

**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, July 24, 2024. The meeting was called to order at 6:05 P.M.

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

Absent: Commissioner Jeremy Deeken.

Presiding: Chair Wendy Bailey.

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

Visitors: Robert Weidling, 5755 Windsor Drive; Eric Castillo, Klover Architects, 8813 Penrose Lane, Suite 400, Lenexa, Kansas.

Chair Bailey welcomed new Planning Commissioner Drew Canning to the Commission.

1. APPROVAL OF MINUTES

Chair Bailey asked for a motion to approve the minutes from the June 24, 2024 meeting.

MOTION: Motion was made by Commissioner Denton to approve the June 24, 2024 meeting minutes. Commissioner Pfalzgraf seconded the motion.

The motion carried unanimously.

2. OLD BUSINESS

None.

3. NEW BUSINESS

a. SITE PLAN – 5755 WINDSOR DRIVE, FAIRWAY, KANSAS, AS SUBMITTED BY ROBERT WEIDLING, PROPERTY OWNER, REQUEST FOR EXCEPTION TO FENCE LOCATION ON A CORNER LOT.

Director Alani explained that this is a standard corner lot. The applicant is requesting an exception for a new 5-foot galvanized iron fence to project into the front building line of the adjacent dwelling unit. The proposed fence location is 11 feet from the street-side property line. The applicant is requesting an exception for the fence to be located in front of the street side building line and for the fence being less than 12 feet from the street-side property line.

Staff is not opposed to the requested exception and there are no sight line concerns. Should the Planning Commission approve the application, staff recommends the following conditions:

1. Building permit must be obtained and fees paid, as required by City Code.
2. 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 confirmed that there are two exception requests involved, the first being that the fence will be placed in front of the building line of the adjacent home and second being that the fence is 11 feet from the street-side property line when the Code requires that the fence be 12 feet from the property line. He does not have an issue with either exception because the applicant is installing a rod iron fence.

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

Robert Weidling, 5755 Windsor Drive, presented photographs showing revisions to the fence location. The applicant prefers the revised location, which will meet the 12-foot setback from the street-side property line.

Director Alani pointed out that the applicant will still need approval for the exception to the fence being in front of the adjacent home.

City Clerk Aldridge explained that in prior discussion, the Commission has decided to review on a case-by-case basis. In this case, because it is a cul-de-sac, the adjacent home sits back and in order for the fence to meet Code, the return would be in the middle of the back of their home.

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 – 5755 Windsor Drive, Fairway, Kansas, as submitted by Robert Weidling, property owner, request for exception to fence location in front of the adjacent property line as shown on the revised proposal, subject to staff recommendations. Commissioner Denton seconded the motion.

The motion carried unanimously

- b. SITE PLAN –6028 CATALINA STREET, FAIRWAY, KANSAS, AS SUBMITTED BY JOSEPH ELDER OF ELDER CUSTOM HOMES ON BEHALF OF NICK AND ALYSSA HARRIS, PROPERTY OWNERS, REQUESTE FOR A NEW SINGLE-FAMILY RESIDENCE.

Chair Bailey requested the staff report.

Director Alani reported that the applicant is requesting a new single-family residence. The height of the new structure is 25 feet 5 inches. The watershed analysis shows the proposed hardscape will reduce the rear runoff and increase runoff to the street. Storm detention is not required. The project meets all requirements of Code Section 15-296 Dimension Standards and 15-287 Site Design Standards, except for 15-297(a)(2)e for large shade trees. The applicant will need to add at least two large shade trees to comply with Code requirements.

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.
6. Installation of approved temporary fencing and screening before a permit can be issued.

Chair Bailey asked for discussion from the Commission.

Commissioner Pfalzgraf pointed out that there is a typographical error in the report where the rear runoff is noted to be reduced from .07 cubic feet per second to .86 cubic feet per second.

Chair Bailey explained that the runoff should be revised to show that it is reduced from .97 cubic feet per second to .86 cubic feet per second.

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

MOTION: Motion was made by Commissioner Pfalzgraf to approve the Site Plan – 6028 Catalina Street, Fairway, Kansas, as submitted by Joseph Elder of Elder Custom Homes on behalf of Nick and Alyssa Harris, property owners, request for a new single-family residence, subject to staff recommendations. Commissioner Denton seconded the motion.

The motion carried unanimously.

- c. SITE PLAN –5926 WINDSOR DRIVE, FAIRWAY, KANSAS, AS SUBMITTED BY KIEU DUONG OF GENERATORS FOR SALE ON BEHALF OF MARY CHAMPION, PROPERTY OWNER, REQUEST EXCEPTION FOR GENERATOR LOCATION AND EXCEPTION TO GREENSPACE.

Chair Bailey requested the staff report.

Director Alani reported that the applicant has submitted a request for side yard location for a generator and an exception to greenspace of 12 square feet for a pad on which to install the generator. The applicant has also requested that the watershed analysis be waived.

Staff supports the request to waive the watershed analysis as the generator pad is minimal hardscape. Staff is not opposed to the requested exceptions. If the Planning Commission recommends approval of the request, staff recommends the following conditions:

1. Building permit must be obtained and fees paid, as required by City Code.
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.

Chair Bailey asked for discussion from the Commission.

Responding to Commissioner Pfalzgraf's question, Director Alani stated that the generator will fit on the proposed 12-foot square pad. He also confirmed that the Code requirements for noise are 75 decibels at the property line and that is tested at the final inspection.

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

MOTION: Motion was made by Commissioner Denton moved to approve the Site Plan – 5926 Windsor Drive, Fairway, Kansas, as submitted by Kieu Duong of Generators for Sale, on behalf of Mary Champion, Property Owner, request for exception to generator location and exception to greenspace, subject to staff recommendations. Commissioner Pfalzgraf seconded the motion.

The motion carried unanimously.

- d. SITE PLAN –4500 SHAWNEE MISSION PARKWAY, FAIRWAY, KANSAS, AS SUBMITTED BY WILLIAM VARNIER OF MEREDITH CORPORATION DBA kctv5, REQUEST FOR ALTERATION/MODIFICATION TO EXISTING MONUMENT SIGN FACE.

Chair Bailey requested the staff report.

Director Alani reported that the monument sign has been the current size and location since 1977. In 1994, the canopy sign was added. The sign face and canopy have been replaced in 2005, 2006 and 2021 with new logos updating the letter mark and landmark. The new monument sign face will have the same dimensions as the existing sign face, landmark and letter mark.

Staff recommends approval of the monument sign face replacement. If the Planning Commission recommends approval of the requested modification, the Project will go before the City Council on August 12, 2024 for final approval. Approval should include 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 Denton to approve the Site Plan – 4500 Shawnee Mission Parkway, Fairway, Kansas, as submitted by William Varnier of Meredith Corporation dba KCTV5, request for alteration/modification to existing monument sign face, subject to staff recommendations. Commissioner Pfalzgraf seconded the motion.

The motion carried unanimously.

- e. PUBLIC HEARING – SPECIAL USE PERMIT FOR UTILITY STRUCTURES (ELECTRICAL TRANSFORMERS AND EQUIPMENT) TO BE INSTALLED ONSITE FOR FAIRWAY ACTIVE ADULT APARTMENTS LOCATED AT 4210 SHAWNEE MISSION PARKWAY, AS SUBMITTED BY HENRY KLOVER OF KLOVER ARCHITECTS, ON BEHALF OF FAIRWAY AA, LLC, PROPERTY OWNER.

Chair Bailey requested the staff report.

Director Alani reported that the applicant is requesting a Special Use Permit for six utility structures on the property. No proposed landscaping or screening has been submitted and no information was submitted concerning noise. The applicant submitted a preliminary site plan on June 19, 2024 and proper notice was given by publication and written notice. The applicant has requested that the Special Use Permit be in effect for the duration of the existence of the building.

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

1. Special Use Permit duration be set to a 30-year time period on the Planning Commission’s previous recommendations on Utility Structure Special Use Permits (upon which the applicant may then seek renewal).
2. Landscaping/screening plans must be submitted for review and approval for all locations.

3. The utility structures shall not emit any unnecessary intrusive noise.
4. One electronic set must be submitted for plan review and approval.
5. Project must comply with all City Ordinances, the 2012 International Building Code and other incorporated technical codes.
6. Application and approval are void if a building permit is not obtained within one year from the date of Planning Commission approval.

With respect to noise, Director Alani explained that the applicant has provided a video of similar equipment and offered to play the video so the Commission could hear the sound generated by the equipment.

He added that staff recommends the Special Use Permit have a duration of 30 years; however, the applicant sent a letter requesting that the permit be for the lifespan of the building.

Responding to Chair Bailey's question, Director Alani explained that although the original site plan showed the location of the utility structures, the applicant still needs approval for the Special Use Permit.

There is a discussion concerning whether the utility structures will be located far enough away from the building so they will not be disruptive to the tenants.

Chair Bailey asked for the applicant to address the Commission.

Eric Castillo, Klover Architects, 8813 Penrose Lane, Suite 400, Lenexa, Kansas, addressed the Commission. He explained that the site has a unique configuration. There is one utility structure on the north side that will be somewhat close to the building; however, because there is so much landscaping in the area, he does not think noise will be an issue.

Commissioner Zwick noted that the topography of the site changes uphill and is concerned that the utility structures will look larger than they are because they are up on a hill. He asked if any improvements were planned with retaining walls or other things that would handle the uphill topography.

Mr. Castillo responded that the locations planned for the utility structures are flat so he does not believe retaining walls or other things will be needed.

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

Chair Bailey asked for further discussion from the Commission.

Commissioners discussed the duration of the Special Use Permit. Chair Bailey explained that she would want the equipment there for the entirety of the building, so it makes sense to allow the Special Use Permit to be for the duration of the building.

Responding to Commissioner Hoelscher's question concerning the reasoning behind the 30-year limit for Special Use Permits, City Clerk Aldrige explained that historically Special Use Permits for utility structures have been limited to 30 years. And, her understanding of the Code is that Special Use Permits cannot have an unlimited duration.

Zoning Counsel Krstulic explained that Special Use Permits are typically limited because they are considered a unique use. The applicant is getting special permission to do whatever the request is and Special Use Permits are intended to be reviewed.

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 Special Use Permit for utility structures (electrical transformers and equipment) to be installed on site for Fairway Active Adult Apartments located at 4210 Shawnee Mission Parkway, as submitted by Henry Klover of Klover Architects, on behalf of Fairway AA, LLC, property owners, subject to staff recommendations, noting specifically that the duration of the Special Use Permit is for 30 years. Commissioner Pfalzgraf seconded the motion.

The motion carried unanimously.

f. ANNUAL REVIEW OF PLANNING COMMISSION BY-LAWS.

Zoning Counsel Krstulic explained that the reason this item is on the agenda is because the Bylaws contain a statement that they be reviewed every year. She stated that if Commissioners need additional time to review the Bylaws, this item can be continued to the August 26, 2024 meeting.

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

MOTION: Motion was made by Commissioner Zwick to continue the annual review of the Fairway Planning Commission Bylaws to the August 26, 2024 meeting. Commissioner Denton seconded the motion.

The motion carried unanimously.

4. ADDITIONAL BUSINESS

a. NEXT MEETING

City Clerk Aldrige stated that the next meeting is scheduled for August 26, 2024.

5. ADJOURNMENT

Chair Bailey asked for a motion to adjourn.

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

The motion carried unanimously.

Hearing no further business, the meeting adjourned at 6:40 P.M.

Abbie Aldridge, City Clerk