

**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, March 27, 2023. The meeting was called to order at 6:00 P.M.

Present: Commissioners Shae Pelkowski, Jeremy Deeken, Rorrlic Pfalzgraf, Michael Hoelscher, Ron Denton.

Absent: Commissioner Ben Zwick.

Presiding: Chair Wendy Bailey.

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

Visitors: Bruce Wendlandt, Wendlandt & Stallbaumer Architects, 7924 Floyd Street, Overland Park, Kansas.

1. APPROVAL OF MINUTES

Chair Bailey asked for a motion to approve the minutes from the February 27, 2023 meeting.

MOTION: Motion was made by Commissioner Denton to approve the February 27, 2023 minutes. Commissioner Hoelscher seconded the motion.

The motion carried unanimously.

2. OLD BUSINESS

None.

3. NEW BUSINESS

- a. SITE PLAN – 5831 SUNRISE DRIVE, FAIRWAY, KANSAS, AS SUBMITTED BY BRUCE WENDLANT OF WENDLANT-STALLBAUMER ARCHITECTS AND WILLIAM AND SAYRE PINGLETON, ON BEHALF OF MOJO BUILT, PROPERTY OWNER, FOR NEW SINGLE-FAMILY RESIDENCE AND EXCEPTION TO EXCEED MAXIMUM SIZE FOR GENERATOR PAD.

Chair Bailey requested the staff report.

Director Alani reported that the applicant submitted plans for a new single-family residence. The existing grade elevation is 947.5 feet and the proposed grade elevation is 949.33 feet. The height of the new structure equals 24.83 feet measured from the existing grade. The applicant is seeking an exception to the size of the generator pad of 24 square feet. The generator will be located about 6 feet from the building wall and while that does not meet Code, staff has the authority to approve the location.

The watershed analysis shows an increase in hardscape from 5,088 square feet to 5,517.9 square feet. There will be increased runoff to the street; however, storm detention is not required.

Director Alani explained that after the staff report was published, he discovered that the proposed driveway will be too close to a right of way tree. Staff is supportive of removal of the tree, pending approval by City Council.

Staff is not supportive of the pad size exception request; however, does support the request for the new home and the location of the generator. Should the Planning Commission approve the site plan and exception request, 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. City Council must approve removal of the right of way tree.

City Clerk Young explained that because the diameter of the right of way tree is greater than 30 inches, it is considered a feature tree and removal would require approval from the City Council.

Director Alani added that he talked with the applicant who thinks he can possibly rework the driveway location to accommodate the right of way tree.

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

Bruce Wendlandt, Wendlandt & Stallbaumer Architects, 7924 Floyd Street, Overland Park, explained that the lot is wider at the street and narrow at the rear. There are four street trees and while he will discuss the best solution with the Pingleton's, it will be difficult to get a driveway anywhere on the site without coming into proximity of a street tree. Using the existing driveway location will be problematic because it is downhill and not conducive for the anticipated needs of a wheelchair. The previous home had a side entry garage so the existing driveway is near the side property line. The new home will have a straight in two car garage.

As for the exception request for the generator pad, Mr. Wendlandt explained that the exact specifications for the generator have not been calculated. The pad may not need to be 24 square feet as requested and they will make it as small as possible. A whole house generator he recently installed did come close to 24 square feet. He has already contacted Director Alani and narrowed down the width of the proposed pad from 4 feet to 3 feet 6 inches.

Director Alani clarified that the applicant did submit a previous site plan that exceeded the greenspace requirement. As part of the revised plan, they have reduced the patio and made the generator pad smaller to meet the greenspace requirements. The revised plans show the generator pad to be 27 square feet.

Responding to Commissioner Hoelscher's question, Director Alani explained that the Code was recently changed to allow generator pads to be a maximum of 12 square feet. He did some research and depending on the size of the house, generators are taking up the entire pad at 12 square feet.

Commissioner Denton stated that he has concerns about granting the exception without knowing the size of the generator.

Commissioner Pelkowski agreed.

Chair Bailey recalled that when the Code was changed, the Commission considered the size of the generator and the noise it would create. She added that it seems like generators are getting bigger and if that is the case, the Commission may need to look into the noise created by those generators.

Responding to Commissioner Pelkowski's question concerning whether the applicant had considered using battery backup in lieu of having to run a generator for the whole house, Mr. Wendlandt stated that has not been discussed.

Discussion followed concerning a prior applicant who had been granted an exception to the generator pad size. Director Alani recalled that the house was between 6,000 and 7,000 square feet and it was one of the largest generators he has seen. Typical generators are 2 feet by 3 feet and some generators are entire house generators while others just handle the essentials.

Commissioner Pfalzgraf stated that if an exception was granted in the past for a larger pad for a larger home, the Commission should be consistent especially when the proposed house is also a larger home and meets the greenspace requirements.

Commissioner Hoelscher also agreed that the Commission should be consistent, especially with the larger lot and the greenspace requirements being met.

Commissioner Pfalzgraf suggested that, because the size of the generator is unknown, the Commission approve a maximum size for the generator pad, or allow it to be one foot wider on any dimension than the actual generator.

Mr. Wendlandt stated that the Pingleton's would be amenable to put in a smaller pad based on the size of the generator.

Commissioner Pelkowski asked about the location of the generator in relation to the property line because he is concerned about the noise factor and the scenario where more sound buffering is needed to meet the 75 decibels allowed in the Code.

Commissioner Denton stated that the closest dimension is shown on the plans to be 18 feet from the property line.

Mr. Wendlandt added that the generator will be placed in the biggest area of the side yard where there is lots of area for evergreen type plantings for buffering.

Chair Bailey asked if there were other questions for the applicant. Hearing none, she asked for additional discussion from the Commission. Hearing none, she asked for a motion.

MOTION: Motion was made by Commissioner Denton to approve the site plan for 5831 Sunrise Drive, Fairway, Kansas, as submitted by Bruce Wendlandt of Wendlandt Stallbaumer Architects and William and Sayra Pingleton on behalf of MOJO Built, property owner, for new single family residence and exception request to exceed maximum size for generator pad, subject to staff recommendations, and the additional requirement that the generator pad be no more than one foot larger than the overall size of the generator, not to exceed 24 square feet. Commissioner Pfalzgraf seconded the motion.

Discussion followed concerning whether the motion should include a requirement related to the right of way tree. City Clerk Young explained that the City Council would need to approve removal of the right of way tree.

Following discussion, the motion carried unanimously.

4. ADDITIONAL BUSINESS

a. NEXT MEETING

City Clerk Young stated that the next meeting is scheduled for April 24, 2023.

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 6:27 P.M.

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Kim H. Young, City Clerk