

**ORDINANCE NO. 1808  
SPECIAL USE PERMIT NO. 2024 -1**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A TEMPORARY LEASING OFFICE (TRAILER WITH SIGNAGE) AT 4100 SHAWNEE MISSION PARKWAY.**

**WHEREAS**, pursuant to the Fairway Development Ordinances ("**FDO**"), the Governing Body of the City of Fairway, Kansas (the "**City**") has the power to grant (1) a special use permit ("**SUP**"), and (2) a deviation to the sign regulations, after receipt of recommendations by the Planning Commission;

**WHEREAS**, on May 24, 2024, Brian Douglas ("**Applicant**"), on behalf of property owner MREM Fairway Property LLC, submitted an application to the City for an SUP to allow a temporary leasing office (trailer with two 8-foot by 46-foot signs, which requires a deviation from the 30 square-foot size limitation for wall signs in the FDO) to be located at 4100 Shawnee Mission Parkway in Fairway, Johnson County, Kansas, as legally described on **Exhibit A** attached hereto (the "**Property**");

**WHEREAS**, the City Clerk set a public hearing on June 24, 2024 at 6:00 p.m. at the City Council Chambers for the Planning Commission to consider Applicant's request;

**WHEREAS**, on May 31, 2024, notices were mailed to all owners of record of real property within 200 feet of the Property, and on June 4, 2024, notice of the public hearing was published in *The Legal Record*, the official City newspaper, all in accordance with K.S.A. 12-757(b) and FDO Sections 15-234(2) and 15-683(a);

**WHEREAS**, on June 24, 2024, the Planning Commission held a properly noticed public hearing on the Applicant's request, provided an opportunity for interested parties to be heard, considered the Staff Report prepared by the City Clerk and Community Development Director, a copy of which is attached hereto as **Exhibit B** (the "**Staff Report**"), and considered the matters set forth in FDO Sections 15-234(6) and 15-684;

**WHEREAS**, the Planning Commission recommended conditional approval of Applicant's request for the SUP and deviation from the sign regulations in the FDO for the size of the proposed signage, and caused an accurate written summary to be made of the proceedings in the meeting minutes attached hereto as **Exhibit C**;

**WHEREAS**, no protest petition against the proposed SUP has been filed in the City Clerk's office within the required time period set forth in K.S.A. 12-757(f) and FDO Section 15-234(7); and

**WHEREAS**, the Governing Body has considered the Applicant's request for the SUP, reviewed the Staff Report and all testimony and evidence submitted in connection with Applicant's request, and hereby adopts the Planning Commission's recommendations to approve the SUP for the Property.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FAIRWAY, KANSAS:**

**SECTION 1. SUP GRANTED.** Pursuant to the FDO and the conditions and stipulations set forth herein, permission is hereby granted to use the Property for a temporary leasing office (trailer with signage).

**SECTION 2. CONDITIONS AND STIPULATIONS.** The SUP granted in Section 1 is hereby contingent upon the performance and observation of the following additional and supplementary

regulations, stipulations, conditions and restrictions, of which any violation shall constitute a basis for revocation in addition to the reasons specified in FDO Section 15-686:

- a. The SUP shall be valid through and until July 25, 2025, provided that upon application for renewal of the SUP and recommendation of the Planning Commission, the Governing Body may renew the SUP for a longer term.
- b. The allowed use shall be in accordance with the site plan approved by the Governing Body, which shall be filed in the office of the City Clerk at City Hall, and is incorporated by reference as if set out in full herein (the "Site Plan"). Any and all modifications or substitutions to the Site Plan shall require City approval, provided that the Planning Commission may approve a revised site plan for a modification or substitution of the trailer and signage that are similar or smaller in size and scope to those in the Site Plan, unless City staff determines in its discretion that the modification or substitution is substantial and should be reviewed by both the Planning Commission and the Governing Body.
- c. The allowed use shall follow and comply with all applicable federal and state codes, laws and regulations, as well as all applicable codes, regulations and standards of the City, unless specifically exempted by the Governing Body.
- d. Applicant shall obtain all required building permits.
- e. Two 8-foot by 46-foot signs, as shown on the Site Plan, shall be permitted during the term of the SUP.
- f. All structures, equipment and facilities shall be properly maintained and shall comply with any and all appropriate federal, state or local guidelines, requirements and applicable technical or safety standards.
- g. No additional lighting or related equipment and facilities shall be placed or maintained on the Property without the City's prior approval.
- h. The allowed use shall not emit any unnecessary intrusive noise and shall comply with any applicable noise ordinance promulgated by the City.
- i. Applicant shall execute a written statement acknowledging it agrees to the conditions and stipulations set forth herein.


**SECTION 3. EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after its publication, or the publication of a certified summary thereof, in the official City newspaper.

*[Remainder of page intentionally left blank; signatures follow.]*


**PASSED** by the City Council on July 8, 2024. **APPROVED** by the Mayor.

  
\_\_\_\_\_  
Melanie Hepperly, Mayor

ATTEST:

  
\_\_\_\_\_  
Abbie Aldridge, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Anna M. Krstulic, City Attorney

**EXHIBIT A**

**PROPERTY – LEGAL DESCRIPTION**

**TRACT I:**

All that part of the Northeast Quarter (NE1/4) of Section 9, Township 12, Range 25, in the City of Fairway, Johnson County, Kansas, more particularly described as follows: Commencing at a point on the North line of said Section 9, 1073.15 feet West from the Northeast corner thereof, as measured along said North line which bears North 90 Degrees West; thence South 0 Degrees West, a distance of 30.00 feet to a point on the South Right-of- Way line of 55th Street, as now established, said point also being the point of beginning of a tract of land to be herein described; thence North 90 Degrees East, parallel to the North line of said Section 9 and along the South line of 55th Street as now established, a distance of 337.23 feet; thence South 31 Degrees 30 Minutes 00 Seconds East, a distance of 54.65 feet to a point on the Northwesterly Right-of-Way line of Johnson Drive, U.S. Highway No. 56, (formerly U.S. Highway No, 50), as now established; thence Southwesterly along said Northwesterly Right-of-Way line and being a curve to the left, the tangent to which bears South 56 Degrees 09 Minutes 24 Seconds West at the last described point, having a radius of 711.00 feet, a distance of 159.26 feet; thence South 43 Degrees 19 Minutes 22 Seconds West tangent to the last described curve and continuing along said Northwesterly Right-of-Way line, a distance of 95.13 feet; thence North 46 Degrees 40 Minutes 38 Seconds West, a distance of 210.99 feet; thence Northwesterly and Northerly along a curve to the right from the last described course as a tangent, having a radius of 82.02 feet, a distance of 66.82 feet; thence North 0 Degrees East, tangent to the last described curve, a distance of 14.09 feet to the point of beginning.

**TRACT II:**

The non-exclusive perpetual easement appurtenant to and for the benefit of Tract I described above for street, roadway and pedestrian way (referred to as "Access Roadway Easement"), established by and upon the terms and provisions of instrument designated "Declaration of Indentures for Fairway Office Complex", dated as of September 1, 1982, by and among J. C. Nichols Company, a Missouri corporation, City of Fairway, Kansas, a Kansas Municipal corporation, Haas Wilkerson Building Partnership, a Kansas general partnership, and Fairway Office Associates, a Kansas limited partnership, filed for record December 20, 1982, in the Office of the Register of Deeds in and for Johnson County, Kansas, under Document No. 1387622 in Book 1810 at Page 203, over the land referred to as "Access Roadway Easement" as further described in said instrument.

Assessor's Parcel Number (APN): GF251209-3011



**STAFF REPORT**  
**July 8, 2024**

**TO:** Mayor Melanie Hepperly  
 City Council Members

**FROM:** Basil Alani, Community Development Director  
 Abbie Aldridge, City Clerk

**APPLICANT:** Brian Douglas of Platform Ventures on behalf of MREM Fairway Property Retail LLC, property Owners

**PROPERTY:** 4100 Shawnee Mission Parkway- FAIRWAY MIXED-USE DISTRICT, Lot 3

**ZONING:** B-3P Planned Business/Mixed-Use District

**PROJECT:** Special Use Permit for Temporary Sales Office 12' X 60' trailer with signage 8' X 46'

**BACKGROUND:**

Applicant requests a Special Use Permit for Temporary Sales Office 12'X 60" trailer with two signs 8' X 46' on the trailer for the Fieldston apartment complex until July 30, 2025.

**APPLICABLE CODE PROVISIONS**

*Sec. 15-235. – Site plan review.*

*(a) Applicants. The following development activities shall require a site plan review subject to the procedures and criteria contained in the zoning regulations. No building permit shall be issued until the required review and approval of a site plan has occurred.*

<i>Development Activity</i>	<i>Preliminary</i>	<i>Final</i>
...	...	...
<i>Any request for rezoning or a Special Use Permit</i>	<i>Yes</i>	<i>Yes</i>

**Project requires a special use permit.**

*(b) Submittal requirements.*

*(1) Preliminary site plan. Nine (9) copies of the preliminary site plan shall be submitted to the City Clerk in support of the application for preliminary site plan approval. The preliminary site plan shall contain the information:*

- a. A small key map indicating the location of the property within the City, a north arrow and scale.*
- b. A title block including:
 
  - 1. Name and address of the landowner;*
  - 2. Name and address of the architect, landscape architect, planner, engineer, surveyor, contractor, or other persons or entities involved in preparation of the preliminary site plan;*
  - 3. Original date and date of latest revisions to the preliminary site plan.**
- c. With regard to the subject property only:*

- 
1. Existing topography with contours at two (2) foot intervals, and delineating any land areas within the one-hundred-year flood plain.
  2. Proposed location of buildings, building setback lines and other structures, parking areas, drives, walks, screening, drainage patterns, public streets and any existing easements.
  3. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the preliminary site plan.
  4. General extent and character of proposed landscaping.
  5. A description of the proposed use, including information regarding proposed hours of operation.
- d. With regard to areas within two-hundred feet (200') of the subject property:
1. Any public streets which are of record.
  2. Any drives which exist or which are proposed to the degree that they appear on plans on file with the City, including those serving residential buildings.
  3. Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the City. Residential buildings may be shown in approximate location and general size and shape.
  4. The location and size of any drainage structures, such as culverts, paved or earthen ditches or stormwater sewers and inlets.
- e. Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. Where several building types are proposed on the preliminary site plan, such as apartments and commercial buildings, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required.
- f. A schedule indicating total gross floor area, land area, parking spaces and other quantities relative to the submitted preliminary site plan in order that compliance with requirements of this article can be determined.

**Applicant prepared and submitted preliminary site plans**

**(2) Additional information required in support of preliminary site plan.**

- a. In addition to the information listed in the previous section, the Planning Commission, Governing Body, or City officer may also require applicants for preliminary site plan approval to submit and/or pay the cost of such technical studies as may be necessary to enable the Planning Commission, Governing Body, or City officer to evaluate the application. Examples of technical studies that may be required shall include, but not be limited to, traffic studies, engineering studies, geologic or hydrogeologic studies, flood studies, environmental impact assessments, noise studies, market studies or economic impact reports. The applicant shall reimburse the City for the cost of all such studies, and the person or firms preparing the studies must be approved in advance by the entity requiring such study. The City may require that the applicant post a deposit in the amount of the estimated cost of such studies, and if the applicant refuses to post the deposit, the City shall be under no obligation to proceed with consideration of the preliminary site plan. Notwithstanding the fact that the Planning Commission did not require submission of any such technical study in support of the application, the Governing Body may require the submission of such studies prior to taking action on the application for preliminary site plan approval. In such case, the persons or firms selected to perform the studies shall be subject to the approval of the Governing Body. If during the public hearing on the application, the Planning Commission determines the need for such studies, the public hearing shall be continued until such time as such studies have been completed and submitted.

If the Governing Body determines the need for such studies, its consideration and approval of the preliminary site plan shall be continued until such time as such studies have been completed and submitted.

- b. The Planning Commission, Governing Body, or City officer shall have authority to require that the applicant for preliminary site plan approval submit proof of having reviewed the preliminary site plan with applicable water, sewer, fire, police, gas and electric utility officials. Proof of such review shall be provided on forms furnished by the City Clerk. The forms shall provide an opportunity for applicable water, sewer, gas and electric officials to provide comments on the existing and future availability and timing of services provided by their respective districts or agencies to the subject property. In order to obtain approval of a preliminary site plan, the applicant must show that adequate water, sewer, fire, gas, police and electric services are presently available to the subject property. If adequate public facilities and services are not presently available at the time of submittal of the application for preliminary site plan approval, as determined by the affected utility company or agency, the preliminary site plan may be denied.

...

(c) Review procedures.

(1) Preliminary site plan.

- a. All preliminary site plans that accompany a rezoning or special use permit application request shall be reviewed in accordance with the procedures for a rezoning request.

...

**Sec. 15-234. – Rezoning.**

...

(2) Planning Commission review. A proposed rezoning shall be submitted to the Planning Commission for recommendation.

- a. Hearing. The Planning Commission shall conduct a public hearing regarding the proposed rezoning, and shall cause an accurate written summary to be made of the proceedings. At any public hearing held to consider a proposed rezoning, an opportunity shall be granted to interested parties to be heard.

**Public hearing scheduled for the June 24, 2024 Planning Commission meeting.**

- b. Published notice. Notice of the hearing shall be published in the same manner as that required for recommendations on the original zoning regulations and shall describe the proposed changes in the restrictions or in the boundary or classification of any zone or district. Since the proposed rezoning affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration. If the legal description is not published, the notice shall include a statement that a complete legal description is available for public inspection at Fairway City Hall located at 4210 Shawnee Mission Parkway, Suite 100, Fairway, Kansas.

**Notice was published in *The Legal Record* on June 4, 2024.**

- c. Written notice. Written notice of the proposed rezoning shall be mailed at least twenty (20) days before the hearing to all owners of record of real property located within the area to be altered and to all owners of record of real property located within at least two hundred feet (200') of the area proposed to be altered. An applicant shall immediately deliver an affidavit to the City evidencing that such notice has been made. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission or the Governing Body.

**The required written notices were all mailed by June 4, 2024.**

- ...
- f. *Review and recommendation. A majority of the members of the Planning Commission present and voting at the hearing shall be required to recommend approval or denial of the rezoning to the Governing Body. If the Planning Commission fails to make a recommendation on a rezoning request, the Planning Commission shall be deemed to have made a recommendation of disapproval.*

#### **DIVISION 4. - SPECIAL USE PERMITS**

##### **Sec. 15-683. – Special use permit procedure.**

(a) *A special use permit application shall be accompanied by any applicable fee and made on any forms provided by the City. The requirements for the application and the procedure for the review of the same shall follow those specified for a rezoning (see Section 15-234); provided that the application shall also include:*

- (1) *A statement of the reasons why the special use permit is being requested, including how the request conforms with the City's comprehensive plan and the purposes, intent, and standards of this chapter; and*

##### **Applicant provided the required statement.**

- (2) *A statement of the nature and character of the current zoning district, and immediate vicinity of the project, and justification on how the requested use will conform to that character.*

##### **Applicant provided the required statement.**

(b) *A special use permit in a district requiring a development plan (R-2P or B-3P districts) may only be issued when the development plan provides for such use. The approval of a special use permit may be included in an ordinance approving a development plan.*

##### **The Temporary sales office is allowed in B-3P district**

##### **Sec. 15-684. – Standards of review.**

*The following factors shall be considered in the review of a special use permit request:*

- (1) *The compatibility and impact of the use and site design with use, enjoyment, property values or character of neighboring properties, including, but not limited to:*
- a. *Any similarity or dissimilarity in scale, bulk, lot coverage, or street frontage;*
  - b. *Any architectural designs minimizing the impact of the proposed use;*
  - c. *Any site design techniques minimizing the impact of any required parking or other necessity;*
  - d. *Any generation of traffic and the ability to mitigate the impact of the same; and*
  - e. *Any external impact detectable from adjacent properties, including noise, dust, dirt, heat, smoke, odor, vibration, electrical interference, glare, light or radio or television transmission interference compared with those of other existing uses in the vicinity;*
- (2) *The consistency of the use and site design with purpose and standards of the zoning district;*
- (3) *The conformance of the use and site design with the comprehensive plan;*
- (4) *The conformance of the use and site design with any specified conditions for the particular use;*
- (5) *Recommendations of professional staff; and*



- 
- (6) *Any other specific factor that is relevant to the proposed use and its impact to the community.*

**The request meets all requirements**

**Section 15-685. – Conditions.**

- (a) *In granting a special use permit, the Governing Body may impose any conditions on the special use it deems appropriate to meet the requirements of approval. Such conditions must serve a legitimate zoning purpose and:*

- (1) *Be clearly expressed with sufficient clarity to give notice of the limitations on the use;*
- (2) *Relate directly to the proposed use; and*
- (3) *Address a legitimate zoning purpose that bears a relationship to the public health, safety, and welfare.*

*Further the Governing Body may require periodic review to ensure the permittee continues to meet all permit conditions.*

- (b) *Unless otherwise set forth in the express provisions of the special use permit, each special use permit shall be deemed to have a duration of ten (10) years, after which such special use shall terminate if no new special use permit is applied for and granted by the City.*
- (c) *Renewal of a special use permit is not a matter of right. The same discretion shall attach to a decision to renew a special use permit as existed in the original decision to grant or deny that permit; provided that in consideration the decision to grant or deny renewal, any factor which would be relevant to consideration of revocation shall also be relevant to consideration of renewal.*

**Applicant is requesting the special use permit until July 30, 2025**

**Sec. 15-686. Revocation of a special use permit.**

- (a) *Basis for revocation.* Any special use permit granted under the authority of this chapter is subject to revocation for any or all of the following reasons:
- (1) Noncompliance with any applicable requirement;
  - (2) Noncompliance with any special condition imposed at the time of approval of the special use permit;
  - (3) Violation of any provisions of the law pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises by the permittee or its agent; or
  - (4) Violation of any other applicable provisions of any local, State or Federal law or regulation by the permittee or its agent; provided that such violations related to the conduct or activity authorized by the special use permit or the qualifications of the permittee or its agent to engage in such conduct or activity.
- (b) *Procedure for revocation.*
- (1) Revocation proceedings may be initiated by the Governing Body.
  - (2) Unless the permittee and landowner agree in writing that the permit may be revoked, the Governing Body shall hold a public hearing to consider the revocation of the special use permit. At such hearing, the permittee and landowner shall be given the opportunity to present evidence or testimony.
  - (3) The City shall give the permittee and landowner certified mail notice, return receipt requested, of the scheduled revocation hearing at least five (5) days prior to the date scheduled for such hearing. Notice

must be published in the official newspaper a minimum of five (5) days but not greater than twenty (20) days prior to the hearing.

- (4) No special use permit shall be revoked unless a majority of the Governing Body is satisfied by a preponderance of the evidence that grounds for revocation exist. Any motion of the revocation must clearly State the grounds for revocation. Adoption of any motion to revoke a special use permit may be made subject to subsequent adoption of written findings of fact and conclusions of law, at the discretion of the Governing Body.
- (5) An appeal of any decision of the Governing Body to revoke a special use permit may be filed in the County District Court of within thirty (30) days following the final decision of the Governing Body. Any appeal taken shall not suspend the order of revocation during the pending appeal unless so ordered by the County District Court.

## Subdivision IV. Signs<sup>1</sup>

### Sec. 15-549. Definitions.

*Wall sign.* A sign attached to and erected parallel to and within one foot (1') of the face or wall of a building, including signs painted on or projected on the wall of a building. "Wall sign" shall include signs attached to canopies, awnings, mansard roofs or similar near-vertical architectural elements of a building façade, but which are not part of the building roof.

### Sec. 15-550. Sign use table.

The following table is for convenience of reference only, and shall not affect the meaning or interpretation of any other provisions of the sign regulations. When a conflict occurs, the other provision shall control.

Sign Type	Zoning District				
	R-1 Single-Family Residential	R-2P Planned Residential*	B-1 Neighborhood Business	B-2 Office District	B-3P Planned Business Mixed-Use District*
Wall Signs	GB	GB	GB	GB	GB

GB = Requires permit by Governing Body upon Planning Commission recommendation

### Sec. 15-552. Signs permitted in business districts.

In addition to the provisions of Section 15-551 related to signs in all districts, the following requirements and provisions shall apply to signs in business districts (B-1, B-2 and B-3P).

- (1) *Permits required.* Except as otherwise provided for by this Section 15-552 or other applicable City ordinance, it shall be unlawful for any person or entity to construct, alter, replace, relocate, convert or change any sign in a business district without first obtaining approval and a sign permit, and paying any applicable permit fee; provided that the approval or permit is not required for ordinary maintenance and repair of a permitted sign. Applications for a sign in conjunction with the submission of a site plan shall include the plans for the sign within the site plan. Permits shall not be required for address signs, government signs, holiday displays, or window signs.

---

(2) *Sign approval and issuance of sign permit.*

- c. *Sign approval.* The Planning Commission is authorized to approve the issuance of a sign permit for flags and yard signs. Wall signs and monument signs require approval by the Governing Body. After reviewing the proposed sign, the Planning Commission may recommend to the Governing Body that the sign be approved, approved with stipulations, or rejected. The Governing Body shall review this recommendation and any reasons therefor, and may then: adopt the recommendation, override the recommendation by a two-thirds (2/3) majority vote of its membership, or return the recommendation to the Planning Commission with a statement specifying the basis for its failure to approve or disapprove. If the recommendation is returned, the Planning Commission, after reconsidering the same, may resubmit its original recommendation giving the reasons therefor, or submit a new or amended recommendation. Upon the receipt of this recommendation, the Governing Body may then: adopt the recommendation, override the recommendation by a simple majority, or take no further action. If the Planning Commission fails to deliver a recommendation to the Governing Body after its next regular meeting, the Governing Body shall consider that inaction as a resubmission of the original recommendation and proceed accordingly. If the Governing Body takes no further action, the sign may be considered rejected.
- (4) *Standards for wall signs.* Each building may be permitted two (2) permanent wall signs; provided, however, that the Planning Commission may recommend that the Governing Body approve a deviation for additional wall signs for multiple tenants when the circumstances regarding the use and design of the building support that deviation. No wall sign shall exceed thirty square feet (30 sq. ft.) in sign area and five feet (5') in height, and the wall sign shall be attached firmly to the building parallel with and adjacent to the wall to which it is attached. All wall signs shall be constructed of materials and designed in a way as to be compatible with the buildings located on the same property. Wall signs shall not contain elements that extend above the top of the wall on which the wall sign is located.

**The proposed Signs have a total size of 736 square feet. Applicant requesting approval of the sign size.**

**Sec. 15-557. Deviations.**

Upon the Planning Commission's recommendation, the Governing Body may grant a deviation to the sign regulations with regard to the size, color, location, illumination of, and number of signs, based upon unique architectural treatments, special project conditions, or specific hardship. The Planning Commission's consideration of a proposed deviation shall review whether the proposed deviation:

- (1) Complies with the general purpose and intent of the sign regulations and other applicable City ordinances;
- (2) Will adversely affect neighboring property owners, and whether the proposed deviation is consistent or compatible with the area as a whole. It should be considered whether any lighting will disturb residents on nearby residential properties;
- (3) Will adversely affect public safety, or distract traffic on adjacent streets;
- (4) In addition to all existing or potential future signs in the nearby and surrounding area, significantly clutters or negatively impacts or blights the visual landscape;
- (5) Is intended to account for topography, landscaping, existing buildings or unusual building designs that would otherwise substantially block or impair the visibility of the applicant's existing or proposed signs and appropriate to provide reasonable visibility of a business entity's main sign; and
- (6) Is of high quality and is compatible and integrates aesthetically with the daytime/nighttime color, lighting, and architecture of the area as a whole.

**Applicant requesting approval of the sign size.**

---

**STAFF RECOMMENDATION:**

1. The Planning Commission recommend approval of the application. Approval should include the following conditions:
  2. Permit application with a permit fee of \$550 and one electronic set must be submitted for plan review and approval.
  3. The special use permit should have a duration until July 30<sup>th</sup>, 2025 per applicant request.
  4. Project must comply with all applicable local, state and federal laws and regulations, and all applicable technical and/or safety standards.

## **Special Use Permit for a Temporary Sales Office for the Fieldston**

**Legal Description:** See "Exhibit A"

**Site Plan:** See "Exhibit B"

**Public Facilities:** power will be the only public utility utilized

**Additional Studies:** we do not have any additional studies related to the temporary sales office

### **1. Statement of Reasons for Special Use Permit Request**

The special use permit is being requested to establish a temporary sales office for the Fieldston. The temporary sales office will play a vital role in ensuring the success of the Fieldston by serving as a centralized location for potential buyers to obtain information, view plans, and make rental decisions.

The request conforms to the City's comprehensive plan by promoting residential growth and development within Fairway. The Fieldston project aligns with the City's goals of providing quality housing options, fostering community development, and enhancing the overall living environment. The temporary sales office supports these objectives by facilitating efficient sales processes and occupancy rates, which are critical for the timely completion and integration of the project into the community.

This request also aligns with the purposes, intent, and standards of the City's zoning regulations. The temporary nature of the sales office ensures minimal disruption while providing essential services to future residents. The office will be designed to meet all safety, accessibility, and aesthetic standards set forth by the City, ensuring that it complements the surrounding environment.

#### **Zoning:**

The current zoning is Planned Business/ Mixed District (BP-3). The current zoning requires 32 parking stalls for the existing retail, note that the existing retail is 65% vacant. The temporary sales office will occupy 7 stalls leaving 36 stalls for the existing retail.

The Fieldston project is located within a zoning district that is primarily office use in nature. The immediate vicinity of the project includes well-maintained neighborhoods with established infrastructure, green spaces, and community amenities.

The requested use of a temporary sales office will conform to the character of this zoning district by providing additional jobs and support for the Fieldston. The sales office will be designed to blend with the surrounding architecture and landscaping, ensuring that it does not detract from the aesthetic quality of the neighborhood. Additionally, the temporary

## EXHIBIT "A"

The land referred to herein is described as follows:

### TRACT I:

All that part of the Northeast Quarter (NE1/4) of Section 9, Township 12, Range 25, in the City of Fairway, Johnson County, Kansas, more particularly described as follows: Commencing at a point on the North line of said Section 9, 1073.15 feet West from the Northeast corner thereof, as measured along said North line which bears North 90 Degrees West; thence South 0 Degrees West, a distance of 30.00 feet to a point on the South Right-of-Way line of 55th Street, as now established, said point also being the point of beginning of a tract of land to be herein described; thence North 90 Degrees East, parallel to the North line of said Section 9 and along the South line of 55th Street as now established, a distance of 337.23 feet; thence South 31 Degrees 30 Minutes 00 Seconds East, a distance of 54.65 feet to a point on the Northwesterly Right-of-Way line of Johnson Drive, U.S. Highway No. 56, (formerly U.S. Highway No, 50), as now established; thence Southwesterly along said Northwesterly Right-of-Way line and being a curve to the left, the tangent to which bears South 56 Degrees 09 Minutes 24 Seconds West at the last described point, having a radius of 711.00 feet, a distance of 159.26 feet; thence South 43 Degrees 19 Minutes 22 Seconds West tangent to the last described curve and continuing along said Northwesterly Right-of-Way line, a distance of 95.13 feet; thence North 46 Degrees 40 Minutes 38 Seconds West, a distance of 210.99 feet; thence Northwesterly and Northerly along a curve to the right from the last described course as a tangent, having a radius of 82.02 feet, a distance of 66.82 feet; thence North 0 Degrees East, tangent to the last described curve, a distance of 14.09 feet to the point of beginning.

### TRACT II:

The non-exclusive perpetual easement appurtenant to and for the benefit of Tract I described above for street, roadway and pedestrian way (referred to as "Access Roadway Easement"), established by and upon the terms and provisions of instrument designated "Declaration of Indentures for Fairway Office Complex", dated as of September 1, 1982, by and among J. C. Nichols Company, a Missouri corporation, City of Fairway, Kansas, a Kansas Municipal corporation, Haas Wilkerson Building Partnership, a Kansas general partnership, and Fairway Office Associates, a Kansas limited partnership, filed for record December 20, 1982, in the Office of the Register of Deeds in and for Johnson County, Kansas, under Document No. 1387622 in Book 1810 at Page 203, over the land referred to as "Access Roadway Easement" as further described in said instrument.

Assessor's Parcel Number (APN): GF251209-3011

nature of the sales office means that it will be removed upon the successful completion of unit sales, leaving the area as it was initially intended for residential purposes.

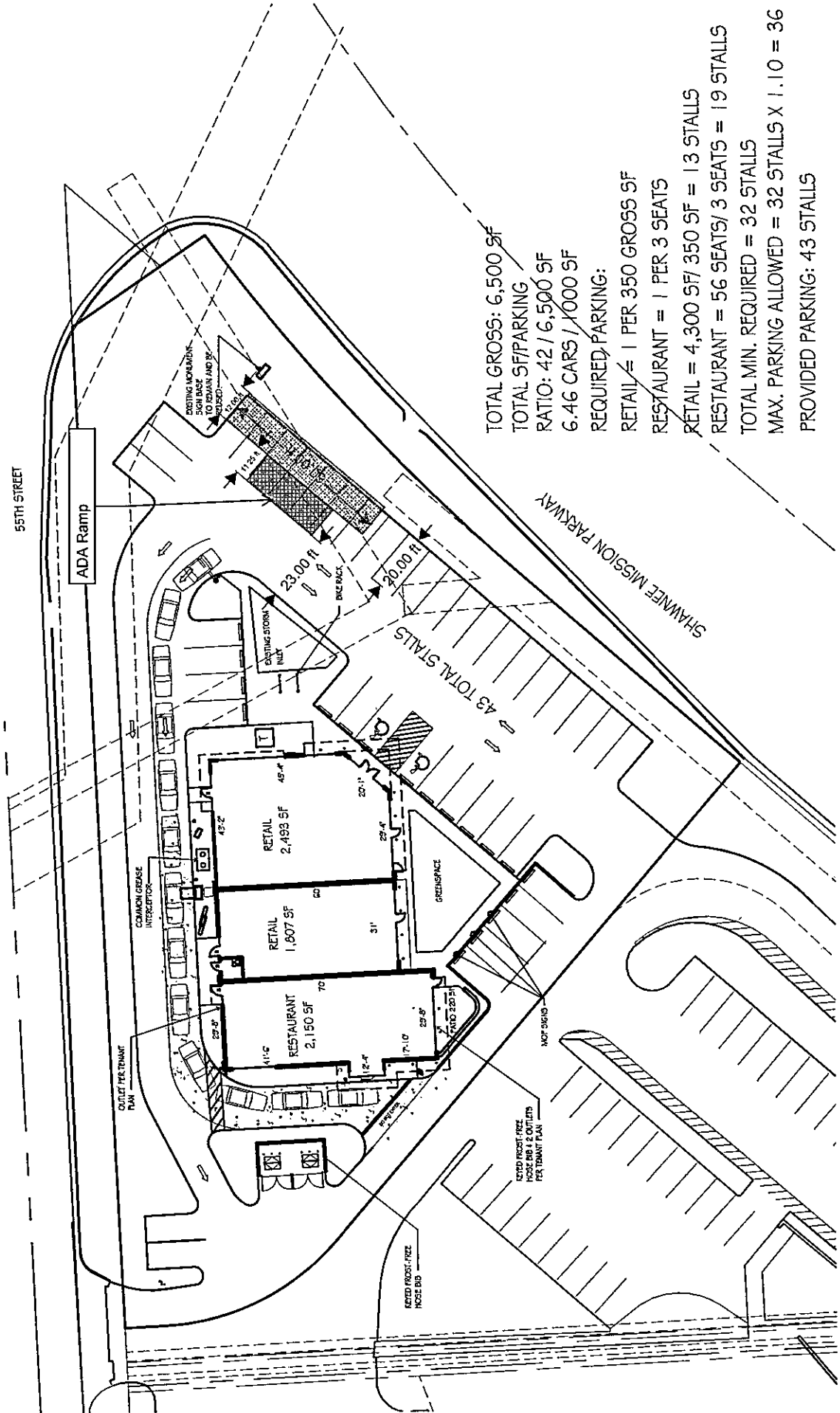
Justification for this request is rooted in the necessity of having a local, accessible point of contact for prospective buyers. By situating the sales office within the vicinity of the Fieldston project, we can provide a convenient and effective service that benefits both potential residents and the community at large. This approach minimizes potential traffic and disruption to other areas of Fairway by keeping all related activities localized to the project site.

In conclusion, the temporary sales office is essential for the success of the Fieldston residential project and is in harmony with the City's comprehensive plan and zoning district character. We respectfully request the approval of this special use permit to facilitate the development of the Fieldston and contribute positively to the Fairway community.

**Sales Office Description:**

The sales trailer be 12'x60', will have branded signage, will have an ADA accessible ramp, a temporary water tank, and will be connected to metered power from the adjacent power line.





TOTAL GROSS: 6,500 SF  
 TOTAL SF/PARKING  
 RATIO: 42 / 6,500 SF  
 6.46 CARS / 1000 SF  
 REQUIRED PARKING:  
 RETAIL = 1 PER 350 GROSS SF  
 RESTAURANT = 1 PER 3 SEATS  
 RETAIL = 4,300 SF / 350 SF = 13 STALLS  
 RESTAURANT = 56 SEATS / 3 SEATS = 19 STALLS  
 TOTAL MIN. REQUIRED = 32 STALLS  
 MAX. PARKING ALLOWED = 32 STALLS X 1.10 = 36  
 PROVIDED PARKING: 43 STALLS

# AS-100 SITE PLAN

SCALE: 1" = 30'



MULTI-TENANT BUILDING | FAIRWAY RETAIL | 07.23.2020

8413 PEACOCK LANE, SUITE 400 • LENEXA, KS 66210  
 PH: 913.642.2181 • EC: 913.642.1275 • WWW.KLOVER.PK

**Kloverarchitects**  
 INCORPORATED

SD

MULTI-TENANT BUILDING | FAIRWAY RETAIL | 19000.000





project

The Fieldston

document

Trailer Wrap

firm/sheet

# The Fieldston Trailer Wrap 4 Jun 2024

note

This document may contain confidential, proprietary and/or copyrighted materials, which are intended for client review only. No part of this document may be reproduced without written consent from ISOM Collective.

Copyright © 2023 / ISOM Collective

firm/sheet



project  
The Fieldston

document  
Trailer Wrap

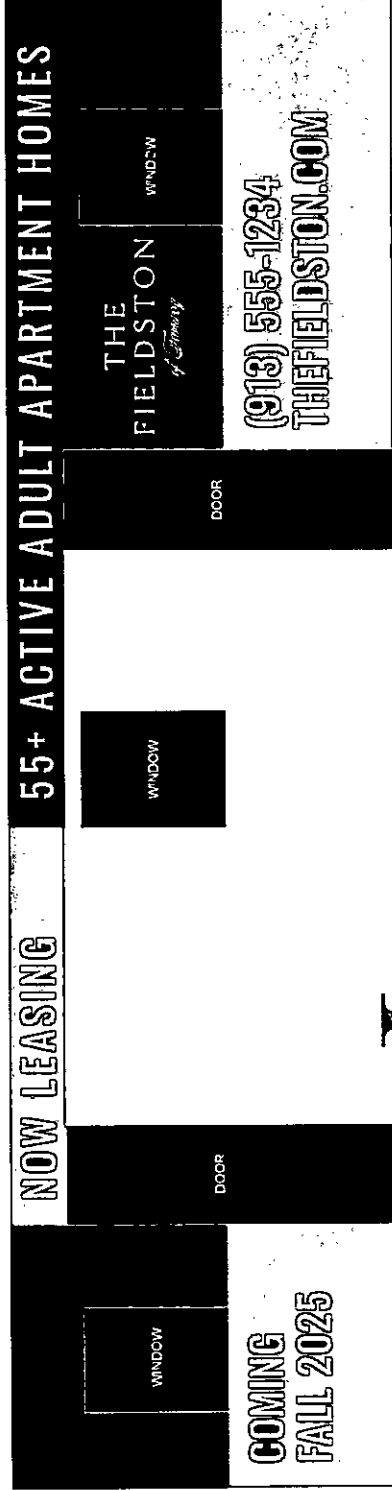
item/sheet  
1

description  
Front of Trailer:  
Retail Facing

details  
Material  
• Vinyl wrap on exterior of trailer

item/sheet

1



drawn by / Jeffrey Isom

123 southwst Boulevard, Kansas city, mo 64108 / teamcollective.com

ISOM Collective / Studio-Visual

3 JUN 2024



project  
The Fieldston

document  
Trailer Wrap

item/sheet  
2

description  
Back of Trailer:  
Facing SM Pkwy

details  
Material  
• Vinyl wrap on exterior of trailer

item/sheet

2

NOW LEASING

55+ ACTIVE ADULT APARTMENT HOMES

FH

WINDOW

WINDOW

WINDOW

COMING  
FALL 2025

(913) 555-1234  
THEFIELDSTON.COM

3 JUN 2024

drawn by / Jeffrey Isom

123 Northwest Boulevard, Kansas City, mo 64108 / isomcollectiv.com

ISOM Collective / Studio-Visual

- e. PUBLIC HEARING – SPECIAL USE PERMIT FOR TEMPORARY LEASING OFFICE 12' X 60' TRAILER WITH SIGNAGE 8' X 46' ON TRAILER AT 4100 SHAWNEE MISSION PARKWAY, AS SUBMITTED BY BRIAN DOUGLAS OF PLATFORM VENTURES ON BEHALF OF MREM FAIRWAY PROPERTY RETAIL LLC, PROPERTY OWNERS.

Chair Bailey requested the staff report.

Director Alani reported that the applicant is requesting a Special Use Permit for temporary sales office. The trailer will be a 12' x 60' trailer with two signs measuring 8' x 46' for the Fieldston apartment complex until July 30, 2025. The required written notices were mailed prior to June 4, 2024. If the Planning Commission recommends approval of the project, it will come before the Governing Body on July 8, 2024 for final approval.

Staff is not opposed to approval of the Special Use Permit. Staff recommends that the approval include the following conditions:

1. Permit application with a permit fee of \$550 and one electronic set of plans must be submitted for plan review and approval.
2. The Special Use Permit should have a duration until July 30, 2025 per applicant request.
3. Project must comply with all City Ordinances, the 2012 International Building Code and other incorporated technical codes.

Chair Bailey opened the Public Hearing and asked for comments from the public. Hearing none, she closed the Public Hearing on this item.

Chair Bailey asked for discussion from the Commission.

Commissioner Zwick asked if the trailer will be lit at night.

Chair Bailey asked the applicant to address the Commission.

Brian Douglas, Platform Ventures, 4100 Shawnee Mission Parkway, stated that he is not aware of any exterior lighting on the trailer. He stated that the sales trailer will have renderings of the apartments and soft seating to create a calm sales environment to talk through leasing prospects and the overall design of the project.

Chair Bailey asked for additional discussion from the Commission. Hearing none, she asked for a motion.

**MOTION:** Motion was made by Commissioner Denton to approve the Special Use Permit for temporary leasing office 12' x 60' trailer with signage 8' x 46' on trailer at 4100 Shawnee Mission Parkway, as submitted by Brian Douglas of Platform Ventures on behalf of MREM Fairway Property Retail LLC, Property Owners, subject to staff recommendations. Commissioner Deeken seconded the motion.

The motion carried unanimously.