

**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, September 30, 2024. The meeting was called to order at 6:00 P.M.

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

Absent: None.

Presiding: Chair Wendy Bailey.

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

Visitors: Steve Busey, 6015 Fontana Drive; Finnian O'Doherty, 4210 Shawnee Mission Parkway.

1. APPROVAL OF MINUTES

Chair Bailey asked for a motion to approve the minutes from the August 26, 2024 meeting.

Commissioner Deeken requested a revision to the minutes wherein they misstate that he was absent from the meeting when he was present.

MOTION: Motion was made by Commissioner Deeken to approve the August 26, 2024 meeting minutes with the requested revision. Commissioner Canning seconded the motion.

The motion carried unanimously.

2. OLD BUSINESS

None.

3. NEW BUSINESS

a. SITE PLAN REVIEW – 5743 WINDSOR DRIVE, FAIRWAY, KANSAS, AS SUBMITTED BY MAGGIE HAW, PROPERTY OWNER, REQUEST FOR AN EXCEPTION FOR GENERATOR LOCATION.

Chair Bailey asked for the staff report.

Director Alani reported that the applicant is requesting an exception to install a generator in the side yard next to the house approximately 16 feet from the side property line. The applicant meets all requirements for exceptions for the generator. The packet contains a letter from the adjacent neighbor who is in favor of granting the exception.

Staff is not opposed to the requested exception. If the Planning Commission approves the application, staff recommends the following conditions:

1. Building permit must be obtained and fees paid, as required by City Code.
2. Project must comply with all City Ordinances, the 2012 International Building Code and other incorporated technical codes.
3. 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 discussion from the Commission.

Responding to Commissioner Deeken's question, Director Alani stated that in order to seek an exception, the generator cannot be less than 12 feet from the property line because of noise concerns. The proposed generator will be behind a wind wall and will not be visible from the street.

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 5743 Windsor Drive, Fairway, Kansas, as submitted by Maggie Haw, Property Owner, request for an exception to generator location, subject to staff recommendations. Commissioner Deeken seconded the motion.

The motion carried unanimously

- b. SITE PLAN REVIEW – 6015 FONTANA DRIVE, FAIRWAY, KANSAS, AS SUBMITTED BY STEVE BUSEY, PROPERTY OWNER, REQUEST FOR A NEW SINGLE-FAMILY RESIDENCE WITH EXCEPTION REQUEST TO WINDOW HIERARCHY ON NORTH FAÇADE.

Chair Bailey requested the staff report.

Director Alani reported that the applicant is requesting a new single-family residence. The height of the structure is 27 feet 8 ½ inches from the existing elevation. The watershed analysis shows the proposed hardscape will increase runoff to the rear property and will also increase runoff to the street. The watershed analysis states "As the increase in runoff is minimal for the site in entirety, we request the project be approved as proposed." An infiltration basin is not proposed. The applicant is seeking an exception for the North façade because the lower windows are smaller than the upper windows.

Staff is not opposed to the application and requested exception. If the Planning Commission approves the application, 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.

Chair Bailey asked for discussion from the Commission.

Responding to Commissioner Denton's question, Director Alani stated that in the watershed analysis the engineer states that the increased runoff is minimal and therefore, they are requesting that retention not be required.

Responding to Chair Bailey's question, Director Alani stated that the only notification adjacent homeowners receive concerning the results of the watershed analysis is this meeting.

Responding to Commissioner Pfalzgraf's question, Director Alani explained that the upper windows are larger than the bottom windows on the North façade and the Code requires that the upper windows be smaller or the same size as the lower windows.

Chair Bailey asked for the applicant to address the Commission.

Steve Busey, 6015 Fontana Drive, stated that he is the applicant. Mr. Busey stated that the lower level of the home is mostly garage and for security, they do not want to add larger windows. They added larger windows on the second floor to meet the requirement for 15 percent window and door openings.

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 6015 Fontana Drive, Fairway, Kansas, as submitted by Steven Busey, Property Owner, request for a new single-family residence with exception request to window hierarchy on North façade, subject to staff recommendations. Commissioner Canning seconded the motion.

The motion carried unanimously.

- c. SITE PLAN REVIEW – PARCEL ID GP2018000 0002, FAIRWAY, KANSAS (PARCEL FOR SALE NEXT TO 4210 SHAWNEE MISSION PARKWAY) AS SUBMITTED BY FINNIAN O'DOHERTY OF AREA REAL ESTATE ADVISORS ON BEHALF OF MREM FAIRWAY PROPERTY LLC, PROPERTY OWNER, REQUEST FOR A SIGN DEVIATION.

Chair Bailey requested the staff report.

Director Alani reported that the applicant is submitting a request to install one new yard sign 4 feet by 8 feet (32 square feet) until the property is sold. The sign exceeds the size requirement of 2 square feet and the applicant is requesting a sign deviation.

Staff is not opposed to the requested deviation. If the Planning Commission recommends approval, the project will go before the Governing Body on October 14, 2024 for final approval. Staff recommends that any approval include the following conditions:

1. Building permit must be obtained and fees paid, as required by City Code.
2. Project must comply with all City Ordinances, the 2012 International Building Code and other incorporated technical codes.
3. 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 discussion from the Commission.

Commissioner Denton asked why the applicant is requesting such a large sign.

Chair Bailey asked the applicant to address the Commission.

Finnian O'Doherty stated that he is the applicant for property at 4210 Shawnee Mission Parkway. The sign is large because they were not able to place the sign close to Shawnee Mission Parkway due to sight line issues through the trees. The sign will be placed further off Shawnee Mission Parkway and the goal is for the sign to be seen from both east and west traffic.

Commissioner Zwick is not opposed to the sign, but he thinks there should be some sort of limitation on the timeframe of one or two years rather than the requested timeframe of until the property is sold.

City Clerk Aldridge stated that staff keeps an eye on yard and other signs so that if they become deteriorated, the owner is contacted and asked to update or replace the sign. If the Commission decides to put a timeframe on the sign, the applicant would need to come back to the Commission again to get approval for an extension.

Chair Bailey stated that she is not opposed to putting a one-year time limit on the sign.

Responding to Commissioner Deeken's question, Zoning Counsel Krstulic stated that the Planning Commission could recommend the time limit and then the City Council will consider the Planning Commission's recommendation. The City Council's options are to adopt the recommendation, to override or change the recommendation by a super majority, or, it can return the application back to the Commission for review with a summary of the reasons why the application is being returned.

There is a discussion concerning whether the Commission wants to impose a time limit on the sign. Commissioner Deeken is not opposed to a time limitation. Commissioner Denton would agree to there being no limit imposed because they are going to need the sign until the property is sold, especially if staff keeps an eye on the sign for deterioration. Commissioner Pfalzgraf stated that a limit could be imposed but he cannot imagine that the Commission would not allow an extension, especially if the sign is maintained.

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

MOTION: Motion was made by Commissioner Deeken to approve the Site Plan – Parcel ID GP20180000 0002, Fairway, Kansas (parcel for sale next to 4210 Shawnee Mission Parkway) as submitted by Finnian O’Doherty of Area Real Estate Advisors on behalf of MREM Fairway Property LLC, Property Owner, request for a sign deviation, subject to staff recommendations, with an additional condition of a one-year limitation on the approval. Commissioner Channing seconded the motion.

The motion carried unanimously.

- d. SITE PLAN –5901 HOWE DRIVE, FAIRWAY, KANSAS, AS SUBMITTED BY BRANDI SOLBERG, PROPERTY OWNER, REQUEST EXCEPTION TO GREENSPACE FOR INSTALLATION OF POOL, POOL DECK, PATIO AREA, AND PADS FOR POOL EQUIPMENT AND GENERATOR.

Chair Bailey requested the staff report.

Director Alani reported that the new home was completed in 2016. The applicant is requesting an exception to the greenspace requirement for construction of a pool, pool deck, pads for pool equipment and generator, and patio area to replace the current patio. The lot size is 17,480 square feet, and the existing greenspace is 11,671 square feet (66.8%). The required greenspace is 11,618 square feet (66.4%). The exception request is for proposed greenspace of 10,595 square feet (60.6%). The applicant is requesting an exception for the greenspace of 1,015 square feet (5.8%). An infiltration trench is proposed.

Staff is not opposed to the requested exception to greenspace. If the Planning Commission recommends approval of the 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.

Chair Bailey asked for discussion from the Commission.

Commissioner Denton stated that he is not excited about approving the application. He knows that the Commission has approved exceptions to greenspace in the past, but normally, the applicant makes their patio smaller or they eliminate some other impervious areas. For this application, the original patio is smaller than the new proposed patio and then a pool is being added in addition to large sized seating areas around the pool.

Chair Bailey pointed out that the plan does not have full concrete between the patio and the pool so maybe they have already made some compromises.

There is a discussion concerning what deviations from the greenspace requirement the Commission has allowed in the past. Commissioner Pfalzgraf stated that generally, the Commission has allowed deviations to 60 percent.

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

MOTION: Motion was made by Commissioner Pfalzgraf to approve the Site Plan – 5901 Howe Drive, Fairway, Kansas, as submitted by Brandi Solberg, Property Owner, request exception to greenspace for installation of pool, pool deck, patio area, and pads for pool equipment and generator, subject to staff recommendations. Commissioner Denton seconded the motion.

The motion carried 5 to 1 with Commissioner Zwick opposed.

4. ADDITIONAL BUSINESS

a. NEXT MEETING

City Clerk Aldridge stated that the next meeting is scheduled for October 28, 2024.

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 6:23 P.M.

  
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Abbie Aldridge, City Clerk