

The public may attend the meeting in person or view it online at
<http://pvkansas.com/livestreaming>.

**PLANNING COMMISSION AGENDA
CITY OF PRAIRIE VILLAGE
TUESDAY, MARCH 5, 2024
7700 MISSION ROAD
COUNCIL CHAMBERS
7:00 P.M.**

- I. ROLL CALL**
- II. APPROVAL OF PLANNING COMMISSION MINUTES - February 6, 2024**
- III. OLD BUSINESS**
- IV. PUBLIC HEARINGS**
- V. NON-PUBLIC HEARINGS**
 - PC2024-105 Site plan exception for fence
4996 Somerset Drive
Zoning: R-1A
Applicant: Raymond Swaney
- VI. OTHER BUSINESS**
 - Planning Commissioner training and review
 - Continued discussion of potential updates to R-2, R-3, R-4, C- and MXD districts
- 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 FEBRUARY 6, 2024

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, February 6 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: Jonathan Birkel, James Breneman, Patrick Lenahan, Melissa Brown, and Nancy Wallerstein.

The following individuals were present in their advisory capacity to the Planning Commission: Chris Brewster, Multistudio; Nickie Lee, Deputy City Administrator; Mitch Dringman, Building Official; Terry O'Toole, Council Liaison; Adam Geffert, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Mr. Breneman moved for the approval of the minutes of the December 5, 2023, regular Planning Commission meeting. Mr. Birkel seconded the motion, which passed 6-0.

PUBLIC HEARINGS

None

NON-PUBLIC HEARINGS

PC2024-102 Lot split - 3908 W. 85th Street and 3912 W. 85th Street
Zoning: R-1A
Applicant: Kevin Green Homes

Mr. Brewster 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. He noted that the property was part of an overall development project for adult senior dwellings that included a special use permit that was approved in 2015.

A preliminary plat, final plat and final development plan for Mission Chateau was approved at the March 1, 2016, Planning Commission 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 the villas. As part of the special use permit and final development plan, it was noted that a subsequent administrative step would be necessary to facilitate recording of documents to allow the sale and individual ownership of each unit in the twin villa buildings. Mr. Brewster noted that seven similar applications had been filed and approved

by the Planning Commission previously, and that two other related applications were submitted with this application.

Mr. Brewster said staff recommended 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.

Applicant and developer Kevin Green was not present to discuss the application.

Mr. Lenahan made a motion to approve the application as presented. The motion was seconded by Mr. Breneman and passed 6-0.

PC2024-103 Lot split - 3902 W. 84th Terrace and 3906 W. 84th Terrace
Zoning: R-1A
Applicant: Kevin Green Homes

Mr. Brewster 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. He noted that the property was part of an overall development project for adult senior dwellings that included a special use permit that was approved in 2015.

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Applicant and developer Kevin Green was not present to discuss the application.

Mr. Lenahan made a motion to approve the application as presented. The motion was seconded by Mr. Breneman and passed 6-0.

PC2024-104 Lot split - 3903 W. 84th Terrace and 3907 W. 84th Terrace
 Zoning: R-1A
 Applicant: Kevin Green Homes

Mr. Brewster 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. He noted that the property was part of an overall development project for adult senior dwellings that included a special use permit that was approved in 2015.

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Applicant and developer Kevin Green was not present to discuss the application.

Mr. Lenahan made a motion to approve the application as presented. The motion was seconded by Mr. Breneman and passed 6-0.

OTHER BUSINESS

Election of Chair, Vice-Chair and Secretary

Mr. Birkel made a motion to reelect the current slate of officers:

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

Ms. Brown seconded the motion, which passed 4-0, with Mr. Breneman and Mr. Wolf in abstention.

Continued discussion of potential updates to R-2, R-3, R-4, C- and MXD districts

Mr. Brewster said that the Planning Commission held work sessions on August 22, 2023, and October 3, 2023, to discuss potential strategies for housing policies laid out in Village Vision 2.0. The work sessions were a direct follow-up to the public forums held on June 22, 2023, and July 13, 2023. He added that the Planning Commission had previously discussed concepts and strategies on August 22, October 3, and December 5.

Mr. Brewster provided the following background based on direction given by the Planning Commission at its October 5, 2023, meeting:

1. Hold the status quo in R-3 and R-4 districts
 - a. Make existing conditions compliant with standards
 - b. Clean up any conflicts / interpretation issues
2. Allow residential uses in C- districts
 - a. Permit mixed-use residential (upper floors or behind ground level residential)
 - b. Allow subject to current commercial building development standards
3. Improve the MXD district (planned district)
 - a. Promote smaller scale / more practical to Prairie Village's context
 - b. Improve expectations
4. Revise current planned development standards and process
 - a. Define planning thresholds to justify flexibility in standards
 - b. Improve expectations
5. Consider MXD for application in a variety of contexts
 - a. Mixed use redevelopment of activity centers
 - b. Strategic infill in activity centers (mixed-use or residential)
 - c. Residential redevelopment in transition areas or multi-family districts

Mr. Brewster said that based on discussion at the previous meeting, the maximum height recommendation for large apartments or mixed-use development in an MXD district had been changed from 65' and six stories to 50' and four stories.

Mr. Birkel asked if the term “townhome” should be used consistently instead of “row home”. Mr. Brewster said the current zoning regulations used both terms interchangeably, but that only townhome could be used going forward.

Mr. Brewster next presented suggested potential amendments to MXD and -P districts:

- MXD District
 - Replace development standards reference (no standards - subject to plan proposals); add specific building type standards for default
 - Add mixed-density neighborhood and mixed-use design standards
 - Remove procedures and defer to improved planned zoning procedures (community plans, project plans, and updated criteria)
- Planned Zoning District
 - Simplified and improved intent statement
 - Improved procedures with two specific scales of plans:
 - Community design plan - street and blocks, streetscape, open space, general land use intensity and transitions
 - Project plans - specific building types, frontages, building design, site/landscape design
 - Establish base zone district standards as the “default standard”; add specific criteria for deviations in lot coverage, lot area per unit, building heights and setbacks, parking
 - Improved rezoning/P-district designation criteria and “Effect of Decision” section noting when deviations from plans require review by the City Council

Mrs. Wallerstein asked what would happen if a developer brought a proposal to build on existing park land. Mr. Brewster stated that he was not aware of what the City’s policies were, but in other cities, a public vote was often required to eliminate a city park.

Lastly, Mr. Brewster shared proposed design standards for mixed-density and mixed-use neighborhoods:

- Community design
 - Streetscapes
 - Open and civic spaces
 - Surrounding area survey for smaller-scale projects (integration and transitions)
- Landscape and frontage design
 - Street trees and frontage trees
 - Frontage types - front building line, driveway widths, garage limits; two types: “pedestrian” (most limited) and “neighborhood” (moderate limits)
 - Greenspace - tie to community design plan and to landscape standards
- Building massing (similar to R-1A and R-1B, but adjusted for larger building types)
 - Windows and entrances

- Wall planes (increasing side setbacks for larger masses)
- Front entry features (variation, human-scale details, activate frontages)
- Exceptions (similar process and criteria as R-1A and R-1B)

Mr. Brenneman asked that the building type standard tables for all zoning districts include the same information for consistency.

Mr. Lenehan suggested that certain standards carried over from residential districts to mixed-use and planned districts, such as wall-plane, scale and massing requirements be removed to make design proposals for these districts less cumbersome. He also noted that the transparency requirement of 50% to 90% on the ground level for commercial or mixed-use districts could be difficult to attain due to current energy codes.

Ms. Brown added that she didn't feel standards should be so restrictive that they would force designers to abandon unique building features to meet requirements.

After further discussion, Mr. Brewster stated that he would update the draft with feedback received from the commission and share it at the next meeting.

ADJOURNMENT

With no further business to come before the Commission, Mr. Wolf adjourned the meeting at 8:45 p.m.

Adam Geffert
City Clerk/Planning Commission Secretary

STAFF REPORT

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Multistudio, Planning Consultant
DATE: March 5, 2024 Planning Commission Meeting

Application: PC 2024-105

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: 4996 Somerset Drive

Applicant / Owner: Raymond Swaney

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

Surrounding Zoning & 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-1BA	Single-Family	District	-	Single-Family Dwellings

Legal Description: WEST RIDING LOT 32 BLK 24 (abbreviated PVC-0718 0004 0032)

Property Area: 14,373.44 sq. ft. (0.33 ac.)

Related Case Files: none

Attachments: Application, lot plan, site photos

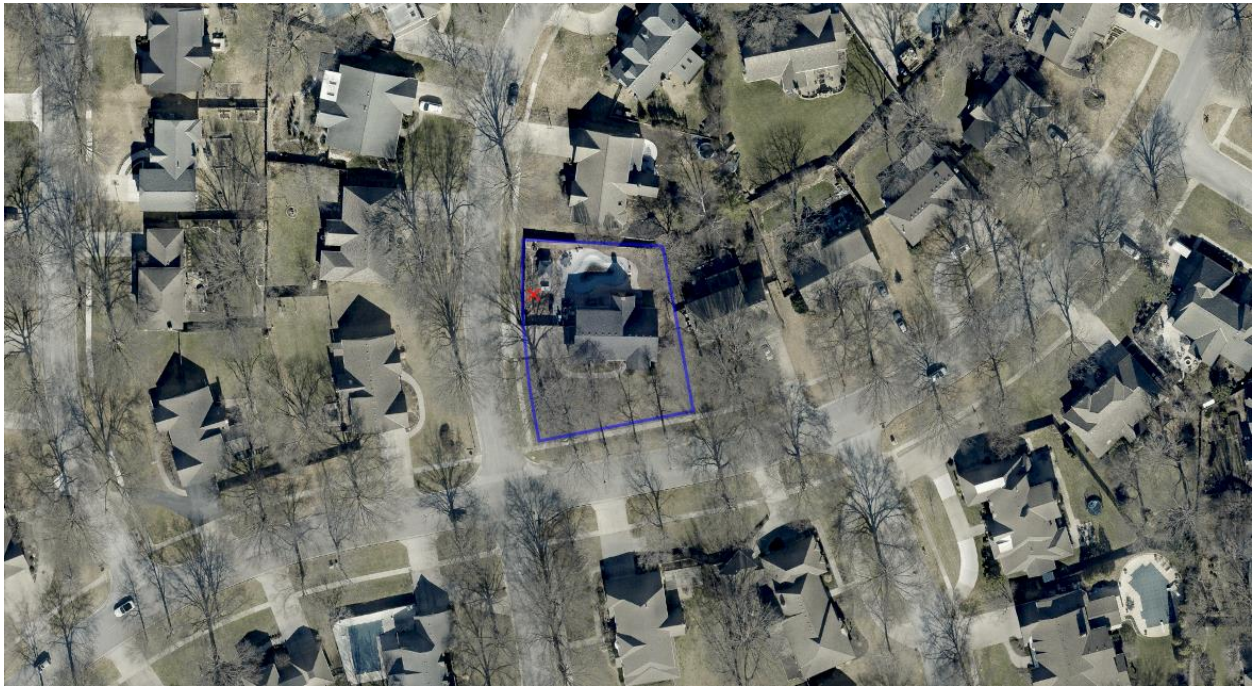
General Location – Map



General Location – Aerial



Block / Lot – Aerial



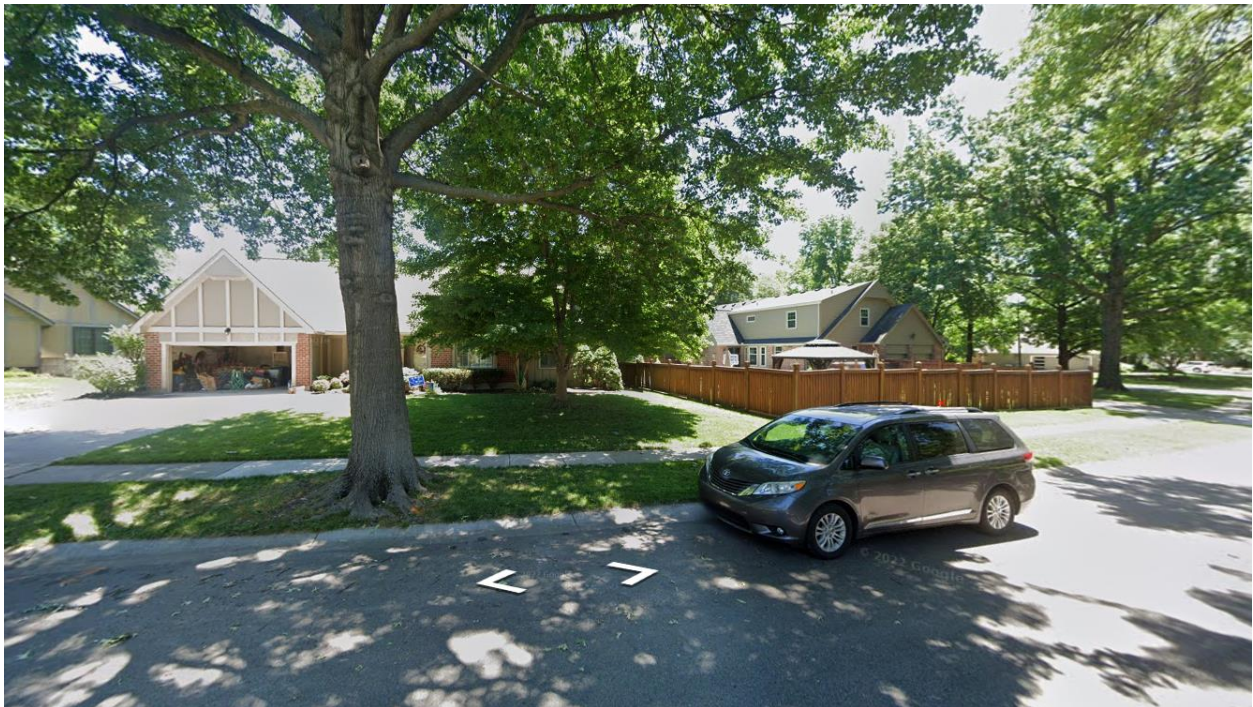
Birdseye



Street View



(looking north on Cedar Drive – subject property on right)



(looking west from Cedar Drive – subject property on right)

BACKGROUND:

The applicant is requesting to replace a previous existing fence that did not conform to the standards. Specifically, the request is for an exception to the required setback on Cedar Drive, allowing replacement of a 6 feet high wooden privacy fence in the same location (ranging from approximately 5 to 6 feet from the property line along the street rather than 15 feet setback).

The property is a corner lot on the northeast corner of Somerset Drive and Cedar Drive. The lot fronts on Somerset Drive and has a driveway access off Cedar Drive. There is an existing fence to the north of the driveway extending from the house and enclosing the rear yard. The fence line along Cedar Drive is between 5 feet and 6 feet from the back of the sidewalk at various locations, and approximately 17 feet from the curb. The adjacent house to the north faces Cedar Drive so the front hard of this property is abutting the rear yard and fenced area of the subject property.

This situation is street-facing side yard that abuts the front yard of the adjacent house (to the north). The ordinance requires that the fence to be setback the greater of 15 feet or $\frac{1}{2}$ the adjoining lots front setback. [\[19.44.025\(c\)\(2\)\]](#) In this case the adjoining lot's front setback is 28', requiring the fence to be setback 15 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 applicant held a neighborhood meeting on February 18, 2024, 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, 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 dept of the front yard of an adjacent building, whichever is the greater setback. [\[Section 19.44.025\(c\)\(2\)\]](#)

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

The proposal is for an exception to place a new fence approximately 5 to 5 feet from the sidewalk and along the property line on Cedar Drive, rather than at the 15 feet setback as required by the ordinance.

The intent of this standard is to protect the front yard and streetscape views of "reverse corner" or "end grain" lots that front on the street differently than the lots that they abut. The relationship of these lots to one another is slightly irregular due to the configuration of Cedar Drive (a curving cul-de-sac) and irregular lot sizes. The proposal would replace

an existing fence which is approximately 14 feet from the structure to the south, and extends approximately 28 feet in front of the front building line of that house on Cedar Drive.

The following factors that affect this particular situation:

- The fence is replacing a previous existing fence, with a similar design and scale fence.
- A large portion of the rear yard of the subject property (approximately 20%) is between the front building line of the abutting house and the street.
- The proposed fence would be located in the same general location as the previous fence – approximately 5 to 6 feet from the sidewalk, rather than the required 15 feet setback.
- The property most impacted by the proposed exception to the north, is approximately 14 feet from the fenced area, but the front yard perspective and streetscape is skewed slightly away from the fenced area due to the curve of Cedar Drive.
- The proposed fence will meet all other fence requirements in Section [19.44.025](#), except for the location.

CRITERIA:

In addition to the Site Plan review criteria [[Section 19.32.030](#).], the following are the specific criteria the Planning Commission shall consider for exceptions to the fence standards: [\[19.44.025\(g\)\(1\)\]](#)

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

This fence exception impacts the first and last criteria. The proposed fence location will allow better utilization of the side and rear yard based on the corner location, and continued utilization of the yard as has existed for several years. Further, when comparing the proposed location to the location required by the ordinance, it does not present any significant negative impacts on the public streetscape or the property most impacted to the north. The application will otherwise meet all site plan review criteria and fence standards applicable to this site.

RECOMMENDATION:

Staff recommends approval of this fence site plan with the exception based on the above factors affecting this situation and the application.

Cust # 23396
App # 0030549



CITY OF PRAIRIE VILLAGE
The Star of Kansas

Planning Commission Application

For Office Use Only
Case No.: <u>PC2024-105</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: Raymond Swaney Phone Number: 913-709-7139
Address: 4996 Somerset Drive, PV, KS 66207 E-Mail: swaney.ray@gmail.com

Owner: Raymond & Kimberly Swaney Phone Number: 913-709-7139

Address: 4996 Somerset Drive, Prairie Village, KS Zip: 66207

Location of Property: Same

Legal Description: Permit #BP-24-43 - "new fence along Cedar Drive must be located at least 15 feet from back of sidewalk as illustrated."

Applicant requests consideration of the following: (Describe proposal/request in detail) PLEASE SEE PAGE #2

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

[Signature]
Owner's Signature/Date



CITY OF PRAIRIE VILLAGE
The Star of Kansas

PAGE #2

Planning Commission Application

For Office Use Only
Case No.: <u>PC2024-105</u>
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Date Advertised:
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Location of Property: Same

Legal Description: Permit #BP-24-43 - "new fence along Cedar Drive must be located at least 15 feet from back of sidewalk as illustrated."

Applicant requests consideration of the following: (Describe proposal/request in detail) We would like to preface this by saying we moved to this address in 2010.

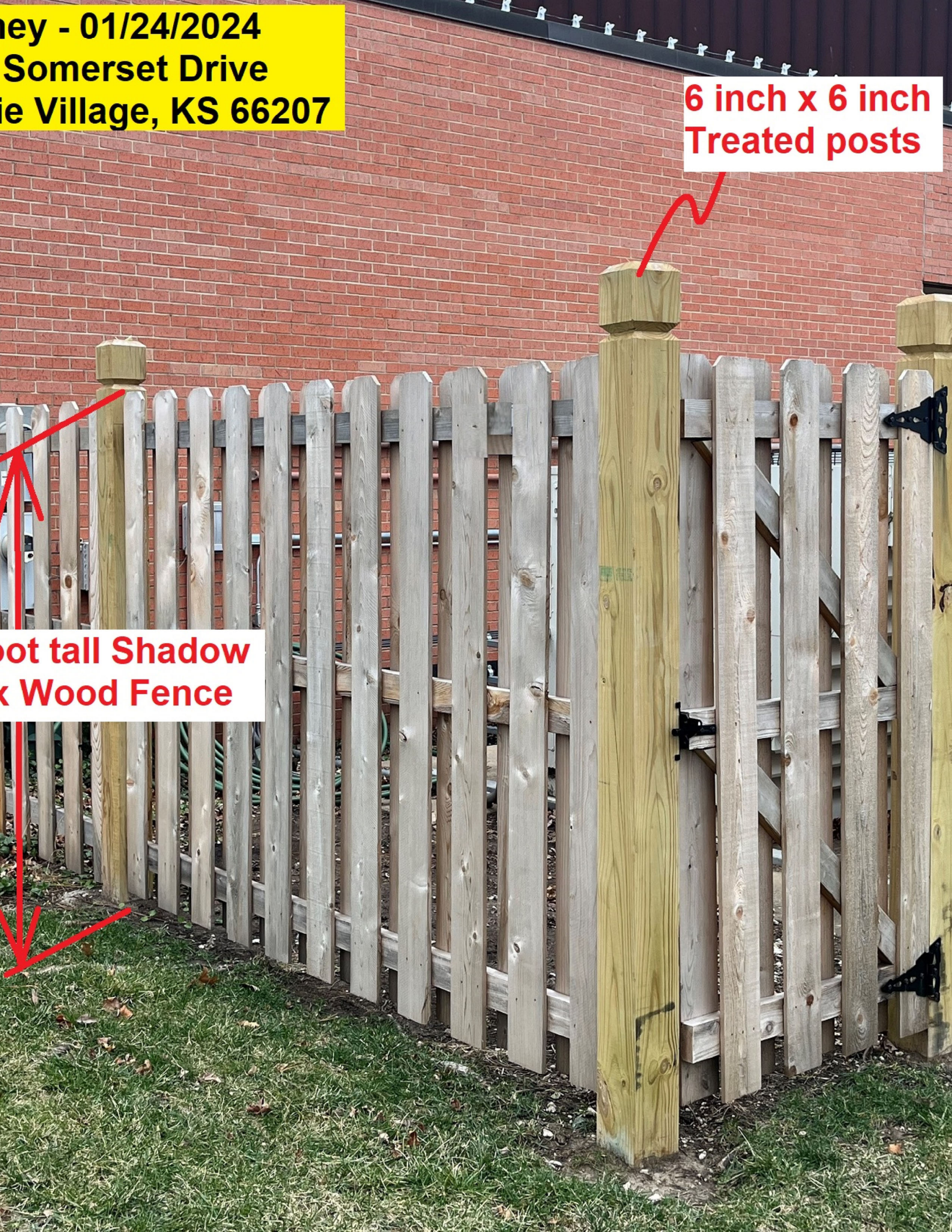
Our request is to replace a 25+ year old fence with a NEW fence of same shape, size and equal quality, in the exact same location as the old fence. The old fence is/was 6 feet from the sidewalk, and 17 feet from the street.

Moving the new fence the proposed 15 feet from the sidewalk would put it over 26+ feet from the street. This would also cause a major issue with sprinklers due to the plumbing in the ground would all have to be redone, in order to get proper watering on both sides of the new fence. Also, please understand there is a swimming pool in the backyard and if we are forced to move the fence another 9 feet it would reduce the already restricted usable square footage by 567sqft. This added square footage restriction was never part of the original layout plan when the backyard living space was once approved by the City of Prairie Village. We would be happy to get approval from our neighbors if it would help confirm the approval process for placing the new fence in the exact same location as the old fence location.

Key - 01/24/2024
Somerset Drive
Village, KS 66207

6 inch x 6 inch
Treated posts

Not tall Shadow
Box Wood Fence



February 7, 2024

4996 Somerset Drive
(Corner of Somerset and Cedar)
Prairie Village, KS 66207

Hello Neighbor,

We are located on the northeast corner of Cedar Drive and Somerset Drive. Recently we planned to replace our ageing 25+ year old fence with a new, more beautiful fence that's not constantly in need of repair. 😊

We are writing to inform you and other surrounding neighbors that the Prairie Village Planning Commission new zoning regulations is requiring us to move the new fence location. The city is attempting to force us to relocate the section of fence along Cedar Drive, an additional 9+ feet further into our backyard. This new fence regulation would force us to relocate our sprinklers on both sides of the fence, require a change in flower beds, cause a relocation of a cast iron fountain, and bump the fence right up against the existing pool deck. The new City approved fence location will also change the aesthetics of the cul-de-sac as well as decrease our usable backyard space by as much as 15% in size.

We have applied and paid a fee to the City of Prairie Village Planning Commission for approval to place the new fence in the exact same location as our previous dilapidated fence. However, The Planning Commission requires us to provide an opportunity for our neighbors to review our request and to pose questions or concerns.

The main purpose of this letter is to make you aware of our situation and to invite you to a meeting we will hold on **Sunday February 18th at 2:00p.m.** You are invited, but not required to attend and express any concerns you may have. We plan to submit a record of this meeting to the Prairie Village Planning Commission. This document will help identify attendees and will provide a record of concerns from surrounding neighbors. This meeting will also give the city an opportunity to understand surrounding neighbors expressed opinions.

We plan to hold this meeting on-site at **4996 Somerset Drive**. If you would like the opportunity to attend or be heard, please email swaney.ray@gmail.com with a request for more detailed information.

Regards,

Ray and Kim Swaney
4996 Somerset Drive
Ph# 913-709-7139 (Ray)



Hello Adam,

We held a "Neighborhood Meeting" today regarding our fence location and nobody showed up.

We did have 11 neighbors respond in support of putting the old fence back in its original location, which is attached to this email.

I also took your original spreadsheet and added another column for "Response". Out of the 19 neighbors on your list, 11 replied in text or email, and 8 of the neighbors did not respond in any format, nor did they show up today for our meeting. Again, in the attached PDF is a list of who responded and who did not respond.

Please let me know if this is sufficient. If there is any concern that for some reason we would not be able to put our fence back in its original location, please, please let me know. I would be more than happy to track down the other 8 people on the list that did not reply and push for a response.

I'll wait for your guidance as to where we go from here.

Thank you again for your help.

Regards,

Ray Swaney

PH: 913-709-7139

Mail Line1	Mail Line2 Owner Name 1	Owner Name 2	Response
8835 CEDAR DR	PRAIRIE VIL WARNER, MICHAEL A.	WARNER, JENNIFER E.	Text - no issue
4960 SOMERSET DR	PRAIRIE VIL MENDENHALL, ZACHARY T	MENDENHALL, CORTNEY E	No Response
4972 SOMERSET DR	PRAIRIE VIL DAL BELLO, ANGIE A.	STENGER, CHRISTOPHER P.	Text - no issue
4984 SOMERSET DR	PRAIRIE VIL KATTERHENRICH, DAVID J. CO-TTEKATTERHENRICH, JUDITH K. CO-TT		Email - no issue
4996 SOMERSET DR	PRAIRIE VIL SWANEY, RAYMOND D.	SWANEY, KIMBERLY M.	No issue
5067 SOMERSET DR	PRAIRIE VIL BRADLEY J HILL REVOCABLE TRUST	WENDY R HILL REVOCABLE TRUST	No Response
8844 CEDAR DR	PRAIRIE VIL RYAN TRUST		Text - no issue
8849 CEDAR DR	PRAIRIE VIL BRUNELL, MICHELLE	WRIGHT, KRISTINE	Text - no issue
8856 CEDAR DR	PRAIRIE VIL HARDMAN, PATRICK K. TRUSTEE	HARDMAN, JILL T. TRUSTEE	Verbal - no issue
8861 CEDAR DR	PRAIRIE VIL ADAMSON, GRETCHEN L		Text - no issue
8870 CEDAR DR	PRAIRIE VIL HENRIETTA L GOLNICK LIVING TRUST	GOLNICK, ROGER	Empty house
8884 CEDAR DR	PRAIRIE VIL COUSINS, MARY JO TRUSTEE	COUSINS, MARY JO TRUST	Email - no issue
8900 CEDAR LN	PRAIRIE VIL POAGE, RYAN Y	POAGE, CHERYL L	No Response
8902 CEDAR DR	PRAIRIE VIL STAUFFER, DAVID W	STAUFFER, KELLIE E	No Response
8903 CEDAR LN	PRAIRIE VIL IRWIN, CHARLIE	IRWIN, CASEY	No Response
8905 CEDAR DR	PRAIRIE VIL FINKELSTON TRUST		Email - no issue
8911 CEDAR DR	PRAIRIE VIL THOMAS P O'CONNOR AND BARBARA A MCGRATH O'CONNOR FAMILY TRUST		No Response
8915 JUNIPER ST	PRAIRIE VIL SCHWALLER, JOHN T.	SCHWALLER, JENNIFER L.	No Response
8937 JUNIPER ST	PRAIRIE VIL PIROTTE, JAMES J.	PIROTTE, DONNA E.	No Response
8959 JUNIPER ST	PRAIRIE VIL CARR REV TRUST		No Response

From Gretchen

Kim - I am not sure what you need for the meeting but:

I live at 8861 Cedar drive the direct neighbor to the Swaney's on the north side. I support them replacing their fence in the exact place it was before. They keep their property in beautiful shape and are respectful neighbors. Sincerely- Gretchen Adamson

Sent from my iPhone

 From Gretchen

I would say Henny's house is not occupied and she is in a memory care unit. That should suffice for them! Hopefully

Sent from my iPhone

From Elizabeth

Hey Kim!

Maybe I missed a text, but I'd be happy for you to include our support for you. I would be glad to have your new fence go right where the old fence was. Let me know what you need to support you! 😊

Sent from my iPhone

From Kristine and Michelle

Hi, just want to let you know that we will be out of town for several days. Our pet sitter will be in and out of the house while we are gone.

Ray and Kim, I'm sorry but we will miss your 2 pm meeting on 2/18. Please know you have our support and let us know if there is anything we can do to help. Hope the meeting goes well!

Sent from my iPhone

 From Camille...

You have the Ryans full support! Sorry you have to go through this! I hope there are no surprises from any neighbors - keep us posted.

The fence from what you started does look lovely!!!

Sent from my iPhone

Ray,

Sorry to hear about the hassle with the fence. Twenty-five year ago the previous owner had a nearly identical problem.

I will be out of town when you are having the meeting but I want you to know I am very supportive of the beautiful fence you are putting up as well as its location on your property.

You are very good neighbors who always take pristine care of your property. You and your children are enormously respectful. It is a joy to witness your family and friends enjoy your pool. We pride ourselves in Prairie Village for the family ideals we live by. Yours are exemplary!

Let me know if I can help in any way.

—Mary Jo

Good afternoon, Ray.

This is Mark Finkelston, your across the street (on Somerset) neighbor, who received your letter regarding the changes to the intended fence replacement the City is telling you are needed.

Unfortunately, I will be out of town next Sunday and, therefore, unable to attend the meeting you're holding, but would like you to know I support your wanting to place the new fence in the same location as the one that will be replaced. I would hope the City will listen to, and make an allowance for, the burden that would be placed on you including the unacceptable changes that would be made to your backyard living area. I would be happy to voice that opinion to anyone in the City administration who is interested and willing to listen.



Please let me know if there is anything I can do to help with this endeavor.

Mark
(m): 913-963-2030

Ray and Kim, Dave and I next door just want you know we will do anything needed to support you in your fence battle. If letters of support would help, we'll be happy to write one to the Planning Commission. We'll be happy to show up in support at the public hearing, if there is one, or do anything needed. The dog sanctuary I volunteer for just went through something similar to this and we understand how important neighborhood support can be.

Judy cell: 816 204-0486

David cell: 913 638-5338

Judy Katterhenrich

You have two thumbs up from the dalbello-stengers to put your fence right back where it was! Sorry you have to deal with that crap from the city. If you need us to sign a "yay" petition we will. Angie

Sent from my iPhone

Hey, this is Anita Newton, your neighbor I just wanna tell you that I completely empathize with you

When we were redoing our back yard a few years ago and one of the neighbors called the city, reported us saying the gas for the grill was too close to the back of our house (at is at least 6-8 ft)

There is this arcane city ordinance that the neighbor cited, it took us an extra six months and a few extra thousands to get permits. The contractor we worked with said they have been working this area for 20 years and never had an issue.

I TRULY feel your pain. Hang in there and seriously let me know if there's anything I can do to help.

I am so sorry you have to deal with this.

This weather has been hard on everyone (and our houses! 🙄)

Thanks for letting us know and let us know if there's ANYTHING we can do to help.

Sent from my iPhone

To the City of Prairie Village. My husband and I live at 8835 Cedar Drive. We received the letter regarding Ray and Kim Swaney's fence at 4996 Somerset Drive Prairie Village, KS. We are totally in favor of them leaving the new rebuilt fence on its current location/grandfathered boundary lines. They are replacing an old fence w an expensive new fence which in turn keeps our city and subdivision looking beautiful and up to date! Thank you Mike and Jenny Warner

Sent from my iPhone

DISCUSSION MEMO

TO: Prairie Village Planning Commission
FROM: Chris Brewster, Multistudio, Planning Consultant
DATE: December 5, 2023 Planning Commission Work Session
UPDATED – March 5, 2024 Planning Commission Meeting

UPDATE: *This memo was presented in the December 5, 2023 Planning Commission packet along with the potential draft zoning amendments it summarizes. Initial discussions by the Commission confirmed the general direction with a goal for the Commission to provide any detailed review comments for further discussion at the next Planning Commission meeting. Specific comments and direction were given at the February 6, 2024 meeting, and the following changes are reflected in these drafts:*

- (a) *R-2, Section 19.10.015, Table 19.10.A – added Impervious Coverage standard (40%) to be consistent with other residential zone districts, and used the same standard as R-1A and R-1B due to the comparable building and lot scale.*
- (b) *R-2, 19.10.030; R-3, 19.12.030; R-4 19.14.030 – revised the introductory statement of Planned Zoning Applications sections to clarify use of the MXD building types and the corresponding building scale appropriate for each district.*
- (c) *Change the term “row house” to “townhouse throughout to be consistent with the term used in the building code. [Note: all references to “row house” will be removed from other sections of the ordinance once a formal draft of changes is recommended.]*
- (d) *MXD, Section 19.23.015, Table 19.23.A – updated the proposed MXD building type table in the following ways:*
 - *Adjusted lot sizes for apartment buildings to convert to acres rather than square feet, and to cap the scale of the large apartment / mixed use building at 3 acres (previously had no maximum size)*
 - *Reduced the height of the large apartment / mixed use building to 50’ / 4-story (was 65’ / 6 story)*
 - *Revised Front building line range to be 15’ to 30’ for several building types to correspond with a complimentary change made as a result of the new direction on the MXD design standards / guidelines. (previously was 10’ to 30’ due to more defined frontage types, which have been eliminated)*
- (e) *MXD, Section 19.23.020 – New MXD Mixed-use and Mixed-density Design Guidelines. Revised to be more general, qualitative, and flexible; replaces previous approach with more which had more specific “default” standards similar to the R-1A and R-1B design standards.*

These specific items, as well as any other discussion items brought up by the commission will be the focus of the Commission's continued discussion at the March 5, 2024, Planning Commission meeting.

[The original memo introducing the overall approach to this topic from December 5, 2023 follows.]

The Planning Commission held a work sessions on August 22, 2023 and October 3, 2023 to discuss potential strategies for housing policies in Village Vision 2.0. The work sessions were a direct follow-up to the public forums held on June 22, 2023 and July 13, 2023. Based on the direction from the work sessions, a discussion draft of potential zoning amendments has been created and is attached in the packet. This memo summarizes the draft amendments.

I. Strategies

The Planning Commission arrived at five strategies based on discussions at the August 22 and October 3 work sessions:

1. Hold status quo in R-3 and R-4. (Chapters 19.12 and 19.14)
2. Allow residential uses in C- districts. (Chapters 19.16, 19.18, and 19.20)
3. Improve the MXD district (planned district) (Chapter 19.23)
4. Revise current planned development standards & process (Chapter 19.24)
5. Consider MXD standards for application in a variety of contexts.

II. Approach

The following specific approaches can be used to amend the code based on the Planning Commission's discussions and policies established in the comprehensive plan. The approaches are further described in the discussion notes below, and are included in the attached strike-through versions of the current code (see attached Planning Commission Discussion Draft, November 2023).

1. Hold status quo in R-3 and R-4.

- a. Make current development compliant with standards with simple amendments.
- b. Clean up any conflicts / interpretation issues in the current standards.
- c. Allow a similar scale / pattern of redevelopment as existing buildings.

2. Allow residential uses in C- districts.

- a. Limit residential to mixed use buildings (upper stories above ground level commercial or behind ground level commercial)
- b. Allow subject to current C- district standards that apply to commercial buildings.

3. Improve the MXD district (planned district).

- a. Promote smaller scale projects that are more practical to Prairie Village's context. (smaller redevelopment projects and strategic infill, rather than broad master planned communities)
- b. Improve criteria (more specific policy goals and community benefit targets).
- c. Set default standards and building types for the scale and types of buildings that are most appropriate in a variety of Prairie Village contexts.
- d. Include neighborhood / community design standards or criteria for new building types / projects with similar approaches used in the current R1-A and R1-B district design standards.

4. Revise current planned development standards and process.

- a. Improve review criteria for better expectations.
- b. Define specific elements of a development plan necessary to support flexibility.
- c. Consider default standards as starting point (use base-district standards and/or borrow from MXD district - see below);
- d. Create criteria, guidance, and/or ranges for evaluating deviations from default standards based on plan.

5. Consider MXD for application in a variety of contexts.

- a. Mixed use redevelopment in C- districts [Rezoning to MXD]
- b. Mixed use building projects / infill in C-districts [Rezoning to CP-1, CP-2, or MXD]
- c. Residential-only projects in mixed use contexts – projects / strategic infill in C- Districts [Rezoning to CP-1, CP-2, or MXD]
- d. Larger-scale neighborhood redevelopment in R-3 and R-4 districts [Rezoning to RP-3 or RP-4]
- e. Low-scale neighborhood redevelopment in R-2 or R-3 areas [Rezoning to RP-2 or RP-4]

III. Discussion Notes:

The attached Planning Commission Discussion Draft includes amendments to the current zoning ordinance that executes the five strategies. The following notes should be considered along with review of the discussion draft to assist with review, comments or questions.

1. Hold the status quo in R-3 and R-4

Several of the R-3 and R-4 properties were surveyed for compliance with the existing zoning standards using mapping estimates and available data on Johnson County AIMS mapping (this will provide approximate compliance – see R-3 and R-4 Inventory in separate attachment). The standards primarily include:

- Building Height

- Lot Coverage
- Lot Area Per Family
- Setbacks

The most frequent non-compliance issue was with the “lot area per family” requirement in the R-3 district. The requirement is at least 2,500 square feet of lot area per family unit ([Zoning Ordinance, Section 19.12.035](#)). Several properties were below this ranging from 1,773 square feet per unit to 2,451 square feet per unit. Therefore, the discussion draft changes this to 1,750 square feet per unit.

The R-3 district also has an apparent conflict. [Section 19.12.035](#) states that no buildings and car port shall cover more than 20% of the lot, while [Section 19.12.036](#) states that buildings and structures shall not cover more than 30% of the lot. Most of the properties surveyed have building coverage in the 21% to 29% range. Therefore, the discussion draft removes the 20% requirement and retains the 30% requirement.

The R-3 district does not currently have an impervious surface coverage standard. To be consistent with the 2018 R-1A and R-1B updates this is added. Most of the properties surveyed are below 50% coverage. The range is 19% to 56%, with only 3 being over 50% at 51%, 52% and 56%.

The other changes to R-3 and R-4 are non-substantive formatting changes to be consistent with the approach of the 2018 amendments and clarify and simplify the code (i.e. converting text to tables and adding intent statements)

Last, to coordinate with strategy 5 (discussed below) a section is added to further direct planned zoning applications of the R-districts to the updated MXD standards and building types. Rather than have an open-ended approach to revising the standards, this will help establish targets and expectations for planned applications in the R-districts. This also provides the opportunity for neighborhood design standards – discussed with strategy 3 below – to be included, where currently there are none in the R-2, R-3, or R-4 districts. (Therefore, the R-2 district was included to be consistent in this approach through R-Districts.)

2. Allow residential uses in the C- districts.

Currently only the C-O district allows residential uses, and it requires those uses to default to R-1, R-2, and R-3 standards ([Zoning Ordinance, Section 19.16.035](#)). This results in building and development standards that are not appropriate for commercial or mixed-use contexts. Based on the direction of the Planning Commission to allow residential uses in commercial / mixed-use buildings, two simple amendments are recommended:

- Add a “mixed-use residential” entry to the use table in Chapter 19.27 ([Zoning Ordinance, Section 19.27.010](#)) and allow it in C-O, C-1, and C-2.

- Add a performance criteria in each of those zone districts that mixed-use residential uses shall be on the upper floors or behind ground level commercial uses, and then otherwise subject to the commercial building standards.

3. *Improve the MXD district.*

The MXD standards are intended for very large scale “master planned” communities. The intent and procedures imply mixing land uses across broad areas as well as mixed-use buildings. The provisions in this section are very broad and vague, and do not provide good guidance for how or where the district should be used, and instead for large scale planning efforts to address these specific issues. (It has only been used once and in a very limited application).

The recommended improvements involve the following key elements:

- Repurpose the district for smaller-scale redevelopment projects or targeted infill applications.
- Establish “default” development standards based on the type and range of buildings anticipated in Prairie Village.
- Add mixed-use and mixed-density neighborhood design standards. This adds more specificity to the current intent of the MXD district and creates planning thresholds for proposed development plans.
- Simplify the procedures and defer to the Planned Zoning district process. (See strategy 4 below)

4. *Revise current rezoning / planned development standards and process.*

The current planned zoning provisions are very open-ended and vague. They rely heavily on discretionary processes without clear criteria for applicants, staff, or decision makers. As a result, there is great flexibility in what could technically be accomplished under the planned zoning process, but there are few expectations. The procedures are confusing and imprecise and lead to a scenario where most outcomes are negotiated through a public process.

The following changes are recommended (with specific emphasis on leveraging the MXD changes discussed in strategy 3, and for more targeted applications to R-2, R-3, and R-4 districts discussed in strategy 1 and strategy 5.)

- Simplify the intent statement and make clear the context, application, and benefits intended from planned applications.
- Replace the arbitrary development standards in the current section with a system that defaults to the base district standards but includes specific guidance and design objectives for deviating from those standards.
- Simplify the procedures but indicate planning elements and thresholds that must be demonstrated in a development plan to justify deviating from the base district standards. Two scales of plans are recommended – a community plan and project plans. For smaller-scale applications, the community plan may rely more on the existing conditions surrounding the project but are still essential for

analysis of the planned application and how flexibility or deviations from the standards are justified.

- Improved decision criteria to focus on planning objectives and community benefits that should result for planned applications.

5. ***Consider MXD for specific scenarios.***

The combination of the approach to the MXD district and improvements to the Planned Zoning District application can then be leveraged for a variety of situations:

- Larger-scale redevelopment and rezoning to MXD (current situation, improved with better MXD standards and criteria)
- Smaller scale strategic infill in current commercial districts (“project plan” in the Planned District)
- Planned applications for the C- districts for more targeted infill of commercial or mixed-use buildings.
- Residential-only buildings in the C- districts, provided that are part of the larger mixed-use context based on a “community plan.”
- Limited planned application in R-2, R-3, and R-4 districts for appropriate scaled residential projects.

For the last three applications each of the R- and C- districts includes an added section specifying which building types are appropriate for each district application. Because these are “planned applications” they will rely on a discretionary review process and there is an opportunity to adjust the standards based on a specific plan.

IV. **Next Steps:**

Based on discussion and direction on these issues at the December 5, 2023 Planning Commission, staff and the Commission will determine next steps, which could involve any or all of the following:

- Further refinement or discussion of draft edits.
- Additional or related development code changes, as directed by the Commission.
- Additional Planning Commission work sessions / discussions (if needed)
- Preparation of proposed official and recommended amendments.
- Scheduling of official review and adoption procedures [PC public hearing (formal recommendation), CC public hearing (decisions)].

Chapter 19.10 DISTRICT R-2 TWO FAMILY RESIDENTIAL DISTRICT

19.10.005. INTENT

The R-2 Two-family Residential District provides residential living in low-scale detached and attached dwelling units. It should be used in areas at transitions between neighborhoods and corridors, activity centers, parks and civic spaces. This district is appropriate in village neighborhoods, as part of mixed-use context of activity centers, or at transition areas adjacent to thoroughfares or greenspace identified in the comprehensive plan.

Commented [CB1]: Added to guide application of district according to comprehensive plan and physical context, and to be consistent with overall format (all districts should have non-regulatory intent statement)

19.10.005010. USE REGULATIONS.

Permitted uses in this district are specified in chapter 19.27 "Zoning Districts and Uses." They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to chapter 19.34.

19.10.010015. HEIGHT AND AREA REGULATIONS GENERALLY. DEVELOPMENT STANDARDS

<u>Table 19.10.A. Development Standards</u>	
<u>R-2</u>	
<u>Lot:</u>	
<u>Area</u>	<u>9,600 square feet (4,800 square feet per unit)</u>
<u>Width</u>	<u>80'</u>
<u>Building Coverage</u>	<u>30% of lot, maximum</u>
<u>Impervious Coverage</u>	<u>40% of lot, maximum</u>
<u>Building Setbacks:</u>	
<u>Front</u>	<u>30' minimum</u>
<u>Side</u>	<u>7' minimum each side</u> <u>18' minimum total both sides</u>
<u>Street Side</u>	<u>15' minimum</u>
<u>Rear</u>	<u>25' minimum</u>
<u>Height:</u>	
<u>Height</u>	<u>35' maximum, measured from the top of foundation to the highest point of the roof structure.</u>
<u>Story Limit</u>	<u>2.5 stories</u>

Commented [CB2]: Convert existing R-2 standards to table to simplify and for consistent format with other districts. No substantive changes EXCEPT:

- Added impervious surface coverage to be consistent with R-1A and R-1B

Table replaces sections 010, 015, 020, 025, 030, 035, 040, 045, and 046

One family dwellings constructed in this district shall comply with the height, front, side and rear yard requirements and minimum lot size requirements of the District R-1a.

Two family dwellings shall comply with the minimum requirements ~~set forth in sections 19.10.015 – 19.10.045~~ Table 19.10.A.

~~19.10.015. HEIGHT.~~

~~No building or structure shall exceed 35 feet in height, measured as set out in section 19.02.100; nor shall it contain more than two and one half stories as set out in section 19.02.435.~~

~~19.10.020. FRONT YARD.~~

~~The front yard requirements shall be 30 feet.~~

~~19.10.025. SIDE YARD.~~

~~There shall be a side yard on each side of the dwelling, the total of which side yards shall be not less than 18 feet and neither side yard shall be less than seven feet. Not less than 15 feet shall be provided on the street side of a corner lot.~~

~~19.10.030. REAR YARD.~~

~~The depth of the rear yard shall be not less than 25 feet.~~

~~19.10.035. LOT WIDTH.~~

~~The width of the lot shall be not less than 80 feet.~~

~~19.10.040. LOT AREA PER FAMILY.~~

~~Not less than 9,600 square feet of lot area shall be provided for each two family dwelling.~~

~~19.10.045. MINIMUM DWELLING SIZE.~~

~~The minimum dwelling size shall be 1,100 square feet per family unit for living space, exclusive of garage, basement, storage space, open or screened porches, vestibules, patios and utility rooms.~~

~~19.10.046. LOT COVERAGE.~~

~~Buildings and structures shall not cover more than 30 percent of the net lot area. (Ord. 2019, Sec. II, 2001; Ord. 2060, Sec. I, 2003)~~

~~19.10.050~~20. PARKING REGULATIONS.

Two parking spaces shall be provided for each dwelling unit. (For additional parking regulations see chapter 19.46.)

~~19.10.055~~025. SITE PLAN APPROVAL.

All new buildings or structures and proposed expansions and enlargements of more than ten percent of the existing floor area of existing buildings except single family and two-family dwellings, group homes and residential design manufactured homes shall

prepare and submit a site plan in accordance with chapter 19.32 Site Plan Approval prior to the issuance of a building permit.

If application is made for a building permit for a building or structure, which is not required to submit a site plan and whose architectural style or exterior materials in the opinion of the building official vary substantially from such style or materials which have been used in the neighborhood in which the building or structure is to be built, the plans and supporting information for such building or structure shall be submitted to the planning commission for review and approval as to its compatibility with the surrounding neighborhood. This paragraph shall not apply to single-family and two-family dwellings, group homes and residential design manufactured homes.

19.10.030. PLANNED ZONING APPLICATIONS.

Application of the R-2 district through planned zoning applications shall occur according to the procedures and criteria in Chapter 19.24, Planned Zoning District. Plans shall use the following small-scale building types from Section 19.23.015 of the MXD District as the basis for the plan:

- (a) Detached House – Standard Lot
- (b) Detached House – Small Lot
- (c) Attached House

Commented [CB3]: Added to give more guidance on application of P- districts than is in the current code for potential R-2P applications.

Chapter 19.12 ~~DISTRICT~~ R-3 ~~GARDEN~~ APARTMENT DISTRICT

19.12.005. INTENT

The R-3 Apartment District provides residential living in moderate- to large-scale multi-unit buildings contributing to a mix of housing opportunities at strategic locations. It should be used in areas with a high level of accessibility, public and common amenities, and support services in the vicinity, and transition to lower-scale neighborhoods. This district is appropriate in village neighborhoods, as part of mixed-use context of activity centers, or at transition areas adjacent to thoroughfares or greenspace identified in the comprehensive plan.

19.12.005010. USE REGULATIONS.

Permitted uses in this district are specified in chapter 19.27 "Zoning Districts and Uses." They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to chapter 19.34.

19.12.010015. HEIGHT AND AREA REGULATIONS GENERALLY. Development Standards

Table 19.12.A. Development Standards	
R-3	
<u>Lot:</u>	
Area	1,750 s.f. per unit
Building Coverage	30% of lot, maximum
Impervious Surface Coverage	50% of lot, maximum
<u>Building Setbacks:</u>	
Front	30' minimum
Side	10' minimum for 2-story 15' minimum for 2.5 story
Street Side	15' minimum
Rear	25' minimum
<u>Height:</u>	
Height	35' maximum, measured from the top of foundation to the highest point of the roof structure.
Story Limit	2.5 stories

Commented [CB4]: Added to guide application of district according to comprehensive plan and physical context, and to be consistent with overall format (all districts should have non-regulatory intent statement)

Commented [CB5]: Convert existing R-3 standards to table to simplify and for consistent format with other districts. No substantive changes EXCEPT:

- Reduced the lot area from 2,500 per unit to 1,750 per unit to match existing current projects.
- Reconciled the conflict between 20% and 30% building coverage maximum in favor of 30% (matches most projects)
- Added impervious surface coverage, and emphasizing it is distinct from building coverage consistent with other districts.

Table replaces sections 015, 020, 025, 030, 035, and 036

In District R-3, the height of buildings, the minimum dimensions of lots and yard, the minimum lot area per family permitted on any lot shall be as follows in sections ~~19.12.015—19.12.035~~ (for exceptions see chapter 19.44, height and area exceptions).

~~19.12.015. HEIGHT.~~

~~No building or structure shall exceed 35 feet in height, measured as set out in section 19.02.100; nor shall it contain more than two and one half stories as set out in section 19.02.435.~~

~~19.12.020. FRONT YARD.~~

~~The front yard requirement shall be 30 feet.~~

~~19.12.025. SIDE YARD.~~

~~The side yard requirement shall be ten feet for two-story and 15 feet for two and one-half story buildings; except that not less than 15 feet shall be provided on the street side of a corner lot.~~

~~19.12.030. REAR YARD.~~

~~The rear yard requirement shall be 25 feet.~~

~~19.12.035. LOT AREA PER FAMILY.~~

~~The minimum lot area for garden apartments shall be 2,500 square feet per family units; provided that in no case shall apartment buildings and carports, if any, cover more than 20 percent of the area of the lot or tract; the remaining eighty percent of the land to contain lawn, landscaped areas, recreation areas and open parking lots.~~

~~19.12.036. LOT COVERAGE.~~

~~Buildings and structures shall not cover more than 30 percent of the net lot area. (Ord. 2019, Sec. II, 2001; Ord. 2060, Sec. I, 2003)~~

~~19.12.040~~20. PARKING REGULATIONS.

Two parking spaces shall be provided for each dwelling unit. Parking shall not be permitted in the required side yard or within 15 feet of a street right-of-way. (For other parking requirements see chapter 19.46.)

~~19.12.045~~025. SITE PLAN APPROVAL.

All new buildings or structures and proposed expansions and enlargements of more than ten percent of the existing floor area of existing buildings except single family and two-family dwellings, group homes and residential design manufactured homes shall prepare and submit a site plan in accordance with chapter 19.32 Site Plan Approval prior to the issuance of a building permit.

If application is made for a building permit for a building or structure, which is not required to submit a site plan and whose architectural style or exterior materials in the

opinion of the building official vary substantially from such style or materials which have been used in the neighborhood in which the building or structure is to be built, the plans and supporting information for such building or structure shall be submitted to the planning commission for review and approval as to its compatibility with the surrounding neighborhood. This paragraph shall not apply to single-family and two-family dwellings, group homes and residential design manufactured homes.

19.12.030. PLANNED ZONING APPLICATIONS.

Application of the R-3 district through planned zoning applications shall occur according to the procedures and criteria in Chapter 19.24, Planned Zoning District. Plans shall use the following moderate- or large-scale building types from Section 19.23.015 of the MXD District as the basis for the plan:

- (a) Townhouse
- (b) Apartment – Small
- (c) Apartment – Medium
- (d) Apartment - Large

Commented [CB6]: Added to give more guidance on application of P- districts than is in the current code for potential R-3P applications.

Chapter 19.14 ~~DISTRICT~~ R-4 ~~MIXED CONDOMINIUM OR COMMON WALL~~ DWELLING DISTRICT

19.14.005. INTENT

The R-4 Mixed Dwelling District provides residential living in low- to moderate-scale multi-unit buildings contributing to neighborhoods with a mix of detached, attached, and low-scale multi-unit buildings. It should be used in areas with a high level of accessibility, public and common amenities, and support services in the vicinity, and transition to lower-scale neighborhoods. This district is appropriate in village neighborhoods, as part of mixed-use context of activity centers, or at transition areas adjacent to thoroughfares or greenspace identified in the comprehensive plan.

19.14.005010. USE REGULATIONS.

Permitted uses in this district are specified in chapter 19.27 "Zoning Districts and Uses." They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to chapter 19.34.

19.14.010015. ~~HEIGHT AND AREA REGULATIONS~~ ~~DEVELOPMENT STANDARDS~~

Table 19.14.A. Development Standards

R-4	
<u>Lot:</u>	
<u>Area</u>	3,500 s.f. per unit
<u>Width</u>	150' minimum
<u>Building Coverage</u>	30% of lot, maximum
<u>Impervious Surface Coverage</u>	50% of lot, maximum
<u>Building Setbacks:</u>	
<u>Front</u>	30' minimum
<u>Side</u>	10' minimum for 2-story 15' minimum for 2.5 story
<u>Street Side</u>	15' minimum
<u>Rear</u>	35' minimum
<u>Height:</u>	
<u>Height</u>	35' maximum, measured from the top of foundation to the highest point of the roof structure.
<u>Story Limit</u>	2.5 stories

Commented [CB7]: Changed name to reflect district standards and intent better

Commented [CB8]: Added to guide application of district according to comprehensive plan and physical context, and to be consistent with overall format (all districts should have non-regulatory intent statement)

Commented [CB9]: Convert existing R-4 standards to table to simplify and for consistent format with other districts. No substantive changes EXCEPT:

- Added impervious surface coverage to be consistent with other districts

Table replaces sections 010, 015, 020, 025, 030, 035, 040, and 041

In District R-4, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows in sections ~~19.14.015—19.14.040~~ (for exceptions see chapter 19.44, height and area exceptions).

~~19.14.015. HEIGHT.~~

No building or structure shall exceed 35 feet in height, measured as set out in section 19.02.100; nor shall it contain more than two and one half stories as set out in section 19.02.435.

~~19.14.020. FRONT YARD.~~

Any building hereafter constructed shall provide for a front yard the minimum depth of which shall be 30 feet.

~~19.14.025. SIDE YARD.~~

There shall be a side yard on each side of the lot of not less than ten feet for two story buildings and 15 feet for two and one half story buildings. No side yard shall be required on interior lots in common wall projects. Not less than 15 feet shall be provided on the street side of a corner lot.

~~19.14.030. REAR YARD.~~

The depth of the rear yard shall be not less than 35 feet.

~~19.14.035. LOT AREA PER FAMILY.~~

Every condominium or common wall dwelling house hereafter erected shall provide a lot area of not less than 3,500 square feet per dwelling unit.

~~19.14.040. LOT SIZE.~~

The width of the lot shall be at least 150 feet.

~~19.14.041. LOT COVERAGE.~~

Buildings and structures shall not cover more than 30 percent of the net lot area. (Ord. 2019, Sec. II, 2001; Ord. 2060, Sec. I, 2003)

~~19.14.045~~020. PARKING REGULATIONS.

Two parking spaces shall be provided for each dwelling unit. Parking shall not be permitted in the required exterior side yards or within 15 feet of a street right-of-way. (See chapter 19.46 for additional parking requirements.)

~~19.14.050~~025. SITE PLAN APPROVAL.

All new buildings or structures and proposed expansions and enlargements of more than ten percent of the existing floor area of existing buildings except single-family

dwelling, group homes and residential design manufactured homes shall prepare and submit a site plan in accordance with chapter 19.32 Site Plan Approval prior to the issuance of a building permit.

If application is made for a building permit for a building or structure, which is not required to submit a site plan and whose architectural style or exterior materials in the opinion of the building official vary substantially from such style or materials which have been used in the neighborhood in which the building or structure is to be built, the plans and supporting information for such building or structure shall be submitted to the planning commission for review and approval as to its compatibility with the surrounding neighborhood. This paragraph shall not apply to single-family dwellings, group homes and residential design manufactured homes.

19.14.030. PLANNED ZONING APPLICATIONS.

Application of the R-4 district through planned zoning applications shall occur according to the procedures and criteria in Chapter 19.24, Planned Zoning District. Plans shall use the following small- and moderate-scale building types from Section 19.23.015 of the MXD District as the basis for the plan:

- (a) Detached House – Small Lot
- (b) Multi-unit House
- (c) Townhouse
- (d) Apartment – Small

Commented [CB10]: Added to give more guidance on application of P- districts than is in the current code for potential R-4P applications.

Chapter 19.16 DISTRICT C-O OFFICE BUILDING DISTRICT

19.16.005. INTENT

The C-O Commercial Office District is a low intensity non-residential district providing a range of small-scale, commercial or employment uses. It also may include limited retail or services to support adjacent neighborhoods and low- and moderate-scale residential uses that contribute to a mixed-use context. This zone serves as a transition between neighborhoods and village centers or establishes neighborhood hubs in the comprehensive plan.

Commented [CB11]: Added to guide application of district according to comprehensive plan and physical context, and to be consistent with overall format (all districts should have non-regulatory intent statement)

19.16.005010. USE REGULATIONS.

Permitted uses in this district are specified in chapter 19.27 "Zoning Districts and Uses." They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to chapter 19.34.

19.16.010015. HEIGHT AND AREA REGULATIONS GENERALLY DEVELOPMENT STANDARDS.

Table 19.16.A. Development Standards	
C-O	
<u>Building Setbacks:</u>	
Front	30' minimum
Side	10' minimum for 1-story 15' minimum for 2-story 20' minimum for 2.5-story +
Street Side	15' minimum
Rear	35' minimum
<u>Height:</u>	
Height	35' except a greater height may be permitted subject to a conditional use permit in Chapter 19.30

Commented [CB12]: •Convert existing C-O standards to table to simplify and for consistent format with other districts. No substantive changes.

Table replaces sections 015, 020, 025, and 030.

In District C-O, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows in sections 19.16.015—19.10-035 (for exceptions see chapter 19.44, Height and Area Exceptions).

19.16.015. HEIGHT.

Height of buildings in this district shall be measured in feet and no building or structure shall exceed 35 feet except that a greater height may be permitted by

conditional use permit in accordance with chapter 19.30. In the case of office buildings, the height is measured as follows:

- (a) ~~The maximum vertical distance in feet from the average finish grade abutting the building to the highest point of the roof or any parapet or mansard, or to the mean height between eaves and ridge of gable, hip and gambrel roofs. Heating, ventilating, air conditioning and elevator equipment located on flat roofs may extend above the maximum height not more than eight feet.~~
- (b) ~~Finish grade in this instance shall not include such depressions as dock ramps, areaways and below grade stairways but shall be the ground elevation at the point where it is lowest.~~
- (c) ~~The use of fills or berms to increase the height of the building is not permitted.~~

~~19.16.020. FRONT YARD.~~

~~Any building or structure hereafter constructed shall provide a front yard the minimum depth of which shall be 30 feet.~~

~~19.16.025. SIDE YARD.~~

~~There shall be a side yard on each side of the lot, such side yard to be not less than ten feet for one story buildings, 15 feet for two story buildings, and 20 feet for two and one-half story buildings. There shall be a side yard of not less than 15 feet of the street side of a corner lot.~~

~~19.16.030. REAR YARD.~~

~~The depth of the rear yard shall be not less than 35 feet.~~

~~19.16.035~~020. RESIDENTIAL BUILDINGS.

Any residential building constructed or located in this district shall comply with the height, yard and area regulations of the district corresponding to that dwelling type. Single family dwellings and group homes shall comply with District R-1; two family dwellings shall comply with District R-2; garden apartment buildings shall comply with District R-3. Residential uses may be permitted in mixed use buildings or for reuse of existing commercial buildings, subject to the C-O district standards.

~~19.16.040~~030. SITE PLAN APPROVAL.

All new buildings or structures and proposed expansions and enlargements of more than ten percent of the existing floor area of existing buildings except single family and two-family dwellings, group homes and residential design manufactured homes shall prepare and submit a site plan in accordance with chapter 19.32 Site Plan Approval prior to the issuance of a building permit.

If application is made for a building permit for a building or structure, which is not required to submit a site plan and whose architectural style or exterior materials in the opinion of the building official vary substantially from such style or materials which have been used in the neighborhood in which the building or structure is to be built, the plans

Commented [CB13]: The use table in Chapter 19.27 will be amended to include "Residential - Mixed Use" (residential on the upper level or behind ground level commercial) for the C-O, C-1, and C-2 districts (see associated sections). The C-O district already allows residential, but requires it to be subject to R-1, R-2, or R-3 standards, which may not be the appropriate form and format for all residential in C-O. This corresponding change will allow residential in non-residential buildings, subject to the existing C-O development standards.

and supporting information for such building or structure shall be submitted to the planning commission for review and approval as to its compatibility with the surrounding neighborhood. This paragraph shall not apply to single-family and two-family dwellings, group homes and residential design manufactured homes.

19.16.045025. PARKING REGULATIONS IN DISTRICT C-0.

See chapter 19.46 off street parking and loading regulations.

19.14.035. PLANNED ZONING APPLICATIONS.

Application of the C-O district through planned zoning applications shall occur according to the procedures and criteria in Chapter 19.24, Planned Zoning District. Plans shall use the following small- and moderate-scale building types from Section 19.23.015 of the MXD District as the basis for the plan:

- (a) Attached House
- (b) Townhouse
- (c) Live-Work
- (d) Apartment / Mixed-Use – Small

Commented [CB14]: Move to above 030 Site Plan Approval for consistent section order among all districts.

Commented [CB15]: Added to give more guidance on application of P- districts than is in the current code for potential C-OP applications.

RESIDENTIAL IN C- DISTRICTS

The following amendments are necessary to execute the Planning Commission's direction to allow residential in the commercial districts, but subject to current district standards (i.e. as "mixed-use projects" or additions to existing commercial buildings).

1. Add the following entry to the use table in 19.27.005

Table 19.27 Allowed Uses										
■ = use is generally permitted, subject to general zoning district development and design standards. ○ = use requires Special Use Permit and discretionary review by Planning Commission and City Council per Section 19.32										
Uses	R-1A	R-1B	R-2	R-3	R-4	C-O	C-1	C-2	C-3	MXD
Residential Uses										
Single family dwellings	■	■	■	■		■			No specific uses permitted. C-3 is a planned	No specific uses permitted. MXD s
Two-family dwellings			■	■		■				
Garden Apartment Building or Apartment House				■		■				
Condominium					■					
Nursing and convalescent home	○	○	○	○	○	○	○	○		
Group home	■	■	■	■		■				
Residential – Mixed Use						■	■	■		

2. Add the following performance criteria to the C-1, and/or C-2 district standards.

(xy) Residential uses shall be limited to dwelling units on upper stories above ground level commercial uses, or less than 50% of the ground floor and located behind ground-level commercial uses.

Commented [CB16]: This section would be 19.18.010(f) for C-1 and 19.20.010(d) for C-2. (revised 19.16.035 in C-O addresses a similar topic, but does not require upper stories or behind ground level because stand-alone residential projects are allowed in C-O currently.

Chapter 19.23 "MXD" PLANNED MIXED USE DISTRICT

19.23.005. ~~PURPOSE AND~~ INTENT.

The zoning of property to the MXD, Planned Mixed Use District, is intended to encourage a variety of land uses in closer proximity to one another than would be possible with more conventional zoning districts, to promote sustainable development with projects that achieve a high level of environmental sensitivity and energy efficiency, to encourage design and construction using Leadership in Energy and Environmental Design "LEED" principles and practices; and to encourage building configurations that create a distinctive and memorable sense of place. Developments in this district are allowed and expected to have a mixture of residential, office and retail uses in a single structure or multiple structures along with public spaces, entertainment uses, and other specialty facilities that are compatible in both character and function and incorporate a coordinated consistent theme throughout the development. Developments are also expected to utilize shared parking facilities linked to multiple buildings and uses by an attractive and logical pedestrian network that places more emphasis on the quality of the pedestrian experience than is generally found in typical suburban development. Buildings are intended to be primarily multi-story structures with differing uses organized vertically rather than the horizontal separation of uses that commonly results from conventional zoning districts.

19.23.010. USE REGULATIONS.

Permitted uses in this district are specified in chapter 19.27 "Zoning Districts and Uses." They are either generally allowed, allowed by conditional use permit review, or by special use permit. In addition, accessory uses may be permitted subject to chapter 19.34.

19.23.015. ~~BUILDING HEIGHT, DEVELOPMENT STANDARDS~~

Development standards in the MXD district shall be based on specific plans approved according to the Planned Zoning District process and standards in Chapter 19.24. Development plans shall be based on the following building types in Table 19.23.A and propose the proper arrangement and location of applicable building types based on a community design plan required by Chapter 19.24. Deviations from the standards in Table 19.23.A may be justified as indicated in the Planned Zoning District standards in Chapter 19.24.

[insert formatted building type table – see draft in separate document]

- ~~(a) No maximum height; the height of buildings shall be as determined by the plan;~~
- ~~(b) At least 50 percent of the total floor area, except for auditoriums, conference facilities, theaters, and other similar uses, shall be located above the ground floor.~~

~~19.23.020. FRONT YARD.~~

~~No minimum requirement. The front yard setback shall be established as shown on the plans.~~

Commented [CB17]: Current lack of standards to be replaced by "default standards" and building-type approach that better identifies the scale and format of buildings anticipated to be used in the plan. [See recommended table to insert following this section.] The default standards in that table could then be used based on a plan demonstrating the appropriateness of each type in a specific location, and/or could have deviations from the default standards if justified by the plan. All would be subject to the criteria included in the revised P- (planned district) section to be applied to MXD, as well as all other applications of the P-district designation.

19.23.025. SIDE YARD.

~~No setback required except that where a lot line abuts the lot line of a residentially zoned property, a setback shall be required which is at least equal to the minimum setback required in the district in which the MXD District abuts.~~

19.23.030. REAR YARD.

~~No setback required except that where a lot line abuts the lot line of a residentially zoned property, a setback shall be required which is at least equal to the minimum setback required in the district in which the MXD District abuts.~~

19.23.020. MIXED-USE & MIXED-DENSITY DESIGN STANDARDS

[Insert new section 19.23.020 – see draft in separate document.]

19.23.035. PRELIMINARY DEVELOPMENT PLAN SUBMITTAL

~~A tract of land may be zoned "MXD" only upon approval of a preliminary development plan which shall include the following information:~~

- ~~(a) Name of the project, address, boundaries, date, north arrow and scale of the plan;~~
- ~~(b) Name and address of the owner of record, developer, and name, address and phone number of preparers;~~
- ~~(c) All existing lot lines, easements, rights of way including area in acres or square feet;~~
- ~~(d) The location and use of all existing and proposed buildings and structures within the development. The number and types of dwellings and square footage or floor area for office and commercial uses. All dimensions of height and floor area, all exterior entrances and all anticipated future additions and alterations. Preliminary sketches depicting the general style, design, size and exterior materials and colors of existing buildings to be retained and new buildings to be constructed. Said sketches shall include building elevations, but detailed drawings are not required.~~
- ~~(e) The location of all existing and proposed public and private ways, driveways, sidewalks, ramps, curbs and fences; specific emphasis shall be placed on connectivity and walkability with and adjacent to the project;~~
- ~~(f) Location of required parking areas including parking stalls, setbacks and loading and service areas and the type of pavement proposed;~~
- ~~(g) A preliminary outdoor lighting plan in accordance with outdoor lighting regulations of the Zoning Ordinance plus a plan for the proposed lighting of public and private streets;~~

Commented [CB18]: New - there are currently no design standard or criteria for using the MXD district. This section is intended to set expectation of desired design outcomes and for how any flexibility in the planned MXD district should be used. It can also be used for any planned application in R-2, R-3, or R-4 that uses the residential MXD building types. These districts similarly have no design standards currently.

Commented [CB19]: All procedures eliminated from the MXD district and defer to improved P- (planned district) procedures and criteria in Chapter 19.24. This accomplishes two things:

1. It is more user-friendly and eliminates repetition of similar procedural and decision-criteria in different sections.
2. It allows clear simplified criteria for all planned district applications as indicated by the changes and notes in 19.24.

- ~~(h) Sign standards including the location, height, size, materials and design of all proposed monument and structure mounted signage;~~
- ~~(i) Location, type and screening details for all waste disposal containers;~~
- ~~(j) Location, size and screening details for all external HVAC units antennas and other equipment;~~
- ~~(k) A preliminary landscape plan showing all existing open space and trees to be retained, all proposed changes to these features including the location, size and type of proposed plant material, and any proposed screening for adjacent properties which may include solid or semi-solid, fencing, walls or hedges or a combination thereof;~~
- ~~(l) The location and size of all existing and proposed utility systems including:

 - ~~(1) Sewer lines and manholes;~~
 - ~~(2) Water lines and fire hydrants;~~
 - ~~(3) Telephone, cable and electrical systems;~~
 - ~~(4) Storm drainage system including drain pipes, culverts, catch basins, headwalls, endwalls, manholes, and drainage swales/ditches; and~~
 - ~~(5) Structure mounted telecommunications equipment (satellite dishes, antennas, etc.);~~~~
- ~~(m) A stormwater management plan including plans to prevent: (a) the pollution of surface or groundwater; (b) the erosion of soil both during and after construction; (c) excessive run-off, (d) and flooding of other properties, as applicable. Said plans shall include stormwater run-off calculations and shall provide for on-site stormwater management in accordance with Stormwater Management Regulations of the City Code;~~
- ~~(n) Existing and proposed topography shown at not more than two-foot contour intervals and the location of flood plains. All elevations shall refer to U.S.G.S. datum and shall be compatible with Johnson County datum;~~
- ~~(o) Zoning districts adjacent to the site;~~
- ~~(p) Traffic flow patterns within the site including, entrances and exits, emergency access, loading and unloading areas, and curb cuts and street patterns within 200 feet of the site;~~
- ~~(q) The planning commission may require a detailed traffic impact study for large uses, mixed-use and multi-tenant developments, or for developments in heavy traffic areas to include:

 - ~~(1) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;~~
 - ~~(2) The projected traffic flow pattern within 1,000 feet of the site including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and~~~~

- ~~(3) The impact of this traffic upon existing, abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.~~
- ~~(4) The satisfying of traffic warrants for traffic signals and signs in accordance with MUTCD within 1,000 feet of the site.~~
- ~~(r) A list of the uses proposed for the "MXD" District.~~
- ~~(s) Off-street parking and loading shall be provided on the premises in accordance with the requirements for each type of use permitted, as set out in the off-street parking and loading regulations of the Zoning Ordinance except as follows:~~
 - ~~(1) The planning commission may reduce the required parking after considering documentation and/or study provided by the applicant, staff's recommendation and giving decisive weight to all relevant facts, including but not limited to the following factors: availability and accessibility of alternative parking; impact on adjacent properties and uses neighborhoods; existing or potential shared parking arrangements; the characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street parking that will be provided; and whether the proposed use is new or a small addition to an existing use.~~
 - ~~(2) Parking spaces on public and private streets may be counted towards the minimum requirements as set forth above; provided the on-street spaces are located on an adjacent or internal street that allows on-street parking. On-street parking spaces being counted towards the credit must be identified on plans at time of submittal to the city.~~
 - ~~(3) No open parking areas shall be located closer than 15 feet to a public street, or no closer than eight feet to a property line other than a street line. Parking areas within the building, or within a parking structure extending more than six feet above the finished grade, shall comply with the setback regulations of the main building. Such parking setback and other open areas shall be brought to finish grade and planted with grass, shrubs and trees, and maintained to at least the average level of maintenance of the other developed property within the immediate neighborhood.~~
- ~~(t) Preservation of Natural Features: Mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. Abrupt changes in natural slope shall be avoided. Preservation shall be directed toward:~~
 - ~~(1) Enhancing the quality of new development;~~
 - ~~(2) Protecting the natural environment;~~
 - ~~(3) Providing buffering between new development and surrounding properties;~~
 - ~~(4) Preserving the character of existing neighborhoods;~~

- ~~(5) Handling of stormwater flows in natural channels;~~
- ~~(6) Maintaining existing vegetation along stream corridors as water quality filters; and~~
- ~~(7) Creation of rain gardens.~~
- ~~(u) Submission of all easement and preliminary covenant documents that will be filed with the County.~~
- ~~(v) A phasing plan if the project is not going to be constructed at one time.~~

~~19.23.040. PUBLIC IMPROVEMENTS.~~

~~The planning commission may recommend and the city council may require the applicant to construct or install infrastructure improvements such as sidewalks, traffic signals, street lighting, pedestrian lighting, street widening and channelization, acceleration and deceleration lanes, waterlines, sewer lines, storm drainage improvements and other similar improvements that are related to the proposed project.~~

~~19.23.045. PLANNING COMMISSION ACTION.~~

~~The planning commission shall hold one or more public hearings on the preliminary development and rezoning. Upon conclusion of the public hearing or hearings, the planning commission, by a majority of members present and voting, shall make a recommendation to the city council to approve the proposal as submitted, to approve the proposal subject to conditions, or to deny the proposal.~~

~~19.23.050. CITY COUNCIL ACTION.~~

~~Upon approval of the preliminary development plan and the rezoning of the property by the city council, a final development plan for the project shall be prepared and submitted to the planning commission for final approval. Permits for construction shall not be issued until final plans have been reviewed and approved by the planning commission. It is the intent of this chapter that the project as constructed shall conform closely to the preliminary plans reviewed and approved at the time of the public hearing.~~

~~19.23.055. FINAL DEVELOPMENT OF PLAN GENERALLY.~~

~~Final plan for a project or a portion thereof shall not be approved if one or more of the following conditions, in the judgment of the commission, exist:~~

- ~~(a) Final plans vary substantially from the concept of the development plan presented and agreed to at the time of rezoning;~~
- ~~(b) The final plans would increase the density (number of units per acre) or intensity (concentration of development) of residential uses more than five percent;~~
- ~~(c) The final plans would increase the floor area of nonresidential buildings by more than ten percent;~~

- ~~(d) The final plans would increase by more than ten percent the ground covered by buildings or paved areas;~~
- ~~(e) The final plans would increase the height of a building by one or more stories or four or more feet;~~
- ~~(f) The final plans involve changes in ownership patterns or stages of construction that will lead to a different development concept, less architectural harmony or quality, or impose substantially greater loads on streets and neighborhood facilities;~~
- ~~(g) The final plans vary from specific development or design criteria including traffic impact and stormwater management that may have been adopted by the planning commission or city council at the time the preliminary development plan and rezoning were approved.~~

~~Variations between the preliminary and final plans, which do not, in the judgment of the planning commission, violate or exceed the above seven criteria, shall be approved by the planning commission in its administrative role and no public hearing shall be required. If, however, variations and departures from the approved preliminary plan exceed the above criteria or are sought by the developer or other party at the time of final plan review or building permit application, the applicant shall request an amendment to the plan which shall be handled in the same manner as the approval of the original preliminary plan.~~

~~19.23.060. FINAL DEVELOPMENT PLAN SUBMITTAL.~~

- ~~(a) A detailed site plan showing the physical layout and design of all streets, easements, rights-of-way, lots, sidewalks, parking, blocks, greenspace, structures and uses.~~
- ~~(b) Preliminary building plans, including floor plans, gross floor area of office and commercial uses and exterior elevations.~~
- ~~(c) Final landscaping plans.~~
- ~~(d) Copies of any easements and restrictive covenants and proof of recording of the same.~~
- ~~(e) Proof of the establishment and activation of any entity that is to be responsible for the management and maintenance of any common open space.~~
- ~~(f) Evidence that no lots, parcels, tracts or dwelling units in such development have been conveyed or leased prior to the recording of any restrictive covenants applicable to such planned development.~~
- ~~(g) Such bonds and other documents that may have been required to guarantee the installation of required public improvements.~~
- ~~(h) Drawings showing size, type and location of all monument and wall mounted signs.~~
- ~~(i) Final lighting plan.~~

~~(j) Final stormwater control plan.~~

~~(k) Bond for public improvements and agreement to pay for City inspection services.~~

~~19.23.065. RECORDING OF APPROVED PLAN.~~

~~After rezoning to a "MXD" district has been approved and the final plan has been approved by the planning commission there shall be filed with the Register of Deeds a statement that a development plan for the area has been approved. The statement shall specify the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify any prospective purchasers or users of land of the existence of such plan and any constraints thereon. The landowner shall submit this statement to the city clerk with the appropriate recording fee and the city shall be responsible for recording the statement.~~

~~19.23.70. PUBLISHING OF ORDINANCE CHANGING THE ZONING.~~

~~The ordinance effectuating the zone change shall not be published until such time as the zoning and preliminary development plan have been approved by the city council.~~

Chapter 19.24 PLANNED ZONING DISTRICT

19.24.005. DESIGNATION OF EQUIVALENT DISTRICTS.

Planned zoning districts and their equivalent districts are as follows:

Planned District	Equivalent District
RP-1A Planned Single Family Residential	R-1A
RP-1B Planned Single Family Residential	R-1A
RP-2 Planned Two Family Residential	R-2
RP-3 Planned Garden Apartment	R-3
RP-4 Planned Townhouse	R-4
CP-0 Planned Office Building	C-0
CP-1 Planned Restricted Business	C-1
CP-2 Planned General Business	C-2
<u>MXD Planned Mixed-use District</u>	<u>n/a – planned district only</u>

Except in the case of standard single family subdivision, which may be zoned R-1 and areas requested for C-3, all rezoning of land within the City of Prairie Village shall hereafter follow planned zoning procedures as set out in this chapter.

19.24.010. ~~STATEMENT OF OBJECTIVES.~~ INTENT

The planned zoning process is for development concepts that require a higher degree of specific planning due to the scale, complexity, and design of proposed projects. It is a type of rezoning based on a specific and integrated plan. The process affords flexibility in the development standards to improve the relationship of the project to the context, to better meet the purpose and intent statements of base districts, and to encourage innovative projects not anticipated by these standards, and to promote well-designed development equal to or exceeding results of generally applicable standards.

The zoning of land in Prairie Village to one of the planned districts (RP-1 to CP-2 inclusive) shall be for the purpose of encouraging and requiring orderly development and redevelopment on a quality level generally equal to or exceeding that which prevails in the City of Prairie Village, but permitting deviations from established and customary development techniques. The use of planned zoning procedures is intended to encourage efficient development and redevelopment of small tracts, innovative and imaginative site planning, conservation of natural resources and minimum waste of land. The following are specific objectives of this section:

Commented [CB20]: Changed title and simplified intent statement for consistency across all zone districts. Clarified the intent of all “P-” districts is flexibility, guided by a context-specific plan, that meets broader city policies.

- ~~(a) A proposal to rezone land to a planned district shall be subject to the same criteria relative to compliance with the Prairie Village Comprehensive Plan, land use policies, neighborhood compatibility, adequacy of streets and utilities and other elements, which are established and customary development techniques in this city;~~
- ~~(b) The submittal by the developer and the approval by the city of development plans represents a firm commitment by the developers that development will indeed follow the approved plans in such areas as concept, intensity of use, aesthetic levels and quantities of open space;~~
- ~~(c) Deviations in yard requirements, setbacks and relationship between buildings as set out in standards of development in section 19.24.015 of this chapter, may be approved by the planning commission and city council if it is deemed that other amenities or conditions will be gained to the extent that an equal or higher quality of development will be produced;~~
- ~~(d) Residential areas are to be planned and developed in a manner that will produce more usable open space, better recreational opportunities, safer and more attractive neighborhoods than under standard zoning and development techniques;~~
- ~~(e) Commercial areas are to be planned and developed so as to result in attractive, viable and safe centers and clusters as opposed to strip patterns along thoroughfares. Control of vehicular access, circulation, architectural quality, landscaping and signs will be exercised to soften the impact on nearby residential neighborhoods, and to assure minimum adverse effects on street system and other services of the community;~~
- ~~(f) The developer will be given latitude in using innovative techniques in the development of land not feasible under application of standard zoning requirements;~~
- ~~(g) Planned zoning shall not be used as a refuge from the standard requirements of the zoning district as to intensity of land use, amount of open space or other established development criteria;~~
- ~~(h) Any building or portion thereof may be owned in condominium under K.S.A. 53-3101;~~
- ~~(i) For purposes of this chapter, the terms "shopping center", "business park," "office park," or other grouping of buildings shall mean development that were planned as an integrated unit or cluster on property under unified control or ownership at the time the zoning was approved by the city. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or any portion thereof from complying with development standards that were committed at the time of zoning.~~

19.24.015. STANDARDS OF DEVELOPMENT.

Commented [CB21]: Replaced current criteria (which are either vague or circular) with a clear approach that the base zone district standards apply, or that specific deviations from those standards could be granted by meeting larger or related planning and design goals.

- (a) **Base District Standards.** The standards of the base zoning district are generally applicable to planned zoning districts, however deviations shall be permitted based on:
- (1) The extent that the proposed plan furthers the intent of the base district and planned zoning districts; and
 - (2) The caliber of the plan and extent of quality design and amenities.
- (b) **Specific Deviations.** Deviations from specific standards of the base zone district shall be based on the development plan providing one or more of the following benefits related to the standard.
- (1) **Lot Coverage Deviations:**
 - a. Address stormwater at a larger scale using stormwater best management practices considering impacts beyond the site.
 - b. Integrate common or public open space into the project within walking distance of all properties and coordinate these spaces with other existing or proposed civic and open spaces through the plan.
 - c. Enhance landscape buffers and transitions at any sensitive edges or where the increased coverage could otherwise cause adverse impacts on adjacent property.
 - (2) **Lot Area Per Unit Deviations:** Deviations from the lot area per unit:
 - a. Provide diversity of unit types not currently met by existing units in the vicinity
 - b. Include a mix of housing within the project that is complimentary to and supports adjacent non-residential uses.
 - (3) **Building Height or Setback Deviations.**
 - a. Compatibility of building design with the character of the area considering style, materials, and design details.
 - b. Transitions to other areas considering proximity to adjacent development and scale and massing of nearby buildings.
 - c. Management of other secondary impacts from greater building intensity including mix of uses, operation and activity, parking
 - d. Support for other broader planning policies or community benefits beyond the project.
 - (4) **Required Parking Deviations.**
 - a. Strategies for reduced parking demand based on target market of residents, tenant mix of nonresidential uses, likelihood of different peak demand times of different uses, and access to or promotion of other modes of transportation.
 - b. Assurances of no impacts of parking overflow on adjacent areas.

- ~~(a) The maximum height of buildings and structures shall be as set out in the standard requirements of the equivalent district.~~
- ~~(b) The intensity of land use, bulk of buildings, the concentration of population, the amount of open space, light and air, shall be generally equal to that required in the equivalent district.~~
- ~~(c) The density of residential dwelling units, the parking requirements and the performance standards shall be the same as in the equivalent district.~~
- ~~(d) The permitted uses shall be the same as those permitted in the equivalent district provided that limitation may be placed on the occupancy of certain premises, if such limitation is deemed essential to the health, safety or general welfare of the community.~~
- ~~(e) The planning commission may require assurance of the financial and administrative ability of any agency created by a developer for the purpose of maintaining common open space and facilities of a nonpublic nature.~~
- ~~(f) The planning commission and city council may, in the process of approving preliminary and final plans, approve deviations from the standard requirements as follows, provided any deviation so approved shall be in keeping with accepted land planning principles and must be clearly set out in the minutes as well as on exhibits in the record:~~
 - ~~(1) Setbacks of buildings and paved areas from a public street may be reduced to 50 percent of the standard requirement;~~
 - ~~(2) Setbacks of buildings from a property line other than a public street, may be reduced to 60 percent of the standard requirement and setbacks of paved areas adjacent to property lines, other than street lines, to zero if existing or proposed development on said adjacent land justifies the same; Side yards between buildings may be reduced to zero;~~
 - ~~(3) The foregoing deviations 1 through 4 may be granted by the planning commission and city council only when compensating open space is provided elsewhere in the project, where there is ample evidence that said deviation will not adversely affect neighboring property nor will it constitute the mere granting of a privilege.~~
- ~~(g) The design of all planned projects, whether residential, commercial or other, shall be such that access and circulation by fire fighting equipment is assured and not hindered by steep grades, heavy landscaping or building spacing.~~

19.24.020. PROCEDURES.

The procedure for zoning land to a planned district ~~shall be as set out in chapter 19.52, is the same as required for rezoning of property in Section 19.52, except each planned district shall be supported by the following planning documents.~~

Commented [CB22]: Replace current procedures with a two tiered system of specific scale of plans.

1. Community Design Plan. Establishing the context and urban design features of a particular area - whether newly built or existing within infill applications - including transitions within the area and to surrounding areas.
2. Project Plans. Indicating how specific development will fit within the plan, and what deviations (if any) are proposed and why.
3. Narrative. Explaining how each plan meets the intent of this section (or base district(s) intent) and the criteria for planned zoning applications.

(a) **Community Design Plan.** A community design plan integrates a project or multiple projects into the broader context. This plan is generally on the scale of between 10 and 40 acres, but at least the scale to address adjacencies and relationship of proposed development to the surroundings. For large-scale master planned or redevelopment projects, the community design plan will establish the context through development. For smaller scale planned districts under 10 acres or project plans for infill development, the community design plan will involve analysis of existing conditions outside of the planned district and at least 500 feet beyond any proposed project plan. The community design plan shall address the following, whether existing or newly proposed with the project:

- (1) Street and block layout.
- (2) Streetscape design, and distinctions in different street types
- (3) Access and circulation within any blocks and development parcels, including vehicle and pedestrian access.
- (4) Open spaces, and distinctions in different open space types based on size, scale, and design and landscape characteristics.
- (5) General land uses and intensity of development, and transitions between land uses considering categories and types of uses, and the scale of lots and buildings attributed to each use
- (6) Infrastructure capacity and improvements, including stormwater management. Studies or reports on the impact of public facilities associated with the community design plan or any specific project plan shall be provided and coordinated with the city's capital improvement plans.

(b) **Project Plan(s).** Project plans provide specific designs for projects, sites and buildings within the community design plan. These plans are generally on a scale of less than 4 acres or may be as simple as a site plan for smaller applications of planned districts. Larger planned districts or phased projects may have multiple project plan(s), however preliminary project plans shall be submitted for any area to be zoned "-P." Project plans shall address the following:

- (1) Specific building types permitted for the designated area, including scale and format, and identifying any deviations from the base zoning district standards.
- (2) Frontage designs demonstrating the orientation and relationship of all buildings to the public streets, internal circulation areas, or other public or common open spaces.
- (3) Building design plans demonstrating the scale, massing, and design character of all proposed buildings. While final design and elevations are not required at this stage, general parameters on the character, style,

design themes, and types of materials and architectural features shall be provided.

- (4) Land and building uses permitted for each designated area to the extent they differ from any of the uses permitted in the base district in terms of scale, format or operational characteristics.
- (5) Access, circulation, and parking addressing how the project(s) will fit within the development patterns and access and circulation of the larger scale community plan.
- (6) Landscape and streetscape designs for all development sites and common areas that meet or exceed the Site Plan criteria in Chapter 19.32 Site Plans, and Chapter 19.47, Landscape Standards.

(c) **Project Narrative.** The project narrative shall justify why the project is eligible for planned zoning designations. It shall include statements or analysis on the following:

- (1) How the proposed planned zoning meets the intent and criteria in Section 19.24.025, and the rezoning factors in 19.52.030.
- (2) How the project plans integrate with the community design plan, and other public benefits supported by the project or community plans.
- (3) Identify all specific deviations from the base zoning district standards and include why those deviations are justified based on the plans.

19.24.025. ~~CONFORMANCE TO COMPREHENSIVE PLAN CRITERIA.~~

In the consideration of a change to a planned zoning district the planning commission and city council shall determine whether the proposal conforms to master plans, special studies and policies normally utilized in making zoning decisions in Prairie Village. In addition, the factors to be considered for rezoning in Section 19.52.030, planned zoning decisions shall be subject to the following additional criteria:

- (a) The plan reflects generally accepted and sound planning and urban design principles with respect to meeting the goals of the comprehensive plan and the purposes and intent of the zoning ordinance in Section 19.01.010.
- (b) The flexibility offered by planned zoning is not strictly to benefit the applicant or a single project, but provides other benefits to the community or supports plans and policies in an equal or better manner than the base district standards
- (c) The proposed deviations to the standards do not undermine the intent of any other standards relative to the proposed projects or relative to adjacent property.

19.24.030. ~~REZONING PROPERTY TO A PLANNED ZONING DISTRICT.~~

A tract of land may be zoned RP-1a through CP-2 inclusive only upon application by the owner or his agent, and only upon approval of a preliminary development plan. The proponents of a planned district shall prepare and submit to the city clerk the required copies of:

Commented [CB23]: Supplemented with specific criteria in addition to the standard rezoning considerations. This targets flexibility granted to broader planning policies or design goals,.

The sections following [030,035, and 040] can all be deleted since they are either redundant of what is required by all rezoning applications in Chapter 19.52 or are clarified by these 3 supplemental criteria. Additionally, details of the plan submittals should be removed from the code and are best addressed by application forms managed by the City Clerk.

- ~~(a) A preliminary development plan showing the property to be included in the proposed development, plus the area within 200 feet thereof.~~
- ~~(b) The following items shall be included on the property to be developed:~~
 - ~~(1) Existing topography with contours at five foot intervals and delineating and land areas subject to 100-year flood.~~
 - ~~(2) Proposed location of buildings and other structures, parking areas, drives, walks, screening, drainage patterns, public or private streets and any existing easements;~~
 - ~~(3) Sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the plan;~~
 - ~~(4) General extent and character of proposed landscaping and screening.~~
- ~~(c) The following items shall be shown on the same drawing within the 200-foot adjacent area:~~
 - ~~(1) Any public streets which are of record;~~
 - ~~(2) Any drives which exist or which are proposed to the extent that they appear on plans on file with the city, except those serving single family houses;~~
 - ~~(3) Any buildings which exist or are proposed to the extent that their location and size are shown on plans on file with the city. Single and two family residential buildings may be shown in approximate location and general size and shape;~~
 - ~~(4) The location and size of any drainage structure such as culverts, paved or earthen ditches or stormwater sewers and inlets.~~
- ~~(d) Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. In the event of several building types, such as apartments and townhouses are proposed on the plan, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required.~~
- ~~(e) A schedule shall be included indicating total floor areas, number of dwelling units, land area, parking spaces, and other quantities relative to the submitted plan in order that compliance with requirements of this title can be determined. If the project is to be constructed in phases, the proposed sequence shall be indicated.~~

~~19.24.035. PLANNING COMMISSION ACTION.~~

~~The planning commission shall hold one or more public hearings on the plan as provided in this chapter. Upon conclusion of the public hearing or hearings, the planning commission, by a majority of members present and voting, shall recommend approval, approval subject to conditions or denial to the city council.~~

19.24.040. CITY COUNCIL ACTION:

Upon final approval of the preliminary plan and the rezoning of the property by the city council, final plans for construction of the project may be submitted for approval. Permits for construction shall not be issued until final plans have been reviewed and approved by the planning commission. It is the intent of this chapter that the project as constructed shall conform closely with the preliminary plans reviewed and approved at the time of the public hearing. Final plans for a project or a portion thereof shall not be approved if one or more of the following conditions, in the judgment of the commission, exist:

- ~~(a) Final plans vary substantially from the concept of the development plan presented and agreed to at the time of rezoning;~~
- ~~(b) The final plans would increase the density or intensity of residential uses more than five percent;~~
- ~~(c) The final plans would increase the floor area of nonresidential buildings by more than ten percent;~~
- ~~(d) The final plans would increase by more than ten percent the ground covered by buildings or paved areas;~~
- ~~(e) The final plans would increase the height of a building by one or more stories or four or more feet;~~
- ~~(f) The final plans involve changes in ownership patterns or stages of construction that will lead to a different development concept, less architectural harmony or quality, or impose substantially greater loads on streets and neighborhood facilities;~~
- ~~(g) The final plans vary from specific development criteria that may have been adopted by the planning commission or city council at the time the preliminary development plan and rezoning were approved.~~

~~Variations between the preliminary and final plans, which do not, in the judgment of the planning commission, violate or exceed the above seven criteria, shall be approved by the planning commission in its administrative role and no public hearing shall be required. If, however, variations and departures from the approved preliminary plan exceed the above criteria or are sought by the developer or other party at the time of final plan review or building permit application, the applicant shall request an amendment to the plan which shall be handled in the same manner as the approval of the original preliminary plan.~~

19.24.030 EFFECT OF DECISION

Approval of a planned zoning district by the City Council shall rezone the property as provided in Chapter 19.52. Property subject to the planned zoning ("P") designation is required to receive a site plan approval according to Chapter 19.32 prior to issuance of any permits.

Commented [CB24]: Added to emphasize relating to the site plan and how potential deviations from the Council final planned zoning decision and any future site plans or site plan amendments will be evaluated.

- (1) Project plans that meet all submittal requirements and criteria for site plan approval in Chapter 19.32 may be considered a site plan if designated as a site plan prior to the application and processed as a simultaneous site plan by the city.
- (2) Subsequent site plans shall be reviewed for consistency with the community design plan and project plans. Minor deviations from these plans may be approved by the Planning Commission through the site plan process provided they are determined to be due to refinement and greater design specification of concepts approved in the prior plans, and they otherwise permitted subject to base zoning district standards. The staff or Planning Commission may determine that any change is a significant change and require an amendment to the Planned Zoning District according to the same procedures of the initial designation. The following changes are not minor deviations and shall require processing as an amendment to the Planned Zoning District:
 - (a) An increase in the number of residential units by more than 5 percent
 - (b) An increase in the non-residential floor area by more than 10 percent
 - (c) An increase in building height by more than 10 percent
 - (d) An increase in the lot coverage or reduction in the open space by more than 10 percent
 - (e) Any change in the character, style, design themes of proposed buildings that result in a significantly different appearance or coordination with surrounding characteristics from what was approved in the project plans.
 - (f) Other changes that do not meet the base district standards or other applicable zoning standards, and which were not expressed as a deviation.

Commented [CB25]: These correspond to the current site plan modifications in 19.32.040, but are adjusted for relevance to planned district applications

19.24.045035. RECORDING OF APPROVAL.

After rezoning to a planned district has been approved there shall be filed with the register of deeds a statement that a plan for the area has been approved. The statement shall specify the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify and prospective purchasers or users of land of the existence of such plan and any constraints thereon. The landowner shall submit this statement to the city clerk with the appropriate recording fee and the city shall be responsible for recording the statement.

[Insert for draft section 19.23.015 MXD Development Standards. This table establishes “default” standards for development plans; they can be modified for specific development plans and contexts, but the greater the modification the greater scrutiny and emphasis on border community benefits through the planned development process. This is an alternative to the current approach where the MXD and Planned Zoning standards are open to whatever an applicant chooses to propose.]

Table 19.23.A: MXD Building Type Standards

Building Types	# of Units	Lot Standards [1]				Building Standards			
		Area (s.f.)	Width	Building Coverage (max)	Green Space (min.)	Height (max)	Setbacks (min.)		
							Front	Side	Rear
Detached House – Large Lot	1	10K +	80' +	30%	60%	35' 2.5 story	30'	7	25'
Detached House – Standard Lot	1	6K – 10K	60' +	30%	60%	27' 2 story	30'	6'	25'
Detached House – Small Lot	1	3K – 6K	30' – 50'	50%	30%	22' 1.5 story	15' – 30'	5'	25'
Attached House	2 - 4	6K – 15K 3K / unit	60' -125'	40%	40%	35' 2.5 story	15' – 30'	7'	25'
Townhouse	3-8	1.2K / unit 15K total max	14' / unit min.; 125' total max	65%	20%	40' 3 story	15' – 30'	10' [2]	15'
Live - Work	1-6	2K / unit 15K total max	20' / unit min. 125' total mx	65%	20%	40' 3 story	15' – 30' [3]	6' [2]	15'
Apartment / Mixed-use – Small	3-12	6K – 0.5 ac.	60' – 125'	65%	20%	40' 3 story	15' – 30' [3]	10'	15'
Apartment / Mixed-use - Medium	< 40	0.5 – 1.5 ac.	125' – 250'	65%	20%	50' 4 story	15' – 30' [3]	15' [1]	15'
Apartment / Mixed-use - Large	40 +	1.5 – 3 ac.	250' +	65%	20%	50' 4 story	15' – 30' [3]	20' [1]	15'

* Where standards are expressed as a range (i.e. 10' to 30') it shall be interpreted as a minimum and a maximum, and the requirement shall fall within that range.

[1] Projects with multiple buildings in a single-ownership complex may consider each building and development site as a “lot” for interpreting the development standards, provided the building and development sites are organized around a system of internal streets, lanes, and common spaces and buildings are oriented to these spaces as they would public street frontages.

[2] Townhouses and live/work buildings may have a 0' interior side setback when built subject to party wall specifications according to the building code.

[3] Buildings with ground level commercial uses may be located 0' to 15' from the front lot line when they front on pedestrian-oriented streets where specified in the Community Design Plan.

19.23.020. MIXED-USE AND MIXED-DENSITY DESIGN GUIDELINES.

[new section – rewrite of previous detailed standards to be used as more flexible guidelines, based on the direction of the Planning Commission at the 2/6/24 meeting]

- (a) *Design Objectives.* The design objectives of the mixed-use and mixed-density design guidelines are to:
- (1) Establish or reinforce the unique character of Prairie Village in mixed-use activity centers or mixed-density neighborhoods.
 - (2) Promote building and site design that enhances neighborhood streetscapes, mixed-use pedestrian streets, and active community spaces.
 - (3) Maintain the existing scale and patterns of neighborhoods and ensure compatible transitions between neighborhoods, corridors, and activity centers.
 - (4) Manage the relationship of adjacent buildings and promote compatible transitions within development projects or between development projects and established adjacent areas
 - (5) Enhance the quality, aesthetic character, and visual interest within neighborhoods and activity centers by breaking down larger masses and incorporating human scale details and ornamentation.
 - (6) Organized mixed use development and mixed-density residential projects around a system of internal streets and open spaces that extend the quality and character of public streetscapes and open spaces into development projects.
- (b) *Applicability.* These mixed-use and mixed-density design guidelines shall be applicable to the following situations:
- (1) Any rezoning to the MXD district, or any development or redevelopment within MXD districts.
 - (2) Rezoning to any planned zoning district using the MXD standards as a basis (i.e. RP-2, RP-3, RP-4, CP-0, CP-1, or CP-0).
- (c) *Community Design Plan and Guidelines.* A community design plan is required for all planned developments according to Section 19.24.020, whether establishing the context and patterns for larger scale projects, or analyzing existing conditions and transitions to surroundings for smaller scale projects. Community Design Plans should meet the following guidelines.
- (1) *Public & Common Space.* Approximately 30% to 40% of the total plan area should be public or common spaces, including streets, open space, or other common areas that serve as organizing elements for surrounding development.
 - (2) *Blocks & Parcels.* Public and community spaces should be arranged to organize development into blocks and parcels. Blocks and parcels should be between 2 to 5 acres for mixed-use or non-residential development and between 5 to 8 acres for residential development.
 - (3) *Streetscapes.* Public streets and internal private streets should incorporate the following elements:
 - a. Slow-speed travel lanes that balance vehicular movement with pedestrian and bicycle accommodations.
 - b. On-street parking which minimizes the need for redundant on-site parking and buffers people from moving traffic, particularly in mixed-use or non-residential areas.
 - c. Landscape amenity zones that create comfortable spaces including street trees, landscape beds, and street furniture or other civic features in mixed-use or non-residential areas.
 - d. Sidewalks between 5 to 8 feet in residential areas, and between 8 and 12 feet in mixed use or commercial areas (in addition to space in the amenity zone).

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- e. Bicycle facilities or trail connections where applicable based on city-wide plans or other opportunities to connect to important routes in the vicinity.
- (4) **Open & Civic Spaces.** Open spaces should be distributed throughout the plan so that all sites are within walking distance (approximately ¼ mile) of at least one type of open space. Open spaces should include a mix of formal, recreation, and natural landscape areas incorporating the following types:
- a. Formal spaces, such as patios, plazas, or courtyards designed for gathering and located at key focal points in mixed-use or non-residential areas.
 - b. Green spaces such as parks, trails, or greens that serve aesthetic and recreation needs of residential areas.
 - c. Natural areas or dense vegetation that capitalize on existing features of the area or are located strategically to create effective transitions between different scales or intensities of development.
- (d) **Project Plans & Guidelines.** A project plan is required for each development site, parcel, or block in the community design plan, except where the community design plan includes existing and established areas. Project plans shall specify the form, arrangement, and design of development in relation to the community design plan. Each project plan should meet the following guidelines.
- (1) **Frontage Design.** Frontage design determines the relationship between private development and the public or common areas a project fronts upon. Frontage design should incorporate the following elements.
- a. **Building Placement.** Consistent front building lines should be established along all block faces. Buildings should be placed between 0 and 15 feet on pedestrian oriented streets, and between 15 and 30 feet on neighborhood streets.
 - b. **Vehicle Access.** Driveways should be coordinated on each block face to minimize interruptions in the streetscape. Alleys, common lanes with cross access easement, shared drives, or narrow drives to the interior of the block should be used, particularly on smaller and narrow lots.
 - c. **Pedestrian Access.** All lots and buildings shall have direct access to the sidewalks within the streetscape, or to any other common spaces that the building or lot fronts upon.
 - d. **Parking and Garage Location.** Parking, garages, or other vehicle access and service areas should be located to the interior of blocks and screened by buildings or landscape areas. Parking lots or structures serving multiple lots or blocks may be located at more central locations if designed to minimize impacts on streetscapes or other important open spaces based on the community design plan.
 - e. **Landscape.** Frontages should have enhanced landscape design to coordinate streetscape design and transition from public and common areas to private spaces.
- (2) **Building Design.** Building design refines the form and scale of buildings beyond the basic setback, height and lot coverage standards, and can be used to create interest and diversity within a common range of compatible buildings. Building design should incorporate the following elements.
- a. **Massing.** Relate buildings to adjacent development by mimicking similar massing and proportions through step-backs and secondary masses that break larger building volumes into smaller components.
 - b. **Articulation.** Use windows, doors, material changes, and architectural features to create variation, depth, texture, and human-scale details for building facades, particularly on larger wall planes and fronting streetscapes or common areas.
 - c. **Transparency.** Use the placement of windows and doors to create connections to important outside spaces, including streetscapes, frontages, and common areas.
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More frequent entrances and larger window expanses should be used on the ground level of mixed-use or non-residential buildings, particularly on pedestrian-oriented streets or active outdoor spaces.

- (3) *Site Design.* The placement and design of buildings, open space, and frontages should minimize the visibility or impact of other site components. Site design should meet the following guidelines.
 - a. Screen and/or use remote locations for high-intensity and/or utilitarian components of site or building, such as utilities, trash enclosures, or mechanical equipment
 - b. Stormwater facilities, storage areas, and parking or loading areas and should be limited, located internal to the block, or otherwise located and designed to minimize impact on the streetscape design.
 - c. Use screens and buffers where site designs that relate better to adjacent sites, buildings, and uses is not possible.
- (e) *Exceptions.* The Planning Commission may grant exceptions to the mixed-use and mixed-density guidelines in this section 19.23.020 through the planned development or site plan review process, based upon the following criteria:
 - (1) The exception shall only apply to the design standards in this section, and not be granted to allow something that is specifically prohibited in other regulations.
 - (2) Any exception dealing with the placement of the building is consistent with sound planning, urban design and engineering practices when considering the site and its context within the neighborhood.
 - (3) Any exception affecting the design and massing of the building is consistent with the common characteristics of the architectural style selected for the building.
 - (4) The requested exception improves the quality design of the building and site beyond what could be achieved by meeting the guidelines - primarily considering the character and building styles of the neighborhood and surrounding properties, the integrity of the architectural style of the proposed building, and the relationship of the internal functions of the building to the site, streetscape, and adjacent property.
 - (5) The exception will equally or better serve the design objectives stated in section 19.23.020(a), and the intent stated for the specific guideline being altered, or is based on specific concepts and plans approved in the planned development review