOTPRINT: 2,306 SQ. FT.
PARKING SPACE FORMULA: SERVICE STATION: ONE PARKING SPACE FOR EACH EMPLOYEE PLUS TWO SPACES FOR EACH SERVICE BAY. ESTIMATED NO MORE THAN 6 EMPLOYEES, 1 SERVICE BAY
PARKING SPACES REQUIRED: 7 TOTAL SPACES
CONFORMANCE STATUS: LEGAL CONFORMING

ZONING INFORMATION OBTAINED FROM:
PZR REPORT
100 NORTH EAST 5TH STREET
OKLAHOMA CITY, OK 73104
PHONE #: 405-840-4344
FAX #: 405-840-2608

PZR SITE #: 87484-1
DATED: REVISED - 09/28/2015

7 STATEMENT OF ENCROACHMENTS

THE ADJOINER'S ASPHALT DRIVE POTENTIALLY ENCROACHES THE INGRESS/EGRESS EASEMENT BY AS MUCH AS 4.10'.

11 SURVEYOR'S NOTES

1. NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.

2. PROPERTY HAS DIRECT PHYSICAL ACCESS TO W 95TH STREET & MISSION ROAD BOTH BEING PUBLIC STREETS.

3. ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO: UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, PARKING, EASEMENTS, SERVITUDES, AND ENCROACHMENTS; ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.

4. THE NEAREST INTERSECTION OF STREETS IS THAT OF W 95TH STREET & MISSION ROAD, LOCATED AT THE SE CORNER OF THE SUBJECT PROPERTY.

5. ALL APPURTENANT OFFSITE EASEMENT AND SERVITUDES PROVIDED TO THE SURVEYOR AT THE TIME OF THE ALTA SURVEY PERTAINING TO SCHEDULE "A" ARE PLOTTED AND SHOWN HEREON.

10 BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY IS THE KANSAS STATE PLANE COORDINATE SYSTEM NORTH ZONE NAD83, USING GPS OBSERVATIONS; BEING THE NORTH LINE OF THE SUBJECT PROPERTY, BEARING S 87°38'41" W.

12 PARKING INFORMATION

6 STANDARD SPACES
1 HANDICAP SPACES
7 TOTAL PARKING SPACES

13 LAND AREA

34,559.8 SQ. FT. / 0.79 ACRES ±

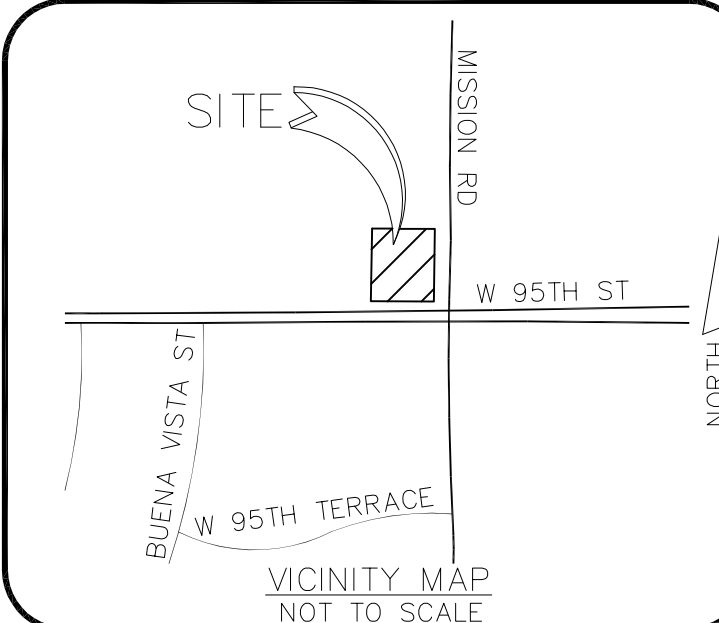
14 BUILDING AREA

BUILDING 1: 1,094.8 SQ. FT. ±
BUILDING 2: 1,212.2 SQ. FT. ±

15 BUILDING HEIGHT

BUILDING 1: 1-STORY / 11' ±
BUILDING 2: 1-STORY / 12' ±

16 VICINITY MAP



Key to CDS ALTA Survey

1 TITLE DESCRIPTION

2 TITLE INFORMATION

3 SCHEDULE 'B' ITEMS

4 SURVEYOR CERTIFICATION

5 FLOOD INFORMATION

6 CEMETERY

7 POSSIBLE ENCROACHMENTS

8 ZONING INFORMATION

9 LEGEND

10 BASIS OF BEARING

11 SURVEYOR'S NOTES

12 PARKING INFORMATION

13 LAND AREA

14 BUILDING AREA

15 BUILDING HEIGHT

16 VICINITY MAP

17 NORTH ARROW / SCALE

18 CLIENT INFORMATION BOX

19 SURVEY DRAWING

20 PROJECT ADDRESS

18 ALTA/NSPS Land Title Survey

This survey prepared in accordance with the "2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys" (Effective February 23, 2016)

This Work Coordinated By:
FA Commercial Due Diligence Services Co.

CDS
COMMERCIAL
DUE DILIGENCE SERVICES
3550 W. Robinson Street, Third Floor
Norman, Oklahoma 73072
Office: 405-253-2444
website: www.firstamcdfs.com
Toll Free: 888.322.7371

Drwn By: AK

Surveyor Ref.No: 18-186.3

Aprvd By: GC

Field Date: June 15, 2018

Scale: 1"=20'

Date: Revision:

Date: Revision:

Date: Revision:

Date: Revision:

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19 SURVEY DRAWING

9 LEGEND

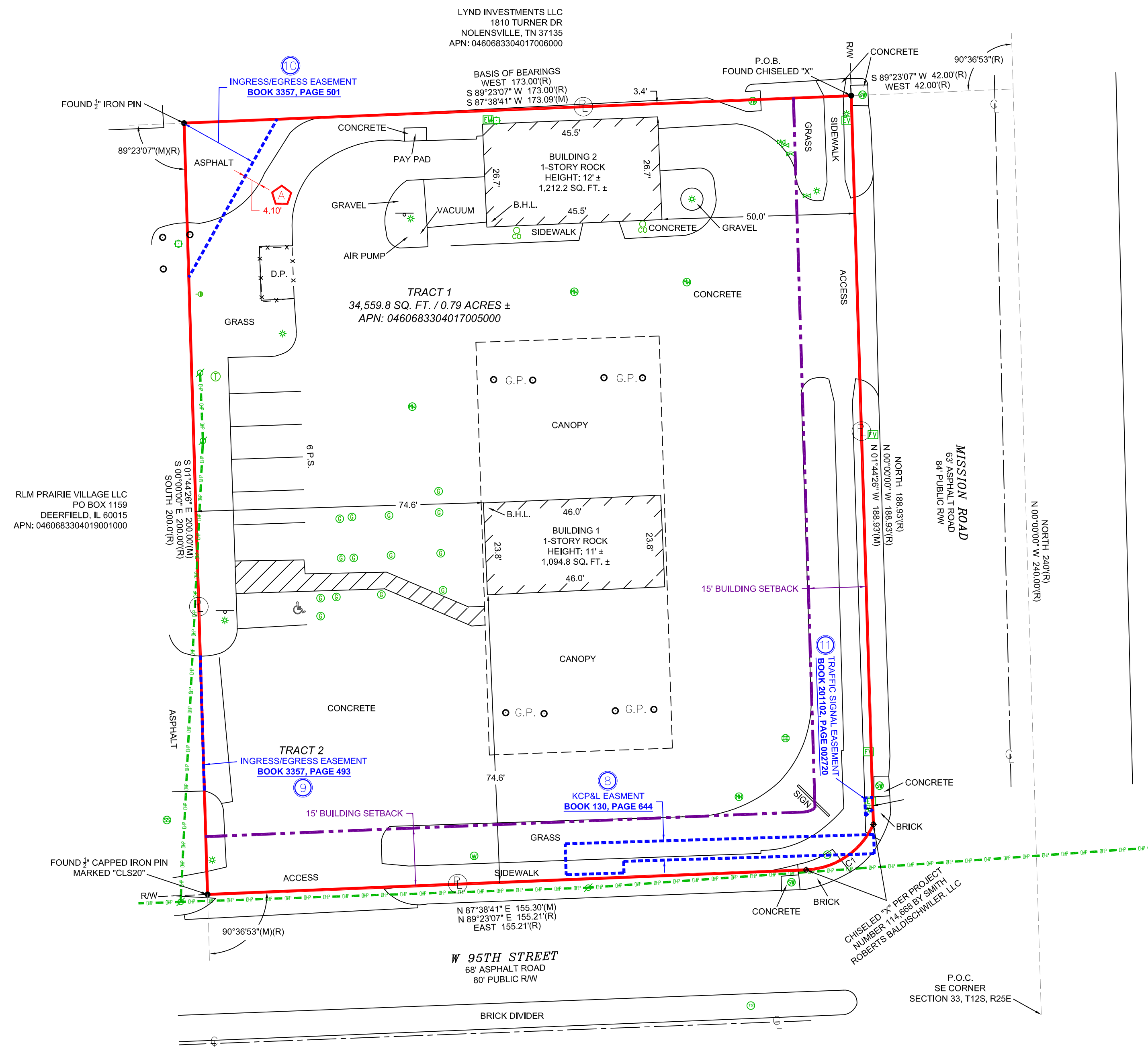
	PROPERTY LINE		GAS TANK LID
P.O.B.	POINT OF BEGINNING		GAS TANK LID
P.O.C.	POINT OF COMMENCEMENT		TELECOMMUNICATIONS PEDESTAL
	CENTERLINE		CLEANOUT
R/W	RIGHT-OF-WAY		IRRIGATION CONTROL VALVE
(M)	MEASURED CALL		MONITOR WELL
(R)	RECORD CALL		TRAFFIC SIGNAL POLE
B.H.L.	BUILDING HEIGHT LOCATION		UTILITY POLE
P.S.	PARKING SPACES		FIRE HYDRANT
D.P.	DUMPSTER PAD		ELECTRIC METER
G.P.	GAS PUMP x2		GAS METER
	BOLLARD		LIGHT POLE
	SIGN		ELECTRIC BOX
	SET 1/2" IRON PIN		SANITARY SEWER MANHOLE
	FOUND MONUMENT (AS NOTED)		STORM WATER MANHOLE
	REFERENCE MONUMENT		WATER VALVE
	HANDICAP PARKING		GRATED INLET
			WATER METER
			CROSSWALK POLE
			ELECTRIC VAULT
			FIBER OPTIC VAULT

	OVERHEAD ELECTRIC LINES
	BUILDING SETBACK LINE
	EASEMENT LINE

CURVE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1(M)	20.00'	N 55°55'28" E	21.05'	22.17'
C1(R)	20.00'	N 57°39'55" E	21.05'	22.17'
C1(R)	20.00'			22.18'

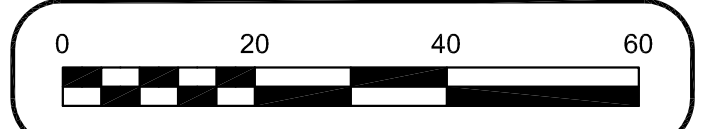
Approved CDS Surveyor
Surveyors Name: Blew & Associates, P.A.
Address: 3825 N. Shiloh Drive
Fayetteville, AR
Telephone Number: 479-443-4506
email: survey@blewinc.com

PRELIMINARY



SCALE : 1" = 20'

17 NORTH ARROW / SCALE



18 ALTA/NSPS Land Title Survey

This survey prepared in accordance with the "2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys" (Effective February 23, 2016)

This Work Coordinated By:
FA Commercial Due Diligence Services Co.

CDS
COMMERCIAL
DUE DILIGENCE SERVICES
3550 W. Robinson Street, Third Floor
Norman, Oklahoma 73072
Office: 405-253-2444
website: www.firstamcdfs.com
Toll Free: 888.322.7371

Drwn By: AK

Surveyor
Ref.No: 18-1863

Aprvd By: GC

Field Date:
June 15, 2018

Scale: $1'' = 20'$

Date: _____

Revision: _____

Date:

Revision: _____

Date: _____

Revision:

Date: _____

Revision: _____

Prepared For:
#754

Client Ref. No:

20 PROJECT ADDRESS

9440 Mission Rd., Leawood, KS

Project Name: Project Carnegie
CDS Project Number: 18-05-0342:185

**IN RE APPLICATION NO. PC2022-105
MINIT MART LLC SPECIAL USE PERMIT**

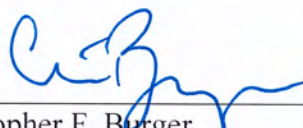
AFFIDAVIT OF MAILING AND COMMUNITY MEETING

STATE OF KANSAS)
) ss:
COUNTY OF DOUGLAS)

Christopher F. Burger, of lawful age, being first duly sworn upon his oath, states that:

1. I have personal knowledge of the facts stated below.
2. I am an attorney for Applicant in this matter.
3. On March 25, 2022, I caused notice of the proposed special use permit to be mailed to all the owners of lands located within 200 feet, except public streets and ways, of the application area, by certified mail, return receipt requested. A copy of the returns is attached as Exhibit A.
4. The form of the notice was a letter describing the proposed special use. A copy of the notice is attached as Exhibit B.
5. The notice also included a notice for a neighborhood meeting via Zoom on April 14, 2022.
6. The April 14, 2022, neighborhood meeting was held as scheduled. Representatives for the Applicant were present, but no other person was in attendance. The meeting went very well.
7. I have read the contents of this affidavit, and the facts stated in it are true.

FURTHER, AFFIANT SAITH NAUGHT.

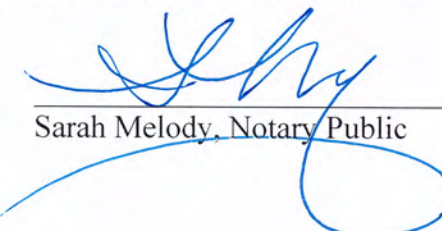


Christopher F. Burger,
Stevens & Brand LLP
Attorneys for Applicant

SUBSCRIBED AND SWORN to before me this 26th day of April, 2022, by Christopher F. Burger.



My appointment expires: January 5, 2026



Sarah Melody, Notary Public

WEBSTER L. GOLDEN
WINTON A. WINTER, JR.
SHERRI E. LOVELAND
MOLLY M. WOOD
CHRISTOPHER F. BURGER*
WESLEY F. SMITH
BRADLEY R. FINKELDEI
MATTHEW H. HOY*
LESLIE M. MILLER
EMILY A. DONALDSON, CELA*
REBECCA J. WEMPE
PATRICIA E. HAMILTON*
JOHN T. BULLOCK²

*ADMITTED IN KANSAS AND MISSOURI

²ADMITTED IN KANSAS, MISSOURI,
AND CALIFORNIA

²ADMITTED IN KANSAS AND VIRGINIA

*CERTIFIED ELDER LAW ATTORNEY

STEVENS & BRAND^{L.L.P.}

ATTORNEYS AT LAW

US BANK TOWER
900 MASSACHUSETTS, SUITE 500
POST OFFICE BOX 189
LAWRENCE, KANSAS 66044-0189
PHONE: (785) 843-0811 FAX: (785) 843-0341

JEFFREY L. HEIMAN
KANA R. ROLLER*
SCOTT E. TADDIKEN, PA
DENISE L. M^CNABB*
J. ERIC WESLANDER*
AMY L. DURKIN
RICHARD S. SCHOENFELD*
KATE MARPLES SIMPSON*
WHITNEY L. CASEMENT
ANN J. PREMER²
THOMAS D. HANEY, OF COUNSEL
PETER K. CURRAN, RETIRED

RICHARD B. STEVENS
1899-1991

JOHN W. BRAND
1907-1971

JOHN W. BRAND, JR.
1932-2015

EVAN H. ICE
1953-2016

March 25, 2022

RLM PRAIRIE VILLAGE LLC
PO BOX 1159
DEERFIELD, IL 60015

Re: 9440 Mission Road renewal of Special Use Permit

This office is representing Minit Mart LLC, which is requesting to renew Special Permit 91-13 for the existing and operating service station, car wash and accessory convenience store located at 9440 Mission Road (the northwest corner of 95th & Mission).

As part of the application process, we are hosting a neighborhood meeting for all property owners within 200 feet of this site. Please allow this letter to serve as your formal invitation to this meeting that will be held at *via Zoom* on Thursday, April 14, 2022 at 9:00 a.m. CDT. The information for the Zoom meeting is as follows:

<https://zoom.us/j/91952582026?pwd=bnVOdGtiWVR3VWFUOTJHdjJ2RjZ3UT09>
Meeting ID: 919 5258 2026
Passcode: 035641

The intent of this meeting is to provide additional information regarding the application, as well as offer a forum for questions.

Additionally, in this letter packet, we have included the formal Notice to Owners for the Planning Commission hearing regarding this site and application.

Very truly yours,
STEVENS & BRAND, L.L.P.



Christopher F. Burger
cburger@stevensbrand.com

CFB:sam
Cc: EGA
Enclosure: Notice

LAWRENCE
900 MASSACHUSETTS, SUITE 500

WWW.STEVENSBRAND.COM

TOPEKA
4848 S.W. 21ST STREET, SUITE 201

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: May 3, 2022

Application: PC 2022-106

Request: Lot Split for Separate Ownership of Duplex

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

Property Address: 4109 & 4113 W. 85th Street

Applicant: Kevin Green, Kevin Green Homes

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

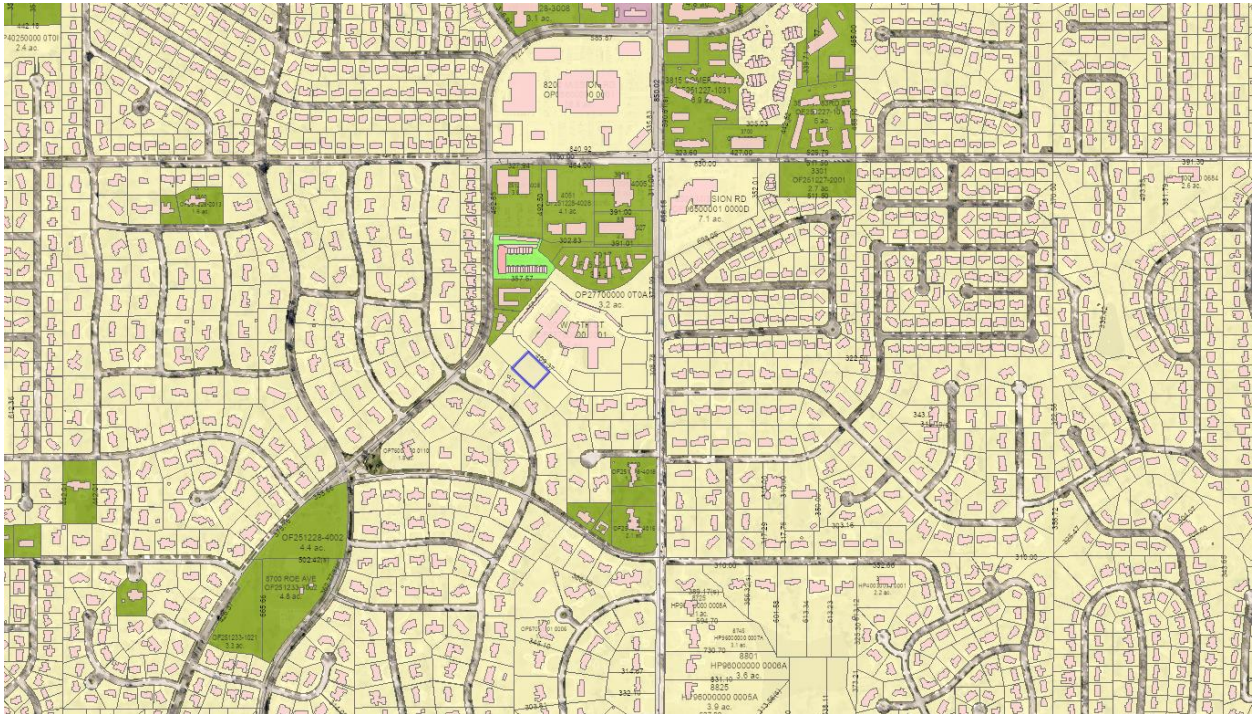
Surrounding Zoning and Land Use: **North:** R-1A/SUP Adult Senior Dwellings
East: R-1A Single-Family Residential – Vacant, Under Construction for more similar twin villas
South: R-1A Single-Family Residential - Single-Family Dwellings
West: R-1A Single-Family Residential – Vacant, Under Construction for more similar twin villas

Legal Description: LOT 12 MISSION CHATEAU 2ND PLAT

Property Area: 0.69 acres (30,131.40 s.f)

Related Case Files: PC 2020-108 Final Plat of Mission Chateau 2nd Plat – Lot Split of Lot 9
PC-2019-101 Final Plat for Mission Chateau 2nd Plat – Lot Split of Lot 10
PC 2018-123 Final Plat of Mission Chateau 2nd Plat – Lot Split of Lot 8
PC 2016-119 Final Plat for Mission Chateau 2nd Plat – Replat of Lot 2 into Lots 3 - 13
PC 2015-110 Preliminary and Final Plat, & Final Development Plan
PC 2015-08 Special Use Permit for Adult Senior Dwellings & Preliminary Development Plan
PC 2013-127 Preliminary Plat
PC 2013-126 Site Plan Approval for Adult Senior Dwellings
PC 2013-11 Special Use Permit for Adult Senior Dwellings
PC 2013-05 Special Use Permit for Adult Senior Dwellings
PC 2013-114 Site Plan Approval for Adult Senior Dwellings
PC 2004 Monument Sign
PC 1995-104 Site Plan Approval for Expansion of Mission Valley Middle School

Attachments Application, certificate of survey

General Location Map**Aerial Map**

Block & Lot Aerial



Block & Lot Birdseye



Lot Birdseye**SUMMARY:**

The applicant is requesting to split an existing lot into two lots to allow the individual ownership of each side of a single duplex building. This property is part of an overall development project for Adult Senior Dwellings that includes a Special Use Permit and Final Development Plan.

The Planning Commission recommended approval of a Special Use Permit and a Preliminary Development Plan at a Special Meeting on July 29, 2015. (PC 2015-08). The City Council approved the Planning Commission recommendations on August 17, 2015.

The Planning Commission approved a preliminary, final plat and final development plan for Mission Chateau at the March 1, 2016 meeting. (PC 2015-110). At this time, it was understood that the large lot to the south would be re-platted at a future date to facilitate the construction and sale of the villas, according to the final development plan. A final plat (Mission Chateau 2nd Plat) for Lots 3 through 13 for each of the twin villa lots was approved by the Planning Commission in July 2016 and accepted by the City Council. (PC-2016-119) Each of these lots included a two-unit building.

As part of the Special Use Permit and Final Development Plan, it was understood that the twin villas would be individually owned, and a subsequent administrative step would be necessary to facilitate recording of documents to allow sale and individual ownership of each unit in each of the twin villa buildings. Three similar applications have been filed and approved by the Planning Commission for lots 8, 10, 9

ANALYSIS:

Section 18.02.010 of the subdivision regulations provides the criteria for approval of a lot split. Essentially the applicant must submit a certificate of survey demonstrating that both lots will meet the zoning ordinance standards and that any existing buildings on a remaining lot are not made nonconforming because of the lot split. The certificate of survey is also required to ensure that there are no issues with utility easements or rights-of-way that are created by the lot split or need to be addressed due to the lot split.

Section 18.02.010 also requires that applicants for a lot split submit a certificate of survey with the following information:

- a. The location of existing buildings on the site.
- b. The dimension and location of the lots, including a metes and bounds description of each lot.
- c. The location and character of all proposed and existing public utility lines, including sewers (storm and sanitary), water, gas, telecommunications, cable TV, power lines, and any existing utility easements.
- d. Any platted building setback lines with dimensions.
- e. Indication of location of proposed or existing streets and driveways providing access to said lots.
- f. Topography (unless specifically waived by the City Planning Commission) with contour intervals not more than five feet, and including the locations of water courses, ravines , and proposed drainage systems. (Staff recommends waiver of topography)
- g. Said certificate of survey shall include the certification by a registered engineer or surveyor that the details contained on the survey are correct.

All of this information is included on the survey certificate submitted by the applicant from R.L Buford & Associates, with a certification date of 03/22/2022. It specifies that LOT 12 be divided into Tract I (4113 W. 85th Street) and Tract II (4109 W. 85th Street), with the division of the tracts occurring along the party wall of the attached unit.

In this case, the property is zoned R-1A; however, the twin villa lots are permitted as part of an overall project for Adult Senior Dwellings through a Special Use Permit and Final Development Plan. Therefore, the development standards associated with the Special Use Permit and Final Development Plan are used, rather than the basic R-1A standards. The twin villas are also subject to design plans approved as a condition of the original Final Development Plan and indicated on all plat approvals.

The twin villa constructed on Lot 12 meets all requirements of the Special Use Permit and Final Development Plan (approved in July 2015), and the Final Plat (approved March 2016). The proposed lot split will entail no physical changes to the site or buildings and is merely a mechanism to facilitate individual ownership of the units as anticipated.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the lot split subject to the following conditions:

1. That the applicant record the approved lot split with the register of deeds and provide a copy of the recorded document prior to issuance of an occupancy permit.
2. That each of the resulting lots and the building continue to be subject to all conditions of approval of the Special Use Permit, Preliminary and Final Development Plans, and Final Plat, as well as the covenants recorded with the previous final plat.



CITY OF PRAIRIE VILLAGE
The Star of Kansas

App # 0028275
Cust # 020452

Planning Commission Application

For Office Use Only	
Case No.:	PC2022-106
Filing Fee:	100.00
Deposit:	500.00
Date Advertised:	
Date Notices Sent:	
Public Hearing Date:	

Please complete this form and return with
Information requested to:

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

Applicant: Kevin Green Phone Number: 816-407-7500

Address: 6610 Royal Street, Pleasant Valley, MO 64068 E-Mail: kevin@kevingreenhomes.com

Owner: Kevin Green Homes Phone Number: 816-407-7500

Address: 6610 Royal Street, Pleasant Valley, MO Zip: 64068

Location of Property: 4109 & 4113 W. 8th Street

Legal Description: Lot 12, Mission Chateau 2nd Plat

Applicant requests consideration of the following: (Describe proposal/request in
detail) Lot split to separate duplex

AGREEMENT TO PAY EXPENSES

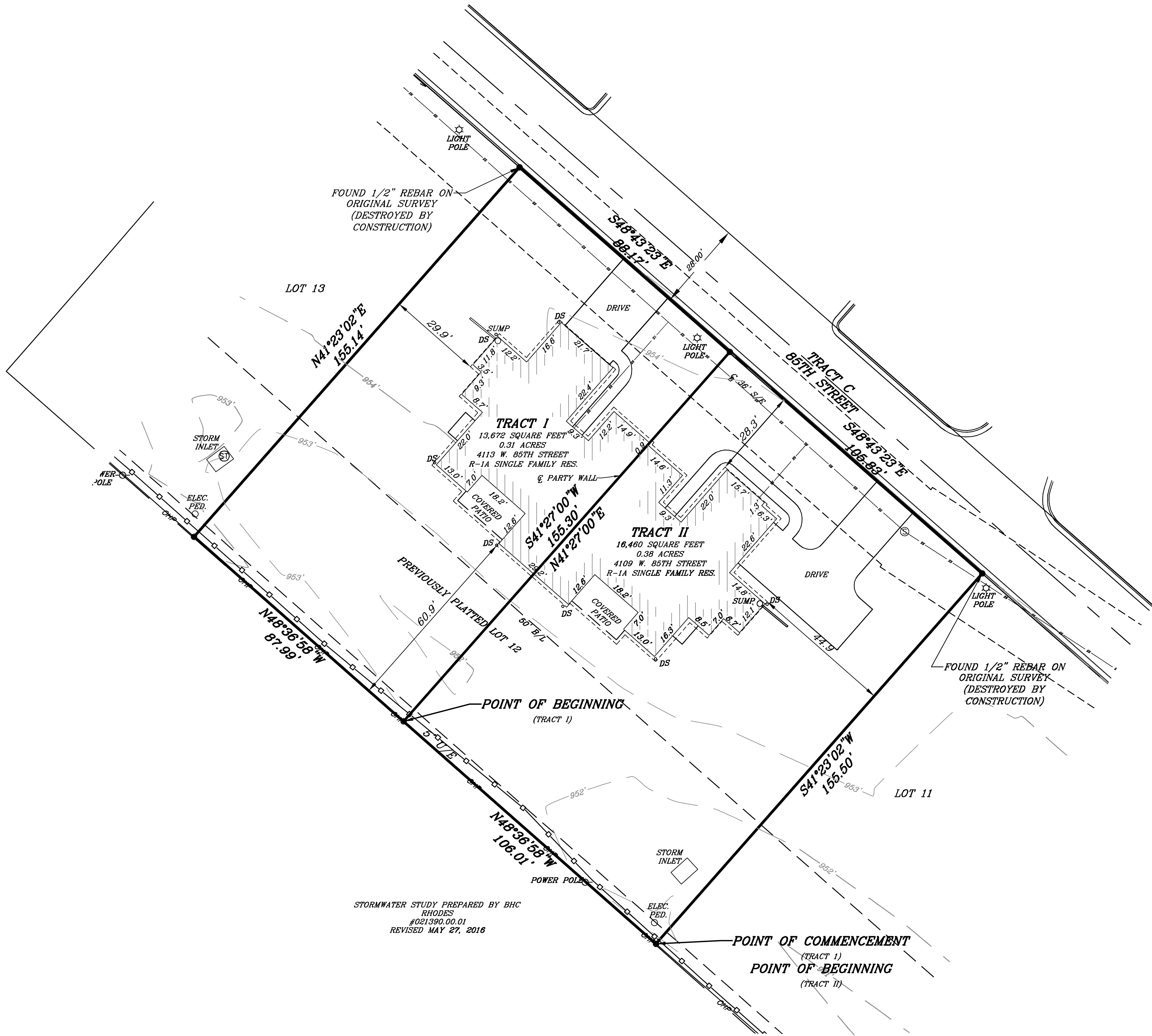
APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or
the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS
(City) for _____

As a result of the filing of said application, CITY may incur certain expenses, such as publication
costs, consulting fees, attorney fees and court reporter fees.

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

Applicant's Signature/Date

Owner's Signature/Date

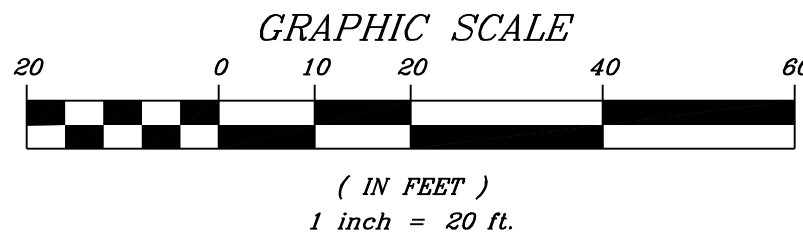


TRACT I CLOSURE
N 5410.3924 E 3713.0474
LINE: N48°36'58"W 87.99'
N 5468.5624 E 3647.0284
LINE: N41°23'02"E 155.14'
N 5584.9634 E 3749.5916
LINE: S48°43'23"E 88.17'
N 5526.7977 E 3815.8540
LINE: S41°27'00"W 155.30'
N 5410.3952 E 3713.0507

TRACT II CLOSURE
N 5340.3086 E 3792.5869
LINE: N48°36'58"W 106.01'
N 5410.3919 E 3713.0479
LINE: N41°27'00"E 155.30'
N 5526.7945 E 3815.8512
LINE: S48°43'23"E 105.83'
N 5456.9785 E 3895.3856
LINE: S41°23'02"W 155.50'
N 5340.3074 E 3792.5844

STORMWATER STUDY
PREPARED BY BHC RHODES
#021390.00.01
REVISED MAY 27, 2016

*DS = DOWNSPOUT
ALL DOWNSPOUTS TO BE
PIPED UNDER GROUND TO A
POINT A MINIMUM DISTANCE
OF 10 FEET FROM THE BUILDING



DEVELOPER:
KEVIN GREEN HOMES
6610 ROYAL STREET
PLEASANT VALLEY, MO 64068

PROPERTY DESCRIPTIONS

PARENT PARCEL:
LOT 12, MISSION CHATEAU 2ND PLAT, A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS

TRACT I
CONTAINING 13,672 SQUARE FEET OR 0.31 ACRES

ALL THAT PART OF LOT 12, MISSION CHATEAU 2ND PLAT, A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHERLY MOST CORNER OF SAID LOT 12; THENCE N48°36'58"W, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 12, A DISTANCE OF 106.01 FEET TO A POINT ON THE SOUTHWESTERLY PROLONGATION OF THE CENTERLINE OF A PARTY WALL SEPARATING 4109 AND 4113 W. 85TH STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE N48°36'58"W, CONTINUING ALONG THE SOUTHWESTERLY LINE OF SAID LOT 12, A DISTANCE OF 87.99 FEET TO THE WESTERLY MOST CORNER OF SAID LOT 12; THENCE N41°23'02"E, ALONG THE NORTHWESTERLY LINE OF SAID LOT 12, A DISTANCE OF 155.14 FEET TO THE NORTHERLY MOST CORNER OF SAID LOT 12; THENCE S48°43'23"E, ALONG THE NORTHEASTERLY LINE OF SAID LOT 12, A DISTANCE OF 88.17 FEET TO A POINT ON THE NORTHEASTERLY PROLONGATION OF THE CENTERLINE OF SAID PARTY WALL; THENCE S41°27'00"W, ALONG THE CENTERLINE OF SAID PARTY WALL AND ITS NORTHEASTERLY AND SOUTHWESTERLY PROLONGATIONS, A DISTANCE OF 155.30 FEET TO THE POINT OF BEGINNING.

TRACT II
CONTAINING 16,460 SQUARE FEET OR 0.38 ACRES

ALL THAT PART OF LOT 12, MISSION CHATEAU 2ND PLAT, A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHERLY MOST CORNER OF SAID LOT 12; THENCE N48°36'58"W, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 12, A DISTANCE OF 106.01 FEET TO A POINT ON THE SOUTHWESTERLY PROLONGATION OF THE CENTERLINE OF A PARTY WALL SEPARATING 4109 AND 4113 W. 85TH STREET; THENCE N41°27'00"E, ALONG SAID PARTY WALL AND ITS SOUTHWESTERLY AND NORTHEASTERLY PROLONGATIONS, A DISTANCE OF 155.30 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 12; THENCE S48°43'23"E, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 105.83 FEET TO THE EASTERLY MOST CORNER OF SAID LOT 12; THENCE S41°23'02"W, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 12, A DISTANCE OF 155.50 FEET TO THE POINT OF BEGINNING.

- BOUNDARY SURVEY NOTES:
1. THE FOLLOWING STANDARD MONUMENTATION HAS BEEN SET AT THE NOTED LOCATION UNLESS INDICATED OTHERWISE ON THIS DRAWING:
1/2" REBAR WITH PLASTIC CAP STAMPED "LS-1165" SET AT ALL CORNERS MARKED " • "
 2. THE POSITION OF EXISTING MONUMENTATION AS INDICATED BY AN " ⊕ ", " ⊙ " OR " △ ", IF NOT THE TRUE CORNER, IS BY DIFFERENCES IN COORDINATES OR AT RIGHT ANGLES TO THE PROPERTY LINE AT THE NOTED DISTANCE FROM THE NEAREST BOUNDARY CORNER.
 3. THE SOURCE OF THE DESCRIPTION USED FOR THIS SURVEY WAS DERIVED FROM THE PLAT OF MISSION CHATEAU 2ND PLAT.
 4. THE BEARINGS SHOWN HEREON ARE BASED UPON THE PLAT OF THE PLAT OF MISSION CHATEAU 2ND PLAT.
 5. THIS SURVEY IS BASED UPON RECORD DOCUMENTS, LEGAL DESCRIPTIONS, AND OTHER INFORMATION FURNISHED BY THE CLIENT PLUS OTHER INFORMATION KNOWN TO THIS SURVEYOR. THIS SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER RECORD DOCUMENTS WHICH AFFECT THE SUBJECT REAL ESTATE.
 6. THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS AS DEFINED BY THE "MINIMUM STANDARDS FOR BOUNDARY SURVEYS, STANDARDS OF PRACTICE NO. 1, AS ADOPTED BY THE KANSAS STATE BOARD OF TECHNICAL PROFESSIONS AND THE KANSAS SOCIETY OF LAND SURVEYORS.
 7. ACCORDING TO THE FLOOD INSURANCE RATE MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, PANEL 39 OF 161, MAP NUMBER 20091C0039G, REVISED AUGUST 3, 2009, THE SUBJECT PROPERTY IS IN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD.

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT WE HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH MEET OR EXCEED THE CURRENT "MINIMUM STANDARDS FOR BOUNDARY SURVEYS, STANDARDS OF PRACTICE NO. 1, AS ADOPTED BY THE KANSAS STATE BOARD OF TECHNICAL PROFESSIONS AND THE KANSAS SOCIETY OF LAND SURVEYORS," AND THAT THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.
DATE: 03/22/2022
CHARLES E. KUTZ, PLS-1165
KANSAS SOCIETY OF LAND SURVEYORS
KANSAS BOARD OF TECHNICAL PROFESSIONS
KANSAS SOCIETY OF LAND SURVEYORS

R.L. Buford & Associates, LLC LAND SURVEYING ENGINEERS P.O. BOX 14089, PARKVILLE, MO. 64152 (816) 741-6152 MO. CERT. OF AUTHORITY LICENSE NO. LS-2010031977	
FOR KEVIN GREEN	SEC.-TWP.-RGE. 28-12-25 DATE 03/22/2022
JOHN JOHNSON	JOB NO. JO-20190 COUNTY JOHNSON FIELD BOOK & PAGE LOOSE LEAF
DRAWN BY PSI	
LOT SPLIT	

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: May 3, 2022 Planning Commission Meeting

Application: PC 2022-107

Request: Site Plan for a Retaining Wall with an Exception to the 2-foot Setback

Action: *A Site Plan requires the Planning Commission to apply the facts of the application to the standards and criteria of the ordinance, and if the criteria are met to approve the application. Retaining wall standards have specific criteria to evaluate for granting exceptions.*

Property Address: 7801 Chadwick

Applicant: Russell Davidson

Current Zoning and Land Use: R-1A Single-Family District - Single-Family Dwelling

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

Legal Description: RIDGEWOOD LOT 10 BLK 6 PVC-0593 0130

Property Area: 9,835.0 sq. ft. or .23 acres

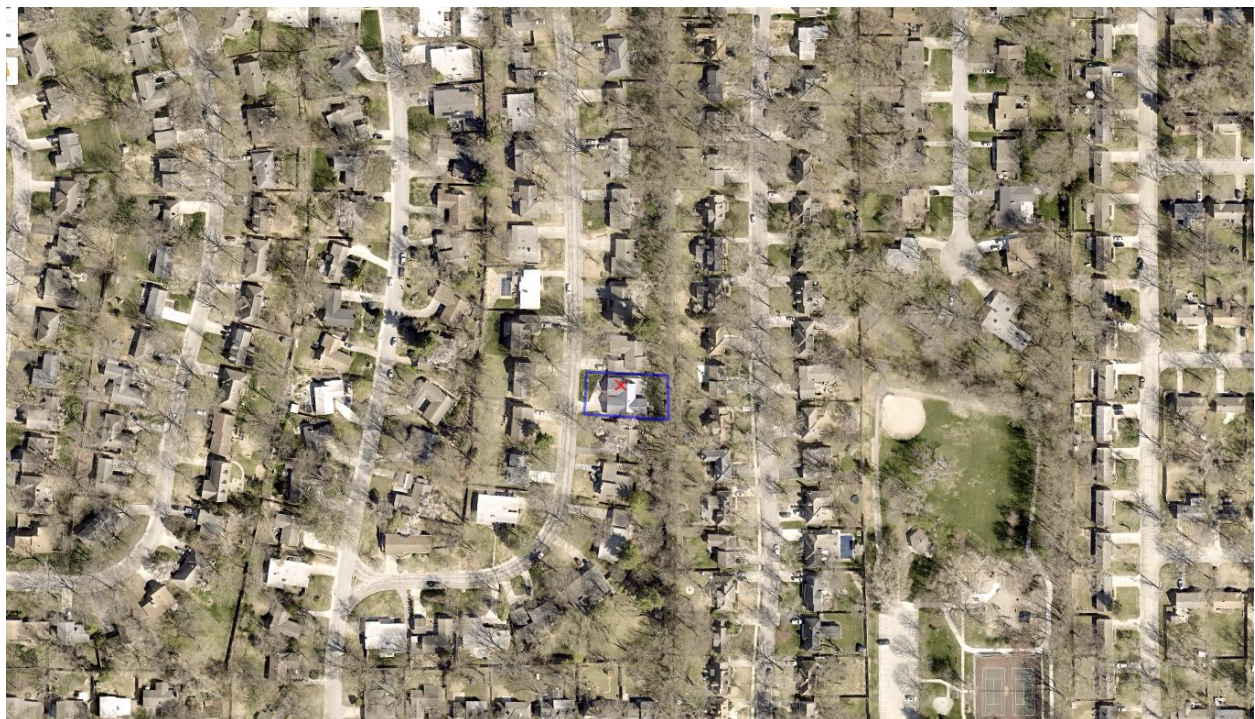
Related Case Files: none

Attachments: Application, Sketch Plan, Plan Review Comments

General Location – Map



General Location – Aerial



Block & Lot Context



Block & Lot Birdseye



Street View



Lot and property on left, existing retaining wall in foreground.



Subject property with existing retaining wall on right.

Summary:

The applicant is requesting reconstruction / replacement of an existing retaining wall on the south side of the lot. The wall extends approximately 136 feet, has an average height of 2.5 feet, and does not exceed 4 feet at any location. The wall transitions the grade between two houses, and similar conditions exist along this block to accommodate the north/south grade of the block. The retaining wall is closer than 2 feet to the property line; the permit application was disapproved by the Building Official because the ordinance requires at least a 2-foot setback for retaining walls. The ordinance allows for the Planning Commission to grant exceptions through the site plan review process.

This property is zoned R-1A. The retaining wall standards in section 19.44.025.D apply to this property:

D. Retaining Walls

1. Retaining walls shall be designed and constructed to support lateral loads. Applications for retaining walls exceeding four (4) feet in height, whether terraced or not, shall be accompanied by design calculations and plans sealed by a professional engineer licensed in the State of Kansas. Said plans shall be reviewed prior to the issuance of a building permit. Retaining walls shall setback a minimum of two (2) feet from side and rear property lines, and retaining walls exceeding six (6) feet in height shall be required to be setback from side and rear property lines an additional one (1) foot for each two (2) feet, or part thereof, in excess of six (6) feet in height, e.g. a ten (10) foot high retaining wall be required to set back a minimum of four (4) feet from the property line. Allowances will be made for tie backs to existing grade. Diagrams depicting the location of retaining walls on various types of situations are attached. Any exceptions or deviations from this formula shall require site plan approval by the Planning Commission.

[19.44.025.D. Prairie Village Zoning Ordinance]

Unlike fences, which are typically placed directly on the property line, this section addresses the unique combination of grading, property maintenance, and massing that is associated with constructing retaining walls. The setback assures that all aspects and potential impacts of the retaining wall – including maintenance of the upper and lower portions, can occur on the site of the wall. This section also allows the Planning Commission to approve different arrangement on a site-by-site basis through site plan review processes, “provided that it results in a project that is more compatible, provides better screening, provides better storm drainage management, or provides a more appropriate utilization of the site.” [19.44.025.G.1.]

Site Plan Criteria:

This application requires a site plan review to grant an exception to the standards. The following are the Site Plan review criteria from Section 19.32.

A. Generally.

1. **The plan meets all applicable standards**
2. **The plan implements any specific principles or policies of the comprehensive plan that are applicable to the area or specific project.**
3. **The plan does not present any other apparent risks to the public health, safety, or welfare of the community.**

This property is zoned R-1A and meets all standards applicable to single-family houses in this district, other than the retaining wall requirements. The applicant is asking to replace an existing wall in the same locations, and all other conditions on the property will be unchanged. It is consistent with the City's comprehensive plan and all other public health, safety, and welfare concerns.

B. Site Design and Engineering.

1. The plan provides safe and easy access and internal circulation considering the site, the block and other surrounding connections, and appropriately balances vehicle and pedestrian needs.
2. The plan provides or has existing capacity for utilities to serve the proposed development.
3. The plan provides adequate stormwater runoff.
4. The plan provides proper grading considering the prevailing grades and the relationship of adjacent uses.

Provided all construction, grading and drainage is properly addressed through construction permits, the proposed exception will meet the site design and engineering criteria. Placement of the wall at the property line will make for a better demarcation of the property boundary and it is consistent with the existing situation.

C. Building Design.

1. The location, orientation, scale, and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.
2. The selection and application of materials will promote proper maintenance and quality appearances over time.
3. The architectural design reflects a consistent theme and design approach. Specifically, the scale, proportion, forms and features, and selection and allocation of materials reflect a coordinated, unified whole.
4. The building reinforces the character of the area and reflects a compatible architectural relationship to adjacent buildings. Specifically, the scale, proportion, forms and features, and materials of adjacent buildings inform choices on the proposed building.

There are no building plans associated with this application

D. Landscape Design.

1. The plan creates an attractive aesthetic environment and improves relationships to the streetscape and adjacent properties.
2. The plan enhances the environmental and ecological functions of un-built portions of the site.
3. The plan reduces the exposure and adverse impact of more intense activities or components of the site or building.

There are no specific landscape plans associated with this application, other than assuring that all drainage and construction issues are properly addressed through the permitting stage.

RECOMMENDATION:

The applicant held a neighborhood meeting, and the notes from that meeting are included in the packet. Planning staff recommends that the site plan be approved, and the retaining wall be allowed to remain where it was constructed, subject to the following condition:

1. The applicant submit a drainage permit, which must be approved by Public Works, demonstrating no impact on adjacent property or other drainage.



CITY OF PRAIRIE VILLAGE
The Star of Kansas

outragepaddlere
aol.com
Cust # 064803
App # 0028304

Planning Commission Application

For Office Use Only
Case No.: <u>PC2022-107</u>
Filing Fee: <u>\$100.00</u>
Deposit: <u>—</u>
Date Advertised: <u>—</u>
Date Notices Sent: <u>—</u>
Public Hearing Date: <u>—</u>

Please complete this form and return with
Information requested to:

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

Applicant: Russell Davidson

Phone Number: 9136492051

Address: 7801 Chadwick

E-Mail: rusty@rustysdandyprinting.com

Owner: Russell Davidson

Phone Number: 9136492051

Address: 7801 Chadwick

Zip: 66208

Location of Property: 7801 Chadwick

Legal Description: _____

Applicant requests consideration of the following: (Describe proposal/request in detail) retaining wall on property lines

AGREEMENT TO PAY EXPENSES

APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for _____.

As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

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

[Signature]
Applicant's Signature/Date

Owner's Signature/Date

City of Prairie Village Building Code Department Plan Review Comments

3535 Somerset Drive PV Kansas, 66208

Customer Service 913-385-4604

Address: 7801 Chadwick Street

Date: 3-21-2022

Status of Plan Review: Disapproved

Reviewed by: Mitch Dringman Building Official

The following items shall be corrected and resubmitted:

1. The proposed location of the retaining wall appears to be closer than 2 feet to the lot line, this is a violation of:

PVZC 19.44.025 Fences and retaining walls: subsection (d) Retaining walls shall be designed and constructed to support lateral loads. Applications for retaining walls exceeding four feet in height, whether terraced or not, shall be accompanied by design calculations and plans sealed by a professional engineer licensed in the State of Kansas. Said plans shall be reviewed prior to the issuance of a building permit. Retaining walls shall setback a minimum of two feet from side and rear property lines, and retaining walls exceeding six feet in height shall be required to be set back from side and rear property lines an additional one foot for each two feet, or part thereof, in excess of six feet in height, e.g. a ten feet high retaining wall would be required to set back a minimum of four feet from the property line. Allowances will be made for tie backs to existing grade. Diagrams depicting the location of retaining walls on various types of situations are attached at the end of this chapter. Any exceptions or deviations from this formula shall require site plan approval by the planning commission.

- To correct the application a new site plan shall be submitted that identifies the proposed retaining wall 2 feet away from the lot line. Otherwise for the retaining wall to be installed as submitted the applicant will need to seek planning commission site plan approval.

Send new site plan to permits@pvkansas.com

City of Prairie Village Building Permit Application
3535 Somerset Drive Prairie Village KS 66208
913-385-4604 permits@pvkansas.com

Application # 28094
Permit # _____

Project Address 7801 Chadwick Application Date 3/3/2022
Property Owner's Name Rusty Davis Phone 913-649-2051
Property Owner's Email Address rusty@rustysdandypainting.com

CHECK WITH YOUR HOMES ASSOCIATION REGARDING DEED RESTRICTIONS

General Contractor WRIGHTSCAPES LLC Phone 913-956-8011
Customer # 22599 (OFFICE USE ONLY) Email wrightscapeskw@gmail.com
Address _____

Electrical Contractor _____ Phone _____
Customer # _____ (OFFICE USE ONLY) Email _____
Address _____

Plumbing Contractor _____ Phone _____
Customer # _____ (OFFICE USE ONLY) Email _____
Address _____

Mechanical Contractor _____ Phone _____
Customer # _____ (OFFICE USE ONLY) Email _____
Address _____

Description of work to be done: Construction of basic stone block retaining wall with a total length of approx. 136 ft. Average wall height of 2 1/2 ft. Does not exceed 4 ft. in any location.

Total value of all work including labor: \$ 17,500

I have read and examined this application and declare my responses to be true and correct. All laws and ordinances governing this work will be followed whether specified herein or not. I understand this permit does not grant authority to violate or cancel any state or local law. I agree to pay a plan review fee even if this application is not approved. I understand that the City may contract with outside consultants for plan reviews and/or inspections associated with this permit. When consultants are utilized, I understand that I am responsible for all City costs incurred by the use of these services. I further understand that these costs will be significantly higher than the City fee schedule, and will be in addition to permit fees. If I am to be charged for these services, the City will make a reasonable attempt to inform me prior to the provision of these services.

Applicant's Name (Please Print) Keith Wright Permit Fee _____
Signature of Contractor/Authorized Agent Keith Wright Plan Review Fee _____
Designated Architect or Engineer of Record _____ Technology Fee _____
Architect or Engineer Email Address _____ Stop Work Fee _____
HOA Notification(OFFICE USE) _____ YES N/A TOTAL FEES _____

Please complete your payment method below if you are using Visa, MasterCard or Discover, AMEX - email required if not applying in person

Name on Card	Signature		
Card Number	3-digit CVV	Expiration Date	

The issuer of the card identified on this item is authorized to pay the amount shown as TOTAL on proper presentation. I promise to pay such TOTAL (together with any other charges due thereon) subject to and in accordance with the agreement governing the use of such card.



Length of wall approx. 136 ft.
Average height of wall $2\frac{1}{2}$ ft. (does not exceed 4 ft. in any location)
Standard stone retaining block construction with wall base of AB3 gravel
Block glued together with construction adhesive and wall back filled with
clean aggregate for stability and proper drainage

Copy of letter to neighbors April 12

April ~~May~~ 10, 2022

Rusty Davidson
7801 Chadwick
Prairie Village
KS 66208

Dear Neighbor,

I am writing to make you aware of our plans to replace the retaining wall on the south side of our property. The wall is collapsing and our yard is washing into the neighbors.

The city has informed us that the previous wall (built some 35 to 40 years ago) is not in conformance with the current Prairie Village zoning regulations, which have been updated since the old wall was built. Under these regulations the wall must be two feet inside of the property line. Unfortunately moving the wall two feet will interfere with an existing sidewalk and the foundation of the carport on the south side of the house.

We have applied to the City of Prairie Village Planning Commission for approval to keep the new wall in the exact same position as the current wall. The Planning Commission requires us to provide an opportunity for our neighbors to raise questions or concerns regarding the placement of the new wall.

This letter is to make you aware of a meeting that we are holding on Wednesday, April 20, 2022 at 7:00 PM. You are invited, but not required, to attend. This will give you the opportunity to express any concerns you may have. We will submit a record of the meeting to the Prairie Village Planning Commission. This record will identify attendees and will document any concerns that they may have pertaining to the wall.

We plan to hold the meeting in person at 7801 Chadwick so neighbors will see what we want to accomplish.

If you plan to attend, please Email: RustyDavidson1945@gmail.com.

Thank you

Rusty Davidson

April 21, 2022

Rusty Davidson
7801 Chadwick
Prairie Village
KS 66208

Planning Commission of Prairie Village

The meeting for our neighbors to be informed or voice concern over the retaining wall on the south edge of our property was held Wednesday, April 20, 2022.

There were 5 people, including myself in attendance.

I showed the neighbors that by moving the wall in two feet, the wall would interfere with the existing side walk and the foundation of the car port. It would not be possible for the proper footings and drainage to be installed for the retaining wall.

The common consensus was that the wall would be a great asset and to leave it on the property line.

Several other neighbors had stopped by in the days preceding the meeting and agreed that leaving the wall on the property line would be the best option.

Meeting attendance: 4-20-22 7:00 PM
James Marshall (913) 383-9864
7734 Chadwick

Eileen Marshall 913-383-9864
7734 CHADWICK

George Lucas
7819 Chadwick, P.V.Ks 913-381-9487

CAROL LUCAS PVKS 913-381-9487

Stopped by early:

Chip Fanolio	7815 Chadwick
Skip Luce	7737 Chadwick
Kurt Jensen	7807 Chadwick
Karen Wennecke	7749 Chadwick

April ~~May~~ 10, 2022

Rusty Davidson
7801 Chadwick
Prairie Village
KS 66208

Dear Neighbor,

I am writing to make you aware of our plans to replace the retaining wall on the south side of our property. The wall is collapsing and our yard is washing into the neighbors.

The city has informed us that the previous wall (built some 35 to 40 years ago) is not in conformance with the current Prairie Village zoning regulations, which have been updated since the old wall was built. Under these regulations the wall must be two feet inside of the property line. Unfortunately moving the wall two feet will interfere with an existing sidewalk and the foundation of the carport on the south side of the house.

We have applied to the City of Prairie Village Planning Commission for approval to keep the new wall in the exact same position as the current wall. The Planning Commission requires us to provide an opportunity for our neighbors to raise questions or concerns regarding the placement of the new wall.

This letter is to make you aware of a meeting that we are holding on Wednesday, April 20, 2022 at 7:00 PM. You are invited, but not required, to attend. This will give you the opportunity to express any concerns you may have. We will submit a record of the meeting to the Prairie Village Planning Commission. This record will identify attendees and will document any concerns that they may have pertaining to the wall.

We plan to hold the meeting in person at 7801 Chadwick so neighbors will see what we want to accomplish.

If you plan to attend, please Email: RustyDavidson1945@gmail.com.

Thank you

Rusty Davidson

It's really
stupid you have
to quibble over 1 foot!
What the hell!!
Your neighbor
The Warnecks

4/4/2022

To Whom it may concern, and the City of Prairie Village,

As the property owner of 7807 Chadwick Street, PV, KS 66208, I am writing to inform you that I approve of the retaining wall my neighbors to the north, the Davidson's, are installing to replace the old retaining wall that currently exists. I understand that the new wall will be built in the same place as the current wall today, and I am ok with this location.

If you have any questions for me or need further confirmation please call my cell at 913-645-6011.

Thanks,

Kurt Jensen

A handwritten signature in black ink, appearing to read 'Kurt Jensen', written over a horizontal line.

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: May 3, 2022 Planning Commission Meeting

Application: PC 2022-109

Request: Site plan review for a fence, with an exception

Action: *A Site Plan requires the Planning Commission to apply the facts of the application to the standards and criteria of the ordinance, and if the criteria are met to approve the application. Fence standards have specific criteria to evaluate for granting exceptions.*

Property Address: 9119 Alhambra Steet

Applicant / Owner: Jason Leiker

Current Zoning and Land Use: R-1A Single-Family District - Single-Family Dwelling

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

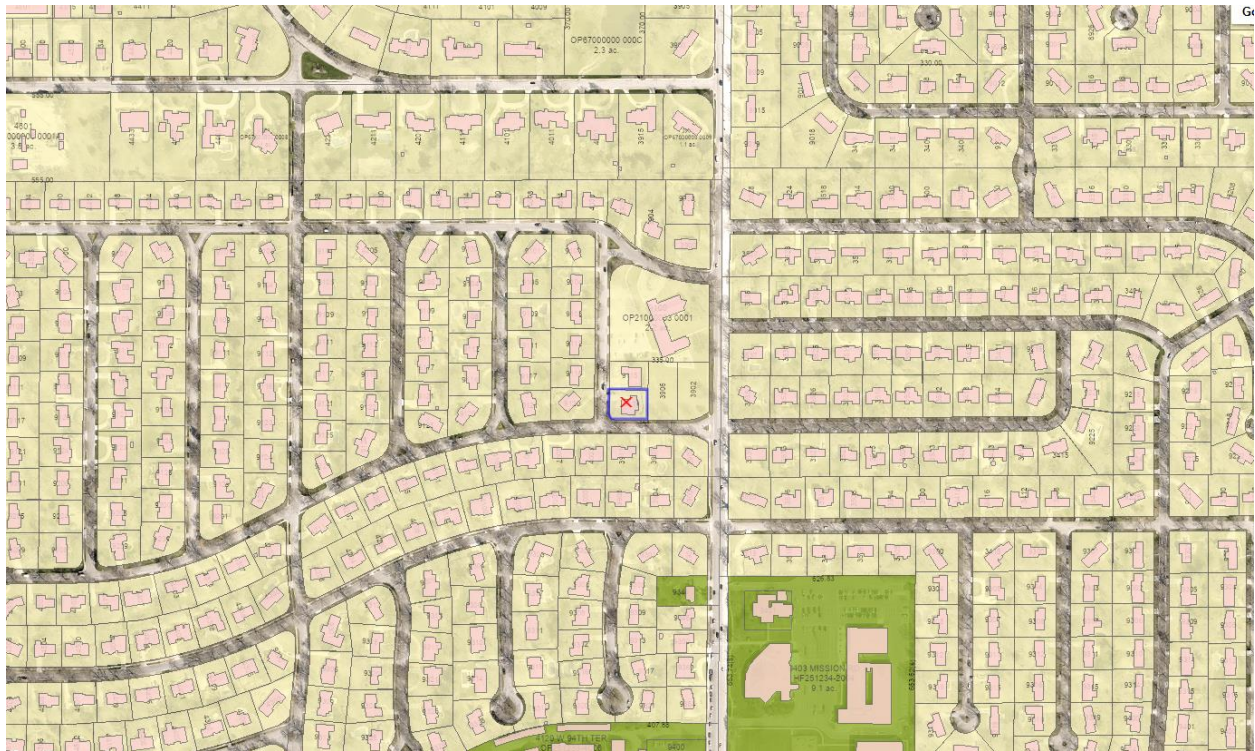
Legal Description: KENILWORTH LOT 3 BLK 3 PVC 715A 28 BTAO 2347 3

Property Area: 12,971.57 sq. ft. (0.30 ac.)

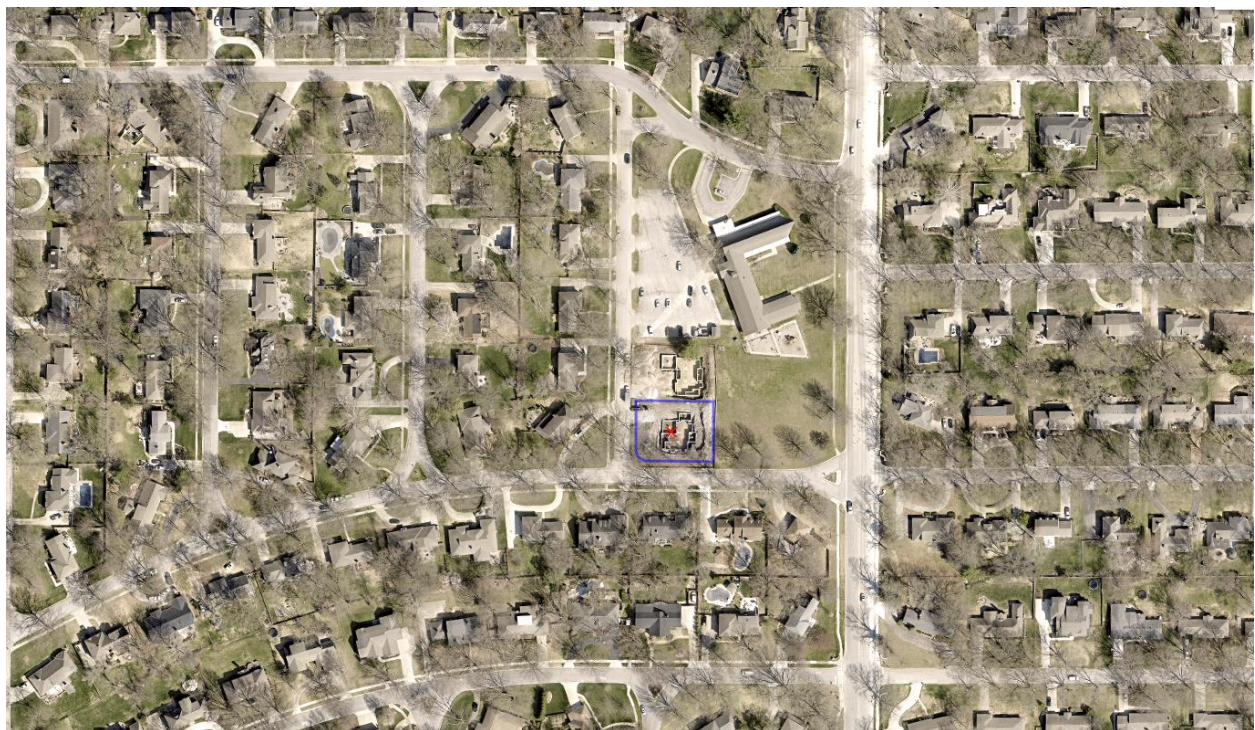
Related Case Files: none

Attachments: Application, lot plan with fence diagram, existing condition photos

General Location – Map



Aerial Map



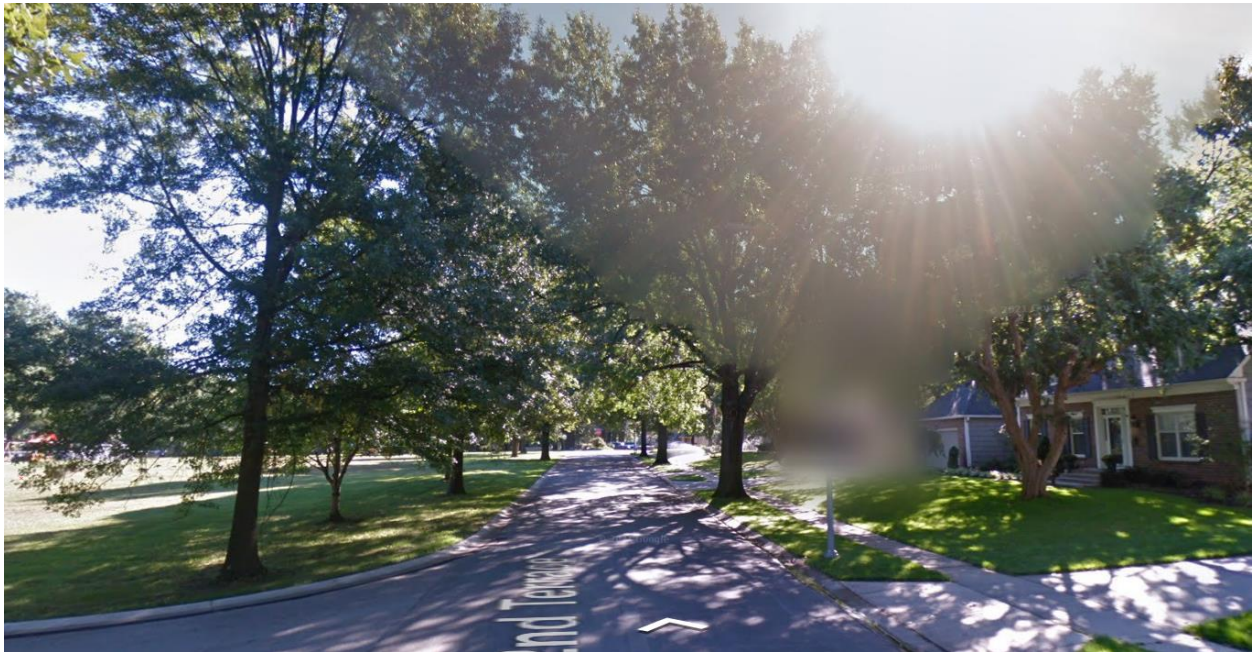
Site Context – Aerial



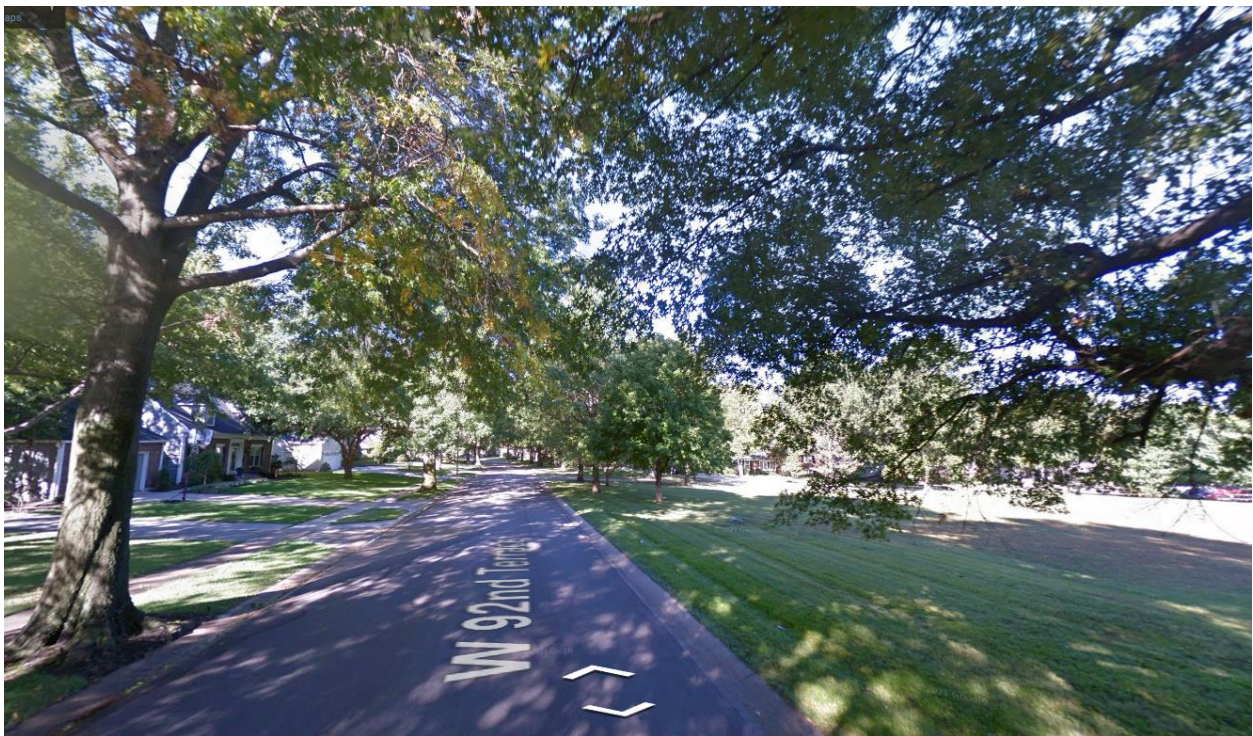
Site Context - Birdseye



Street Views



Looking east on 92nd Terrace; subject property on left, prior to home construction



Looking west on 92nd Terrace; subject property on right prior to home construction

ACKGROUND:

The applicant is requesting to locate a 6-foot high privacy fence in the rear yard of the house along the street side lot line along 92nd Terrace. The fenced area would begin at the southeast corner of the house and extend approximately 12 feet along the building line at the 20 feet side setback. From this point the fenced area would extend south to the street side lot line, and then extend along that lot line for approximately 31.5 feet east to the rear lot line where the fence would extend along the entire rear lot line. (See applicant Exhibit 2A)

The zoning ordinance was recently amended to address fences along street side property lines. (Ord. 2464, December 20, 2021). This amendment adjusted the fence standard to match many existing conditions where street side fences are at or near the property line. The new requirement is that street side fences of a corner lot “be on private property or at least 18 inches from a public sidewalk.” [\[19.44.025.\(c\)\(2\)\]](#). However, where any street side property line abuts the front lot line of an abutting lot (“reverse corner” pattern), then the past standard applies that the fence be setback from the right-of-way at least 15 feet or at least one-half of the front yard of the adjacent building. [\[19.44.025.\(c\)\(2\)\]](#).

The existing condition on this lot would not trigger this additional setback rule. The property to the east along 92nd Terrace is a large institutional use that orients towards Mission Road and 91st Terrace. The 92nd Terrace corner of this property is oriented as a side or rear situation for this institutional property, not the front orientation that is the concern of the ordinance section requiring an additional setback on street corners. However, this property is platted with two existing lots that do front on 92nd Terrace. While the current arrangement of the institutional property extends onto these lots and would not allow development of these two lots as houses, it is possible that through infill or redevelopment in the future they could accommodate single family houses that front on 92nd Terrace. (Note: the subject property and the new house to the north are both new construction on similarly platted lots, however none of the institutional uses buildings, structures, or facilities extended onto these lots and they remained open and undeveloped.)

The applicant held a neighborhood meeting on April 23, 2022, in accordance with the City’s Resident Participation Policy, and has provided background on the meeting to supplement the application.

ANALYSIS:

This property is zoned R-1A. The fence standards in section [19.44.025](#) apply to this property, and the following specific section is the subject of this application:

C. Location.

3. Fences located on the side street of a corner lot shall be on private property and at least 18 inches from any public sidewalk, except that if an adjacent lot faces the side street, the fence shall be setback from the right-of-way line 15 feet or not less than one-half the depth of the front yard of an adjacent building, whichever is the greater setback. [\[19.44.025.\(c\)\(3\)\]](#)

This section intends to preserve the relationship of buildings, lots and yards to the streetscape, recognizing the different situations that typically arise on corner lots.

The factors that affect this particular situation are the following:

- The street side fence is entirely behind the rear building line, and the portion where the exception is requested extends for approximately 31.5 feet along the street side lot line.
- The property line is approximately 12 feet from the curb. There is no sidewalk on the north side of the street along these lots, resulting in a 12 feet landscape area between the closest point of the fence and the curb edge.
- The “street-fronting” lot to the east is platted on paper, but the existing condition is the rear or side of a large institutional property. The platted lots could only be developed as front-facing lots with infill and redevelopment on these lots and on the institutional property.
- The location of the proposed fence and the portion requiring an exception is far removed from any intersections, entrances, or any streetscape views of other homes..
- The proposed fence generally meets all other fence requirements in Section [19.44.025](#),

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

CRITERIA:

The following are the Site Plan review criteria: [\[Section 19.32.030.\]](#)

A. Generally.

1. The plan meets all applicable standards
2. The plan implements any specific principles or policies of the comprehensive plan that are applicable to the area or specific project.
3. The plan does not present any other apparent risks to the public health, safety, or welfare of the community.

The nature of this application is that it does not meet applicable standards, and is requesting an exception subject to specific criteria discussed below. Otherwise, this site is capable of meeting all requirements for residential property.

B. Site Design and Engineering.

1. The plan provides safe and easy access and internal circulation considering the site, the block and other surrounding connections, and appropriately balances vehicle and pedestrian needs.
2. The plan provides or has existing capacity for utilities to serve the proposed development.
3. The plan provides adequate stormwater runoff.
4. The plan provides proper grading considering the prevailing grades and the relationship of adjacent uses.

This site is currently served by utilities and this plan does not affect any utility, access or runoff issues not already addressed through the building permit. No changes to the grade, building footprint or impervious surface are proposed or impacted by consideration of this application, and therefore stormwater runoff will not be affected.

C. Building Design.

1. The location, orientation, scale, and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.
2. The selection and application of materials will promote proper maintenance and quality appearances over time.
3. The architectural design reflects a consistent theme and design approach. Specifically, the scale, proportion, forms and features, and selection and allocation of materials reflect a coordinated, unified whole.
4. The building reinforces the character of the area and reflects a compatible architectural relationship to adjacent buildings. Specifically, the scale, proportion, forms and features, and materials of adjacent buildings inform choices on the proposed building.

This plan does not affect building design criteria not already addressed through the building permit.

D. Landscape Design.

1. The plan creates an attractive aesthetic environment and improves relationships to the streetscape and adjacent properties.
 2. The plan enhances the environmental and ecological functions of un-built portions of the site.
 3. The plan reduces the exposure and adverse impact of more intense activities or components of the site or building.
-

The intent of the proposed location standards for fences is to improve and preserve the relationship of sites and buildings to the neighborhood street frontages. In this case, the fence will be approximately 12 feet from the street. The proposed privacy fence is 6' tall and it is entirely behind the front building line (the fenced area requiring an exception begins at approximately 12' east of the rear corner of the house). It will not affect any sight distances related to street corners or driveway entrances and there is no impact on the streetscape view of the adjacent houses.

The fence standards also have the following specific criteria for the Planning Commission to approve exceptions [\[Section 19.44.\(g\)\(1\)\]](#):

- **Project that is more compatible,**
- **Provides better screening,**
- **Provides better storm drainage management, or**
- **Provides a more appropriate utilization of the site.**

RECOMMENDATION:

Staff recommends approval of this fence site plan with the exception for the street side additional setback given the above considerations, and subject to the extent shown in Exhibit 2A of the application.



CITY OF PRAIRIE VILLAGE

The Star of Kansas

Planning Commission Application

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

Please complete this form and return with
Information requested to:

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

Applicant: Jason Leiker Phone Number: 913 579 1550
Address: 9119 Alhambra St., Pvk 5 66207 E-Mail: jleiker@levycraig.com
Owner: Jason Leiker Phone Number: 913 579 1550
Address: Same Zip: Same
Location of Property: PVKs - Kenilworth
Legal Description: Lot 3, Block 3, Kenilworth, a subdivision in Prairie Village, Johnson County, Kansas

Applicant requests consideration of the following: (Describe proposal/request in detail) (A) Approval of fence plan as submitted to City, which is attached as Exh. 1.

(B) Or, alternatively, the modified plan, which is attached as Exh. 2.

(C) For reference, the City-approved Plan is attached as Exh. 3.

AGREEMENT TO PAY EXPENSES

(D) For reference, see photos of area at issue, marked with proposed fence. Exh. 4.
APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for _____.

As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

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

Applicant's Signature/Date

Owner's Signature/Date

EXH. 2A

This site plan is for the fence only

ORDERED BY: KOENIG BUILDING + RESTORATION, LLC
PROPERTY ADDRESS: 9119 Alhambra St.
DESCRIPTION: Lot 3, Block 3, KENILWORTH, a Subdivision
in Prairie Village, Johnson County, Kansas

LAND SURVEY COMPANY
A DIVISION OF MIDAN ENTERPRISES, INC.
C OF A LICENSE NO. 13-70
Quality since 1999
P.O. BOX 523, GRANDVIEW, MISSOURI 64030
PHONE: (816) 866-8813 FAX: (816) 763-1761

CONSTRUCTION STAKE PLOT PLAN

Modified
(Blue lines)

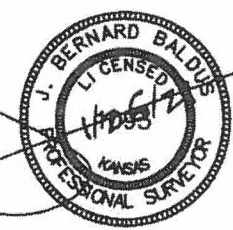
Area Calculations
Lot Area = 12,987 s.f.
Proposed Non Permeable = 4,495.0 s.f. - 34.6%
Max Non Permeable (40%) = 5,194.8 s.f.
Proposed Driveway = 1,546.0 s.f.
Front Yard Greenspace = 69.5%

LEGEND
⊕ = SET 1/2" BAR #1093
— = SET CURB NOTCH

BASIS OF BEARINGS
KANSAS STATE PLANE COORDINATES

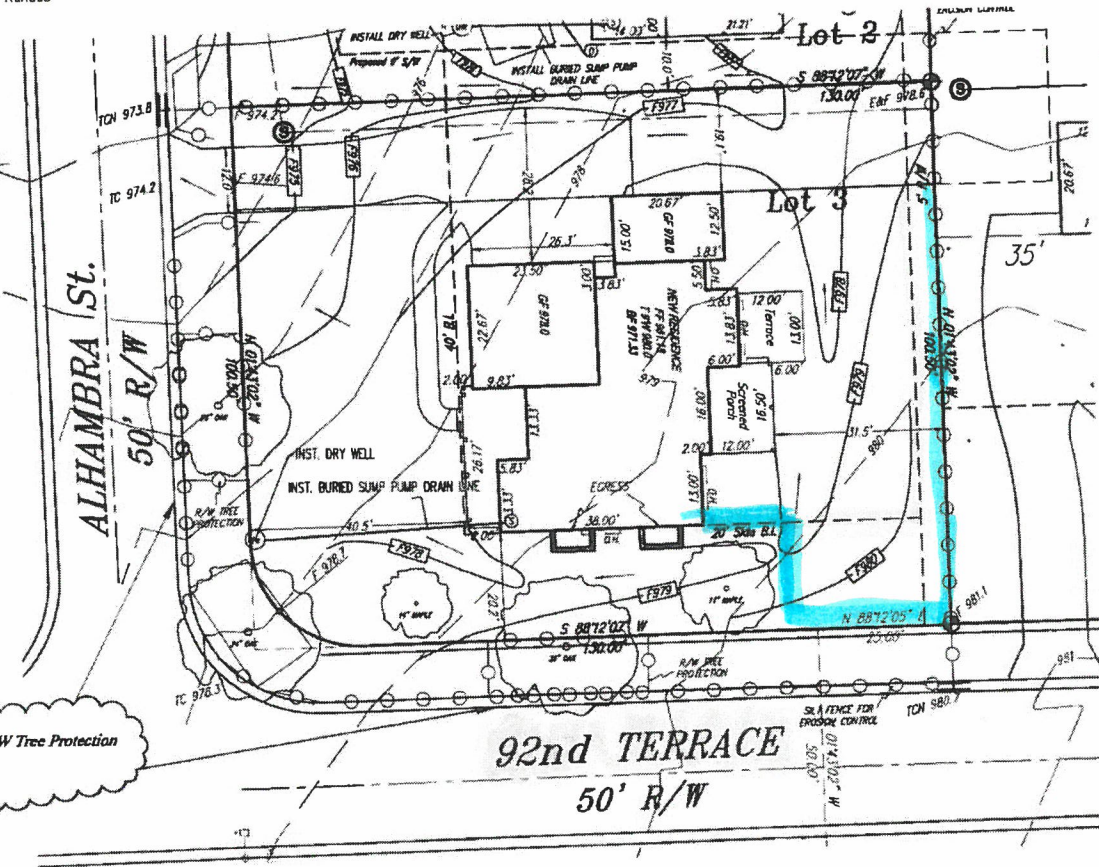


SCALE IN FEET
SCALE: 1" = 20'
DATE: 07/22/2020
Add Hse: 11/9/2020
Rev: 1/10/21
STORM: 1/25/21



J. BERNARD BALDUS, KSPS # 1083

The highlighted area indicates the approved location of the fence.
David McAniff
3-10-22



See Prairie Village R/W Tree Protection Detail.

Attention: This Plot Plan was prepared for use before and during foundation construction ONLY. This house is staked as shown on this drawing. The Contractor is to check and verify house dimensions and elevations at the job site. We are not responsible for unknown or unplotted easements of any kind unless we are furnished with the description of said easement prior to our field work being performed. Elevations shown herein are for a guide only, and final elevations are the responsibility of the on-site Contractor.
Unless otherwise noted, THIS IS NOT AN AS-BUILT SURVEY and we can not guarantee the construction of anything shown on this "Plan." Boundary and Improvement Surveys and "As-Built" Grading Certifications serve the purpose of showing "Actual" construction.

CITY
ANY Approved
Fence
Plan

J. BERNARD BALDUS, MSFS # 1003

Adam:

We sent letters to all neighbors on the list you provided. We then held a virtual meeting with any neighbors wanting to join on Saturday, April 23, 2022 at 10:00 a.m. Attending were Gregory Drees and Thomas Terry. I also heard from Pam Hannifan via email, who supports a variance, as well as Marilyn Hammond and Cher Brownback, both of whom did not voice concerns.

Mr. Terry's primary concern was to ensure enough distance sits between the west most point of the fence line and the corner of 92nd Terrance and Alhambra Street. We believe his concerns are being addressed by the variance. Mr. Drees' concern was primarily the location of the fence. He admitted he prefers the field remained and no house was built but conceded that was only a wish as the house has been built. He prefers our modified plan in Exhibit 2A of the attached.

For our variance request, we must provide you with a point of clarification. We are not pursuing a variance for the plan submitted on our behalf by Slagle Fence. That plan is shown in Exhibits 1 A and 1 B (both in red). Rather, the fence will start at/around the back corner of the house near the gutter (to the right of the bedroom window). We are willing to take the fence east a bit, then ninety degrees (90') north, then ninety degrees (90') east so that the last tree in the line of trees is avoided. That tree would be outside the fence line. This preserves the tree-lined street look. This plan honors the City's 10' easement as well. Exhibit 2A has this drawn in blue and shows the Plot Plan with dimensions and distances. This will allow us to construct the swimming pool we have already entered into contract to construct in July, 2022.

Please let me know what clarifications or questions I can answer and what other information is required ahead of the meeting on May 3, 2022. I will take part in the meeting on behalf of Amiee and I. We hope this can be resolved. Thank you.

Jason

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: May 3, 2022

Application: PC 2022-110

Request: Lot Split

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

Property Address: 7540 Delmar

Applicant: Phelps Engineering, Inc.; Jim Lambie, Applicant; Selena Parrish & Beckon Brown, Owners

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

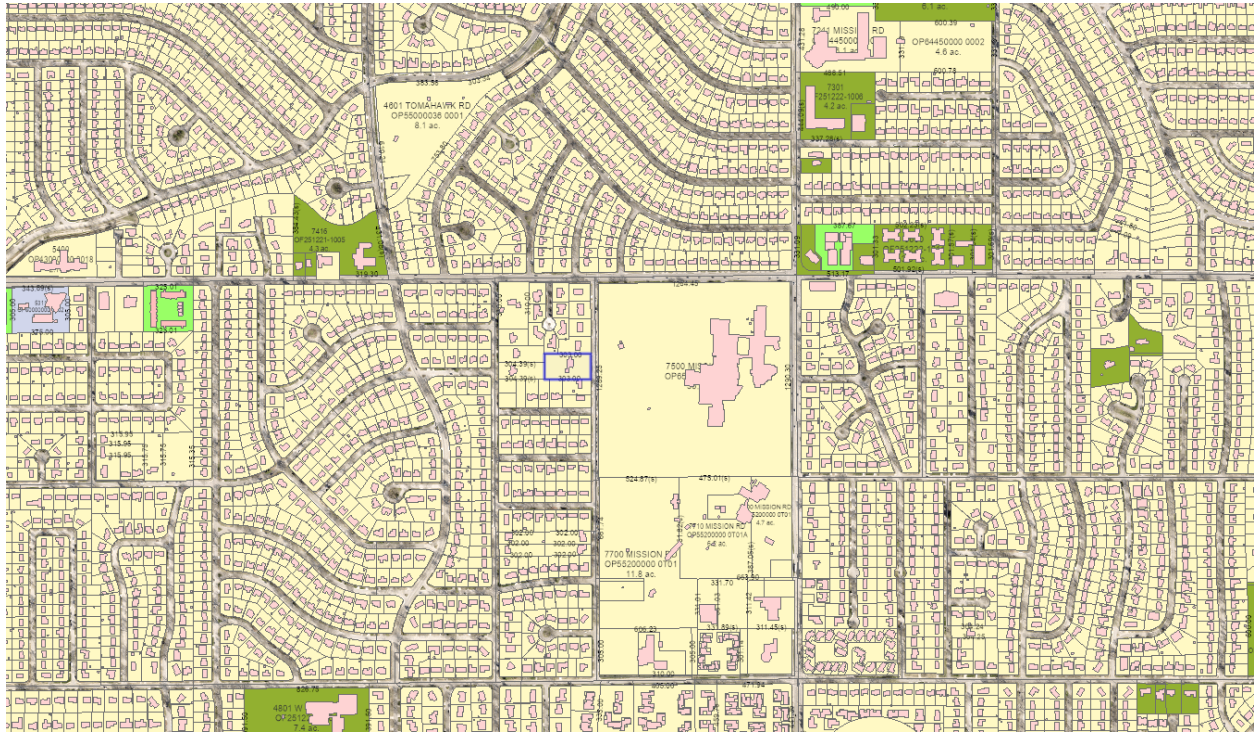
Surrounding Zoning and Land Use: **North:** R-1A Single-Family Residential, Single-family Dwellings
East: R-1A Single-Family Residential, High School
South: R-1B Single-Family Residential - Single-family Dwellings
West: R-1A Single-Family Residential, Single-family Dwellings

Legal Description: JARBOE HEIGHTS S 165 FT OF E 303 FT LOT 2 PVC-4349

Property Area: 1.15 acres (49,991.72 s.f)

Related Case Files: None

Attachments Application, certificate of survey

General Location Map**Aerial Map**

Aerial Block & Lot



Birdseye Block & Lot



Street View

Looking north on Delmar, subject property on left.

SUMMARY:

The applicant is requesting to split an existing lot into two lots to allow two single-family structures to be built. The existing lot is approximately 165 feet (wide) by 304 feet (deep), resulting in a lot that is nearly 50,000 square feet. The proposal is to split the lot down the middle for two lots that are 82.5 feet wide, resulting in two lots that are approximately 24,900 square feet. An existing house will be torn down to allow for two new houses. This is an exceptionally deep lot due to a cul-de-sack that terminates in the middle of the block just to the north, and the "end-grain" pattern several lots to the south on 77th street (zoned R-1B).

ANALYSIS:

Section 18.02.010 of the subdivision regulations provides the criteria for approval of a lot split. Essentially the applicant must submit a certificate of survey demonstrating that both lots will meet the zoning ordinance standards and that any existing buildings on a remaining lot are not made nonconforming because of the lot split. The certificate of survey is also required to ensure that there are no issues with utility easements or rights-of-way that are created by the lot split or need to be addressed due to the lot split.

Section 18.02.010 also requires that applicants for a lot split submit a certificate of survey with the following information:

- a. The location of existing buildings on the site.
- b. The dimension and location of the lots, including a metes and bounds description of each lot.
- c. The location and character of all proposed and existing public utility lines, including sewers (storm and sanitary), water, gas, telecommunications, cable TV, power lines, and any existing utility easements.
- d. Any platted building setback lines with dimensions.

- e. Indication of location of proposed or existing streets and driveways providing access to said lots.
- f. Topography (unless specifically waived by the City Planning Commission) with contour intervals not more than five feet, and including the locations of water courses, ravines, and proposed drainage systems. (Staff recommends waiver of topography)
- g. Said certificate of survey shall include the certification by a registered engineer or surveyor that the details contained on the survey are correct.

All of this information is included on the survey certificate submitted by the applicant from Scott D. Confer, with a certification date of 03/9/2022. It specifies that LOT 2 be divided into two equal lots of Tract A and Tract B.

In this case, the property is zoned R-1A; which requires the following with regard to lot sizes and future development:

- Lot width: 80' minimum
- Lot depth: 125' minimum
- Setbacks:
 - Front: 30'
 - Sides: 7' minimum and 20% of lot width between both sides
 - Rear: 25' minimum
- Lot Coverage:
 - 30% maximum building coverage
 - 40% maximum impervious surface coverage
- Development in R-1A is subject to all Neighborhood Design standards.

Each resulting lot is capable of being developed according to these standards. Other lots on this street are approximately 115 feet wide, and blocks in the area are between 65 and 140 feet wide (some of which are zoned R-1B).

RECOMMENDATION:

Staff recommends that the Planning Commission approve the lot split subject to the following conditions:

1. Prior to recording, a note be added to the survey plat that the existing structure over the proposed lot line is to be demolished, and the split is subject to approval and execution of a demolition permit.
2. The lots are assigned addresses and lot identification numbers acceptable to the Johnson County Land Records requirements.



CITY OF PRAIRIE VILLAGE

The Star of Kansas

Planning Commission Application

For Office Use Only
Case No.: PC2022-110
Filing Fee:
Deposit:
Date Advertised:
Date Notices Sent:
Public Hearing Date:

Please complete this form and return with
Information requested to:

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

Applicant: HELPS ENGINEERING, INC Phone Number: 913-393-1155

Address: 1270 N. WINCHESTER, OLAHE E-Mail: SCONFER@HELPSENGINEERING.COM

Owner: JIM LAMBIE Phone Number: 913-897-0040

Address: 8712 W. 151ST ST. OP, KS Zip: 66221

Location of Property: 7540 DELMAR

Legal Description: JARBOE HEIGHTS, PART OF LOT 2

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

LOT SPLIT

AGREEMENT TO PAY EXPENSES

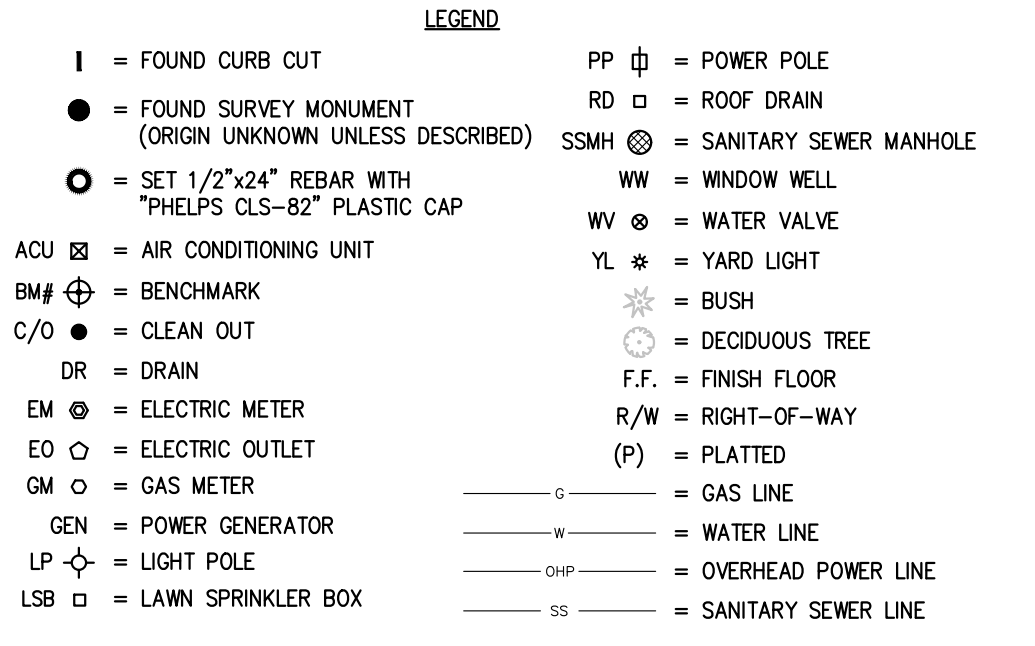
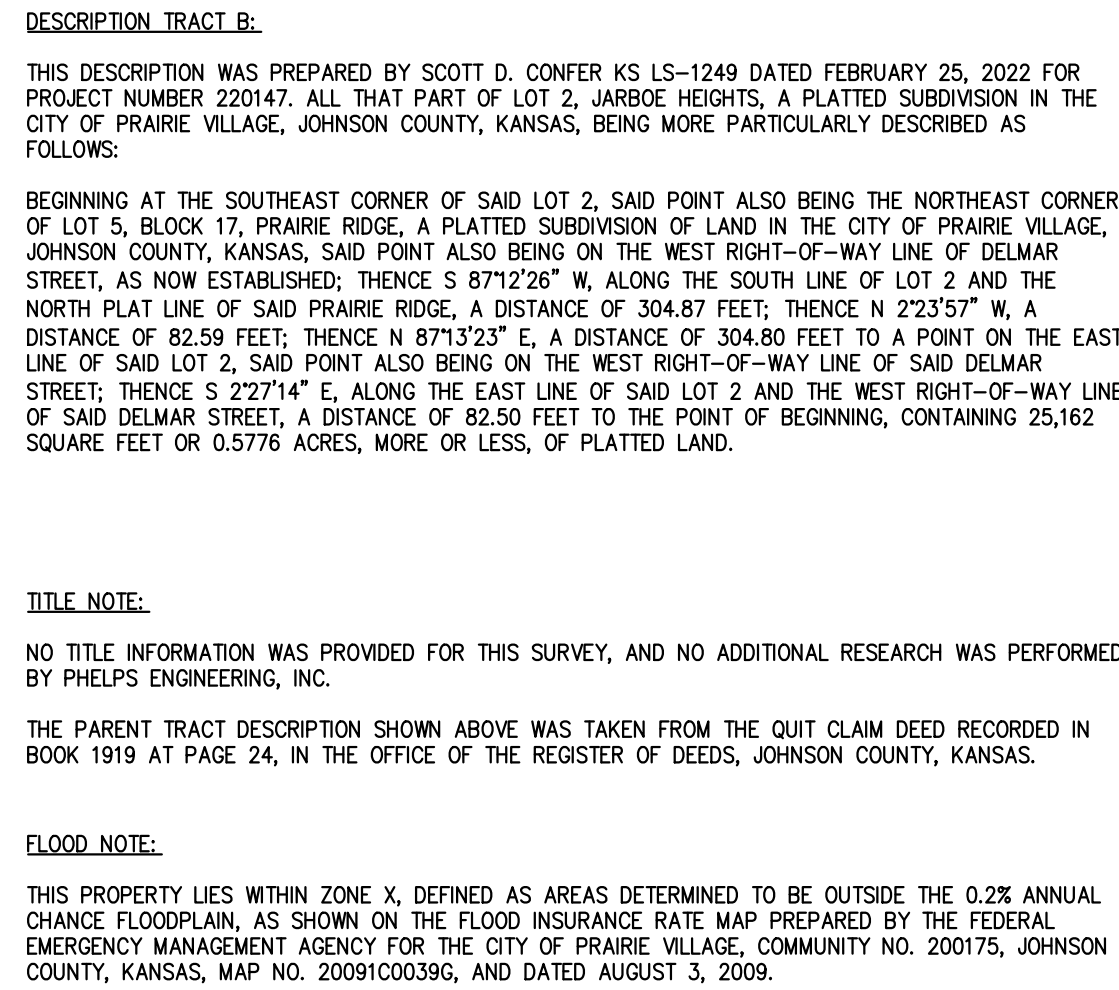
APPLICANT intends to file an application with the PRAIRIE VILLAGE PLANNING COMMISSION or the PRAIRIE VILLAGE BOARD OF ZONING APPEALS of the CITY OF PRAIRIE VILLAGE, KANSAS (City) for LOT SPLIT JARBOE HEIGHTS, PART OF LOT 2.

As a result of the filing of said application, CITY may incur certain expenses, such as publication costs, consulting fees, attorney fees and court reporter fees.

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

Applicant's Signature/Date

Owner's Signature/Date



AREAS		
PARCEL	AREA (S.F.)	AREA (AC.)
PARENT TRACT	50316.86	1.1551
TRACT A	25155.17	0.5775
TRACT B	25161.69	0.5776

I, SCOTT D. CONFER, HEREBY CERTIFY THAT I OR SOMEONE UNDER MY DIRECT SUPERVISION HAVE MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND THE RESULTS OF SAID SURVEY ARE CORRECTLY REPRESENTED ON THIS PLAT.



BY: SCOTT D. CONFER, KS. LS-1249

PHILLIPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1166
www.phelpsengineering.com

SURVEY
LOT SPLIT
 JARBOE HEIGHTS, PART OF LOT 2
 PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS
 7540 DELMAR STREET

PROJECT NO.	220147	No.	Date	Revisions:	App.	By
DATE:	3-9-22					
DRAWN BY:	DAG					
CHECKED BY:	DATE OF AUTHORIZATION					
DESIGNED BY:	ENGINEERING - LS-60					
ENGINEERING - E-30						
DATE OF AUTHORIZATION						
ENGINEERING - E-30						
DATE OF AUTHORIZATION						
ENGINEERING - E-30						
DATE OF AUTHORIZATION						
ENGINEERING - E-30						

SHEET
1
OF 1

JO CO KS	BK:202204	PG:001699
	20220407-0001699	
Electronic Recording		4/7/2022
Pages: 2	F: \$38.00	8:34 AM
Register of Deeds		T20220017422

Security 1st time
249 9257

ADMINISTRATOR'S DEED

THIS INDENTURE made this 29 day of March, 2022, by and between SELENA PARRISH, ADMINISTRATOR OF THE ESTATE OF BARBARA J. BROWN, DECEASED, as Grantor, and LAMBIE GRAND, LLC, a Kansas Limited Liability Company, as Grantee.

Grantor, by virtue of an Order of Sale issued out of the District Court of Johnson County, Kansas in Case No. 2021 PR 00503, and dated November 3, 2021, having sold the real estate described below in conformity with the Order, and the sale having been confirmed as provided by law, in consideration of the sum of Five Hundred Twenty Five Thousand Dollars (\$525,000.00), which is not less than three-fourths of the appraised value of the real estate described below, the receipt of which is acknowledged, does grant, bargain, sell and convey unto Lambie Grand, LLC, Grantee's successors and assigns, all right, title and interest of Barbara J. Brown, a single person, discharged from liability for decedent's debts, in and to all of the following described real estate situated in Johnson County, Kansas:

The South 165 feet of the East 303 feet of Lot 2, JARBOE HEIGHTS, a subdivision in the City of Prairie Village, Johnson County, Kansas.

Commonly known as 7540 Delmar, Prairie Village, KS 66208-4202. Parcel #OP17000000 0002E

TO HAVE AND TO HOLD the above granted premises, together with the appurtenances and hereditaments and every part thereof, unto the Grantee, Grantee's heirs and assigns.

IN WITNESS WHEREOF, Grantor has signed this instrument this 29 day of March, 2022.

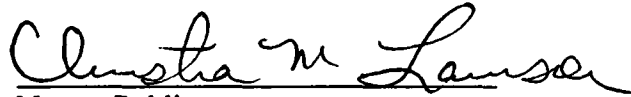
ESTATE OF BARBARA J. BROWN

By: 
SELENA PARRISH, Administrator

Prepared by and return to:
Evans & Mullinix, P.A.
7225 Renner Road, Suite 200
Shawnee, KS 66217

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

The foregoing instrument was acknowledged before me this 29 day of March, 2022,
by SELENA PARRISH, ADMINISTRATOR FOR THE ESTATE OF BARBARA J. BROWN,
DECEASED.


Notary Public

