

PLANNING COMMISSION MINUTES MAY 3, 2022

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, May 3, 2022, at 7:00 p.m. Commission members attended a virtual meeting via the Zoom software platform. Acting Chair Nancy Wallerstein called the meeting to order at 7:00 p.m. with the following members present: Jon Birkel, Melissa Brown and Jeffrey Valentino.

The following individuals were present in their advisory capacity to the Planning Commission: Abby Kinney, 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. Valentino moved for the approval of the minutes of the February 1, 2022, regular Planning Commission meeting. Ms. Brown seconded the motion, which passed 3-0, with Mr. Birkel in abstention.

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

Ms. Kinney stated that the applicant was 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 permit was most recently updated in 2014 for the reconstruction of the car wash. The current application is only a renewal 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.

Ms. Kinney noted that staff recommended that the Planning Commission should recommend approval of the renewal of the special use permit to City Council, subject to the following conditions:

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 still 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 are summarized as:
 1. Compliance with all City standards and regulations.
 2. The use is conducted according to 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 period (except recommending no expiration with this renewal).
 6. Ability for revocation continues.

Mrs. Wallerstein recommended changing the wording of condition #3-5 to “Previously a 30-year time period, with the recommendation of no expiration with this renewal.”

Chris Burger of Stevens and Brand LLP, 900 Massachusetts, Suite 500, Lawrence, KS, was present on behalf of the applicant.

Mrs. Wallerstein opened the public hearing at 7:13 p.m. With no one present to speak, Mrs. Wallerstein closed the hearing at 7:14 p.m.

Mr. Valentino made a motion to recommend approval of the renewal of the special use permit with the listed conditions, including Mrs. Wallerstein’s edit of condition #3-5. Ms. Brown seconded the motion, which passed 4-0.

NON-PUBLIC HEARINGS

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

Ms. Kinney stated that the applicant was 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 initially approved a preliminary development plan, final plat and final development plan for Mission Chateau at its March 2016 meeting. At that 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 villas, according to the final development plan. A final 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. 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, 9, and 10.

Planning 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.

Rob Young of R.L. Buford and Associates LLC, representing Kevin Green Homes, 6610 Royal Street, Pleasant Valley, MO, was present at the meeting.

Mr. Valentino made a motion to approve the lot split with the listed conditions. Mr. Birkel seconded the motion, which passed 4-0.

PC2022-107 Site Plan Exception for Retaining Wall
7801 Chadwick Street
Zoning: R-1A
Applicant: Russell Davidson

Ms. Kinney stated that the applicant was requesting the reconstruction and replacement of an existing retaining wall on the south side of the lot. The wall extends approximately 136', has an average height of 2.5', and does not exceed 4' 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' to the property line; the permit application was denied by the Building Official because zoning regulations require at least a 2' setback for retaining walls.

Ms. Kinney said that unlike fences, which are typically placed directly on the property line, the City's zoning regulations consider 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. The Planning Commission can approve different arrangements on a site-by-site basis through the site plan review process, 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.

Planning staff recommends that the site plan be approved, and the retaining wall be allowed to remain where it was originally 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.

Applicant and property owner Russell Davidson was present at the meeting.

Mr. Valentino made a motion to approve the site plan exception for the retaining wall with the listed condition. Ms. Brown seconded the motion, which passed 4-0.

PC2022-109 Site Plan Exception for Fence
9119 Alhambra Street
Zoning: R-1A
Applicant: Jason Leiker

Ms. Kinney said that the applicant was seeking to construct a 6' high privacy fence in the rear yard of the house along the street side lot line on 92nd Terrace. The fenced area would begin at the southeast corner of the house and extend approximately 12' along the building line at the 20' 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' east to the rear lot line where the fence would extend along the entire rear lot line.

Ms. Kinney noted that zoning regulations were recently amended to address fences along street-side property lines. The 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. However, where any street-side property line abuts the front lot line of an abutting lot (a "reverse corner" pattern), then the past standard applies that the fence be set back from the right-of-way at least 15' or at least one-half of the front yard of the adjacent building.

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 the lots as houses, it is possible that through infill or redevelopment in the future they could accommodate single family homes that front on 92nd Terrace. Ms. Kinney noted that the subject property and the new house to the north are both new construction on similarly platted lots, however none of the institutional buildings, structures, or facilities extended onto these lots, and they remain open and undeveloped.

Planning staff recommends approval of the 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.

Mrs. Wallerstein asked how the proposed fence would affect the vacant lot to the east once a home is built on it facing 92nd Terrace. Ms. Robichaud stated that staff was not aware of any plans to build on the two vacant lots, which were currently owned by the church to the north. As a result, any potential buyer of the vacant lot to the east of the property would be aware of the fence's location before making a purchase, making the exception unique and not precedent setting.

Mr. Valentino asked if the proposed fence location would potentially block site lines for drivers and cause safety issues. Ms. Robichaud said that the fence would still be set back significantly from the street and would not be in the right-of-way.

Applicant and property owner Jason Leiker was present to discuss the application. He noted that he wished to have the fence built at its proposed location to accommodate a swimming pool in the backyard. He added that the fence would still sit over 10' from the street.

Mr. Birkel made a motion to approve the site plan exception for the fence as presented in Exhibit 2A. Mr. Valentino seconded the motion, which passed 3-1, with Ms. Brown in opposition.

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

Ms. Kinney stated that the applicant was requesting to split an existing lot into two lots to allow two single-family structures to be built. The existing lot is approximately 165' wide by 304' 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' wide, resulting in two lots that are each approximately 24,900 square feet. An existing house will be torn down to allow for two new houses.

Planning staff recommends approval of 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.

Applicant Scott Confer of Phelps Engineering was present on behalf of applicant Jim Lambie, 8712 W. 151st Street, Overland Park, KS.

Mr. Valentino made a motion to approve the lot split with the two listed conditions. Mr. Birkel seconded the motion, which passed 4-0.

OTHER BUSINESS

ADJOURNMENT

With no further business to come before the Commission, Acting Chair Nancy Wallerstein adjourned the meeting at 8:02 p.m.

Adam Geffert
City Clerk/Planning Commission Secretary