

**PLANNING COMMISSION MINUTES
FEBRUARY 4, 2025**

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, February 4 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: James Breneman, James Kersten, Melissa Brown, 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. Breneman made a motion to approve the minutes of the December 3, 2024, regular Planning Commission meeting as presented. Mr. Valentino seconded the motion, which passed 6-0.

OLD BUSINESS

None.

PUBLIC HEARINGS

None.

NON-PUBLIC HEARINGS

PC-25-1	Site plan for fence/wall, with an exception 2110 W. 71 st Terrace Zoning: R-1B Applicant: Brett Leeth
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Mr. Brewster said that the applicant was requesting a fence/wall height exception. For a fence/wall that was constructed in association with a deck and spa but was not included on the plans to the extent constructed. A deck and spa enclosure was extended up to 9' high to screen an outside area from the streetscape on the southwest portion of the lot.

The property is a corner lot on the northeast corner of Eaton Street and 71st Terrace. The lot fronts on Eaton Street, however the home is skewed due to a drainage channel across extending from the corner back to the middle portion of the east lot boundary. The channel extends throughout this block and results in several unusual configurations of lots and buildings. The lot also has topography associated with the drainage channel, which puts the area to be screened at a higher elevation than the location of the fence. The exception is being requested to result in a more effective screen.

Mr. Brewster said that the fence standards in Section 19.44.025 of the City's zoning regulations applied to the property, with the following section specific to the application:

(b). Design.

(3) Height. No fence shall exceed 6' in height, except tennis court enclosures which may not exceed 12' in height, and except fences which are locate within the building envelope of a lot shall not exceed 8' in height.

Mr. Brewster noted that approximately 9 linear feet of the fence/wall closest to the house was within the building footprint and could be constructed up to 8' high. The remaining 11 linear feet of the structure extending to the corner of the lot is in the yard area and would be required to be 6' high. The structure then turns a corner and extends east to the interior of the lot. It aligns with the top of a deck rail at the terminus. The area encloses a spa that is at a lower grade than the deck. Due to the topography of the site, a 6' fence would still present views into the outside areas it is intended to screen.

The fence/wall is approximately 20' from Eaton Street at its closest location and tapers back to approximately 23' from the frontage. This area is aligned with the front façade on the southwest corner of the house. The fence/wall is approximately 25' from 71st Terrace and tapers back to approximately 27'. This area is aligned with an existing deck and at the height of the deck top rail. Additionally, the lot and street landscape is heavily vegetated and helps to soften or screen the structure.

Mr. Brewster said that the following factors affected the situation:

- The lot is a unique circumstance due to (a) a corner situation; (b) a drainage channel crossing a significant portion of the yard; (c) the orientation of the existing home; and (d) the relation of the home and outside social spaces to the streetscape.
- A portion of the fence/wall is located within the building footprint, where an up-to 29' building façade could be constructed, and an 8' fence/wall is permitted in this area.
- The grade of the property causes the deck and spa platforms to be above grade where an appropriate fence should be placed, making the 6' required height ineffective.
- There is a pattern of unusually configured lots and buildings in the area.
- The landscape design on the lot and streetscape will not create significant visibility issues for adjacent properties.

With these constraints, the requested exception results in better screening of existing outside social/private spaces and is not incompatible with the area due to relationships to adjacent lots and streetscapes, as well as other uses of the rear yard area. Mr. Brewster said that staff recommended approval of this site plan with the exception to the fence/wall height based on the above factors affecting this proposed application.

Mr. Wolf asked if the fence had already been built. Mr. Dringman stated that it had been, and noted that there were communication issue between staff and the contractor, not the homeowner.

Property owner Brett Leeth was present to discuss the application. He noted that there was already a privacy fence present at the house when he purchased it in 2020. Additionally, he stated that he had applied for a permit to install a pool and spa, but was not aware that the construction of the fence was an issue.

Mr. Wolf asked whether the contractor submitted plans for the fence that showed it would be taller than what was allowed in the zoning regulations. Mr. Dringman noted that no plans were provided for the fence; rather, it was discovered when inspectors went to the site.

After further discussion, Mr. Breneman made a motion to approve the application with the conditions listed by staff. The motion was seconded by Mr. Kersten and passed 5-1, with Mr. Valentino in opposition.

PC-25-2 Site plan for generator
2110 W. 71st Terrace
Zoning: R-1B
Applicant: Adam Feldman / Karbank Real Estate Company

Mr. Brewster said that the applicant was requesting to place a new generator in an existing parking area. The generator enclosure would occupy an approximately 15.66' by 25' area on the west property boundary abutting an existing retaining wall. The property is a corner lot on the northeast corner of 75th Street and Booth Street and is zoned C-O (commercial office). An office building fronts 75th Street and is surrounded by single and double bay parking on all other sides. It is adjacent to residential properties on the west across Booth Street and on the north across 74th Terrace.

Mr. Brewster noted that emergency generators are an allowed accessory use in nonresidential districts but require that a site plan be approved by the Planning Commission. He added that all nonresidential districts allow emergency backup generators as an accessory use but require approval of a site plan subject to the following criteria:

- a. [...] generators shall be used during emergency situation only which result in power failures.
- b. [...] generators shall be installed in accordance with NFPA 37 Standards for Installation and Use of Stationary Combustion Engines and Gas Turbines.

- c. [...] generators shall only be tested during daylight hours.
- d. [...] generators shall be screened by plant materials, walls, fences and earth berms or any combination...
- e. The applicant shall obtain site plan approval from the planning commission prior to obtaining a permit and installing the generators.

Mr. Brewster said that the proposed site plan met all conditions. The location of the generator is on the center-west side of the property. This location has a 6' to 8' stone retaining wall surrounding the parking lot, which is located below grade along Booth Street. The wall will screen the generator and enclosure from the property on the west across Booth Street. The enclosure will be a combination of steel post and wood slats that match the existing electrical enclosure and is complimentary to the building architecture and site design. This will screen the generator from other property north of west 74th Terrace. The parking area (and therefore generator location) is screened from 75th Street by a dense hedge and wrought iron fence combination, and from Booth and 74th Terrace by streetscape enhancements and street trees.

The combination of the structural screens, landscape buffers, location, and generator specifications will also ensure that noise is mitigated to the greatest degree practical. Provided the generator is used only as an emergency during occasional power outages, and provided it is tested only during the day as required by the ordinance, there should not be any negative impacts on adjacent property or public spaces from the placement of an emergency generator at the proposed location.

The generator will be placed over existing parking, taking up approximately three parking spaces. The site includes over 155 on-site parking spaces. With the loss of the 3 spaces the site still meets the required parking for office buildings.

Mr. Brewster said that staff recommended approval of the site plan for the location of the emergency generator.

Mr. Wolf asked if there were concerns about the sound level of the generator when it was operational. Mr. Brewster said the location of the generator and its associated retaining wall would likely mitigate most of the sound produced.

Adam Feldman, with Karbank Holdings LLC, the property owner, shared information about the project. He noted that the selected generator had a high-grade muffler to reduce volume, and that it would only produce 62 dB of sound at a distance of 100'.

Mr. Wolf asked how often the generator would be used. Mr. Feldman stated that it would only be operational during periods of power loss, which were frequent in the area, or during daytime testing. He added that the generator would run on natural gas rather than diesel fuel.

Mr. Kersten asked if the proposed enclosure dimensions were appropriate for the generator that was selected. Kenny Miller with Perspective Architecture and Design,

stated that the enclosure size was designed to meet the clearance requirements for the specific generator, which would be ordered immediately if approved.

Mr. Valentino made a motion to approve the application with the conditions listed by staff. The motion was seconded by Mr. Breneman and passed 6-0.

OTHER BUSINESS

Election of Chair, Vice-Chair and Secretary

Mr. Wolf made a motion to elect the following officers:

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

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

After the vote, Mr. Wolf and other commissioners recognized Mr. Breneman for his service on the commission and thanked him for serving as vice-chair for many years.

Consider updates to R-1B neighborhood design guidelines

Mr. Wolf noted that the Planning Commission previously considered changes to design guidelines in 2019, during which there were multiple public hearings to discuss proposed amendments. He added that he felt the guidelines that were approved at that time worked well, and that he didn't feel they needed to be reconsidered after only five years.

Ms. Lee provided background on why the City Council wished to review design guidelines for R-1B districts, noting that a work session had been held in April 2023 to discuss next steps in the housing discussion related to R-1 zoning areas. At the session, councilmembers completed a prioritization exercise to provide staff direction for which areas to address first. The top two results were updating neighborhood design guidelines and researching further regulations and/or fees for short-term rentals.

Ms. Lee added that councilmembers reported that constituents frequently stated that they felt newly constructed homes were still too large and did not fit the character of the neighborhood. The Planning Commission had preliminary discussions on the R-1B design guidelines at its December 2024 meeting, and requested that the City Council provide more direction on specific issues before recommending a course of action or strategies. Council had further discussions at its December 16, 2024 meeting, and passed a motion to send the issue back to the Planning Commission for further consideration.

Mr. Wolf asked each commissioner to share their thoughts on considering proposed changes to design guidelines at the present time:

- Mr. Breneman asked what specifically would be gained by making the suggested changes. He noted that reducing the maximum height of a building by 2' would not provide a noticeable difference.
- Mr. Kersten noted that there was a perception among some residents that newly constructed homes were too large, but that he was not in favor of making changes simply based on that perception. He added that making changes too quickly could actually bring about negative results.
- Ms. Brown agreed, and added that she felt some issues that were experienced when teardown/rebuilds first started appearing in large numbers in the City, such as respect for neighboring properties during construction and increasing side setback guidelines had helped reduce some of the concerns that residents had. She also noted that it would be helpful if new construction plans included all items that applicants wished to include at the beginning, rather than adding additional features later, such as swimming pools and patios that affected lot coverage maximums.

Ms. Lee said that staff were considering future discussions about lot coverage regulations, particularly for smaller R-1B lots. Mr. Brewster added that considerations could also include how to address situations in which rather than building new, a resident wanted to keep an existing home and add a garage, which often required a lot coverage variance.

- Ms. Temple said that she was also not inclined to make changes at the present time. She agreed that considering processes to make the addition of items such as garages to existing homes more streamlined would be valuable.
- Mr. Valentino stated that he felt the existing ordinances were most valuable in preventing projects that would be detrimental to the community, whether intentional or unintentional. He added that he didn't feel the regulations needed to be revisited unless there was data that showed changes needed to be made.

Based on the opinions shared, Mr. Wolf stated that the consensus appeared to be that the commission was not interested in reviewing potential changes to R-1B lots at this time. He asked staff to look for patterns that were becoming issues, such as new garage construction for existing properties requiring lot coverage variances, and bring them to the commission to consider changes as they arose.

Mr. O'Toole said that he would share the commission's opinions with the City Council.

ADJOURNMENT

With no further business to come before the commission, Mr. Wolf adjourned the meeting at 8:12 p.m.

Adam Geffert
City Clerk/Planning Commission Secretary