

**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 via telephone and video conference on Monday, January 31, 2022. The meeting was called to order at 6:00 P.M.

Present: Commissioners Jonalan Smith, Michael Hoelscher, Jeremy Deeken (late arrival), Shae Pelkowski, Ron Denton, Ben Zwick.

Absent: None.

Presiding: Chair Wendy Bailey.

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

Visitors: David Kohart, 4093 Blackjack, Lawrence, Kansas; Amy Kellerman, 5616 Cherokee Circle.

City Administrator Nogelmeier outlined the virtual meeting rules. During the meeting, all attendees will have their video and audio disabled; however, attendees will be able to hear and see the members of the Commission and staff. Applicants for each agenda item will be unmuted at the appropriate time and should use the hand raise option to alert the Zoom facilitator that the applicant is associated with the item being discussed. The facilitator will share the applicant's audio and video with the Commission. At the conclusion of the discussion for each agenda item, the applicant will be placed back into attendee mode with their ability to share audio disabled. During the public hearing portion of the meeting, anyone wishing to comment may use the raise hand option and the facilitator will unmute attendees one at a time so that the Commission can hear any comments. Once all raised hands have had a chance to speak, the Chair will close the public comment section of the hearing. Applicants and those participating in the public hearing should provide their first and last names and addresses for the public record.

Proper decorum is expected of all attendees and anyone who fails to behave appropriately may be removed from the meeting. The City reserves the right to discontinue the meeting if any improper behavior occurs that would interrupt the conduct of business.

City Administrator Nogelmeier asked that Commission members and staff identify themselves before they make comments in order to comply with the Kansas Attorney General's guidance on virtual open meetings. All votes will be roll call votes.

1. APPROVAL OF MINUTES

Chair Bailey asked for a motion to approve the minutes from the December 20, 2021 meeting.

MOTION: Motion was made by Commissioner Denton to approve the December 20, 2021 minutes. Commissioner Smith seconded the motion.

City Clerk Young called for the roll call vote. The motion carried unanimously.

2. OLD BUSINESS

None.

3. NEW BUSINESS

- a. PUBLIC HEARING – SPECIAL USE PERMIT FOR TWO UTILITY STRUCTURES/JUNCTION BOXES LOCATED IN THE PUBLIC RIGHT OF WAY AT SW CORNER OF 5519 STATE PARK ROAD AND NORTH SIDE OF 4200 SHAWNEE MISSION PARKWAY AS SUBMITTED BY DAVID KOHART, AUTHORIZED REPRESENTATIVE OF EVERGY.

Chair Bailey requested the staff report.

Director Alani referred to the report in the packet. The applicant is requesting a permit for two utility junction boxes.

Staff is not opposed to the Special Use Permit and recommends approval with the following conditions:

1. Three (3) complete sets of plans and one electronic set be submitted for plan review and approval.
2. Landscaping/screening plans must be submitted for review and approval for both sites.
3. The Special Use Permit should authorize applicant to later replace the junction boxes with smaller structures at the same locations upon staff approval.
4. The Special Use Permit should have a duration of 30 years.
5. Project must comply with all local, state and federal laws and regulations and all applicable technical and/or safety standards.

City Clerk Young explained that the applicant obtained a permit from Right of Way Specialist Allen, who inspected the completed installation of the junction boxes. That is when he discovered that the boxes were larger than the Code allows and Director Stogsdill did not have authority to approve them.

Responding to Chair Bailey's question concerning whether utility boxes are increasing in size, City Clerk Young was not sure. She explained that in her tenure there has been only one other Special Use Permit required for a utility structure. That SUP stated that if future technology could decrease the size of the utility box then it was required to be upgraded to the smaller size.

Director Alani pointed out that the utility box at 5519 State Park Road is in the flood plain. He is not sure whether the box is sealed tight or if they would need approval from some other agency as to the location.

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

David Kohart, 4093 Blackjack, Lawrence, Kansas stated that he is a representative for Evergy on the project. As for the utility box being located in the flood plain, he stated that there are no exposed electrical components in the box that would cause concern. If there is another entity that would need to review the location, they would be happy to have the review conducted.

Chair Bailey asked for further discussion. Hearing none, she opened the public hearing on this item.

Amy Kellerman, 5616 Cherokee Circle, stated that she did not plan to comment on this item. She discussed problems she and her husband had with trying to sign on to the Board of Zoning Appeals meeting (scheduled directly before this Planning Commission meeting) using the link that was provided on the website.

City Administrator Nogelmeier stated that the Board of Zoning Appeals meeting had concluded and the application on the agenda was continued because the Kellerman's were not in attendance.

City Clerk Young advised Ms. Kellerman that she would contact her tomorrow concerning this issue.

Chair Bailey asked for additional public comment. There being no further public comment, she closed the public hearing on this item.

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

MOTION: Motion was made by Commissioner Smith to approve the Special Use Permit for two utility structures/junction boxes located in the public right of way at SW corner of 5519 State Park Road and north side of 4200 Shawnee Mission Parkway as submitted by David Kohart, authorized representative for Evergy, subject to staff recommendations. Commissioner Zwick seconded the motion.

City Clerk Young called for the roll call vote. The motion carried unanimously.

- b. SITE PLAN FOR NEW SINGLE-FAMILY RESIDENCE 6042 MISSION ROAD, FAIRWAY, KANSAS, AS SUBMITTED BY SCOTT KOENIGSDORF OF KOENIG BUILDING + RESTORATION, PROPERTY OWNER.

Chair Bailey requested the staff report.

Director Alani stated that the applicant has submitted plans for a new single-family residence. The existing grade is 957.5 and the new proposed foundation is 958.5, which is one foot above

existing grade. The height of the structure will be 29 feet 11 3/8 inches. The applicant will be removing the existing circular drive, which will reduce the hardscape. The watershed analysis shows there will be no additional runoff and a retention basin is not required.

Staff recommends approval of the project subject to 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 Residential Code, 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. Verification of the top of foundation elevation and height of the structure once roof is installed.

Chair Bailey asked for questions for staff. Hearing none, she 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 for new single-family residence at 6042 Mission Road, Fairway, Kansas as submitted by Scott Koenigsdorf of Koenig Building + Restoration, property owner, subject to staff recommendations. Commissioner Pelkowski seconded the motion.

City Clerk Young called for the roll call vote. The motion carried unanimously.

c. SITE PLAN AND EXCEPTION REQUESTS TO DRIVEWAY AND GENERATOR REQUIREMENTS – 6016 WINDSOR DRIVE, FAIRWAY, KANSAS, AS SUBMITTED BY GRANT PFOLTNER OF MORONEYKC ON BEHALF OF BRANDON AND SASIPEN NOTT, PROPERTY OWNERS.

Director Alani explained that the applicant is seeking two exceptions. The first exception is to remove the landscape strips in the driveways and the portion of the circular drive that connects to the driveway on the north side. The second exception relates to a patio that was installed on the back of the house, which staff discovered was installed without a permit. The exception for the patio is requested because the applicant would like to install a generator and the generator pad size will be larger than what is allowed in the Code.

Staff is supportive of the request. Should the Planning Commission approve the site plan and requested exception to allow the driveways not to interconnect and the re-allocation of hardscape, 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 and 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.

City Clerk Young explained that the home was built in 2012 and the greenspace requirement at that time was 55 percent. In order to meet that greenspace requirement, the property owner installed landscape strips in the driveway. She noted that a stone walkway will be removed as well as the driveway that goes to the upper garage and the driveway that connects on the north side to the lower garage. The Code requires that semicircular driveways connect with another driveway and therefore, an exception is required. The applicant will also be filling in the landscape strips on the northern driveway and the driveway that connects to the upper garage. The net result of the hardscape they are removing and adding is a reduction of about 40 square feet, therefore meeting the greenspace requirements.

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

MOTION: Motion was made by Commissioner Smith to approve the site plan and exception requests to driveway and generator requirements – 6016 Windsor Drive, Fairway, Kansas, as submitted by Grant Pfofner of MoroneyKC on behalf of Brandon and Sasipen Nott, property owners, subject to staff recommendations. Commissioner Zwick seconded the motion.

City Clerk Young called for the roll call vote and the motion carried unanimously.

d. PUBLIC HEARING – ORDINANCE AMENDING AND ADDING LANGUAGE AND REGULATIONS TO FAIRWAY MUNICIPAL CODE SECTIONS 15-235 SITE PLAN REVIEW, 15-298 SPECIAL CONDITIONS FOR USES AND 15-798 DEFINED TERMS FOR SOLAR ENERGY SYSTEMS.

City Clerk Young stated that this item has been discussed at the last two meetings. If the Commission approves the Ordinance, it will go before the City Council at its next meeting on February 14, 2022 for approval.

Zoning Council Krstulic explained that the changes made following the last Planning Commission meeting have been highlighted and relate to the special conditions for uses in Section 15-298, which reflect the Commission's recommendation that there be an allowance for the solar panels to stand off of the roof.

Chair Bailey asked for discussion from the Commission. Hearing none, she opened the public hearing on this item. There being no one in the public wishing to comment, she closed the public hearing on this item.

Chair Bailey asked for additional discussion.

Responding to Commissioner Zwick's question, City Clerk Young explained that a requirement has been added in Section 15-235 that all applications for solar panels must come before the Commission.

Responding to Commissioner Denton's question concerning the regularity of applications for solar panels, Director Alani explained that since the Commission began discussing this issue, three applications have been received, so it is roughly one per month. The proposed Ordinance will not apply to those applications because the Ordinance was not enacted prior to receipt of those applications.

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

MOTION: Motion was made by Commissioner Denton to recommend approval of the Ordinance amending and adding language and regulations to Fairway Municipal Code Sections 15-235 Site Plan Review, 15-298 Special Conditions for Use and 15-798 Defined Terms for solar energy systems. Commissioner Smith seconded the motion.

City Clerk Young called for the roll call vote. She noted that Commissioner Deeken had signed on to the meeting during discussion of this item. Due to connection difficulties, his vote was not able to be heard. The motion carried unanimously.

4. ADDITIONAL BUSINESS
- a. NEXT MEETING

City Clerk Young stated that the next meeting is scheduled for February 28, 2022.

5. ADJOURNMENT

Chair Bailey asked for a motion to adjourn.

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

City Clerk Young called for the roll call vote. The motion carried unanimously, with Commissioner Deeken unable to connect.

Hearing no further business, the meeting adjourned at 6:32 P.M.

Kim H. Young, City Clerk