

**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, August 29, 2022. The meeting was called to order at 6:00 P.M.

Present: Commissioners Jeremy Deeken, Rorric Pfalzgraf, Ron Denton, Michael Hoelscher and Ben Zwick.

Absent: Commissioners Shae Pelkowski.

Presiding: Chair Wendy Bailey.

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

Visitors: Caleb George, 6830 Beverly Street, Overland Park, KS; Mike Helmuth, 5900 El Monte Street; Joe McLaughlin, 712 State Avenue, Kansas City, KS; Lewis Heacker, 6125 Granada Street.

1. APPROVAL OF MINUTES

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

MOTION: Motion was made by Commissioner Denton to approve the July 25, 2022 minutes. Commissioner Pfalzgraf seconded the motion. The motion carried unanimously.

2. OLD BUSINESS

None.

3. NEW BUSINESS

- a. PLAT – 4200/4210 SHAWNEE MISSION PARKWAY AND PARCEL GF251209-3020, SUBMITTED BY JOE MCLAUGHLIN OF BRUNGARDT HONOMICHL AND CO. P.A. ON BEHALF OF MREM FAIRWAY PROPERTY LLC, MREM FAIRWAY PROPERTY RETAIL LLC, AND MREM FAIRWAY PARKING LLC.

Director Alani reported that on May 23, 2022, the Planning Commission approved the conceptual Plat. The applicant is requesting approval of the Final Plat. Staff recommends approval of the Final Plat. If the Planning Commission recommends approval, the Final Plat will go before the Governing Body.

Chair Bailey asked for questions for staff.

Commissioner Denton asked for confirmation that the previous conveyance of part of the parking lot from KU Cancer Clinic to the current property owner still meets parking requirements for KU.

City Clerk Young responded that there have not been any issues yet but if there are in the future the burden falls to KU to resolve.

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

MOTION: Motion was made by Commissioner Denton to approve the Final Plat – 4200/4210 Shawnee Mission Parkway and Parcel GF251209-3020, submitted by Joe McLaughlin of Brungardt Honomichl and Co. P.A. on behalf of MREM Fairway Property LLC, MREM Fairway Property Retail LLC, and MREM Fairway Parking LLC. Commissioner Pfalzgraf seconded the motion. The motion carried unanimously.

b. SITE PLAN FOR NEW SINGLE-FAMILY HOME – 4218 W 59TH STREET, FAIRWAY, KANSAS, AS SUBMITTED BY CALEB GEORGE OF CHRIS GEORGE CUSTOM HOMES, PROPERTY OWNER.

Director Alani stated that the applicant submitted plans for a new single-family residence. The plans show the height of the structure is 29 feet, 8 1/8 inches from the existing 942.8-foot elevation. The watershed analysis shows the proposed hardscape will increase from 20.2% to 32.2%, which will increase the runoff. An infiltration trench is proposed to reduce the discharge. The applicant also submitted an application to remove a right-of-way tree and the City Council will consider this on September 12, 2022. The project meets all other requirements. Staff recommends approval of the project pending City Council approval of the right-of-way tree removal, 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 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 other questions from staff. Hearing none, she asked the applicant to address the Commission.

Mr. George described the project and asked if there are any questions.

Chair Bailey noted the exposed foundation at the front between the door and the garage and asked if there will be plantings in that location. Director Alani replied that the applicant will submit a landscape plan.

Commissioner Denton asked if the windows meet Code requirements. Director Alani replied yes.

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

MOTION: Motion was made by Commissioner Denton to approve the site plan for new single-family home – 4218 W. 59th Street, Fairway, Kansas, as submitted by Caleb George of Chris George Custom Homes, property owner, subject to staff recommendations and City Council approval of right-of-way tree removal. Commissioner Pfalzgraf seconded the motion. The motion carried unanimously.

c. SITE PLAN FOR EXCEPTION REQUEST TO THE DRIVEWAY REQUIREMENTS – 5869 FONTANA STREET, FAIRWAY, KANSAS, AS SUBMITTED BY CALEB GEORGE OF CHRIS GEORGE CUSTOM HOMES, PROPERTY OWNER.

Director Alani stated that the applicant previously submitted a request for a new single-family home that the Planning Commission approved on August 30, 2021. The applicant is resubmitting for an exception to the minimum required 35-foot distance between curb cuts and revision to driveway plans. Staff does not support the application. If the Planning Commission grants approval, 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.

Chair Bailey asked if the applicant is adding a curb cut to create a circle drive. Director Alani replied yes.

Commissioner Denton asked if the approach on the main drive is supposed to be 16 feet instead of 18 feet. Director Alani replied that it can be 20 feet based on the size of lot frontage.

Chair Bailey asked if the project meets greenspace requirements. Director Alani replied yes. Chair Bailey asked if the project is at the limit. Director Alani replied yes.

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

Mr. George informed the Commission that the home was purchased from residents that currently live across the street. The exception request is from the buyer who is familiar with the parking limitations on the street. Their current home requires their kids to park their vehicles on the street and they would like to increase off-street parking with this house. Mr. George said that he talked with the buyer today and they are open to seeking a wider approach that matches the 22.33-foot drive width at the garage instead of adding a second curb cut.

Chair Bailey asked if the buyer prefers the circle drive. Mr. George replied that they would be happy with the larger approach. Director Alani noted that this alternative would still require an exception because it exceeds the 20-foot width limitation. Mr. George commented that there would be less concrete with the alternative.

Commissioner Denton questioned if the 17-foot area is sufficient for an inexperienced driver to navigate and park. Mr. George responded that the proposed driveway is 32 feet across and the goal is to be able to park between the curb cuts.

Commissioner Zwick asked about the distance between the approaches for the circle drive. Mr. George replied approximately 6 feet.

Commissioner Denton stated that he does not like the circle drive because they would be paving the whole side of the house and he does not think the pad is big enough for parking.

Chair Bailey said she thought the Commission had approved a similar situation close to Shawnee Mission Parkway but could not remember the address.

Commissioner Pfalzgraf asked if the alternative would only be a 2-foot increase. Mr. George replied 2.33 feet to match the 22.33-foot width at the garage facade.

Commissioner Deeken asked if the applicant received feedback from the neighbors. Mr. George said he had not spoken to neighbors because notification was not required for the application.

Commissioner Zwick stated that he is not supportive due to the amount of hardscape and aesthetics.

Mike Helmuth, 5900 El Monte, said he currently lives across the street and parking is an issue. The goal is to get the family's cars off the street and it is important for them to have two spots to park off-street without having to move cars constantly.

Commissioner Pfalzgraf noted that the additional 2.33 feet for the alternative is relatively minor and it would be beneficial if there is less parking on the street.

Commissioner Denton asked for clarification about the 2.33 feet. Mr. George replied that would allow the drive approach to be 22.33 feet wide to be even with the garage foundation walls and provide easier access to secondary parking. Mr. Helmuth added that Mr. George presented this option in lieu of the circular drive that would just be a parking pad, and he thinks it would look better.

Commissioner Deeken said he does not intend to design the drive but suggested arcing the driveway entrance over to the pad. Discussion followed.

Commissioner Denton stated that he was not comfortable with hammering out a design at the meeting.

Mr. George said that their goal is to get the concrete in next month.

Chair Bailey said there were four options before the Commission: (1) circular driveway design, (2) eliminate second curb cut and have a pad, (3) allow driveway to arc over to the pad, and (4) deny the application. She suggested that if the Commission is in favor of Option 3, any motion should give Director Alani the ability to approve the arc from the driveway to the pad.

Responding to Director Alani's question, Commissioner Deeken confirmed that the approach included the 3-foot wings.

Chair Bailey asked for a motion.

MOTION: Motion was made by Commissioner Deeken to approve Option 3 to include a 45-degree cut or tangent for access to the concrete pad, a 20-foot curb cut with 3-foot flares on each side and authorize Director Alani to approve the revised site plan for the driveway – 5869 Fontana Street, Fairway, Kansas, submitted by Caleb George of Chris George Custom Homes, property owner, subject to staff recommendations. Commissioner Pfalzgraf seconded the motion. The motion carried 3-2 with Commissioners Zwick and Denton voting no.

d. SITE PLAN FOR EXCEPTION REQUEST TO THE GREENSPACE REQUIREMENTS – 6125 GRANADA STREET, FAIRWAY, KANSAS, AS SUBMITTED BY LEWIS AND MERIDETH HEACKER, PROPERTY OWNERS.

Director Alani stated that in 2020, the home on the property was torn down and a new home was built. The lot size is 7,788 square feet and the required greenspace is 4,672.8 square feet (60%). The existing plans show the non-permeable area as 3,099.7 square feet. The applicant is proposing 180 square feet of permeable pavers for a patio. The applicant is requesting approval to exceed the greenspace requirements by 164.5 square feet (2.1%). Staff does not support the request. Should the Planning Commission approve the site plan and requested exception to greenspace, 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.

Commissioner Denton stated that permeable pavers are not greenspace and recalled warning the builder about the greenspace being maxed out at the time of site plan approval. Director Alani agreed that greenspace requires vegetation.

Chair Bailey asked if the Commission has to approve the material or the greenspace exception. City Clerk Young replied approval is required for the greenspace exception.

Commissioner Zwick asked how buyers can be made aware that greenspace is maxed out. Zoning Counsel Krstulic replied that is not the City's responsibility and should be part of a buyer's due diligence prior to purchasing property. Otherwise, they will find out about any limitations when they apply for a building permit.

Chair Bailey asked the applicant to address the Commission. City Clerk Young stated that she does not see the applicant in attendance. She suggested that the Commission could continue the matter to next month. Commissioner Denton said that he is not inclined to approve the exception and wants to hear from the applicant why it is needed.

MOTION: Motion was made by Commissioner Deeken to continue the site plan for exception request to greenspace requirements – 6125 Granada Street, Fairway, Kansas, as submitted by Lewis and Meredith Heacker, property owners, to the September 26, 2022 meeting. Commissioner Denton seconded the motion. The motion carried unanimously.

e. SITE PLAN FOR NEW SINGLE-FAMILY RESIDENCE – 6250 GLENFIELD DRIVE, FAIRWAY, KANSAS, AS SUBMITTED BY BOB OSTERLUND OF STARR HOMES ON BEHALF OF JIM AND JENNIFER KANAN, PROPERTY OWNERS.

Director Alani stated that the applicant is proposing a new single-family residence. The existing grade is 919.6 and the proposed top of foundation is 921.4. The height of the new structure will be 29 feet, 6 ½-inches. The watershed analysis shows the proposed hardscape will increase from 4,407 square feet to 5,383 square feet, which increases the runoff CN from 79 to 81. Storm detention is not required. The project meets all other requirements. 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 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.

Commissioner Denton noted that the runoff is directed to the street and said he wants to ensure the sewers will not flood. He asked if retention is required only if the runoff impacts neighboring properties. Director Alani replied that the watershed analysis indicates that the increased runoff is insignificant and the engineer did not require retention.

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

MOTION: Motion was made by Commissioner Denton to approve the site plan for new single-family residence – 6250 Glenfield Drive, Fairway, Kansas, as submitted by Bob Osterlund of Starr Homes on behalf of Jim and Jennifer Kanan, property owners, subject to staff recommendations. Commissioner Deeken seconded the motion. The motion carried unanimously.

d. [continued] SITE PLAN FOR EXCEPTION REQUEST TO THE GREENSPACE REQUIREMENTS – 6125 GRANADA STREET, FAIRWAY, KANSAS, AS SUBMITTED BY LEWIS AND MERIDETH HEACKER, PROPERTY OWNERS.

City Clerk Young informed the Commission that Mr. Heacker arrived at the meeting. Zoning Counsel Krstulic said that Commissioner Deeken would need to rescind his motion to continue the application, Commissioner Denton must second and the motion must carry before the Commission can proceed.

MOTION: Motion was made by Commissioner Deeken to rescind his motion to continue the site plan for exception request to greenspace requirements – 6125 Granada Street, Fairway, Kansas, as submitted by Lewis and Meredith Heacker, property owners. Commissioner Denton seconded the motion. The motion carried unanimously.

Mr. Heacker apologized for being late and thanked the Commission for allowing him to speak. He said that he and his wife moved into the house about a year ago and they want a patio in the backyard. He stated that they were not aware of the greenspace issue but noted that they have planted 21 trees since moving in. The existing patio is too small even for a grill. He thought permeable pavers would be allowed and would not impact the greenspace requirement.

Commissioner Denton stated that the Commission cautioned the builder about the hardscape being maxed out at the time of site plan approval and asked if the builder informed Mr. Heacker about this at the time of the purchase. He also commented that there is a deck.

Mr. Heacker replied that he knew the greenspace was close because the patio is very small, and the builder did tell him that the hardscape was maxed out but he indicated that permeable pavers would probably be allowed. Mr. Heacker said there was a grease fire on the grass last year that would have caught the house on fire if the grill had been on the deck, so there is a safety concern.

Commissioner Denton commented that he finds it problematic that the homeowner was informed by the builder of the hardscape limitations and the Commission is now being asked to grant an exception. He asked if there is an alternative that would satisfy the permeable requirement. City Clerk Young replied that greenspace must be permeable, uncovered and capable of supporting vegetation. She noted that crushed gravel allows weeds to grow, and she understands the concern about not placing a charcoal grill on grass.

Mr. Heacker stated that permeable pavers allow runoff better than a concrete slab because the pavers are placed on gravel that allows water to flow through. He noted that he invested in landscaping and trees which should offset the exception request.

Commissioner Denton referred to the cut sheet showing the pavers, substrate that allows water drainage, and an underdrain. He asked if the underdrain will tie into something. Mr. Heacker replied that the underdrain will tie into a drainage system in the backyard. He said that the gravel base will allow water to flow into the underdrain and noted that they have two drains in the backyard, one on each side. He said he would address any concerns with the builder.

Commissioner Denton commented that the exception is only for 168 square feet and the underground drainage system offsets his greenspace concerns.

MOTION: Motion was made by Commissioner Denton to approve the site plan for exception request to greenspace requirements – 6125 Granada Street, Fairway, Kansas, as submitted by Lewis and Meredith Heacker, property owners, subject to staff recommendations and including the underground drainage system. 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 September 26, 2022.

5. ADJOURNMENT

Chair Bailey asked for a motion to adjourn.

MOTION: Motion was made by Commissioner Denton to adjourn. Commissioner Zwick seconded the motion. The motion carried unanimously.

Hearing no further business, the meeting adjourned at 7:45 P.M.

Kim H. Young, City Clerk