

**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, May 23, 2022. The meeting was called to order at 6:00 P.M.

Present: Commissioners Shae Pelkowski, Jeremy Deeken, Rorric 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: Phill Krum, 8204 Rosewood Lane, Prairie Village, Kansas; Jeff Brent, McBrenty, LLC, 4034 Shawnee Mission Parkway; Henry Klover, Klover Architects, 8813 Penrose Lane, Suite 400, Lenexa, Kansas.

1. APPROVAL OF MINUTES

Chair Bailey asked for a motion to approve the minutes from the April 25, 2022 meeting.

MOTION: Motion was made by Commissioner Denton to approve the April 25, 2022 minutes. Commissioner Pelkowski seconded the motion.

The motion carried unanimously.

2. OLD BUSINESS

None.

3. NEW BUSINESS

a. SITE PLAN FOR ADDITION AND EXCEPTION REQUEST – 5942 HOWE DRIVE, FAIRWAY, KANSAS, AS SUBMITTED BY LONNIE SHANKS OF JCARCHITECTS ON BEHALF OF BRIAN AND LIZ WALLACE, PROPERTY OWNERS.

Chair Bailey requested the staff report.

Director Alani stated that the applicant is building an addition and has requested an exception to the 15 percent window and door opening requirements for the north façade. The proposed window and door opening is at 8.14 percent.

Staff is not opposed to the exception request with 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 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 if there were questions for staff.

Commissioner Denton noted that the applicant does not show the screened in porch on the site plan; however, it is shown on a separate elevation. He wondered why the applicant did not take advantage of the entire façade in the calculations because with the screened in porch, the window and door openings would increase from 8.4 to 11.9 percent, which is not as big an ask.

Director Alani is not sure why the applicant did not take into account the screened porch but regardless, an exception would still be required.

Chair Bailey asked if the structural drawings have been reviewed because it appears the existing structure will support the new addition and it should be confirmed that the structure can handle the extra load.

Director Alani responded that he has not reviewed the structural drawings but they will be submitted and reviewed after the exception request is granted.

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

Phill Krum, 8204 Rosewood Lane, Prairie Village, Kansas, responded to Commissioner Denton's question, stating that when the initial drawings were submitted, they were not certain they would be adding the screened in porch but they have now decided to add it. Based on roof lines on the façade, it will be difficult to install another window to meet the window and door opening requirements.

Chair Bailey explained that the reason behind the window and door opening requirement is to prevent neighbors from looking out their window and seeing one plane. Because of the different setbacks and relief along the north façade, she is not opposed to granting the exception.

The remaining Commissioners agreed.

Chair Bailey asked for a motion.

MOTION: Motion was made by Commissioner Denton to approve the site plan for addition and exception request – 5942 Howe Drive, Fairway, Kansas, as submitted by

Lonnie Shanks of JCarchitects on behalf of Brian and Liz Wallace, property owners, subject to staff recommendations. Commissioner Deeken seconded the motion

The motion carried unanimously.

b. SITE PLAN FOR SOLAR ENERGY SYSTEM AND SIGNAGE INCLUDING DEVIATION FOR THE NUMBER OF SIGNS – 4034 SHAWNEE MISSION PARKWAY, FAIRWAY, KANSAS, AS SUBMITTED BY JEFF BRENT OF MCBRENTY LLC, PROPERTY OWNER.

Chair Bailey requested the staff report.

Director Alani stated that the applicant is requesting approval to install roof mounted solar panels and is also requesting a deviation for permanent yard signs to be installed for the parking lot (8 individual parking spot signs and two lot entry signs). While staff initially considered the signs to be yard signs, Zoning Counsel Krstulic has indicated that the signs would be considered government signs.

Zoning Counsel Krstulic clarified that the proposed signs would be governed by the Manual on Uniform Traffic Control Devices. She is not aware of what the requirements are, but a condition of approval would need to be that the applicant comply with the requirements set forth in the Manual.

Staff recommends approval of the roof mounted solar panels. Staff also recommends approval of the sign number and location. If the Planning Commission recommends approval, the project will go before the City Council on June 13, 2022 for final approval. Any approval should include 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.

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

Jeff Brent, McBrenty, LLC, 4034 Shawnee Mission Parkway, discussed the solar panel installation planned for the building. He explained that the solar panels will provide about 70 percent of the energy needed for the building; however, that will step back at night and in the winter months so on average, the solar panels will provide at least 50 percent of the energy needed. Tax credits expire this year and depreciation can be accelerated so it is a good time to

install the panels. He noted that being a business is the key point as residential payback is much more difficult, especially with all the trees in Fairway.

Responding to Commissioner Pfalzgraf's question concerning sun reflecting off of the panels onto Shawnee Mission Parkway, Mr. Brent explained that because of how the roof faces, the current metal sun wall is the biggest risk for reflection and he has not heard of that being a problem.

Responding to Chair Bailey's question, Mr. Brent indicated that the panels will be fixed, will not rotate and will be clipped onto the ribs of the standing seam metal roof. The wiring will be behind the panels with a piece of roofing material for concealment.

Responding to Commissioner Denton's question, Mr. Brent stated that the system is an engineered system specific to the metal roof currently installed and the clamps are installed to the recommended torque. The engineers calculated the snow loads and confirmed that even if all the snow was on the front edge, the snow loads were met.

With respect to the parking sign question, Mr. Brent stated that addressing the parking situation is mandatory because people are parking in their spots. He asked for further clarification concerning the additional parking signs requested.

Zoning Counsel Krstulic explained that traffic control devices and things that protect private property rights are considered government signs because they instruct people where to park and instruct people where they are not allowed to park. The Manual on Uniform Traffic Control Devices is approved by the Kansas Secretary of Transportation and the applicant will need to meet whatever requirements are addressed in the Manual, especially with respect to the size of the signs. She further confirmed that the Commission will need to approve the signage because the property is in the B-1 District.

Responding to Mr. Brent's question, Zoning Counsel Krstulic stated that the Manual may also address lot entrance signs.

Chair Bailey asked for further discussion.

Commissioner Denton stated that he approves of both the solar panel request and the proposed signage.

Chair Bailey asked for a motion.

MOTION: Motion was made by Commissioner Pelkowski to approve the site plan for solar energy system and signage, including deviation for the number of signs – 4034 Shawnee Mission Parkway, Fairway, Kansas, as submitted by Jeff Brent of McBrenty LLC, property owner, subject to staff recommendations. Commissioner Denton seconded the motion

The motion carried unanimously.

- c. FINAL DEVELOPMENT PLAN – 4200/4210/4220 SHAWNEE MISSION PARKWAY AND PARCEL GF251209-3020, SUBMITTED BY HENRY KLOVER OF KLOVER ARCHITECTS ON BEHALF OF MREM FAIRWAY PROPERTY LLC, MREM FAIRWAY PROPERTY RETAIL LLC, AND MREM FAIRWAY PARKING LLC.

Zoning Counsel Krstulic stated that the next three agenda items can be discussed together but there should be three separate motions.

Chair Bailey asked for the staff report.

Director Alani stated that the applicant has made changes to the Final Development Plan and Final Site Plan from the preliminary application and those changes are outlined in the report.

Staff defers to the Planning Commission for approval of the Final Development Plan and the Final Site Plan. Staff recommends approval of the Plat. Should the Planning Commission approve the Final Development Plan, the Final Site Plan and the Plat, the following conditions should apply:

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.

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

Henry Klover, Klover Architects, 8813 Penrose Lane, Suite 400, Lenexa, Kansas, stated that he is the architect on the project.

Chair Bailey recalled that when the preliminary site plan was considered, the Commission asked that the applicant consider providing a lighting study and a traffic evaluation. She asked for an update of those items.

Mr. Klover responded that the traffic memo submitted initially showed that the rate of traffic would be decreased from what was previously an office building.

Director Alani explained that a shorter traffic study was submitted with the preliminary site plan.

City Clerk Young added that a full traffic study takes months or years. At the time the preliminary plans were being reviewed, the most recent traffic study performed by KDOT was several years old. The preliminary plans were submitted during the pandemic when schools were closed and people were working remotely and the consensus was that traffic study would not be accurate.

Responding to Chair Bailey's concerns about the light from the development directed across Shawnee Mission Parkway to the back yards of homes, Mr. Klover explained that other than lights in the windows, decks, and other ground lighting, there would not be lights shining out from the building. The only modification to the street lights is at the entrance drive. Because this is a residential building, lighting will be low key.

Mr. Klover presented a PowerPoint for the project. He discussed a series of minor changes from the preliminary plans, stating the differences in project area occurred because the initial plans were based on an AIMS survey and the survey conducted for the project showed some things were different.

One significant difference in the final plan is increase in square footage of the units, which changed the layout of the units allowing for some nice corner units. Mr. Klover explained the location of the leasing office, parking, courtyard, stairs and elevators. Originally, a sidewalk was planned to go all the way around the building but due to security concerns, they decided to fence off the area. He noted that there was a difference in the square footage from the original plan of about 1,232 square feet and they have maintained all building setbacks. Additional access points have been added to the courtyards and steps have been added because the courtyards are on different levels.

Mr. Klover pointed out the grade differences that were discovered and how they were addressed. In addition, the preliminary plan showed the pervious area as 36,000 square feet; however, a calculation error was discovered and the actual pervious area is 51,000 square feet. The stormwater study shows there will be no stormwater issues.

Mr. Klover stated that they have maintained the French Country character elements from the original design. They think they have put together a wonderful project and appreciate staff's help in working to comply with any concerns.

Chair Bailey asked for questions for the applicant.

Responding to Commissioner Denton's question, Mr. Klover stated that they plan to put a fence along 55th Street. The gates that go along the KU park side will have key fobs for security. The doors will have deadbolts and they plan to put additional security devices on the doors so they cannot be tampered with. The courtyards will be secured and only residents and guests will be allowed to enter them.

Responding to Commissioner Pfalzgraf's question, Mr. Klover explained that for maintenance purposes, the materials that look like wood on the porches and balconies will be synthetic. The synthetic materials should last for years or decades while wood materials would fail quickly.

Responding to Commissioner Hoelscher's question, Mr. Klover explained that the area on the northwest corner that is four stories is where the electrical and utilities will be located. They will plant vertical green trees to cover the foundation in that area.

Commissioner Denton asked when residents would be able to lease the units.

Mr. Klover responded that it will take several weeks for the utilities and easements to be vacated. They will then apply for a demolition permit and the project has about a 20 month build process. They will begin preparing graphics and 3D imagery for the units with amenities and look to possibly begin leasing in about one year.

Commissioner Hoelscher asked if the pad site would be developed at the same time.

Mr. Klover responded that there are no tenants currently looking at the pad site but he expects that once there is activity on the site that someone will come forward. While they originally had shown that a sidewalk would be built throughout the pad site, until they know who the tenant will be, they may put off installing the sidewalk.

Director Alani pointed out that if a new development comes to the pad site, the applicant will need to submit a watershed analysis because an analysis for the pad site has not been submitted.

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

MOTION: Motion was made by Commissioner Denton to approve the Final Development Plan – 4200/4210/4220 Shawnee Mission Parkway and Parcel GF251209-3020, submitted by Henry Klover of Klover Architects on behalf of MREM Fairway Property LLC, MREM Fairway Property Retail LLC and MREM Fairway Parking LLC, subject to staff recommendations. Commissioner Deeken seconded the motion

The motion carried unanimously.

- d. FINAL SITE PLAN – 4210/4220 SHAWNEE MISSION PARKWAY AND PARCEL GF21502-3020, SUBMITTED BY HENRY KLOVER OF KLOVER ARCHITECTS ON BEHALF OF MREM FAIRWAY PROPERTY LLC AND MREM FAIRWAY PARKING LLC.

Chair Bailey asked for a motion.

MOTION: Motion was made by Commissioner Denton to approve the Final Site Plan – 4210/4220 Shawnee Mission Parkway and Parcel GF251209-3020, submitted by

Henry Klover of Klover Architects on behalf of MREM Fairway Property LLC and MREM Fairway Parking LLC, subject to staff recommendations. Commissioner Deeken seconded the motion

The motion carried unanimously.

- e. PLAT – 4210/4220 SHAWNEE MISSION PARKWAY AND PARCEL GF251209-3020, SUBMITTED BY HENRY KLOVER OF KLOVER ARCHITECTS ON BEHALF OF MREM FAIRWAY PROPERTY LLC, MREM FAIRWAY PROPERTY RETAIL LLC, AND MREM FAIRWAY PARKING LLC.

Chair Bailey asked for a motion.

MOTION: Motion was made by Commissioner Denton to approve the Plat – 4210/4220 Shawnee Mission Parkway and Parcel GF251209-3020, submitted by Henry Klover of Klover Architects on behalf of MREM Fairway Property LLC, MREM Fairway Property Retail LLC, and MREM Fairway Parking LLC, subject to staff recommendations. Commissioner Deeken seconded the motion

The motion carried unanimously.

4. ADDITIONAL BUSINESS

a. NEXT MEETING

City Clerk Young stated that the next meeting is scheduled for June 27, 2022; however, no applications have been submitted and the deadline is May 27, 2022.

Discussion followed regarding the list of items that the Council has asked the Commission to review many months ago. Chair Bailey asked City Clerk Young to review the list.

City Clerk Young also discussed a discrepancy concerning how driveways are being addressed on site versus the Code regulation. She indicated that the Code would need to be revised to take care of this discrepancy. She also asked if the Commission would consider changing the Code to allow staff to approve the site plans for new homes that meet the Code.

Chair Bailey asked staff to review the remaining items on the Council's to do list in hopes that the Commission could begin working through those items over the next six months.

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 7:30 P.M.

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Kim H. Young, City Clerk