

**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, January 30, 2023. The meeting was called to order at 6:08 P.M.

Present: Commissioners Shae Pelkowski, Ben Zwick, Jeremy Deeken, Michael Hoelscher, Ron Denton.

Absent: Commissioner Rorric Pfalzgraf.

Presiding: Chair Wendy Bailey.

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

Visitors: Scott Koenigsdorf, 4722 West 68th Street, Prairie Village, Kansas.

1. APPROVAL OF MINUTES

Chair Bailey asked for a motion to approve the minutes from the December 19, 2022 meeting.

MOTION: Motion was made by Commissioner Denton to approve the December 19, 2022 minutes. Commissioner Zwick seconded the motion.

The motion carried unanimously.

2. OLD BUSINESS

None.

3. NEW BUSINESS

a. SITE PLAN – 5606 CHEROKEE CIRCLE, FAIRWAY, KANSAS, AS SUBMITTED BY SCOTT KOENIGSDORF OF KOENIG BUILDING + RESTORATION, PROPERTY OWNER, FOR NEW SINGLE-FAMILY RESIDENCE AND EXCEPTION REQUESTS FOR THE FOLLOWING:

1. DRIVEWAY EXCEEDS MORE THAN 20 FEET.
2. GARAGE WALL TO EXCEED MORE THAN 8 FOOT IN FRONT OF THE PRIMARY DOOR THRESHOLD.

Chair Bailey requested the staff report.

Director Alani reported that the applicant submitted plans for a new single-family residence. The existing grade is 921.2 feet and the top of the existing foundation is 921.6 feet. The proposed top of foundation will be 922.2. The height of the new structure is 26.61 feet from the existing grade.

The watershed analysis shows an increase in hardscape from 19.3 percent to 31.3 percent. The run off will increase but detention is not required.

The applicant is seeking two exceptions. The first is for the driveway exceeding 20 feet in width and the second is for the garage exceeding more than 8 feet in front of the front door threshold.

Staff is not supportive of the request. Should the Planning Commission approve the site plan and requested exceptions, staff recommends the following conditions:

1. Three (3) complete sets of plans and one electronic set 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.

Responding to Chair Bailey's question, Director Alani stated that staff is not supportive of the request because of the exception requests; however, the Commission may approve the exceptions.

Chair Bailey asked if there were questions for staff. Hearing none, she asked the applicant to address the Commission.

Scott Koenigsdorf, 4722 West 68th Street, Prairie Village, Kansas, stated that the proposed home is a contemporary design. The lot is irregular, and pie shaped on a cul-de-sac. The current home has a rear entry garage with the driveway down the side of the home. They would like to have a three-car garage but that is very difficult due to the narrow lot frontage. They propose a garage design that will eliminate the need for a driveway around the home.

Mr. Koenigsdorf explained that the architect was not aware of the driveway width maximum of 20 feet. He apologized for the oversight and stated that they could eliminate that portion of the driveway although it would be nice to have that additional driveway as the home is on a cul-de-sac and neighboring curb cuts for other driveways leaving nowhere to park on the street.

Finally, Mr. Koenigsdorf pointed out that there are three other contemporary homes in the neighborhood that do not meet the 8 feet from the threshold requirement. One of those is a newer home and the other two are original.

Chair Bailey asked if there were questions for the applicant.

Responding to Commissioner Denton's question, Mr. Koenigsdorf explained that the architect did try other options with parking on the first floor or around the side. He did not like those options because of all the concrete around the home.

Chair Bailey stated that she does not have an issue with the garage extending farther in front of the house. She thinks that requirement is more important for smaller lots because the idea is not to have homes where the garage dominates the facade.

Commissioner Deeken indicated that he does not have concerns about the plan. While it is not perfect, he thinks it is a good work around based on the lot constraints.

Commissioner Denton pointed out that it is one thing if the garage is 10 or 12 feet in front of the threshold, but this plan has the garage approximately 30 feet in front on both sides of the house. He thinks it is too much garage. He understands the lot is difficult, but he thinks there are other solutions available. The language in the Code is to try to keep the neighborhood compatible and he thinks allowing this would fly in the face of that.

Commissioner Pelkowski indicated that he does not necessarily mind the garages. His concern is the concrete wall on the west side that may impose on the neighbor's sight lines. The current driveway is a much smoother transition than the wall.

Responding to Commissioner Deeken's question, Mr. Koenigsdorf stated that he has not spoken with the neighbors about the plan. He added that if the wall that projects past the single car garage is a problem, they could open up that area and remove the wall.

Responding to Commissioner Zwick's question, Director Alani confirmed that the project meets the greenspace requirements.

Commissioner Hoelscher expressed similar concerns to those of Commissioner Denton. He thinks the applicant is trying to push the garages out front of the house to get the three garages and he is concerned about the massing, especially where the single garage comes out.

Commissioner Deeken thinks that the single garage accentuates the two-car garage and that if there were only one protrusion on the right, then massing would be a problem. He thinks the second garage is intended to provide some balance to the street.

Commissioner Zwick asked if there was anything preventing the applicant from pushing the house further back on the diamond shaped lot as this would alleviate any concerns about the view from the neighbors.

Mr. Koenigsdorf responded that moving the house further back is not really an option because there are two large oak trees in the back that he plans to keep. In addition, it is pretty steep in the back and he would likely need to add a retaining wall off the pool.

Chair Bailey explained that the Code does not allow the garage to protrude more than 8 feet in front of the threshold so pushing the home back further on the lot would not help the situation.

Commissioner Denton explained that normally, the garage will stick out 7 ½ or 8 feet from the threshold and be integrated into the home. On this plan, the garages are completely

independent and hardly contact the home. This is a long, narrow, rectangular home that backs up to the pool. He thinks that the house could be turned 90 degrees with the garages beside it; however, he knows that the applicant wants a backyard and there are trees they are trying to save. He believes there are other solutions available without having two garages in the front yard sticking out 35 feet. He wonders why the City even writes the Code if it is not going to be followed. While he does not think it is a bad looking design, it does not meet the requirements.

Commissioner Zwick understands Commissioner Denton's point, but lots in most Wards are more rectangular and this lot is more diamond shaped, which makes it unique.

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

MOTION: Motion was made by Commissioner Denton to deny the Site Plan for 5605 Cherokee Circle, Fairway, Kansas, as submitted by Scott Koenigsdorf of Koenig Building + Restoration, property owner, for new single-family residence, and exception requests for the driveway to exceed more than 20 feet and the garage wall to exceed more than 8 feet in front of the primary door threshold. Commissioner Hoelscher seconded the motion.

The motion failed 2 - 3.

Discussion continued.

Commissioner Deeken stated that he understands the Code requirements; however, applicants are allowed to seek exceptions and if exceptions are not heard, then there is no reason to have a Planning Commission. The purpose of the Commission is to listen to the exception presentation and for the Commission to discuss ways to accommodate property owners who are trying to make an investment in the community.

Chair Bailey agreed, stating that she understands the garage/threshold requirement was to prevent garages from massing the entire front of the home. She thinks this proposal allows the entry of the home to be seen as well as both sides of the garage.

Commissioner Pelkowski added that on the southeast side the corner of the garage begins at the same location as the corner of the existing home so it will not impose more than the existing home does. He does think that the retaining wall should be removed to soften the look from the west.

Commissioner Denton asked what the Commission will say when someone with a narrow 55-foot lot comes in and wants to push their garage out in the front yard.

Commissioner Zwick responded that if the Commission grants this exception, it will be based on the merits of the application. He thinks the plan is the best use of the diamond shaped lot on a cul-de-sac. In addition, the applicant has met the greenspace requirements.

Commissioner Denton thinks there are other solutions available without breaking the Code requirements and he is concerned that approving this will encourage others to build garages in front of their homes. He thinks that the plan presents well on the elevation but knows that is not how it is going to look in reality.

Chair Bailey disagreed. She thinks that the house will look nice. If someone with a smaller lot seeks an exception and is not granted one, the Commission can point to the reasoning that they do not want to see only a garage from the street but also see the entry way to the home. She thinks this will set the current project apart from other examples. She pointed out that the Commission is asked routinely to grant exceptions to the Code.

Commissioner Denton agreed that the Commission has been asked to grant exceptions to the Code but they have been less severe. His concern is that the garage sticks out almost 35 feet in front of a home, making it the predominate feature.

Commissioner Deeken understands Commissioner Denton's concerns. Even though the garages project, the applicant has made a good accommodation to make the garages not look like garages from the street. He finds it compelling that the property is uniquely shaped, the applicant intends to preserve trees in the back, and there are also topography issues. He knows that the Commission could deny the application, but he is not convinced that someone else would be able to come up with a better use of the lot.

Commissioner Pelkowski agreed.

Director Alani pointed out that there is a 36-inch diameter oak tree in the right of way that is right next to the existing driveway. This means that the property owner is losing about 10 feet at the front of the property and the only option for a driveway is through the middle of the lot.

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

MOTION: Motion was made by Commissioner Deeken to approve the Site Plan for 5605 Cherokee Circle, Fairway, Kansas, as submitted by Scott Koenigsdorf of Koenig Building + Restoration, property owner, for new single family residence, and exception requests for the driveway to exceed more than 20 feet and the garage wall to exceed more than 8 feet in front of the primary door threshold, subject to staff recommendations, with the additional requirement that the retaining wall be removed as discussed. Commissioner Pelkowski seconded the motion.

The motion carried 3 to 2.

4. ADDITIONAL BUSINESS

a. NEXT MEETING

City Clerk Young stated that the next meeting is scheduled for February 27, 2023.

5. ADJOURNMENT

Chair Bailey asked for a motion to adjourn.

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

The motion carried unanimously.

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

Kim H. Young, City Clerk