

**PLANNING COMMISSION MINUTES**  
**March 5, 2019**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, March 5, 2019 in the Council Chambers at 7700 Mission Road. Chairman Nancy Wallerstein called the meeting to order at 7:00 p.m. with the following members present: Jonathan Birkel, James Breneman, Patrick Lenahan, Melissa Brown and Jeffrey Valentino.

The following individuals were present in their advisory capacity to the Planning Commission: Chris Brewster, City Planning Consultant; Jamie Robichaud, Deputy City Administrator; Ron Nelson, Council Liaison; and Adam Geffert, City Clerk/Planning Commission Secretary.

**APPROVAL OF MINUTES**

James Breneman noted that edits needed to be made to the minutes from the February 5, 2019 meeting, referencing the downspout discussion on page one. The third sentence of the second paragraph from the bottom should read: "Mr. Green stated that all downspouts are buried and extend ten feet from the building, and that all storm regulations and drainage requirements are being met, as stated in the master plan."

Jonathan Birkel said that paragraph five on page five should be changed to read: "Mr. Birkel asked if there was a way to show a significant trend in the reduction of retail in the next decade, and if projections can be made to determine how that will affect the city."

Patrick Lenahan moved for the approval of the minutes of the February 5<sup>th</sup> regular Planning Commission meeting with the suggested amendments. James Breneman seconded the motion, which passed unanimously.

**PUBLIC HEARINGS**

**PC2019-105 Conditional Use Permit**  
**Great Southern Bank**  
**5206 W. 95<sup>th</sup> Street**

Joel Marquardt of Archetexture Works was present to discuss the project, stating that the Great Southern Bank, located at 5206 W. 95<sup>th</sup> Street, is seeking approval to add a second drive-through window. The project will remove 14' from the west side of the building, and infill the area between the canopy and where the building is removed. The interior of the bank will be reduced in size. This change will also help ingress to and egress from the drive-through lanes. Marquardt noted that a supplier had been located to provide the same external surface material that is currently present on the building.

Mrs. Wallerstein asked if Mr. Marquardt had any concerns with the staff recommendations. He stated that he believed the measurements referenced in the sign recommendation are accurate and the site plan was scaled correctly.

Chris Brewster said that all drive-through facilities, whether existing or expanded, require a conditional use permit and public hearing. This drive-through was originally approved in 1993 as part of a final development plan. The Fire Department and Public Works Department have approved the plan. Mr. Brewster noted that a recommendation was made in the staff report regarding improvements to landscaping and developing a landscape plan, which is a condition of approval.

Mr. Breneman asked about a note on the drawing referencing an existing light pole. Mr. Marquardt stated that the pole had to be moved approximately five feet to the north in order to accommodate the new drive-through lane. Mr. Breneman also asked whether landscaping was a requirement for approval. Mr. Brewster stated that Gould Evans' Landscape Architect would need to sign off on the landscape plan. The recommendation is primarily focused on the existing island, which is currently empty. Mrs. Wallerstein stated that she would like to make landscaping the island a requirement which is included in the landscape plan. Mr. Marquardt felt that the bank owners would be amenable to the changes. Mr. Lenahan noted that all three locations cited during discussion are already identified and addressed in the Staff Report.

Mrs. Wallerstein opened the meeting for public comments at 7:18. Seeing none, the public comment portion of the meeting was closed at 7:18.

**Mr. Breneman made a motion to approve the conditional use permit with the four staff recommendations listed below:**

1. A drainage permit will be required from Public Works prior to construction.
2. The applicant shall verify the scale of the existing sign relocated on the South elevation. If a new sign is necessary, it should be smaller or reconfigured to be centered on that facade, and shall otherwise meet all sign standards.
3. A landscape plan be proposed and approved by staff in association with permit approvals, and in particular planting be specified for the existing island in front of the drive-up ATM, the buffer at the entry to the drive through, and the landscape peninsula near the handicapped parking area and building entrance. (All plantings shall ensure easy access to cars using the handicapped parking spaces.)
4. The conditional use permit shall expire if the use of the property is changed to a use other than a bank, and a new permit shall be required for drive through facilities supporting a different use.

**Melissa Brown seconded the motion, which passed unanimously.**

## NON-PUBLIC HEARINGS

No non-public hearings were scheduled.

## OTHER BUSINESS

### **Presentation and discussion of proposed zoning regulation changes**

Mr. Brewster stated that there were three working drafts of zoning ordinances provided in the meeting packet which included recommended changes by staff. The ordinances address solar energy standards, landscape standards and sign standards. He added that the solar ordinance was brought before the Planning Commission in March, 2017, to clarify how solar facilities can be integrated into a roof structure. Fully integrating panels into the roof can be less efficient, so there is generally a small gap between the roof and panels. The draft included in the meeting packet shows new recommended changes as well as the updates made in 2017.

### Alternative Systems

Mrs. Robichaud reported that a City Councilmember developed an alternate version of the solar guidelines, which differs from the updated version prepared by staff. The Council advised against presenting the Councilmember's document, and asked Mrs. Robichaud to provide a summary of the Council's discussion instead.

Mr. Breneman stated that in Paragraph D-1a, the phrase "collector panels integrated into the roof" should be struck. He also asked for an explanation of a passive solar energy system. Mr. Brewster stated that a passive system is something that isn't specifically designed for solar collection, such as a greenhouse, but that there may be some additional technical differences as well. Mrs. Wallerstein asked if the words "active" and/or "passive" should be struck from the "Compatibility" language in Section D. Mr. Brewster stated that he was not certain that existing code captured the difference between active and passive clearly. Mrs. Wallerstein recommended changing the first phrase of Compatibility to "The design of any solar system shall generally be compatible...". Ms. Brown asked that these systems should be identified as "solar *energy* systems" going forward.

Jeffrey Valentino noted that Section 2 addresses screening on non-residential buildings, stating that systems shall be "screened in a manner to other mechanical or rooftop equipment", and if used on a flat roof, mounting equipment should be "concealed from view at street level." Mr. Valentino added that the language is unclear as to whether screening is always required or not, and asked whether the ordinance will need to be revisited every time a new product that doesn't meet existing standards becomes available. Mrs. Robichaud stated that rooftop units typically have to be screened, and that there is language in the ordinance that states all solar energy systems that don't meet the guidelines can be approved by the Planning Commission through site plan approval. Ground-mounted systems and panel racks always require site plan approval.

Mrs. Robichaud gave a summary of the alternate energy system discussion at the March 4<sup>th</sup> City Council meeting. Many Councilmembers would like to make it easier for residents to utilize these systems. One Councilmember brought his own proposal to the meeting to generate discussion about systems that require Planning Commission approval. The Council asked if this was overly cumbersome for residents, and whether it was even necessary. Additionally, wind turbines are currently not allowed in residential areas, and some Councilmembers would like this changed as well. Mrs. Robichaud asked whether there were ways to allow alternative energy systems to be installed more easily by residents while maintaining the intent of regulations and the character of neighborhoods. Residential site plan approvals cost \$100. Ms. Brown suggested that the Council waive the fee.

Mrs. Wallerstein stated that the cumbersome element for residents was not the requirements of the ordinance, but rather the cost and the time required to come before the Planning Commission. Mrs. Robichaud stated that current zoning regulations allow for most solar panels to be installed without going to Planning Commission for site plan approval, but solar panels that project off the roof, are ground-mounted, or are unique in design would need to come to Planning Commission for approval.

Mr. Lenehan asked if there was a count of the types of solar energy systems have been installed in the City. Mrs. Robichaud stated that she could provide the number of permits, but would need to research the types that were installed. She added that she was unaware of any applications that have been denied. There was debate at the March 4<sup>th</sup> Council meeting about whether the requirement that mounting brackets be concealed is necessary. Mrs. Wallerstein stated that it would be interesting to find out how many panels installed in the City meet current regulations. She added that a white roof was recently approved for the Homestead tennis shed, and that Section 5 of the Zoning Ordinance requires panels to be black or earth-tone in color. As a result, panels will be much more noticeable due to the difference in color. She suggested that the language in Section 5 reflect the color of the roof.

Mr. Valentino suggested that a broader discussion about all alternative energy options would be more appropriate. Mr. Lenehan stated that ground-mounted and angled solar panels along with wind turbines draw attention to themselves in a way that can impact a neighborhood, so approval of these items should include the Planning Commission; reduced or waived fees would streamline that process. He added that in paragraph two, the phrase “and screened in a manner to other mechanical or roof-top equipment” is redundant, and makes the requirements stated in the paragraph less clear.

Mrs. Wallerstein asked the Commission if a recommendation should be made to the City Council that consideration of waiving or lowering fees would help incentivize solar installation. She also suggested further discussion at a joint meeting with the Council would be worthwhile. Ms. Brown asked if different examples of wind turbines could be presented at a future meeting.

## Landscape Standards

Mr. Brewster stated that some additions were added to the previous comments made by the Commission. The primary focus of this version is the consideration of exceptions, and to clarify criteria for site plan reviews, and when flexibility is available. Section 19.47.050 is just a placeholder at this time, and will need additional input to define rules for exceptions. Mrs. Wallerstein said that the Tree Board had made a recommendation of plantings and types of trees. Mr. Brewster stated that in Section 19.47.030-B, there is a reference made to coordination with the Tree Board to develop a list, or to combine its existing list with one created by the Landscape Architect. Mr. Valentino asked that the landscaping standards have as much flexibility as possible. Mrs. Robichaud stated that there is currently no commercial landscape standard, which provides the Landscape Architect the ability to be more flexible with the applicant. Mr. Brewster added that this standard would only provide a base set of enforceable rules for the Planning Commission to use for site plan applications.

Mr. Lenahan noted that some other cities use a points-based system for landscape requirements, in which applicants are given scores for different aspects of a project. He added that this draft version contains simple standards that are clear, concise and achievable for most projects. Further, the language about exceptions gives staff and the Commission some discretion in unique conditions. Mr. Birkel stated that it is important that these regulations be reasonable and not exceedingly onerous. Ms. Brown suggested a landscape review plan would be effective. Mr. Valentino noted that the current recommendations don't encourage anything unique or creative.

Mr. Breneman asked who would be responsible for determining whether the landscape material referenced in section 19.47.020-B is of exceptional quality. Mr. Brewster stated some of those determinations are already being made informally by the Landscape Architect, but the standard would allow for more consistency. Mrs. Wallerstein asked if there was a way to specifically call out projects with significant changes to a property in section 19.47.010-B (Applicability). Mrs. Robichaud stated that the language "any application that requires a site plan" would cover projects that make substantial changes. Mrs. Wallerstein asked that the Landscape Architect attend a future meeting so that the Commission can speak with him directly. Mr. Breneman asked if surrounding cities had landscape standards; Mr. Brewster responded that many do, and that some are quite cumbersome.

## Sign Standards

Mr. Brewster stated that it was very difficult to create sign design guidelines for section 19.48.080. The goal was to set the direction of what the Planning Commission would or would not approve, and how staff would address applications. What the standards allow will not change substantially; the intent was not to make changes, but to reorganize and clarify. The two biggest challenges are design quality aesthetics and balancing the owner and tenant needs in multi-tenant buildings. Mr. Brewster asked Commission members to review each section and ensure there is enough flexibility, particularly in sections 19.48.090-C and 19.48.100.

Mr. Lenahan stated that the Exceptions section in 19.48.090-C section is immediately followed by the Alternative Sign Plans in section 19.48.100. He asked what exceptions could not be addressed just by an alternative sign plan. Mr. Brewster said that the alternative sign plans were generally meant for larger-scale projects, whereas the exceptions process would generally be used on a site-by-site basis.

With no further input about the presentation, discussion was closed.

### **Planning Commission annual training**

The Planning Commission annual training presentation will be provided at the April 2<sup>nd</sup> meeting.

### **NEXT MEETING**

Adam Geffert stated that only one application had been received for the April meeting, which is a site plan application for antenna and radio replacement at the water tower located at 7801 Delmar.

### **ADJOURNMENT**

With no further business to come before the Commission, Chairman Nancy Wallerstein adjourned the meeting at 9:07 p.m.

Nancy Wallerstein  
Chair