

**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, January 29, 2024. The meeting was called to order at 6:00 P.M.

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

Absent: Chair Wendy Bailey, Commissioners Shae Pelkowski and Ben Zwick.

Presiding: Chair Pro Tem Rorric Pfalzgraf.

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

Visitors: Irene King, 5407 Mohawk Lane; Amy Rodgers, 6101 Delmar Street; Jared Buffington, 40North Design, 18475 Lober Rd.

SELECTION OF CHAIR PRO TEM TO CHAIR MEETING

Due to the absence of Chair Bailey and Vice Chair Zwick, the Commission selected Commissioner Pfalzgraf to act as Chair Pro Tem for the meeting.

1. **APPROVAL OF MINUTES**

Chair Pro Tem Pfalzgraf asked for a motion to approve the minutes from the December 18, 2023 meeting.

MOTION: Motion was made by Commissioner Denton to approve the December 18, 2023. Commissioner Hoelscher seconded the motion.

The motion carried unanimously.

2. **OLD BUSINESS**

None.

3. **NEW BUSINESS**

- a. **SITE PLAN – 5407 MOHAWK LANE, FAIRWAY, KANSAS, AS SUBMITTED BY IRENE KING, PROPERTY OWNER, REQUEST FOR EXCEPTION TO ACCESSORY BUILDING THAT EXCEEDS 120 SQ. FT. TO MEET ALL REQUIREMENTS AND DESIGN OF THE PRINCIPAL BUILDING.**

Chair Pro Tem Pfalzgraf requested the staff report.

Director Alani reported that the applicant is removing an existing shed and installing a new accessory building (greenhouse). The owner is requesting an exception for the accessory building that exceeds 120 square feet to meet all requirements and design of the principal building. The proposed location of the accessory building meets the setback requirements.

Staff is not supportive of the requested exception. If the Planning Commission grants the requested 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.
3. Public Works recommends that the right of way tree be replaced (after construction) as opposed to being transplanted.

Chair Pro Tem Pfalzgraf asked if there were questions for staff.

Responding to Commissioner Denton's question, Director Alani stated that staff is not supportive of the request because it does not meet the Code requirements. He explained that because the building is over 120 square feet, it must meet the window and door opening requirements and must also match the character of the existing home, which it does not because it is a greenhouse. If the exception is granted, the applicant will be required to apply for a building permit and will need to meet the setback and height requirements of the accessory building.

Chair Pro Tem Pfalzgraf asked the applicant to address the Commission.

Irene King, 5407 Mohawk Lane, stated that she is a gardener and the accessory building is a greenhouse. The greenhouse is 12 feet by 12 feet and is a packaged standard size greenhouse. There is an option for a smaller sized greenhouse but that size would not allow enough room for planting tables and an island in the middle. The neighbors to the rear will not be able to see the structure. The garage of the neighbor to the south partially blocks the greenhouse and she has talked with that neighbor and they are not opposed to the greenhouse. The neighbors to the north and east are blocked by trees and bushes. The greenhouse will not be visible from the street.

Ms. King explained that the principal home is sided with Hardie cedar shake shingles, a stone chimney and white trim.

Chair Pro Tem Pfalzgraf asked for additional questions for the applicant. Hearing none, he asked for discussion from the Commission.

Commissioner Deeken stated that he does not have any concerns about granting the exception. He understands the Code requirements that accessory structures over 120 square feet have to match the existing home; however, there are no existing structures that would mimic a greenhouse.

Commissioners Hoelscher and Denton stated that they are supportive of the request.

Chair Pro Tem Pfalzgraf asked for a motion.

MOTION: Motion was made by Commissioner Deeken to approve the Site Plan – 5407 Mohawk Lane, Fairway, Kansas, as submitted by Irene King, property owner, request for exception to accessory building that exceeds 120 square feet to meet all requirements and design of the principal building. Commissioner Denton seconded the motion.

The motion carried unanimously.

b. SITE PLAN – 6101 DELMAR STREET, FAIRWAY, KANSAS, AS SUBMITTED BY AMY RODGERS, PROPERTY OWNER, REQUEST FOR EXCEPTION TO THE FENCE REQUIREMENTS ON CORNER LOT.

Chair Pro Tem Pfalzgraf requested the staff report.

Director Alani reported that the property is a standard corner lot with a new home. The applicant is requesting an exception for a new 6-foot privacy fence in front of the front building line of the adjacent dwelling unit. The fence location is proposed at the street side property line, 12 feet from the street curb.

Staff does not oppose the requested exception as there are no sight-line concerns. If the Planning Commission grants the requested 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 Pro Tem Pfalzgraf asked if there were questions for staff.

Referring to the site plan on the overhead, Director Alani showed the fence location relative to the property line.

Responding to Commissioner Hoelscher's question, Director Alani explained that the fence will be a six-foot privacy fence. He noted that the Commission has in the past approved wrought iron fencing. This fence will really not be on the corner. Staff did talk with Public Works and they determined there were not sight line issues for the corner or for the neighbor backing out of their driveway.

Chair Pro Tem Pfalzgraf asked for additional questions for staff. Hearing none, he asked the applicant to address the Commission.

Amy Rodgers, 6101 Delmar Street, stated that she is the property owner. She explained that they want to extend the privacy fence out in front of the neighbor's fence to allow for additional backyard space. She also discussed the location of the fence near the driveway and the location of the gate. While they prefer a six-foot fence, they would be open to a four- or five-foot privacy fence. They are more concerned about the panels being next to each other as they have a dog and there are lots of people and dogs that walk along the street. The neighbor's fence is four feet tall.

Mr. Rogers also indicated they do plan to talk with their neighbors before attaching the six-foot privacy fence to the neighbor's chain link fence, which has deteriorated over time. They may suggest removing the chain link fence and replacing it with a six-foot privacy fence.

Responding to Commissioner Denton's question, Director Alani explained that the Code regulations allow for up to a six-foot fence. The only thing the applicant needs an exception for is the distance for the side street setback that currently does not have fencing.

Chair Pro Tem Pfalzgraf asked for additional questions for the applicant. Hearing none, he asked for discussion from the Commission.

Commissioner Denton stated that he is in favor of granting the exception. While it might look a little awkward for the neighbor, the proposed fence location would give the applicant more backyard space. He is also in favor of allowing the six-foot privacy fence.

Commissioner Hoelscher stated that he isn't too excited about the fence coming out past the front of the neighbor's house but since it does not create any sight line issues, he is not opposed. And, if they kept the fence height the same as the neighbors, it would help the sight line of the fence up and down the street.

Commissioner Deeken stated that he would generally agree with granting the variance although he would encourage the property owners to talk to their neighbors about the situation.

Chair Pro Tem Pfalzgraf agreed with other comments and would be in favor of granting the exception.

Chair Pro Tem Pfalzgraf asked for a motion.

MOTION: Motion was made by Commissioner Denton to approve the Site Plan – 6101 Delmar Street, Fairway, Kansas, as submitted by Amy Rodgers, property owner, request for exception to the fence requirements on corner lot, subject to staff recommendations. Commissioner Hoelscher seconded the motion.

The motion carried unanimously.

- c. SITE PLAN – 5732 WINDSOR DRIVE, FAIRWAY, KANSAS, AS SUBMITTED BY JARED BUFFINGTON OF 40NORTH DESIGN ON BEHALF OF MAK AND MITCHELL

KINGAN, PROPERTY OWNER, REQUEST FOR EXCEPTION TO MINIMUM
REQUIRED GREENSPACE AND EXCEPTION TO DRIVEWAY WIDTH FORWARD OF
THE FRONT BUILDING LINE

Chair Pro Tem Pfalzgraf requested the staff report.

Director Alani reported that at the April 24, 2023 meeting, the Planning Commission denied the applicant's greenspace exception of 54.4 percent. The applicant is requesting an exception to the greenspace requirement for new addition and construction of a pool with a pool deck. The lot size is 22,007 square feet and the existing greenspace is 13,962 square feet (62.2 percent). The required greenspace is 15,005.25 square feet (68.2 percent). The proposed greenspace is 13,379.83 square feet (60.8 percent). The new watershed analysis shows that an infiltration trench is required. An exception will also be required for the driveway width forward of the front building line. The maximum width allowed in front of the front building line is 20 feet. The proposed width will be up to 34.5 feet.

Staff is not supportive of the requested exceptions. Should the Planning Commission approve the site plan and requested exceptions to greenspace and driveway width, staff recommends the following conditions:

1. One electronic set of plans must be submitted for plan review and approval.
2. Building permit must be obtained and fees paid, as required by City Code.
3. Project must comply with all City Ordinances, the 2012 International Building Code and other incorporated technical codes.
4. Application and approval are void if the building permit is not obtained within one year of the date of Planning Commission approval.

Chair Pro Tem Pfalzgraf reported that last April the Commission denied an application based on greenspace of 54 percent. The proposed revised plan has greenspace of 60.8 percent. He recalled that the Commission in April stated that it would be comfortable with allowing the greenspace if it were increased to 60 percent, and the applicant has made those revisions.

As for the driveway exception, Director Alani explained that the Code states that the driveway in front of the building line cannot exceed 20 feet in width. The applicant is creating two parking spaces in from the building line, with a width of 34.5 feet. He added that behind the building line there is no limit to driveway width.

Commissioner Denton explained that it is a little deceiving because the driveway width is not really 34.5 wide because the applicant is creating two parking spaces in the front yard.

Director Alani agreed. He explained that the maximum width of the driveway on a new home is 16 feet. That width can be enlarged past the building line to 20 feet to accommodate a two-car garage. Because of the greenspace requirements, the applicant is proposing a driveway width of 10.8 feet. In addition, the existing circular drive will be eliminated.

Chair Pro Tem Pfalzgraf asked if there were additional questions for staff. Hearing none, he asked the applicant to address the Commission.

Jared Buffington stated that he represents Mak and Mithcell Kingan, 5732 Windsor Drive.

Commissioner Denton asked if there was a reason that the two parking spaces could not be placed closer to the house.

Mr. Buffington responded that there is a retaining wall in front of the house. In addition, they need the extra area for required foundation plantings and in order to be counted into the greenspace calculations, the area needs to be at least four feet wide. The two parking spaces are being installed approximately where the old driveway was located. They did look at some other configurations, but the proposed plan is most efficient and has minimal hardscape

Mr. Buffington also explained that if the driveway was shifted, it would affect the sidewalk access to the front door and the grading on the front of the home. He discussed other changes that would be made to the retaining wall and grading that would eliminate some of the steps leading up to the front door.

Currently the site has 62.2 percent greenspace, which does not meet the Code requirements of 68.2 percent. The Code also requires a minimum of 60 percent greenspace in the front yard. The current greenspace is 57 percent and the proposed greenspace percentage will be 80 percent. Thus, the greenspace will be dramatically increased in the front yard.

Responding to Commissioner Denton's question, Mr. Buffington stated that they could move the parking spaces closer to the home while keeping the minimum four-foot area required for the greenspace. The location of the parking spaces is an aesthetic preference as the walkway to the front door is in the middle of the two parking spaces.

Mr. Buffington added that currently the driveway is closer than two feet to the adjacent property line along the south. This is one of the reasons they are decreasing the width of the driveway to allow four feet along the southeast property line.

Mr. Buffington approached the dais and showed Commissioner Denton a plan showing where the 20-foot building line is located in relation to the new parking spaces.

Zoning Counsel Krstulic asked that the applicant provide staff a copy of the plan he showed to Commissioner Denton since it was discussed at the meeting.

Chair Pro Tem Pfalzgraf asked if there were additional questions for the applicant. Hearing none, he asked for discussion from the Commission.

Commissioner Deeken stated that while he does have issues with the parking spaces in front of the home, he does like the trade off of removal of the circle driveway and the elimination of

several of the steps for accessibility. Thus, he is generally in favor of granting the exception requests.

Commissioner Hoelscher stated that he appreciates the reduction of hardscape in the front and is not opposed to granting the variance requests.

Commissioner Denton is also in favor of granting the exceptions, stating that the removal of the circle driveway and narrowing of the driveway and additional greenspace is good. He realizes the parking spaces in front of the home are in violation of the Code, but he would prefer those to the parking being forced out to the street.

Chair Pro Tem Pfalzgraf is also in favor of granting the variances given the removal of the circle driveway. While he does not especially like the parking spaces in front, the plans show that there will be some screening that will make the front of the home look good.

Chair Pro Tem Pfalzgraf asked for a motion.

MOTION: Motion was made by Commissioner Denton to approve the Site Plan – 5732 Windsor Drive, Fairway, Kansas, as submitted by Jared Buffington of 40North Design on behalf of Mak and Mitchell Kingan, property owners, request for exception to minimum required greenspace and exception to driveway width forward of the front building line, subject to staff recommendations. Commissioner Denton seconded the motion.

The motion carried unanimously.

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

Chair Pro Tem suggested that this item be continued to the next meeting when additional Commissioners are present.

Responding to Commissioner Deeken's question, Zoning Counsel Krstulic agreed to provide a draft of the Regulations to Commissioners so they could make revisions or additions prior to the February meeting.

Chair Pro Tem Pfalzgraf requested a motion to continue.

MOTION: Motion was made by Commissioner Denton to continue the discussion to consider Regulations to require temporary fencing of lots during construction projects to the February 26, 2024 meeting. Commissioner Hoelscher seconded the motion.

The motion carried unanimously.

4. ADDITIONAL BUSINESS

a. NEXT MEETING

The next meeting is scheduled for February 26, 2024.

5. ADJOURNMENT

Chair Pro Tem Pfalzgraf asked for a motion to adjourn.

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

The motion carried unanimously.

Hearing no further business, the meeting adjourned at 6:45 P.M.

Abbie Aldridge, City Clerk