

Minutes

The City Council of the City of Leawood, Kansas, met for a Special Call Meeting at City Hall, 4800 Town Center Drive, at 6:00 P.M., on Monday, October 5, 2009. Mayor Peggy Dunn presided.

Councilmembers present: Gary Bussing, Jim Rawlings, James Azeltine, Debra Filla, Julie Cain, and Lou Rasmussen

Councilmembers absent: Councilmembers Peppes and Gill

Staff present: Scott Lambers, City Administrator Joe Johnson, PW Director
Patty Bennett, City Attorney Chris Claxton, P&R Director
Richard Coleman, Comm. Dev. Dir. Deb Harper, City Clerk
Mark Klein, Assistant Planning Dir. Pam Gregory, Deputy City Clerk

Others Present: None.

Recycle Bins at area schools and churches

Mayor Dunn called the work session to order at 6:15 P.M.

Community Development Director Richard Coleman compared how several area cities handle their recycling bins and indicated most require screening. Below are some issues staff felt needed to be addressed to allow the bins at area schools and churches:

- Type of screening desired
- The location of the recycle bins on the properties
- How to administer approval
- How much area to devote and how many bins are allowed

The average size of the recycling bins is 6'x7' feet and most recycle newspaper and some plastics. The bins are located on paved surfaces and on the end of islands. Some are not being regulated as needed.

Mr. Coleman wanted to also note there are recycling center collection points throughout the metro area operated by Bridging the Gap, a non-profit organization. These bins are enclosed in a fenced area and they collect glass, newspapers, plastics, styrofoam, cardboard, etc.

Staff felt the City's recycle bins should be located on paved surfaces behind the front building line, have screening, limit their size, and follow the same regulations as trash dumpsters. They should be accessible by the public and readily identified as recycling bins; therefore, they are only requiring screening on three sides.

Councilmember Filla thought protecting the streetscapes was an important concept to keep in mind.

Mayor Dunn noted she had spoken with Overland Park Mayor Carl Gerlach and they require the bins to be located behind buildings out of view. Having them located behind the front building line may not keep them out of view. She preferred to have them screened on all four sides, but understood the need to have them readily accessible.

Mr. Coleman felt they could provide better security to the public by having them screened on only three sides. They are considering two to four bins at each location and having a recycling sign on the street for public awareness.

Councilmember Rasmussen didn't understand why the City needed to regulate the bins. Mr. Coleman thought regulations were intended for safety, welfare and aesthetics.

Mayor Dunn stated they had established regulations for commercial developers and should do the same for area schools and churches for consistency. She indicated she has had multiple complaints that some of the bins were not aesthetically pleasing.

Councilmember Rasmussen thought the regulations were set for commercial developers because of odor from the bins. He was concerned that the schools and churches could lose parking spaces because of the bins and didn't feel they needed extra lighting as indicated in the work session materials. Mayor Dunn thought they could be placed on a paved surface without taking up parking spaces.

Councilmember Azeltine asked how they would handle the areas that have existing bins if they pass an ordinance that requires regulations.

City Administrator Scott Lambers stated there would be a transition period of two to three years to allow time for them to comply. If they are currently in their budget year, it could take up to two years before they are able to budget for this.

Councilmember Rasmussen indicated the work session material stated that the area around the recycle bins should be appropriately illuminated and he thought most of this lighting was required to be 18' feet off the ground. Mayor Dunn clarified that this was only a suggestion.

Mr. Coleman thought the schools may want to build a concrete pad for the bins and could use masonry or shrubbery for screening.

Councilmember Bussing felt the recycle bins were voluntary and if they don't want to comply like area businesses have, they can remove them.

Mr. Lambers didn't think the cost would be too significant for the schools and was a source of revenue for them. He preferred that these be approved administratively and indicated staff could ensure they are appropriately screened.

Mayor Dunn was concerned of allowing three years for them to come into compliance. Mr. Lambers thought they could proceed to have them comply with the building line requirement; however, screening could be deferred.

Mayor Dunn thought this may need to be approved on a case-by-case analysis from administration for guidance.

Councilmember Rasmussen was concerned there would be too much noise if the bins were emptied too early. He reiterated his concerns of making this issue City regulated. Mayor Dunn felt it was a quality of life issue and was an amenity that serves a purpose by raising money for schools. Other cities are currently regulating this as well. Councilmember Rasmussen felt with the effort of the school administration, parents and students to encourage recycling, the City shouldn't enforce special restrictions.

Councilmember Bussing noted the City required screening of the HVAC units on school roofs and it wasn't done because of a safety or health issue, but for consistency with existing regulations.

Councilmember Cain indicated there is a new recycling option from Ripple Glass Company. They have 20'x8'x7' foot roll-off containers for glass that they can turn into fiberglass. The company hopes to eventually have two containers in Leawood.

Mr. Coleman thought the City prohibits roll-off containers because of their size.

Mayor Dunn reviewed the list of recommendations for the recycle bins and received consensus on the following:

Location:

- Change the zoning to Residential [R-1] and Agricultural [AG]
- Allow recycle bins as an accessory use to schools and churches
- Limit the location and number of bins based upon the size of the site

Placement on the site:

- Required to be placed on asphalt or concrete surfaces only
- Must be limited to the side and rear and may not be located beyond the front build line of the building
- Require a minimum of a 10' foot setback from adjacent single family residential development
- Prefer (not required) to place near existing service areas or trash enclosures

Appearance:

- Require screening on three sides with the fourth side open for public access
- Require that screening materials completely surround the recycle bins on three sides throughout the year with either a masonry enclosure to match the materials of the adjacent buildings, or evergreen landscaping

Mayor Dunn thought there could be locations where only two sides would need screening.

Mr. Lambers felt they should require screening on three sides and they could go through a Special Use Permit [SUP] process if they have a compelling argument to vary from the requirements.

City Attorney Patty Bennett thought they could do an exception with the Board of Zoning Appeals [BZA] as a more expedient option and indicated staff would return to Council with suggestions on this.

Size of recycle containers:

- The average size of recycle bins is 6'-7' feet in height and 5'-6' feet in width. Restrict them to this general size and prohibit roll-off containers

Noise:

- Limit when the bins can be moved or emptied to keep consistent with trash service between the hours of 7:00 A.M. to 5:00 P.M., prohibited on Sundays

Safety of users:

- Require that the bins be located outside of vehicular and pedestrian traffic areas

Approval process:

- Administrative approval based upon specific standards outlined within the LDO
- If an exception is requested they can appeal through the BZA or go through the SUP process

Maintenance:

- Property owner's responsibility

Mayor Dunn received consensus from Council that the evergreens should accomplish 50% of the screening at the time of planting and they would allow a two-year maximum time frame to come into compliance of the ordinance.

There being no further business, the meeting was adjourned at 7:25 P.M.

Pam Gregory, Recording Deputy City Clerk