

PLANNING COMMISSION MINUTES
July 10, 2018

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, July 10, 2018 in the Multi-Purpose Room at 7700 Mission Road. Chairman Nancy Wallerstein called the meeting to order at 7:00 p.m. with the following members present: Jonathan Birkel, Melissa Brown, Patrick Lenahan and Jeffrey Valentino.

The following persons were present in their advisory capacity to the Planning Commission: Chris Brewster, City Planning Consultant; Jamie Robichaud, Assistant City Administrator; Ron Nelson, Council Liaison; Mitch Dringman, Building Official and Joyce Hagen Mundy, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Patrick Lenahan moved for the approval of the minutes of the June 5, 2018 regular Planning Commission meeting as presented. The motion was seconded by Jonathan Birkel and passed unanimously with Mr. Valentino abstaining.

PUBLIC HEARINGS

There were no Public Hearings to come before the Planning Commission.

NON PUBLIC HEARINGS

**PC2018-112 Building Line Modification
8301 Rosewood Drive**

Jennifer Besch, 8301 Rosewood Drive, stated they are seeking to add a side entry two-car garage off the northeast side of their home on the existing driveway. The garage will extend 18' over the existing driveway. She noted the large right-of-way on 83rd Street provides for ample greenspace. The streetscape for their home will not change and the new garage would not be visible from the street. The space above the garage (1/2 story) will be used for offices.

Chris Brewster stated the lot is located on the southeast corner of 83rd Street and Rosewood Drive, and has a platted building line of 30 feet on 83rd Street and 45 feet on Rosewood Drive. This building line is in addition to and greater than required by the R-1A zoning (30 feet for front setback and 15 feet street side setback). The house orients directly to Rosewood Drive, and has a 2-car side-entry garage on the north side of the lot accessed off Rosewood Drive. The house meets all zoning setbacks for the R-1A zoning district, as well as the required platted setbacks, but the northeast corner of the structure is approximately 13 feet from the 30-foot platted build line along 83rd Street. The addition of two additional forward-facing garage entry bays at the back of the existing driveway would place the new side elevation at approximately 15.9 feet from the side property line on 83rd Street. This would meet the zoning requirement of a 15 feet

street side setback, but would encroach about 14 feet into the platted building line area. The proposed addition is a 1.5 story mass, with a side gable that is 22 feet, 4 inches at the highest point, with eave lines consistent with the existing front and rear elevations.

The closest affected home is to the rear on the northeast corner of this block. This home is skewed and located to the rear of the lot, and the proposed addition would be over 60 feet from the home at its closest point. The area of the building line modification is adjacent to the rear and side yard of the closest affected home, and is where the side-entry garage to that home is located. The proposed addition would still comply with the required rear setback at this location. (The addition would be located approximately 43.9 feet from the rear lot line; 25' is required). Therefore, the greatest impact results from the extension of the structure closer to 83rd Street and to what degree this affects building orientation along 83rd Street. Most homes on adjacent blocks have a side orientation to 83rd Street, although some have what is termed as a "corner orientation" (angled to the intersection and with two front yards on the corner, two side yards on the interior lot lines, but no rear yard.) Most buildings are greater than 30 feet from 83rd street, but there is not a clearly consistent orientation, and several buildings further to the east are closer to 83rd Street (5' to 15' side setback range). The longer blocks further to the west and east have mid-block lots that front on 83rd Street.

Mr. Brewster reviewed the following criteria for consideration of building line modifications:

- 1. That there are special circumstances or conditions affecting the property;**
The lot is a corner lot with the building oriented to the front street (Rosewood Drive). The lot is fairly typical of other corner lots in the area, except that all are substantially larger than required by R-1A zoning. This lot is a larger standard corner-fronting lot directly on Rosewood Drive; therefore, the platted building line is double what is required by the zoning requirements on the side lot line. In addition to the larger setback resulting from the building line, 83rd Street has a wide right-of-way at this location, including a tree lawn and sidewalk area that is approximately 20 to 25 feet wide, placing the required building line more than 50 feet from the street edge at this location.
- 2. The building line modification is necessary for reasonable and acceptable development of the property in question;**
The buildable area of the lot is reduced as a result of the platted setbacks. While the lot is large and there is a reasonable amount of buildable area under the platted setbacks, the platted building lines are more constraining than the zoning setbacks. The placement of the existing building would mean that only a small addition could comply with the building line, and larger additions would need to occur to the rear of the lot and would place it in closer proximity to the home to the east.
- 3. That the granting of the building line modification will not be detrimental to the public welfare or injurious to or adversely affect adjacent property or other property in the vicinity in which the particular property is situated;**
The proposed 1.5 story garage addition would not extend beyond the current extent of the rear building line and is extending the footprint closer to 83rd Street. Adjacent homes impacted by the location of this building are either across 83rd Street or abutting to the

rear, and are impacted at the side and the rear due to the orientation of these homes, which is also the garage entry for this home. The proposed addition would meet the required zoning setbacks and would only encroach beyond the platted setback by approximately 14 feet with a 1.5 story massing. The proposed massing and design meets the character of most homes in the vicinity.

Jennifer Besch added there are other homes in the area with the same design as their proposed addition. The two locations are 5424 West 86th Street and 5100 West 84th Terrace.

Jonathan Birkel asked if the side yard percentage met the setback requirements. Mr. Brewster replied that it did and noted that corner lots will generally meet this requirement. Mr. Birkel noted impervious surface is not impacted as the construction will be on the driveway surface. He asked if the Homes Association had reviewed and approved the proposed addition. Mrs. Besch replied they had received approval from the Homes Association Board.

Nancy Wallerstein asked what the height was for the addition. Mr. Birkel questioned whether the height of the new structure was the same as the existing building. Mr. Brewster noted the existing structure is 22'4", but height for the addition is not indicated on the plans. Mr. Birkel asked what material would be used for the dormers. Mrs. Besch replied the material would be the same as that on the front of their home.

Jonathan Birkel stated that with the addition being located closer to the street he would prefer the garage height be no higher than the pitch of the existing home. He noted on the plans it appears steeper and higher.

Jeffrey Valentino stated he has concerns with the second criteria that the development was reasonable and acceptable. The Commission has considered several garage additions and he would like more tightness and questioned the need for an additional two car garage. He felt 21'6" was sufficient size for the garage. Jennifer Besch responded most garages in the neighborhood are 25'.

Melissa Brown felt the architect could easily lower the pitch of the addition to no higher than the existing home. Patrick Lenahan noted the structure is located 40 feet from the curb; however, if the Commission desired, a condition could be added requiring the applicant to work with their architect to redesign the ridgeline to not exceed that of the existing structure.

Mrs. Wallerstein asked what materials would be used on the addition and if they would match the existing home. Scott Besch responded they will be re-siding the entire home, including the addition. The home will appear similar to others in the neighborhood. The brick on the home will be retained.

Patrick Lenahan moved that the Planning Commission find favorably on PC2018-112 and approve the requested building line modification from 30 feet to 15.9 feet for the proposed addition to the property at 8301 Rosewood, subject to the homeowner working

with the architect to design the addition to not exceed the ridgeline of the existing home, and that a Resolution granting the building line modification be recorded with the register of deeds prior to obtaining a building permit. The motion was seconded by Melissa Brown and passed by a vote of 4 to 1 with Mr. Valentino voting in opposition.

**PC2018-113 Request for Lot Split
2219 West 72nd Street**

Robert Bennett, 7133 West 80th Street, Suite 210, presented a request to split the lot addressed as 2219 West 72nd Street into two lots. The lot is zoned R-1B, and is 120 feet wide by 140 feet deep. The proposed split would result in two 60' x 140' lots, each 8,400 s.f. The resulting lots would meet the minimum width requirements (60 feet) and minimum area requirements (6,000 s.f.) for R-1B.

Chris Brewster advised Chapter 18.02 of Prairie Village subdivision regulations allows the Planning Commission to approve splits, provided each lot meets the zoning standards. Section 18.02.010 of the subdivision regulations provides the criteria for approval of a lot split. This is essentially an administrative approval. The applicant must submit a certificate of survey demonstrating that both lots will meet the zoning ordinance standards and that any existing buildings on a remaining lot are not made nonconforming as a result of the lot split. The certificate of survey is also required to ensure that no utility easement or right-of-way issues are created by the lot split or need to be addressed due to the lot split. The proposed lot split will meet the required criteria in R-1B zoning, provided the existing structure be removed.

Chris Brewster noted all lots on this block and in the vicinity are zoned R-1B; however, the lots on the south side of 72nd Street are larger than most in the vicinity. There are seven lots on this block face that range in width from 60 feet to 120 feet wide (with this lot being the largest; specifically, the lot widths in order from east to west are: 80', 80', 120', 100', 100', 60', and 85'.) Most lots on the north side of 72nd Street facing this lot are 60' wide (6 at 60' wide, 2 at 80' wide, and 1 at 105' wide). The blocks in the vicinity have a range of lot sizes, but the predominate lot size is 60' x 130' - 140', with approximately 60 lots on the surrounding blocks having a 60-foot width.

Nancy Wallerstein asked what was to be built on the lots. Mr. Bennett did not have that information. Ms. Wallerstein questioned how the Commission could make an educated decision on the lot split without seeing what was planned to be built on the lot. Jamie Robichaud noted the Commission's responsibility is to ensure the new lots created are buildable lots. According to the City's subdivision regulations, if the newly created lots meet the required criteria for R-1b zoning, the lot split must be approved. She noted the previous lot split request on Reinhardt also included an application for rezoning, which allowed the Commission to exercise discretion and view more information on the plans for the lot. Jonathan Birkel confirmed the request is for a lot split only and the zoning will remain R-1b.

Patrick Lenahan noted that the east end of this lot has a significant steep creating potential drainage issues when redeveloped.

Jeffrey Valentino moved the Planning Commission approve the requested lot split of 2219 West 72nd Street, described as Lots 170, 171 and 172 Granthurst, into two lots subject to the following conditions:

1. That the applicant verify the following have been addressed through the certificate of survey to comply with the following information required in the ordinance, prior to a demolition permit:
 - a) The location of existing buildings on the site, or specifically noting the removal of existing buildings.
 - b) The dimension and location of the lots, including a metes and bounds description of each lot.
 - c) The location and character of all proposed and existing public utility lines, including sewers (storm and sanitary), water, gas, telecommunications, cable TV, power lines, and any existing utility easements.
 - d) Any platted building setback lines with dimensions.
 - e) Indication of location of proposed or existing streets and driveways providing access to said lots.
 - f) Topography (unless specifically waived by the City Planning Commission) with contour intervals not more than five feet, and including the locations of water courses, ravines, and proposed drainage systems.
 - g) Said certificate of survey shall include the certification by a registered engineer or surveyor that the details contained on the survey are correct.
2. That the applicant records the approved lot split with the register of deeds after a demolition permit has been approved, and provide a copy of the recorded document prior to issuance of a building permit. If the existing building is not proposed to be removed, the lot split shall not be recorded.

The motion was seconded by Jonathan Birkel and passed unanimously.

**PC2018-114 Request for Lot Split
4624 West 70th Street**

Jim Engle, with James Engle Custom Homes,, appeared before the Commission to request approval of a proposed lot split of the property addressed as 4624 West 70th Street into two lots, which would allow for the sale of each new lot and the potential to build two homes in the place of the existing home which will be removed. The lot is zoned R-1B, and is approximately 124 feet wide by 123 feet deep. The proposed split would result in two 60' x 123' lots, each approximately 7,380 s.f.

Chris Brewster noted the applicant's survey differed from the AIMS records on the lot width, showing 120' rather than the 124', (perhaps related to the legal description and the combining and exceptions for two originally platted lots.) The resulting lots would meet the minimum width requirements (60 feet) and minimum area requirements (6,000 s.f.) for R-1B.

All lots on this block and in the vicinity are zoned R-1B. 70th Street has a curve that creates some slightly irregular shapes; however, the lots on the north side of 70th Street range from 59 feet wide to 124 feet wide (the subject lot being the largest.) Most are 60.5 feet wide, with several of the 59 feet wide lots on the inside curve, resulting in the

narrower lot frontage. Lots on the south side of 70th street facing this lot range in width from 62 feet wide to 66 feet wide, with the wider lots corresponding to the outside curve of 70th Street, resulting in the wider frontage. Most lots in the vicinity are in a similar range, with larger lots being the exceptions for corner lots or on blocks with more irregular arrangements due to street patterns. Some larger R-1B lots in the 65 feet to 80 feet wide range exist west of Roe Avenue.

Patrick Lenahan noted the lot currently consists of two platted lots and questioned the need for a lot split. Jamie Robichaud responded the two lots are identified as a single address and Planning Commission approval is required to identify as two separate lots. The proposed lot split will meet the required criteria in R-1B zoning, provided the existing structure be removed.

Jeffrey Valentino moved the Planning Commission approve the requested lot split of 4624 west 70th Street, described as "PRAIRIE VILAGE LOTS 35 & 36, ex EAST 4 ft BLOCK 13" into two lots subject to the following conditions:

1. That the applicant verify the following have been addressed through the certificate of survey to comply with the following information required in the ordinance, prior to a demolition permit:
 - a) The location of existing buildings on the site, or specifically noting the removal of existing buildings.
 - b) The dimension and location of the lots, including a metes and bounds description of each lot.
 - c) The location and character of all proposed and existing public utility lines, including sewers (storm and sanitary), water, gas, telecommunications, cable TV, power lines, and any existing utility easements.
 - d) Any platted building setback lines with dimensions.
 - e) Indication of location of proposed or existing streets and driveways providing access to said lots.
 - f) Topography (unless specifically waived by the City Planning Commission) with contour intervals not more than five feet, and including the locations of water courses, ravines, and proposed drainage systems.
 - g) Said certificate of survey shall include the certification by a registered engineer or surveyor that the details contained on the survey are correct.
2. That the applicant records the approved lot split with the register of deeds after a demolition permit has been approved, and provide a copy of the recorded document prior to issuance of a building permit. If the existing building is not proposed to be removed, the lot split shall not be recorded.

The motion was seconded by Patrick Lenahan and passed unanimously.

OTHER BUSINESS

Report on Design Guidelines Open Meeting

Jamie Robichaud reported the first of three open meetings on the proposed new design guidelines was held Monday evening. The event went very well with approximately 50 people attending. In addition to the 30 completed surveys returned at the meeting, the City has received more than 360 responses through its on-line surveys. Staff will review

all comments and bring the information back to the City Council for direction at its August 6th meeting. It is anticipated that a public hearing would be held before the Planning Commission at its September meeting with Council action on October 1st.

Mr. Brewster reviewed some of the comments received by the public. Generally, the public has been supportive of the recommended guidelines. Commission members discussed issues they felt were important to be addressed in the future.

Nancy Wallerstein noted that she was uncomfortable approving lot splits with such minimal information. Jamie Robichaud noted that according to the existing code lot split approval is part of the subdivision regulations giving the Planning Commission very little discretion. She stated the code could be reviewed for possible revision. Mr. Brewster noted that it would be necessary to add specific determining criteria similar to that found for the approval of building line modifications.

NEXT MEETING

The following two applications have been received for consideration by the Commission in August:

- PC2018-115 Building Line Modification for 7718 Canterbury
- PC2018-116 Site Plan Approval - expansion to 3710 West 73rd Terrace

ADJOURNMENT

With no further business to come before the Planning Commission, the meeting was adjourned by Chairman Nancy Wallerstein at 8:00 p.m.

Nancy Wallerstein
Chairman