

**MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF FAIRWAY, KANSAS**

The Council of the City of Fairway, Kansas, held their regular meeting at 7:30 P.M on Monday, October 11, 2021 at 5240 Belinder Road, Fairway, Kansas.

Present: Council Members Jenna Brofsky, David Watkins, Tom Cotter, Kelly-Ann Buszek, Jason Rogers, Dan Bailey, Joe Levin and Tanya Keys.

Absent: None.

Presiding: Mayor Melanie Hepperly.

Staff Present: Nathan Nogelmeier, City Administrator; Richard Cook, City Attorney; J.P. Thurlo, Police Chief.

Visitors: Fire Chief Steve Chick, Consolidated Fire District No. 2; Bob Johnson, 5332 Falmouth Road; Austin Bradley, EPC Real Estate Group, 8001 Metcalf, Overland Park; Fred Oram, 5528 Belinder; Steve Platt, 5348 Chadwick; Sally Nelson, 5516 Belinder.

CALL TO ORDER AND ANNOUNCEMENTS

Mayor Hepperly called the meeting to order and announced that Item F under New Business would be removed from the Agenda.

PLEDGE OF ALLEGIANCE

Mayor Hepperly led the Council in the Pledge of Allegiance.

MONTHLY REPORTS OF STANDING COMMITTEES

CONSOLIDATED FIRE DISTRICT NO. 2, CHIEF CHICK

Chief Chick referred to the report in the packet, subject to questions. He reported that the Fire District will begin the process to develop a new strategic plan in 2022. Over the last 3 to 5 years, the District has accomplished all the critical items on the previous plan. They will seek public input for the new plan. He said they also hope to staff additional personnel at the 63<sup>rd</sup> and Mission Road location in late January.

ADMINISTRATION COMMITTEE, MR. WATKINS

Monthly Report

Councilman Watkins reported that the Administration Committee did not meet in September.

City Administrator Nogelmeier referred the Council to the report in the packet, subject to questions.

#### POLICE COMMITTEE, MS. KEYS

##### Monthly Report

Councilwoman Keys reported that the Police Committee is scheduled to meet October 29, 2021 at 8:00 A.M.

Chief Thurlo referred to the report in the packet, subject to questions. He reported that the Police Department has stepped up patrolling, especially with the increase in residential crime that is being reported in surrounding cities. This is reflected in the numbers of traffic stops and arrests shown in the report.

Chief Thurlo informed that October 23, 2021 is DEA Drug Take Back Day at Hen House and encouraged anyone with unused drugs to dispose them at this event.

#### PUBLIC WORKS COMMITTEE, MS. BUSZEK

##### Monthly Report

Councilwoman Buszek referred the Council to the report in the packet subject to questions. She stated that the Public Works Committee met on October 6, 2021 and discussed the CCTV report. Once Director Stogsdill has reviewed the report, the Committee will discuss the progression of the work to be completed.

Councilwoman Buszek also reported that Public Works will be purchasing a new truck and the cost will be below budget.

#### PARKS AND RECREATION COMMITTEE, MR. COTTER

##### Monthly Report

Councilman Cotter stated that the Parks and Recreation Committee did not meet in September. He referred the Council to the report in the packet, subject to questions.

#### FINANCE COMMITTEE, MR. LEVIN

##### Monthly Report

Councilman Levin reported that the Finance Committee did not meet in September.

City Administrator Nogelmeier referred the Council to the report in the packet subject to questions.

## MONTHLY REPORTS OF SPECIAL COMMITTEES

### Tree Board

No report.

## APPROVAL OF CONSENT AGENDA

Mayor Hepperly outlined the four items on the Consent Agenda. The Consent Agenda items include the following: (A) Minutes of Previous Regular and Special City Council Meetings; (B) Claims and Appropriations – Ordinance #1748 – September 2021; (C) Annual Service Agreement with Johnson County Department of Technology and Innovation for 2022 I.T. support services; (D) Purchase of new Public Works vehicle.

Mayor Hepperly asked for public comment on the Consent Agenda items. Hearing none, she asked for discussion from the Council. Hearing none, she asked for a motion.

Councilman Cotter moved that the Council approve the items on the Consent Agenda. Councilman Levin seconded the motion and the motion carried unanimously.

## NEW BUSINESS

### A. Public Hearing: TIF District.

Mayor Hepperly reopened the Public Hearing concerning the TIF District that was continued from the September Council Meeting.

Bob Johnson, 5332 Falmouth Road, stated that he represents the developer and he introduced Austin Bradley of EPC Real Estate Group, who will be presenting slides on the development proposal. He informed that the first statutory step to establish a TIF District is setting the geographic boundaries. Thereafter, they can move forward with more detail and implementation of the project plan. They will work with the City to reach a workable and advantageous deal for the success of the project.

Austin Bradley, EPC Real Estate Group, 8001 Metcalf, Overland Park, presented slides of the project. The site plan is for approximately 221 units of one- and two-bedroom apartments located on top of the two-level parking garage with 293 garage stalls and 48 surface stalls around the building. The main entrance for the lower-level garage will be off Shawnee Mission Parkway and the upper-level garage entry will be off 55<sup>th</sup> Street.

He showed floor plans for each level of the building. The main level includes a lower and the upper courtyard. On the 55<sup>th</sup> Street side of the project units have been moved to the south allowing them to retain the existing trees that provide a

nice barrier to the single-family homes across the street. Other revisions include more variation and nodulation along the façade facing Shawnee Mission Parkway, the removal of the upper level on the northwest corner that lowers the height of the building to be the same height as the current office building and a reduction of 29 units, from the original 250 to 221.

Mr. Bradley also presented renderings of the building elevations. They have adopted a French Country Modern aesthetic, using high quality cast stone, stone veneer, brick, architectural wood panels and some stucco. They added pocket parks along the 55<sup>th</sup> Street side of the building. The building will have three stories on the north elevation and is more of a brownstone walkup, compatible with the single-family homes to the north. He also showed renderings of the front and south sides of the building including the portico and courtyard areas.

Mr. Johnson offered to answer questions from the Council or public.

Mayor Hepperly asked for additional public comment concerning the TIF District.

Fred Oram, 5528 Belinder, asked what the pros and cons were for approving the development.

Mayor Hepperly responded that normally, public comment is for members of the public to express their opinions and the Council does not normally answer questions during public comment. She asked specifically what Mr. Oram's question was.

Mr. Oram asked what positive financial effects and possible negative financial effects the TIF District would have on the City.

Mayor Hepperly responded that the City is in the preliminary stages of discussing the financial aspects of the project and does not yet have all the details from the developer in order to give the public that information.

City Administrator Nogelmeier added that any positives or negatives would likely depend on who you ask. As the project moves forward, the City will continue to fine tune the project and outline the impacts of any incentives and provide this information to the public at future meetings.

Mr. Oram asked if the public would have the opportunity to provide input when there is more information available.

Mayor Hepperly responded that the public would be able to provide input as additional information becomes available. She explained that the project is an active senior adult community for ages 55 to 84. The developer has indicated that the concept is the first of its type in the Kansas City area; but, unlike other adult communities, there are no meals provided other than a continental breakfast. There are many amenities, including physical therapy, exercise rooms, a pool, park areas and fire pits.

Steve Platt, 5348 Chadwick, suggested that the Council think about what affect the density of the project will have on the City. The proposed project will have 220 units and the site is approximately 5 acres. Assuming there are 5 houses with 6 bedrooms each on 1/5<sup>th</sup> of an acre, that would translate to 150 units. Based on his math, he wonders if the proposed project fits the density for Fairway.

Mayor Hepperly asked for additional public comment. Hearing none, she asked for a motion to continue the Public Hearing on this item or a motion to consider Ordinance #1745.

Responding to Councilman Bailey's question, City Administrator Nogelmeier explained each of the items on the New Business Agenda related to the proposed project. He explained that if the Council passes Ordinance #1745, the TIF District would be created. Any determination concerning tax increment financing would be part of a development agreement that would come later. Establishing the TIF District does not commit the City or the developer to anything – it simply establishes the District.

Ordinance #1746 rezones the existing site from B-2\_Office District to B-3P Planned Business/Mixed-Use District. Rezoning is required because mixed use development with residential components is not allowed under the B-2 designation. Only the zoning classification of the land is being changed and approval of the Ordinance does not approve the project.

The next item is the Planning Commission's recommendation to approve the preliminary development plan and the preliminary site plan. The "P" in the B-3P designation requires that it be planned, so any project must have a development plan that outlines the buildings and their use. If the Council approves the rezoning, the preliminary development plan and the preliminary site plan, it is on course to approve the specific project in the specified area. However, until there is a development agreement between the City and the developer, there are no commitments on either side. If the development plan is approved and for whatever reason the project does not move forward, any other use for the site would require a different developer to present their own development plan, which would have to be approved by both the Planning Commission and the City Council.

City Administrator Nogelmeier reaffirmed that if the Council adopts the Ordinances and/or affirms the Planning Commission's recommendations, it is simply moving the process along and would not be approving anything that cannot easily be walked back. There have been no terms considered or established regarding tax increment financing and/or dollar amounts.

Mayor Hepperly asked for additional public comment. Hearing none, she asked for a motion to continue the Public Hearing to the November 8, 2021 City Council Meeting and a motion concerning Ordinance #1745.

Councilman Watkins moved that the Council continue the Public Hearing on the TIF District to the November 8, 2021 City Council Meeting and that the Council continue consideration of Ordinance #1745 to the November 8, 2021 City Council Meeting. Councilman Bailey seconded the motion.

Mayor Hepperly asked for public comment concerning the continuance of the Public Hearing for the TIF District and Ordinance #1745.

Sally Nelson, 5516 Belinder, stated that she is listening to comments back and forth between the public and a concern that has been raised is that the public is seeing pictures, which are gorgeous, but the public does not have an understanding of the financial aspects of the project. She thinks that if the TIF District is approved, it opens the way for TIF financing to be approved. She suggested that the Council be a little more open with the community as to the positives financially for Fairway, especially when the new residents are not going to be owners, but will be renters. The community is educated and she would like the Council to share the information so residents do not get off on the wrong track and can get behind something that is in the best interests of Fairway.

Mayor Hepperly asked for additional public comment. Hearing none, she asked the Council to vote on the pending motion.

Following discussion, the motion carried unanimously.

- B. Consider Ordinance #1745 – An Ordinance of the Governing Body of the City of Fairway, Kansas making findings and establishing a Redevelopment District pursuant to K.S.A. 12-1770 et seq., and amendments thereto.

This item was considered and continued to the November 8, 2021 City Council Meeting under Item A above.

- C. Consider Ordinance #1746 – An Ordinance rezoning approximately 6.2 acres in the Fairway Corporate Center located at 4200/4210/4220 Shawnee Mission Parkway Parcel GF251209-3020, Fairway, Kansas from B-2 Office District to B-3P Planned Business/Mixed-Use District with Preliminary Development Plan as recommended by the Planning Commission.

Mayor Hepperly asked for discussion on this item. Hearing none, she asked for public comment on this item. Hearing none, she closed public comment.

Mayor Hepperly asked for a motion.

Councilman Cotter moved that the Council approve Ordinance #1746 – An Ordinance rezoning approximately 6.2 acres in the Fairway Corporate Center located at 4200/4210/4220 Shawnee Mission Parkway Parcel GF251209-3020, Fairway, Kansas from B-2 Office District to B-3P Planned Business/Mixed-Use District with Preliminary Development Plan as recommended by the Planning

Commission. Councilman Bailey seconded the motion and the motion carried unanimously.

- D. Consider Planning Commission recommendation to approve preliminary development plan – 4200/4210/4220 Shawnee Mission Parkway and Parcel GF251209-3020.

Mayor Hepperly asked for discussion on this item.

City Administrator Nogelmeier explained that the preliminary development plan and the preliminary site plan look very similar for this particular project. The development plan is required by Statute for TIF Districts because many times, there will be several projects within a TIF District; however, for this project, there is only one project.

Responding to Councilwoman Brofsky's question, City Administrator Nogelmeier confirmed that the development plan is tied to the zoning for the B-3P Planned District and does not have anything to do with TIF financing.

Mayor Hepperly asked for further discussion on this item. Hearing none, she asked for public comment. Hearing none, she asked for a motion.

Councilman Levin moved that the Council approve the preliminary development plan – 4200/4210/4220 Shawnee Mission Parkway and Parcel GF251209-3020. Councilman Watkins seconded the motion and the motion carried unanimously.

- E. Consider Planning Commission recommendation to approve preliminary site plan – 4210/4220 Shawnee Mission Parkway and Parcel GF251209-3020.

Mayor Hepperly asked for discussion on this item. Hearing none, she asked for public comment. Hearing none, she asked for a motion.

Councilman Watkins moved that the Council approve the preliminary site plan – 4210/4220 Shawnee Mission Parkway and Parcel GF251209-3020. Councilman Rogers seconded the motion and the motion carried unanimously.

#### COMMENTS BY GOVERNING BODY

Mayor Hepperly asked if there were comments from the Council on any item.

Councilman Bailey explained that the City of Mission Hills commissioned a study about the low water crossing at Belinder and State Park Road which lays out some proposed alternatives by the engineers and the Army Corps on how to get some houses out of the flood plain. The study can be found on the Mission Hills website for review. He noted that the study was not paid for or requested by the City of Fairway.

Councilwoman Brofsky reported that the Jewish Community Relations Bureau hosted an event for elected officials on combatting anti-Semitism last week and she was pleased to see several Fairway City Council members there. The event was held at the Auschwitz Exhibit at Union Station and she recommended that everyone check out the exhibit.

Councilwoman Watkins thanked the Public Works Committee for approving the installation of a pedestrian crossing light at the Fairway Creamery and Animal Hospital for installation next year.

City Administrator Nogelmeier clarified that the pedestrian crossing light is a part of a capital improvement project proposed by Public Works. The project itself has not been designed or approved; however, monies have been set aside for the project. There will be a contract for the Council to consider at a later date.

Based on the additional information, Councilman Watkins thanked the Public Works Committee for approving the concept.

Mayor Hepperly asked for additional comments from the Governing Body. Hearing none, she closed the Governing Body Comment portion of the meeting.

#### PUBLIC COMMENT

Mayor Hepperly asked if anyone in the audience would like to make public comment on any items not on the agenda.

Hearing none, she closed the public comment portion of the meeting.

#### ADJOURNMENT

Councilman Watkins moved to adjourn. Councilman Rogers seconded the motion and the motion carried unanimously.

There being no further business to come before the Council, the meeting was adjourned at 8:17 P.M.

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Mayor Melanie Hepperly

Attest:

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Barb Fox, Recording Secretary