

**ORDINANCE NO. 1811
SPECIAL USE PERMIT NO. 2024 - 2**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR THE INSTALLATION OF SIX
UTILITY STRUCTURES AT 4210 SHAWNEE MISSION PARKWAY.**

WHEREAS, pursuant to the Fairway Development Ordinances ("FDO"), the Governing Body of the City of Fairway, Kansas (the "City") has the power to grant a special use permit ("SUP"), after receipt of recommendations by the Planning Commission;

WHEREAS, on June 26, 2024, Henry Klover of Klover Architects, Inc. ("Applicant"), on behalf of property owner Fairway AA, LLC, submitted an application to the City for an SUP to allow six (6) utility structures to be located at 4210 Shawnee Mission Parkway in Fairway, Johnson County, Kansas, as legally described on Exhibit A attached hereto (the "Property");

WHEREAS, the City Clerk set a public hearing on July 29, 2024 at 6:00 p.m. at the City Council Chambers for the Planning Commission to consider Applicant's request;

WHEREAS, on July 1, 2024, notices were mailed to all owners of record of real property within 200 feet of the Property, and on July 9, 2024, notice of the public hearing was published in *The Legal Record*, the official City newspaper, all in accordance with K.S.A. 12-757(b) and FDO Sections 15-234(2) and 15-683(a);

WHEREAS, on July 29, 2024, the Planning Commission held a properly noticed public hearing on the Applicant's request, provided an opportunity for interested parties to be heard, considered the Staff Report prepared by the City Clerk and Community Development Director, a copy of which is attached hereto as Exhibit B (the "Staff Report"), and considered the matters set forth in FDO Sections 15-234(6) and 15-684;

WHEREAS, the Planning Commission recommended conditional approval of Applicant's request for the SUP, and caused an accurate written summary to be made of the proceedings in the meeting minutes attached hereto as Exhibit C;

WHEREAS, no protest petition against the proposed SUP has been filed in the City Clerk's office within the required time period set forth in K.S.A. 12-757(f) and FDO Section 15-234(7); and

WHEREAS, the Governing Body has considered the Applicant's request for the SUP, reviewed the Staff Report and all testimony and evidence submitted in connection with Applicant's request, and hereby adopts the Planning Commission's recommendations to approve the SUP for the Property.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FAIRWAY, KANSAS:

SECTION 1. SUP GRANTED. Pursuant to the FDO and the conditions and stipulations set forth herein, permission is hereby granted to use the Property for the installation of six (6) utility structures.

SECTION 2. CONDITIONS AND STIPULATIONS. The SUP granted in Section 1 is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation shall constitute a basis for revocation in addition to the reasons specified in FDO Section 15-686:

- a. The SUP shall be valid for 30 years from the date this Ordinance takes effect.
- b. The allowed use shall be in accordance with the site plan attached hereto as **Exhibit D** (the "Site Plan"), which shall be filed in the office of the City Clerk at City Hall and is incorporated by this reference as if set out in full herein. Any and all modifications or substitutions to the Site Plan shall require City approval, provided that City staff may review and approve the substitution of smaller cabinets or pads in any of the locations specified on the Site Plan. Under no circumstance shall the cabinets or pads exceed the size and dimensions set forth on the Site Plan.
- c. Landscaping / screening plans must be submitted for review and approval by City staff for the location of each utility structure.
- d. Applicant shall obtain all required building permits.
- e. The allowed use shall follow and comply with all applicable federal and state codes, laws and regulations, as well as all applicable codes, regulations and standards of the City, unless specifically exempted by the Governing Body.
- f. The allowed use shall not emit any unnecessary intrusive noise and shall comply with any applicable noise ordinance promulgated by the City.
- g. Applicant shall execute a written statement acknowledging it agrees to the conditions and stipulations set forth herein.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its publication, or the publication of a certified summary thereof, in the official City newspaper.

PASSED by the City Council on August 12, 2024.

APPROVED by the Mayor.



Melanie Hepperly, Mayor

ATTEST:



Abbie Aldridge, City Clerk

APPROVED AS TO FORM:



Anna M. Krstulic, City Attorney

EXHIBIT A

PROPERTY – LEGAL DESCRIPTION

All that part of Lot 1, FAIRWAY MIXED-USE DISTRICT, a subdivision in the City of Fairway, Johnson County, Kansas, lying and situated in the Northeast Quarter of Section 9, Township 12 South, Range 25 East, being particularly described by metes and bounds as follows:

BEGINNING at the Northwest corner of said Lot 1, FAIRWAY MIXED-USE DISTRICT, monumented by a set 1/2-inch reinforcing rod with cap stamped "KS CLS 175"; Thence North $87^{\circ} 05' 31''$ East, 147.17 feet, on the South Right-of-Way line of 55th Street, to a found 1/2-inch reinforcing rod with cap stamped "LS 2037"; Thence South $02^{\circ} 55' 13''$ East, 238.01 feet; Thence South $87^{\circ} 04' 47''$ West, 147.17 feet, to a found 1/2-inch reinforcing rod; Thence North $02^{\circ} 55' 13''$ West, 238.04 feet, to the POINT OF BEGINNING.

EXHIBIT B

STAFF REPORT TO JULY 29, 2024 PLANNING COMMISSION

[Attached on following pages.]

EXHIBIT C

EXCERPT OF JULY 29, 2024 PLANNING COMMISSION MINUTES

[Attached on following pages.]

EXHIBIT D

SITE PLAN

[Attached on following pages.]

EXHIBIT B



STAFF REPORT
Planning Commission
July 29, 2024

TO: Chair Wendy Bailey
Planning Commissioners
Anna Krstulic, Zoning Counsel

FROM: Basil Alani, Community Development Director
Abbie Aldridge, City Clerk

APPLICANT: Henry Klover of Klover Architects on behalf of owner Fairway AA LLC

PROPERTY: **4210 Shawnee Mission Parkway.** FAIRWAY MIXED-USE DISTRICT, PT LT 1 LYG
WITHIN FOLL DESC: BG NE CR LT 1 S 14.01' SE CUR LF 66.82' SE 210.62' SW
451.28' W 151.60' N 310.40' W 77.71' N 238.01' E 359.69' TO POB

ZONING: B-3P Planned Business/Mixed-Use District

PROJECT: Site Plan Review and Special Use Permit for Large Utility Structures

BACKGROUND:

Applicant requests a special use permit for six utility Structures locations

- 1- Northwest Transformer concrete pad size is 9' X 8' and the Transformer height is 6'
- 2- North Sectionalizer concrete pad size is 6.25' X 3.2' and the Sectionalizer height is 2'
- 3- Northeast Transformer concrete pad size is 9' X 8' and the Transformer height is 6'
- 4- The switchgear concrete pad is 6.5' X 6' and the height of the switchgear is 4'
- 5- South Transformer concrete pad size is 9' X 8' and the Transformer height is 6'
- 6- Southwest Sectionalizer concrete pad size is 6.25' X 3.2' and the Sectionalizer height is 2'

APPLICABLE CODE PROVISIONS:

Sec. 15-204. - Same—Utility structures.

Utility structures may be installed only where alternative underground facilities are not reasonably feasible, taking into account industry practices, costs, technological considerations and other relevant factors. Utility structures shall be subject to the following requirements:

- (1) Required approval for small utility structures. Utility structures with a footprint of twelve (12) square feet or less, a pad of fifteen (15) square feet or less, and a height of four and one-half feet (4½') or less may be permitted upon approval by the Public Works Director, provided a utility structure located within a utility easement behind the established building line with a footprint of one and one-half (1½) square feet or less, a pad of two (2) square feet or less, and a height of three feet (3') or less shall be subject to the requirements of this division, but shall not require any specific City approval or permit.*

The Public Works Director approved a temporary transformer to be used during the building construction that meets the size limitations.

EXHIBIT B

- (2) *Required approval for large utility structures. Utility structures with a footprint of greater than twelve (12) square feet, a pad greater than fifteen (15) square feet, or a height greater than four and one-half feet (4½') may be permitted upon approval of a special use permit by the Governing Body, which may be limited by any appropriate conditions or term established by the Governing Body. The special use permit may only be issued by the Governing Body after notification of adjacent and abutting property owners; a public hearing; and recommendation of the Planning Commission. Consideration of the special use shall be in accordance with established need for the proposed facilities at the proposed location; design, lighting, landscaping, screening and noise of the proposed facilities; suitable location providing for minimal, if any, interference with adjacent properties; effect on surrounding property values; and impact on the health, safety and welfare of surrounding properties. The impact of the proposed facilities on nearby or adjacent properties (especially residential properties) shall be carefully considered. The design, lighting, landscaping, screening and noise of the proposed facilities shall be considered with the intent to impose the least amount of impact on nearby or adjacent properties. While large utility structures may be permitted in any zoning district, the City preference is for such structures to be located in existing business districts.*

The Planning Commission will need to consider these review criteria in addition to the special use permit criteria set forth below (Sec. 15-684). All utility structures are in B-3P Planned Business/Mixed-Use District

Location #1 The Transformer will be located outside ROW and north of sidewalk adjacent to 55th Street.

Location #2 The sectionalizer will be located outside the ROW the northeast boundary of property owned by Fairway AA LLC, and north of the sidewalk adjacent to 55th Street.

Location #3 The Transformer will be located east of the Generator and north of the east outside parking.

Location # 4 The switchgear will be located between the private access road and Shawnee Mission Parkway, per applicant email KDOT granted approval for the location.

Location # 5 The Transformer will be located south of the southwest corner of the building on a pad between the south outside parking spots.

Location # 6 The sectionalizer will be located at the southwest corner of the property owned by Fairway AA LLC

- (4) *Landscaping and screening. Any utility structure larger than a footprint of one and one-half (1½) square feet, a pad of two (2) square feet, or a height of three feet (3') that is located within the right-of-way or between the right-of-way and the established building line shall be substantially screened from public view. Any large utility structure in any location shall be substantially screened from public view. Where landscaping is used for screening, a landscape plan shall be submitted with an application for a building permit. The landscape plan is subject to approval by the City. In their discretion, either the Public Works Director or the Planning Commission may require the landscape plan to be sealed by a landscape architect registered in the State. The expense and maintenance of all screening and landscaping shall be the responsibility of the facility user, unless written acceptance of such responsibility is provided from the property owner or homes association. The responsibility of the facility user for maintaining screening that consists of landscaping shall only extend for twelve (12) months from the date such landscaping is planted, after which time such landscaping shall be considered part of the natural habitat of the surrounding environs.*

EXHIBIT B

No proposed landscaping or screening was submitted.

(5) *Noise. The utility structure shall not emit any unnecessary intrusive noise.*

No information was submitted

Sec. 15-235. – Site plan review.

(a) *Applicants. The following development activities shall require a site plan review subject to the procedures and criteria contained in the zoning regulations. No building permit shall be issued until the required review and approval of a site plan has occurred.*

<i>Development Activity</i>	<i>Preliminary</i>	<i>Final</i>
...
<i>Any request for rezoning or a Special Use Permit</i>	<i>Yes</i>	<i>Yes</i>

Project requires a special use permit.

(b) *Submittal requirements.*

(1) *Preliminary site plan. Nine (9) copies of the preliminary site plan shall be submitted to the City Clerk in support of the application for preliminary site plan approval. The preliminary site plan shall contain the information:*

- a. *A small key map indicating the location of the property within the City, a north arrow and scale.*
- b. *A title block including:*
 - 1. *Name and address of the landowner;*
 - 2. *Name and address of the architect, landscape architect, planner, engineer, surveyor, contractor, or other persons or entities involved in preparation of the preliminary site plan;*
 - 3. *Original date and date of latest revisions to the preliminary site plan.*
- c. *With regard to the subject property only:*
 - 1. *Existing topography with contours at two (2) foot intervals, and delineating any land areas within the one-hundred-year flood plain.*
 - 2. *Proposed location of buildings, building setback lines and other structures, parking areas, drives, walks, screening, drainage patterns, public streets and any existing easements.*
 - 3. *Sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the preliminary site plan.*
 - 4. *General extent and character of proposed landscaping.*
 - 5. *A description of the proposed use, including information regarding proposed hours of operation.*
- d. *With regard to areas within two-hundred feet (200') of the subject property:*
 - 1. *Any public streets which are of record.*
 - 2. *Any drives which exist or which are proposed to the degree that they appear on plans on file with the City, including those serving residential buildings.*
 - 3. *Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the City. Residential buildings may be shown in approximate location and general size and shape.*

EXHIBIT B

4. *The location and size of any drainage structures, such as culverts, paved or earthen ditches or stormwater sewers and inlets.*
- e. *Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. Where several building types are proposed on the preliminary site plan, such as apartments and commercial buildings, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required.*
- f. *A schedule indicating total gross floor area, land area, parking spaces and other quantities relative to the submitted preliminary site plan in order that compliance with requirements of this article can be determined.*

Applicant prepared and submitted preliminary site plans dated 06/19/2024

(2) Additional information required in support of preliminary site plan.

- a. *In addition to the information listed in the previous section, the Planning Commission, Governing Body, or City officer may also require applicants for preliminary site plan approval to submit and/or pay the cost of such technical studies as may be necessary to enable the Planning Commission, Governing Body, or City officer to evaluate the application. Examples of technical studies that may be required shall include, but not be limited to, traffic studies, engineering studies, geologic or hydrogeologic studies, flood studies, environmental impact assessments, noise studies, market studies or economic impact reports. The applicant shall reimburse the City for the cost of all such studies, and the person or firms preparing the studies must be approved in advance by the entity requiring such study. The City may require that the applicant post a deposit in the amount of the estimated cost of such studies, and if the applicant refuses to post the deposit, the City shall be under no obligation to proceed with consideration of the preliminary site plan. Notwithstanding the fact that the Planning Commission did not require submission of any such technical study in support of the application, the Governing Body may require the submission of such studies prior to taking action on the application for preliminary site plan approval. In such case, the persons or firms selected to perform the studies shall be subject to the approval of the Governing Body. If during the public hearing on the application, the Planning Commission determines the need for such studies, the public hearing shall be continued until such time as such studies have been completed and submitted. If the Governing Body determines the need for such studies, its consideration and approval of the preliminary site plan shall be continued until such time as such studies have been completed and submitted.*
- b. *The Planning Commission, Governing Body, or City officer shall have authority to require that the applicant for preliminary site plan approval submit proof of having reviewed the preliminary site plan with applicable water, sewer, fire, police, gas and electric utility officials. Proof of such review shall be provided on forms furnished by the City Clerk. The forms shall provide an opportunity for applicable water, sewer, gas and electric officials to provide comments on the existing and future availability and timing of services provided by their respective districts or agencies to the subject property. In order to obtain approval of a preliminary site plan, the applicant must show that adequate water, sewer, fire, gas, police and electric services are presently available to the subject property. If adequate public facilities and services are not presently available at the time of submittal of the application for preliminary site plan approval, as determined by the affected utility company or agency, the preliminary site plan may be denied.*

...

(c) Review procedures.

(1) Preliminary site plan.

EXHIBIT B

- a. *All preliminary site plans that accompany a rezoning or special use permit application request shall be reviewed in accordance with the procedures for a rezoning request.*

...

Section 15-234. – Rezoning.

...

- (2) *Planning Commission review. A proposed rezoning shall be submitted to the Planning Commission for recommendation.*
 - a. *Hearing. The Planning Commission shall conduct a public hearing regarding the proposed rezoning, and shall cause an accurate written summary to be made of the proceedings. At any public hearing held to consider a proposed rezoning, an opportunity shall be granted to interested parties to be heard.*

Public hearing scheduled for the July 29, 2024 Planning Commission meeting.

- b. *Published notice. Notice of the hearing shall be published in the same manner as that required for recommendations on the original zoning regulations and shall describe the proposed changes in the restrictions or in the boundary or classification of any zone or district. Since the proposed rezoning affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration. If the legal description is not published, the notice shall include a statement that a complete legal description is available for public inspection at Fairway City Hall located at 4210 Shawnee Mission Parkway, Suite 100, Fairway, Kansas.*

Notice was published in *The Legal Record* on July 9, 2024.

- c. *Written notice. Written notice of the proposed rezoning shall be mailed at least twenty (20) days before the hearing to all owners of record of real property located within the area to be altered and to all owners of record of real property located within at least two hundred feet (200') of the area proposed to be altered. An applicant shall immediately deliver an affidavit to the City evidencing that such notice has been made. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission or the Governing Body.*

The required written notices were mailed on July 1, 2024.

...

- 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 rezoning to the Governing Body. If the Planning Commission fails to make a recommendation on a rezoning request, the Planning Commission shall be deemed to have made a recommendation of disapproval.*

...

Sec. 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); provided that the application shall also include:*
 - (1) *A statement of the reasons why the special use permit is being requested, including how the request conforms with the City's comprehensive plan and the purposes, intent, and standards of this chapter; and*

Klover Architects provided letter dated July 1, 2024

EXHIBIT B

- (2) *A statement of the nature and character of the current zoning district, and immediate vicinity of the project, and justification on how the requested use will conform to that character.*

Klover Architects provided letter dated July 1, 2024

- (b) *A special use permit in a district requiring a development plan (R-2P or B-3P districts) may only be issued when the development plan provides for such use. The approval of a special use permit may be included in an ordinance approving a development plan.*

Site 1, 2, 3, 4, 5 & 6 located within the B-3P District for which rezoning and a preliminary development plan were approved by Ordinance No. 1746 adopted by the Governing Body on October 11, 2021. The utility structures is not identified on that preliminary development plan, but a final development plan has not yet been submitted. Staff will notify the party responsible for submission of the final development plan that all utility structures must be included in the final development plan. No final occupancy will be issued until the submittal is approved.

Sec. 15-684. – Standards of review.

The following factors shall be considered in the review of a special use permit request:

- (1) *The compatibility and impact of the use and site design with use, enjoyment, property values or character of neighboring properties, including, but not limited to:*
 - a. *Any similarity or dissimilarity in scale, bulk, lot coverage, or street frontage;*
 - b. *Any architectural designs minimizing the impact of the proposed use;*
 - c. *Any site design techniques minimizing the impact of any required parking or other necessity;*
 - d. *Any generation of traffic and the ability to mitigate the impact of the same; and*
 - e. *Any external impact detectable from adjacent properties, including noise, dust, dirt, heat, smoke, odor, vibration, electrical interference, glare, light or radio or television transmission interference compared with those of other existing uses in the vicinity;*
- (2) *The consistency of the use and site design with purpose and standards of the zoning district;*
- (3) *The conformance of the use and site design with the comprehensive plan;*
- (4) *The conformance of the use and site design with any specified conditions for the particular use;*
- (5) *Recommendations of professional staff; and*
- (6) *Any other specific factor that is relevant to the proposed use and its impact to the community.*

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.*

Further the Governing Body may require periodic review to ensure the permittee continues to meet all permit conditions.

- (b) *Unless otherwise set forth in the express provisions of the special use permit, each special use permit shall be deemed to have a duration of ten (10) years, after which such special use shall terminate if no new special use permit is applied for and granted by the City.*

EXHIBIT B

- (c) *Renewal of a special use permit is not a matter of right. The same discretion shall attach to a decision to renew a special use permit as existed in the original decision to grant or deny that permit; provided that in consideration the decision to grant or deny renewal, any factor which would be relevant to consideration of revocation shall also be relevant to consideration of renewal.*

Klover Architects provided letter dated July 16, 2024 requesting the SUP will be in effect for the duration of the existence of the building.

STAFF RECOMMENDATION:

Staff is not opposed to approval of the Special Use Permit. Staff recommends that any approval should include the following conditions:

1. Special Use Permit duration be set to a 30-year time period based on the Planning Commission previous recommendations on Utility Structure Special Use Permits (upon which the applicant may then seek renewal).
2. Landscaping / screening plans must be submitted for review and approval for all locations.
3. The utility structure shall not emit any unnecessary intrusive noise.
4. One electronic set must be submitted for plan review and approval.
5. Project must comply with all City ordinances and the 2012 International Building Code and other incorporated technical codes.
6. Application and approval is void if a building permit is not obtained within one year from the date of Planning Commission approval.

If the Planning Commission recommends approval, the Project will go before the Governing Body on August 12, 2024, for final approval.

- e. PUBLIC HEARING – SPECIAL USE PERMIT FOR UTILITY STRUCTURES (ELECTRICAL TRANSFORMERS AND EQUIPMENT) TO BE INSTALLED ONSITE FOR FAIRWAY ACTIVE ADULT APARTMENTS LOCATED AT 4210 SHAWNEE MISSION PARKWAY, AS SUBMITTED BY HENRY KLOVER OF KLOVER ARCHITECTS, ON BEHALF OF FAIRWAY AA, LLC, PROPERTY OWNER.

Chair Bailey requested the staff report.

Director Alani reported that the applicant is requesting a Special Use Permit for six utility structures on the property. No proposed landscaping or screening has been submitted and no information was submitted concerning noise. The applicant submitted a preliminary site plan on June 19, 2024, and proper notice was given by publication and written notice. The applicant has requested that the Special Use Permit be in effect for the duration of the existence of the building.

Staff is not opposed to approval of the Special Use Permit. Staff recommends that the approval include the following conditions:

1. Special Use Permit duration be set to a 30-year time period on the Planning Commission's previous recommendations on Utility Structure Special Use Permits (upon which the applicant may then seek renewal).
2. Landscaping/screening plans must be submitted for review and approval for all locations.
3. The utility structures shall not emit any unnecessary intrusive noise.
4. One electronic set must be submitted for plan review and approval.
5. Project must comply with all City Ordinances, the 2012 International Building Code and other incorporated technical codes.
6. Application and approval are void if a building permit is not obtained within one year from the date of Planning Commission approval.

With respect to noise, Director Alani explained that the applicant has provided a video of similar equipment and offered to play the video so the Commission could hear the sound generated by the equipment.

He added that staff recommends the Special Use Permit have a duration of 30 years; however, the applicant sent a letter requesting that the permit be for the lifespan of the building.

Responding to Chair Bailey's question, Director Alani explained that although the original site plan showed the location of the utility structures, the applicant still needs approval for the Special Use Permit.

There is a discussion concerning whether the utility structures will be located far enough away from the building so they will not be disruptive to the tenants.

Chair Bailey asked for the applicant to address the Commission.

Eric Castillo, Klover Architects, 8813 Penrose Lane, Suite 400, Lenexa, Kansas, addressed the Commission. He explained that the site has a unique configuration. There is one utility structure on the north side that will be somewhat close to the building; however, because there is so much landscaping in the area, he does not think noise will be an issue.

Commissioner Zwick noted that the topography of the site changes uphill and is concerned that the utility structures will look larger than they are because they are up on a hill. He asked if any improvements were planned with retaining walls or other things that would handle the uphill topography.

Mr. Castillo responded that the locations planned for the utility structures are flat so he does not believe retaining walls or other things will be needed.

Chair Bailey opened the Public Hearing on this item and asked for comments from the public. Hearing none, she closed the Public Hearing on this item.

Chair Bailey asked for further discussion from the Commission.

Commissioners discussed the duration of the Special Use Permit. Chair Bailey explained that she would want the equipment there for the entirety of the building, so it makes sense to allow the Special Use Permit to be for the duration of the building.

Responding to Commissioner Hoelscher's question concerning the reasoning behind the 30-year limit for Special Use Permits, City Clerk Aldrige explained that the Code for utility structures states that they be limited to 30 years. And, her understanding of the Code is that Special Use Permits cannot have an unlimited duration.

Zoning Counsel Krstulic explained that Special Use Permits are typically limited because they are considered a unique use. The applicant is getting special permission to do whatever the request is and Special Use Permits are intended to be reviewed.

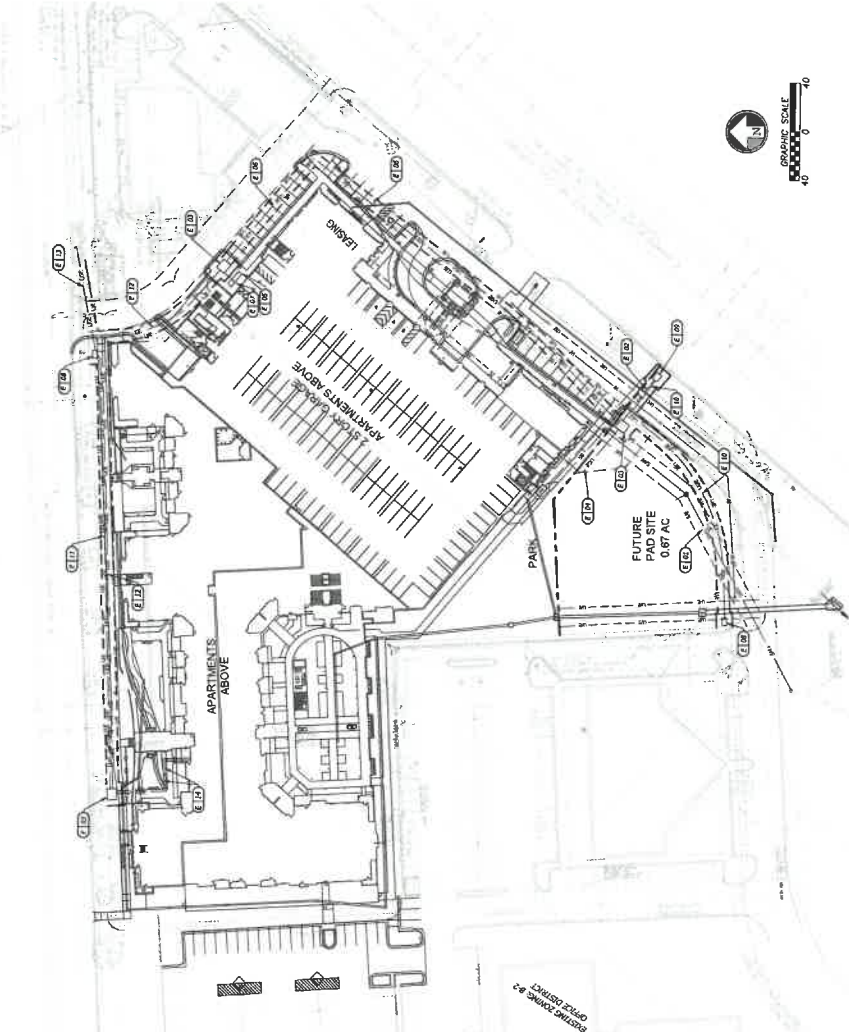
Chair Bailey asked for further discussion from the Commission. Hearing none, she asked for a motion.

MOTION: Motion was made by Commissioner Denton to approve the Special Use Permit for utility structures (electrical transformers and equipment) to be installed on site for Fairway Active Adult Apartments located at 4210 Shawnee Mission Parkway, as submitted by Henry Klover of Klover Architects, on behalf of Fairway AA, LLC, property owners, subject to staff recommendations, noting specifically that the duration of the Special Use Permit is for 30 years. Commissioner Pfalzgraf seconded the motion.

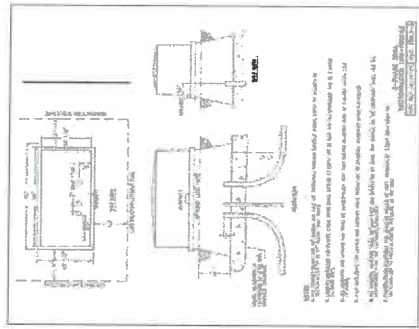
The motion carried unanimously.

EXHIBIT D

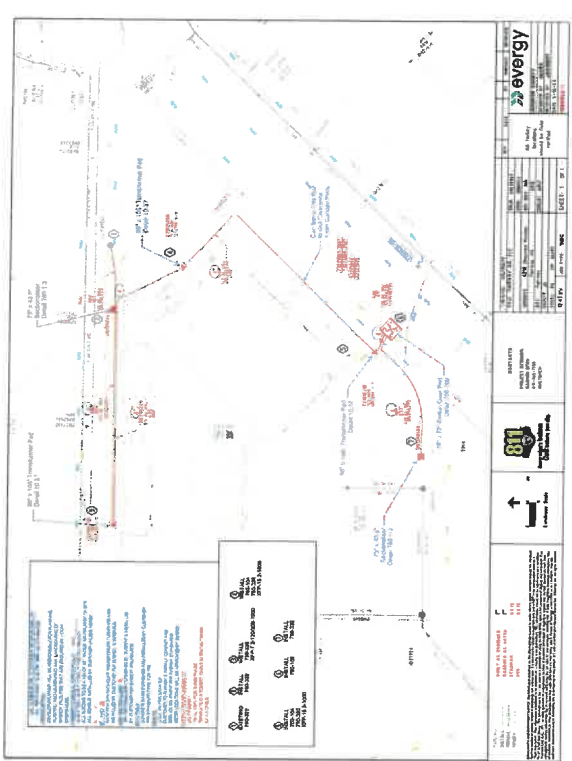
CITY OF ROSE AULD PARK
(SMALL-FAMILY RESIDENTIAL)



- (E) CONSTRUCTION NOTES**
- 01 EXISTING UNDERGROUND ELECTRICAL LINE
 - 02 ELECTRICAL IMPEDIMENT TO BE REMOVED
 - 03 PROPOSED SWITCH GEAR AND TO TRANSFORMER AND SET THIS SHEET FOR ADDITIONAL INFORMATION
 - 04 CONTRACTOR TO VERIFY ALL 480V 3P/4W 3Ø/4W PFC CONDUIT FOR SECONDARY UNDERGROUND ELECTRICAL SERVICE
 - 05 CONTRACTOR TO VERIFY ALL 480V 3P/4W 3Ø/4W PFC CONDUIT FOR PRIMARY UNDERGROUND ELECTRICAL SERVICE
 - 06 CONTRACTOR TO INSTALL 480V 3P/4W 3Ø/4W PFC CONDUIT FOR PRIMARY UNDERGROUND ELECTRICAL SERVICE FROM PROPOSED TRANSFORMER PAD TO PROPOSED TRANSFORMER AND
 - 07 CONTRACTOR TO INSTALL 480V 3P/4W 3Ø/4W PFC CONDUIT FROM PROPOSED TRANSFORMER PAD TO EXISTING TRANSFORMER AND TO BUILDING, REFER TO ELECTRICAL PLAN.
 - 08 CONTRACTOR TO VERIFY ALL 480V 3P/4W 3Ø/4W PFC CONDUIT FOR SECONDARY UNDERGROUND ELECTRICAL SERVICE
 - 09 CONTRACTOR TO INSTALL 480V 3P/4W 3Ø/4W PFC CONDUIT FOR PRIMARY UNDERGROUND ELECTRICAL SERVICE FROM PROPOSED TRANSFORMER PAD TO PROPOSED TRANSFORMER AND
 - 10 CONTRACTOR TO INSTALL 480V 3P/4W 3Ø/4W PFC CONDUIT FOR PRIMARY UNDERGROUND ELECTRICAL SERVICE FROM PROPOSED TRANSFORMER PAD TO PROPOSED TRANSFORMER AND
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 - 12 CONTRACTOR TO VERIFY ALL 480V 3P/4W 3Ø/4W PFC CONDUIT FOR SECONDARY UNDERGROUND ELECTRICAL SERVICE
 - 13 CONTRACTOR TO INSTALL 480V 3P/4W 3Ø/4W PFC CONDUIT FROM PROPOSED TRANSFORMER PAD TO EXISTING TRANSFORMER AND TO BUILDING, REFER TO ELECTRICAL PLAN.
 - 14 CONTRACTOR TO VERIFY ALL 480V 3P/4W 3Ø/4W PFC CONDUIT FOR SECONDARY UNDERGROUND ELECTRICAL SERVICE

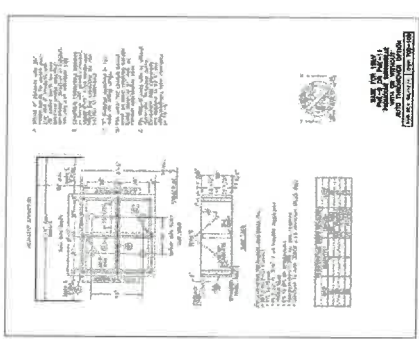


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NO.	DESCRIPTION	DATE	BY	CHECKED BY
1	ISSUED FOR PERMITS	08/15/2024	J. SMITH	M. JONES
2	REVISED PER COMMENTS	08/20/2024	J. SMITH	M. JONES
3	REVISED PER COMMENTS	09/05/2024	J. SMITH	M. JONES
4	REVISED PER COMMENTS	09/10/2024	J. SMITH	M. JONES
5	REVISED PER COMMENTS	09/15/2024	J. SMITH	M. JONES
6	REVISED PER COMMENTS	09/20/2024	J. SMITH	M. JONES
7	REVISED PER COMMENTS	09/25/2024	J. SMITH	M. JONES
8	REVISED PER COMMENTS	10/01/2024	J. SMITH	M. JONES
9	REVISED PER COMMENTS	10/05/2024	J. SMITH	M. JONES
10	REVISED PER COMMENTS	10/10/2024	J. SMITH	M. JONES
11	REVISED PER COMMENTS	10/15/2024	J. SMITH	M. JONES
12	REVISED PER COMMENTS	10/20/2024	J. SMITH	M. JONES
13	REVISED PER COMMENTS	10/25/2024	J. SMITH	M. JONES
14	REVISED PER COMMENTS	11/01/2024	J. SMITH	M. JONES
15	REVISED PER COMMENTS	11/05/2024	J. SMITH	M. JONES
16	REVISED PER COMMENTS	11/10/2024	J. SMITH	M. JONES
17	REVISED PER COMMENTS	11/15/2024	J. SMITH	M. JONES
18	REVISED PER COMMENTS	11/20/2024	J. SMITH	M. JONES
19	REVISED PER COMMENTS	11/25/2024	J. SMITH	M. JONES
20	REVISED PER COMMENTS	12/01/2024	J. SMITH	M. JONES

evergy
 10.37 - Three Phase Transformer Pad (E10, E11, E12) (E13, E14, E15)
 Call in Place Concrete Run for 3-Phase Transformer 2500VA Through 2500 VA



Construction Standard 750-108
 All dimensions are to face unless noted otherwise.

evergy
 10.37 - Three Phase Transformer Pad (E10, E11, E12) (E13, E14, E15)
 Call in Place Concrete Run for 3-Phase Transformer 2500VA Through 2500 VA

- Notes:**
1. All dimensions are to face unless noted otherwise.
 2. Dimensions of primary conductors to be provided by Contractor.
 3. Dimensions of secondary conductors to be provided by Contractor.
 4. The width of the lanes to be provided by the Contractor shall be 12" wide.
 5. The width of the lanes to be provided by the Contractor shall be 12" wide.
 6. The width of the lanes to be provided by the Contractor shall be 12" wide.
 7. The width of the lanes to be provided by the Contractor shall be 12" wide.
 8. The width of the lanes to be provided by the Contractor shall be 12" wide.
 9. The width of the lanes to be provided by the Contractor shall be 12" wide.
 10. The width of the lanes to be provided by the Contractor shall be 12" wide.



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FPC
 FAIRWAY AA
 SHAWNEE MISSION PARKWAY
 FAIRWAY, KANSAS

project number: 24-001
 drawing number: 100
 drawing date: 11/20/24
 drawing status: 100%
 scale: AS SHOWN
 sheet: 100

professional seal:
 drawing title:
 drawing number:
 drawing date:
 drawing status:
 scale:
 sheet: