

**MINUTES OF PLANNING COMMISSION MEETING
OF THE CITY OF FAIRWAY, KANSAS**

The Planning Commission of the City of Fairway, Kansas (the "Commission") conducted a meeting on Monday, December 18, 2023. The meeting was called to order at 6:00 P.M.

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

Absent: Commissioner Shae Pelkowski.

Presiding: Chair Wendy Bailey.

Staff Present: City Clerk Abbie Aldridge; City Attorney Richard Cook; Community Development Director Basil Alani; Assistant City Clerk Vickie Tillery; Recording Secretary Barb Fox.

Visitors: Dennis Faulkner, Midtown Signs, 2416 South 8th Street, Kansas City, Kansas; Austin Roeser, Roeser Homes, 11415 Strang Line Road, Lenexa, Kansas.

1. APPROVAL OF MINUTES

Chair Bailey asked for a motion to approve the minutes from the October 30, 2023 meeting.

MOTION: Motion was made by Commissioner Denton to approve the October 30, 2023. Commissioner Pfalzgraf seconded the motion. Commissioner Deeken abstained.

The motion carried unanimously.

2. OLD BUSINESS

None.

3. NEW BUSINESS

a. APPOINT NEW PLANNING COMMISSION SECRETARY – CITY CLERK ABBIE ALDRIDGE.

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

MOTION: Motion was made by Commissioner Denton to approve the appointment of City Clerk Abbie Aldridge as Planning Commission Secretary. Commissioner Deeken seconded the motion.

The motion carried unanimously.

- b. SITE PLAN – 5904 DELMAR ST., FAIRWAY, KANSAS, AS SUBMITTED BY BRIAN STANDBY ON BEHALF OF JAMES ENGLE CUSTOM HOMES, PROPERTY OWNER, FOR NEW SINGLE-FAMILY HOME.

Chair Bailey requested the staff report.

Director Alani reported that the applicant is submitting a request for a new single-family residence. The height of the structure is 29 feet 11 ¼ inches and the existing grade is 944.8 feet. The proposed elevation measured at the proposed threshold is 945.9 feet. The watershed analysis shows the proposed hardscape will reduce rear drainage runoff and increase front street drainage runoff. The project meets all requirements of Code Sections 15-296 (Dimension Standards) and 15-297 (Site Design Standards).

Staff recommends approval of the project subject to the following conditions:

1. One electronic set of plans must be submitted for plan review and approval.
2. Building permit must be obtained and fees paid, as required by City Code.
3. Project must comply with all City Ordinances, the 2012 International Building Code and other incorporated technical codes.
4. Application and approval are void if the building permit is not obtained within one year of the date of Planning Commission approval.
5. Public Works recommends that the right of way tree be replaced (after construction) as opposed to being transplanted.

Chair Bailey asked if there were questions for staff.

Director Alani reported that he received calls from neighbors concerning the percentage of the garage on the front elevation. The neighbor's interpretation is that the percentage requirements for the garage include the entire garage while staff's interpretation is that the percentage requirements include only the garage door opening itself.

Chair Bailey indicated she also received a question about the drainage and she understands that the drainage to the back will decrease with the proposed plan. Director Alani agreed.

Responding to Commissioner Zwick's question, Director Alani explained the existing and proposed elevations. Director Alani also stated that he is not sure what the screen shown on the plans will be made of but it is included in the greenspace calculations.

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 Site Plan – 5904 Delmar Street, Fairway, Kansas, as submitted by Brian Standby on behalf of James Engle Custom Homes, property owner, for new Single-Family Home, subject to staff recommendations. Commissioner Zwick seconded the motion.

The motion carried unanimously.

- c. SIGN DEVIATION – 4210 SHAWNEE MISSION PARKWAY, FAIRWAY, KANSAS, AS SUBMITTED BY BRI SWANSON OF MIDTOWN SIGNS LLC ON BEHALF OF FAIRWAY AA LLC, PROPERTY OWNER, FOR A SIGN DEVIATION ON TEMPORARY SIGNAGE LOCATED ON CONSTRUCTION SITE FENCE SCREENS.

Chair Bailey requested the staff report.

Director Alani reported that the applicant is requesting three new temporary signs approximately 92 feet by 7 feet (644 square feet).

Staff is supportive of the requested deviation. If the Planning Commission grants approval, staff recommends the following conditions:

1. Building permit must be obtained and fees paid, as required by City Code.
2. Project must comply with all City Ordinances, the 2012 International Building Code and other incorporated technical codes.
3. Application and approval are void if the building permit is not obtained within one year of the date of Planning Commission approval.
4. The signage on the construction fence screening is to be removed prior to March 2025.

Chair Bailey asked if there were questions for staff.

Responding to Commissioner Zwick's question, Director Alani explained that the permit duration is until March, 2025. The project is supposed to be completed in May or June of 2025 so this will allow for signage until the project is completed.

Responding to Chair Bailey's question, Director Alani stated that approval was not required for the Crossland Construction signage that is currently on the property because that signage is considered advertisement on a screen, and there are no regulations for screens in the Code.

Chair Bailey asked for the applicant to address the Commission.

Dennis Faulkner of Midtown Signs, 2416 South 8th Street, Kansas City, Kansas, explained that the proposed temporary signage will be a standard printed windscreen material.

Responding to Commissioner Pfalzgraf's question concerning the Commission's ability to approve a sign over 16 square feet (an exception), Director Alani explained that the Code allows the Commission to approve a sign deviation beyond the 16 square feet.

While there is no difference from the Commission's perspective between the application for an exception versus a deviation, City Clerk Aldridge stated that the deviation has to go before the City Council for approval.

Director Alani also pointed out that staff will be monitoring the maintenance of the sign throughout the permit. The temporary sign will be attached to the fencing already in place with zip ties.

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

MOTION: Motion was made by Commissioner Denton to approve the Sign Deviation – 4210 Shawnee Mission Parkway, Fairway, Kansas, as submitted by Bri Swanson with midtown Signs LLC on behalf of Fairway AA LLC, property owner, for a sign deviation on temporary signage located on construction site fence screens, subject to staff recommendations. Commissioner Pfalzgraf seconded the motion.

The motion carried unanimously.

d. SITE PLAN FOR EXCEPTION REQUEST TO FENCE REQUIREMENTS – 6123 HOWE DRIVE, FAIRWAY, KANSAS, AS SUBMITTED BY AUSTIN ROESER – ROESER HOMES, PROPERTY OWNER.

Chair Bailey requested the staff report.

Director Alani reported that the applicant is requesting an exception for a fence on a corner lot to project in front of the building line of an adjacent dwelling unit. The property is a standard corner lot with a new home that is currently under construction. The applicant is requesting an exception for a new 4-foot wrought iron fence to project in front of the building line of the adjacent dwelling unit. Pursuant to the Site Plan, the proposed fence location is 15 feet from the street side property line, meeting the Code requirement for at least a 12-foot street side setback from the property line.

Staff supports the requested exception and there are no sight-line concerns. If the Planning Commission grants the exception, staff recommends the following conditions:

1. Building permit must be obtained and fees paid, as required by City Code.
2. Application and approval are void if the building permit is not obtained within one year of the date of Planning Commission approval.

Chair Bailey asked if there were questions for staff.

Responding to Commissioner Zwick's question, Director Alani stated that typically the fence can be placed 12 feet from the property line; however, it also has to be behind the building line of the adjacent home. If the property owner was required to stay behind the building line of the adjacent home, the fence would have to be placed from the back corner of the new home to the

front corner of the neighbor's home, which would essentially cut out the entire side yard from being fenced in. As a concession, the applicant will be installing a 4-foot wrought iron fence in the side yard to the neighbor's property and then a solid 6-foot privacy fence is planned between the two homes.

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

Austin Roeser, Roeser Homes, 11415 Strang Line Road, Lenexa, Kansas, explained that they are essentially trying to increase the size of the backyard of the home for marketability. Rather than installing a 6-foot wood fence in the corner side yard, which would degrade over time, they are requesting a 4-foot wrought iron fence that will not degrade. Mr. Roeser added that a 6-foot privacy fence will be installed between the two homes and also at the rear corner of the property to replace the existing chain link fence. He believes the fence will look good from the street and will also satisfy the privacy in the back.

Responding to Commissioner Zwick's question, Director Alani stated that the neighbor has indicated he is not opposed to the fence location.

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

MOTION: Motion was made by Commissioner Denton to approve the Site Plan for Exception Request to the Fence Requirements – 6123 Howe Drive, Fairway, Kansas, as submitted by Austin Roeser – Roeser Homes, Property Owner, subject to staff recommendations. Commissioner Zwick seconded the motion.

The motion carried unanimously.

e. DISCUSSION TO CONSIDER REGULATIONS TO REQUIRE TEMPORARY FENCING OF LOTS DURING CONSTRUCTION PROJECTS.

City Clerk Aldridge explained that based on concerns received from residents near construction projects, Mayor Hepperly has requested that the Commission review temporary fencing of lots during construction projects. The consideration is whether new home construction projects should be required to fence the entire lot to address security, view of the construction, and to keep trash on the lot. In addition, the Commission should consider the type of screening required as a chain link fence does not keep the dust down or restrict the view from the street. The fence requirement would be included as a part of the building permit approval process and would need to be installed and inspected prior to issuance of the permit.

Responding to Chair Bailey's question, Director Alani confirmed that Mission Hills has a requirement for fencing around the lot during construction. Mission Hills' requirement is only for a 4-foot fence, but Director Alani understands they are looking to increase that to 6 feet. Prairie Village may also have some requirement.

Commissioner Denton pointed out that for larger lots, installing a temporary fence around the lot would not be an issue; however, for smaller lots with several trees, he thinks it would be difficult to maneuver in and out of the lot if the lot is surrounded by fencing.

City Clerk Aldridge pointed out that the fencing would help to keep construction contained to that property as there have been complaints of materials crossing over into neighboring lots or construction traffic going through neighboring yards. The temporary fencing would funnel construction vehicles through the designated gate. As for smaller lots, City Clerk Aldridge agrees there could be issues, but an upfront discussion could be had with the contractor to discuss the best plan to address those situations.

Chair Bailey understands the issues but she isn't sure if the fencing should be a requirement for renovations. She asked if a list had been created of the complaints staff has received on this issue.

City Clerk Aldridge stated that she does not have a list of complaints but she knows of a few projects that have had issues and there are several ongoing projects where there is trash all over the lot. In another situation, construction materials were placed on the neighbor's fence and now the fence is damaged.

Commissioner Zwick stated that temporary fencing on commercial projects is common. One of the main reasons for that is keeping the public (and especially children) out of construction areas, but it also helps to identify the construction site for subcontractors so they understand the property line determination. He is not a big proponent of the screen because he thinks it can become a huge maintenance issue with residential construction for contractors who are not on site every day. In addition, the cost could be between \$3,000 to \$4,000 for the duration of the project.

There is a discussion concerning whether the fencing requirement would also apply to remodels/additions or whether there would be a break off point that would trigger the requirement. Director Alani indicated that staff suggests that if the remodel/addition does not exceed 50 percent (the trigger for plans needing to come to the Commission for approval) then the fencing would not be required for those projects. If the remodel/addition exceeds 50 percent or is new construction, then the fencing would be required.

Commissioner Denton discussed several recent remodels/additions that were under 50 percent that have been some of the biggest offenders.

Director Alani explained that generally, builders will correct any issues that occur on neighboring properties; however, currently the City does not have any requirements in the Code to enforce fencing so any issues will be between the owner, the contractor and the neighbor.

Responding to Commissioner Hoelscher's question, Director Alani suggests that the fence be placed on the property line because otherwise the contractor would need to maintain vegetation on both sides of the fence.

Chair Bailey also suggested that fencing be required for swimming pools as that can also be a safety concern.

Commissioner Zwick suggested that the fencing requirement be triggered based on square footage or if excavation is required. He would also like to see pricing from the fence rental companies to see what the costs would be to fence a lot during construction.

Commissioner Pfalzgraf agreed. He is concerned about the cost and how big the problem is that the Commission is trying to solve. For larger homes, an additional \$3,000 to \$4,000 cost probably isn't a big deal but for smaller projects, he would be hesitant to require something that might cause renovations to be more costly.

Commissioner Denton explained that builders he has talked with have complained that the City continues to add requirements, stacking up costs and having to fence the whole lot will just be adding one more requirement.

Director Alani explained that discussions have begun with the County and building officials to move to adopting the 2024 Building Codes, which will increase costs. He expects that Fairway will adopt the 2024 Building Codes in 2024.

There is a discussion concerning what additional information the Commission would like to see to consider whether to move forward with a requirement for residential construction fencing. Chair Bailey would like to know what other cities are doing. Also, referencing the Crossland Construction signage application approved earlier, she would like to know what other cities are allowing for commercial construction screening and if signage is allowed to be placed on the screening.

A consensus of the Commission was that staff review building permits over a period of time and to determine if the project would have required fencing if the Commission moves forward to require lot fencing based on square footage, if the project exceeds 50 percent, or if a hole is dug, i.e., a pool, footings or a basement.

4. ADDITIONAL BUSINESS

a. NEXT MEETING

City Clerk Aldridge stated that the next meeting is scheduled for January 29, 2024.

5. ADJOURNMENT

Chair Bailey asked for a motion to adjourn.

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

The motion carried unanimously.

Hearing no further business, the meeting adjourned at 6:44 P.M.

Abbie Aldridge, City Clerk

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