

**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, March 25, 2024. The meeting was called to order at 6:00 P.M.

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

Absent: Commissioners Shae Pelkowski and Rorric Pfalzgraf.

Presiding: Chair Wendy Bailey.

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

Visitors: Steve and Christina Short, 3611 W. 61st Terrace.

1. APPROVAL OF MINUTES

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

MOTION: Motion was made by Commissioner Denton to approve the February 26, 2024 meeting minutes. Commissioner Zwick seconded the motion.

The motion carried unanimously.

2. OLD BUSINESS

None.

3. NEW BUSINESS

a. SITE PLAN – 5928 EL MONTE STREET, FAIRWAY, KANSAS, AS SUBMITTED BY BRIAN STANDLEY OF JAMES ENGLE CUSTOM HOMES, LLC, PROPERTY OWNER, REQUEST FOR A NEW SINGLE-FAMILY RESIDENCE.

Chair Bailey requested the staff report.

Director Alani reported that the applicant has submitted a request for a new single-family residence. The plans show the height of the structure is 29 feet ½ inches and the existing grade is 939.2 feet. The proposed elevation measured at the proposed threshold is 940 feet. The watershed analysis shows the proposed hardscape will reduce the rear drainage and the front street drainage will increase. There is no impact to neighboring properties and storm detention is not required. The requirements of Code Section 15-296 (Dimension Standards) have been met. The applicant does need to add two large shade trees before final occupancy.

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 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. Add two large shade trees before final occupancy.

Chair Bailey asked if there were questions for staff. Hearing none, she asked for discussion from the Commission. Hearing none, she asked for a motion.

MOTION: Motion was made by Commissioner Denton to approve the Site Plan – 5928 El Monte Street, Fairway, Kansas, as submitted by Brian Standley of James Engle Custom Homes, LLC, Property Owner, request for a new single-family residence, subject to staff recommendations. Commissioner Deeken seconded the motion.

The motion carried unanimously.

- b. SITE PLAN – 3611 W. 61ST TERRACE, FAIRWAY, KANSAS, AS SUBMITTED BY STEVE SHORT, PROPERTY OWNER, REQUEST FOR EXCEPTION TO THE MINIMUM REQUIRED GREENSPACE FOR SWIMMING POOL.

Chair Bailey requested the staff report.

Director Alani reported that the Commission granted approval for a new single-family residence on April 25, 2022 and the home received final approval on July 12, 2023 with 271.5 square feet over the required greenspace. Applicant is requesting an exception to the greenspace requirement for construction of a pool and pool deck. The existing green space is 10,422 square feet (67.1 percent) and the required greenspace is 10,150.5 square feet (65 percent). The exception request will result in greenspace of 9,418 square feet (60.6 percent). The watershed analysis states that an infiltration trench is not required.

Staff is not supportive of the requested exception to greenspace. If the Planning Commission grants the request, staff recommends the following conditions:

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

Chair Bailey asked for discussion from the Commission.

There is a discussion concerning the previous property owner adding a parking area and whether that parking area is included in the greenspace measurements. Director Alani believes that the additional parking area is included in the measurement for greenspace.

Chair Bailey asked the applicant to address the Commission.

Steve Short, 3611 W. 61st Terrace, stated that he and his wife recently moved from St. Louis to Fairway. They had a pool at their St. Louis home and wanted to have one in Fairway. Taking into account the parking area, the submitted plan has 61 percent greenspace.

Chair Bailey asked for discussion from the Commission.

Responding to Commissioner Zwick's question, Chair Bailey and Commissioner Deeken confirmed that in the past, the Commission has granted exceptions to the greenspace requirements at around 60 percent.

Commissioner Denton thinks that the Commission has set 60 percent as the base, especially for homes with smaller lots. He would be in favor of approving the exception request.

Commissioner Hoelscher agreed that the exception request is for a reasonable amount of patio space which will allow usage of the backyard.

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

MOTION: Motion was made by Commissioner Deeken to approve the Site Plan – 3611 W. 61st Terrace, Fairway, Kansas, as submitted by Steve Short, property owner, request for exception to the minimum required greenspace for a swimming pool, subject to staff recommendations. Commissioner Denton seconded the motion.

The motion carried unanimously.

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

Zoning Counsel Krstulic explained that there is a redline of the proposed Regulations in the packet. She discussed changes from the prior version.

Chair Bailey explained that she and Commissioner Denton reviewed the draft and decided to eliminate items C and D from the prior version.

Commissioner Denton stated that he would welcome comments from Commissioners on the draft and removal of items C and D. He changed his thoughts on the issue from the last meeting, explaining that he has had concerns about the house on Norwood, but in the end did not want to impose a lot of additional requirements on other property owners who are adding

a small addition to the back of their home, for example. He wondered if it were possible to add a provision so that if property owners are adding 25 percent to their home that they would be required to keep their site neat. If they do not keep their site neat, then the City could give them one warning and if the issue is not corrected, the City could then require that a fence be installed.

Responding to Commissioner Zwick's question concerning enforcement, Director Alani stated that he or Public Works would be responsible for enforcement of the temporary fencing.

Chair Bailey explained that the focus of the Regulations is for safety purposes and not aesthetics because even if the fence is installed, residents can still in from above the fence.

There is a discussion concerning whether the Regulations contain a requirement that the gate be locked or secured when there are no construction personnel onsite. Zoning Counsel Krstulic agreed to add that language.

Responding to Chair Bailey's question, Zoning Counsel Krstulic confirmed that the motion would be to set the matter for Public Hearing at the next meeting.

Chair Bailey asked for a motion to approve the Regulations with the addition of language incorporating the requirement for locking and securing of the fence and to move the matter to Public Hearing at the April 29, 2024 meeting.

MOTION: Motion was made by Commissioner Deeken to set the Regulations to require temporary fencing of lots during construction, with the addition of language incorporating the requirement for locking and securing the fence, for Public Hearing at the April 29, 2024 meeting. Commissioner Zwick seconded the motion.

The motion carried unanimously.

4. ADDITIONAL BUSINESS

a. NEXT MEETING

Assistant City Clerk Tillery stated that the next meeting is scheduled for April 29, 2024.

5. ADJOURNMENT

Chair Bailey asked for a motion to adjourn.

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

The motion carried unanimously.

Hearing no further business, the meeting adjourned at 6:30 P.M.

Abbie Aldridge, City Clerk

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