

**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, August 26, 2024. The meeting was called to order at 6:00 P.M.

Present: Commissioners Ben Zwick, Drew Canning, Jeremy Deeken, Rorric Pfalzgraf, Michael Hoelscher and Ron Denton.

Absent: none

Presiding: Chair Wendy Bailey.

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

Visitors: Craig Nelson, 5725 Windsor; Adam Reilly, 615 E. 40<sup>th</sup> Street, Kansas City, Missouri.

1. APPROVAL OF MINUTES

Chair Bailey asked for a motion to approve the minutes from the July 29, 2024 meeting.

MOTION: Motion was made by Commissioner Denton to approve the July 29, 2024 meeting minutes. Commissioner Pfalzgraf seconded the motion.

The motion carried with one abstention because Commissioner Deeken did not attend the July meeting.

2. OLD BUSINESS

a. ANNUAL REVIEW OF PLANNING COMMISSION BY-LAWS.

Chair Bailey explained that this item was discussed at the July meeting and it was continued so that Commissioners could review the By-Laws for possible revisions.

Zoning Counsel Krstulic stated that there is a requirement that the By-Laws be reviewed annually and she suggested that the Commissioners could consider whether that requirement should be amended.

Chair Bailey pointed out that the By-Laws do require that the Commission vote for Chair each year.

Assistant City Clerk Aldridge responded that staff has calendared that vote for March.

Chair Bailey asked for further discussion, hearing none, she asked for a motion.

MOTION: Motion was made by Commissioner Denton to approve the annual review of Planning Commission By-Laws. Commissioner Pfalzgraf seconded the motion.

The motion carried unanimously

3. NEW BUSINESS

a. SITE PLAN – 5910 HOWE DRIVE, FAIRWAY, KANSAS, AS SUBMITTED BY MIKE AND GINNY DONOHUE, BUYERS UNDER CONTRACT, REQUEST FOR A NEW SINGLE-FAMILY RESIDENCE AND EXCEPTION REQUESTS FOR FRONT SETBACK OF LESS THAN 40 FEET, AND GARAGE WALL MORE THAN 8-FOOT IN FRONT OF THE PRIMARY DOOR THRESHOLD.

Director Alani explained that the applicant has submitted plans for a new single-family residence. The applicant is requesting an exception to the 40-foot required front setback. The building lines along adjacent properties are at or near 35 feet and the applicant requests the exception to make a consistent building line. The applicant is also requesting an exception for the foremost front portion of the garage structure to be more than 8 feet in front of the threshold of the primary entrance. The proposed garage structure is 9 feet in front of the threshold of the primary entrance.

The plans show the height of the structure is 28 feet 5 ½ inches from the existing elevation. The watershed analysis shows the proposed hardscape will reduce the storm runoff to the rear and will increase the runoff to the street. An infiltration trench is not required.

The relocation of the driveway and approach affects one right-of-way tree. This will require approval from Public Works. The tree is less than 30 inches in diameter and removal will not require approval from the City Council. The applicant will be required to install two new large shade trees in the front yard.

Staff is not opposed to the requested exceptions and there are no sight line concerns. Should the Planning Commission approve the application, 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.
5. Approval of Right-of-Way tree removal from Public Works Director.
6. Planting two 3-inch caliper trees in the front yard.

Chair Bailey asked for discussion from the Commission.

Commissioner Denton stated that he is not in favor of allowing the additional foot in front of the front entrance and asked the applicant why they could not meet the requirement.

Chair Bailey asked the applicant to address the Commission.

Craig Nelson, 5725 Windsor, explained that they are requesting the garage be an additional one foot in front of the front entrance because they felt there was too much square footage to the house for the neighborhood. Mr. Nelson explained that the garage is minimal size and it is side-entry. To meet the 8-foot requirement, they would have to bring the house forward another foot, which would add interior square footage that the owners do not want.

Commissioner Denton asked why the applicant couldn't step the garage back and take some room out of the closet/pantry.

Mr. Nelson responded that they had not considered that option but ideally, they would not want to lose square footage out of that area.

Chair Bailey thinks that from the street the door will actually look closer than it is until you get underneath the overhang of the house.

Director Alani suggested that in order to address Commissioner Denton's concerns, the front entry door could be moved one foot.

Chair Bailey stated that the entry is more like a structure than a porch and the furthest face of the structure is about 6 feet 6 inches from the garage. Therefore, she isn't sure that moving walls or the door one foot would really make much difference from the exterior of the house. She doesn't see any real issues with granting the exception.

Commissioner Hoelscher agrees that the entry has a structural projection and it gives the entry some depth with it pushed back. He would agree that granting the exception works better than pushing the door forward a foot just to meet the requirements.

Commissioner Deeken stated that a mitigating factor for him is that there is a side entry garage and he thinks the proposed entry will benefit the appearance of the house more than moving the front door one foot forward.

Commissioners Pfalzgraf, Canning and Hoelscher agreed.

Chair Bailey asked for further discussion. Hearing none, she asked for a motion.

**MOTION:** Motion was made by Commissioner Pfalzgraf to approve the Site Plan 5910 Howe Drive, Fairway, Kansas, as submitted by Mike and Ginny Donohue, buyers under contract, request for a new single-family residence and exception requests for front setback of less than 40 feet, and garage wall more than 8-foot in front of the

primary door threshold, subject to staff recommendations. Commissioner Deeken seconded the motion.

The motion carried 5 to 1.

- b. SITE PLAN –6000 ELMONTE STREET, FAIRWAY, KANSAS, AS SUBMITTED BY CALEB GEORGE OF CHRIS GEORGE CUSTOM HOMES, PROPERTY OWNER, REQUEST FOR A SINGLE-FAMILY RESIDENCE AND EXCEPTION REQUEST FOR FENCE LOCATION ON CORNER LOT.

Chair Bailey requested the staff report.

Director Alani reported that the applicant is requesting a new single-family residence and exception for the fence location on a corner lot. The height of the new structure is 29 feet 11 7/8 inches from the existing elevation. The watershed analysis shows the proposed hardscape will minimally increase runoff and storm detention is not recommended because the lot will be graded to drain to the northwest corner of the property to the street. The project meets all requirements of Code Sections 15-296 (Dimension Standards) and 15-297 (Site Design Standards). The enlargement of the driveway and approach affects right-of-way trees and approval will be needed from Public Works Director Stogsdill. The trees are less than 30-inch caliper so City Council approval is not required.

The lot is a standard corner lot and the applicant is requesting an exception for a new 4-foot wrought iron fence to project in front of the building of the adjacent dwelling and be installed on the street side property line. The proposed fence location is 12 feet from the curb.

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. Approval of right-of-way tree removal from the Public Works Director.

Chair Bailey asked for discussion from the Commission.

Responding to Commissioner Deeken's question, Director Alani stated that the proposed fence is wrought iron and will not cause any site line issues.

Responding to Commissioner Zwick's question, Director Alani explained that because of changes to the driveway, two of the trees being removed will be in the drip zone of the driveway and one of them is in the center of the driveway.

Commissioner Pfalzgraf thinks that the fence location is in accordance with other fences that have been approved by the Commission in the past.

There is a discussion concerning the transition from the 6-foot cedar fence that runs along the back property line to the 4-foot wrought iron fence. Director Alani stated that staff does not have an issue with the privacy fence in its proposed location because the corner of the intersection is far away from the fence. He thinks there is more obstruction for traffic from the trees than the fence itself.

Chair Bailey noted that the proposed fence location is 11.7 feet from the curb so it will be a good distance from the curb, which is the intent behind the 12-foot requirement.

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

MOTION: Motion was made by Commissioner Denton to approve the Site Plan – 6000 El Monte Street, Fairway, Kansas, as submitted by Caleb George of Chris George Custom Homes, Property Owner, request for new single-family residence and exception request for fence location on corner lot, subject to staff recommendations. Commissioner Zwick seconded the motion.

The motion carried unanimously.

c. SITE PLAN –5915 ALHAMBRA STREET, FAIRWAY, KANSAS, AS SUBMITTED BY CALEB GEORGE OF CHRIS GEORGE CUSTOM HOMES, PROPERTY OWNER, REQUEST FOR A NEW SINGLE-FAMILY RESIDENCE.

Chair Bailey requested the staff report.

Director Alani reported that the applicant has submitted a request for a new single-family residence. The height of the structure is 29 feet 7 ¼ inches from the existing elevation. The watershed analysis shows the proposed hardscape will increase runoff. An infiltration system is proposed to reduce the discharge and swales will be graded on both sides of the lot to force runoff from the backyard to the street. The project meets all requirements of Code Section 15-296 (Dimension Standards) and 15-297 (Site Design 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.

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

MOTION: Motion was made by Commissioner Deeken to approve the Site Plan – 5915 Alhambra Street, Fairway, Kansas, as submitted by Caleb George of Chris George Custom Homes, Property Owner, request for a new single-family residence, subject to staff recommendations. Commissioner Pfalzgraf seconded the motion.

The motion carried unanimously.

- d. SITE PLAN – 5760 WINDSOR CIRCLE, FAIRWAY, KANSAS, AS SUBMITTED BY TRAVIS HOLT, PROPERTY OWNER, REQUEST FOR A NEW SINGLE-FAMILY RESIDENCE AND EXCEPTION REQUEST FOR A SECTION OF DRIVEWAY WIDTH TO EXCEED 20 FEET AND EAST SIDE SETBACK.

Chair Bailey requested the staff report.

Director Alani reported that the applicant has submitted plans for a new single-family residence and exception to driveway width. The proposed driveway has a section forward of the front building line that is 35 feet 10.5 inches wide and exceeds the allowed driveway width of 20 feet. Due to the irregular shaped lot, the surveyor will need to provide a revised plot plan documenting the width of the lot at the rear setback line to determine the required side set back. Director Alani has estimated the lot width to be 222 feet, which requires a side setback of 22 feet. The east side setback of the existing structure has also been estimated at 16 feet 6 inches. The proposed east side setback of 21 feet 9 inches does require an exception as the proposed setback is greater than the 16-foot 6-inch setback of the existing structure. The height of the structure is 28 feet 11 inches from the existing elevation. The watershed analysis shows an increase in storm runoff but an infiltration system is not required.

Staff is not opposed to the application and exceptions. If the Planning Commission grants approval, 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.

Chair Bailey asked for discussion from the Commission.

Responding to Chair Bailey’s question, Director Alani stated that the project meets the greenspace requirements.

Responding to Commissioner Denton’s question, Director Alani stated that the area that is 35 feet 10 inches long will be used for parking. The garage is in the rear of the home. The Code

allows the driveway to be 16-foot maximum width 20 feet in front of the building line; however, there is no limit to the driveway width behind the building line.

Chair Bailey asked for further discussion. Hearing none, she asked the applicant to address the Commission.

Craig Nelson, 5725 Windsor Drive, stated that he represents the applicant.

Commissioner Denton asked if there was really a need for the proposed driveway.

Mr. Nelson explained that they are trying to be respectful of the neighborhood. The property is on a cul-de-sac with limited parking. Due to the shape and configuration of the garage, the applicants feel like it is a better to have several parking spots in the front for guests rather than requiring them to drive all the way to the back. They did try to limit the depth of the parking spaces to 20 feet. While they prefer a circle driveway, they feel the proposal is a reasonable compromise that gives them the ability to have a couple extra parking spots.

Responding to Commissioner Canning's question, Mr. Nelson stated that there are no other driveways in the cul-de-sac with the same type of set up; however, the neighbor's house has a fairly substantial front driveway. Most of the other driveways on the cul-de-sac have space for a few extra cars other than just what is available for the residents.

Chair Bailey explained that because the next door neighbor has a similar configuration and because the applicant shows landscaping around the proposed driveway that will help to hide it, she is not opposed to the request.

Commissioner Deeken agreed, given the rationale provided by the applicant that the lot is oddly shaped with very little frontage.

Commissioner Pfalzgraf also thinks that the proposal is a better solution than parking on the street, especially in the cul-de-sac.

Director Alani requested that if the Planning Commission approves the site plan, the applicant be required to submit a revised plot plan. The watershed analysis shows drainage all the way to the back, but the current plan shows it is connected to a trench, which the watershed analysis did not call for.

**MOTION:** Motion was made by Commissioner Pfalzgraf to approve the Site Plan – 5700 Windsor Circle, Fairway, Kansas, as submitted by Travis Holt, Property Owner, request for a new single-family residence and exception request for a section of the driveway width to exceed 20 feet, and east side setback, subject to staff recommendations, with an additional requirement that a revised plot plan be submitted by the applicant. Commissioner Canning seconded the motion.

The motion carried unanimously.

- e. SITE PLAN – 6010 LOCKTON LANE, FAIRWAY, KANSAS, AS SUBMITTED BY CLINT HARRIS, PROPERTY OWNER, REQUEST FOR A NEW SINGLE-FAMILY RESIDENCE AND EXCEPTION REQUESTS FRONT SETBACK OF LESS THAN 40 FEET, AND WINDOW HIERACHY ON THE SOUTH FAÇADE.

Chair Bailey requested the staff report.

Director Alani reported that the applicant submitted plans for a new single-family residence and exception to the 40-foot front setback. The building lines along the street and adjacent properties are at or near a 35-foot front setback allowing for the exception request. The applicant is also seeking an exception for the south façade to have a lower window smaller than the upper window. The plans show the height of the structure is 30 feet from the existing elevation. The watershed analysis shows the proposed hardscape will increase runoff, but an infiltration trench is not required.

Staff is not opposed to the application and exceptions. If the Planning Commission grants approval, 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.

Chair Bailey asked for discussion from the Commission.

Responding to Chair Bailey's question, Director Alani stated that the window exception relates to the four square windows on the south elevation that are smaller than the windows above them. The Code requires that the windows be the same size or that the upper windows be smaller than the lower windows.

Responding to Commissioner Pfalzgraf's question, Director Alani explained that although the agenda indicates that an exception is required for the 40-foot front setback, he miscalculated the setback and the architect brought the discrepancy to his attention after the agenda was prepared. Thus, the exception is not required; however, the home will be at the 40-foot front setback line and will be recessed 5 feet from the adjacent homes.

Chair Bailey asked for additional discussion from the Commission. Hearing none, she asked the applicant to address the Commission.

Adam Reilly, 615 E. 40<sup>th</sup> Street, Kansas City, Missouri, stated that they would be willing to move the home up 5 feet to get a bigger back yard. He added that they initially located the home at the 40-foot front setback in order to meet the Code requirements for new homes.



Commissioner Pfalzgraf asked why the windows on the main floor are smaller than the upper windows.

Mr. Reilly responded that there is a master closet on the first floor and a children's bedroom on the second floor.

Commissioner Zwick questioned the height of the structure at 30 feet, stating that when the chimney is added, the height would exceed the allowed 30-foot height.

Director Alani responded that the 30-foot height requirement is measured at the roof ridge line and the chimney is not included in that measurement.

Commissioner Denton stated that he doesn't have a problem with approving the window exception.

Commissioner Zwick agreed.

Commissioner Pfalzgraf thinks that it would look better if the home was built with the 35-foot front setback because it would be in line with adjacent homes. He also does not have a problem with approving the window exception.

Responding to Commissioner Deeken's question, Zoning Counsel Krstulic suggested that any motion set out the exceptions being approved that include the 35-foot front setback and the south side windows.

Director Alani pointed out that the applicant would need to resubmit the plot plan if the home is being moved forward 5 feet.

Chair Bailey asked for further discussion. Hearing none, she asked for a motion.

MOTION: Motion was made by Commissioner Pfalzgraf to approve the Site Plan – 6010 Lockton Lane, Fairway, Kansas, as submitted by Clint Harris, Property Owner, request for a new single-family residence and exception requests for the front setback of 35 feet, and window hierarchy on the south façade, subject to staff recommendations, and an additional requirement that an updated plot plan be submitted. Commissioner Denton seconded the motion.

The motion carried unanimously.

4. ADDITIONAL BUSINESS

a. NEXT MEETING

City Clerk Aldridge stated that the next meeting is scheduled for September 30, 2024.

5. ADJOURNMENT

Chair Bailey asked for a motion to adjourn.

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

The motion carried unanimously.

Hearing no further business, the meeting adjourned at 6:48 P.M.

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Abbie Aldridge, City Clerk