

**PLANNING COMMISSION MINUTES
JULY 2, 2024**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, July 2 at 7:00 p.m. in the Council Chambers at 7700 Mission Road. Vice-Chair James Breneman called the meeting to order at 7:00 p.m. with the following members present: Jonathan Birkel, James Kersten, Melissa Temple, and Jeffrey Valentino.

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. Birkel moved for the approval of the minutes of the June 4, 2024, regular Planning Commission meeting. Mr. Valentino seconded the motion, which passed 5-0.

OLD BUSINESS

None.

PUBLIC HEARINGS

None.

NON-PUBLIC HEARINGS

PC2024-111	Site plan exception for fence 6841 Linden Street Zoning: R-1A Applicants: Brian and Lauren Bockelman
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Mr. Brewster stated that the applicants wished to install a new fence in their corner side yard, with an exception to the required setback on 69th Street, allowing the fence to be approximately 9' from 69th Street as opposed to the required 31'. He noted that the property is a corner lot on the northeast corner of Linden Street and 69th Street, and that the lot fronts on Linden Street and has driveway access off 69th Street. The adjacent

house to the east faces 69th Street, so the front yard of this property abuts the side and rear yard of the subject property.

Mr. Brewster noted that City zoning regulations require the fence to be set back the greater of 15' or half the adjoining lot's front setback. In this case, the adjoining lot's front setback is approximately 70', requiring the fence to be setback 35'. The side building line of the subject property is approximately 40' from 69th Street, which would leave 5' or less of potential fenced side yard area with a strict application of the standards. A large portion of the rear yard of the subject house is used for a side driveway access and rear garage and parking area access. The proposed fencing of the side yard would be approximately 45' from the lot line of the abutting lot, and 65' from the building due to the large lots and large building separation.

The proposal would place the fence approximately 9' from the 69th Street side lot line (12' from the curb) for approximately 60'.

The following factors affect this situation:

- The rear yard area is used for side driveway and rear garage and parking access.
- The lots in the area are large, resulting in larger building separations that are less impacted by adjacent property fences.
- The adjacent property has a very large front setback, resulting in the ordinance requiring an unusually large street-side setback for a proposed fence.
- The property most impacted by the proposed exception to the east is at least 65' from the fenced area, has an existing landscape buffer and will not have its view of the streetscape to the west significantly impacted by this proposal.
- The proposed fence is a 4' high steel rail fence with a high degree of transparency
- The proposed fence will meet all other fence requirements in Section 19.44.025, except for the location.

Mr. Brewster said that in addition to the site plan review criteria, the following are the specific criteria the Planning Commission shall consider for exceptions to the fence standards:

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

This fence exception impacts the first and last criteria. The proposed fence location will allow better utilization of the side based on the corner location and other uses of the rear yard area. 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 east. The application will otherwise meet all site plan review criteria and fence standards applicable to this site.

Mr. Brewster said that staff recommended approval of the fence site plan with the exception based on the above factors.

Property owners and residents Brian and Lauren Bockelman were present to discuss the application.

Ms. Temple made a motion to approve the application as presented. The motion was seconded by Mr. Birkel and passed 5-0.

PC2024-112 Site plan for installation of temporary lighting
Shawnee Mission East High School
7500 Mission Road
Zoning: R-1A
Applicant: Shawnee Mission School District

Mr. Brewster said that the applicant was proposing to use temporary lighting on the northwest field at Shawnee Mission East High School for athletic practices. The need for the lighting is generated by health and safety concerns for athletes during heat events, and is in furtherance of a Kansas State High School Athletic Association (KSHSAA) policy. The applicant anticipates needing the lights in August and September when weather conditions would prevent practices during normal after school times (3:00 p.m. to 6:00 p.m.) During these periods, early morning practices are most favorable to the health and safety of the student athletes and would meet the KSHSAA policy. The limited periods where risk is the highest is based on a combination of heat and humidity, but occurs when temperatures exceed 87.8 degrees.

The applicant has supplied anticipated utilization based on past years' records but is requesting lighting during any future weather events that achieve this condition, and specifically to use the lights between 5:00 a.m. and 7:40 a.m. on these days (noting that sunrise is typically around 6:30 a.m. during this period and lights may not be needed for much time after the sunrise).

Key specifications for the proposed light units are:

- EPA Tier 4 engine - Yanmar 2TNV
- Average sound 60dB (A) at 7 meters away
- Four (4) 320W LED bulbs
- 211,200 LM - Luminous flux (power at the light source)
- 9,436 square meter illuminated area (1 lux)
- 27.34' maximum height (8,834 mm)

The proposed specifications generally produce an effective lighting range of approximately 200' from the source and direction of the light fixture according to typical industry specifications.

Mr. Brewster said that the zoning regulations used performance criteria for all outdoor lighting. It requires light levels to not exceed 0.0 footcandles when adjacent to a residential zone and 0.2 footcandles with adjacent to a non-residential zone, measured 5' above grade at the property line. A variety of standards for specific types of lighting also impact what types of lights may be permitted within this broad performance standard. The standards also have two exceptions which are applicable to this specific circumstance.

Outdoor sports facilities and park lighting is independently reviewed by the Planning Commission, which may approve lights that do not strictly conform to the standards. Additionally, temporary outdoor lighting that does not conform to the standards may be permitted by the Planning Commission subject to three specific criteria:

- (1) Public and/or private benefits from the lighting
- (2) Any annoyance or safety problems that may result
- (3) Duration of temporary nonconforming lighting

The latter exception is most applicable to the applicant's proposal.

Mr. Brewster said that the applicant was proposing between two and four temporary lighting units to be located on the lower field in two possible configurations:

- (1) on the west side of the field facing east
- (2) one at each diagonal corner of the field facing inward (whichever achieves the best lighting situation for the field will be used)

The lighting is supported by a generator unit and the lights extend to approximately 27' high. The closest of the proposed locations is approximately 175' from the property line, approximately 280' from the nearest residence to the west across Delmar Street, and more than 300' from most other residences. Additionally, further to the south on Delmar Street and north across 75th Street is partially screened from this area by grades between the street and the field.

Mr. Brewster said that specific lighting plans, and this particular exception to the lighting standards, require a site plan reviewed by the Planning Commission. The following are the site plan review criteria, supplemented with the specific lighting standards where applicable:

A. Generally.

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

This property is zoned R-1A, and institutional uses including schools are allowed in R-1A. The relevant surrounding property is zoned R-1A (west of the field) and R-1B (north of the field). Under general lighting standards the ordinance would require light levels to be no

more than 0.0 foot candles at the property line. Lights closer to the property line will be directed inward and should not have a significant direct light effect on the property line, right-of-way, or abutting property.

Additionally, temporary outdoor lighting beyond lighting that meets the standards may be approved subject to the Planning Commission evaluation of the following criteria:

- (1) Public and/or private benefits from the lighting
- (2) Any annoyance or safety problems that may result
- (3) Duration of temporary nonconforming lighting

The temporary and mobile nature of the proposed plan could allow for adjustments in the use of the equipment, should lighting or noise have any unexpected impacts beyond what the ordinance or limited exceptions would allow. Further, the applicant's proposed use of the lights would be limited to the lower field area, between the hours of 5:00 a.m. and 7:40 a.m., and only to facilitate practices on days that exceed heat conditions during normal practice hours according to the KSHAA policy (likely August and September).

B. Site Design and Engineering.

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

No specific changes to access and parking are proposed with this plan. The proposed lighting units are mobile and temporary, powered by their own generator and engines and do not require any utility connections

C. Building Design.

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

There are no building plans associated with this plan.

D. Landscape Design

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

The proposed equipment is mobile and temporary and is not significantly different than other accessory equipment commonly used by the school for operations and co-curricular activities. Therefore, no specific site design, landscape, or screening is required. However, it is anticipated that due to the temporary nature of this proposal lights will be lowered when not in use, and equipment will be stored in a discrete location when not in operation and removed or stored in a structure when not in season.

Mr. Brewster said that staff recommends approval of the site plan for temporary outdoor lighting at 7500 Mission Road subject to the following conditions:

1. The use of the lights is only to facilitate practices during heat events that limit practice in normal hours according to the KSHSAA policy.
2. The anticipated use of the lights is during the following periods (although some use outside of these parameters could be permitted if meeting the overall intent of the exceptions):
 - a. Days where forecasted temperatures (or other combination of conditions) exceed 87.8 degrees or otherwise arise to the Red or Black conditions of the KSHSAA policy during the normal practice hours of 3:00 p.m. to 6:00 p.m.
 - b. Hours of operation are limited to morning hours between 5:00 a.m. and 7:40 a.m.
 - c. Anticipated months of operation are August and September.
3. The location of the lights shall be on the lower field as shown in the application, or any other locations that are at least 300' from the property lines.
4. The applicant shall take all measures to direct light to the fields and away from adjacent property - particularly for any light location that is less than 300' from the property line.
5. The application shall work with surrounding residents should any unexpected impacts of noise or lighting occur - particularly those that could exceed the light standard of the ordinance at the property lines or noise level according to the noise ordinance, including other reasonable limitations on the location, operation of facilities, or direction / performance of the lighting units.
6. The equipment be stored out of site from surrounding property or removed from the site in prolonged periods of non-use (i.e., out of season), and lowered and located to minimize visibility from adjacent property in other non-operational periods (i.e., days not needed during season).

Mr. Kersten asked if a photometric survey would be required if it was determined that the installation should be permanent. Mr. Brewster stated it would be required as part of a lighting plan that would need to be approved by the Planning Commission.

Kent Glazer, Director of Athletics and Activities with the Shawnee Mission School District, Brian Johnson, Shawnee Mission East High School Athletics Director, and Dr. David Stubblefield, Deputy Superintendent of the Shawnee Mission School District were present to discuss the application.

Mr. Valentino asked how the lighting equipment was selected. Mr. Glazer said equipment rental companies that the district already had business relationships with were contacted for bids, and Herc Rentals was selected. He noted that the lighting and generator equipment was manufactured by Generac.

Mr. Glazer added that the proposed lighting was only intended to be used temporarily, during extremely hot periods of the summer, beginning at 5:30 a.m. He noted that based on the prior summer's weather data, the lighting would likely only need to be used on approximately 5 - 10 days.

Ms. Temple asked if the applicant would need to seek approval again if they sought to use the lighting in future years. Mr. Brewster said if the Planning Commission were to approve the lighting, they could consider either a single year or a longer term.

Mr. Kersten made a motion to approve the application with the conditions listed by staff, along with the following two additional conditions:

- 7. The temporary lighting is not used past October 15, 2024.**
- 8. Any complaints received from surrounding neighbors be logged and reported to the Planning Commission if the application seeks approval to use the temporary lighting again in the future.**

The motion was seconded by Mr. Valentino and passed 5-0.

OTHER BUSINESS

None.

ADJOURNMENT

With no further business to come before the Commission, Mr. Breneman adjourned the meeting at 7:35 p.m.

Adam Geffert
City Clerk/Planning Commission Secretary