

# **PLANNING COMMISSION AGENDA**

**CITY OF FAIRWAY, KANSAS  
5240 Belinder Rd.**

**Monday, September 28, 2020 – 6:00 P.M.**

## **1. MINUTES**

Approval of minutes from meeting held August 31, 2020.

## **2. OLD BUSINESS**

- a. Consider final site plan for new multi-tenant building as submitted by Henry Klover of Klover Architects on behalf of MREM Fairway Property LLC, property owner, for property located at 4200 Shawnee Mission Parkway, Fairway, KS.  
  
Public Hearing to consider Special Use Permit for drive-through service window as submitted by Henry Klover of Klover Architects on behalf of MREM Fairway Property LLC, property owner, for property located at 4200 Shawnee Mission Parkway, Fairway, KS.

## **3. NEW BUSINESS**

- a. Public Hearing to consider Ordinance repealing and amending Fairway Municipal Code Section 15-297 Site Design Standards (c) Fences and Walls and 15-438 Graphics.
- b. Discussion regarding generators.

## **4. ADDITIONAL BUSINESS**

- a. Set next meeting date for October 26, 2020.

## **5. ADJOURNMENT**

**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 31, 2020. The meeting was called to order at 6:00 P.M.

Present: Commissioners Wade Walker, Andrew Lonard, Jonalan Smith, Paul Coury, Ben Zwick (all via phone).

Absent: Commissioner Ron Denton.

Presiding: Chairwoman Wendy Bailey (via phone).

Staff Present: City Clerk Kim Young; Public Works Director Bill Stogsdill (via phone); Zoning Counsel Anna Krstulic (via phone); Assistant City Clerk Abbie Aldridge (via phone); Recording Secretary Barb Fox (via phone).

Visitors: Libby and Bryce Gilman, 6132 Delmar; Brian Hill, MKEC Engineering, 11827 W. 112<sup>th</sup> Street, Overland Park, Kansas; Melissa and Anthony Tilson, 5323 Aberdeen Road; Sam Kear, 5316 Fairway Road; Patrick Reuter and Henry Klover, Klover Architects, 8813 Penrose Lane, Lenexa, Kansas; Brian Douglas, Platform Ventures, 4220 Shawnee Mission Parkway; Kurt Westhoff, 4022 Brookridge Drive; Jeni Podrebarac, 4100 Brookridge Drive; Chris Watson and Janice Dennis, 5416 Norwood; Aaron March and Steve Lucas, Rouse Frets White Goss Fentile Rhodes, PC, 5250 W. 116<sup>th</sup> Place, Leawood, Kansas; Robyn and Chris Wagner, 5911 Howe Drive; Jake Fischer, PE, Davidson Architecture, 4301 Indian Creek Parkway, Overland Park, Kansas (all via phone).

City Administrator Nogelmeier outlined the virtual meeting rules. During the meeting, all attendees will have their video and audio disabled; however, attendees will be able to hear and see the members of the Commission and staff. Applicants for each agenda item will be unmuted at the appropriate time and should use the hand raise option to alert the Zoom facilitator that the applicant is associated with the item being discussed. The facilitator will share the applicant's audio and video with the Commission. At the conclusion of the discussion for each agenda item, the applicant will be placed back into attendee mode with their ability to share video and audio disabled. Applicants should provide their first and last names and addresses for the public record.

Proper meeting decorum is expected of all attendees and anyone who fails to act properly may be removed from the meeting. The City reserves the right to discontinue the meeting if any improper behavior occurs that would interrupt the conduct of business. During the public hearing, the public will have the opportunity to comment during the meeting.

City Administrator Nogelmeier asked that Commission members identify themselves before they make any comments in order to comply with the Kansas Attorney General's guidance on open meetings. All votes will be roll call votes.

1. APPROVAL OF MINUTES

Chairwoman Bailey asked for a motion to approve the minutes from the July 27, 2020 meeting.

MOTION: Commissioner Walker moved to approve the July 27, 2020 minutes. Commissioner Smith seconded the motion.

City Clerk Young called for the roll call vote. The motion carried unanimously.

2. OLD BUSINESS

a. CONSIDER SITE PLAN AND EXCEPTION REQUEST TO GREENSPACE REQUIREMENT FOR ADDITION/REMODEL AS SUBMITTED BY BRYCE AND LIBBY GILMAN, PROPERTY OWNERS, FOR PROPERTY LOCATED AT 6132 DELMAR, FAIRWAY, KANSAS.

Chairwoman Bailey asked for the staff report.

City Clerk Young stated that she spoke to the engineer, who explained the French drain and the capacity it can hold. The engineer's updated comments are contained in the staff report. The property owner made some small changes to the plan and reduced the hardscape by 70 square feet.

The project meets the Code requirements with the exception of the greenspace. If the Commission approves the site plan and exception request, the following conditions should apply:

1. Three (3) complete sets of revised plans and one electronic set submitted for plan review and approval.
2. Building permit obtained and fees paid, as required by City Code.
3. Project must comply with all City Ordinances and the 2012 International Residential Code.
4. Application and approval are void if the building permit is not obtained within one year of the date of Commission approval.
5. Engineer's report that the structure can support the second-floor addition.

Chairwoman Bailey asked for questions for staff.

Responding to Commissioner Walker's question, City Clerk Young explained that according to the engineer, the French drain is 70 feet long, 3 feet wide, 20 inches deep and has the capacity to hold 1,047 gallons of water. The drain makes a 90-degree turn when it comes to the surface so the water slowly bubbles up. If the application is approved, the drain will need to be moved out of the right-of-way ("ROW").

Further responding, City Clerk Young stated that staff does not support the application because the plan exceeds the hardscape allowed.

Chairwoman Bailey explained that the Commission received two letters from neighboring property owners. One owner supports the exception request; however, the other property owner is not supportive because they are concerned about water on their property if the French drain were to fail.

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

Brian Hill, MKEC Engineering, 11827 W. 112<sup>th</sup> Street, Overland Park, Kansas, stated that he is the engineer on the project. Mr. Hill discussed the French drain proposed on the north side of the property. Water will collect from the majority of the roof and drain into the rock storage of the French drain. The pipe is perforated so water will drain throughout the pipe into the rock storage. Currently, water flows off the backyard and north side of the house and drains onto the neighbor's driveway. The French drain will divert that water to the front of the house and out to the street. Mr. Hill explained that the pipe system has a clean-out for maintenance in the event there is a clog.

Chairwoman Bailey stated that the neighbor to the south is the neighbor who had concerns about drainage.

Mr. Hill responded that water from the property to the south currently drains onto Mr. Gilman's property. The driveway can be pitched and graded so that any runoff will not hinder the property to the south.

Mr. Hill stated that the overall increase in runoff between the existing and proposed conditions are minimal. The difference will be directed into the French drain system. He is aware that the bubble-up structure will need to be moved outside of the ROW.

Responding to Commissioner Walker's question, Mr. Hill explained that the system as designed compensates for the increase in stormwater runoff. He stated that based on the Code, there are four items that need to be addressed in the watershed analysis. The first and second items are the existing and proposed runoff conditions. The third item relates to impact on surrounding properties and the fourth item is a determination that the new construction does not adversely impact adjoining or downstream properties. He feels that the applicant has met those criteria. The French drain will be an improvement to the north property owner in diverting water that is currently draining onto their driveway.

Commissioner Lonard pointed out that the project still exceeds the greenspace requirements and he wondered if that is just because they cannot find a way to make it work.

Bryce Gilman, 6132 Delmar Street, stated that they tried to reduce the pervious area as much as possible. If they were building a new house, the driveway would have come from the

street to the front of the house and there would not be any issue because they would be well within the greenspace requirement. They are not overbuilding a gigantic house. The issue is the driveway that has to go around the back of the home. They did reduce the size of their bedroom since the last meeting. In comparison to the current drainage, the neighbors will be better off with the improved design.

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

Commissioner Walker stated that even though the greenspace has not been met, the engineer has confirmed that the proposed drainage system will accommodate the stormwater runoff, which is one of the primary issues related to the greenspace requirement. He thinks the applicant has done a good job and he is inclined to support the exception request.

Responding to Commissioner Zwick's question, Chairwoman Bailey stated that the intent of the greenspace requirement is to mitigate water runoff, but also to ensure that people are not placing too large of homes on their lots.

Commissioner Walker said that he thinks the applicant has done a good job of rightsizing their home. The real issue is the length of the driveway that goes into the backyard and without that, there would not be a greenspace problem.

Chairwoman Bailey asked for a motion.

MOTION: Commissioner Walker moved to approve the site plan and exception request to greenspace requirement for addition/remodel as submitted by Bryce and Libby Gilman, property owners, for property located at 6132 Delmar, Fairway, Kansas, subject to staff recommendations. Commissioner Coury seconded the motion.

City Clerk Young called for the roll call vote. The motion carried unanimously.

- b. CONSIDER SITE PLAN AND EXCEPTION REQUEST FOR FENCE LOCATION AS SUBMITTED BY MELISSA TILSON, PROPERTY OWNER, FOR PROPERTY LOCATED AT 5323 ABERDEEN, FAIRWAY, KANSAS.

Chairwoman Bailey asked for the staff report.

City Clerk Young stated that at the last meeting, there was a question concerning the property line. Staff reached out to the Bill Haverkamp with the KDOT Bureau of Right of Way, who confirmed that the property line is at the back of the sidewalk.

Staff also researched the number of properties along Shawnee Mission Parkway. The Commissioners expressed concerns at the last meeting about safety and eliminating the tunnel image driving down Shawnee Mission Parkway. There are 24 properties between Mission Road and Belinder Avenue, on the north and south sides of Shawnee Mission

Parkway. Ten of those properties currently have legal nonconforming fences. The locations of those fences to the back of the sidewalk edge vary from 1 foot to 6 feet, with the majority being 2 feet away. Only 2 of the 10 legal, nonconforming fences are at the sidewalk: 5323 Aberdeen, which is the subject of this request, and the neighboring property at 5316 Fairway Road.

As noted at last month's meeting, the Code language is ambiguous. The relevant subsections related to nonconforming fences refer to height, material and design, but not to location.

Staff supports the request for the following reasons:

1. The existing fence is a legal, nonconforming and the new fence is the same height, material and design and is being installed in the same location.
2. Existing landscaping and sprinkler system are established in the yard.
3. The Code as written is ambiguous.
4. The fence location is on the property line and outside of the ROW.

Staff recommends approval of the exception request with the following conditions:

1. Building permit obtained and fees paid.
2. Application and approval are void if a building permit is not obtained within one year from the date of Commission approval.

Chairwoman Bailey noted that this is a difficult discussion and the Commission will do their best to make a good decision for the City of Fairway. She asked if there are questions for staff.

Commissioner Walker noted that this item ties into the discussion concerning fence location later in the meeting. He asked if the global solution is to allow property owners who have a fence to be able to put back the fence where it is currently located and not make the situation worse.

Chairwoman Bailey replied that in the last year or so, the Commission required a homeowner to replace their fence 12 feet off the property line pursuant to the Code requirements. Those requirements are in place for safety and aesthetics as set out in the Comprehensive Plan. She is in favor of a compromise that reduces the 12-foot requirement to maybe 2 or 4 feet. She asked for discussion from the Commission concerning the exception request and alternatives to location of the replacement fence.

Commissioner Walker stated that he would like to know how the property owner feels about moving the fence a couple feet back from the sidewalk.

Chairwoman Bailey asked the applicant to address the Commission.

Melissa Tilson, 5323 Aberdeen Road, stated that she and her husband Anthony are the property owners. She referred to her letter in the packet. Their main concern is speeding traffic along Shawnee Mission Parkway. She understands the City's concern about safety for pedestrians, but there is ample room on the opposite side of street for pedestrians. The property has had a fence in the current location for 17 years. They hired Burge Fence Company to replace their fence and assumed the fence company knew what they were supposed to do. She understands that they applied for the permit but never paid the appropriate fee so now, the fence has been torn down and they are without a fence. They had no intention of breaking a law. If they had known in advance that this was an issue, they would have figured out some way to replace only a portion of their fence and then replace the remainder at a later time. Moving the fence in 12 feet would take away their livable greenspace and would cause problems with their current landscaping and sprinkler system. In addition, moving the fence in would result in a gap with the neighboring fence where previously their privacy fences abutted one another. The fence between the two properties is a 4-foot wrought iron fence. The gap between the fences would cause a security and privacy issue because it would allow someone to jump over the wrought iron fence and get into their backyards. There are lots of people who walk down Shawnee Mission Parkway at night and they are trying to keep their home secure.

Chairwoman Bailey asked if there are questions for the applicant. Hearing none, she allowed Ms. Tilson's neighbor to address the Commission.

Sam Kear, 5316 Fairway Road, reiterated that previously his fence abutted the Tilsons' fence. If the Tilsons are forced to move their fence in, it will create an awkward offset and a gap that would allow people to walk right into their backyards. The Tilsons are trying to invest some money and upgrade their fence. He is strongly in favor of allowing them to replace their fence where it has been for almost 20 years.

Chairwoman Bailey asked for discussion from the Commission.

Responding to Commissioner Walker's question, Director Stogsdill stated that allowing the Tilsons to replace their fence in the prior location does not interfere with the ROW.

Chairwoman Bailey pointed out that the Commission has already drawn a hard line by requiring the applicant a year or so ago to move their fence in as required by the Code. She is concerned that this same situation will come up again where the fence builder pulls a permit without reviewing the Code and the City does not catch it until after the fence is already torn down. She hopes that whatever the decision that the situation can be prevented from happening again.

City Clerk Young asked Zoning Counsel Krstulic to address the current ambiguity in the Code requirements.

Zoning Counsel Krstulic stated that revisions made to the Code in 2014 moved some subsections and the one referencing height was moved up to b., which then changed the

remaining subsection references, but those subsection references were not updated in subsection h. that addresses replacement of legal nonconforming fences. Subsection h. specifically refers to height, materials and design and does not mention anything about location. She interprets that to mean that the property owner can replace a nonconforming fence in its current location, as long as they comply with the requirements for height, materials and design and do not increase the nonconformity.

Commissioner Lonard said that he believes the information provided by Zoning Counsel Krstulic is persuasive and he is in favor of approving the exception request.

Commissioner Smith said that he is concerned whether the Commission would be upholding the intent of the Code of moving the fences back if they approve the exception request. He understands that it is a difficult situation.

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

MOTION: Commissioner Walker moved to approve the site plan and exception for fence location as submitted by Melissa Tilson, property owner, for property located at 5323 Aberdeen, Fairway, Kansas, subject to staff recommendations. Commissioner Lonard seconded the motion.

City Clerk Young called for the roll call vote. The motion carried unanimously.

3. NEW BUSINESS

a. CONSIDER PRELIMINARY SITE PLAN FOR NEW MULTI-TENANT BUILDING AS SUBMITTED BY HENRY KLOVER OF KLOVER ARCHITECTS ON BEHALF OF MREM FAIRWAY PROPERTY LLC, PROPERTY OWNER, FOR PROPERTY LOCATED AT 4200 SHAWNEE MISSION PARKWAY, FAIRWAY, KANSAS.

PUBLIC HEARING TO CONSIDER SPECIAL USE PERMIT FOR DRIVE-THROUGH SERVICE WINDOW AS SUBMITTED BY HENRY KLOVER OF KLOVER ARCHITECTS ON BEHALF OF MREM FAIRWAY PROPERTY LLC, PROPERTY OWNER, FOR PROPERTY LOCATED AT 4200 SHAWNEE MISSION PARKWAY, FAIRWAY, KANSAS.

Chairwoman Bailey asked for the staff report.

City Clerk Young reported that this is a commercial redevelopment. The area is zoned B-2 and whenever a project with retail and service uses is not integrated within an office building in the B-2 District, it has to meet the site design standards of the B-1 District. Both she and Zoning Counsel Krstulic reviewed the design standards and they believe that the project generally meets the Code with certain exceptions. The applicant has requested additional signage and will need a deviation. The project will also require a Special Use Permit ("SUP") for the drive-through service window.

Chairwoman Bailey discussed traffic at the intersection and asked what would trigger the installation of a stop light and whether the cost would fall on the applicant or the City.

City Clerk Young responded that Shawnee Mission Parkway is a state highway and any traffic signals would involve KDOT. From the plans, it appears that the project will have ample area for stacking of cars in the drive-through because the entrances on both sides are farther from the street.

As for cars entering and exiting, City Clerk Young said that she thinks most people know their patterns and will turn accordingly. She discussed the access road that leads to an entrance/exit further to the west of the site that would allow cars to cross Shawnee Mission Parkway going east or west bound. This entrance/exit is better than the intersection at Shawnee Mission Parkway and 55<sup>th</sup> Street.

Responding to Commissioner Walker's question, City Clerk Young confirmed that the issue before the Commission is a preliminary site plan so the Commissioners can ask questions and offer suggestions on the proposed plan. The applicants would then return to the Commission with revisions and a final site plan for approval.

Chairwoman Bailey asked if there are other questions for staff. Hearing none, she asked the applicant to address the Commission.

Patrick Reuter, Klover Architects, 8813 Penrose Lane, Lenexa, Kansas, introduced himself and Henry Klover of Klover Architects, and Brian Douglas with Platform Ventures, the current owner of the property.

Mr. Reuter presented a PowerPoint presentation of the project located at the corner of 55<sup>th</sup> Street and Shawnee Mission Parkway. They will tear down the existing Stroud's building and replace it with a multi-tenant building for three tenants. One of those tenants (Starbucks) will have a drive-through, which requires a SUP. The other tenants will be retail and another restaurant. He explained that current access to the site is internal. If patrons are going west on Shawnee Mission Parkway, they would make a right on 55<sup>th</sup> Street and then come back to the northeast to get to the site. If patrons use 55<sup>th</sup> Street, they can also access the site from the south.

The site will be in the B-2 zoning district, which allows for complimentary uses that support the existing office buildings. The SUP will allow for drive-through service. The proposed building is 6,500 square feet versus the existing Stroud's building, which is 6,200 square feet so there is a small increase in area. They are proposing 43 parking stalls. They will be reducing the impervious area on the site and thus the project should not affect storm sewer systems. The drive-through use is along the north side of the building and runs east to west. The pickup window is on the southwest side of the building, screened from Shawnee Mission Parkway and will face the office building.

Mr. Reuter presented a rendering of the proposed building design, explaining that the materials are complimentary to the existing red brick office building and some of the other neighboring buildings. Starbucks has international standards and they have tried to meet those design standards. The parapets are tall enough to screen the rooftop units so they are not be seen by neighbors or from the street.

Addressing the signage deviation, Mr. Reuter explained that the Code allows 2 wall signs on a retail/restaurant building. Because the building will have multiple tenants, the request is to allow each tenant multiple signs. Similar multi-tenant buildings in Johnson County allow one sign for each tenant on the main and rear facades, and then the businesses that are on the endcaps get an additional sign on the side of the building. Overall, they are requesting 8 signs as opposed to the 2 signs that are allowed per the Code. Each sign will comply with the size limitations and other restrictions set out in the Code.

The drive-through is designed so cars will travel east to west. This will keep headlights from shining in any of the neighboring homes to the north. Stroud's had parking stalls that faced north so at night, car lights would shine into the neighboring homes. They are trying to eliminate that situation. The order window is on the west side of the building and hidden from view by the neighbors.

The site sits roughly 8 feet higher on the 55<sup>th</sup> Street side and the same is true on the Shawnee Mission Parkway side. The existing topography and greenspace will block the view from the road to the order box and menu board.

With respect to sound, Mr. Reuter explained that a standard drive-through speaker for a menu board puts out between 80 and 90 decibels. Starbucks' menu board uses advanced technology that adjusts sound and outputs at 60 decibels. Sixty decibels is the average noise of conversation when people are standing 3 feet apart. Thirty decibels is equivalent to two people whispering to each other. The closest home to the north is 150 feet away, so the sound will be about 16.5 decibels by the time it reaches the nearest home. Traffic on Shawnee Mission Parkway, which is right next to the site, generates 75 to 90 decibels.

Mr. Reuter said that he believes the building meets the intent and standards of the zoning regulations and Comprehensive Plan for the SUP. They are removing parking along the north edge and placing a similar size building on the site as the one that is currently there. They do not believe there will be a significant impact to the existing traffic because they are replacing an existing use with a similar use.

Mr. Reuter said that the City's Comprehensive Plan sets out four goals. The first goal is to facilitate redevelopment that maintains and enhances Fairway's character and quality. He said that he believes this goal has been met since the proposed drive-through use offers good redevelopment of a currently vacant space without major disturbances to the surrounding area. The second goal is to create a reliable and convenient multi-modal transportation network. Since this project is a redevelopment, the building maintains all of the multi-modal amenities currently available, such as walking trails and bike paths that promote alternative

means of transportation. The third goal is to preserve and expand public spaces and amenities within Fairway. They are adding greenspace to the proposed site. There is a minimum of 2,200 square feet required, and they are providing 3,000 square feet of greenspace and public amenity areas. The fourth goal is to maintain advanced public infrastructure. As part of the project, they will be reducing the impervious area and improvements to the public infrastructure will not be necessary. Mr. Reuter thanked the Commission for allowing him to present this request and offered to answer any questions.

Chairwoman Bailey asked if there are questions for the applicant.

Commissioner Smith said that although Mr. Reuter indicated that traffic would be similar to the previous business, there will be three different businesses and a drive-through. He said that the applicant should look further into the traffic issue because currently, it is a challenge for cars that are driving east on Shawnee Mission Parkway to make the left turn onto 55<sup>th</sup> Street.

Commissioner Lonard agreed that increased traffic will be an issue. He said that he is not sure that the City can require a traffic study, but he assumes that with the sophistication level of the businesses that are going to be in the building, they would make sure they have done everything possible with respect to traffic and safety. While he is generally supportive of the project, Commissioner Lonard said that he does not think signage on the front, back and sides of the building is necessary in Fairway and therefore, he does not support the deviation request for signage.

Commissioner Walker said that he is generally supportive of the project but wanted to highlight several issues. He went to the site and reviewed the vertical elevations. When vehicles make the turn to the drive-through window, they will be at the same floor level as the five houses across the street. Thus, even though the homes are 150 feet away, headlights from the cars will directly hit at least three of those five homes. He suggested adding more screening or landscaping to alleviate that problem. Commissioner Walker said that he is also concerned about the site lighting on the north side of the property because the light fixtures will probably be 25 or 30 feet high. He is concerned about the lighting spilling over and disturbing the neighbors. He noted that the north side of the building will be the service side of the building and he suggested that the applicant look at ways to lessen the impact of the service side of the building. Finally, Commissioner Walker agreed with Commissioner Lonard concerning signage. He said that he is comfortable with signage on the south, east and west sides of the building, but signage on the north side of the building could potentially impact the neighbors.

Commissioner Zwick said that overall, this is a great plan and a great use of the property. One concern he has relates to the access easement to the west. He wondered if the Fairway Corporate Center were redeveloped if the access easement would remain. He also encouraged the developer and design team to consider a traffic study to determine if traffic improvements are needed.

Brian Douglas, Platform Ventures, stated that his firm is the developer on the project. In addition to the former Stroud's site, they also own the Fairway Corporate Center building. He confirmed that the easement benefits the Fairway Office Park and runs with the land. It is a critical and crucial for ingress and egress to the proposed site and there will be no material changes.

Mr. Douglas thanked the Commissioners for their comments on the initial design. With respect to concerns about headlights at the drive-through, he agreed that more screening or landscaping could be incorporated. With respect to comments concerning the north side of the building being the service side of the building, he pointed out that the north side of the building was also the service side of the Stroud's restaurant. He clarified that they are not seeking approval for signage on the north side of the building. They want to make sure that each tenant has a marquee sign for their business and possibly a secondary sign that will be located on the east and west sides of the building.

Responding to questions concerning whether the Commission has authority to require a traffic study, Zoning Counsel Krstulic stated that Section 15-235(b)(2)a provides that authority to the Commission. In addition, the City can require the applicant to reimburse the City for any costs to the City related to the traffic study and the City also has prior approval rights as to who conducts and prepares the study.

Chairwoman Bailey stated that she is fully in support of this project; however, one of the goals of the Comprehensive Plan is to increase the transition mobility of the City, both from a vehicle and pedestrian perspective. She noted that it will be very difficult for pedestrians to get to this location and she thinks it would be beneficial to the restaurants if there is pedestrian access. Chairwoman Bailey asked if there were further questions for the applicant or discussion from the Commission. Hearing none, she opened the public hearing on this item.

Kurt Westhoff, 4022 Brookridge Drive, stated that his home is across Shawnee Mission Parkway from the proposed site. The parking lot has never faced his house and now there will be 14 parking spots shining lights directly onto Brookridge Drive. The site is a higher elevation and headlights will shine directly into his second-floor window. He would like to see additional screening.

Jeni Podrebarac, 4100 Brookridge Drive, also has concerns that headlights will shine directly into her bedrooms, especially during the winter months. She has concerns about traffic that will increase on the corner of Shawnee Mission Parkway and 55<sup>th</sup> Street. Finally, she explained that they were able to hear conversations people had in the parking lot at Stroud's so she imagines that they will also be able to hear the drive-through speaker.

Chairwoman Bailey asked if there is additional public comment. Hearing none, she closed the public hearing on this item.

Discussion followed concerning whether a motion is required on this item. Zoning Counsel Krstulic stated that if the Commission wants to see more information like a traffic study or more landscaping, they can make that recommendation. The Commission could approve the preliminary plan with the additional conditions and then the applicant could return with that additional information to the Commission for final site plan review. Alternatively, the Commission can continue the discussion to the next meeting.

Chairwoman Bailey listed the items of concern, which include a traffic study, lighting, signage, and screening on the north and the south sides of the site. She asked if the Commission preferred continuing this item or approving the preliminary site plan.

Commissioner Smith stated that he would be comfortable approving the preliminary site plan and specifying conditions that the applicants would need to address for the final site plan.

Chairwoman Bailey asked if there is additional discussion on this item. Hearing none, she asked for a motion.

**MOTION:** Commissioner Smith moved to approve the preliminary site plan for new multi-tenant building and for the Special Use Permit for drive-through service window, as submitted by Henry Klover of Klover Architects on behalf of MREM Fairway Property LLC, property owner, for property located at 4200 Shawnee Mission Parkway, Fairway, Kansas, subject to staff recommendations, pending final approval at the September meeting, contingent upon receiving a traffic study of impact at Shawnee Mission Parkway and 55<sup>th</sup> Street, reducing the signage to less than eight, adding screening and/or landscaping on the north and south sides of the property, and lighting concerns. Commissioner Zwick seconded the motion.

City Clerk Young called for the roll call vote. The motion carried unanimously.

b. CONSIDER SITE PLAN FOR NEW SINGLE-FAMILY RESIDENCE AND EXCEPTION REQUESTS AS SUBMITTED BY MOJO BUILT, PROPERTY OWNER, FOR PROPERTY LOCATED AT 5834 SUNRISE, FAIRWAY, KANSAS.

1. EXCEPTION REQUEST: ENCROACH INTO THE FRONT SETBACK
2. EXCEPTION REQUEST: EXCEED THE 8-FEET MAXIMUM FOR GARAGE TO PROJECT FORWARD OF PRIMARY ENTRANCE THRESHHOLD.

Chairwoman Bailey asked for the staff report.

City Clerk Young reported that homes in this area have a 35-foot front setback and an exception is required. Otherwise, the project, except for the front entry, meets the Code requirements. She explained that the garage doors or garage wall cannot project more than 8 feet in front of the front door threshold. The entrance feature is the covered porch area and the front portion of the garage projects 13 feet 10 inches in front of the front door threshold.

Staff recommends approval of the exception request with the following conditions:

1. Updated watershed analysis.
2. Three (3) complete sets of plans and one electronic set submitted for plan review and approval.
3. Building permit obtained and fees paid, as required by City Code.
4. Project must comply with all City Ordinances and the 2012 International Residential Code.
5. Application and approval are void if the building permit is not obtained within one year of the date of Commission approval.

Chairwoman Bailey asked for questions for staff. Hearing none, she asked for discussion from the Commission.

Commissioner Walker stated that he supports the request because he believes the front door threshold requirement relates more to the front façade of the house rather than the recess of the front door.

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

MOTION: Commissioner Walker moved to approve the site plan for new single-family residence and exception requests to encroach into the front setback and to exceed the 8-foot maximum for garage to project forward of primary residence, as submitted by MOJO Built, property owner, for property located at 5834 Sunrise, Fairway, Kansas, subject to staff recommendations. Commissioner Smith seconded the motion.

City Clerk Young called for the roll call vote. The motion carried unanimously.

c. CONSIDER SITE PLAN FOR NEW SINGLE-FAMILY RESIDENCE AND EXCEPTION REQUEST AS SUBMITTED BY KEVIN KLASSEN, PROPERTY OWNER, FOR PROPERTY LOCATED AT 5867 GRANADA LANE, FAIRWAY, KANSAS.

1. EXCEPTION REQUEST: ENCROACH INTO THE FRONT SETBACK.

Chairwoman Bailey asked for the staff report.

City Clerk Young reported that homes in this area have a 35-foot setback and an exception is required. The watershed analysis states that the increased impervious area will increase the runoff and an infiltration trench is proposed to reduce the increase.

Staff recommends approval of the application with the following conditions:

1. Three (3) complete sets of plans and one electronic set submitted for plan review and approval.
2. Building permit obtained and fees paid, as required by City Code.
3. Project must comply with all City Ordinances and the 2012 International Residential Code.
4. Application and approval are void if the building permit is not obtained within one year of the date of Commission approval.

Chairwoman Bailey asked if there are questions for staff or the applicant. Hearing none, she asked for a motion.

MOTION: Commissioner Walker moved to approve the site plan for new single-family residence and exception request to encroach into the front setback, as submitted by Kevin Klassen, property owner, for property located at 5867 Granada Lane, Fairway, Kansas, subject to staff recommendations. Commissioner Smith seconded the motion.

City Clerk Young called for the roll call vote. The motion carried unanimously.

- d. CONSIDER SITE PLAN AND EXCEPTION REQUEST FOR LOCATION OF GENERATOR AS SUBMITTED BY JANICE DENNIS AND CHRIS WATSON, PROPERTY OWNERS, FOR PROPERTY LOCATED AT 5416 NORWOOD, FAIRWAY, KANSAS.

Chairwoman Bailey asked for the staff report.

City Clerk Young reported that the applicant is requesting a generator on the south side of the house. The Code requires generators be located within the building envelope but no further than 5 feet from the wall of the principal building and not in the front or side yard. The proposed generator will be approximately 18 feet from the side property line and the decibel level for the generator will be less than allowed by the Code, which is 75 decibels at the property line.

Staff recommends approval of the application with the following conditions:

1. Three (3) complete sets of revised plans and one electronic set submitted for plan review and approval.
2. Building permit obtained and fees paid, as required by City Code.
3. Project must comply with all City Ordinances and the 2012 International Residential Code.
4. Application and approval are void if the building permit is not obtained within one year of the date of Commission approval.

Chairwoman Bailey asked if there are questions for staff.

Responding to Commissioner Walker's question, City Clerk Young stated that she does not know if the applicant has discussed the generator location with his neighbors. Because this is an exception request, no notification to neighbors was required.

Chairwoman Bailey asked the applicant to address the Commission.

Chris Watson, 5416 Norwood, stated that he talked with his neighbors who indicated they did not have any objection to the location of the generator. Mr. Watson explained that he and his wife have lived at their home for 32 years. Sometimes they spend as many as 10 nights away from their home and in the past have talked about getting a generator, but felt that they could not afford it. They are retired and have had some health issues. Several months ago, they came home from surgery and were without power at 10:00 at night and had to decide whether to go to a hotel so they decided to move forward with the generator. He compared the footprint of the double air conditioners that some people have, and said that the generator will be much smaller. It is low profile and will be placed behind bushes in the side yard. They have a fence so the generator cannot be seen from the street. They have had 6 documented outages this year since January 1 and the major ones have lasted over 4 hours.

Chairwoman Bailey stated that she has a generator and it runs bi-weekly for about 20 minutes as maintenance and then it runs when the power is out, just like everyone else who has their portable or regular generators running at their house. She has experienced the loss of power and can empathize with the situation.

Responding to Commissioner Lonard's question, Mr. Watson stated that it would be possible to place the generator in the back yard. The cost to place it in the side yard is \$10,000. They have always felt that the cost was too much for them but with the recent pandemic and their health issues, they decided to go ahead and spend the money. The cost to put the generator in the back yard is approximately \$4,000 more.

Chairwoman Bailey asked if there are questions for the applicant or further discussion. Hearing none, she asked for a motion.

**MOTION:** Commissioner Smith moved to approve the site plan and exception request for location of generator as submitted by Janice Dennis and Chris Watson, property owners, for property located at 5416 Norwood, Fairway, Kansas, subject to staff recommendations. Commissioner Zwick seconded the motion.

City Clerk Young called for the roll call vote. The motion carried unanimously.

- e. CONSIDER SITE PLAN AND EXCEPTION REQUEST TO EXCEED THE ALLOWED HARDSCAPE AS SUBMITTED BY AARON MARCH, LEGAL COUNSEL, ON BEHALF OF ROBYN AND CHRIS WAGNER, PROPERTY OWNERS, FOR PROPERTY LOCATED AT 5911 HOWE DRIVE, FAIRWAY, KANSAS.

Chairwoman Bailey asked for the staff report.

City Clerk Young reported that in February, staff met with the pool contractor, PureBlue, concerning a permit for the pool at 5911 Howe Drive. At that time, the applicant indicated that 1,614 square feet of impervious hardscape would be added to the lot for a total of 5,663.77 square feet. Based on the information provided, the applicant met the Code requirements and a permit was issued.

On July 30, 2020, an adjacent property owner contacted the City and was concerned about grading and water runoff after heavy rains. The pool and patio areas were installed and the contractor was in the process of grading and preparing for sod. Staff evaluated the property for erosion control and found that the pool/patio area differed from the approved plans. Staff was on site and took measurements. On August 3, 2020, Mr. McCalley of PureBlue submitted the as-built site plan showing the pool and patio hardscape was 1,627 square feet. Staff met with Mr. McCalley to review the as-built calculations he submitted. Staff again met with Mr. McCalley on site on August 4, 2020 and took measurements of the impervious surfaces on the lot and determined the dimensions submitted on the as-built site plan differed from the measurements that staff had taken.

On August 6, 2020, the property owner's legal representative, Aaron March, contacted the City and advised that the property owner would seek an exception and provide the needed documentation from an engineer. Staff did receive the as-built site plan, the hardscape exhibit, and a watershed analysis prepared by the engineer. The engineer calculates the impervious area total at 6,114 square feet. The as-built site plan dated August 12, 2020 exceeds the allowed impervious area hardscape by about 433 square feet.

City Clerk Young stated that Assistant City Clerk Aldridge has been involved with this project and is available to answer questions.

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

Aaron March of the Rouse Frets law firm stated that he represents the property owners, Robyn and Chris Wagner. His associate, Steven Lucas is also present as well as the project engineer, Jake Fischer. Mr. March explained that the applicant is seeking an exception to the greenspace requirement and they will present a solution for the Commission's consideration that will improve the stormwater runoff situation on the property.

Mr. March showed a PowerPoint presentation. He presented the site plan submitted by the pool contractor. There was no interaction with the Wagners and the City during the construction process, as they relied on Mr. McCalley. The permitted plans reflected construction of a pool, pool deck and fire pit adding 1,627 square feet of pervious area to the lot. This was the plan that the Wagners expected to be constructed.

Staff is correct that what was constructed does not match the permitted plans. Unbeknownst to the Wagners, the pool contractor built a pool hardscape that was not compliant with the permit issued by the City. The City initially thought the area of overage was 718.3 feet. Once his law firm became involved, they hired Jake Fischer, a licensed civil engineer, to survey the pool improvements and the existing house. The engineer determined that the as-built pool deck area square footage was 2,000 square feet rather than the 1,614 square feet that was permitted.

To illustrate the differences, Mr. March presented a slide showing that the pool area was permitted at 759 square feet, but the as-built was 832 square feet. The fire pit was permitted at 144 square feet, but was built at 126 square feet. The pool deck area off the house was permitted at 555 square feet, but was built at 224 square feet. In summary, the allowable greenspace is 5,680 square feet. The permitted pool hardscape was 1,614 square feet but the as-built hardscape was 2,000 square feet, resulting in a difference of 385 square feet. The property owners were not aware, and would not have known, about the issue without the adjacent property owner expressing concern and the City staff getting involved.

In addition to the overage in the pool area, the engineer also found that the house is larger than the dimensions indicated by 48.12 square feet, resulting in a total overage of 433.75 square feet or 7.6%. The applicants request an exception to the greenspace requirement.

Mr. March presented photographs of the rear yard and pool deck area. A photograph of the south property line shows the area where there were drainage and runoff issues during construction, which resulted in the neighbor calling the City. They intend to remedy all runoff issues by constructing a berm and swale, an infiltration system in the northeast corner, as well as installing mature evergreen trees. The infiltration system will hold 150 cubic yards of water, which is the additional runoff calculated by the engineer.

Mr. March pointed out that they plan to install an automatic pool cover, but that has not been completed because the City stopped work on the project. The Wagners have a five-year-old daughter and are concerned that the pool is not covered. They hope that the Commission will approve the exception request so they can complete installation of the cover to secure the pool.

Mr. March discussed the drainage study, the conclusions of which indicate there is an increase of 2% of water runoff. In order to mitigate that additional runoff, they will install an infiltration basin capable of holding 150 cubic feet of water and a 3-foot weir in the northeast corner. He presented a slide showing the design and location of the infiltration basin.

Although not required by the drainage study, the applicants are also willing to install a similar weir at the southeast corner. The Wagners want to show their good faith to improve the situation on their property as well as their neighbors.

Beyond the infiltration systems, rain gardens and weirs, Mr. March also outlined other possible options. Those options include removing the front wide and meandering walkway and replacing it with a narrower walkway. This would decrease the impervious area by 72 square feet. Another option is to remove sections of the interior of the driveway, reducing the pervious area by an additional 372 square feet.

Mr. March thanked the Commission for their time and offered to answer any questions.

Responding to Commissioner Smith's question, Mr. March stated that the square footage of the firepit is 144 square feet and the square footage of the extension to the pool deck area is 216 square feet.

Commissioner Lonard asked if the majority of staff's initial interactions were with the pool contractor rather than with the property owners.

Assistant City Clerk Aldridge confirmed that when the drainage issues were brought to staff's attention, all communications were with the pool contractor. Once it was determined that the greenspace requirements were not met, she spoke with Mr. March, and they decided that work should be halted and a professional engineer was hired to get the exact measurements before moving forward.

Mr. March asked to address Commissioner's Smith question concerning the square footage of the fire pit and extension of the pool deck. Assuming that Commissioner Smith was suggesting removal of those areas, Mr. March stated the applicant would be willing to eliminate the fire pit; however, removal of the pool deck extension, which measures 12 x 18 feet, would be difficult because it is interrelated with the other pool improvements.

Chairwoman Bailey noted that the applicant is more than willing to make some sacrifices and she asked for discussion from the Commission.

Assistant City Clerk Aldridge stated that although the applicant is looking to recover some greenspace from the driveway, grassy areas within the driveway are not allowed by the Code.

Commissioner Lonard explained that it appears that the property owners have some recourse against the pool contractor and it does not appear that the property owners were aware of the situation. Assuming that the property owners can handle the water drainage issues with the neighboring properties and with the installation of several trees, he would be in favor of approving the exception request. He supposes that the Commission could require that the front sidewalk be narrowed but he does not think that is necessary. He also does not think that the additional rain garden in the southeast corner of the property should be required

because according to the drainage study, the infiltration system in the northeast corner will address the water runoff concerns.

Assistant City Clerk Aldridge noted that the neighbor to the south is glad that the property owners are considering addressing the south side of the property.

Chairwoman Bailey said that those water runoff issues occurred during construction and once grass is planted that should help the situation. Chairwoman Bailey asked for further discussion from the Commission. Hearing none, she asked for a motion.

MOTION: Commissioner Lonard moved to approve the site plan and exception request to exceed the allowed hardscape as submitted by Aaron March, legal counsel, on behalf of Robyn and Chris Wagner, property owners, for property located at 5911 Howe Drive, Fairway, Kansas, subject to staff recommendations, with the additional mitigation efforts, including the installation of the infiltration system, planting trees, grading and shaping the back yard to meet the aspects of the watershed analysis as per their plans and specifications. Commissioner Walker seconded the motion.

Discussion followed.

Responding to City Clerk Young's question, Commissioner Lonard stated that he considers the addition of the second rain garden in the southeast corner to be optional.

Following discussion, City Clerk Young called for the roll call vote.

Commissioner Zwick voted no.  
Commissioner Coury voted yes.  
Commissioner Smith voted yes.  
Commissioner Walker voted yes.  
Commissioner Lonard voted yes.

The motion carried 4-1.

f. DISCUSSION REGARDING FENCE REGULATIONS.

Chairwoman Bailey requested that City Clerk Young provide a summary on this item.

City Clerk Young explained that staff researched corner lots, most of which occur in Ward 4. They found that most corner lots, not including those along Shawnee Mission Parkway, have ROWs that are 10 to 12 feet back from the curb. Thus, requiring that the homeowner place their fence an additional 12 feet from the property line would result in the fence on the side property line being 24 feet from the curb. Staff thinks this punishes homeowners on corner lots and those properties should be allowed to install the fence on the property line.

City Clerk Young noted that most of the streets in Fairway do not have sidewalks. Staff talked with Captain Thurlo about safety concerns, and he indicated that he is not aware of a pedestrian being injured, but the fences and walls on a few of the corner lots have stopped vehicles, especially on Shawnee Mission Parkway.

City Clerk Young discussed a diagram prepared by Assistant City Clerk Aldridge illustrating that according to the current Code, a new home may be built on a corner lot closer to the curb than a fence.

Staff also thinks that the Commission needs to clear up the ambiguity in the Code language concerning legal nonconforming fences. Requiring the fence to be 12 feet from the sidewalk is extreme, especially for corner lots on the street side, which would take up a large portion of the yard.

Addressing Chairwoman Bailey's comment earlier in the meeting concerning the fence from a year or two ago that the Commission required be placed 12 feet from the sidewalk, City Administrator Nogelmeier explained that in that situation the fence was new and not a replacement.

Chairwoman Bailey agreed and clarified that the fence was removed during construction and when the construction was completed, they put up a new fence. The argument by the applicant earlier this evening was that if they had known that they would need to move the fence in 12 feet, they would have only torn down a portion of the fence, waited a year and then torn down the remainder of the fence to meet the Code requirements. There are some loop holes that people can use if they really want to keep their fence in the same location. Chairwoman Bailey said that the Commission's intent is to get fences off the sidewalk on Shawnee Mission Parkway. She reminded Commissioners of a situation on Mission Road in Prairie Village several years ago where someone had driven up on the sidewalk and there was nowhere for pedestrians to get away, placing them in direct line of the car. Community members went to the Commission requesting that the issue be fixed. That is one of the reasons it is important not to have the fence immediately adjacent to the sidewalk.

Commissioner Smith agreed that the fences should not be built directly adjacent to the sidewalk, but he thinks that requiring they be moved in 12 feet is too extreme and a lesser amount would be better.

Commissioner Zwick said that he reviewed the Comprehensive Plan in preparation for this meeting and it essentially considers Shawnee Mission Parkway to be the gateway into the community. He wondered if there is some way to write the Code so that it is applicable to major arterial or presentation streets of Fairway versus the minor arterials or side streets.

Chairwoman Bailey pointed out that earlier in the meeting the Commission approved an application allowing the property owners to replace their fence right against the sidewalk on Shawnee Mission Parkway.

Commissioner Zwick responded that he felt the Commission was painted into a corner because there was ambiguous language in the Code. He thinks the Commission will see that is corrected going forward.

Commissioner Smith agreed, stating that the ambiguity in the Code was the sole reason he approved the earlier request. He would not limit the fence location requirements to Shawnee Mission Parkway because he thinks arteries like Mission Road should also be included.

Chairwoman Bailey referred to the sketches provided, which show that almost all of the affected properties that are not on Shawnee Mission Parkway are somewhat offset. There are 4 or 5 properties on Shawnee Mission Parkway and one on 53<sup>rd</sup> Street that would be affected so the Commission still needs to come up with a setback for Shawnee Mission Parkway.

Commissioner Smith said the he understands that staff reviewed the existing setbacks and the majority are 2 feet away from the sidewalk. He knows that is not a lot of space but in order to avoid taking away too much from those homeowners' yards, he thinks 2 feet seems reasonable.

City Clerk Young discussed an earlier comment from the property owner who noted that moving the fence would result with the property owner going outside the fence along Shawnee Mission Parkway to maintain the grassy area every week. This poses a risk for the homeowner, potentially more than the pedestrian who only uses the sidewalk occasionally.

Commissioner Smith stated that if it were his home, he would not plant grass but would landscape the area.

Chairwoman Bailey responded that taking into account the gateway to the neighborhood concept, grass would look better.

Referring to his earlier suggestion to move the fences in to the 2-foot mark, Commissioner Smith wondered how many fences would be impacted in the future.

Assistant City Clerk Aldridge guessed there would be 10 properties affected.

Discussion followed concerning the number of applicants who are awaiting the Commission's decision on this issue. Assistant City Clerk Aldridge said that she knows of at least one fence that is awaiting the decision. She also discussed another fence that was discovered during their research, the property owner replaced all the support structure and pickets on their fence, but did not move or change the posts. Staff believes those changes amounted to more than 50% replacement. Staff communicated with that property owner who is also awaiting the Commission's decision concerning fence location. Finally, City Clerk Young added that a new home on a corner lot is waiting to see what happens with the fence situation.

Responding to Commissioner Walker's question, City Clerk Young stated that the current item is before the Commission for discussion. Based on how the Commission wants to move

forward, Zoning Counsel Krstulic and staff will draft language consistent with that determination and then the matter will be noticed for public hearing.

Chairwoman Bailey proposed a 2-foot setback from the end of the sidewalk. She does not have any good ideas as to how to address existing fences that are grandfathered in or how the Commission can overcome that hurdle.

Commissioner Walker said that he thinks Shawnee Mission Parkway looks much better without the fences abutting the sidewalk. He does not think that getting all those fences taken down is going to happen though. He agreed with moving the fence back several feet and thinks that Shawnee Mission Parkway should be dealt with separately from the other residential streets.

Responding to Commissioner Smith's question, Director Stogsdill confirmed that all of the sidewalks along Shawnee Mission Parkway are 5 feet wide.

City Clerk Young suggested another option that fences along Shawnee Mission Parkway could be required to be more open as opposed to a solid privacy fence. She knows that will not go over well with homeowners on the Parkway though, because they want privacy fences to help restrict noise and increase privacy. She explained that staff does receive complaints from pedestrians and drivers regarding shrubbery planted outside the fences that is not being maintained. She thinks that a more open iron style fence would look better if shrubbery is planted on the inside of the fence to provide more of a green look and better privacy.

Chairwoman Bailey pointed out that the challenge is how to handle the fences that are already there. She realizes it is a hardship if the property owner already has the interior yard landscaped, but if the current process continues those fences will always be up against the sidewalk.

Director Stogsdill wondered if a possible compromise could be that if the house is ever demolished, that the fence would have to comply with the new fence location guidelines. He does not think any of the affected homes are newer construction and, inevitably, those homes might be replaced at some point.

City Clerk Young asked if residents should be notified of the hearing because otherwise if someone buys a home, they would assume that the fence is legal nonconforming and can be replaced in the same location.

Zoning Counsel Krstulic responded that the City has notice obligations related to amending zoning regulations set forth by state law and the Code. Beyond that, the City has no further obligation to notify residents. She pointed out that as currently drafted, the redline allows for replacement of a nonconforming fence in the same location as long as the height, materials and design comply with the Code requirements. If the Commission wants that to change, revisions will need to be made that are specific about the location.

Chairwoman Bailey asked the Commission to come to a consensus so that those applications that are pending can make a decision.

Commissioner Lonard agreed that the reason the earlier application was approved this evening was based on the ambiguity in the Code. He said that the ambiguity in the Code should not cut against the property owner. He is supportive of the updating the language to reflect the original intent, which is when reconstructing a fence, it should be moved back, but the 12-foot requirement should be reduced. With respect to corner lots, he supports staff's recommendation.

Responding to Commissioner Walker's question, Director Stogsdill indicated that he does not have a problem with fences being adjacent to the sidewalk. He understands the desire to move them back and he thinks that a 2-foot setback would be reasonable. That setback should apply to fences along Shawnee Mission Parkway only. He does not know if other homes within the City have sidewalks adjacent to the side of the home.

Chairwoman Bailey pointed out that Mission Road has several homes that actually back up to Mission Road. They have at least a 3-foot setback and she would like to see language added to the Code concerning Mission Road because she doesn't want those property owners to be able to move their fences back to the sidewalk.

City Clerk Young stated that staff and Zoning Counsel Krstulic could draft language for corner lots allowing fences right on the property line. With respect to Shawnee Mission Parkway and perhaps Mission Road, fences would be required to be set 2 feet from the back of the sidewalk.

Responding to Chairwoman Bailey's question, City Clerk Young stated that there are lots in Fairway that back up the street along Shawnee Mission Parkway on the south side of the street. Most of those fences are set quite a bit further in than 2 feet.

Chairwoman Bailey would like language included so that in the future, those homes could not move their fences closer to the sidewalk.

Assistant City Clerk Aldridge noted there is a home on 53<sup>rd</sup> Street that has a chain link fence along the sidewalk. She suggested that the language state that if there is a sidewalk, then the fence is required to be a certain distance from the sidewalk.

Commissioner Smith wondered if it would be more helpful, because some sidewalks are not actually up to the curb, for the language to state that the fence can either be 2 feet from the sidewalk or 7 feet from the curb.

Director Stogsdill recommended that the language not include an option to put the fence 7 feet from the curb in case the City decides to increase the width of the sidewalk in the future.

Chairwoman Bailey asked how the Commission wants to handle existing fences and whether or not to keep in place the language that allows the property owner to keep their fence in the same location if they do not replace more than 50% of the fence.

Commissioner Lonard said that he believes the 50% limit allows people to skirt the rules. He wondered if the term should be changed to substantial reconstruction to allow the Commission to make that decision or if the percentage should be lowered.

Commissioner Zwick thinks that if the language is subjective, the determination of whether or not there was a substantial reconstruction of the fence would be left up to interpretation. He thinks a specific percentage should be used.

Commissioner Smith agreed that the percentage should be lowered.

Chairwoman Bailey asked if Director Stogsdill's suggestion should be considered that if the house is torn down completely, then the fence would have to be moved.

Director Stogsdill replied that he thinks there would be less resistance from existing homeowners who are trying to increase the value of their home for them to move their fence.

Commissioner Smith indicated he would prefer both options, that the percentage be lowered and that if there is new construction, the fence would need to be moved in.

Commissioner Zwick said that if the intent is to move fences back, he thinks it should be all or nothing. If property owners are allowed to keep the fence in the same location if they are replacing only 25%, he is concerned that they will only change out a few panels over time.

Commissioner Smith stated that he would like the fences to be wrought iron instead of privacy fences and asked how other Commissioners felt about that suggestion.

Commissioner Zwick agreed that there should be some sort of transparency requirement. His interpretation of the Comprehensive Plan is that the intent is to push fences along Shawnee Mission Parkway back so perhaps there should also be some sort of transparency required rather than a 6-foot privacy fence.

Assistant City Clerk Aldridge commented that property owners want privacy fences for security. She recalled that people have inquired about trying to build a wall. Having a requirement for open fencing will lead to residents coming to the Commission and requesting an exception for a privacy fence.

Zoning Counsel Krstulic discussed a neighboring City that recently considered this same issue. They ultimately revised their Code provisions to specify that if more than 25% of any plane of a structure is replaced (including fences), the structure must comply with the zoning regulations. They also included some compromise positions for corner lots that allow open

fences like wrought iron to be closer to the street than solid fences that must be set back further. She offered to make those provisions available to the Commission for review.

Chairwoman Bailey asked for further discussion.

City Clerk Young stated that she and Zoning Counsel Krstulic would provide draft revisions for review by the Commission at the September meeting. She will notice the matter for public hearing.

Chairwoman Bailey asked for a motion.

MOTION: Commissioner Smith moved to set a public hearing for September 28, 2020 to discuss changes to the fence guidelines. Commissioner Zwick seconded the motion.

City Clerk Young called for the roll call vote. The motion carried unanimously.

4. ADDITIONAL BUSINESS

a. NEXT MEETING

City Clerk Young stated that the next meeting is scheduled for September 28, 2020.

5. ADJOURNMENT

MOTION: Commissioner Walker moved to adjourn. Commissioner Smith seconded the motion.

City Clerk Young called for the roll call vote. The motion carried unanimously.

Hearing no further business, the meeting adjourned at 9:00 P.M.

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Kim H. Young, City Clerk



**Planning Commission  
Staff Report**

**September 28, 2020**

**TO:** Chairwoman Wendy Bailey  
Planning Commission Members  
Anna Krstulic, Zoning Counsel

**FROM:** Kim Young, City Clerk

**APPLICANT:** Henry Klover of Klover Architects on behalf of MREM Fairway Property

The legal description for the lot(s) is: **4200 SHAWNEE MISSION PARKWAY**; 9-12-25 BG 1073.15' W & 30' S NE CR NE1/4 PT BEING S RTWY/L 55TH ST E 337.23' SE 54.65' TONWLY RTWY/L JO DR SWLY 159.26' & 95.13' NW 210.99' NWLY & NLYALG CUR TO RT 66.82' N 14.09' TO POB 1.0091 ACS M/L FAC 280B

The following is an updated staff report from the August 31, 2020 meeting. New comments are in red and provide updated information.

**Zoned: B2 – Office District**

**Section 15-235 – Final Site Plan Review**

**In the B-1 and B-2 district:**

• Any exterior structural construction activity, alteration or replacement of a structure, except activities that may be considered ordinary maintenance;

Applicant is proposing demolishing the existing 6200 square foot structure and constructing a new 6500 square foot single story, multi-tenant building with space for three tenants. The new structure will be situated a slightly more north on the property.

**Section 15-362(a) Block Design (2) Street Edge**

(a.) All blocks shall have a street edge between zero feet (0') and ten feet (10') from the public right-of-way or private lane (see Subdivision VII of this division, Figure 15-438-7). The street edge shall be formed by any of the following site elements:

1. The front facade of a building;
2. A two and one-half-foot (2½') to four-foot (4') decorative fence or wall matching the architectural style and materials of adjacent buildings; or
3. A dense four-season vegetative screen where no more than fifty percent (50%) of the screen exceeds four feet (4').

On the 55<sup>th</sup> Street side, the new structure is in line with the parking garage structure to the west. Sec. 15-388(a)(2) (block design in B-2) is very similar, but requires street edge between 20' and 50' from ROW, which accords with B-2 dimension standards—the property is zoned B-2. Zoning Counsel believes there to be some latitude here for the Planning Commission.

Along Shawnee Mission Parkway, the applicant proposes a 2 ½ -foot retaining wall with compatible modular block wall to match building façade.

Per comments from the Planning Commission, the applicant has added shrubbery along the North drive-through entrance as well as along the parking lot at the Southeast corner to keep headlights from shining into neighboring residential properties.

The proposed site plan appears to comply with the remaining subsections of 15-362.

### **Section 15-363 (b) -Drive Through Facilities**

The project will include a drive-through window for service for one of the anchor tenants and requires Planning Commission approval to grant a Special Use Permit. Due to the topography of the site, the menu board may not be visible. The architect has provided an elevation on sheet A-200 #8. The menu board is over 50 feet from adjacent houses and should not be audible. Hours for the drive-through service window are 5:00 a.m. to 9:00 p.m. The DT menu board complies with the size requirements.

### **Section 15- 387 – Dimension Standards**

The project appears to comply with the dimension standards for the B2 Office District

### **Section 15-389 - Special Conditions.**

- a) *Retail and service.* All retail and service uses allowed subject to special conditions in the B-2 district, according to [Section 15-264](#), shall subject to the following standards:
- (1) Retail and service uses that are not integrated into an office building shall be developed according to the B-1 district site design standards and any special conditions in the B-1 district.

The building design, entrances, facades and landscape and open space design appear to meet the Code requirements.

The project meets most of the block design and lot design requirements with the exception of 15-362(a)(2) street edge site element (more than 10-feet away) and (4)e. Street trees planted along sidewalk. Additionally, 15-363(b) lot design requires direct pedestrian connection from perimeter sidewalk of block. There are no perimeter sidewalks and the slope of the lot does not make installation of one feasible.

Per comments from the Planning Commissioners, the applicant has provided comments (attached) addressing the exterior lighting and measures to mitigate any light pollution to neighboring residential properties.

### **15-550 – Sign Use Table; 15-552 – Signs Permitted in Business Districts and 15-557 - Deviations**

The preliminary site plan included a proposal and deviation request for 8 wall signs and monument sign. The project incorporates signage for each tenant on the North and South facades as well as signage on the west and east elevations for a total of 8 wall signs. The anchor tenant also requestings a monument sign to be placed on the existing brick base used by the former tenant Strouds. The applicant has removed the signage on the North facades reducing the request to 5 wall signs and one monument sign.

The proposed signage will still require a deviation due to the number of signs and combination of both monument and wall signs. The applicant has provided comments (attached) addressing their request for the deviation.

### **Section 15-552 – Signs Permitted in Business Districts**

- (2) b. Planning Commission shall consider whether the size, appearance and other characteristics of the sign are harmonious with the neighboring and surrounding areas and surrounding signs, and whether the sign meets the requirements of the sign regulations, other applicable City ordinances and the Comprehensive Plan. When appropriate to ensure traffic safety, the

Planning Commission may request the applicant to provide a traffic study of the area in which the sign is to be located.

- c. Wall signs and monument signs require approval by the Governing Body. After reviewing the proposed sign, the Planning Commission may recommend to the Governing Body that the sign be approved, approved with stipulations, or rejected.
- (4) *Standards for wall signs.* Each building may be permitted two (2) permanent wall signs; provided, however, that the Planning Commission may recommend that the Governing Body approve a deviation for additional wall signs for multiple tenants when the circumstances regarding the use and design of the building support that deviation.
- (5) In lieu of wall signs described in Subsection [15-552](#)(4) above, a detached monument sign may be permitted.

The Planning Commission may recommend approval of the deviation under the following criteria:

#### **Sec. 15-557. - Deviations.**

Upon the Planning Commission's recommendation, the Governing Body may grant a deviation to this subdivision with regard to the size, color, location, illumination of, and number of signs, based upon unique architectural treatments, special project conditions, or specific hardship. The consideration of a proposed deviation shall review whether the proposed deviation:

- (1) Complies with the general purpose and intent of this subdivision and other City ordinances.
- (2) Will adversely affect neighboring property owners, and whether the image presented by the proposed deviation is consistent or compatible with the area as a whole. It should be considered whether any lighting will disturb residents on nearby residential properties.
- (3) Adversely affect public safety, or traffic on adjacent streets. For monument signs, a safe sight-distance setback is required, and the sign location should not encroach upon potential future right-of-way needs. The proposed deviation should not significantly distract traffic on adjacent streets.
- (4) In addition to all existing or potential future signs in the nearby and surrounding area, significantly clutters or negatively impacts or blights the visual landscape.
- (5) Is intended to account for topography, landscaping, existing buildings or unusual building designs that would otherwise substantially block or impair the visibility of the applicant's existing or proposed signs. Deviation may be appropriate to provide reasonable visibility of a business entity's main sign.
- (6) Is of high quality and is compatible and integrates aesthetically with the daytime/nighttime color, lighting, and architecture of the area as a whole.

Applicant has provided a statement regarding the request for the sign deviation.

#### **Section 15-683 – Special Use Permit Procedure**

- (a) A special use permit application shall be accompanied by any applicable fee and made on any forms provided by the City. The requirements for the application and the procedure for the review of the same shall follow those specified for a rezoning (see [Section 15-234](#));

Applicant has provided a statement for the request for the Special Use Permit.

#### **Section 15-684 – Standards of Review**

- f. *Review and recommendation.* A majority of the members of the Planning Commission present and voting at the hearing shall be required to recommend approval or denial of the Special Use Permit to the Governing Body. If the Planning Commission fails to make a recommendation on a special use permit request, the Planning Commission shall be deemed to have made a recommendation of disapproval.

See attached responses from the applicant.

### **Section 15-685 – Conditions**

- (a) **In granting a special use permit, the Governing Body may impose any conditions on the special use it deems appropriate to meet the requirements of approval. Such conditions must serve a legitimate zoning purpose and:**
- (1) Be clearly expressed with sufficient clarity to give notice of the limitations on the use;**
  - (2) Relate directly to the proposed use; and**
  - (3) Address a legitimate zoning purpose that bears a relationship to the public health, safety, and welfare.**

Per comments from the Planning Commissioners, the applicant is working to obtain a traffic study. Staff discussed this with the applicant and agreed that a current study would not reflect true traffic counts due to COVID-19 and the impact it has had on traffic patterns. The City provided to Klover Architects a prior study from 2017 that reviewed US-56 & 55th / Brookridge / Buena Vista to assist with generating a meaningful analysis.

### **STAFF RECOMMENDATION:**

Should the Planning Commission recommend approval, the project will go before the City Council on October 12, 2020 for approval. Approval should include the following conditions are met:

1. Three (3) complete sets of plans are submitted for plan review and approval.
2. Building permit must be obtained and fees paid, as required by City code.
3. That the project complies with all City ordinances and the 2012 International Building Code.
4. Application and approval is void if a building permit is not obtained within one year from the date of Planning Commission approval

### **ACTION ITEMS:**

- Recommendation to Governing Body regarding preliminary site plan approval, including any modifications;
- Recommendation to Governing Body regarding the wall signs and monument sign, including any modifications and deviations to allow more than 2 wall signs in addition to the monument sign; and
- Recommendation to Governing Body regarding the Special Use Permit, including any conditions.



September 14, 2020

VIA EMAIL

Kim Young  
City Clerk  
City of Fairway  
5240 Belinder  
Fairway, KS, 66205

**RE: 4220 Shawnee Mission Parkway**

Kim,

This letter is in response to our comments received at the August 31<sup>st</sup> PC meeting. You will find our understanding of the planning commission comments in **bold** and our response in *italics*.

1. **There are concerns from both staff and residents regarding how this development will impact traffic. Staff has requested that a traffic memo / study be prepared in order to confirm any required improvements.**
  - *A traffic memo / study has been ordered for the site to address the traffic impact of this development. Due to time constraints this is still in progress but will be ready in time to present to staff by the 9/28 meeting. We will send this over as soon as we have it.*
  - *Due to the current impact of Covid-19 on traffic, historical data from the surrounding area is being utilized in order to generate a memo / study that will provide accurate data for this site that will not artificially deflate numbers in a good faith effort to provide the community with accurate data.*
  
2. **There is concern that cars turning north into the drive thru lane will shine headlights into homes of residents to the north. Neighbors also voiced concern to the south east of the site that cars parking in the 90 degree stalls along Shawnee Mission Parkway would also shine into their homes.**
  - *Coniferous plantings have been added to the landscape plan consisting of evergreen bushes about 3' in height average along the north side and southeast corner of the site to screen traffic and aid in blocking light from car headlights while not blocking view of the existing monument sign.*
  
3. **Relating to the above comment regarding car headlights shining out from the site, there was additional information requested regarding the site and building lighting to ensure that there would be no light pollution from the site.**

- *We have added a Photometrics plan to the submittal plan set that illustrates our intent to use full cut off fixtures with housing shields for the light poles around the site that will prevent light spilling out from our site onto the existing road way. We plan to reuse the existing light pole bases and to remove the existing heads and poles and replace with new efficient LED fixtures. Some additional poles are required around the site to provide adequate lighting at the new trash enclosure area as well as to add better internal lot and roadway lighting on the south end of the building.*

**4. The applicant is requesting a deviation to the allowed number of wall signs on the building. Planning Commission voiced concerns that the previously requested 8 wall signs on the building was too many and that several should be removed. Note from previous comments regarding signage deviation: The signage will require PC to grant a deviation due to the number of wall signs in combination with the monument sign. Deviations is in Section 15-559.**

- *We have amended the building elevations to only show signage on the south, east, and west facades. All signage on the north side of the building facing the residential area have been removed. There are 3 signs on the south façade facing Shawnee Mission parkway as well as one sign on the east façade facing the main intersection of 55<sup>th</sup> St and Shawnee Mission Parkway. We feel a sign on this façade is crucial for providing the future tenant in this area identification for all westbound traffic along Shawnee Mission parkway. We also are proposing maintaining a wall sign on the west façade as well; this façade faces the existing commercial development, which is also owned and managed by our client, to provide identification of the end cap tenant in this space. A total of 5 signs for this 3-tenant building are being requested as a deviation to the maximum 2 wall signs per building. As staff mentioned in their report, the municipal code for commercial retail development was written to match what was developed in the city of Fairway at that time and does not necessarily account for a multi-tenant development.*

*The limit for 2 wall signs only on this building would create a hardship for leasing to 3 tenants. This configuration is standard to multi-tenant buildings throughout Johnson County as well as close to the site such as the Einstein Bros Bagels. (while not in Fairway technically, it is the closest comparable building to the site). The request for wall signs above the maximum required 2 signs would be appropriate to provide reasonable visibility for all three tenants which would face significant roadways so that visitors entering the site can adequately navigate to each of the three businesses, failure to provide signs for all the tenants would create a hardship for future businesses in drawing customers to their location and to be competitive with the surrounding businesses. The additional wall signs would conform to the restrictions and size limitations as set forth in 15-552-4 as well.*

This concludes our response to your comments. Please feel free to give us a call should you have any additional questions or concerns.

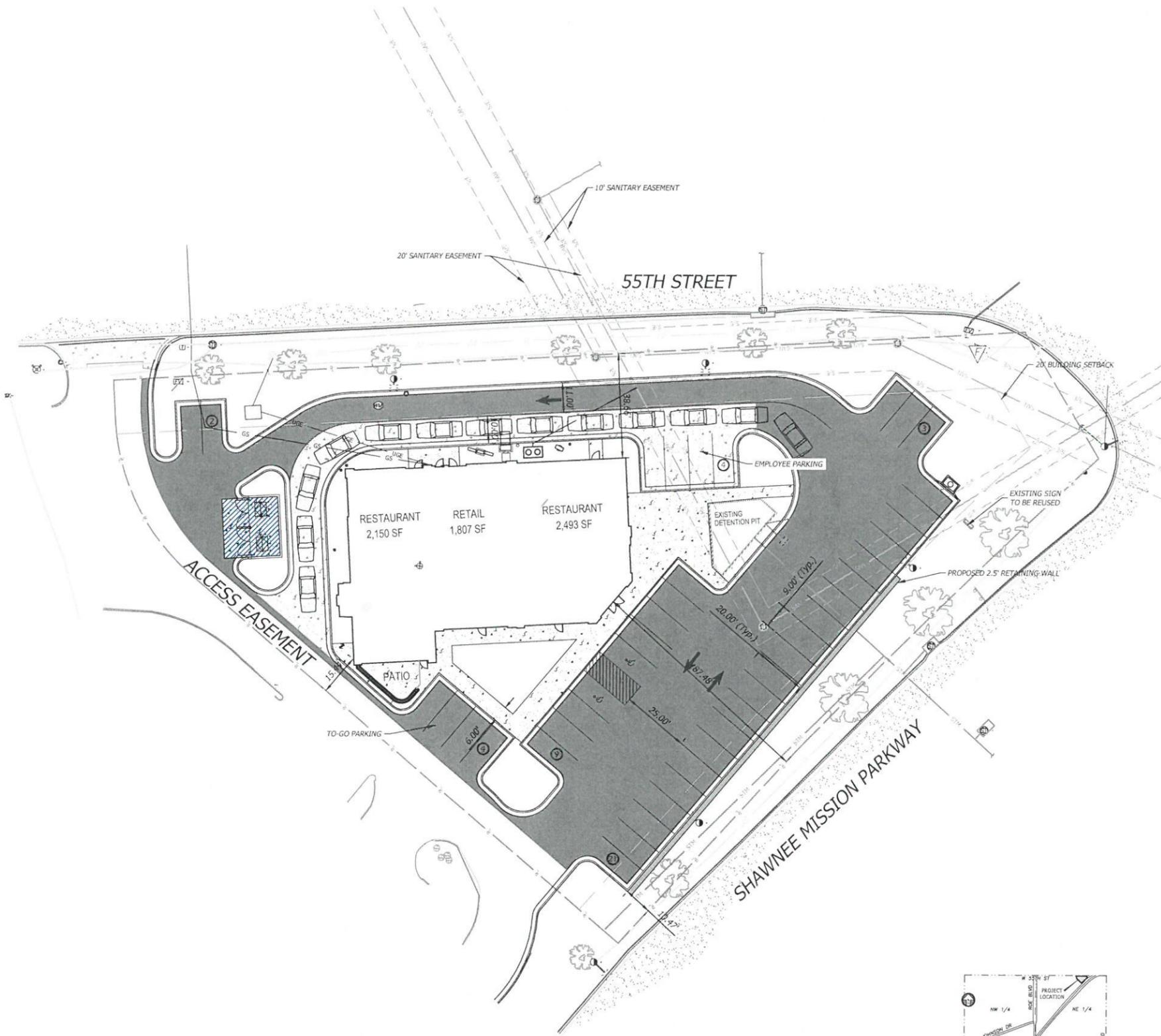
A handwritten signature in blue ink, appearing to read 'Henry C. Klover', with a large, sweeping flourish extending to the right.

Henry C. Klover  
President

CC: Brian Douglas, Max Hoffmeier  
Attachments: FDP Plan set  
Client project #:  
Klover project #: 19132.001



ENTRANCE CONCEPT RENDER



**SITE DATA**

<b>SITE</b>	
SITE AREA:	1.08 AC 47,327 SF
IMPERVIOUS AREA:	30,547 SF (64.5%)
EXISTING IMPERVIOUS AREA:	34,073 SF
<b>BUILDING</b>	
BUILDING AREA:	6,500 SF (13.7%)
<b>PARKING</b>	
PARKING PROVIDED:	43 STANDARD 2 HANDICAP (1 VAN)
<b>PARKING REQUIRED:</b>	
TOTAL RESTAURANT & RETAIL:	43
RESTAURANT (1/3 SEATS AND 111 SEATS):	37
RETAIL (1,350 GROSS SF. AND 1,807 SF):	6
ADA STALLS: (BASED ON 43 PARKING STALLS)	2

**ZONING**

B-2 (BUSINESS OFFICE)

**SURVEYOR OF RECORD**

BHC RHODES  
712 STATE AVE.  
KANSAS CITY, KANSAS 66101  
P (913) 663-1900  
F (913) 663-1633  
CONTACT: JOE MCLAUGHLIN  
EMAIL: JOE.MCLAUGHLIN@IBHC.COM

**CIVIL ENGINEER**

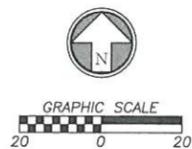
BHC RHODES  
7101 COLLEGE BOULEVARD, SUITE 400  
OVERLAND PARK, KANSAS 66210  
P (913) 663-1900  
F (913) 663-1633  
CONTACT: WILLIAM BUCK P.E.  
EMAIL: WILLIAM.BUCK@IBHC.COM

**OWNER/DEVELOPER**

MARINER REAL ESTATE MANAGEMENT LLC  
4220 SHAWNEE MISSION PKWY APT. 200 B  
FAIRWAY, KS 66205  
CONTACT: BRIAN DOUGLAS  
PHONE: (816) 285-3872

**SITE LEGEND**

	PROPOSED BUILDING
	MEDIUM DUTY ASPHALT PAVEMENT
	MEDIUM DUTY PCC PAVEMENT
	CONCRETE SIDEWALK
	CONCRETE PAD
	RETAINING WALL
	PARKING STALL COUNT



Design: TMS	Drawn: TMS
Checked: WRB	
Issue Date: 09/14/2020	
Project Number: 028810	
<b>C1.0</b>	

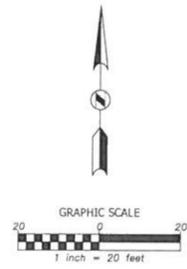
Prepared For:	BRIAN DOUGLAS 4220 SHAWNEE MISSION PKWY FAIRWAY, KS 66205 PH: (816) 285-3872
<b>BHC RHODES</b> Civil Engineering - Surveying - Utilities 7101 College Blvd. Suite 400 Overland Park, Kansas 66210 P (913) 663-1900 F (913) 663-1633 BHC RHODES is a member of the BHC Companies Group, Inc.	
<b>FAIRWAY COMMERCIAL BUILDING</b> 4200 SHAWNEE MISSION PKWY FAIRWAY, KS 66205 Preliminary Site Plan	

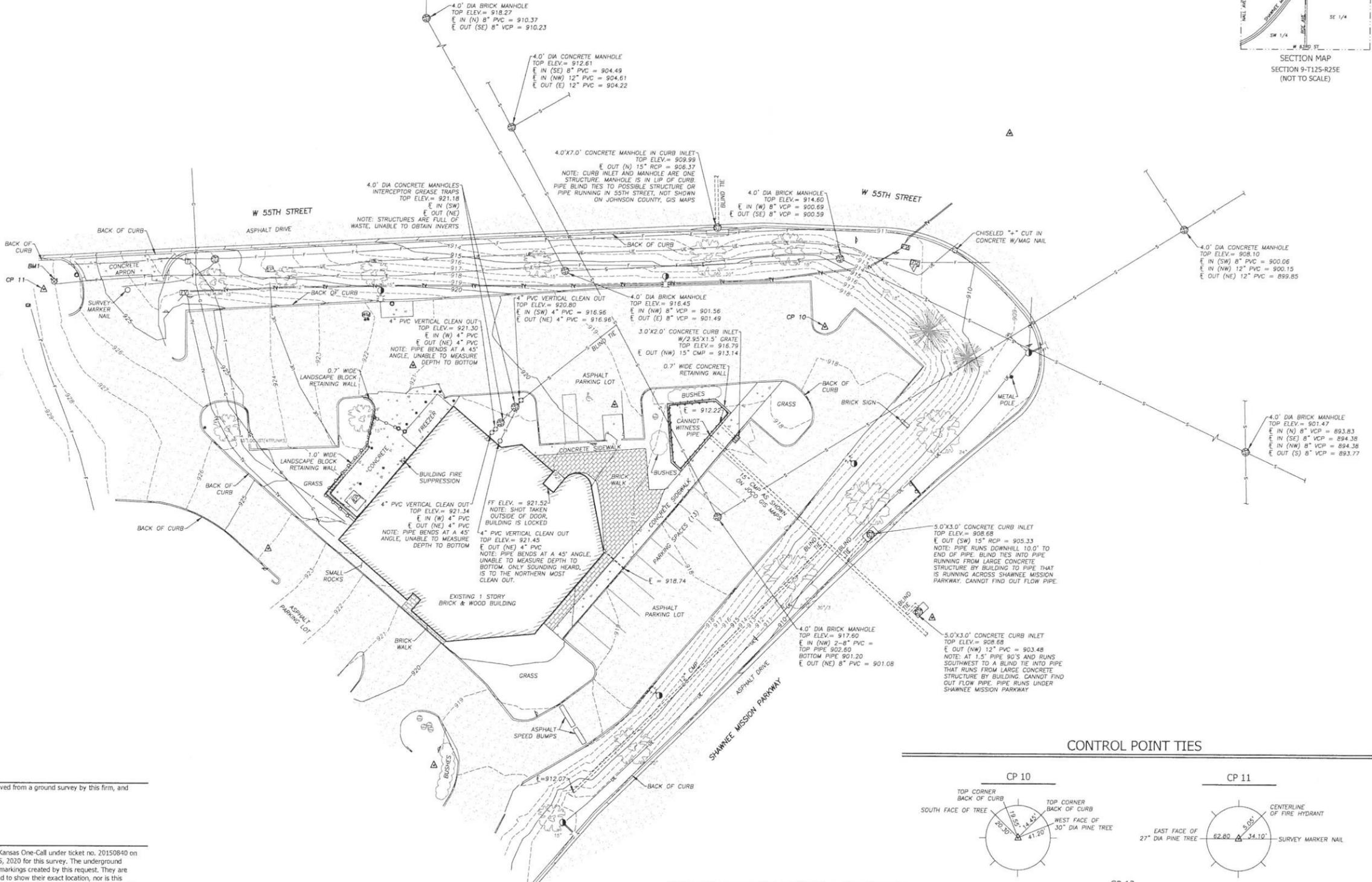
App.	
By	
Description	
Date	
Rev.	



# IMPROVEMENTS AND TOPOGRAPHIC SURVEY 4200 SHAWNEE MISSION PARKWAY CITY OF FAIRWAY, JOHNSON COUNTY, KANSAS



- LEGEND**
- Found Survey Monument
  - △ Control Point
  - ⊕ Benchmark
  - Overhead Utility Line/s
  - Underground Electric Line
  - Guy Anchor
  - ⊕ Electric Pedestal (above ground)
  - ⊕ Utility Pull Box (underground)
  - ⊕ Water Valve
  - ⊕ Fire Hydrant
  - ⊕ Water Meter
  - Gas Line
  - Underground Telephone Line
  - ⊕ Telephone Pedestal (above ground)
  - ⊕ Telephone Manhole
  - Underground Fiber Optic Line
  - ⊕ Underground Fiber Optic Line Marker
  - ⊕ Fiber Optic Vault (underground)
  - Underground Cable TV Line
  - Sanitary Sewer Line
  - ⊕ Sanitary Sewer Manhole
  - Clean-out
  - PVC Polyvinyl Chloride Pipe
  - VCP Vitrified Clay Pipe
  - Storm Sewer Line
  - ⊕ Storm Sewer Manhole
  - ⊕ Curb Inlet
  - ⊕ Down Spout
  - CMP Corrugated Metal Pipe
  - RCP Reinforced Concrete Pipe
  - Pipe Continues-Outlet or Source Not Found or Not Surveyed
  - Wood Fence
  - ⊕ Gate Post
  - Single Pole Sign
  - Double Pole Sign
  - Metal Guard Rail or Hand Rail
  - Concrete or Metal Bollard
  - ADA Parking Stall
  - Bush
  - Deciduous Tree and Size
  - Coniferous Tree and Size
  - Tree Stump
  - Foliage Drip Line/Edge of Timber
  - Not To Scale



**GENERAL NOTES**

- Contours are shown at 1 foot intervals, were derived from a ground survey by this firm, and based on NAVD 88.

**UTILITY NOTES**

- A utility locate request was generated through Kansas One-Call under ticket no. 20150840 on April 9, 2020 and ticket no. 20264649 on June 5, 2020 for this survey. The underground utilities shown hereon are as located along the markings created by this request. They are representational only and are in no way intended to show their exact location, nor is this information to be construed as a complete inventory of all utilities at this location. The exact location of underground features cannot be accurately, completely and reliably depicted without excavation. Where additional or more detailed information is required, client is advised that excavation may be necessary. It is the excavator's responsibility to have any utilities marked before digging.

**PARKING STALL COUNT**

Standard Parking Stalls.....	15
ADA (disabled) Parking Stalls.....	1
<b>Total.....</b>	<b>16</b>

**NOTE:** This survey makes no claims that the quantity, size or dimensions of any parking stalls on this property are in compliance with the controlling jurisdiction's requirements.

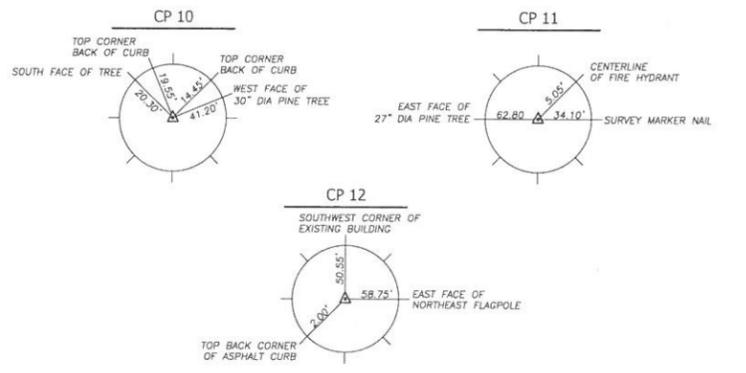
**BENCHMARKS** (NAVD88 Datum)

BM1 Chiseled "+" cut on the top Northeast flange of a fire hydrant on the West entrance at the Northwest corner of site surveyed.

Elevation: 929.75

**PROJECT CONTROL TABLE  
GRID COORDINATES  
(NAD83 KANSAS STATE PLANE, NORTH ZONE, US SURVEY FOOT)**

POINT NO.	BENCHMARK DESCRIPTION	NORTHING COORDINATE	EASTING COORDINATE	ELEV.
10	CP10 /B4 W/CAP	271318.65	2268539.64	918.30'
11	CP11 /B4 W/CAP	271332.54	2268221.46	927.76'
12	CP12 /B4 W/CAP	271139.99	2268381.78	919.12'



**BHC RHODES**  
Civil Engineering • Surveying • Utilities  
712 State Avenue  
Kansas City, Kansas 66101  
P (913) 371-5300 F (913) 371-2677

KLOVER ARCHITECTS  
8813 PENROSE LANE  
SUITE 400  
LENEXA, KS 66219

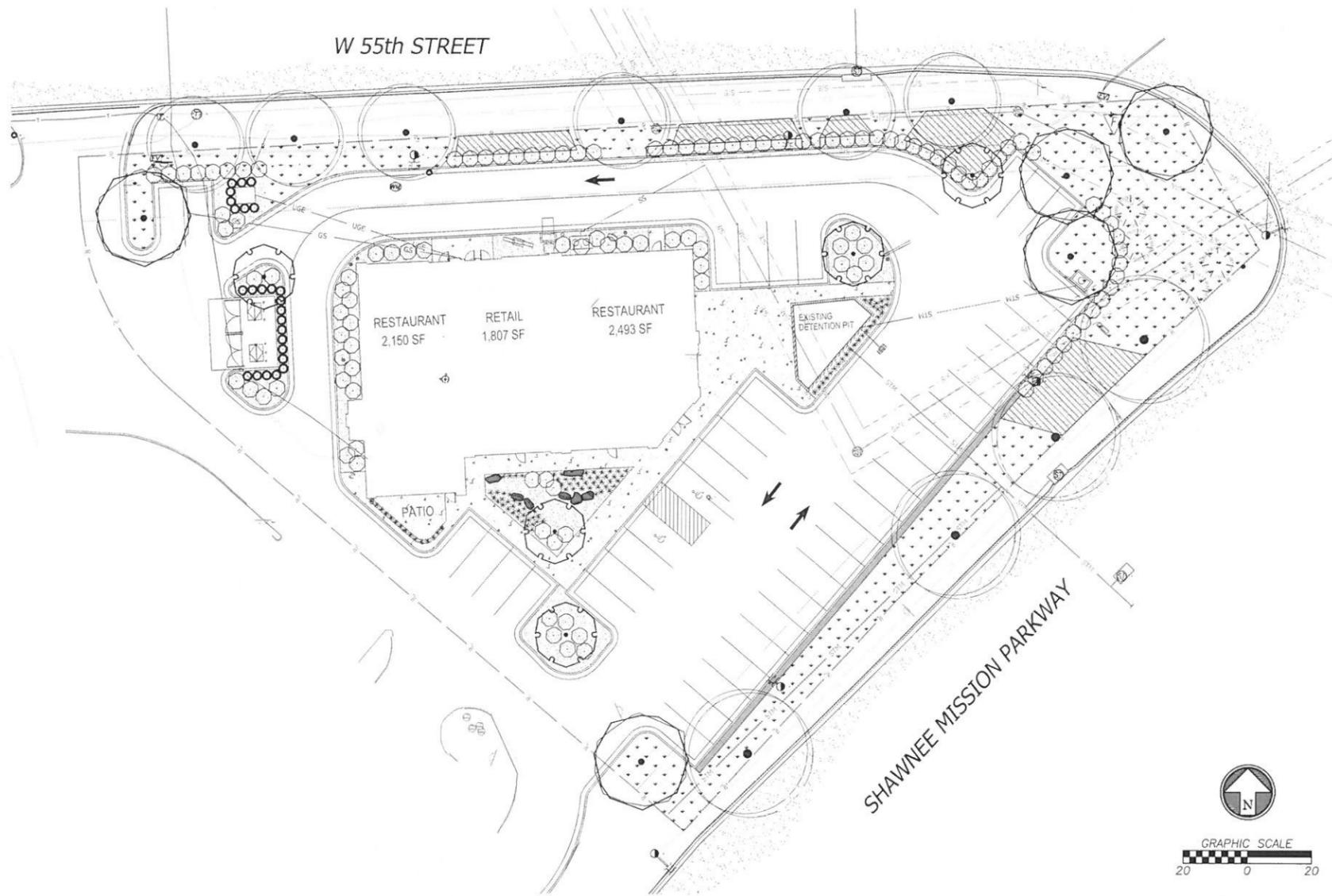
IMPROVEMENTS AND TOPOGRAPHIC SURVEY  
4200 SHAWNEE MISSION PARKWAY  
FAIRWAY, JOHNSON COUNTY,  
KANSAS

Project No. 028810  
Field Crew: ME/DH  
Field Date: 08/11/2020  
Drawn By: G/WJ  
Issue Date: 08/16/2020  
Sheet: 1 OF 1

Rev.	Date	Description	Drawn	Checked

Jun 16, 2020 - 3:02pm Plotted by: gwg-wuolw@bch.com I:\028810\_4200 Shawnee Mission Hwy Design\WORK\SURVEY\028810-SRVY-TOPD.dwg

Sep 14, 2020 - 1:08pm Plotted By: Nimish Butler V:\028810 - Fairway Commercial Building\04-DWG\Eng\Sheet\SUP\028810-SHTS-SITE-LANDSCAPE.dwg Layout: LANDSCAPE PLAN

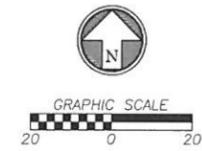


**EXISTING PLANT SCHEDULE**

EXISTING TREE	10
---------------	----

**CONCEPT PLANT SCHEDULE**

	<b>LARGE TREES</b> min. 3" caliper planting height 12' ht. mature height 40'	5
	<b>MEDIUM TREES</b> min. 3" caliper planting height 8' ht. mature height 25' - 40'	5
	<b>EVERGREEN TREE</b>	4
	<b>SHRUBS</b> min. 2' planting height min. 5 gal container	120
	<b>PERENNIAL GRASS</b>	111
	<b>COLUMNAR EVERGREEN</b> min. 6' planting height min. 5 gal container	25
	<b>GROUNDCOVER SHRUBS</b> min planting height 3'-6" min 3 gal container Juniperus horizontalis / Creeping Juniper	1,615 sf
	<b>WOOD MULCH</b> Double Ground Hardwood Mulch, 3" Depth.	2,975 sf
	<b>ROCK MULCH</b> 1" - 3" Buffalo River Rock or Approved Equal, 3" Depth.	2,580 sf
	<b>SOD</b> Watersaving Fescue Blend	7,382 sf



**GENERAL LANDSCAPE NOTES**

- The Contractor shall verify and coordinate all final grades with the Landscape Architect and or design team prior to completion.
- Location and placement of all plant material shall be coordinated with the Landscape Architect prior to installation.
- Location of all utilities are approximate, the Contractor shall field verify locations prior to commencement of construction operations.
- Refer to Civil Drawings for all grading and berming, erosion control, storm drainage, utilities and site layout.
- The Contractor shall arrange and conduct a pre-construction meeting onsite with Landscape Architect prior to work.
- Plant quantities are for information only, drawing shall prevail if conflict occurs. Contractor is responsible for calculating own quantities and bid accordingly.
- The Contractor is to notify Landscape Architect after staking is complete and before plant pits are excavated.
- Tree locations in areas adjacent to drives, walks, walls and light fixtures may be field adjusted as approved by Landscape Architect.
- The Contractor shall report subsurface soil or drainage problems to the Landscape Architect.
- The plan is subject to changes based on plant size and material availability. All changes or substitutions must be approved by the City of Fairway, Kansas and the Landscape Architect.
- Aluminum landscape edging to be used on all landscape beds adjoining turf areas as noted on landscape plans.
- Landscape Contractor shall be responsible for watering all plant material until the time that a permanent water source is ready.
- The Contractor shall show proof of procurement, sources, quantities, and varieties for all shrubs, perennials, ornamental grasses, and annuals within 21 days following the award of the contract.
- Contractor shall provide full maintenance for newly landscaped areas for a period of 30 days after the date of final acceptance. At the end of the maintenance period, a healthy, well-rooted, even-colored, viable turf and landscaped area must be established. The landscaped areas shall be free of weeds, open joints, bare areas, and surface irregularities.
- Landscape Contractor shall provide rock mulch sample to owner for approval.

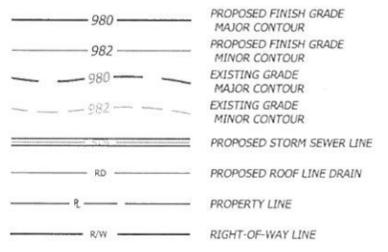
**GENERAL IRRIGATION NOTES**

- Irrigation plan to be provided during permitting phase of development
- Irrigation plan to not interfere with any proposed improvements shown.
  - Irrigation system design to be based on available psi. Minimum operating pressure for spray heads shall be 30 psi and minimum operating pressure for drip zones shall be 40 psi.
  - The contractor shall be responsible for providing uninterrupted, 110 v electrical service to the controller and for all hook-ups. All exposed low voltage wire shall be enclosed in a conduit.
  - Place valve boxes 12" minimum from and parallel to curbs and walks, grouped valves to be equally spaced.
  - Install all mainlines to 1% minimum slope to drain valves located at low points of main system.
  - Irrigation controller and rain sensor shall be located in owner approved locations.

**SITE DATA**

	Quantity	Required	Existing	Provided	Total
<b>Open Space Req</b>					
Per 3,000 SF of open space	13,121.06				
1 med shade tree		4.37	N/A	2	2
<b>Street Tree</b>					
55th Street	377.94				
1 lg tree /40 LF of street		9.45	6	4	10
Shawnee Mission Parkway	252.72				
1 lg tree /40 LF of street		6.32	4	3	7
<b>Perimeter Parking Landscape</b>					
10' buffer		Y	N/A	Y	
<b>Island/Interior Landscape</b>					
Parking provided	43				
1 med tree/10 spaces		4.3	N/A	5	5
Parking area	22,992.32				
15% of parking to be interior islands		3,448.85	N/A	3,735.90	
<b>Utility Screening</b>					
Above ground cabinets should be screened w/landscaping		Y	N/A	Y	

**LEGEND**



**FAIRWAY COMMERCIAL BUILDING**  
**4200 SHAWNEE MISSION PKWY**  
**FAIRWAY, KS 66205**  
**LANDSCAPE PLAN**

Design: NAB Drawn: NAB  
 Checked: WRB  
 Issue Date: 09/14/2020  
 Project Number: 028810

**L1.0**

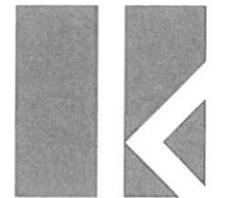
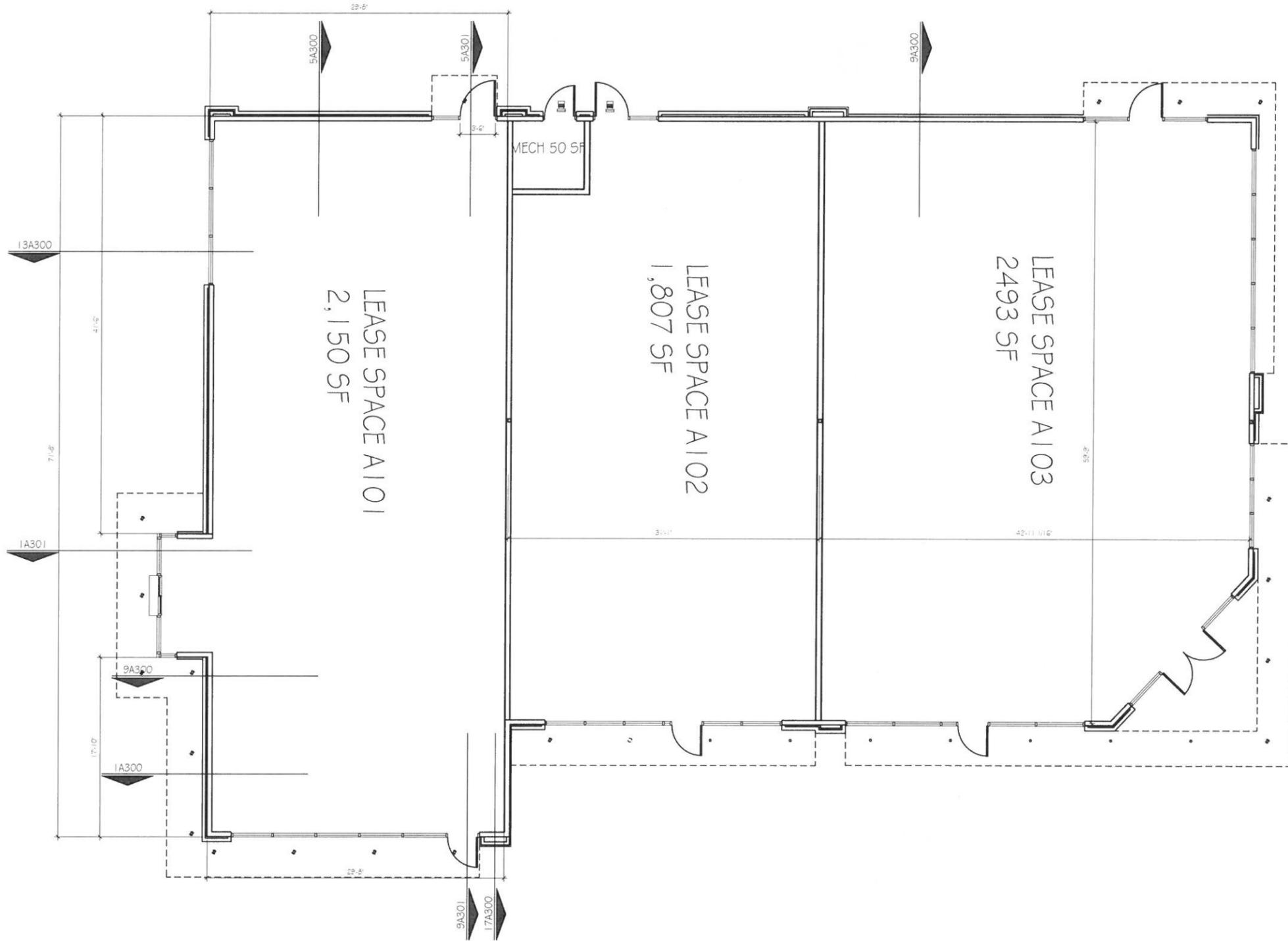
**BHC RHODES**  
 Civil Engineering • Surveying • Utilities  
 7101 College Blvd, Suite 400  
 Overland Park, KS 66210  
 P: (913) 663-1900 F: (913) 663-1633  
 www.bhcrhodes.com

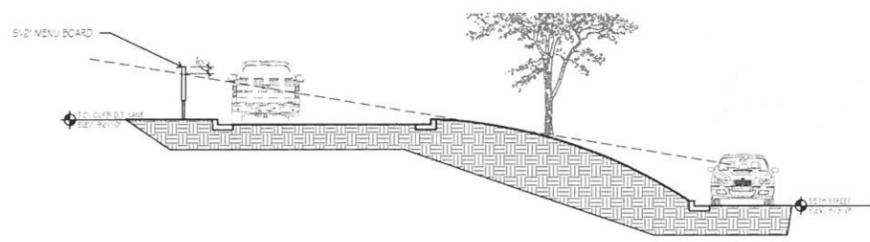
Prepared For:  
 BRIAN DOUGLAS  
 4220 SHAWNEE MISSION PKWY  
 FAIRWAY, KS 66205  
 PH: (816) 285-3872

Rev.	Date	Description	By	App.

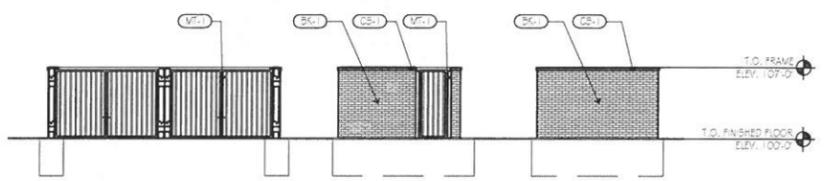
# A-100 FLOOR PLAN

SCALE: 3/16" = 1'-0"

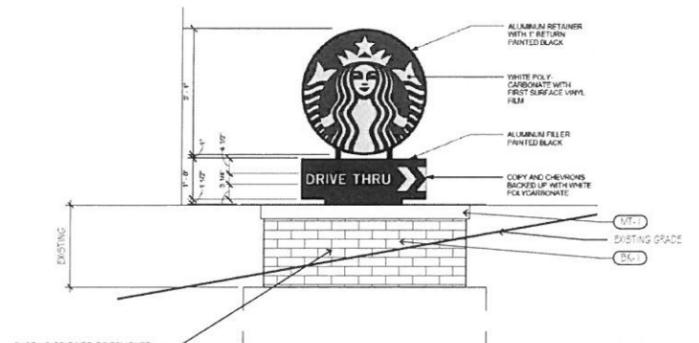




D.T. SECTION ⑧  
SCALE: 1/8" = 1'

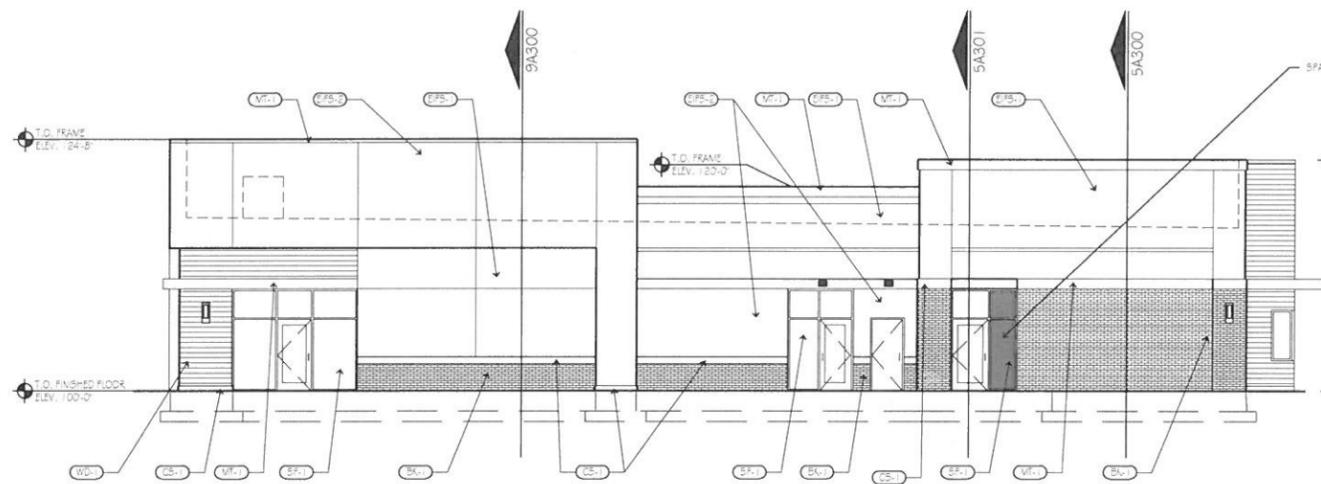


TRASH ENCLOSURE ELEVATIONS ⑦  
SCALE: 1/8" = 1'

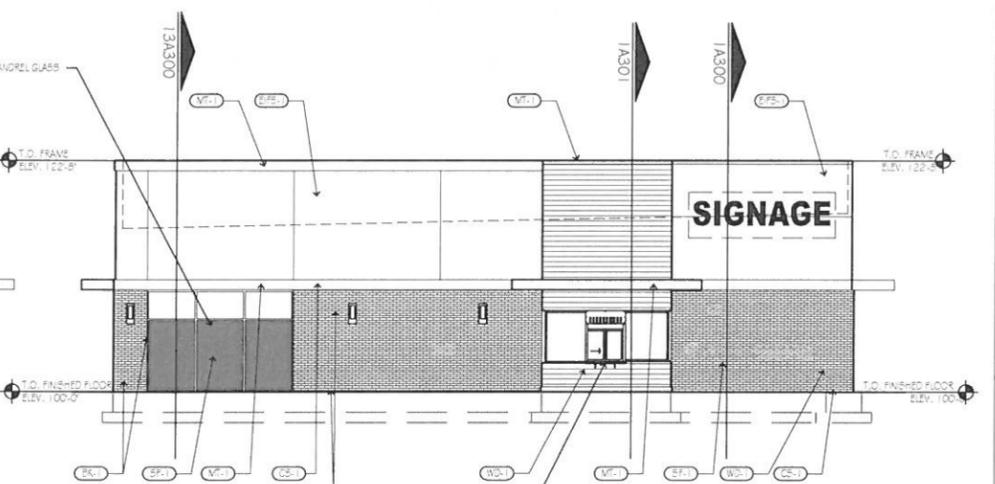


MONUMENT SIGN ⑥  
SCALE: 1/4" = 1'

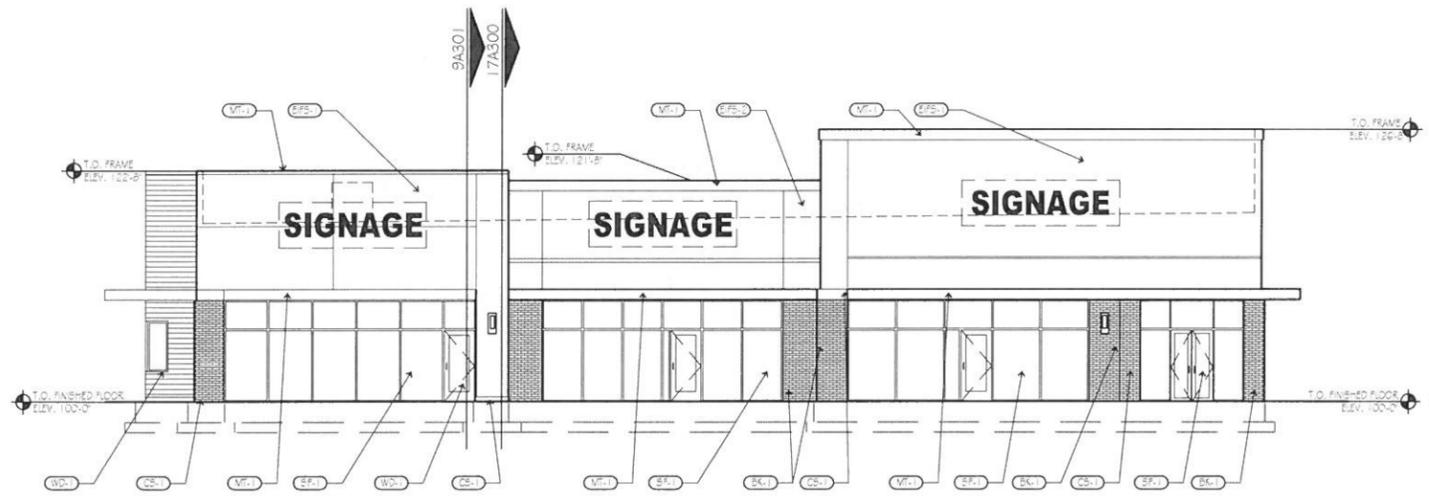
SYMBOL	FINISH	MANUFACTURER	PRODUCT
CS-1	CAST STONE	MIDWEST CAST STONE	23AC
EFS-1	EFS	DRYVIT	33 - DRIFTWOOD
EFS-2	EFS	TBO	COLOR TO MATCH SW 7028 BACKDROP
VT-1	METAL	FIRESTONE	COLOR TO MATCH RAU7021 WATTE M7002B - FLAT BLACK POWDER COAT
BK-1	BRICK VENEER	MUTUAL MATERIALS	CASCADE SPICE PLANKING BOND, SAGE & AMBER COLORED MORTAR
WD-1	ACODIA WOOD SIDING	RESAWN TIMBER CO.	WAD 545 (W 5400S PROFILE)
SF-1	STOREFRONT	KAWNEER	COLOR TO MATCH RAU7021 WATTE M7002B - FLAT BLACK ANODIZED



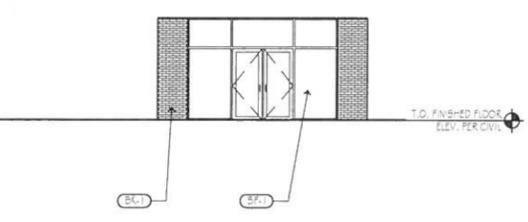
NORTH ELEVATION ④  
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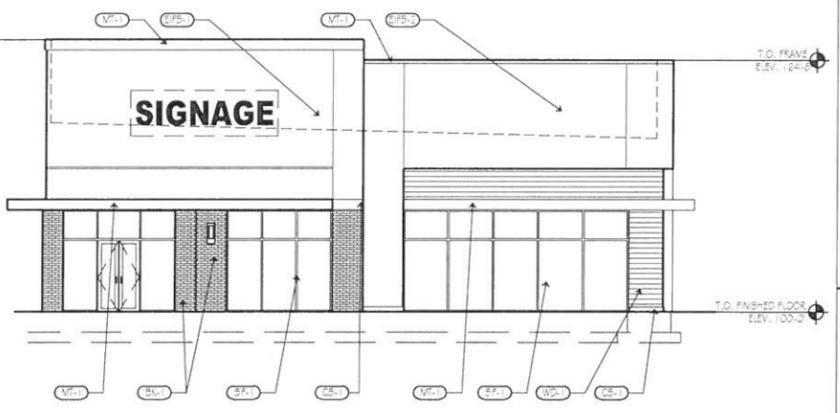
WEST ELEVATION ②  
SCALE: 1/8" = 1'



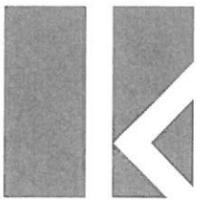
SOUTH ELEVATION ⑤  
SCALE: 1/8" = 1'

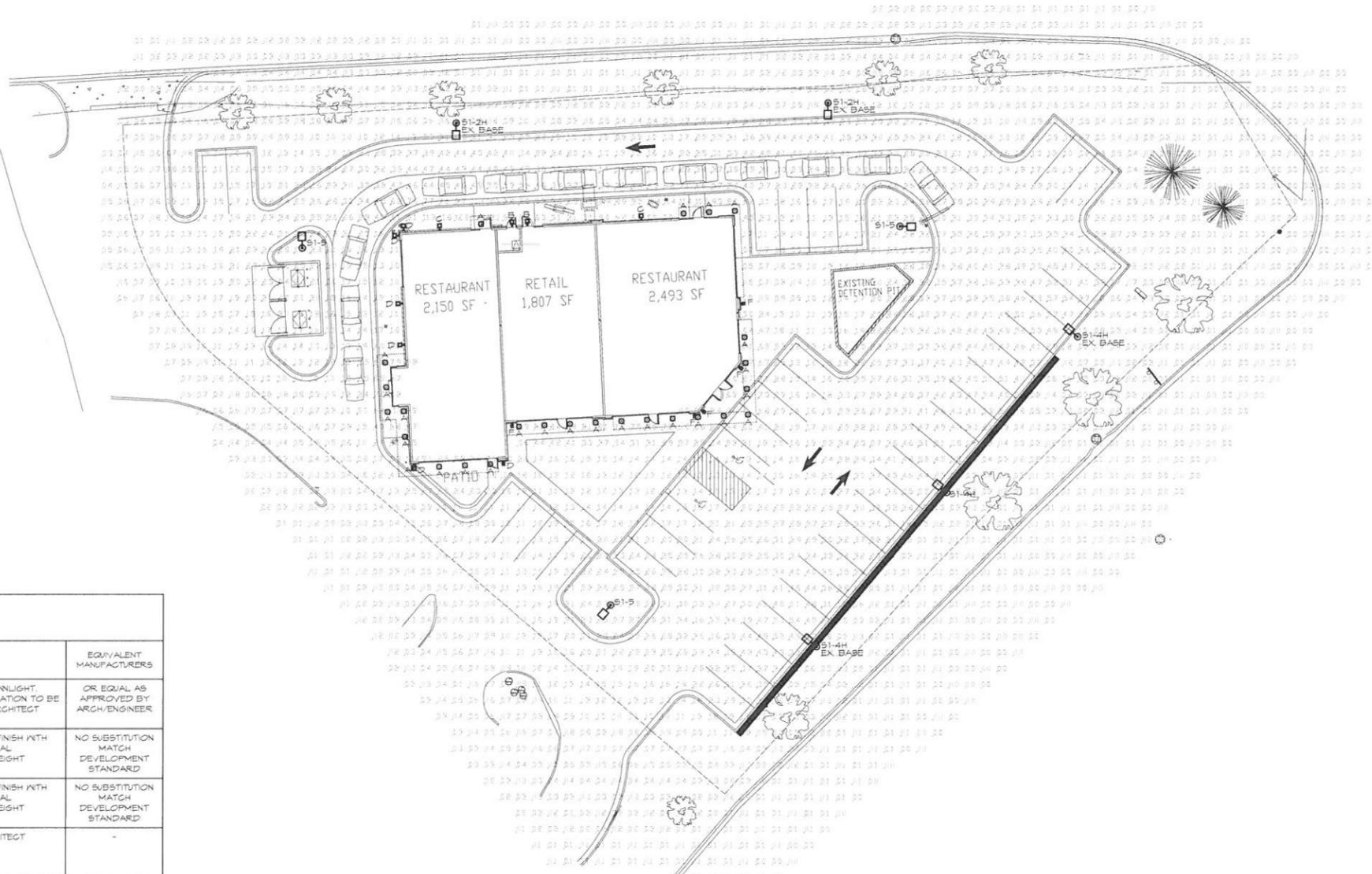
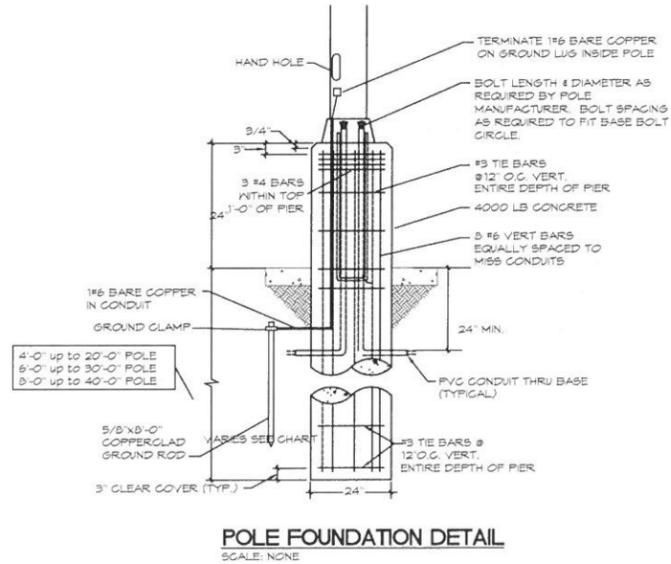


SOUTH-EAST ELEVATION ③  
SCALE: 1/8" = 1'



EAST ELEVATION ①  
SCALE: 1/8" = 1'





**LIGHT FIXTURE SCHEDULE**

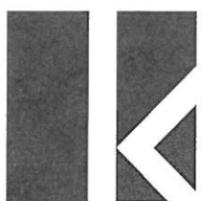
MARK NO.	MANUFACTURER & CATALOG NUMBER	VOLTS	WATTS	SOURCE	DESCRIPTION	EQUIVALENT MANUFACTURERS
A	SIGNIFY STR-840-10-XX	120	14.2	LED 4000K 1000 LUMS	EXTERIOR LED SURFACE MOUNT DOWNLIGHT JUNCTION BOX AND FIXTURE INSTALLATION TO BE WATER TIGHT. VERIFY FINISH WITH ARCHITECT	OR EQUAL AS APPROVED BY ARCH/ENGINEER
B	RAB LIGHTING RFL10-4000K-X	120	10	LED 1200 LUM 4000K	LED WALL MOUNTED LIGHT. VERIFY FINISH WITH ARCHITECT. REFER TO ARCHITECTURAL ELEVATION FOR EXACT LOCATION/HEIGHT	NO SUBSTITUTION MATCH DEVELOPMENT STANDARD
C	KIM LIGHTING KDS-D-24L-30-4KT-2-UNV-XXX	120	30	LED 3000 LUM 4000K	LED WALL MOUNTED LIGHT. VERIFY FINISH WITH ARCHITECT. REFER TO ARCHITECTURAL ELEVATION FOR EXACT LOCATION/HEIGHT	NO SUBSTITUTION MATCH DEVELOPMENT STANDARD
D	DECORATIVE WALL MOUNTED FIXTURE	120	10	LED 4000K	FIXTURE SELECTED BY OWNER/ARCHITECT	-
F	DECORATIVE WALL MOUNTED FIXTURE	120	10	LED 4000K	FIXTURE SELECTED BY OWNER/ARCHITECT	-
S1-2H	KIM LIGHTING ALT1-29L-35-4KT-2-UNV-ASQ-BL-BG ON KRS20-4120-A-BL-BC4	120	95	LED 10,000LUM 4000K	POLE MOUNTED LED AREA LIGHT WITH FLAT GLASS LENS, HOUSE SIDE SHIELD, AND TYPE 2 DISTRIBUTION MOUNTED ON 20"x4" ROUND STEEL POLE WITH 2" HIGH CONCRETE BASE - SEE DETAIL THIS SHEET	TO MATCH DEVELOPMENT STANDARD
S1-4H	KIM LIGHTING ALT1-54L-120-4KT-4-UNV-ASQ-BL-BG ON KRS20-4120-A-BL-BC4	120	120	LED 15,000LUM 4000K	POLE MOUNTED LED AREA LIGHT WITH FLAT GLASS LENS, HOUSE SIDE SHIELD, AND TYPE 4 DISTRIBUTION MOUNTED ON 20"x4" ROUND STEEL POLE WITH 2" HIGH CONCRETE BASE - SEE DETAIL THIS SHEET	TO MATCH DEVELOPMENT STANDARD
S1-5A	KIM LIGHTING ALT1-54L-120-4KT-5A-UNV-ASQ-BL ON KRS20-4120-A-BL-BC4	120	120	LED 15,000LUM 4000K	POLE MOUNTED LED AREA LIGHT WITH FLAT GLASS LENS AND TYPE V DISTRIBUTION MOUNTED ON 20"x4" ROUND STEEL POLE WITH 2" HIGH CONCRETE BASE - SEE DETAIL THIS SHEET	TO MATCH DEVELOPMENT STANDARD

**STATISTICAL AREA SUMMARY**

AREA	AVG FC	MAX FC	MIN FC	MAX/MIN	AVG/MIN
PAVED AREA (INSIDE PROPERTY LINE)	2.7	7.7	0.5	15.4	5.4

BC PROJECT #: 20708  
KANSAS PE COA #E-359  
This drawing has been prepared by the Engineer, or under his supervision. The drawing is provided as an instrument of service to the designee and is intended for use on the project only. Pursuant to the Professional Practice Act of the State of Kansas, the Engineer, his representatives, agents and employees shall not be held liable for any errors or omissions in this drawing or any other documents prepared by or for the Engineer, his representatives, agents or employees, or for any consequences that may result from the use of this drawing or any other documents prepared by or for the Engineer, his representatives, agents or employees, or for any consequences that may result from the use of this drawing or any other documents prepared by or for the Engineer, his representatives, agents or employees.

**BC ENGINEERS INCORPORATED**  
5720 Reeder Shawnee, KS. 66203 (913)262-1772



KIMLIGHTING®

ALT1 ARCHITECTURAL AREA SITE

DATE: LOCATION:
TYPE: PROJECT:
CATALOG #:

Altitude®

FEATURES

- Elegant form factor
• High performance (exceeds up to 115,000 delivered lumens)
• Diffusion lens for low glare comfort
• NIK wireless control options
• DRL with Lens and IP65 without lens

CONTROL TECHNOLOGY

NX DISTRIBUTED INTELLIGENCE

SPECIFICATIONS

CONSTRUCTION

- One piece die-cast, low copper (0.6% Cu) Aluminum Alloy 360 with vent and 1000' minimum wall thickness.
• Separate thermal driver compartment rated for IP65 ingress protection.
• Finish: face and extension recessed, electrostatically applied, thermally cured, regionalized epoxy-resin (TGIC) polyester powder-coat.
• Lens: impact resistant 1/8" tempered glass with anti-reflective coating.
• Lens frame: one piece die-cast, low copper (0.6% Cu) Aluminum Alloy 360 and 1000' minimum wall thickness.
• Lens frame has a one-piece U ring inducer/volcanized silicone gasket.
• Mid frame: one piece die-cast, low copper (0.6% Cu) Aluminum Alloy 360 and 1000' minimum wall thickness.
• Mid frame secures to Lens Frame and housing by stainless steel recessed Allen head screws.
• Silicone gasket throughout.
• All external fasteners are stainless steel.

OPTICS

- LED lenses are cast in a metal printed circuit board assembly (MCPCB).
• Context lenses are clear injection molded PMMA acrylic.
• Opposed Beamlight Control on each LED module to consistently control unwanted backlight.
• Opposed fixture face optical surfaces will not exceed 0.5% stray light of the projected white flux and will be greater than or equal to the declared beam(s) of the optional matte black optical surface finish.

INSTALLATION

- Fixtures must be grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury.

ELECTRICAL

- Universal voltage, 120 through 277V with a 10% tolerance. Driver is Underwriters Laboratories recognized.
• High voltage configurations, 347/480V. Driver has a 0-10V dimming interface for multi-level illumination options. Driver is Underwriters Laboratories recognized.
• Thermal Shield: secondary side, thermistor provides protection for the sustainable life of LED module and electronic components.
• Drivers shall have greater than a 0.9 power factor, less than 20% harmonic distortion, and be suitable for operation in -40°C to 40°C ambient environments.

ELECTRICAL (CONTINUED)

- Luminaires are capable of operating at 100% brightness in a 40°C environment. Both driver and optical only have integral thermal protection that will turn the luminaire upon detection of temperatures in excess of 85°C.
• Modular wiring harness in the service area provides user access to the dimming circuitry.
• Optional factory programmed dimming profile.
• Surge protection: 10,000A in parallel, 20,000A in series.
• SF for 120, 277, 347, and 480V.
• SF for 208, 240, 480V line voltage.
• Wiring: No. 18AWG rated 90°C, wet rating.

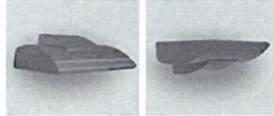
Table with 2 columns: Parameter, Value. Includes Lumens Range, Wattage Range, Efficacy Range (LPW), Reported Life (Hours), Weight, EPA Front View / Side View.

KIMLIGHTING®

WDS WALL MOUNTED

DATE: LOCATION:
TYPE: PROJECT:
CATALOG #:

Wall Director



FEATURES

- 5" to 10" tilt adjustment
• High performance optics deliver up to 7500 lumens
• Up or down mountable without modification
• Programmable occupancy sensor (dimming)
• NIK and SceneLine wireless controls
• 150+ lumens per watt
• UL/ULX, listed for wet locations, IP66 Listed

CONTROL TECHNOLOGY

NX DISTRIBUTED INTELLIGENCE

SPECIFICATIONS

CONSTRUCTION

- Optical housing is a one-piece die-cast low copper (0.6%) aluminum alloy with provisions for 1/8" mechanical mounting arm features to the mounting plate with stainless steel flange for both sides for labeling and wiring. One stainless steel lock-head screw on the left mechanism keeps the optical housing in place for labeling. Tightening the screws locks the housing and lens frame together, with sealing provided by a silicone gasket. For visual clarity, adjustment may be accomplished with the flange on.

OPTICS

- LEDs mount to a metal printed circuit board assembly (MCPCB).
• Context lenses are clear injection molded PMMA acrylic.
• Opposed Beamlight Control on each LED module to consistently control unwanted backlight.
• Opposed fixture face optical surfaces will not exceed 0.5% stray light of the projected white flux and will be greater than or equal to the declared beam(s) of the optional matte black optical surface finish.

INSTALLATION

- Junction box (dry climate) standard with three quick-mount junction box plate that mounts directly to 4" x 4" E-box.
• Mounting plate is stainless steel and features a composite EPOXY gasket on back side of plate to firmly seal fixture to wall surface, providing entry of moisture and contaminants.
• Fixtures must be grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury.

ELECTRICAL

- Universal voltage, 120 through 277V with a 10% tolerance. Driver is Underwriters Laboratories listed.
• High voltage configurations, 347/480V. Driver has a 0-10V dimming interface for multi-level illumination options. Driver is Underwriters Laboratories listed.
• Thermal Shield: secondary side, thermistor provides protection for the sustainable life of LED module and electronic components.
• Drivers shall have greater than a 0.9 power factor, less than 20% harmonic distortion, and be suitable for operation in -40°C to 40°C ambient environments.

Table with 2 columns: Parameter, Value. Includes Lumens Range, Wattage Range, Efficacy Range (LPW), Reported Life (Hours), Weight.

LIGHTOLIER by @ignify

Downlighting SlimSurface LED

55R, 57R & 510R Round 5", 7" and 10" Apertures

SlimSurface is a 5/8" thick LED surface mounted luminaire with the appearance of a recessed downlight. Easy to install into most standard j-boxes, the SlimSurface round apertures are available as a 5" 650lm, 7" 1000lm and 10" 2200lm fixture.

Ordering guide

Table with columns: Series, Size, CCT, Lumens, Finish, Dimming. Lists various SlimSurface models and their specifications.

Features

- 1. Flange: One piece plastic flange injection molded white, applied aluminum or black.
2. Lens: High transmittance lens allowing for smooth, comfortable light pattern.
3. Power supply: Integral Class 2 driver. Factory wired electronic LED driver. (See Electrical section for specifications)
4. LED Strip: Utilizes LEDs.
5. Lifetime: 5 year or lifetime 50,000 hours and backed by a 5 year warranty.
6. Compliance: Non-conductive fixture for shower light application (not applicable to metal trim models).

Electrical

Electronic power supply: RoHS compliant. Class 2 power unit. Unit complies with UL and meets all output conditions without derating.

Table with columns: Electrical Specifications, Dimming, Input Voltage, Input Frequency, Input Current, Input Power, THD Factor, Power Factor, Maximum Operating Temp.

Dimming

Included for ELI/Triac (100V or 0-10V dimming (120V-277V) based on the configuration. Max 100% duty cycle.

Form for Project, Location, Type, Date, Name, Email, Phone, Fax, Website.



WPLED10N

RAB



LED 10W & 13 WAT peak, patent pending thermal management system, 100,000 hour L70 lifespan, 5-year, no-maintenance warranty. Color: Bronze. Weight: 3.3 lbs.

Form for Project, Type, Prepared By, Date.

Table with 2 columns: Driver Info, LED Info. Includes Type, Constant Current, Watts, Color Accuracy, L70 Lifespan, Input Voltage, Efficiency.

Technical Specifications

Listings

UL Listed: Suitable for Wet Locations as a Downlight. Suitable for Damp Locations as an In-Ridge. It will Mount only. Suitable for Mounting within 48" of ground.

IESNA LM-79 & IESNA LM-80 Testing: RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

Green Technology: Mercury and UV free. RoHS-compliant components. Baskets: High-temperature Silicone. Electrical: Driver: Multi-chip 10W high output long life LED Driver. Constant Current: Class B, 120V-240V, 50/60Hz, 140-350mA.

Thermal Management: Cast aluminum Thermal Management system for optimal heat sinking. The SPACER is designed for cool operation, most efficient output and maximum LED life by minimizing LED junction temperature.

Color Uniformity: RAB's range of CCT (Correlated Color Temperature) follows the guidelines of the American National Standards for Specifications for

Need help? Tech help line: (888) 723-1000 Email: custserv@rablighting.com Website: www.rablighting.com Copyright © 2019 RAB Lighting All Rights Reserved. Note: Specifications are subject to change at any time without notice.

FDP

MULTI-TENANT BUILDING

FAIRWAY RETAIL

19000.000

BC PROJECT #: 20708 KANSAS PE COA #E-359

BC ENGINEERS INCORPORATED 5720 Reeder Shawnee, Ka. 66203 (913)262-1772



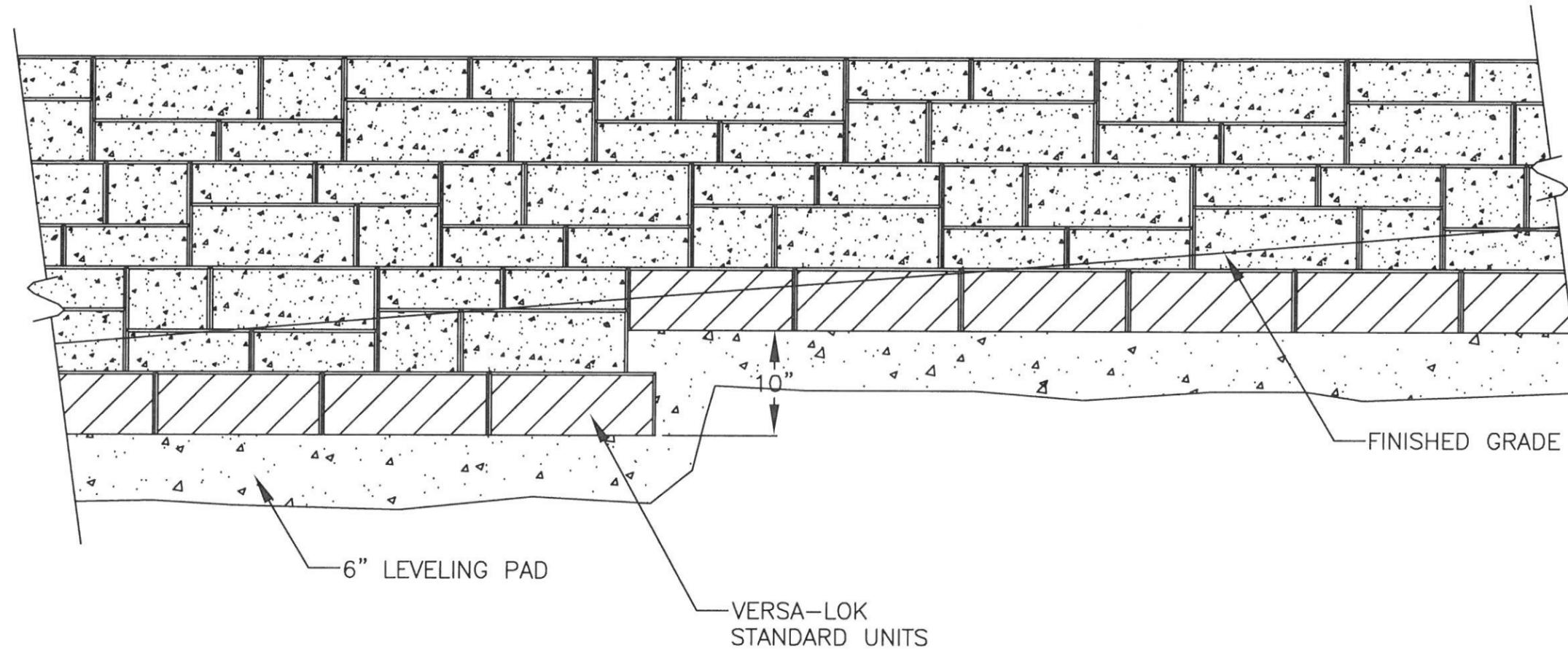
8813 PENROSE LANE, SUITE 400 • LENEXA, KS 66219 ph: 913.649.8181 • fx: 913.649.1275 • www.klover.net

PH-200 PHOTOMETRIC CUT SHEETS

MULTI-TENANT BUILDING | FAIRWAY RETAIL | 09.28.2020







NOTE:

- LIMIT CHANGES IN BASE ELEVATION TO 10" PER STEP TO AVOID DIFFERENTIAL SETTLEMENT
- STEP AS NEEDED TO MINIMIZE BURIED UNITS AND MAINTAIN MINIMUM REQUIRED EMBEDMENT
- FOR EASE OF INSTALLATION, USE VERSALOK STANDARD UNITS FOR THE BASE COURSE

BASE STEPPING DETAIL

MOSAIC-10" STEP

SCALE: NONE

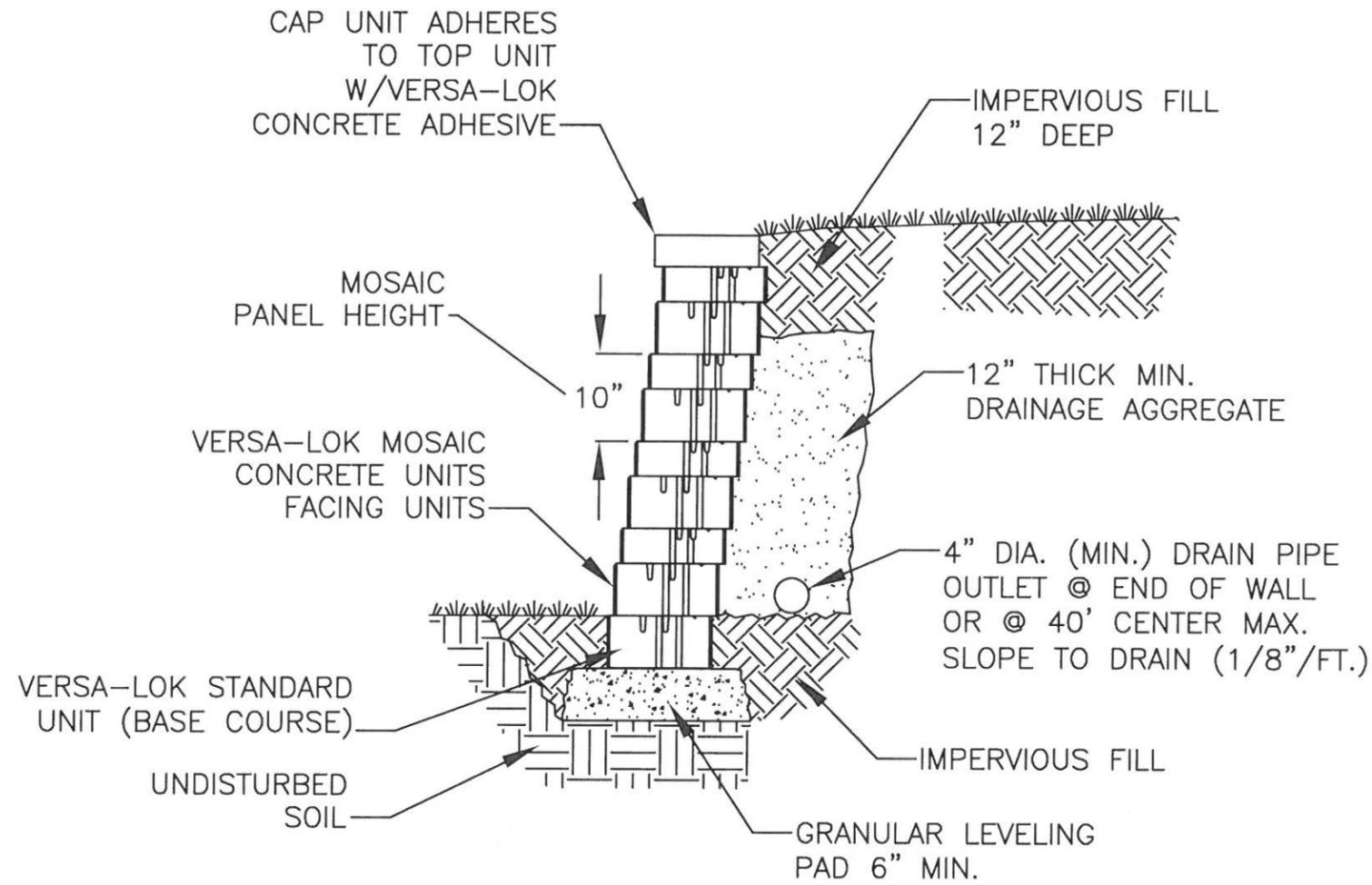
THESE PRELIMINARY DETAILS ARE INTENDED AS AN AID IN DESIGNING ATTRACTIVE, DURABLE RETAINING WALLS WITH VERSALOK UNITS. FINAL DETERMINATION OF THE SUITABILITY OF ANY INFORMATION OR MATERIAL FOR THE USE CONTEMPLATED, AND ITS MANNER OF USE, IS THE SOLE RESPONSIBILITY OF THE USER. A FINAL PROJECT SPECIFIC DESIGN SHOULD BE PREPARED BY A QUALIFIED, LICENSED, PROFESSIONAL ENGINEER.



**VERSA-LOK<sup>®</sup>**  
Retaining Wall Systems

(800)770-4525 fax(651)770-4089  
6348 Hwy36 Ste1, Oakdale, MN 55128 **Solid Solutions<sup>™</sup>**

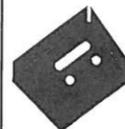
VERSA-LOK MOSAIC DETAILS	SCALE: 3/4"=1'
	DRAWN BY: PPS
	CHECKED BY:
BASE STEPPING DETAIL	DATE: 10/2007
	DWG. NO. base stepping



TYPICAL SECTION—UNREINFORCED RETAINING WALL

MOSAIC  
SCALE: NONE

THESE PRELIMINARY DETAILS ARE INTENDED AS AN AID IN DESIGNING ATTRACTIVE, DURABLE RETAINING WALLS WITH VERSA-LOK UNITS. FINAL DETERMINATION OF THE SUITABILITY OF ANY INFORMATION OR MATERIAL FOR THE USE CONTEMPLATED, AND ITS MANNER OF USE, IS THE SOLE RESPONSIBILITY OF THE USER. A FINAL PROJECT SPECIFIC DESIGN SHOULD BE PREPARED BY A QUALIFIED, LICENSED, PROFESSIONAL ENGINEER.



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VERSA-LOK MOSAIC DETAILS

REINFORCED RETAINING WALL

SCALE: 3/4"=1'

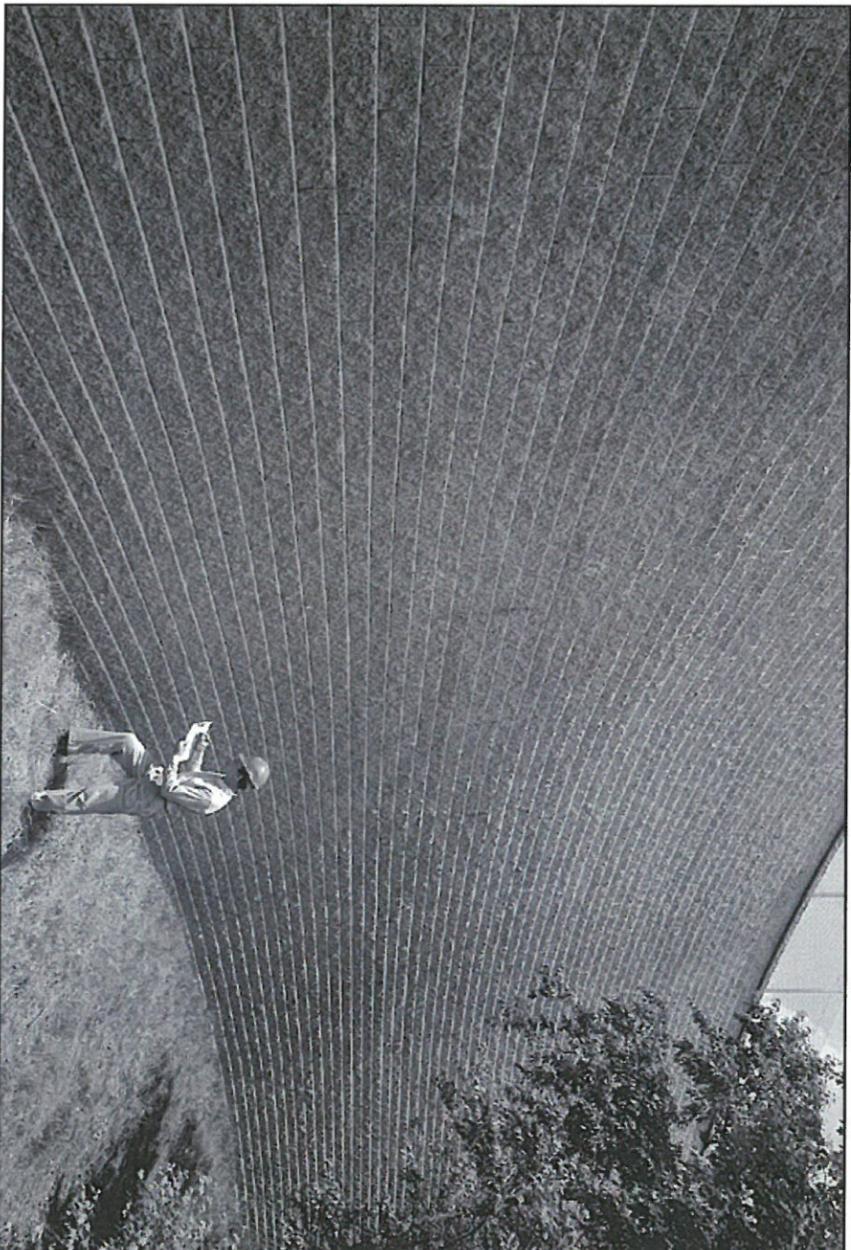
DRAWN BY: PPS

CHECKED BY:

DATE: 10/2007

DRG. NO. mosaic reinforced section

# Base Installation



The unique beauty and structural integrity of VERSA-LOK® Retaining Wall Systems starts at the base. Proper installation of the wall base is critical to the stability and appearance of VERSA-LOK walls. Careful base preparation also speeds upper-wall installation and helps prevent alignment problems. VERSA-LOK retaining walls are placed on granular leveling pads embedded slightly below grade. Rigid concrete footings extending below frost depths are not needed or recommended. The flexibility of the leveling pads and the mortarless units accommodates freeze/thaw cycles without damage to the wall.

This bulletin provides a general overview of VERSA-LOK wall base components and installation. However, none of the information presented here should be interpreted as final construction details. Site conditions and design considerations will vary. A qualified professional engineer should prepare a final, project-specific design based on actual site conditions.

## FOUNDATION SOIL

Foundation soil below the leveling pad and wall backfill must provide sufficient capacity to support the weight of the wall system. If the foundation material is fine soil (clay and silt) it should be stiff. If the foundation soil is coarse-grained (sand or gravel) it should be dense. Soft, loose, compressible, wet, frozen, or organic topsoils are not acceptable for foundation soils. A geotechnical should evaluate and determine the bearing capacity of foundation soils and any needed modifications.

Any unacceptable material should be excavated and replaced with properly compacted backfill. If the wall base is built over existing fill, such as utility-trench backfill or side-cast fill along basement walls, ensure this fill is properly compacted or replace it.

# 5

## TECHNICAL BULLETIN

This Technical Bulletin is the fifth in a series of informational papers that provide specific application ideas and installation tips for VERSA-LOK® Retaining Wall Systems. Additional information is available in our *Design & Installation Guidelines*.

The information, including technical and engineering data, figures, tables, designs, drawings, details, suggested procedures and suggested specifications, presented in this publication is for general information only. While every effort has been made to ensure its accuracy, this information should not be used or relied upon for any application without verification of accuracy, suitability and applicability for the use contemplated, which is the sole responsibility of the user. A final, project-specific design should be prepared by a qualified, licensed, professional engineer based on actual site conditions. VERSA-LOK Retaining Wall Systems disclaims any and all express or implied warranties of merchantability fitness for any general or particular purpose, trademark or copyright in regard to information or products contained or referred to herein.

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www.versa-lok.com

## EMBEDMENT

Burying the base of the wall provides enhanced stability and long-term protection for the leveling pad. However, VERSA-LOK walls do not need to be embedded below seasonal frost depths. Because VERSA-LOK units are installed without mortar, they are free to move slightly in relation to each other and can accommodate freeze/thaw cycles.

VERSA-LOK retaining walls typically have one-tenth of the exposed height embedded below grade. For example, a wall with 10 feet of exposed wall height ( $H_e$ ) should have 1 foot (two courses) of units buried below grade, making the total wall height 11 feet (Figure 1). Short walls usually have a minimum of 0.5 feet (one course) embedded. The amount of embedment should be increased for walls with slopes at the toe and for special conditions such as poor foundation soils or water applications. The wall design engineer or soils engineer (or both) should address the needed embedment.

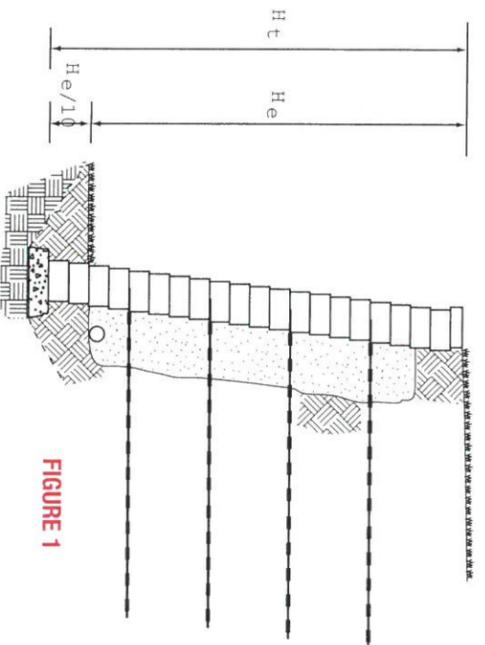


FIGURE 1

## LEVELING PAD

VERSA-LOK walls are installed on granular leveling pads that distribute the weight of the wall units evenly and provide stiff, yet somewhat flexible, working pads. Leveling pads should be a minimum of 6 inches thick and 24 inches wide and usually consist of road base aggregate—a crushed gravel with some sand and a small amount of fine soil (Figure 2).

Rigid, high-strength concrete footings are generally not needed or recommended. The leveling pad should be flexible to move with freeze/thaw cycles. If concrete is used for a leveling pad, it should be a lean mix (200-300 psi) and no more than 2 to 3 inches thick. Concrete can be difficult to adjust, so make sure a concrete pad is exactly level before it sets. In rare situations where a rigid, steel-reinforced concrete footing is required, place it below frost depth.

## INSTALLATION OF BASE

### LAYOUT OF WALL BASE

Carefully plan the location and alignment of the wall base to ensure the top of the wall will be at the desired location. Start base layout at the lowest point and work up. Allow room for the 3/4-inch setback in each 6-inch-high course by placing the wall base forward of the planned top-of-wall alignment.

Be sure to “backward” plan from the top of the wall when installing outside (convex) curves. As additional courses are added, the setback in each course will reduce the curve radius. It may shrink to less than the minimum (8 feet) without proper planning. See Technical Bulletin No. 3 for more information.

If the final grade along the front of the wall changes elevations, the wall base may be stepped up in 6-inch increments to match the grade change. Plan to step up often enough to avoid burying extra units while maintaining required embedment (Figure 3). Be sure the base layout accounts for the 3/4-inch horizontal setback that occurs at each 6-inch-high step-up of the base.

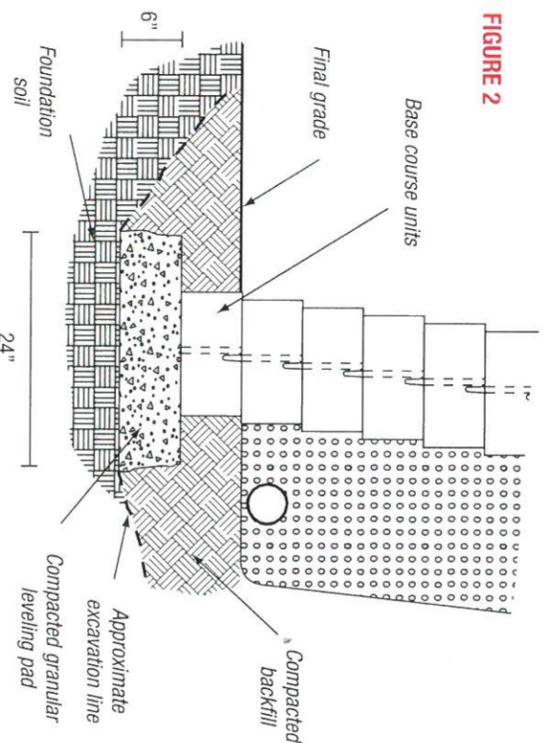


FIGURE 2

### Stepped Base

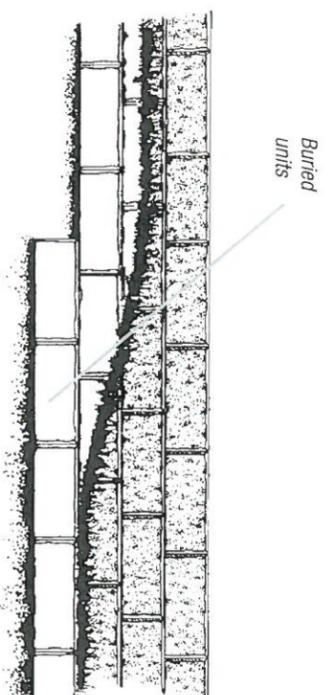
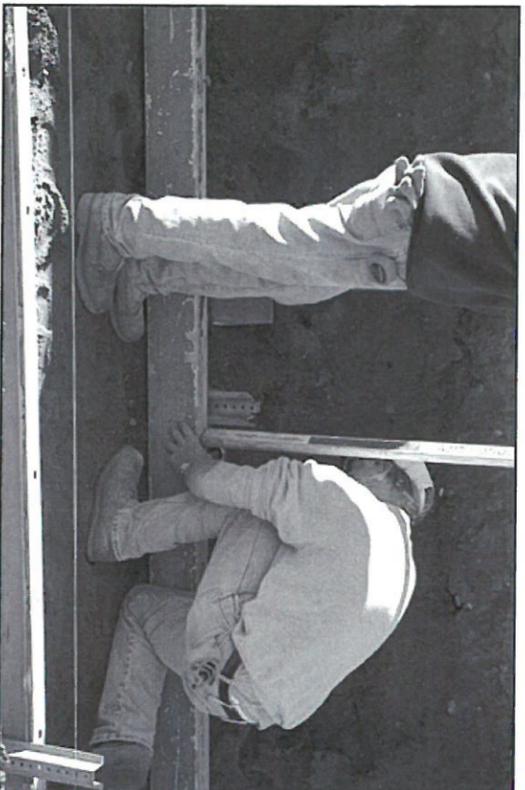


FIGURE 3

## EXCAVATION

Before excavating for the wall base, confirm location of all utility lines and other underground structures and take proper precautions when digging. Excavate a trench just deep enough to accommodate the leveling pad and wall embedment. Be sure any poor soils unacceptable as foundation material, such as organic topsoil, are also excavated, replaced and compacted.



1. Set and level metal screed forms.



2. Compact foundation (native) soil.



3. Fill forms with granular base material.

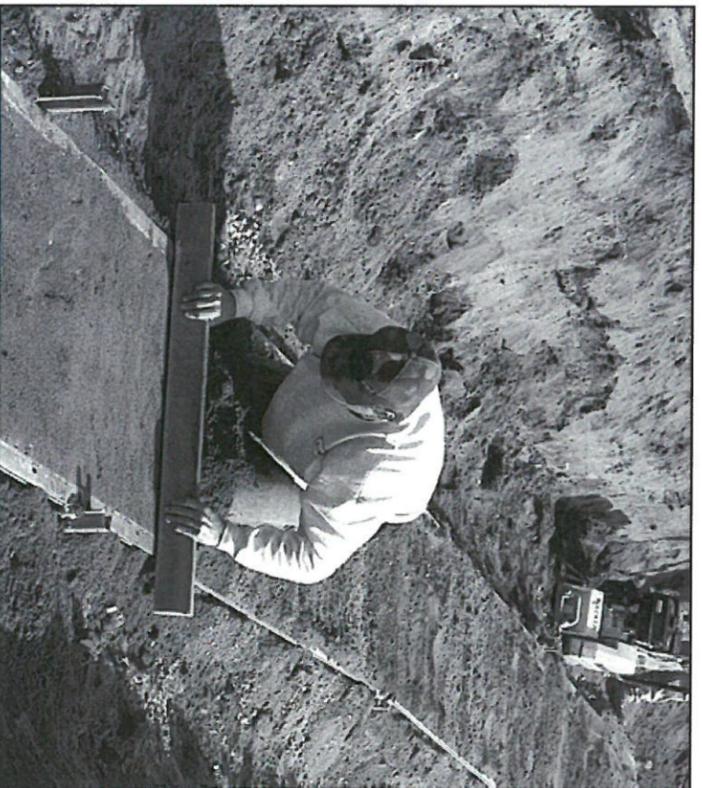
## LEVELING PAD CONSTRUCTION

Place and compact granular leveling pad material to a smooth and level surface. Always start at the lowest level and work up. A thin layer of sand may be used at the top of the pad for final leveling.

To quickly construct long sections of leveling pad, create forms by staking and leveling rectangular metal tubing (screed rails) at the back and front of the planned pad alignment. Place gravel up to the top of forms and compact. After compacting, fill the remaining space with sand and screed off the excess material (see photos 1-5).



4. Compact leveling pad granular material.



5. Screed sand for final leveling of pad.

# 5

## TECHNICAL BULLETIN

For more detailed information regarding design and installation, please contact your local dealer or VERSA-LOK® Retaining Wall Systems.

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U.S. Patent D319,885,  
U.S. Patent D321,060,  
U.S. Patent D341,215,  
U.S. Patent D346,667,  
U.S. Patent D435,302,  
U.S. Patent D439,678,  
U.S. Patent D447,573,  
U.S. Patent D452,332,  
U.S. Patent D458,387,  
U.S. Patent D537,533,  
U.S. Patent D552,258,  
U.S. Patent D555,810,  
U.S. Patent D569,010,  
U.S. Patent 6,488,448,  
U.S. Patent 6,960,048,  
U.S. Patent 7,229,235,  
U.S. Patent 7,244,079  
and other U.S. patents pending

Canadian Industrial Design  
Registration No. 63929,

No. 71472, No. 73910, No. 73911,  
No. 73912, No. 91178, No. 115161,  
No. 123413, No. 123414 and  
No. 123415; Canadian Patent  
No. 2,313,061, No. 2,313,062 and  
No. 2,288,575; I.C.B.O. No. 4625

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## INSTALLATION OF BASE COURSE UNITS

Starting at the lowest level, center the first course of units on the leveling pad. Place the entire length of the lowest course before proceeding to the next course. Begin the base course at any corner and work away from there. Place the units side by side with the front joints tight. For easier placement of base course units, use a VERSA-Lifter® to hold the units while lowering them onto the leveling pad (see photo 6). This helps avoid disturbance of the pad, which may occur when placing units by hand.

Align the wall along the backs of units, not the irregular split front faces. For alignment tips on curves and corners, see Technical Bulletin No. 3. Level each unit from front to rear, side to side, and with adjacent units with a level that is at least 4 feet long.

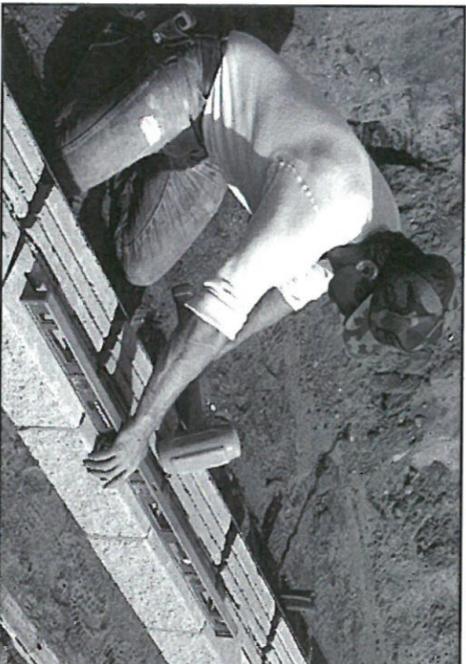
Tap high points with a hard rubber mallet or a hand tamper. Be patient and ensure the base course is level; any minor unevenness at the base will be amplified and difficult to correct after several courses are installed (see photos 7-8).

After the entire base course is installed, place and compact soil fill behind the units.

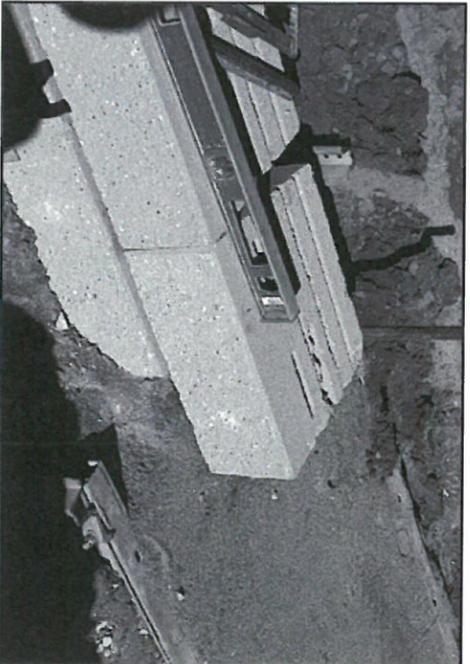
Also replace any over-excavated soil in front of the units and compact. This helps keep the units in place during further construction activity. Backfill around the embedded units should be native soil. Do not place drainage aggregate behind embedded course(s). Drainage aggregate should not extend lower than the planned final grade in front of the wall.



6. Use a VERSA-Lifter® to aid in lifting and placing base course units.



7. Use a long level to maintain consistency unit to unit.



8. Step up leveling pad and base course in 6-inch increments when grade changes.



## **MEMO**

TO: Planning Commission

FROM: Kim H. Young, City Clerk  
Anna Krstulic, Zoning Counsel

RE: Revisions to Section 15-297(c)(1) (R-1 Site Design Standards – Fences) and  
Section 15-438 (Graphics)

At the August 31, 2020 meeting, the Commission considered revisions to Section 15-297(c)(1) pertaining to site design standards for fences. Specifically, these revisions addressed the location of fences/walls on corner lots and the requirements for replacement of nonconforming fences. Staff recommended that fences/walls on corner lots be allowed at the property lines but outside of the right-of-way, and that legal, nonconforming fences on corner lots be allowed to be replaced in the existing locations as long as there is no increase to the nonconformity.

The Commission recommended that fences/walls on corner lots be allowed at two feet from the property line on the street side. The revisions to Section 15-297(c)(1) are attached. In addition, staff revised the graphic in Figure 15-438-6 of Section 15-438 to depict this change.

### **Procedure**

The Commission set a public hearing for September 28, 2020 to consider revisions to the zoning regulations, and notice of this hearing has been published in the *Legal Record*. Following the public hearing, the Commission may recommend further revisions and then submit its recommendations to the Governing Body for review.

The Governing Body may: (i) adopt by ordinance, (ii) override by 2/3 vote (i.e., 6 votes), or (iii) return recommendation to Commission with statement specifying basis for failure to approve/disapprove. In the event of (iii), the Commission must consider the matter at its next regular meeting and either resubmit the original recommendation or submit a new and amended recommendation to the Governing Body. The Governing Body may, by simple majority: (a) adopt, (b) amend and adopt the recommendation by ordinance, or (c) take no action.

Sec. 15-297. - Site design standards.

(a) *Lot design.*

(1) *Intent.* The intent of the lot design standards is to:

- a. Reinforce the existing scale and patterns of neighborhoods, including appropriate transitions to adjacent neighborhoods.
- b. Promote the character of the neighborhood through the design and relationship of lots to streetscapes.
- c. Preserve and strengthen the generous tree canopy throughout neighborhoods.
- d. Minimize the impacts of development on prevailing grades and associated runoff through landscape design.

(2) *Greenspace requirement.* The following greenspace requirements provide environmental and aesthetic benefits through landscape design.

- a. All lots up to ten thousand (10,000) square feet, the following shall apply:
  1. At least sixty percent (60%) of a lot shall be permeable and uncovered surface.
  2. At least sixty percent (60%) of the lot in front of the front building line shall be permeable and uncovered surface.
- b. Lots greater than ten thousand (10,000) square feet but less than thirty thousand (30,000) square feet, the following shall apply:
  1. The first ten thousand (10,000) square feet: At least sixty percent (60%) of a lot shall be permeable and uncovered surface;
  2. The first ten thousand (10,000) square feet: At least sixty percent (60%) of a lot in front of the front building line shall be permeable and uncovered surface;
  3. Remaining square footage less than thirty thousand (30,000) square feet: At least seventy-five percent (75%) of a lot shall be permeable and uncovered surface.

<p>Example: 11,600 square foot lot 10,000 square feet x 60% = 6,000 square feet 1,600 square feet x 75% = 1,200 square feet 6,000 + 1,200 = 7,200 square feet of greenspace required</p>
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- c. Lots greater than thirty thousand (30,000) square feet, the following shall apply:
  1. The first ten thousand (10,000) square feet: At least sixty percent (60%) of a lot shall be permeable and uncovered surface;
  2. The first ten thousand (10,000) square feet: At least sixty percent (60%) of a lot in front of the front building line shall be permeable and uncovered surface;
  3. The square footage greater than ten thousand (10,000) but less than thirty thousand (30,000) square feet: At least seventy-five percent (75%) of a lot shall be permeable and uncovered surface.
  4. The square footage greater than thirty thousand (30,000): One hundred percent (100%) shall be permeable and uncovered surface.

<p style="text-align: center;"> Example: 31,200 square foot lot  10,000 square feet x 60% = 6,000 square feet  20,000 square feet x 75% = 15,000 square feet  1,200 square feet x 100% = 1,200 square feet  6,000 + 15,000 + 1,200 = 22,200 square feet of greenspace required </p>
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- d. Exclusions. Permeable or uncovered surfaces recessed within the perimeter of the building footprint or any permeable surface less than four feet (4') in any dimension shall not count towards this requirement.
  - e. Large shade trees. Large shade trees shall be maintained or established between the front building line and street through the following:
    - 1. All lots shall have at least one (1) large shade tree for every forty feet (40') of street frontage, or fraction thereof. Existing large shade trees, including any large shade trees in the right-of-way, may be counted towards this requirement
    - 2. Removal of an existing large shade tree that results in less than one (1) per forty feet (40') of street frontage shall require replacement of two (2) new large shade trees for each one (1) tree removed.
    - 3. Large shade trees shall be planted between the front building line and the street.
    - 4. Large shade trees species shall be selected from the "Great Trees for the Kansas City Region" guide and the "Large Trees for the Landscape" list.
    - 5. Any new trees required to be planted shall be at least three (3) inch caliper.
  - f. Foundation planting. All buildings shall maintain a foundation planting bed at least four feet (4') deep along at least fifty percent (50%) of the building frontage. This planting bed shall be planted with ornamental living materials that complement the design of the site and building. [See Subdivision VII of this division, Figure 4-2-17]
  - g. [Remaining surfaces]. All of the remaining minimum permeable and uncovered surfaces on residential lots shall be planted with vegetation.
- (3) *Curb cuts and driveways.* The following driveway standards preserve the streetscape, maintain greenspace along the frontages and integrate driveways into the natural terrain and landscape, by keeping them as narrow as practical closer to the streetscape.
- a. *Single curb cut.* Each lot shall be entitled to a single curb cut that corresponds to a driveway to the dwelling unit's garage or alternative enclosed vehicle parking space. No such curb cut and driveway shall exceed twenty percent (20%) of the lot frontage up to twenty (20) feet, except:
    - 1. Lots less than eighty feet (80') in lot frontage may have curb cuts up to a maximum of sixteen (16) feet in width.
    - 2. An additional three feet (3') may be permitted at the curb cut on each side of the driveway.
    - 3. Within twenty feet (20') forward of the front building line, the driveway width may be expanded to twenty feet (20') to accommodate garage entrances or parking.
    - 4. There is no limit to the driveway width behind the front building line, other than by application of the overall lot greenspace requirement. [See Subdivision VII of this division, Figure 15-438-18]
  - b. *Multiple curb cuts.* Lots with a lot width of eighty feet (80') or more may be allowed two (2) curb cuts, subject to the following:

1. The driveways corresponding to the two (2) curb cuts must interconnect in an arc or similar fashion, and at least one (1) curb cut must correspond to a driveway to the dwelling unit's garage or alternative enclosed vehicle parking space. A connecting arc driveway is not subject to the lot frontage width limits below; provided, it is no wider than the two (2) connecting driveway portions.
  2. No single curb cut and driveway shall exceed ten percent (10%) of the lot frontage up to twelve feet (12'), except:
    - (a) An additional three feet (3') may be permitted as the curb cut on each side of the driveway.
    - (b) Within twenty feet (20') curb-ward of the front building line, the driveway width may be expanded to twenty feet (20') to accommodate garage entrances or parking.
    - (c) There is no limit to the driveway width beyond the front building line, other than by application of the overall lot greenspace requirement.
  3. There must be at least thirty-six (36) linear feet between the two (2) curb cuts. (Measured along the street curb.)
- c. *Location.* No driveway or curb cut shall be located within two feet (2') of any side yard property line, except in the case of a side yard curb cut entrance for a corner lot, or a shared driveway serving two (2) properties. Driveway width and paved parking areas shall be limited in size by the greenspace requirement in Subsection (a)(2).
- d. *Materials.* Any construction or replacement of driveways shall be with a hard surface material. Gravel, crushed rock or other similar material is not considered hard surfaced material. Curb and driveway materials in the public right-of-way shall also be subject to any applicable right-of-way material requirement. Landscape strips or any landscape islands within driveways that are less than eight feet (8') in any dimension are prohibited.
- e. *Nonconforming.* Any legal nonconforming driveway or curb cut not complying with the above standards may be maintained, repaired or replaced without any modification other than adherence to any applicable right-of-way material requirement; provided, all driveways and curb cuts shall be brought into compliance in the event of a new dwelling unit, or when determined necessary, in the Building Inspector/Code Enforcement Officer's sole discretion, in the event of a substantial addition or remodel.
- f. *KDOT.* In the event any driveway or curb cut is associated with any KDOT project or is otherwise subject to KDOT right-of-way regulation, any conflicting KDOT requirement shall supersede the standards set forth hereinabove.
- (b) *Building design.* The following building standards apply to all principal buildings and any accessory building that exceeds one hundred twenty (120) square feet in area.
- (1) *Intent.* The intent of the building design standards is to:
    - a. Reinforce the existing scale and patterns of buildings within neighborhoods, including appropriate transitions to areas adjacent to neighborhoods.
    - b. Promote the character of the neighborhood through the design and relationship of buildings to streetscapes,
    - c. Ensure quality design and the longevity of investments in neighborhoods.
    - d. Manage the relationship of adjacent buildings to maintain privacy and promote compatible building scale and transitions.
    - e. Enhance the quality, aesthetic character, and visual interest within neighborhoods by breaking down larger masses, incorporating human scale details and ornamentation, and encouraging the integrity of various architectural styles found within neighborhoods.

- (2) Building entrances. The following standards break up the scale and mass of front facades and create human-scale details that relate buildings to the neighborhood streetscape:
  - a. All principal buildings shall have a primary entrance or a primary entrance feature that faces the street.
  - b. Any front facade that exceeds a one and one-half (1½) stories shall be articulated by one of the following unenclosed primary entrance features [See Subdivision VII of this division, Figure 15-438-1]:
    1. A single-story covered front porch at least seven feet (7') deep with a total area of at least seventy (70) square feet;
    2. A stoop rising at least two feet (2') above the finished grade with enhanced architectural elements, such as decorative railings, decorative door moldings, or transom windows, or
    3. A single-story covered portico projecting from the front facade at least three feet (3') with a total covered area of at least twenty-four (24) square feet.
    - c. Unenclosed primary entrance features meeting the minimum requirements of this section may encroach up to seven feet (7') into the front setback with a maximum of one hundred forty (140) square feet within the front setback.
    - d. *Exception:* Encroachments of unenclosed primary entrance features up to ten feet (10') into the front setback with a maximum of two hundred (200) square feet within the front setback may be approved by the Planning Commission upon a determination of the following:
      1. The encroachment results in a setback, building lines, or other structural encroachment similar to that of the immediately adjacent property;
      2. The encroachment is architecturally compatible with and integrated into the principal building;
      3. The encroachment does not adversely impact any other required residential site design guideline; and
      4. The encroachment does not have a detrimental impact on adjacent property.
    - e. In no case may any portion of the primary entrance feature, as provided in Subsection c. or d. above, be closer than thirty feet (30') to the front property line.
- (3) *Garages.* The following standards shall minimize car-oriented building features and maintain a human-scale relationship between buildings and the neighborhood streetscape.
  - a. Overhead garage doors shall not be more than eight feet (8') in front of the threshold of the primary entrance of the principal building. Provided, in the event the garage doors face a direction different than that of the primary entrance of the principal building (e.g., a side-facing garage), this requirement shall apply to the foremost front portion of the garage structure.
  - b. No more than forty percent (40%) of the linear width of the front facade may be occupied by front-facing overhead garage doors. [See Subdivision VII of this division, Figure 15-438-2]
  - c. All dwelling units shall maintain at least one (1) fully enclosed vehicle parking space. Conversion of an attached or detached garage to a different use shall require provision of an alternative fully enclosed vehicle parking space.
- (4) *Building massing:* The following building massing standards shall apply in addition to the setbacks and heights standards to break up the building massing in relation to adjacent lots:
  - a. Side setback lines:
    1. Wall planes at or within one and one-half (1.5) times the side setback line shall be limited to eight-hundred (800) square feet;

2. Wall planes at one and one-half (1.5) or up to two (2) times the side setback line shall be limited to one thousand two hundred (1,200) square feet;
  3. Wall planes at two (2) times or more the side setback line shall not be limited, other than the general height, building footprint and design standards. [See Subdivision VII of this division, Figure 15-438-19]
- b. Rear setback lines:
1. Wall planes at or within fifteen feet (15') of the rear setback line shall be limited to eight-hundred (800) square feet. [See Subdivision VII of this division, Figure 15-438-20]
- c. Projections: Chimneys, bays, eaves and other massing elements that are integral to the design and style of a structure may project into the required setback and building massing standards subject to the following:
1. Projections may be between two feet (2') and four feet (4'), but never more than fifty percent (50%) of the required setback. However, window wells designed for egress may be four feet (4') deep and extend into the required setback in all cases.
  2. Projections shall be limited to no more than two hundred (200) square feet. [See Subdivision VII of this division, Figure 15-438-21]
- (5) *Building facades.* The following design standards shall be used to organize the composition of facades consistent with the architectural style of the home and provide details that relate buildings to the neighborhood streetscapes and adjacent sites.
- a. No facades shall exceed more than six hundred (600) square feet without architectural relief. Architectural relief shall be:
1. A structural building element that breaks up a wall plane by creating a projection or recession of at least eighteen inches (18") that occurs cumulatively over at least twenty-five percent (25%) of the facade. Examples include dormers projecting from a roof, projecting primary entrance features, or projections or recessions in the facade building line. [See Subdivision VII of this division, Figure 15-438-3]; or
  2. Architectural details and ornamentation characteristic of a particular style that establish patterns and proportions on the overall facade. Examples include material changes, vertical or horizontal moldings, columns or trim or similar details and ornamentation that may be essential to any particular chosen architectural style.
- b. All facades shall have window or door openings covering at least fifteen percent (15%) of the facade above grade. The shape, style, and placement of windows and doors shall not be inconsistent with the architectural style of the home. In the event of an addition to an existing structure, this requirement may apply to the least restrictive of: (1) the entire facade facing the same direction (e.g., front, rear or either side facade), including both the addition and the existing structure; or (2) only the facade of the addition being built and not any part of the existing structure that is not being modified as part of the construction project. See Subdivision VII of this division, Figure 4-2-4.
1. Windows shall have a vertical or square proportion, although groups of windows may be joined in a horizontal proportion;
  2. Windows shall be stacked for two-story facades with lower windows aligning with upper windows, and have a hierarchy with lower windows being larger than upper windows;
  3. In the event of an addition to an existing structure, this requirement may apply to the least restrictive of: (1) the entire facade facing the same direction (e.g., front, rear or either side facade), including both the addition and the existing structure; or (2) only the facade of the addition being built and not any part of the existing structure that is

not being modified as part of the construction project. [See Subdivision VII of this division, Figure 15-438-4]

- (6) *Building materials.* The following building material standards shall be used to create quality designs consistent with the architectural style of the home and prioritize natural materials that age and weather well.
- a. *Acceptable materials*—The following exterior surface materials are acceptable on all facades:
1. Brick;
  2. Stone;
  3. Stucco;
  4. Wood shingles;
  5. Wood siding;
  6. Wood paneling;
  7. Glass blocks;
  8. Vinyl siding;
  9. Horizontal aluminum siding;
  10. Fiber cement siding designed to look like wood siding or shingles (e.g., Hardie board);
  11. Engineered wood siding (EWS), including strand and fiber wood products meeting ANSI 135.6 standards for hardboard, designed to look like wood lap siding or shingles and installed in accordance with the manufacturer's specifications. (e.g., SmartSide, Catawba or TruWood.).

Additional building materials may be approved by the Planning Commission.

- b. *Provisional materials.* The following provisional exterior surface materials may be approved by the Planning Commission, subject to the special provisions listed:
1. Exterior insulation finishing system (EIFS) shall require certification by an independent third party, paid for by the owner, certifying that the material was installed according to manufacturer's specifications.
- c. *Prohibited materials.* In addition to those materials prohibited by the City's building code, the following materials are prohibited on all facades:
1. Corrugated metal siding;
  2. Sheet panel materials including particle board, plywood, oriented strand board (OSB) or engineered wood, i.e. 4-foot by 8-foot panel material;
  3. Concrete masonry units, such as cinder block or split-faced block.
- d. Windows, doors, and louvers shall be wood, vinyl, or metal and glass.
- e. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between the siding and enclosure wall shall be flashed according to the City's building code.
- f. *Material allocation.* Allowed materials shall be allocated according to the following:
1. All new buildings shall be limited to two (2) base materials and up to three (3) accent materials.

2. Additions to existing buildings having one (1) base material at the time of adoption of these zoning regulations shall continue the use of the same base material on the addition, provided that any building with a brick or stone base material may use a second base material.
  3. Accent materials shall be limited to no more than twenty percent (20%) of any single facade.
  4. The architectural style and all materials shall be consistent and compatible on all facades.
  5. Base material changes shall only occur horizontally at architectural elements or vertically at internal corners. [See Subdivision VII of this division, Figure 15-438-5]
- g. Any building lawfully existing at the time of adoption of these zoning regulations may continue the use of the building materials existing on the structure at that time whether through maintenance, siding replacement, or additions. Any new structure must conform with the provisions of this section.

(7) *Roofs.*

- a. *Acceptable primary materials.* The following primary roofing materials are the types of materials that are acceptable:
1. Composite shingles;
  2. Wood shake shingles;
  3. Clay or concrete tile;
  4. Natural slate;
  5. Glass, acceptable only for greenhouses or solarium; or
  6. Rolled composition or membrane roofing may be used on slopes of 4:12 or less at the discretion of the Building Official/Codes Administrator.

Additional primary roofing materials may be approved by the Planning Commission.

- b. *Prohibited materials.* In addition to those materials prohibited by the City's building code, the following roofing materials are prohibited:
1. Corrugated metal roofs.
- c. Only one (1) roof material for each structure shall be visible from any area along the property line, but may include any accent materials up to twenty percent (20%) of the overall roof area. Accent materials may be approved by the Planning Commission in excess of twenty percent (20%) of the overall roof area where a degree of harmony will prevail between the architectural quality and the accent materials proposed. In addition to the acceptable roofing materials in Subsection b. above, copper and other standing seam metal roofing materials are acceptable for any accent material.
- d. The type of roofing material used on all building additions shall be consistent with the material on the existing roof.

(8) *Accessory buildings.* Any accessory building greater than one-hundred twenty (120) square feet shall use materials, massing, and roof pitches that are consistent with the architectural style of the principle building.

(c) *Fences and walls.* A building permit shall be required for construction, alteration, replacement, repair or relocation of a fence or wall on any residential lot. The proposed fence or wall shall meet all standards of the building code and demonstrate that the following additional standards are met:

- (1) *Generally.* Unless otherwise specified, fences or walls:

- a. ~~Except in the case of a corner lot, s~~ Shall not be located in front of the front building lines of the principal building or any adjacent dwelling units.
- b. Shall not exceed six feet (6') high.
- c. In the case of a corner lot, shall not be located closer to the street-side property line(s) than ~~two feet (2')~~ the street-side building line(s) of any adjacent dwelling unit; provided, in no event shall any fence or wall be located any closer than twelve feet (12') to any street-side property line. [See ~~Section 15-438~~ subdivision VII of this division, Figure 15-438-6]
- d. ~~Exception: In the event the principal building and lot are situated in such a manner that a fence or wall subject to this corner lot requirement would yield an area smaller than six hundred (600) square feet, or alternatively, can yield an area over six hundred (600) square feet, but only with an area less than twenty five feet (25') in any single dimension (length or width of the yard), the Planning Commission may approve an exception subject to the following:~~
  - 1. ~~The exception may only be granted for a fence or wall on one (1) street side yard. When applicable, the Commission shall make a determination on which street side yard provides the least disruption to the predominant streetscape. In making this determination, the Commission shall take into account the predominant frontage of the existing property as well as the frontage of adjacent properties;~~
  - 2. ~~The fence or wall within the exception area shall not exceed four feet (4') in height;~~
  - 3. ~~The fence or wall shall be constructed out of a material compatible with the style of the principal building, and limited to the following types of materials: wood, brick, stone or wrought iron;~~
  - 4. ~~The exception shall not cause an adverse impact on the surrounding properties; and~~
  - 5. ~~The Commission may specify an additional location or other restrictions to the extent that it protects the appearance and function of the public streetscape, and minimizes the impact on adjacent properties.~~
- de. Shall be structurally stable and shall not incorporate the use of any type of wire such as barbed wire, chicken wire or wire which is electrically charged.
- ef. Any support or framing members shall have those members on the fence side facing the owner's property.
- fg. Shall be located to permit proper maintenance on all sides of the fence or wall. ~~If the owner's existing fence or wall and the erection of the proposed fence or wall would not inhibit the growth of vegetation and would not allow sufficient space between the existing fence or wall and the proposed fence or wall for proper maintenance, the existing fence or wall must be removed.~~ If an existing fence or wall is owned by an abutting property owner and is on or near the property line, the proposed fence or wall must be erected close enough to the abutting owner's fence or wall so as to inhibit the growth of vegetation or, in the alternative, provide sufficient space between the existing fence or wall and the proposed fence or wall for proper maintenance.
- gh. Any legal nonconforming fence or wall that does not meet the current standards of this ~~Section 15-297(c)(1)~~ may be repaired, replaced and maintained at its present location; provided, however, that any repair or replacement shall not:
  - 1. Exceed twenty-five percent (25%) of the affected plane of the existing fence or wall;
  - 2. Change in any manner the use, location, height, size, material composition, design or exterior surface of the fence or wall; or
  - 3. increase the degree of the nonconformity.

~~W;~~ and further provided, where more than twenty-five ~~percent (25%) or more~~ fifty percent (25.5%) or more of the affected plane of an existing fence or wall is repaired or replaced, such fence or wall shall

comply with ~~the current standards of this Subsection 15-297(c)(1) e, d, and e above (concerning height, materials and design)~~. No property shall be allowed multiple permits over any eighteen (18) month period when the effect would be to circumvent ~~these requirements~~this latter provision.

(2) *Decorative fences*. Decorative fences:

- a. Shall extend no further than twelve feet (12') in front of the front building line of the principal building and shall in no case be closer than twenty-five feet (25') to any public right-of-way. Further, such fence may only be located in front of the primary entrance to the principal building and shall not extend beyond either side of the principal building.
- b. Shall not exceed three feet (3') in height.
- c. Shall be compatible with the style of the principal building, and limited to the following types of materials: wood, brick, stone or wrought iron.
- d. Shall have a surface area with a minimum of fifty percent (50%) open area allowing an unobstructed view through the fence.
- e. Shall not connect with any other fence on the property.
- f. Shall not create an area that is completely enclosed without an un-gated opening to the yard that is at least three feet (3') in width.

~~g. Shall be maintained in good condition so that:~~

~~1. Painted portions of the fence are not chipped or peeling;~~

~~2. Broken elements of the fence are promptly repaired or replaced; and~~

~~3. The area at the base of the fence is kept free of debris and neatly trimmed.~~

(d) *Exceptions*: Through the site plan process, the Planning Commission may grant exceptions to the site design standards in this section, based upon the following criteria:

- (1) The exception will equally or better serve the intent statements for this section and the particular standards being altered;
- (2) The exception meets any specific exception criteria identified in the standards, but shall not be granted to allow something that is specifically prohibited in the regulations;
- (3) Any lot design exception is consistent with sound planning, urban design and engineering practices when considering the site and its context within the neighborhood.
- (4) Any building design exception is consistent with the common characteristics of the architectural style applied to the overall design of the building,
- (5) The requested exception coordinates quality design of the building and site—primarily considering the integrity of the architectural style, the energy performance of the site and building orientation, and the relationship of the internal function of the building to the site, streetscape and adjacent property.

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Sec. 15-438. - Graphics.

Figure 15-438-1: *Enhanced entry features*. Single-story front entry features such as porches, ornamental stoops, or covered porticos, help reduce the scale of large (two-story) front facades, create a pedestrian-friendly streetscape, and preserve the character of existing neighborhoods. [See Sections 15-297(b)(2)a.; 15-334(c)(1)b.]

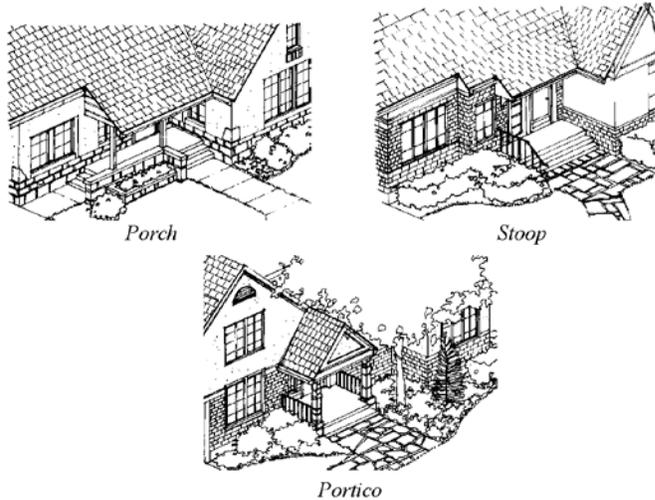


Figure 15-438-2: *Garage doors*. Overhead garage doors present a blank building front along the street. Limiting front-facing overhead garage doors to a specified percentage of the total facade width helps preserve the character of the streetscape. [See Section 15-297(b)(3)b.]



Figure 15-438-3: *Architectural relief*. Offsets in the building, projections around window elements, and roof dormers are examples of architectural relief features that break up tall or long wall planes along a single building line and reduces the mass of residential facades. [See Sections 15-297(b)(5)a.; 15-334(c)(3)a.]

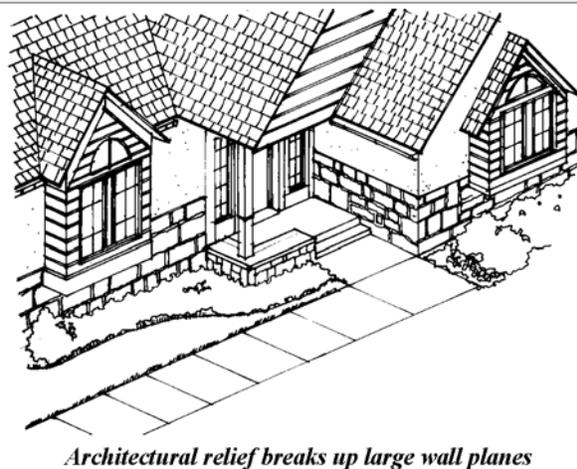


Figure 15-438-4: *Residential facade opening.* Openings help break up the mass of larger facades. Residential openings include windows and doors. When calculating openings as a specified percent of a total facade, integral molding and architectural details may be included in the area of the opening, however removable, non-integral elements such as shutters shall not be included. [See Sections 15-297(b)(5)b.; 15-334(c)(3)b.]

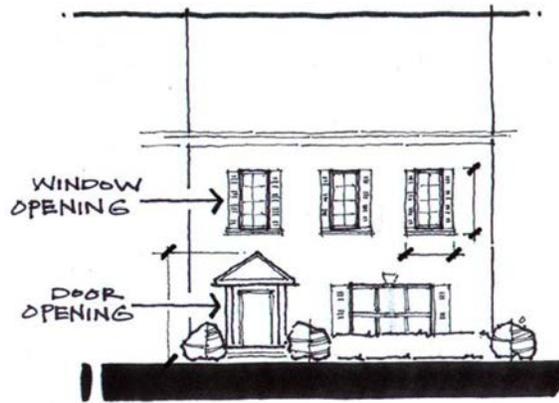


Figure 15-438-5: *Material change.* Material changes, when limited to inside corners or horizontal architectural features helps better integrate diverse building materials into structural elements of the buildings [See Sections 15-297(b)(6)f.5; 15-334(c)(4)f.4]

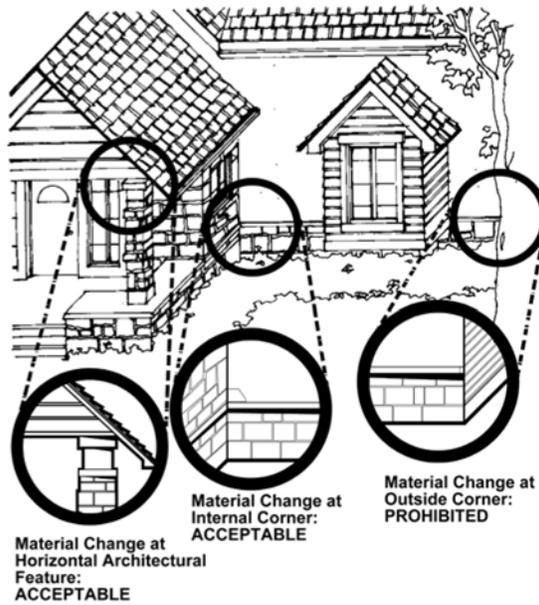


Figure 15-438-6: *Privacy fence or wall locations*. Privacy fences or walls generally should not be in front of the front building line of adjacent buildings except in special circumstances on corner lots and subject to specific conditions. [See Sections 15-297(c)(1)c.; 15-297(c)(2).]

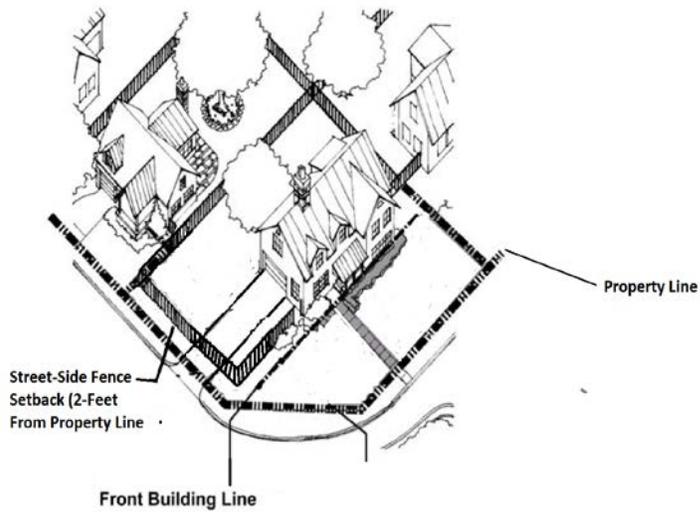


Figure 15-438-7: *Street edges*. Street edges, formed by decorative fences or walls, planting treatments, building facades, or a combination of these elements, help define the spaces around blocks and creates a transition between public streetscapes and private areas. [See Sections 15-297(a)(3).; 15-408.]

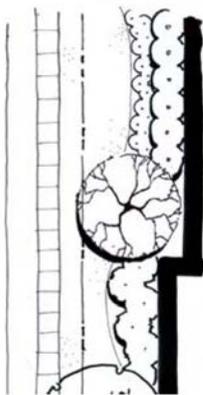


Figure 15-438-8: *Street edges/Block face*. Depending on the zoning district, street edges may be made up of various percentages of "street edge elements" along a single block face. [See Sections 15-297(a)(3)c.; 15-411(a)(3).a.]

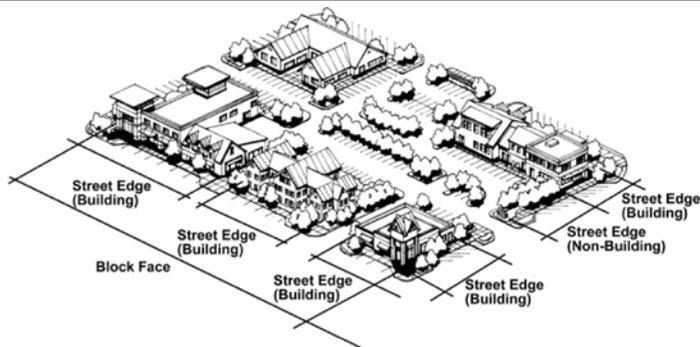


Figure 15-438-9: *Grade-separated pedestrian connections.* When buildings do not front on the street, grade-separated pedestrian connections improve walkability by providing dedicated connections to building entrances from public sidewalks or internal pedestrian circulation systems. [See Section 15-362(b)(1)b.; 15-411(b)(1)b.]

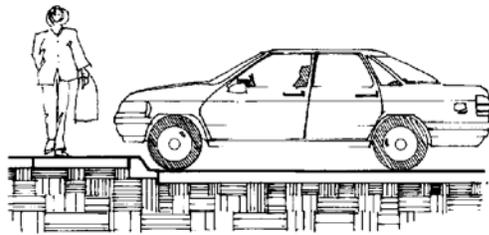
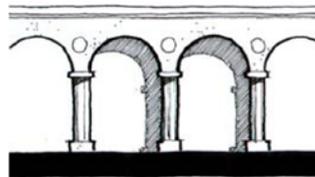
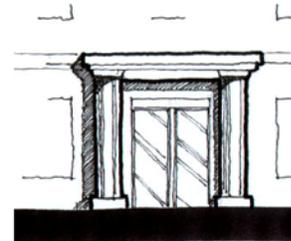


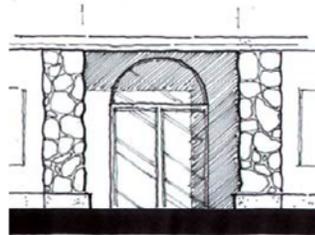
Figure 15-438-10: *Enhanced commercial entrances.* Specialized architectural treatments at building entrances, when concentrated to a single story entrance feature, creates a pedestrian scale and adds interest to the streetscape. [See Sections 15-362(c)(2)b.4; 15-411(c)(2)b.]



*Canopy or Arcade Entry*



*Projecting Entry*



*Recessed Entry*



*Ornamental Entry*

Figure 15-438-11: *Commercial facade openings.* Commercial openings include windows and doors. When calculating openings as a specified percent of a facade or part of a facade, integral molding and architectural details may be included in the area of the opening, however removable, non-integral elements such as shutters shall not be included. [See Sections 15-362(c)(3)a.; 15-411(c)(3)b.]

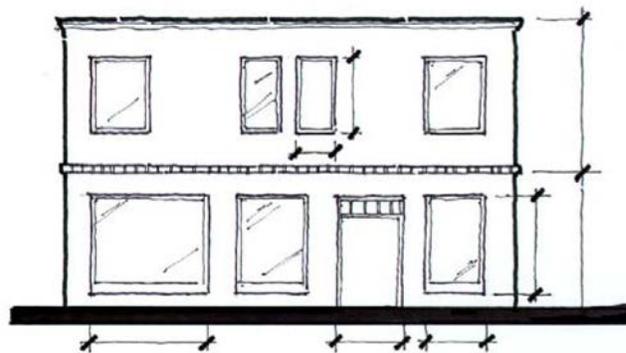


Figure 15-438-12: *Articulated commercial facades.* Recurring building entrances, window and door openings, architectural details at the base, first story and top of buildings, awnings over windows and small off-sets of the building front help articulate large facades and reduce the scale of large buildings to a more pedestrian level. [See Sections 15-362(c)(3)d.; 15-411(c)(3)c.]



Figure 15-438-13: *Courtyards or Plazas.* Small courtyards or plazas, when designed appropriately and frequently located, such as on every block, can provide better impact for open space than requirements on a per lot basis. [See Section 15-411(d)(1)a.]

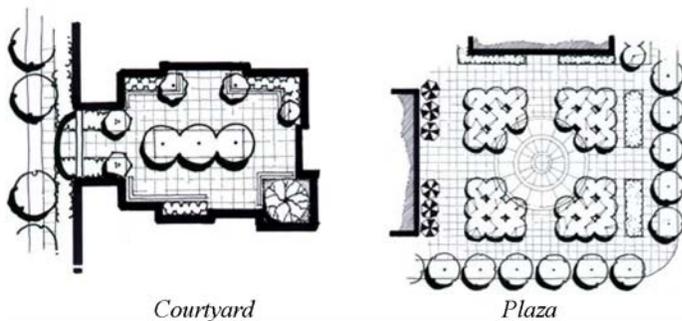


Figure 15-438-14: *Enhanced retail storefront.* Office buildings can be improved to create a better mixed-use environment when ground level retail uses provided enhanced retail storefronts, including architectural elements on buildings or improved pedestrian areas along building frontages. [See Section 15-389(a)(2)]

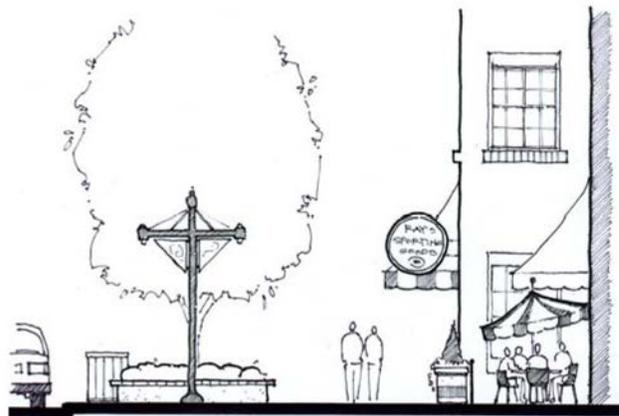
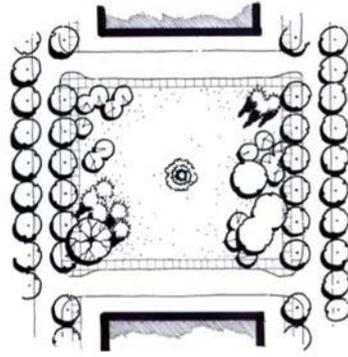
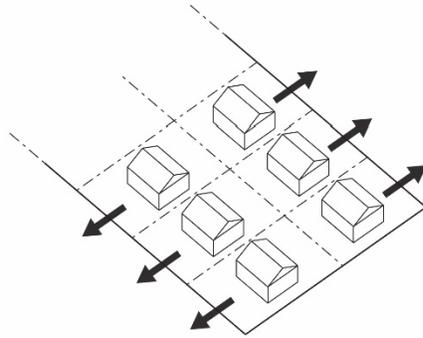


Figure 15-438-15: *Parks or Greens*. Small parks or greens, when designed appropriately and centrally located can provide better impact for open space than requirements on a per lot basis. [See Section 15-411(d)(1)b.]

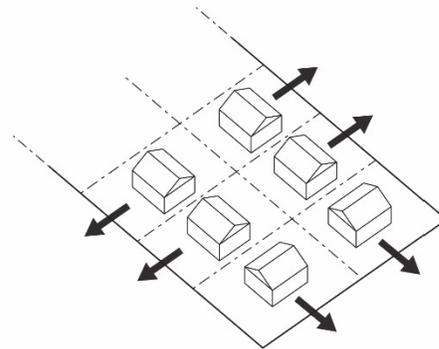


*Parks or Greens*

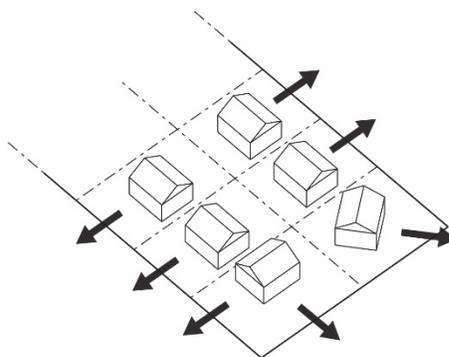
Figure 15-438-16: *Corner Lots*. Standard, Reverse and Intersection are different corner lot patterns found in Fairway. Flexibility to side setbacks are provided in certain situations with the goal of maintaining good relationships to streetscapes and aligning building frontages along predominant block faces (either short sides of blocks, long sides of blocks or both) based on the particular context of the lot and block. [See Section 15-296(b)]



Standard Corner



Reverse Corner



Intersection Lot

Figure 15-438-17: *Foundation Planting*. Foundation planting contributes to the greenspace and streetscape appeal of neighborhoods by adding visual interest and breaking up the front facades of buildings. A minimum of half of the building frontage shall have foundation plantings. [See Section 15-297(a)(2)f.]

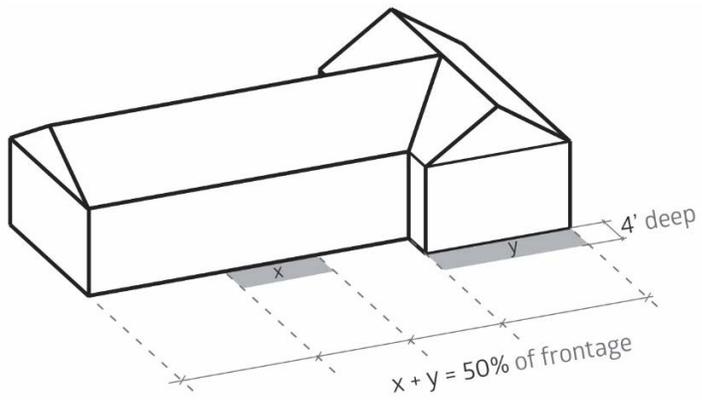


Figure 15-438-18: *Driveway Widths*. Driveway width limits help preserve the greenspace and streetscape views along blocks and are proportioned to the lot widths based on a percentage. Overall limits cap the allowed width, and exceptions for areas deeper into lots help ensure adequate vehicle access on narrower lots. [See Section 15-297(a)(3)a.]

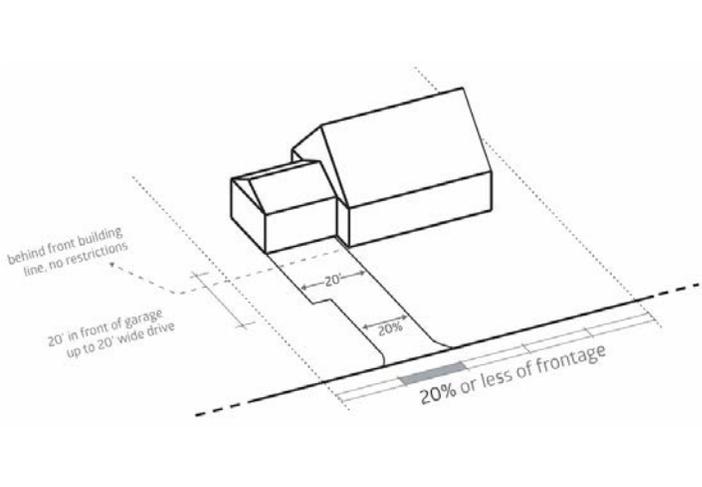


Figure 15-438-19: *Building Massing & Side Setbacks*. A "3-dimensional" setback helps break up building massing for larger buildings and preserve smaller scale building relationships the closer buildings are to property lines. The tiered approach limits wall planes closest to the setbacks, and encourages massing common to Fairways housing stock with main masses and smaller wings. [See Section 15-297(b)(4)a.]

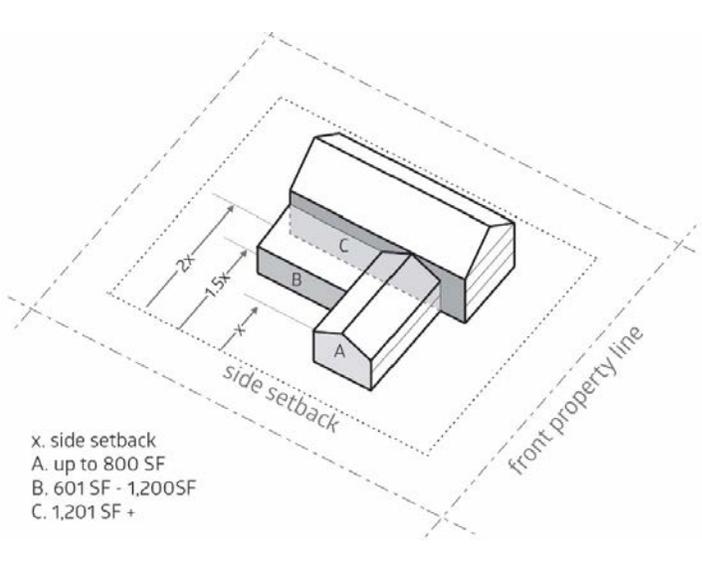


Figure 15-428-20: *Building Massing & Rear Setback*. A "3-dimensional" setback helps break up building massing for larger buildings and preserves smaller scale building relationships the closer buildings are to property lines. The tiered approach limits wall planes closest to the setbacks, and encourages massing common to Fairways housing stock with main masses and smaller wings. [See Section 15-297(b)(4)b.]

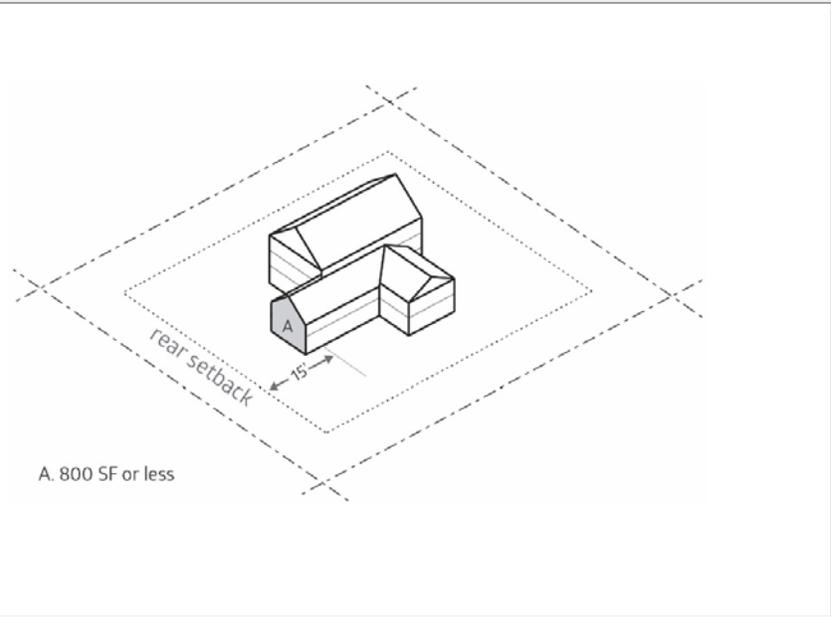
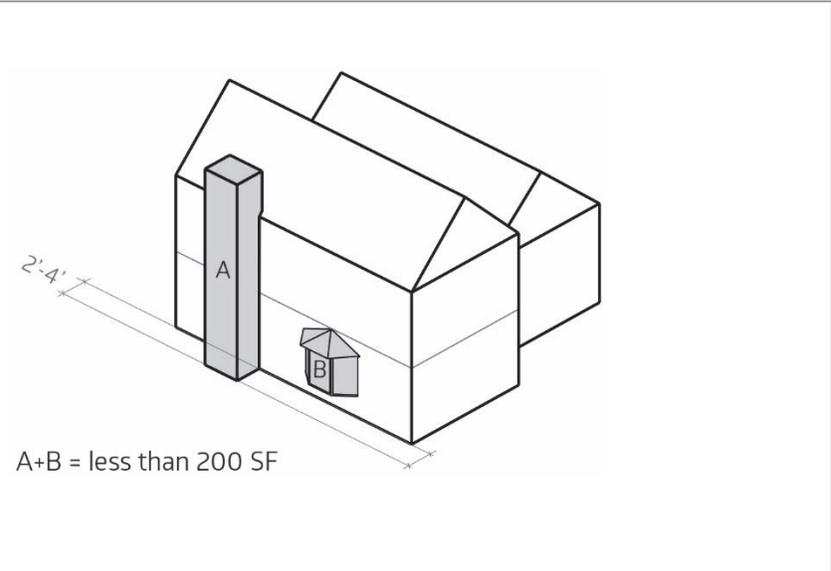


Figure 15-438-21: *Building Massing & Limited Projections*. Limited projections are common to many architectural styles present in Fairway. The limitation on the projections, combined with the "3-dimensional setbacks" will help proportion the massing of buildings, break up larger facades, and preserve small scale relationships with adjacent buildings [See Section 15-297(b)(4)c.]



(Development Ord. 2004, art. 4, div. 2, pt. 7; Ord. No. [1582](#), § 9, 12-8-2014)



## MEMO

TO: Chairwoman Bailey and Planning Commissioners

FROM: Kim H. Young, City Clerk

RE: Discussion for Generators

Chairman and Commissioners,

The City continues to receive applications for generators requesting exceptions to locations. The most often cite reasons include:

1. Other equipment is located on the side including AC units/Gas lines/Electrical
2. Fewer windows on the side façade allowing generator to be safely located
3. Cost

The following is the current Code 15-298 Special Conditions for Uses regulations:

- (6) *Emergency generators. Permanent standby emergency generators shall be allowed as an accessory use, subject to the following conditions:*
- a. *A building permit is required prior to installation.*
  - b. *The generator shall be installed in accordance with NFPA 37 Standards for the Installation and Use of Stationary Combustion Engines and Gas Turbines, and shall meet all other applicable building code requirements.*
  - c. *The generator shall be connected to a natural gas line.*
  - d. *The generator shall be contained in an enclosed cabinet or housing that provides sound attenuation, and the decibel level shall be less than or equal to seventy-five (75) dBA at the property line.*
  - e. *The footprint of the cabinet shall not exceed twelve (12) square feet, and the pad shall not exceed forty-eight inches (48") in any dimension.*
  - f. *The generator shall be located within the building envelope but no further than five feet (5') from a wall of the principal building and not in a front or side yard, except that alternate locations may be approved by the building official for greater than five feet (5') from the wall and up to the minimum additional distance necessary to adequately address any safety and carbon monoxide issues.*

*Exception: An exception may be granted to this location requirement upon a finding of the following:*

1. *There are special circumstances or conditions affecting the property;*
2. *Adequate distance exists between the location and adjacent properties;*
3. *The location will not cause an adverse impact on the adjacent properties;*
4. *The proposed location will be adequately screened from the street; and*

5. *The Board may impose any screening or other condition it deems necessary to mitigate any negative impacts of the proposed location. Provided, in no event shall an exception be granted to locate a generator in any front yard.*
- g. *The generator shall be used during emergency situations only which result in power failures.*
- h. *The generator shall only be tested during daylight hours after 9:00 am, and not on any holiday.*