

**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, December 19, 2022. The meeting was called to order at 6:00 P.M.

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

Absent: Commissioner Shae Pelkowski.

Presiding: Chair Wendy Bailey.

Staff Present: City Clerk Kim Young; City Attorney Richard Cook; Community Development Director Basil Alani; Recording Secretary, Barb Fox.

Visitors: Kurt Kraisinger, Lorax Design Group, 8021 Santa Fe Drive, Overland Park.

1. APPROVAL OF MINUTES

Chair Bailey asked for a motion to approve the minutes from the November 28, 2022 meeting.

MOTION: Motion was made by Commissioner Denton to approve the November 28, 2022 minutes. Commissioner Pfalzgraf seconded the motion.

The motion carried unanimously.

2. OLD BUSINESS

None.

3. NEW BUSINESS

- a. SITE PLAN FOR EXCEPTION TO THE GREENSPACE FOR INSTALLATION OF SWIMMING POOL, SPA AND FIRE PIT – 6001 REINHARDT DRIVE, FAIRWAY, KANSAS, AS SUBMITTED BY KURT KRAISINGER OF LORAX DESIGN GROUP ON BEHALF OF NICOLE AND SEAN MCCARNEY, PROPERTY OWNERS.

Chair Bailey requested the staff report.

Director Alani reported that in 2018, the home on the property was torn down and a new home was built. The lot size is 18,059 square feet and the required greenspace is 12,044.25 square feet (67%). The existing plans show non-permeable area at 5,783 square feet. The applicant is seeking approval for an exception to exceed the allowed hardscape and has submitted three different options for the exception. Option No. 1 will require an exception for 2,715.25 square feet or 15 percent. Option No. 2 will require an exception of 2,049.25 square

feet or 12 percent. Option No. 3 will require an exception of 1,407.25 square feet or 8 percent.

The watershed analysis shows the proposed hardscape will increase the runoff to the rear. A detention system basin will be installed to maintain the existing storm discharge. Peak flow will be less than the existing condition.

Staff is not supportive of 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.

Chair Bailey asked if there were questions for staff.

Responding to Commissioner Denton's question, Director Alani stated that the watershed analysis states that the detention basin will take care of the excess water on the site. He noted that the five pop out drains must be relocated because they are within five feet of the property line.

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

Kurt Kraisinger of Lorax Design Group, 8021 Santa Fe Drive, Overland Park, stated that he is the landscape designer representing the property owners who want to install a pool in their backyard. The property owners recently moved to Fairway from San Antonio and they purchased the property with the intent of installing a swimming pool. The property owners were told they could not put a pool in the backyard and it was then that they contacted his group. He conducted an analysis of the property, acquired the survey from when the home was built, and took photos and dimensions. The property owners would like to put in a backyard grilling station, a harvest table area, a pool and a spa. Through the process they found that including all of those items resulted in them being 30 percent over the allowable square footage. The lot is over 18,000 square feet and looks fairly large, but it will be difficult to install a pool taking into account the City's regulations. He would like to talk through the options to see if there is something that will allow the property owners to install a pool.

Mr. Kraisinger discussed the alternate plans presented in the report, stating that the first option is the original design, includes the pool, spa, patios and fire pit, as well as the infrastructure needed for the design and is 30 percent over the impervious area allowed. The second and

third options would have less paving and fewer features so less infrastructure for drainage would be required.

Mr. Kraisinger explained that the driveway is 18 feet wide so they could potentially remove two feet from one side of the driveway; however, the property owners would prefer not to do that. There is not realistically any other paving that could be removed. He also stated that the property owners would consider using permeable pavers, which allow water to flow through and be absorbed into the soil.

Mr. Kraisinger understands that the proposed plan is outside the scope of what is allowed and asked if there was some pathway that would allow the property owner to actually move forward with one of the proposed designs.

Chair Bailey noted that the survey shows that an infiltration box was installed in the backyard when the home was built. She asked if the applicant knows whether or not the infiltration box was actually installed because it is not addressed in the watershed analysis. She is concerned that if the infiltration box was not installed and the property already has runoff issues, then the watershed analysis is not accurate because it only addresses the new water.

Mr. Kraisinger cannot confirm that the infiltration box was installed by the builder back in 2017. He understands that the watershed analysis is based on the proposed plan.

Director Alani pointed out that the watershed analysis is based on the hard surface that is part of Option 1 and does not address the infiltration system.

Commissioner Denton asked if the hard surface areas around the pool deck were permeable pavers.

Mr. Kraisinger responded that the property owners are open to using permeable paving completely around the pool. He works with permeable pavers routinely and there are many options available. A civil engineer is involved and anything they do is tied into the storm chamber. The permeable paving system can work in different ways, but they prefer for the water to infiltrate into the ground and into the infrastructure, which is often a PVC pipe to the storm chamber. The storm chamber creates a void in the earth that is covered by a large plastic basin. This allows the water to sit and dissipate into the earth. If there were a large storm (like a 50-year storm event), the water could come above a certain elevation and be released and go to the pop ups that are on the property around the home. This allows the water to be kept on site as long as possible so that it is not being pushed down hill or onto a neighbor. The watershed analysis confirms that every drop of water that falls within the property is contained on site through the storm structure.

Responding to Commissioner Denton's question, Mr. Kraisinger stated that another way to collect the water into the chamber is to use a French drain, which has long linear passageways where water can actually get into the ground and dissipate back into the soil.

Further responding, Mr. Kraisinger agreed that permeable pavers are more expensive than traditional paving. A traditional concrete pool deck around the pool is a 5 ½ inch slab that is over a sub-grade material. French drains or permeable pavers have gravel underneath to create voids down for the water to settle.

Reviewing the first option, Commissioner Denton asked about the long stepping stones shown on the plan.

Mr. Kraisinger stated that those are pavers and the area around them is mulch to establish a passageway. He is not a fan of having paving all the way around a pool, believing that it makes it look more like an HOA or municipal pool. Installing the pavers and mulch areas around the pool makes it look more resort like.

Chair Bailey noted that the steps from the existing Lanai are on the right, but the proposed plan shows they are on the left. She asked the reason for that change.

Mr. Kraisinger explained that the plans show the areas that are being demolished. The existing walkout is not a true walkout and instead are windows that go down close to grade. They would have to knock out those windows and cut out the foundation to build a true walkout and the stairs would land in an awkward location if they were not moved to the opposite side.

Chair Bailey pointed out that in Option 3, if the stairs were moved back, it could reduce the pavers and a portion of the walkout, helping to get closer to the greenspace requirements.

Mr. Kraisinger agreed they could look at making those revisions.

Responding to Commissioner Zwick's question, Mr. Kraisinger explained that water from the downspouts will be directed to the storm chambers. In addition, water from the landscape beds and pool deck area would also be tied to the storm chambers. He added that the specifics are not included in the concept plan submitted in the report. Once the plan is approved, they will prepare a full set of construction documents that will detail the drainage locations, paving, grading, details for the pool, hydraulics and structural engineering.

Responding to Commissioner Zwick's question, Director Alani confirmed that pool surface areas are considered impervious and they drain to the storm sewer.

Commissioner Denton asked if the calculations for the storage chamber would increase if the plan were approved.

Mr. Kraisinger responded that the storm chamber calculations are based on the first design, which has everything included within that plan. The second and third design options are less obstructive and the storm chambers would decrease accordingly.

Chair Bailey pointed out that if the infiltration system was not installed when the home was built, then the property owners are also going to need to address the runoff from the roof.

Director Alani stated that he has not checked to see if the infiltration system was installed; however, from the site plan for the existing home it looks like the downspouts are at grade so they are not being directed to an infiltration system.

Chair Bailey is concerned that the property already has runoff problems and adding additional hardscape will make the problem worse.

Mr. Kraisinger explained that regardless of whether the infiltration system exists, the project was designed for the worse-case scenario based on Option 1. The roof drains, paving, driveway and sidewalks drain to the storm chamber. During a storm event, all that water goes to the storm chamber and dissipates into the soil and the gravel. If there is a six-inch storm that goes on for hours, that vessel may fill and any overflow will go to the pop up where it can infiltrate back into the soil.

Responding to Commissioner Pfalzgraf's question, Director Alani confirmed that if the Commission approves one of the options, the drainage design will be submitted and as part of the permit application.

Responding to Commissioner Pfalzgraf's question, Chair Bailey confirmed that while the Commission has been discussing drainage, ultimately it needs to consider the exception based on the greenspace requirements.

City Clerk Young presented on the overhead the criteria in the Code for granting an exception.

Responding to Chair Bailey's question concerning whether the proposed pool is larger than other pools previously reviewed by the Commission, Director Alani stated that he couldn't compare the proposed pool to others because the recent pools reviewed were on larger lots.

Mr. Kraisinger offered that he has been designing pools in Kansas City for quite some time and the average pool is 20 x 40. Therefore, the proposed pool is well within the range of what he typically sees.

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

Responding to Commissioner Denton's question, City Clerk Young explained the process the Commission went through when the greenspace requirements were revised.

Chair Bailey recalled that the intent was to keep the community green and address runoff issues as Fairway is considered a City of Trees. The determination was that the Commission could minimize runoff with greenspace requirements.

Commissioner Denton understands that the property owner purchased the home with the plan to install a pool. He questions whether the greenspace requirements are fair proportionately since the Code was made more restrictive.

Responding to Commissioner Pfalzgraf's question, City Clerk Young confirmed that based on the square feet of the lot, the Code requires the property have 67 percent greenspace. The existing home was built according to current regulations. The property has 68 percent greenspace so, if only a small amount of greenspace is taken away, the applicant would need an exception.

Responding to Commissioner Deeken's question, Mr. Kraisinger explained that if the storm chamber system is designed properly, there are not many issues with maintenance. The detention systems have become more prominent as older homes are torn down. Engineers are involved in the design to detail the grading and drainage. He added that there are different systems available but the storm chamber is used most often.

Commissioner Deeken asked if the applicant has had conversations with the neighbors about the improvements.

Mr. Kraisinger stated that the property owners are not aware of any concerns with the planned improvements. The neighbor to the rear also has a pool.

Chair Bailey asked for additional discussion from the Commission.

Commissioner Zwick stated that he is undecided because the square footage of the exception would be large.

Commissioner Deeken is generally supportive of granting the exception and supports approval of Option 3, although he would like to see that option tapered down further.

Commissioner Pfalzgraf stated that he is also undecided. He believes the intent of the exception is to be somewhat lenient to the rules; however, the Commission should strive to maintain the rules and prevent future escalation. He understands that exceptions for greenspace generally are around 3 or 4 percent, but he does not believe that an increase of 10 or 12 percent is acceptable. He recalled that prior to the current greenspace requirements that a property was only required to have 60 percent greenspace. If the design can meet 60 percent greenspace, then he thinks that would be reasonable.

Commissioner Hoelscher is generally supportive of allowing people to make improvements to their back yards while also limiting the amount of runoff. In reviewing the criteria for granting the exception, he believes those criteria have been met. He also thinks it is appropriate to grant the exception if the hardscape can be reduced to a reasonable number.

Commissioner Denton stated that he likes to err on the side of the homeowner; however, he thinks the proposed plan is too big of an ask. He thinks the property owner either needs to downsize the pool or go back to their original option that they don't have space for a pool.

Chair Bailey agreed. She thinks the property owner could possibly reduce the size of the pool.

Mr. Kraisinger stated that what he is hearing from several Commissioners is that they are considering approval of Option 3. He asked if they were to reduce it even further, would the Commission consider approving the revised plan.

Chair Bailey responded that the Commission would need to a motion to approve but she agreed that the consensus was that if the percentage of impervious area was decreased, that the Commission would be willing to approve the exception.

Discussion followed regarding what would be an acceptable exception to the greenspace requirement for this project. Commissioner Hoelscher suggested that an acceptable greenspace be 60 percent. Commissioner Denton pointed out that Option No. 3 is currently at 59 percent greenspace, so they would only need to increase that by 1 percent.

Discussion followed concerning the square footage of the pavers shown in Option 3. Mr. Kraisinger stated that the pavers are 2 x 5 or 10 square feet and removing them would amount to 160 square feet. He noted that additional square footage could be removed from the landing and the pool size could also be decreased slightly.

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

MOTION: Motion was made by Commissioner Pfalzgraf to approve the site plan for exception to greenspace for installation of swimming pool, spa and fire pit – 6001 Reinhardt Drive, Fairway, Kansas, as submitted by Kurt Kraisinger of Lorax Design Group, on behalf of Nicole and Sean McCarney, property owners, subject to staff recommendations, with the additional requirement that the site plan be revised to meet at least 60 percent greenspace and the revised plan can be approved by staff. Commissioner Hoelscher seconded the motion.

The motion carried unanimously.

4. ADDITIONAL BUSINESS

a. NEXT MEETING

City Clerk Young stated that the next meeting is scheduled for January 30, 2023.

5. ADJOURNMENT

Chair Bailey asked for a motion to adjourn.

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

The motion carried unanimously.

Hearing no further business, the meeting adjourned at 7:05 P.M.

Kim H. Young, City Clerk