

**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, September 26, 2022. The meeting was called to order at 6:00 P.M.

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

Absent: Commissioners Shae Pelkowski, Michael Hoelscher and Ben Zwick.

Presiding: Chair Wendy Bailey.

Staff Present: City Clerk Kim Young; Zoning Counsel Anna Krstulic; Community Development Director Basil Alani.

Visitors: Derek Lindberg, 6142 El Monte Street.

1. APPROVAL OF MINUTES

Chair Bailey asked for a motion to approve the minutes from the August 29, 2022 meeting.

Commissioner Deeken noted that he did not arrive late to the meeting as noted.

City Clerk Young apologized and stated that she would make that correction.

MOTION: Motion was made by Commissioner Denton to approve the August 29, 2022 minutes, with the noted modification. Commissioner Pfalzgraf seconded the motion.

The motion carried unanimously.

2. OLD BUSINESS

None.

3. NEW BUSINESS

a. SITE PLAN FOR EXCEPTION REQUEST TO THE FENCE REQUIREMENTS – 6142 EL MONTE STREET, FAIRWAY, KANSAS, AS SUBMITTED BY DEREK AND KATIE LINDBERG, PROPERTY OWNERS.

Chair Bailey requested the staff report.

Director Alani reported that the applicant is requesting an exception for fence on a standard corner lot to encroach into the minimum required 12-foot street side setback from the property line and projects in front of the adjacent home. This is a new home that was completed in April 2020. He stated that the report in the packet discusses the background on this request.

Staff contacted the property owners to inform them that they needed to apply for a variance; however, with the recent Code revisions, the Planning Commission has authority to grant the exception to the fence encroachment.

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

1. Building permit fees and fine (fence was installed without a permit) are 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 stated that she recalled that the distance requirement for corner lots was revised during the recent Code revisions.

City Clerk Young responded that the distance requirement was not changed although it was discussed multiple times. The revisions made allowed legal non-conforming fences along Shawnee Mission Parkway to go back in their current location.

Chair Bailey asked for questions for staff.

Responding to Commissioner Denton's question, City Clerk Young explained that the property line is about 10 to 12 foot back from the curb. The Code states that on a corner lot, the fence must be placed in an additional 12 feet from the property line, which would make it potentially 24 feet from the curb. She showed the plans and explained where the privacy fence would have to be placed to meet Code.

Director Alani pointed out that the previous chain link fence was actually at an angle, running about 13.75 feet at the front and about 16 feet from the back of the property.

Responding to Commissioner Denton's question, Director Alani agreed that the applicant installed the new privacy fence in a similar location to where the old chain link fence was located; however, the chain link fence was considered legal non-conforming.

City Clerk Young explained that the Planning Commission will be approving the new fence that the applicant has already built. As background, she stated that when the new home was completed, the fence was not installed. A new resident asked to install a fence on a corner lot and was told they would need a variance from the Board of Zoning Appeals. The new resident asked how the current applicant, Mr. Lindberg, was able to build their fence at its current location. The new resident did go before the Board of Zoning Appeals and was granted a variance. Staff then reached out to Mr. Lindberg and advised that he would need to seek an exception for the location already built privacy fence.

Chair Bailey stated that she is not opposed to allowing the applicant to speak if any of the Commissioners have questions; however, she has driven by the location and thinks that the fence looks nice and that it seems very far back from the street. She is in favor of granting the exception.

Commissioner Deeken agreed, especially because he does not believe there are sight line issues with the fence in its current location.

Commissioners Denton and Pfalzgraf agreed.

Chair Bailey asked for a motion.

MOTION: Motion was made by Commissioner Denton to approve the Site Plan for exception request to the fence requirements – 6142 El Monte Street, Fairway, Kansas, as submitted by Derek and Katie Lindberg, property owners, subject to staff recommendations. Commissioner Pfalzgraf seconded the motion.

The motion carried unanimously.

4. ADDITIONAL BUSINESS

a. NEXT MEETING

City Clerk Young stated that the next meeting is scheduled for October 24, 2022.

5. ADJOURNMENT

Chair Bailey asked for a motion to adjourn.

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

The motion carried unanimously.

Hearing no further business, the meeting adjourned at 6:12 P.M.

Kim H. Young, City Clerk