

PLANNING COMMISSION AGENDA  
CITY OF PRAIRIE VILLAGE  
MUNICIPAL BUILDING - 7700 MISSION ROAD  
TUESDAY, FEBRUARY 1, 2011  
Council Chambers  
7:00 P. M.

- I. ROLL CALL
- II. APPROVAL OF PC MINUTES - JANUARY 4, 2011
- III. PUBLIC HEARINGS
- IV. NON-PUBLIC HEARINGS
- V. OTHER BUSINESS  
PC2011-101 Request for Revised Site Plan Approval  
4049 Somerset  
Zoning: C-2  
Applicant: Westlake Hardware, Inc.
- VI. ADJOURNMENT

Plans available at City Hall if applicable

If you can not be present, comments can be made by e-mail to  
[Cityclerk@Pvkansas.com](mailto: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  
JANUARY 4, 2011**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, January 4, 2011, in the Council Chamber, 7700 Mission Road. Chairman Ken Vaughn called the meeting to order at 7:00 p.m. with the following members present: Dirk Schafer, Randy Kronblad, Bob Lindeblad, Marlene Nagel, Nancy Wallerstein and Nancy Vennard.

The following persons were present in their advisory capacity to the Planning Commission: Ron Williamson, Planning Consultant; Dennis Enslinger, Assistant City Administrator; Jim Brown, City Building Official; David Morrison, Council Liaison and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

**APPROVAL OF MINUTES**

Nancy Vennard asked that the concern voiced by the PTA regarding the relocation of the existing PTA Garden for the proposed expansion be reflected in the minutes. Nancy Wallerstein moved for the approval of the minutes of December 7, 2010 as amended. The motion was seconded by Dirk Schafer and passed by a vote of 6 to 0 with Marlene Nagel abstaining due to absence from the December meeting.

**PUBLIC HEARINGS**

There were no Public Hearings scheduled before the Commission.

**NON PUBLIC HEARINGS**

**PC2011-101 Request for Site Plan Approval  
4049 Somerset**

Robert Massengill, attorney, and Mike Garver, District Manager, addressed the Commission on behalf of Westlake Ace Hardware. Westlake Ace Hardware is requesting site plan approval for outdoor sales of primarily lawn, garden, nursery and landscaping products. Westlake has used this area for many years and wants to improve the appearance of the area so that it is more professional looking. Many years ago the outdoor sales area was primarily nursery stock and was located along 83<sup>rd</sup> Street. This originally started as temporary outdoor sales of plants and landscape products, but now is nearly a year around operation.

In the area used for year around sales, the applicant is proposing to install permanent shelving so that the area is well organized, is easier to maintain and has an improved appearance.

Ron Williamson noted the outside sales actually consist of three parts. First, there are outdoor sales under the canopy in front of the Westlake Hardware Store; second, there is the parking lot area approximately 112' x 65' that is currently being used for sales; and third, a temporary sales area that would be used from April 1<sup>st</sup> to June 4<sup>th</sup> and April 23<sup>rd</sup> to May 13<sup>th</sup>. The area proposed to be used from April 1<sup>st</sup> to June 4<sup>th</sup> is greater than 30 days and is required to have approval by the Planning Commission. The area proposed to be used from April 23<sup>rd</sup> to May 13<sup>th</sup> is less than 30 days and requires approval of a short-term permit by the City Council or its designee.

Corinth Center is 744,995 sq. ft. and the proposed permanent outdoor sales area is 7,350 sq. ft. which is less than 1.0% of the area of the Center. The combined permanent and temporary area would be less than 2.0% of the area of the Center.

The Planning Commission considered the following criteria for site plan approval:

**A. The site is capable of accommodating the building, parking areas and drives with appropriate open space and landscape.**

The permanent outside sales area is approximately 65' x 112' of which an area 65' x 85' will be used for shelving and racks for products. The remaining area will be used for products stored on pallets. The permanent area will remove 26 off-street parking spaces and the combined permanent/temporary sales area will remove 52 parking spaces. Corinth Center is required to provide 1,082 parking spaces and actually provides 1,355 parking spaces so there is a surplus of 273 parking spaces. Therefore, the use will not adversely affect parking.

**B. Utilities are available with adequate capacity to serve the proposed development.** Utilities are currently in place serving Corinth Center and are adequate for this use.

**C. The plan provides for adequate management of storm water runoff.** There will be no increase in impervious surface; therefore, stormwater is not an issue.

**D. The plan provides for safe and easy ingress, egress and internal traffic circulation.** The proposed site will utilize existing driveways and the general circulation of the Center will not be changed.

**E. The plan is consistent with good land planning and good site engineering design principles.**

The outdoor sales area has been used for many years and seems to work well with other uses in the center. One area of concern is that the sales area under the canopy in front of the store may be blocking ADA access. ADA regulations require a 48-inch wide unobstructed walkway. It is necessary that products be placed so that the walkway is maintained.

**F. An appropriate degree of compatibility will prevail between the architectural quality of the proposed installation and the surrounding neighborhood.**

The installation of the permanent shelving will certainly improve the appearance of the area. The sign standards for Corinth Center do not permit signs that are not attached to a building. So no separate signage is permitted for the area other than pricing of products. If additional signage is requested, the Corinth Center Sign Standards will need to be amended prior to approval.

**G. The plan represents an overall development pattern that is consistent with the comprehensive plan and other adopted planning policies.**

One of the principles of the Village Vision was to focus on redevelopment and reinvestment in the community. These issues have become primary goals for the City and this project represents a step in that direction. The investment in the permanent area of sales will improve the appearance and be more of an asset to the Center and the community.

Ken Vaughn confirmed the applicant had received and agrees with the conditions listed in the staff recommendation.

Nancy Vennard asked if Lane4 had reviewed the plan and asked how it fit with their master plan for the center. Robert Massengill replied Lane4 had reviewed the plans and is 100% supportive of their request. He added that although the shelving would be permanent it is not planned to be a permanent structure.

Mrs. Vennard asked if Lane4 was proposing to do a decorative permanent outdoor structure similar to that at Ranchmart. Mr. Massengill replied not at this time. Mrs. Vennard noted the proposed site plan is an improvement; however, expressed concerns with the shelving remaining out year-round. Mike Garver stated most of the shelving is removed and placed behind the store; however, there is not enough room to store all the shelving. He noted the current area is smaller than it was last month.

Nancy Wallerstein asked if they had planned to expand the canopy over the sales area that they had last year. Mike Garver responded the use and size of the canopy has not yet been discussed with Lane4.

Marlene Nagel noted there is significant vehicle traffic in this area and expressed concern with the safety of pedestrians crossing from the store to the outside sales area. Mike Garver responded currently they have painted a pedestrian crosswalk, posted a caution sign and are discussing having a temporary stop sign during peak periods. Robert Massengill added that last year they added an outside cashier to process purchases so customers did not have to go into the store reducing the pedestrian traffic flow between the store and the sales area. This will be continued.

Randy Kronblad moved the Planning Commission approve PC2011-101 requesting site plan approval for an outside sales area by Westlake Hardware in Corinth Center as presented subject to the following conditions:

1. That any lighting used to illuminate the outdoor area be installed in such a way as to not create any glare off the site and be in accordance with the outdoor lighting regulations of the zoning ordinance.

2. That a minimum 48-inch wide accessible walkway be maintained either under or in front of the canopy on the north side of the store.
3. That the Site Plan approval is for the permanent outdoor sales area approximately 65' x 112' as shown of the plan submitted and that the shelving of racks is installed generally in accordance with that plan.
4. That signage is permitted only in accordance with the sign standards approved for Corinth Center.
5. That the temporary outdoor sales area immediately east of the permanent area designated for sales from April 1<sup>st</sup> to June 4<sup>th</sup> be approved with the provision that all materials and equipment will be removed within 7 days after June 4<sup>th</sup> and the area will be restored to its normal condition.
6. That the proposed temporary sales area designated from April 23<sup>rd</sup> to May 13<sup>th</sup> will be subject to annual approval of a short-term permit by the City Council or its designee.

The motion was seconded by Bob Lindeblad and passed unanimously.

**PC2011-102 Request for Preliminary & Final Plat Approval  
UMB Bank  
6901 Mission Road**

Jim Anderson, with KAW Valley Engineering, addressed the Commission on behalf of UMB Bank presenting the preliminary and final plats for their property located at 6901 Mission Road. On June 1, 2010, the Planning Commission approved a Site Plan and a Conditional Use Permit for a drive-thru for UMB. The tract is unplatted and one of the conditions of approval was platting. As this is only a one lot plat, they are asking for both preliminary and final plat approval at the same time.

Ron Williamson noted the Preliminary Plat contains all the information required by the subdivision regulations. Since a Site Plan has been approved by the Planning Commission for this location, many items normally addressed in platting have already been addressed by the Site Plan.

The Storm drainage has been worked out with Public Works as a part of the Site Plan approval. However, access control needs to be designated from the north access on Mission Road along Tomahawk Road to the access on Mission Lane. A note also needs to limit access to Mission Road to two points and access to Mission Lane to one point.

Mr. Williamson noted a condition of approval of the site plan required that at the time of platting an access easement to property on the south in the event that the south access on Mission Road needs to be combined in the future. Also the applicant needs to obtain an easement from Lane4 along the south property line to accommodate landscaping and building footings.

Jim Anderson stated that both these documents have been prepared and are currently being review by legal staff. They will be submitted to the City when approved and executed.

Ron Williamson stated the Final Plat has most of the information on it that is required; a statement has been submitted that current taxes have been paid and a title report also has been submitted. Access control notes need to be added on the face of the Final Plat. Mr. Williamson noted staff did not required platted setbacks be located on the plat.

Nancy Vennard asked how access to Mission Road was being handled. Ron Williamson responded one of the conditions of approval of the site plan was that the north access from Mission Road be designed subject to the approval of Public Works including construction of a "pork chop" splitter. This would prevent left turns into the bank from the northbound lane of Mission Road and would require right turns only when exiting the bank.

Dennis Enslinger added the angled parking along Mission Lane is still being worked out. Ken Vaughn confirmed that action does not have any impact on the plat.

Bob Lindeblad moved the Planning Commission approve the Preliminary Plat of UMB Prairie Village Branch Bank. The motion was seconded by Nancy Vennard and passed unanimously.

Bob Lindeblad moved the Planning Commission approve the Final Plat of UMB Prairie Village Branch Bank and forward it to the Governing Body for acceptance of easements and rights-of-way subject to the following conditions:

1. Add notations on the face of the Final Plat regarding access control to Mission Road, Mission Lane and Tomahawk Road.
  2. Submit a statement showing taxes due have been paid.
  3. Submit a title opinion showing the name of the owner of the property, mortgage holders and other conditions of the site.
  4. Submit the foundation and landscape easement to Staff for review, upon approval by staff the easement shall be recorded by the applicant.
  5. Submit the cross-access easement to Staff for review, upon approval by staff the easement shall be recorded by the applicant.
  6. Submit the Final Plat to the Johnson County Surveyor for review and approval prior to recording.
  7. Provide an electronic copy of the Final Plat to the City after recording.
- The motion was seconded by Nancy Vennard and passed unanimously.

## **OTHER BUSINESS**

### **Request for Fence Height Waiver - 8162 Delmar**

Dennis Enslinger stated the general contractor for the project was in attendance to answer any questions.

Mr. Enslinger reviewed the history of this project which started in November, 2009, with consideration of a request to construct a retaining wall 3' 6" in height along the south property line for a length of 40 feet. The proposed retaining wall, connected to an existing retaining wall, and allowed for the grade around the proposed pool to be raised.

The Planning Commission approved the proposed retaining wall subject to the following conditions:

- 1) The applicant provides, for staff approval, additional information regarding the proposed design and materials of the retaining wall;
- 2) The wall is constructed in the location as shown on the site plan submitted with the application;
- 3) That the proposed retaining wall footing be required to be located entirely on the applicant's property;
- 4) The applicant provide a copy of the site survey and stake the property corners to confirm property lines; and
- 5) The applicant secures a revised Drainage Permit from the Public Works Department.

The applicants requested some modifications to the approved site plan at the May 4, 2010 Planning Commission including an additional retaining wall. The Planning Commission denied the applicant's request for the modifications and directed staff to work with the applicant to make any future modifications to the site plan were in conformance with the zoning regulations.

During a recent inspection of the site, it was discovered that a portion of the fence was taller than six (6) feet in height. Section 19.44.025G allows the Planning Commission to approve modifications to the location and height of fences.

The Planning Commission reviewed a request to grant a waiver from the six (6) foot height requirement at the December 7, 2010. The Planning Commission requested additional information and continued the item to the January 4, 2010 Planning Commission meeting.

The applicant has provided the additional information as requested by the Planning Commission including photographs of the existing fence and scale drawings of the north and south wall elevations as built, the south wall elevation as adjusted to be in compliance with the City code. It was noted that the Public Works Department has reviewed and approved some grade changes on the site therefore; the wall heights provided at the December 7<sup>th</sup> meeting have been altered. The grade changes were made to address stormwater runoff issues.

Staff has field verified the measurements and compensated for the future installation of sod.

The applicants are requesting to keep the fence at the current height. Based on these existing conditions, the applicants are asking to allow the fence on the south side of the

property to exceed six (6) feet in height by ten (10) inches. In addition, the northwest corner will also exceed six (6) feet in height by one-foot. The adjacent property owners are in agreement with the proposed height of the fence.

Dirk Schafer noted he had requested the elevation drawings of the different views and stated upon reviewing them feels that the as built elevation is cleaner and he would support the waiver being granted. Nancy Vennard agreed with Mr. Schafer regarding the appearance of the wall; however, noted that she still struggles with the fact that the applicant failed to comply with city regulations on three different occasions on this project and sought relief from the City. However, for the sake of the neighborhood, she wants to see this project completed, the yard cleaned up and restored and would support granting the waiver.

Nancy Wallerstein asked if approving the waiver would be setting precedence. Ken Vaughn responded that it would not and noted each of the three separate actions by the Commission stand on their own.

Nancy Vennard asked if there was anything in the code to address the difference in height between the columns and the fence. Dennis Enslinger responded there is a restriction of six inches between the wall and the wall columns. She felt one of the major problems with this application was the change from the original wrought iron fence proposed to the wall.

Randy Kronblad expressed his concern with items being constructed in the field in disregard of City code and asked if the north wall would need a variance to be in compliance. Ron Williamson noted the ordinance now allows the Planning Commission to consider fence deviations through site plan approval instead of variances. Dennis Enslinger stated this would be addressed through the granting of a waiver by the Commission.

Dirk Schafer moved the Planning Commission approve a waiver for the fence at 8162 Delmar to allow the height of the fence not to exceed seven (7) feet as constructed. The motion was seconded by Bob Lindeblad and passed unanimously.

Ken Vaughn requested that staff review the fence ordinance and report back to the Commission whether changes need to be made in the regulations.

### **Next Meeting**

Joyce Hagen Mundy announced the Commission would meet as the Board of Zoning Appeals on February 1 to rear a request for a rear yard setback for a covered patio at 5101 West 84<sup>th</sup> Street. Commissioners Vennard, Vaughn and Wallerstein noted they would not be in attendance. The remaining Commissioners would be able to attend and provide a quorum.



Dennis Enslinger announced that he had been contact by a professor at UMKC requesting permission for his students to attend the April Commission meeting and talk with Commissioners afterward regarding their role.

Ken Vaughn stated he had been asked to attend an Environment/Recycle Committee meeting on behalf of the Commission and noted he advised them he would prefer for them to attend a Commission meeting and address the whole Commission.

#### **ADJOURNMENT**

With no further business to come before the Planning Commission, Chairman Ken Vaughn adjourned the meeting at 7:30 p.m.

Ken Vaughn  
Chairman



## PLANNING COMMISSION

City Council Meeting Date: February 1, 2011

### **PC 2011-101 Revision to Request for Site Plan Approval, 4049 Somerset, Westlake Hardware – Outdoor Sales Area(s)**

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#### **BACKGROUND**

The Planning Commission considered and approved a request for an outdoor sales area located at 4049 Somerset (Westlake Hardware) at the January 4, 2011 Planning Commission Meeting. The conditions of approval were as follows:

1. *That any lighting used to illuminate the outdoor area be installed in such a way as to not create any glare off the site and be in accordance with the outdoor lighting regulations of the zoning ordinance.*
2. *That a minimum 48-inch wide accessible walkway be maintained either under or in front of the canopy on the north side of the store.*
3. *That the Site Plan approval be for the permanent outdoor sales area approximately 65' x 112' as shown of the plan submitted and that the shelving of racks be installed generally in accordance with that plan.*
4. *That signage be permitted only in accordance with the sign standards approved for Corinth Center.*
5. *That the temporary outdoor sales area immediately east of the permanent area designated for sales from April 1<sup>st</sup> to June 4<sup>th</sup> be approved with the provision that all materials and equipment will be removed within 7 days after June 4<sup>th</sup> and the area will be restored to its normal condition.*
6. *That the proposed temporary sales area designated from April 23<sup>d</sup> to May 13<sup>th</sup> will be subject to annual approval of a short-term permit by the City Council or its designee.*

The original approval of the outdoor storage area included a covered cashier lane as shown in the attached drawing. Since the approval, the applicant has determined that they would like to have two exterior cashier lanes which would required a 20' X 20' enclosed tent structure (see attached photo of the proposed tent structure and a site location of the tent structure. Because the size of the tent structure has changed, staff is requesting that the Planning Commission review the proposed change.

#### **ATTACHMENTS**

Planning Commission minutes of January 4, 2011 (included in the packet materials)

Graphic showing the approved tent structure from January 4, 2011

Photograph of proposed 20' X 20' tent structure

Site plan showing the location of the proposed 20' X 20' tent structure

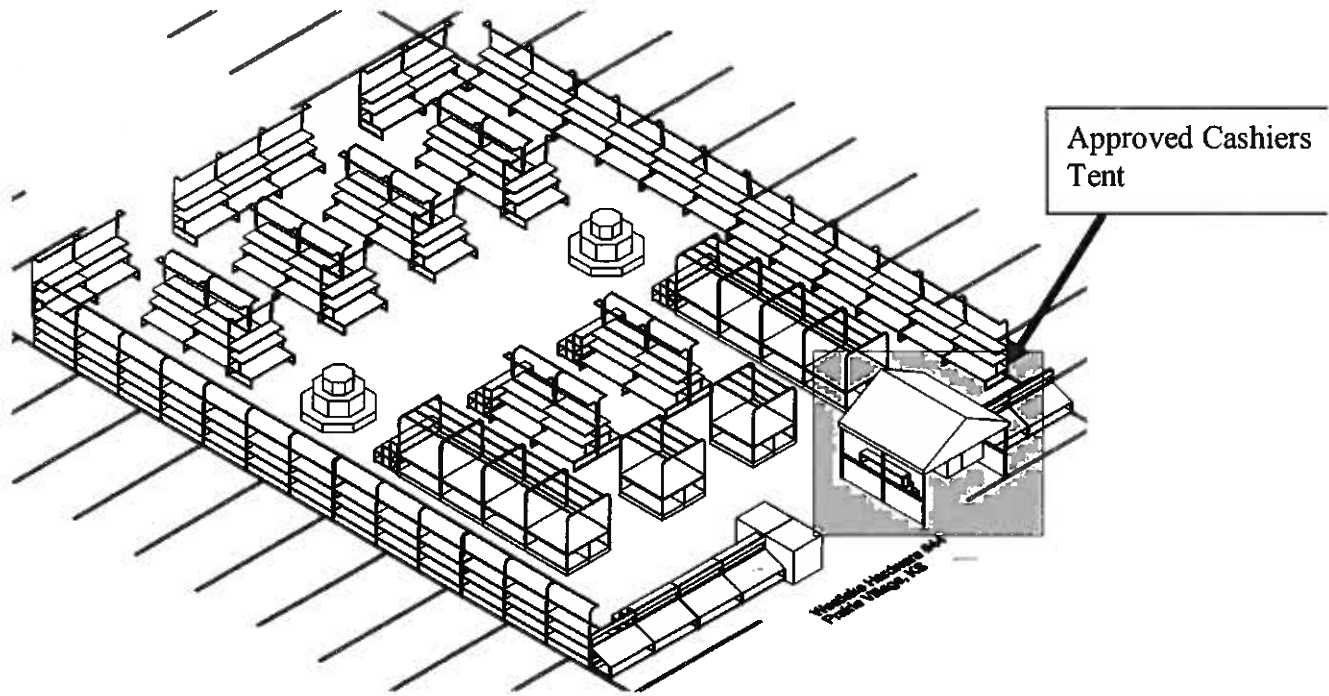
#### **PREPARED BY**

Dennis J. Enslinger

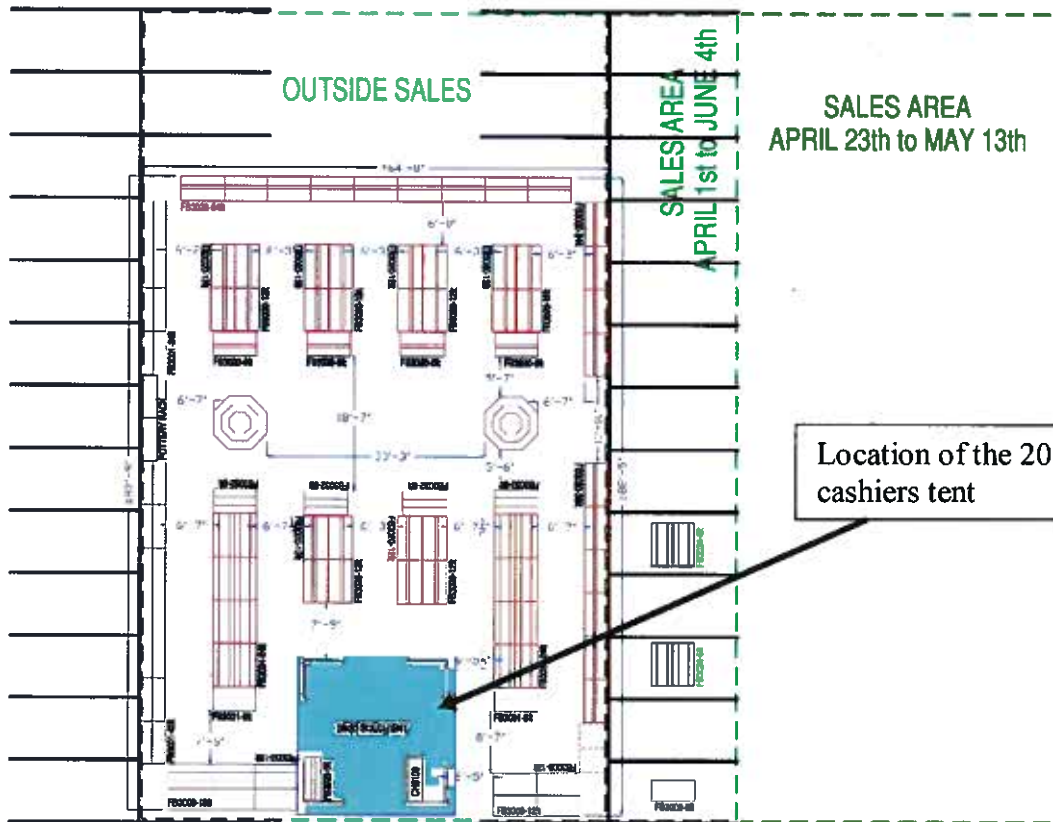
Assistant City Administrator

Date: January 26, 2011

January 4, 2011 Approved Drawings



# Proposed Location of the 20' X 20' Tent



Location of the 20' X 20' cashier tent

Westlake Hardware #44  
Prairie Village, KS



Proposed Tent Design