

The public may attend the meeting in person or view it online at
<https://www.facebook.com/CityofPrairieVillage>.

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, AUGUST 2, 2022
7700 MISSION ROAD
COUNCIL CHAMBERS
7:00 P.M.**

- I. ROLL CALL**
- II. APPROVAL OF PLANNING COMMISSION MINUTES - July 12, 2022**
- III. OLD BUSINESS**
- IV. PUBLIC HEARINGS**
 - None
- V. NON-PUBLIC HEARINGS**
 - PC2022-115 Site Plan Exception for Fence
4411 W. 90th Street
Zoning: R-1A
Applicant: Bryan Kuhn
 - PC2022-117 Lot Split
3900 and 3904 W. 85th Street
Zoning: R-1A
Applicant: Kevin Green
 - PC2022-118 Site Plan Exception for Fence
5330 W. 79th Street
Zoning: R-1B
Applicant: Ric Resig
- VI. OTHER BUSINESS**
- VII. ADJOURNMENT**

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

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

**PLANNING COMMISSION MINUTES
JULY 12, 2022**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, July 12, 2022, at 7:00 p.m. in the Council Chambers at 7700 Mission Road. Chair Greg Wolf called the meeting to order at 7:00 p.m. with the following members present: Jon Birkel, Patrick Lenahan, Melissa Brown, Nancy Wallerstein, and Jeffrey Valentino.

The following individuals were present in their advisory capacity to the Planning Commission: Chris Brewster, Multistudio; Nickie Lee, Deputy City Administrator; 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 June 7, 2022, regular Planning Commission meeting. Mr. Lenahan seconded the motion, which passed 5-0, with Mrs. Wallerstein in abstention.

PUBLIC HEARINGS

None

NON-PUBLIC HEARINGS

PC2022-114	New Monument Signs Application Kenilworth Apartments 4120 W. 94 th Terrace Zoning: R-3 Applicant: Michael Kuzmich, KC Custom Signs
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Mr. Brewster stated that the applicant was requesting approval of three monument signs for a 16.2-acre residential project. The monument signs would replace three existing monument signs at three different entrances to the facility. The proposed signs are similar in scale and location to the existing signs but have different designs. All new monument signs require approval by the Planning Commission.

The Kenilworth apartment complex was developed in 1964 and includes 19 multi-family buildings with approximately 288 dwelling units, accessory parking shelters, and a community building. It is situated internal to the corner of 95th and Mission Road, with a

significant frontage on 95th street, a small access frontage on Mission Road, a frontage on Delmar Street, and internal access streets.

Mr. Brewster added that zoning regulations state that one monument sign is permitted per lot for multi-family uses, and that the complex is located on a single lot. The residential monument sign standards have an allowance for multiple signs incorporated into “neighborhood identity” signs for projects with 10 or more lots or 5 or more acres to be approved by the Planning Commission. Although this provision is intended for subdivision identity signs, it is translatable to this project based on the scale (16.2 acres and 19 buildings) and context (frontage on three different streets and an internal circulation network).

Additionally, the applicant is proposing to replace three existing signs. The three proposed signs are comparable to the non-residential allowance of one monument sign per street frontage. The signs would therefore appropriate either by applying the “neighborhood sign” standard to the project, or by granting an exception to the allowed one-per-lot limit based on the scale of the project through the site plan process.

Mr. Brewster said that staff recommended that the Planning Commission approve the three new monument signs subject to the following conditions:

1. The Planning Commission approve an exception or apply the “neighborhood sign plan” provisions to the application to allow for three monument signs
2. The applicant submit detailed landscape applications (number of plants, species, etc.) to be approved by the City’s landscape architect consultant prior to the issuance of sign permits.

Michael Kuzmich, owner of KC Custom Signs, 20215 S. State Route Y, Belton, MO, was present to discuss the application. He stated that the new signs were of a much higher quality than the current signs, and that the property owner would be handling landscaping.

Mr. Valentino made a motion to approve the sign package with the conditions listed by staff. Mr. Birkel seconded the motion, which passed 6-0.

PC2022-115 Site Plan Exception for Fence
4411 W. 90th Street
Zoning: R-1A
Applicant: Bryan Kuhn

Mr. Brewster said that the applicant was requesting to install an 8’ high privacy fence along the west property line, extending along the entire side yard from the rear lot line to the front. The lot line abuts commercial zoning and a commercial use to the west. Part of the boundary is the rear of a commercial building and part is a parking lot for the commercial use. There is a currently a 6’ high privacy fence extending along this property

line in the rear and side of the residential lot. The remainder is a heavily landscaped edge mostly on the residential lot.

The proposed fence does not meet zoning regulations and would require the following two exceptions:

- Section 19.44.025(b)(3) has a maximum fence height of 6', and only allows up to 8' if the fence is within the building envelope (i.e., within all setbacks, as would apply to any building)
- Section 19.44.025(c)(1) limits fences in the front yard (any area in front of the front building line) to only "decorative fences"; decorative fences are described as at least 50% open and limited to no higher than 2.5'.

Mr. Brewster said staff recommended approval of the fence site plan with the height exception (8', instead of the required 6') and a design exception for the front yard (privacy fence rather than decorative fence) based upon adjacency of this property to a commercial use, with buildings and parking areas directly abutting the residential property. The exception should be based on the conceptual plan proposed in the application with the following limitations:

1. No fence shall be permitted within the right-of-way, or within 6' of the curb, whichever distance is greater from the street edge.
2. The landscape buffer be maintained along the fence in the front yard.

Applicant and property owner Bryan Kuhn was present to discuss the application. He stated that he was instead considering installing the 8' fence only between the home and the commercial building, along with a stucco-covered retaining wall (rather than a fence) from the commercial building's parking lot to the street. Mr. Wolf said that the new plans would have to be evaluated by staff before a recommendation could be made to the Planning Commission. Mr. Kuhn was agreeable to continuing the application to the August 2022 meeting.

Mrs. Wallerstein made a motion to continue the application to the August 2022 meeting. Mr. Birkel seconded the motion, which passed 6-0.

PC2022-116 Request for Replat
7631 Reinhardt Street and 7641 Reinhardt Street
Zoning: R-1A
Applicant: Pat Boppart, MOJO Built, LLC

Mr. Brewster said that the properties were originally platted in 1923 as part of a larger subdivision. The application includes two lots on the east side of Reinhardt Street, just north of 77th Street. Each lot included a single-family dwelling, built in 1920 (Lot 10) and 1953 (Lot 9). This proposal is to replat the two lots into three lots for redevelopment as

single-family structures. Prairie Village subdivision regulations do not have a specific approval process for replats, so the final plat process and criteria must be used.

The properties are zoned R-1A, which has a required minimum lot size of 80' x 120'. In addition, the Prairie Village subdivision regulations provide that the Planning Commission consider the average size of all lots within 300' of a proposed subdivision as part of the lot size standards, along with other similar criteria regarding the size, pattern, and configuration of lots.

The proposed lots would be each be over 80' wide and approximately 140' deep. They would meet the minimum R-1A standards, are capable of being developed according to the R-1A design standards and are comparable to the average sizes of lots within 300 feet.

Mr. Brewster said that staff recommended that the Planning Commission approve the lot split subject to the following conditions:

1. The applicant consider whether any easements are necessary, and particularly on the rear of the lots in association with the 10-foot easement on lots to the east, and if necessary, provide easements on the plat prior to recording.
2. If any easements are necessary, the plat shall be submitted to the Governing Body for acceptance of public utility easements; otherwise, the plat may be recorded as approved by the Planning Commission.

Pat Boppart, representing MOJO Built, LLC, 8903 West 80th Street, Overland Park, was present to discuss the application. He stated that he agreed with the staff recommendations.

Mr. Lenahan made a motion to approve the replat as presented, with the conditions noted by staff. Mr. Birkel seconded the motion, which passed 6-0.

OTHER BUSINESS

None

ADJOURNMENT

With no further business to come before the Commission, Mr. Wolf adjourned the meeting at 7:38 p.m.

Adam Geffert
City Clerk/Planning Commission Secretary

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: August 2, 2022 Planning Commission Meeting

Application: PC 2022-115 - Continued

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: 4411 W. 90th Street

Applicant / Owner: Bryan Kuhn

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; and
C-O Office Building District – Office & services
West: C-2 General Business District – Office & Services

Legal Description: SOMERSET ACRES WEST LOT 4, BLK 7 PVC-0714 0045

Property Area: 39,599.92 sq. ft. (0.91 ac.)

Related Case Files: none

Attachments: Application, existing condition / simulated proposed condition photos

General Location – Map**Aerial Map**

Block & Lot Context – Aerial



Site Birdseye



Street Views



Looking west on West 90th street; subject property on left, side lot line in background



Looking east on West 90th Street; subject property in background, side lot line in foreground

BACKGROUND:

This application was continued from the July 2022 Planning Commission meeting, for the applicant to consider alternative fence or wall designs associated with the exception request. After further consideration, the applicant did not alter the application, and this staff report is the same report submitted in July.

The applicant is requesting to locate an 8-foot high privacy fence along the west property line, extending along the entire side yard from the rear lot line to the front. This lot line abuts commercial zoning and a commercial use to the west. Part of this boundary is the rear of a commercial building and part of it is a parking lot for the commercial use. There is a currently a 6-foot high privacy fence extending along this property line, only in the rear and side of the residential lot. The remainder of this is a heavily landscaped edge on the mostly on the residential lot.

This request does not meet the ordinance requirements and would require the following two exceptions:

- 19.44.025(b)(3) has a maximum fence height of 6 feet, and only allows up to 8 feet if the fence is within the building envelope (i.e. within all setbacks, as would apply to any building)
- 19.44.025(c)(1) limits fences in the front yard (any area in front of the front building line) to only “decorative fences”; decorative fences are described as at least 50% open and limited to no higher than 2.5 feet.

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:

(b) Design.

- (3) Height. No fence shall exceed six feet in height, except tennis court enclosures which may not exceed 12 feet in height, and except fences which are located within the building envelope of a lot shall not exceed eight feet in height.
- (4) Decorative Fences. Decorative fences shall be designed so they are at least 50 percent open and do not exceed two and a half feet in height. Split rail and wrought iron fences are examples of this type of fence.

(c) Location.

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

[\[19.44.025 \(b\) and \(c\)\]](#)

These sections intend to preserve the relationship of buildings, lots and yards to adjacent property and to the streetscape

The factors that affect this particular situation are the following:

- The side lot line where the fence is proposed abuts commercial zoning and a commercial use.
- The building and parking on the adjacent commercial lot are very close to the side lot line (approximately 4 to 5 feet), and is likely a non-conforming situation (according to Johnson County AIMS mapping built in 1961, prior to the City’s zoning ordinance).
- The front yard area and streetscape transitions from a residential street along the frontages to the east, and a neighborhood commercial street from this property to the west. This boundary is currently has a heavy landscape buffer.
- There is no sidewalk along this side of the street (south side), and there is an attached sidewalk on the north side.

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. The proposal does place the fence close to the right-of-way line, but due to the nature of this street (primarily residential traffic at this location), and the location of driveways, the fence location does not create any sight distance issues. However, approval of the exception should be limited so that no fence is permitted either in the right-of-way, or within 6-feet of the existing curb, whichever is greater.

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 street frontages and to adjacent property. Due to the differences in abutting property use and the location of commercial buildings and parking, this is a "buffer" situation, where fence design and landscape should mitigate potential impacts. In this case, the proposed fence will be 8' high rather than 6' to better screen the building and parking area. The privacy fence extending into the front yard better serves the purpose of buffering adjacent potentially incompatible uses than the standard, which requires only decorative fences to promote the interest of an open streetscape, and this area is already heavily buffered. The commercial property to the west has a building and parking area nearly directly abutting the residential lot.

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 height (8', instead of the required 6') and a design exception for the front yard (privacy fence rather than decorative fence) be approved, based upon adjacency of this property to a commercial use, and the presence of buildings and parking areas directly abutting the residential property. The exception should be based on the conceptual plan proposed in the application with the following limitations:

1. No fence shall be permitted within the right-of-way, or within 6' of the curb, whichever distance is greater from the street edge.
2. The landscape buffer be maintained along the fence in the front yard.



CITY OF PRAIRIE VILLAGE

The Star of Kansas

Planning Commission Application

Cust # 012266
App # 0028844

For Office Use Only
Case No.: <u>PC2022-115</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: Bryan Kuhn Phone Number: 816-805-1959

Address: 4411 W. 90th St. Prairie Village, KS 66207

Email: bakvalentine@hotmail.com

Owner: Same as above Phone # : Same as above

Address: Same as above Zip: Same as above

Location of Property: Same as above

Legal Description: Somerset Acres West - LOT 4 BLK 7 PVC-0714 0045

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

Hiring Denton Fence Co. to replace our existing fence. We are asking for approval on #1. Extending the fence on the West side of our residence between our residence and the commercial building out to the street as far as allowed by code. #2. Install 8' fence between our residence and the commercial building on the West side of our residence. **SEE ATTACHED FOR MORE DETAILS**

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.

BAK 6/3/22 BAK 6/3/22
Applicant's Signature/Date Owner's Signature/Date

Variance Request #1

Extend fence to the street - between residence and Commercial properties

➤ (prevent headlights and reduce parking lot noise – adjacent to master bedroom)

Also, requesting approval for #2

8 ft fence replacing 6 ft - between residence and Commercial properties

➤ (Allow for more privacy between residence and commercial properties)



Requesting approval



Examples on next slide: of approved fence extensions already in place – 90TH Terrace



4430 W 90th. Terr



4434 W 90th. Terr



June 7, 2022

Property location: 4411 W. 90th. St.
Prairie Village, KS 66207

Dear Neighbor,

The purpose of this letter is to make you aware of plans to add a fence to the west side of the above listed property. There is currently no fence there and would provide separation and privacy between personal residence and commercial property (parking lot).

We are also planning to replace the current 6' fence that divides the above property's backyard from the commercial property building with an 8' fence. Current Prairie Village zoning regulations provide for a maximum of 6' high fence but since the grade of the commercial building is lower than the above property, the current 6' fence allows for minimal privacy.

This work will be scheduled in late August or September 2022 depending on contractors scheduling considerations.

An application has been made to the City of Prairie Village Planning Commission for approval on the plans. The Planning Commission's process requires an opportunity for residents nearby to raise any questions or concerns regarding the above plans.

This letter is to inform you of a meeting that will be held on Tuesday June 21, at 7:30 pm outside in the driveway at 4411 W. 90th. St. You are invited to attend but not required, to express any concerns you may have.

A record of the meeting will be submitted to the Prairie Village Planning Commission. This record will show attendees and will document any concerns that may be expressed.

If you would like to attend, please email bakvalentine@hotmail.com .

Thank you.

Hi Adam,

Hope all is well...

As stated in the letter sent out on June 7th. 2022, the meeting was held in my driveway at 4411 W. 90th. St. PV. KS

Attached is invite list that shows there was no one in attendance...

I look forward to the copy of the Planning Staff Report you will be sending on July 8th. 2022, and I plan to attend the July Planning Commission meeting scheduled for Tuesday July 12th. 2022.

Please let me know if you need anything more... Thanks, Bryan

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: August 2, 2022

Application: PC 2022-117

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: 3900 W. 85th Street

Applicant: Kevin Green, Kevin Green Homes

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

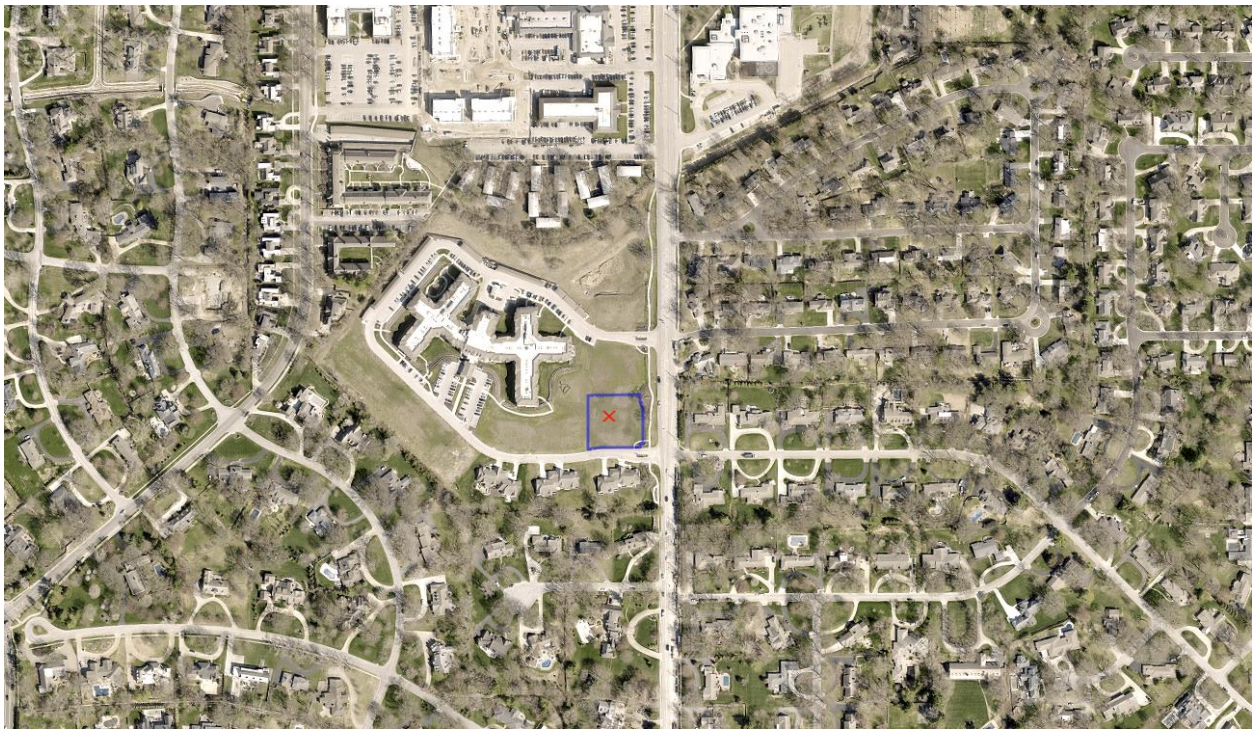
Surrounding Zoning and Land Use: **North:** R-1A/SUP Adult Senior Dwellings and vacant; planned for Twin villas
East: R-1 (Leawood KS) Single-Family Residential – Single-family dwellings
South: R-1A/SUP - Twin villas
West: R-1A/SUP – vacant; planned for Twin villas

Legal Description: LOT 5 MISSION CHATEAU 2ND PLAT

Property Area: 0.65 acres (28,430.66.f)

Related Case Files: PC 2022-112 Final Plat of Mission Chateau 2nd Plat – Lot Split of Lot 13
PC 2022-111 Final Plat of Mission Chateau 2nd Plat – Lot Split of Lot 11
PC 2022-106 Final Plat of Mission Chateau 2nd Plat – Lot Split of Lot 12
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 of 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



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. Six similar applications have been filed and approved by the Planning Commission for lots 8 through 13.

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 06/29/2022. It specifies that LOT 5 be divided into Tract I (3904 W. 85th Street) and Tract II (3900 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 5 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

Planning Commission Application

For Office Use Only
Case No.: <u>PC 2022-117</u>
Filing Fee: <u>\$100.00</u>
Deposit: <u>\$500.00</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: 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: 3900 & 3904 W. 8th Street

Legal Description: Lot 5, 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 _____

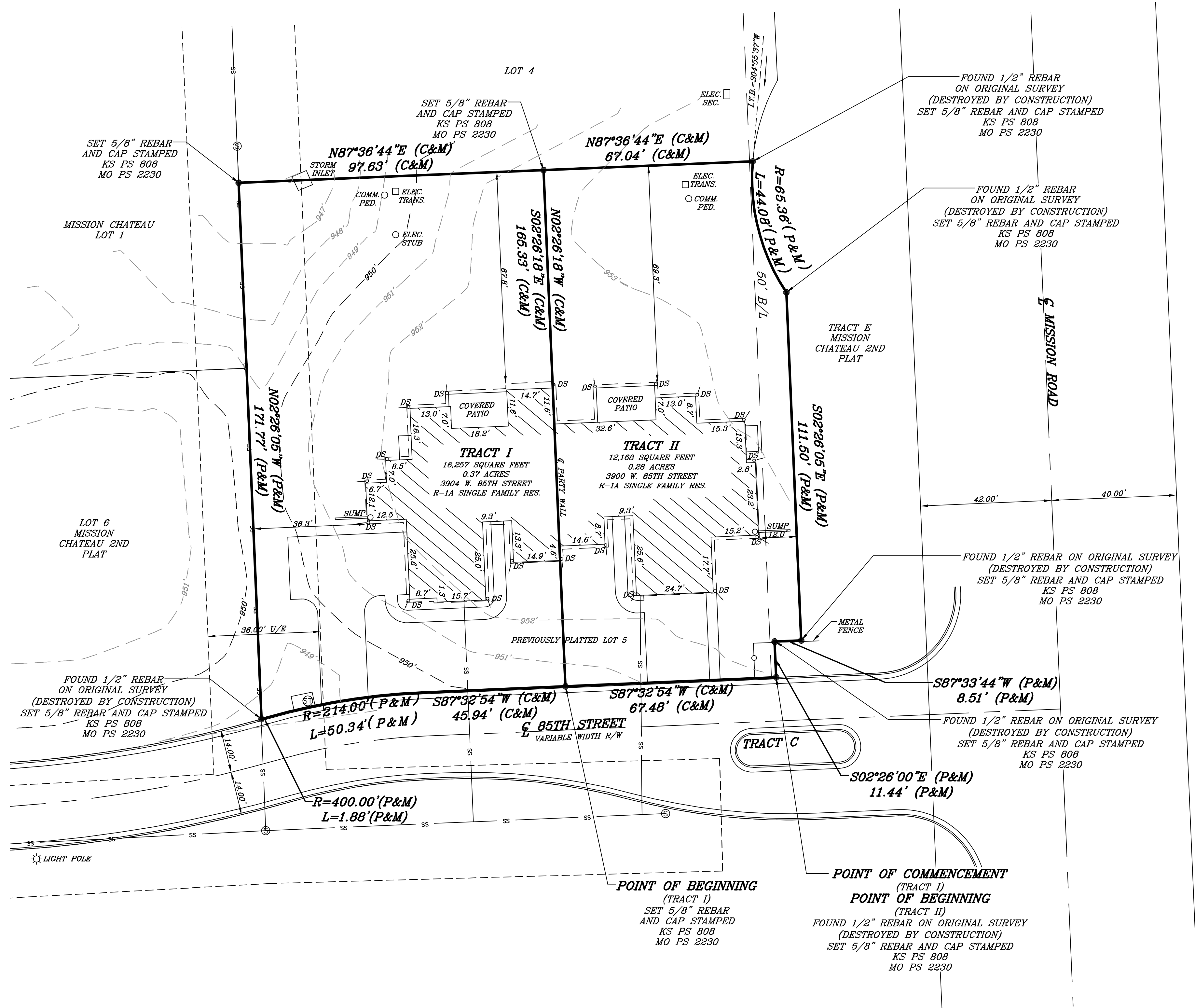
As a result of the filing of said application, CITY may incur certain expenses, such as publication
costs, consulting fees, attorney fees and court reporter fees.

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

6/29/2022



TRACT I CLOSURE

POB N:5364.4193 E:4475.3005
LINE: S87°32'54"W 45.94'
N:5362.4541 E:4429.4026
CURVE: I.T.B. S87°32'54"W R=214.00' L=50.34'
N:5354.4324 E:4379.8233
CURVE: I.T.B. S74°04'16"W R=400.00' L=1.88'
N:5353.9206 E:4378.0143
LINE: N02°26'05"W 171.77'
N:5325.5356 E:4370.7173
LINE: N87°36'44"E 97.63'
N:5329.6031 E:4468.2626
LINE: S02°26'18"E 165.33'
POB N:5364.4228 E:4475.2964

TRACT II CLOSURE

POB N:5367.3058 E:4542.7188
LINE: S87°32'54"W 67.48'
N:5364.4193 E:4475.3005
LINE: N02°26'18"W 165.33'
N:5529.5996 E:4468.2667
LINE: N87°36'44"E 67.04'
N:5532.3926 E:4535.2485
CURVE: I.T.B. S04°55'37"W R=65.36' L=44.08'
N:5490.5009 E:4545.9898
LINE: S02°26'05"E 111.50'
N:5379.1015 E:4550.7362
LINE: S87°33'44"W 8.51'
N:5378.7396 E:4542.2339
LINE: S02°26'00"W 11.44'
POB N:5367.3099 E:4542.7197

LEGEND

- (R) RECORD VALUE
(D) DEED OR DESCRIBED VALUE
(C) CALCULATED VALUE
(P) PLATTED VALUE
(M) MEASURED VALUE
S/E SEWER EASEMENT
U/E UTILITY EASEMENT
B/L BUILDING LINE

PROPERTY DESCRIPTIONS (RECOMMENDED)

PARENT PARCEL:

LOT 5, MISSION CHATEAU 2ND PLAT, A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS

TRACT I (RECOMMENDED)

CONTAINING 16,257 SQUARE FEET OR 0.37 ACRES

ALL THAT PART OF LOT 5, MISSION CHATEAU 2ND PLAT, A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEASTERLY MOST CORNER OF SAID LOT 5, SAID POINT ALSO BEING THE SOUTHWESTERLY MOST CORNER OF TRACT E, SAID MISSION CHATEAU 2ND PLAT; THENCE S87°32'54"W, ALONG THE SOUTHERLY LINE OF SAID LOT 5, A DISTANCE OF 67.48 FEET TO A POINT ON THE SOUTHERLY PROLONGATION OF THE CENTERLINE OF A PARTY WALL SEPARATING 3900 AND 3904 W. 85TH STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE HEREIN DESCRIBED; THENCE S87°32'54"W, CONTINUING ALONG THE SOUTHERLY LINE OF SAID LOT 5, A DISTANCE OF 45.94 FEET; THENCE SOUTHWESTERLY, CONTINUING ALONG THE SOUTHERLY LINE OF SAID LOT 5, ALONG A CURVE TO THE LEFT BEING TANGENT TO PREVIOUSLY DESCRIBED COURSE, HAVING A RADIUS OF 214.00 FEET, AN ARC DISTANCE OF 50.34 FEET; THENCE SOUTHWESTERLY, CONTINUING ALONG THE SOUTHERLY LINE OF SAID LOT 5, ALONG A CURVE TO THE RIGHT BEING TANGENT TO THE PREVIOUSLY DESCRIBED CURVE, HAVING A RADIUS IF 400.00 FEET, AN ARC DISTANCE OF 1.88 FEET TO THE SOUTHWESTERLY MOST CORNER OF SAID LOT 5; THENCE N02°26'05"W, ALONG THE WESTERLY LINE OF SAID LOT 5, A DISTANCE OF 171.77 FEET TO THE NORTHWESTERLY MOST CORNER OF SAID LOT 5; THENCE N87°36'44"E, ALONG THE NORTHERLY LINE OF SAID LOT 5, A DISTANCE OF 97.63 FEET TO A POINT ON THE NORTHERLY PROLONGATION OF THE CENTERLINE OF SAID PARTY WALL; THENCE S02°26'18"E, ALONG THE CENTERLINE OF SAID PARTY WALL AND ITS NORTHERLY AND SOUTHERLY PROLONGATIONS, A DISTANCE OF 165.33 FEET TO THE POINT OF BEGINNING.

TRACT II (RECOMMENDED)

CONTAINING 12,168 SQUARE FEET OR 0.28 ACRES

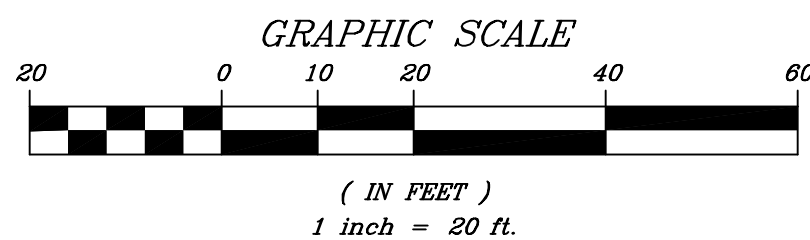
ALL THAT PART OF LOT 5, MISSION CHATEAU 2ND PLAT, A SUBDIVISION IN PRAIRIE VILLAGE, JOHNSON COUNTY, KANSAS, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY MOST CORNER OF SAID LOT 5, SAID POINT ALSO BEING THE SOUTHWESTERLY MOST CORNER OF TRACT E, SAID MISSION CHATEAU 2ND PLAT; THENCE S87°32'54"W, ALONG THE SOUTHERLY LINE OF SAID LOT 5, A DISTANCE OF 67.48 FEET TO A POINT ON THE SOUTHERLY PROLONGATION OF THE CENTERLINE OF A PARTY WALL SEPARATING 3900 AND 3904 W. 85TH STREET; THENCE N02°26'18"W, ALONG SAID PARTY WALL AND ITS SOUTHERLY AND NORTHERLY PROLONGATIONS, A DISTANCE OF 165.33 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 5; THENCE N87°36'44"E, ALONG NORTHERLY LINE OF SAID LOT 5, A DISTANCE OF 67.04 FEET TO THE NORTHEASTERLY MOST CORNER OF SAID LOT 5; THENCE SOUTHEASTERLY, ALONG THE EASTERLY LINE OF SAID LOT 5, ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF S04°55'37"W, A RADIUS OF 65.36 FEET, AN ARC DISTANCE OF 44.08 FEET; THENCE S02°26'05"E, CONTINUING ALONG THE EASTERLY LINE OF SAID LOT 5, A DISTANCE OF 111.50 FEET; THENCE N87°33'44"W, CONTINUING ALONG THE EASTERLY LINE OF SAID LOT 5, A DISTANCE OF 8.51 FEET; THENCE S02°26'00"E, CONTINUING ALONG THE EASTERLY LINE OF SAID LOT 5, A DISTANCE OF 11.44 FEET TO THE POINT OF BEGINNING.

BOUNDARY SURVEY NOTES:

- THE FOLLOWING STANDARD MONUMENTATION WILL BE SET AT THE NOTED LOCATION UNLESS INDICATED OTHERWISE ON THIS DRAWING:
5/8" REBAR WITH PLASTIC CAP STAMPED "KS PS 808 - MO PS 2230" TO BE SET AT ALL CORNERS MARKED " • "
- 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.
- THE DESCRIPTIONS USED FOR THIS SURVEY WERE DERIVED FROM THE PLAT OF MISSION CHATEAU 2ND PLAT.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE RECORDED PLAT OF MISSION CHATEAU 2ND PLAT.
- THIS SURVEY IS BASED UPON RECORD DOCUMENTS, LEGAL DESCRIPTIONS, AND OTHER INFORMATION FURNISHED BY THE CLIENT IN ADDITION TO OTHER INFORMATION KNOWN TO THIS SURVEYOR. THIS SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER RECORD DOCUMENTS WHICH AFFECT THE SUBJECT REAL ESTATE.
- THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS AS DEFINED BY THE "2020 MINIMUM STANDARDS FOR BOUNDARY SURVEYS, STANDARDS OF PRACTICE, AS ADOPTED BY THE KANSAS STATE BOARD OF TECHNICAL PROFESSIONS AND THE KANSAS SOCIETY OF LAND SURVEYORS, ON NOVEMBER 21, 2020.
- 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.
- THE ELEVATIONS SHOWN HEREON ARE EXISTING GROUND MEASUREMENTS BASED UPON MANHOLE LWC1 (01)230 RIM ELEVATION FOUND ON JOHNSON COUNTY SEWER ASBUILTS.
- ALL MONUMENTS SHOWN AS "SET" HEREON WILL BE SET POST CONSTRUCTION.
- NORTHING AND EASTING COORDINATES SHOWN HEREON ARE ASSUMED REFERENCE
- ALL BUILDING LINES AND EASEMENTS SHOWN HEREON ARE BASED UPON THE RECORDED PLAT OF MISSION CHATEAU 2ND PLAT UNLESS OTHERWISE NOTED

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

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R.L. Buford & Associates, LLC

LAND SURVEYING DEVELOPMENT CONSULTANTS
1000 N. MAIN STREET, SUITE 100
P.O. BOX 14089, PARKVILLE, MO. 64152 (816) 741-6152
KS CERT. OF AUTHORITY CERTIFICATE NO. LS-279

FOR	SEC.-TWP.-RGE.	COUNTY	JOB NO.
KEVIN GREEN	28-12S-25E	JOHNSON	JO-21108
	DATE	FIELD BOOK & PAGE	
	6/29/2022	LOOSE LEAF	
		DRAWN BY	
		AST	

LOT 5 SPLIT - TRACT I AND II

SURVEYOR'S CERTIFICATION: I, R.L. BUFORD, A SURVEYOR OF THE PROVINCES HEREBY DESCRIBED WHICH MEET OR EXCEED THE "2020 MINIMUM STANDARDS FOR BOUNDARY SURVEYS, STANDARDS OF PRACTICE, AS ADOPTED BY THE KANSAS STATE BOARD OF TECHNICAL PROFESSIONS AND THE KANSAS SOCIETY OF LAND SURVEYORS ON NOVEMBER 21, 2020; AND THAT THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

Bradley N. Anson

BRADLEY N. ANSON, LS KS PS 808 MO PS 2230

IF THE SURVEYOR'S SEAL IS NOT SHOWN IN COLOR, THEN THE SURVEY IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS. THIS THE CERTIFICATION CONTAINED ON THIS DOCUMENT SHALL NOT APPLY.



STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Gould Evans, Planning Consultant
DATE: August 2, 2022 Planning Commission Meeting

Application: PC 2022-118

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: 5330 W. 79th Street

Applicant / Owner: Richard Resig

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

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

Legal Description: INDIAN HEIGHTS S 8 FT LOT 70 & ALL LOT 71 PVC-0579A0071

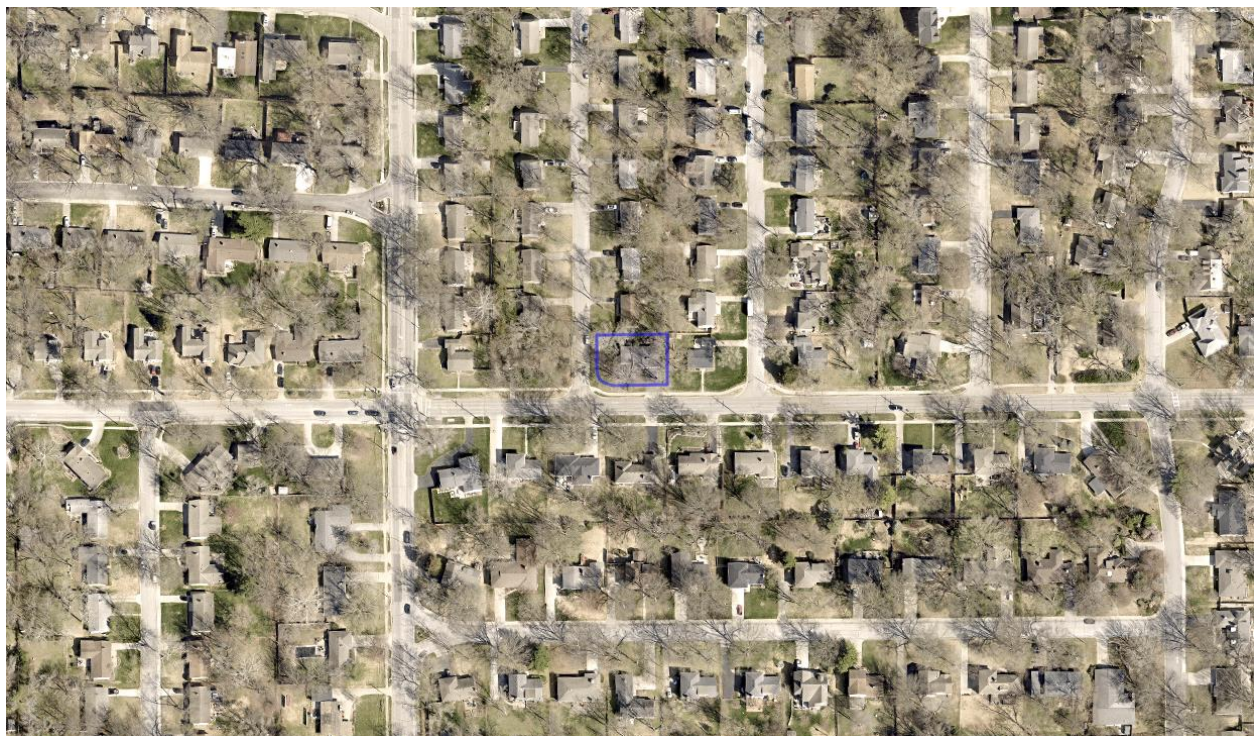
Property Area: 8,037.24 sq. ft. (0.18 ac.)

Related Case Files: none

Attachments: Application, lot plan



General Location – Map



General Location – Aerial



Site – Aerial



Birdseye



Street View (looking north from 79^h Street)



Street View (looking south from Birch Street)

BACKGROUND:

The applicant is requesting to replace an existing fence that does not conform to the standards. Specifically, the request is for an exception to the required setback on Birch Street, allowing replacement of an approximate 4-foot chain link fence located in the current location approximately on property line, rather than 17.5 feet from the property line. The application does not indicate a specific fence type, but it is assumed that it would be replaced with a typical 6-foot privacy fence that is permitted according to fence standards in the side or rear yard.

The property is a corner lot on the northeast corner of 79th Street and Birch Street. The lot to the south (abutting the rear lot line) orients to Birch Street. The subject lot is an “end grain” lot, meaning it faces 79th Street while other lots further south on the block are oriented to Birch Street.

In this circumstance, the zoning ordinance requires the fence to be setback from the lot line on Birch Street the greater of 15 feet or one-half the front setback of the adjacent lots. [\[19.44.025.\(c\)\(3\)\]](#). The abutting lot has a front setback of 35 feet from Birch Street, so the required fence setback is 17.5 feet. Since the proposed fenced area is in the side and rear there are no restrictions on the design of the fence, other than the general height and design standards. (“Decorative” fence standard only apply to those permitted in the front yard areas.)

The proposal is for an exception to replace an existing chain link fence, rather than at the 17.5 feet setback as required by the ordinance. The fence would be approximately 11.5 feet from the curb of Birch Street. This requirement is to protect the front yard and streetscape views of “reverse corner” or “end grain” lots that front on the street differently than the corner lots that they abut. As an end grain lot, the building has a side-side orientation to the property line to the north and the principal structure is approximately 15 feet from that lot line. This results in a shallow rear fenced yard and a larger portion of the yard space exists in the side yard towards Birch Street. Therefore, the most prominent part of the existing fenced yard is in this area abutting Birch Street.

The applicant held a neighborhood meeting on July 25, 2022, in accordance with the City’s Resident Participation Policy, and will provide background on the meeting to supplement the application.

ANALYSIS:

This property is zoned R-1B. 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 not be less than five (5) feet from the right-of-way line except that if an adjacent lot faces the side street, the fence shall be setback from the right-of-way line fifteen (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:

- This proposal is to replace an existing 4-foot chain link fence in the same location.
- A fenced yard meeting the standards would have a shallow rear yard (approximately 15 feet) and shallow side yard (approximately 17.5 feet).
- The lot is an end grain pattern with both lots on the south end of the block fronting on 79th Street while the rest of the houses to the north front Birch Street and Ash Street.
- The proposed fence is approximately 11.5 feet from the curb
- The position of the adjacent house and the presence of significant vegetation in this area means the proposed fence would not significantly impact views of the streetscape for other properties to the north on Birch Street.
- The proposed would be required to meet all other fence requirements in Section [19.44.025](#), except for the location.

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 proposed fence will be approximately 11.5 feet from the street. It will not affect any sight distances related to street corners or driveway entrances. The only potential impact is the streetscape view of the adjacent house; however, there is significant vegetation in this area already affecting views of the streetscape from properties to the south.

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 given the following considerations:

- This is a replacement of an existing non-conforming fence.
 - There is a sufficient amount of right-of-way between the lot line and the curb of Birch Street.
 - The subject property has a side-side relationship to the house to the north, resulting in a fenced rear yard area only 15 feet deep.
 - Although the conversion of the fence from 4-feet chain link to 6-feet privacy fence could increase barriers, there is a significant amount of vegetation throughout this area and a fence meeting the requirement would need to be placed at least 17.5 feet from the side lot line (further back than all of the vegetation barriers).
 - The proposed fence will meet all other standards other than the required setback along Birch Street.
-



CITY OF PRAIRIE VILLAGE

The Star of Kansas

Planning Commission Application

For Office Use Only
Case No.: <u>PC2022-118</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: RIC RES19 Phone Number: 816-605-3541
Address: 5330 W. 79th St E-Mail: KRES1954@GMAIL
Owner: Same Phone Number: Same
Address: Same Zip:
Location of Property: 5330 W 79th St PV KS 66208
Legal Description:

Applicant requests consideration of the following: (Describe proposal/request in detail) I'm updating my fence and want it to be where it always was

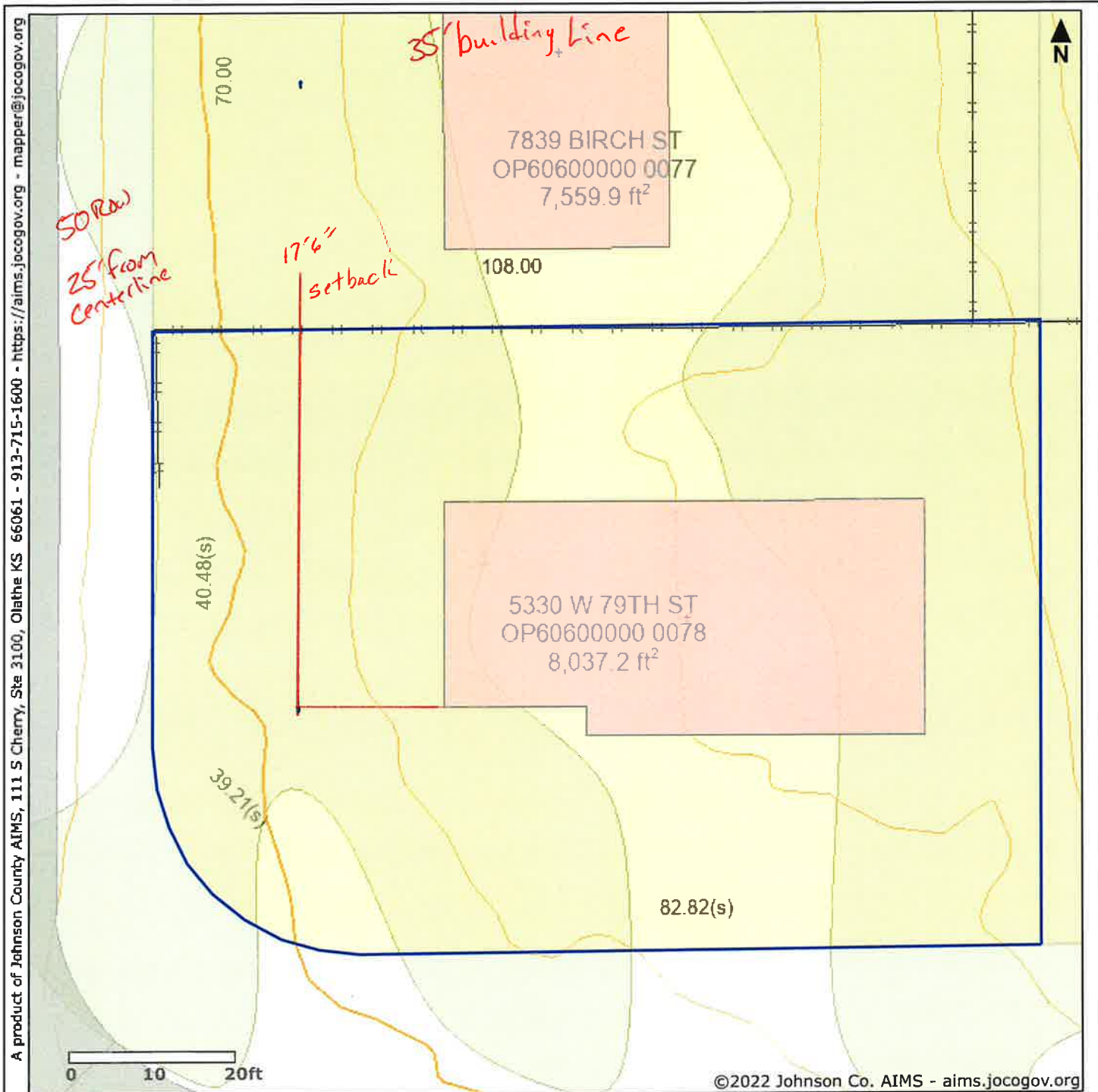
AGREEMENT TO PAY EXPENSES

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] 7/7/22
Applicant's Signature/Date (same) Owner's Signature/Date



OP60600000 0078

LEGEND

Building Foot Prints

Index (10ft)

10ft Contour Obscured

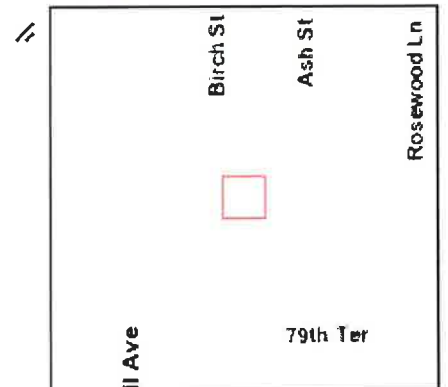
Intermediate (2ft)

2ft Contour Obscured

Surface Util

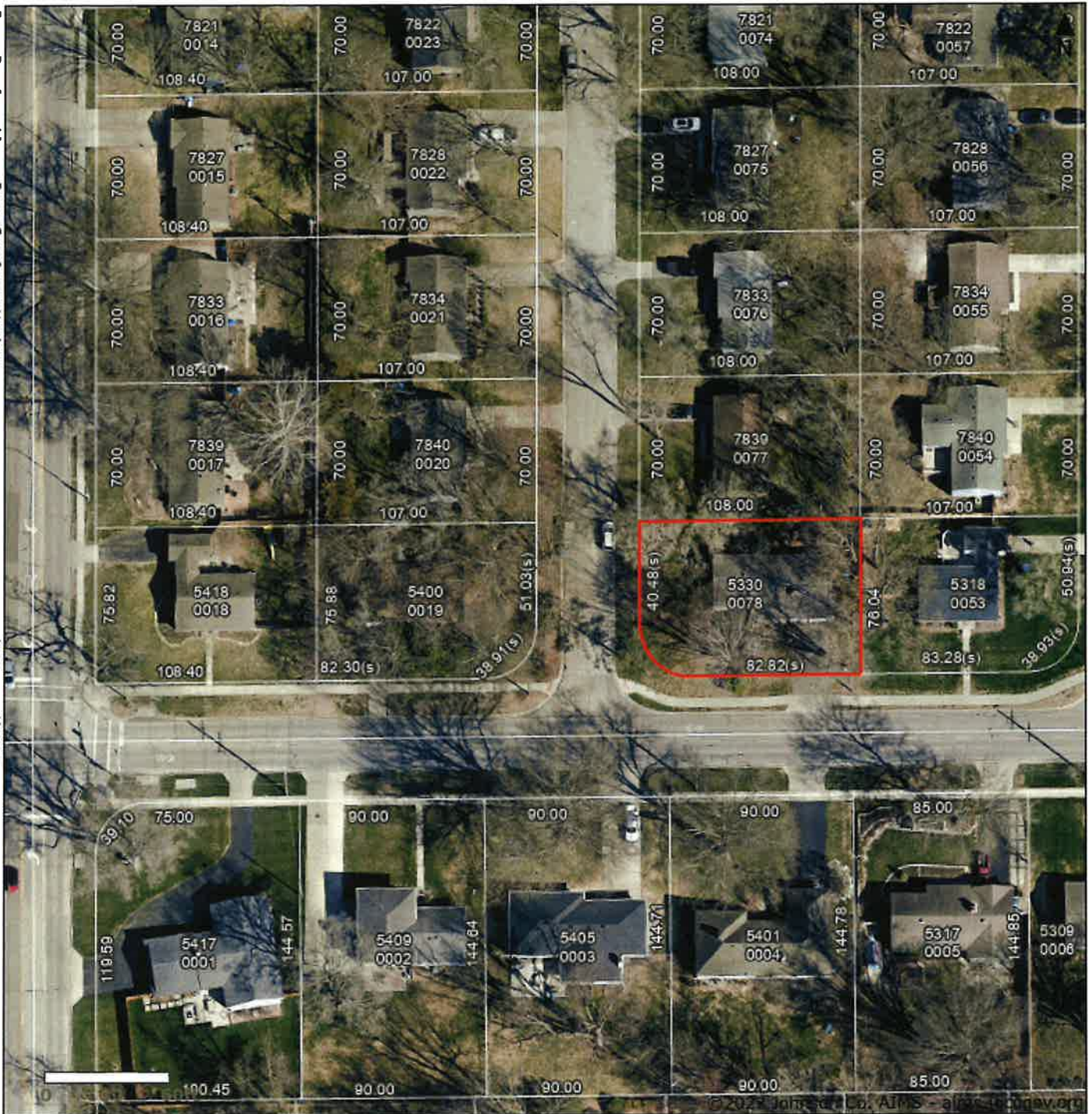
Fire Hydrant

Light Pole

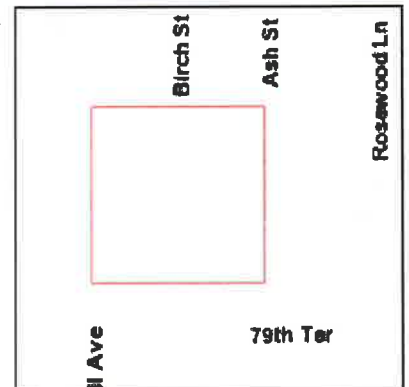


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JOHNSON COUNTY
KANSAS
AIMS GIS & Mapping

**OP60600000 0078****LEGEND**

AIMS Imagery: Current Imagery (2021)



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JOHNSON COUNTY
KANSAS
AIMS GIS & Mapping

19.44.025. - FENCES AND WALLS.

(a) *Purpose and Intent.*

- (1) To buffer or screen uses that may have a negative impact on adjacent uses.
- (2) To provide privacy in outdoor spaces.
- (3) To provide safety from hazards such as swimming pools, hot tubs, spas, and other similar facilities.
- (4) To enhance the quality of appearance of developed land use.

(b) *Design.*

- (1) *Appearance.* Those fences which have surface material, whether it be wood, chain link, metal bars, or other permitted material, attached on one side of posts and/or rails, thus producing a finished side and an unfinished side, shall be installed with the finish sides exposed toward the street and adjacent properties. When doubt exists as to which way the surface of the proposed fence shall face, the building official shall make the final determination.
- (2) *Prohibited Fences.* The installation of farm type fences such as barbed wire, high tensile wire, wire mesh, welded wire, woven wire, pipe and cable, electric and razor ribbon fences or any similar type fence shall be prohibited.
- (3) *Height.* No fence shall exceed six feet in height, except tennis court enclosures which may not exceed 12 feet in height, and except fences which are located within the building envelope of a lot shall not exceed eight feet in height. The height of the fence shall be deemed to be the average distance from the finished grade to the highest point on the fence panel, excluding posts which may project above the fence panel not more than eight inches. Where the terrain is not level, the average dimension may, at the discretion of the building official, be applied to each eight feet section of the fence. Fences built in combination with retaining walls and/or berms shall be measured from the finished grade on the high side of the wall. In addition, fences and walls built on slopes shall comply with the required height measurement along the line of the fence location.
- (4) *Decorative Fences.* Decorative fences shall be designed so they are at least 50 percent open and do not exceed two and a half feet in height. Split rail and wrought iron fences are examples of this type of fence.

(c) *Location.*

- (1) Fences located in the front yard are limited to decorative fences no closer than ten feet from the street right-of-way line.
- (2) Fences located on the side street of a corner lot shall be on private property and at least

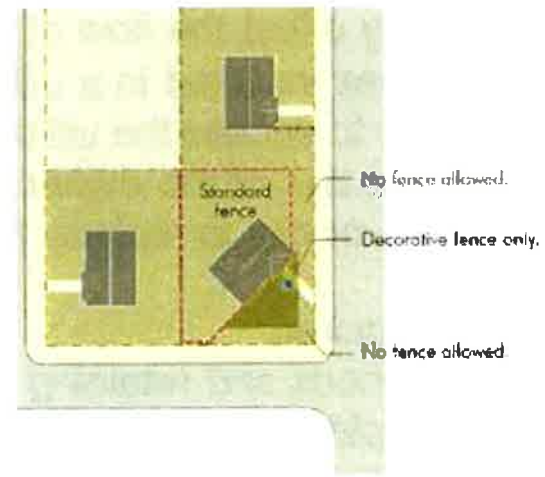
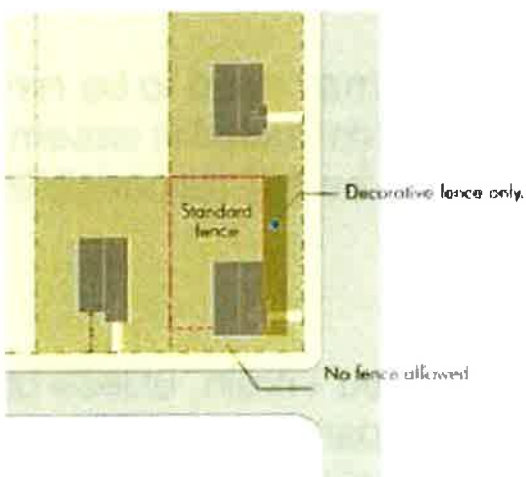
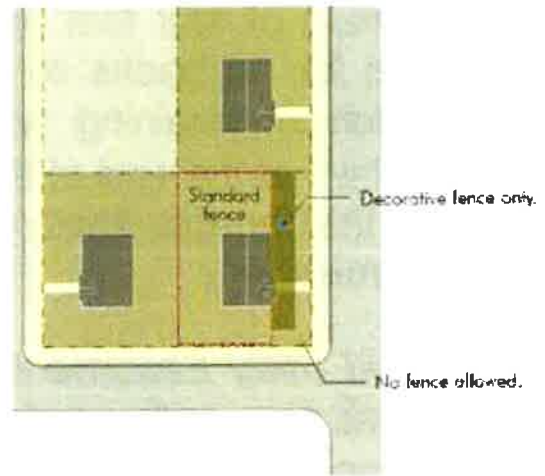
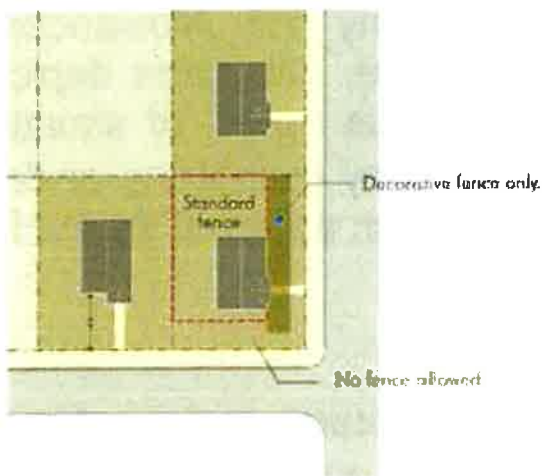
18 inches from any public sidewalk, whichever is greater, except that if an adjacent lot faces the side street, the fence shall be setback from the right-of-way line a distance of 15 feet or not less than one-half the depth of the front yard of an adjacent building, whichever is the greater setback. *17'5" required Setback*

- (3) If the rear of a through lot is fenced, a gate shall be installed to provide access to the right-of-way.
- (4) Diagrams depicting the location of fences on various types of lots are attached at the end of this chapter.
- (d) *Retaining Walls.*
 - (1) 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.
- (e) *Drainage and Utility Easements.*
 - (1) Fences and walls shall not restrict natural surface drainage nor be constructed to divert or channel water flow with increased velocity. Fences shall not be constructed in drainage easements if they affect the flow of stormwater.
 - (2) Fences installed in a utility easement may need to be removed in order to access the utilities. Fences constructed in easements are at the risk of the owner and shall not be the responsibility of the utility or city to replace them.
- (f) *Permits Required.*
 - (1) All fences and retaining walls as defined herein, unless otherwise excepted, shall require a building permit. No fence may be erected, constructed, or replaced until said permit has been procured from the building official. The building official may allow minor deviations and adjustments relative to the dimensions set out in this section where topographic or other natural features, utility locations, meters, trees, or other conditions so warrant and where the spirit and intent of this section will be preserved.

- (2) Enclosures erected around compost piles in compliance with the conditions set forth in Chapter 15, Article 3 of the City Code are excluded from these regulations and shall not require a permit.

(g) Site Plan Approval.

- (1) As part of the site plan approval process as set out in Section 19.32 Site Plan Approval, the planning commission may approve solid walls or make adjustments to the height and location of fences, solid walls, and retaining walls 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.
- (2) An application may be made to the planning commission for site plan approval of a solid wall, retaining wall, or a fence that is unique and does not have the locational or design characteristics set out in these regulations.



Fences shall generally be located in the side or rear yard. Street side fences may be located on the property line and at least 18" from any public sidewalk; except where it abuts a front yard on an adjacent lot, it shall be set back at least 15' or $\frac{1}{2}$ the depth of the adjacent front yard, whichever is greater. Fences in the front yard are limited to decorative fences and must be at least 10' from the lot line.

DATE 7/19/2022

FROM
RIC RESIG
5330 W. 79TH ST.
PRAIRIE VILLAGE, KS 66208
RRESIG54@GMAIL.COM

NEIGHBOR
7840 ASH ST
PRAIRIE VILLAGE, KS 66208

Dear Neighbor,

I am writing to make you aware of our plans to replace the fence around our property located at 5330 W. 79th St. The fence is in poor condition and is need of replacement, which we have scheduled to occur the week of August 21, 2022.

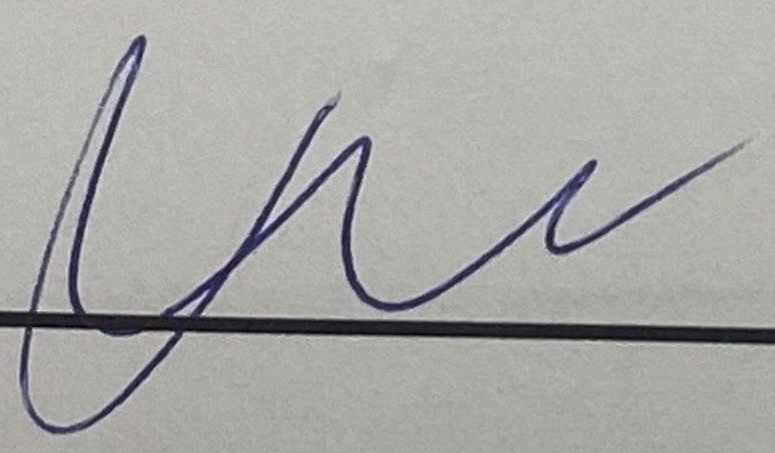
Our contractor informed us that the position of the current fence along the north side of our property is not in conformance with current Prairie Village zoning regulations, which were updated after the fence was built a number of years ago. Under these regulations, a new fence is required to be offset a few feet further from where the current fence stands. Unfortunately, placing the new fence along this new line will interfere with a staircase that allows us to exit from the north side of our house.

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

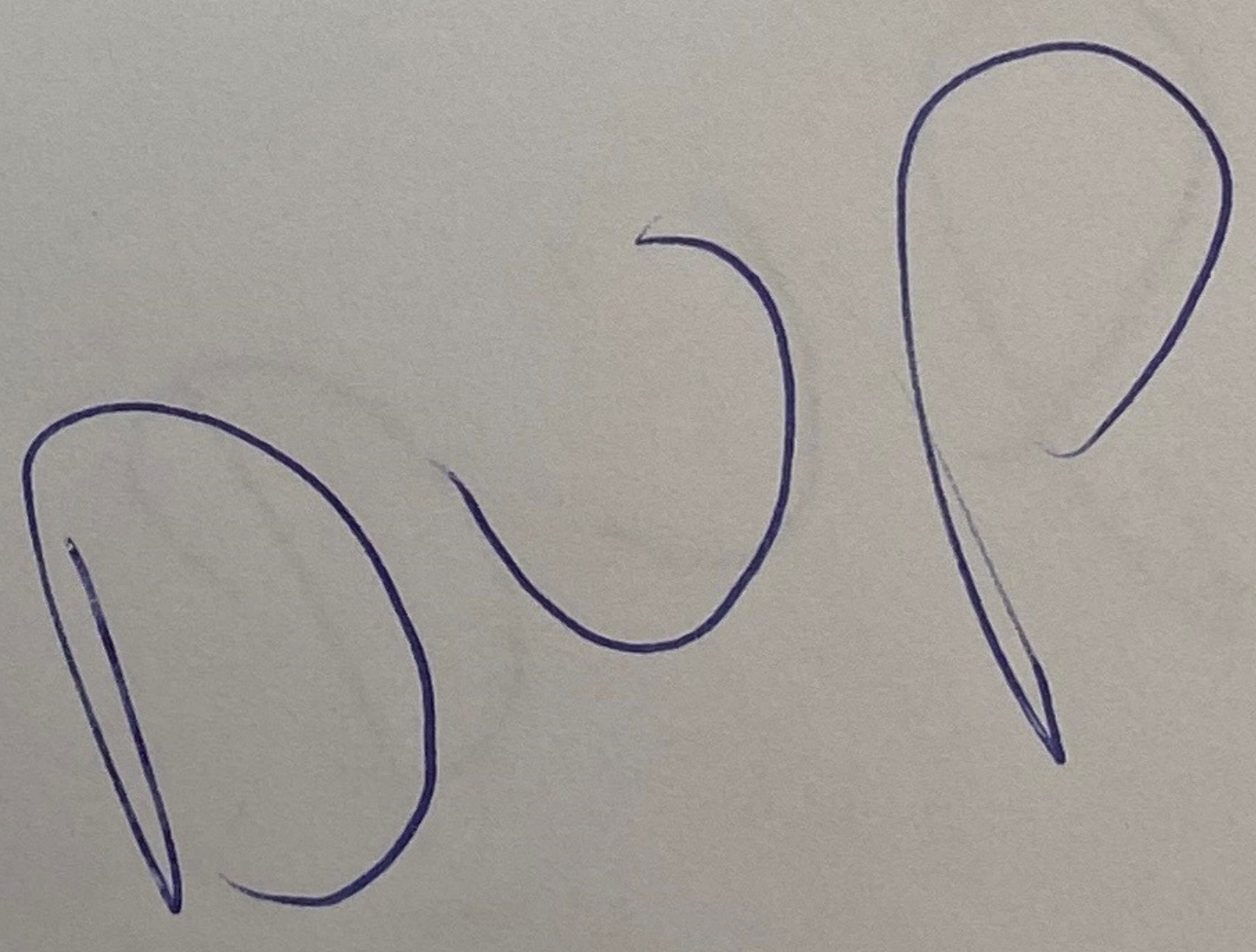
This letter is to make you aware of a meeting that we are holding on Monday, July 25th at 7:30pm. You are invited, but not required, to attend and to express any concerns you may have. We will submit a record of the meeting to the Prairie Village Planning Commission. This record will identify attendees and will document any concerns that may be expressed.

We plan to hold this meeting in person. If you would like to attend, please email Ric Resig at RRESIG54@GMAIL.COM. With a request for the meeting details.

Regards,



Ric Resig



Lorraine Minor
5409 W 79th St
Prairie Village, KS 66208

July 25, 2022

To Whom it may concern,

I am a neighbor to Ric Resig at 5330 W 79th St and consider them a good neighbor and one who keeps their property in good appearance. I have no concerns with exception made to grandfather them into location of a fence on the north side of their house, which is not even seen from the street side within their zoned property. It is good to have neighbors like the Resigs who wish to maintain their property.

Thank you for your consideration.

(signed)
Lorraine Minor

----- Forwarded message -----

From: **pebski** <pebski222@yahoo.com>

Date: Thu, Jul 21, 2022 at 9:22 AM

Subject: Fence

To: RRESIG54@gmail.com <RRESIG54@gmail.com>

Dear Ric,

I received your letter of 7/19/2022 explaining plans to replace the fence around your property at 5330 W 79th St and an invitation to attend a meeting about this on July 25th.

I don't see a need to attend the meeting as I have no objection to replacement of the fence in the same location as the old fence. Your plan seems less disruptive and more logical than building a new fence in a different location.

Sincerely,

Paul Bilski

913-226-4306

5317 W 79th St, PV Ks 66208