

**MINUTES OF PLANNING COMMISSION MEETING
OF THE CITY OF FAIRWAY, KANSAS**

The Planning Commission of the City of Fairway, Kansas (the "Commission") conducted a meeting on Monday, April 29, 2024. The meeting was called to order at 6:00 P.M.

Present: Commissioners Jeremy Deeken, Rorric Pfalzgraf, Michael Hoelscher and Ron Denton.

Absent: Chair Wendy Bailey.

Presiding: Vice Chair Ben Zwick.

Staff Present: City Clerk Abbie Aldridge; Zoning Counsel Anna Krstulic; Community Development Director Basil Alani; Recording Secretary Barb Fox.

Visitors: Doug Shaffer, McHenry Shaffer Architecture, 11 East Gregory Boulevard, Suite 100, Kansas City, Missouri; Katherine Rivard, 3601 W. 61st Terrace; John Baker, Spruce Design Build, 16735 Grandview Street, Overland Park, Kansas; Toni Masolini, 6522 Hodges Drive, Prairie Village, Kansas; Reed Williams, 6001 Lockton Lane.

1. APPROVAL OF MINUTES

Vice Chair Zwick asked for a motion to approve the minutes from the March 25, 2024 meeting.

MOTION: Motion was made by Commissioner Denton to approve the March 25, 2024 meeting minutes. Commissioner Deeken seconded the motion.

The motion carried unanimously.

2. OLD BUSINESS

None.

3. NEW BUSINESS

a. SITE PLAN – 6010-6014 MISSION ROAD, FAIRWAY, KANSAS, AS SUBMITTED BY CHRIS BRADLEY OF EXCEL CONTRACTORS ON BEHALF OF JLO INVESTMENTS, LLC, PROPERTY OWNER, REQUEST FOR COMMERCIAL RENOVATION.

Vice Chair Zwick requested the staff report.

Director Alani reported that this is a resubmittal. The applicant was previously granted site plan approval from the Commission on November 28, 2022, and the one-year approval expired on November 28, 2023. The applicant resubmitted the permit application for an interior finish; however, the permit was denied because the exterior openings did not match the site plan previously approved by the Commission. The commercial building is existing with new

roofing material and new openings in the façade. The existing front building façade has windows and doors equal to 23 percent but the window and door openings should be 30 percent. The applicant will be adding more square feet of window and door openings, reducing the nonconformity. The applicant is requesting approval of the preliminary and final site plan.

Staff recommends approval of the final site plan, subject to the following conditions:

1. Three (3) complete sets of plans must be submitted for plan review and approval.
2. Building permit must be obtained and fees paid, as required by City Code.
3. Project must comply with all City Ordinances, the 2012 International Building Code and other incorporated codes.
4. Application and approval are void if the building permit is not obtained within one year of the date of Planning Commission approval.

Vice Chair Zwick asked if there were questions for staff. Hearing none, he asked for discussion from the Commission. Hearing none, he asked for a motion.

MOTION: Motion was made by Commissioner Denton to approve the Site Plan – 6010-6014 Mission Road, Fairway, Kansas, as submitted by Chris Bradley of Excel Contractors on behalf of JLO Investments, LLC, property owner, request for commercial renovation, subject to staff recommendations. Commissioner Pfalzgraf seconded the motion.

The motion carried unanimously.

- b. SITE PLAN – 6000 MISSION ROAD, FAIRWAY, KANSAS, AS SUBMITTED BY MID AMERICA SIGN ON BEHALF OF MISSION HIGHLAND COMMERCIAL, PROPERTY OWNER, REQUEST FOR REPLACEMENT OF COMMERCIAL WALL SIGNS FOR VCA FAIRWAY ANIMAL HOSPITAL

Vice Chair Zwick requested the staff report.

Director Alani reported that the applicant is requesting two signs, approximately 29.5 square feet each. The proposed signs meet all requirements.

Staff supports the requested application. If the Planning Commission grants the requested wall signs, the project will come before the City Council at its May 13, 2024 meeting for final approval. Approval should include the following conditions:

1. One electronic set of plans must be submitted for plan review and approval.
2. Project must comply with all City Ordinances, the 2012 International Building Code and other incorporated technical codes.
3. Application and approval are void if the building permit is not obtained within one year of the date of Planning Commission approval.

Vice Chair Zwick asked for discussion from the Commission. Hearing none, he asked for a motion.

MOTION: Motion was made by Commissioner Deeken to approve the Site Plan – 6000 Mission Road, Fairway, Kansas, as submitted by Mid America Sign on behalf of Mission Highland Commercial, property owner, request for replacement of commercial wall signs for VCA Fairway Animal Hospital, subject to staff recommendations. Commissioner Pfalzgraf seconded the motion.

The motion carried unanimously.

c. SITE PLAN – 5417 ABERDEEN ROAD, FAIRWAY, KANSAS, AS SUBMITTED BY BRIAN STANDLEY OF JAMES ENGLE CUSTOM HOMES, LLC, PROPERTY OWNER, REQUEST FOR A NEW SINGLE-FAMILY RESIDENCE.

Vice Chair Zwick requested the staff report.

Director Alani reported that the applicant submitted a request for a new single-family residence. The plans show the height of the structure is 29 feet 8 ¾ inches and the existing grade is 932.4 feet. The proposed elevation measured at the proposed threshold is 933 feet. The watershed analysis shows the proposed hardscape will reduce the rear drainage runoff and will increase the front street drainage. There is no impact to neighboring properties and storm detention is not required. The applicant will need to add at least two large shade trees. The project meets all the requirements of Code Section 15-296 (Dimension Standards).

Staff recommends approval of the project subject to the following conditions:

1. One electronic set of plans must be submitted for plan review and approval.
2. Building permit must be obtained and fees paid, as required by City Code.
3. Project must comply with all City Ordinances, the 2012 International Building Code and other incorporated technical codes.
4. Application and approval are void if the building permit is not obtained within one year of the date of Planning Commission approval.
5. Add two large shade trees before final occupancy.

Vice Chair Zwick asked for discussion from the Commission. Hearing none, he asked for a motion.

MOTION: Motion was made by Commissioner Denton to approve the Site Plan – 5417 Aberdeen Road, Fairway, Kansas, as submitted by Brian Standley of James Engle Custom Homes, LLC, property owner, request for new single-family residence, subject to staff recommendations. Commissioner Pfalzgraf seconded the motion.

The motion carried unanimously.

- d. SITE PLAN – 3601 W. 61ST TERRACE, FAIRWAY, KANSAS, AS SUBMITTED BY DOUG SHAFFER OF MCHENRY SHAFFER ARCHITECTURE ON BEHALF OF KATHERINE AND JAY RIVARD, PROPERTY OWNERS, REQUEST FOR A SINGLE-FAMILY RESIDENCE.

Vice Chair Zwick requested the staff report.

Director Alani reported that the applicant submitted a request for a new single-family residence. The plans show the height of the structure is 15 feet 7 inches and the existing grade is 933.79 feet. The watershed shows the proposed hardscape increased from 29.9 to 32.4 percent. There is no impact to neighboring properties and storm detention is required. The applicant is requesting an exception to the west elevation façade window and door opening requirements at 10.4 percent. The Code requires 15 percent window and door openings on each façade. The project meets all requirements of Code Section 15-296 (Dimension Standards).

Staff is not supportive of the requested exception to window and door openings. If the Planning Commission grants the request, staff recommends the following conditions:

1. One electronic set of plans must be submitted for plan review and approval.
2. Building permit must be obtained and fees paid, as required by City Code.
3. Project must comply with all City Ordinances, the 2012 International Building Code and other incorporated technical codes.
4. Application and approval are void if the building permit is not obtained within one year of the date of Planning Commission approval.

Vice Chair Zwick asked for discussion from the Commission. Hearing none, he asked the applicant to address the Commission.

Doug Shaffer, McHenry Shaffer Architecture, 11 East Gregory Boulevard, Suite 100, Kansas City, Missouri, stated that he is the architect on the project. He explained the location of windows on the west elevation, stating that one window is in the garage, one is in the guest bathroom, and there is a high window in a closet. They feel there are plenty of windows in the garage and think that is the only area where more windows could be added. The proposed home is one story and very small in comparison to the adjacent home, which is tall and probably close to its maximum allowed height. Adding more windows on the west façade seems unnecessary based on the height of the adjacent home.

Responding to Vice Chair Zwick's question concerning whether they had considered adding false windows, Mr. Shaffer stated that they are open to considering something if necessary. He noted that the architecture is fairly clean and they do not want anything overly decorative on the outside of the building. Also, adding more windows would add costs.

Vice Chair Zwick asked for discussion from the Commission.

Commissioner Deeken stated that the façade is obscured from the street and a portion of it is fenced in so he doesn't know that adding a window from a decorative standpoint adds much. Commissioner Pfalzgraf stated that there is not a flat surface along the side of the home so in his opinion, the façade looks fine.

Commissioner Denton explained that he knows the façade doesn't need another window, but the reason for the 15 percent window and door opening requirement is to give the adjacent neighbors something to look at other than a blank wall. He would be in favor of requiring the addition of false windows as opposed to requiring nothing.

Commissioner Hoelscher agreed that the applicant should be required to meet the 15 percent requirement.

Commissioner Deeken asked if the applicant or architect have had any discussions with the neighbor whose home faces the façade.

Mr. Shaffer stated that he has not talked with the neighbor.

Katherine Rivard, 3601 W. 61st Terrace, stated that she has talked with the adjacent property owner but they have not discussed the window and door openings.

Responding to Commissioner Deeken's question, Mr. Shaffer estimated the cost of increasing the window and door openings on the west façade would be between \$3,500 and \$4,000.

Commissioner Denton explained that adding a false window would be easy to do and he would estimate the cost would probably be one third of the cost of adding a window, or less.

Commissioner Deeken agreed that because there would not be a huge cost involved with adding a false window, he would be in favor of requiring that a false window be added.

Mr. Shaffer asked if adding a trellis next to the garage door with vines and plants would help to address the concern.

Vice Chair Zwick stated that other applicants have added alternative details that add minimal cost that can give the perception of a window. These have normally been added in garages because of concerns about people being able to look inside the garage.

Commissioner Denton explained that the false window could be no more than a frame of casing material with some kind of infill and it could be painted a different color. And if the applicant wanted to add a trellis, that would be a bonus. A trellis is temporary, and the goal of the 15 percent requirement is to keep the neighbors from having to view a blank façade.

Vice Chair Zwick asked for further discussion from the Commission. Hearing none, he asked for a motion.

MOTION: Motion was made by Commissioner Denton to approve the Site Plan – 3601 W. 61st Terrace, Fairway, Kansas, as submitted by Doug Shaffer of McHenry Shaffer Architecture, on behalf of Katherine and Jay Rivard, property owners, for a single-family residence, subject to staff recommendations, with the additional requirement that windows or false windows be added to the west elevation to meet the 15 percent window and door opening requirement. Staff will be allowed to confirm and approve that the window and door opening requirements are met. Commissioner Hoelscher seconded the motion.

The motion carried unanimously.

- e. SITE PLAN – 5328 CANTERBURY ROAD, FAIRWAY, KANSAS, AS SUBMITTED BY JOHN BAKER OF SPRUCE DESIGN BUILD ON BEHALF OF TONI MASOLINI, PROPERTY OWNER, REQUEST FOR A NEW SINGLE-FAMILY RESIDENCE.

Vice Chair Zwick requested the staff report.

Director Alani reported that the applicant submitted a request for a new single-family residence. Staff has communicated with the applicant because there are discrepancies in the height of the structure on each elevation. The watershed analysis shows that the proposed hardscape will increase drainage runoff. There is no impact to the neighboring properties. Storm detention is required.

Staff is not supportive of the application. If the Planning Commission recommends approval of the project, the following conditions:

1. One electronic set of plans must be submitted for plan review and approval.
2. Building permit must be obtained and fees paid, as required by City Code.
3. Project must comply with all City Ordinances, the 2012 International Building Code and other incorporated technical codes.
4. Application and approval are void if the building permit is not obtained within one year of the date of Planning Commission approval.

Vice Chair Zwick asked for questions for staff.

Responding to Commissioner Denton’s question, Director Alani stated that this application was initially submitted in January. There were problems with the initial site plan that included the front entry way being 16 feet in front of the house and when it was moved back to 8 feet, the driveway did not meet the 20-foot requirement. At the last minute the applicant was changing different things to try to meet the Code requirements.

Further responding, Director Alani confirmed that the home is designed as a zero entry so the garage elevation is the same as the first floor.

As for the discrepancies in height of the home, Director Alani suggested that the applicant respond to those questions.

Vice Chair Zwick asked the applicant to address the Commission.

John Baker, Spruce Design Build, 16735 Grandview Street, Overland Park, Kansas, stated that he is the contractor on the project. He explained that once the plans were completed and were ready to be submitted to the City, they realized that the architect had the wrong dimensions on the roof height. He called the architect and confirmed that the dimensions were incorrect so they changed the roof pitch and submitted the plans. While the first page of the elevations was updated, the roof pitch of the other elevations was not corrected. He explained that he would contact the architect and could submit complete updated plans by the end of the day tomorrow. He explained that they worked hard to meet all the Code requirements so they would not need any exceptions.

Responding to Commissioner Denton's question, Mr. Baker stated that with the updated roof pitch, the actual roof height will be 29 feet 3 11/16 inches.

Responding to Commissioner Denton's question, Director Alani confirmed that he would be comfortable approving the site plan once it is corrected. If the site plan does not meet the Code requirements, the applicant will have to come back before the Commission for approval.

Director Alani pointed out that the applicant will also need to provide a new registered land survey.

Mr. Baker stated that the survey is being prepared and will be submitted next week.

There is a discussion concerning greenspace. Director Alani explained that the initial plans exceeded the greenspace requirement so the applicant reduced the size of the driveway and eliminated the stairs from the deck. Responding to Commissioner Denton's question, Mr. Baker stated that there are two decks at the back of the house -- one is a grilling deck and the other is more of a screened porch. He does not expect the applicant to return to the Commission to request a greenspace exception. He doesn't think the steps are needed and the property owner did not really want them for usability from a furniture standpoint.

Toni Masolini, 6522 Hodges Drive, Prairie Village, Kansas, stated that she owns the property at 5328 Canterbury Road. She explained that she wants to build a new home for her retirement. She explained that the zero entry from the garage is for accessibility. She noted the doors will be widened and the main bedroom and bathroom will be on the ground floor.

Vice Chair Zwick asked for further questions for the applicant. Hearing none, he asked for discussion from the Commission. Hearing none, he asked for a motion.

MOTION: Motion was made by Commissioner Deeken to approve the Site Plan – 5328 Canterbury Road, Fairway, Kansas, as submitted by John Baker of Spruce Design Build,

on behalf of Toni Masolini, property owner, request for a new single-family residence, subject to staff recommendations, with the additional requirement that the corrected plans for the height of the home be submitted to staff for final approval. Commissioner Pfalzgraf seconded the motion.

The motion carried unanimously.

f. SITE PLAN – 6001 LOCKTON LANE, FAIRWAY, KANSAS, AS SUBMITTED BY REED AND BRITTAN WILLIAMS, PROPERTY OWNERS, REQUEST FOR EXCEPTION TO THE MINIMUM REQUIRED GREENSPACE FOR A PATIO.

Vice Chair Zwick requested the staff report.

Director Alani reported that the home was completed on March 8, 2022. The applicant is requesting an exception to the greenspace requirement for construction of a patio. The lot size is 14,340 square feet and the existing greenspace is 9,327 square feet (65 percent). The required greenspace is 65 percent. The exception request is for proposed greenspace of 9,903 square feet (63.4 percent). Pursuant to the new watershed analysis, an infiltration trench is not required.

Staff is not supportive of the requested exception to greenspace. If the Planning Commission recommends approval of the request, staff recommends the following conditions:

1. One electronic set of plans must be submitted for plan review and approval.
2. Building permit must be obtained and fees paid, as required by City Code.
3. Project must comply with all City Ordinances, the 2012 International Building Code and other incorporated technical codes.
4. Application and approval are void if the building permit is not obtained within one year of the date of Planning Commission approval.

Vice Chair Zwick asked if there were questions for staff.

Responding to Commissioner Denton's question, Director Alani confirmed that the home was completed in 2022. The only addition will be 10 by 22 feet patio in the back yard.

Vice Chair Zwick asked for discussion from the Commission.

Although he is not sure it is the situation for this application, it is frustrating when a new home is built to the maximum allowable greenspace and then within a year or two, the applicant comes back asking for a patio or a pool addition. He does know that people like patios though.

Responding to Vice Chair Zwick's question, Director Alani confirmed that the current greenspace is at the maximum and the applicant is requesting an additional 200 square feet for the patio.

Vice Chair Zwick asked if there were questions for the applicant.

The Commissioners did not have questions, but the applicant, Reed Williams, 6001 Lockton Lane, asked to speak to the Commission.

Mr. Williams stated that they purchased the home two years ago from the original owner who following a divorce so they were not involved in the design or permitting process. It was not until after they moved into the home that they learned that the property was maxed out on greenspace. Their daughter has a medical condition that makes it difficult for her to transition from surfaces and currently the step down is onto a very uneven grassy surface. He does have a note from his daughter's physical therapist to confirm the condition. The patio is modest in size and will be built with permeable pavers so the groundwater will not be affected.

Commissioner Denton thanked Mr. Williams for his comments, adding that it was good to hear he was not the original builder or the original owner.

Vice Chair Zwick asked for further discussion. Hearing none, he asked for a motion.

MOTION: Motion was made by Commissioner Deeken to approve the Site Plan – 6001 Lockton Lane, Fairway, Kansas, as submitted by Reed and Brittan Williams, property owners, request for exception to the minimum required greenspace for a patio, subject to staff recommendations. Commissioner Pfalzgraf seconded the motion.

The motion carried unanimously.

- g. PUBLIC HEARING TO CONSIDER REGULATIONS PROPOSED TO BE ADDED TO SECTION 15-822 OF THE FAIRWAY MUNICIPAL CODE TO REQUIRE TEMPORARY CONSTRUCTION FENCING OF LOTS DURING CONSTRUCTION OF A NEW STRUCTURE ON A VACANT LOT AND/OR DEMOLITION OF AN EXISTING STRUCTURE.

Vice Chair Zwick opened the public hearing on this item and asked if there is anyone in the audience who would like to comment. Hearing none, he closed the public hearing.

Zoning Counsel Krstulic explained that since the last discussion, a provision was added requiring that the fencing be secured at all times outside working hours to prevent unauthorized entry. Public Works also reviewed the language and added an authorized designee in the event a specific individual is not available.

Responding to Vice Chair Zwick's question, City Clerk Aldridge explained that enforcement would be by Director Alani or the Public Works Department.

Further responding, Director Alani stated that he feels that the Regulations as written have enough information for enforcement.

Vice Chair Zwick asked for further discussion from the Commission. Hearing none, he asked for a motion.

MOTION: Motion was made by Commissioner Denton to recommend and forward to the Council for approval the addition of Regulations to Section 15-822 of the Fairway Municipal Code to require temporary construction fencing of lots during construction of a new structure on a vacant lot and/or demolition of an existing structure. Commissioner Deeken seconded the motion.

Discussion followed concerning the remedy if the temporary fencing was not installed. Zoning Counsel Krstulic explained that the Regulations are under Chapter 15 so the provisions in the Building Code would apply, meaning that a stop work order could be issued. City Clerk Aldridge explained that normally if the situation involves a stop work order, staff will communicate with the contractor and will try to work with them, giving them a time period to resolve the situation.

Following discussion, the motion carried unanimously.

4. ADDITIONAL BUSINESS

a. NEXT MEETING

City Clerk Aldridge stated that the next meeting is scheduled for May 20, 2024.

5. ADJOURNMENT

Vice Chair Zwick asked for a motion to adjourn.

MOTION: Motion was made by Commissioner Zwick to adjourn. Commissioner Deeken seconded the motion.

The motion carried unanimously.

Hearing no further business, the meeting adjourned at 6:51 P.M.

Abbie Aldridge, City Clerk