

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 Tuesday, September 7, 2010. Mayor Peggy Dunn presided.

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

Councilmembers absent: None

Staff present: Patty Bennett, City Attorney
Franki Shearer, Assistant City Attorney
Richard Coleman, Community Development Director
Mark Klein, Assistant Planning Director
Joe Johnson, Public Works Director
Deb Harper, City Clerk
Pam Gregory, Assistant City Clerk

Others Present: Meg Gilmore, Leawood Estates Home Owners Association
Susan Grogan, Leawood Resident

**Discuss revisions to Leawood Development Ordinance
[LDO] pertaining to height and massing**

Mayor Dunn called the meeting to order at 6:05 P.M. Introductions were made by those present.

Opening Remarks – Community Development Director Richard Coleman

Mr. Coleman stated they had previously discussed the height portion of the ordinance and were asked to return to the Planning Commission to discuss massing. Staff met with the Planning Commission, homes associations, home builders, and also internally several times to develop this residential massing concept. They surveyed other municipalities for comparison and found some to be extremely restrictive. The amendment proposes the following three components:

1. Base Building Area

This component would establish the square footage, which is based upon the size of the lot. There is a 100' foot frontage requirement for any lot located on a public street. The R-1 Zoning District is required to have 15,000 square feet.

2. Building Placement

This component is to ensure that no home is built behind an adjacent home; however, still allow for some flexibility with regard to the front yard setback.

3. Variable Rear Yard Building Setback

This component would increase the rear yard setback as the depth of the lot increases and will only increase for lots that have a depth greater than 150' feet.

Councilmember Osman joined the meeting at 6:10 P.M.

Presentation – Assistant Planning Director Mark Klein

Currently, the front yard setback in both the R-1 and RP-1 Zoning Districts is 35' feet with a rear yard setback of 30' feet. The side yard setback is 15' feet in R-1 and 12' feet in RP-1. This massing proposal is intended to establish a more restrictive envelope to help contain larger homes that are out of character with the neighborhood. There is currently no limitation to how large a home can be as long as there is 30% open space and all of the setbacks have been met. Staff modified the Floor Area Ratio [F.A.R.] concept, which is the total square footage of the home divided by the total square footage of the lot, to use the minimum required lot size within each of the zoning districts as a base (15,000 square feet in R-1 and 12,000 square feet in RP-1) and allow bonus square footage if, for instance, the lot is wider. The required minimum lot width for both districts is 100' feet. The minimum lot depth in R-1 is 150' feet and the minimum in RP-1 is 120' feet. They considered the F.A.R. across the City and decided to use the overall average of 0.23, excluding basements. They wanted to use this average in order to encompass the entire City. The Leawood Development Ordinance [LDO] currently requires a minimum of two enclosed parking spaces per dwelling unit with an average size of 450 square feet. Many homes have three or four car garages, which would count against the overall square footage of the home; however, their formula allows for some flexibility and would not be too restrictive. The building placement is designed to ensure that homes cannot be placed beyond the average midpoint of the two adjacent homes. The variable rear yard setback is designed to increase for deeper lots.

Councilmember Bussing confirmed with Mr. Coleman there is an exception to the 100' frontage requirement of 45' feet for cul-de-sac lots. Councilmember Osman confirmed that if a lot is not in a cul-de-sac, but is pie shaped, they would figure the measurement from the lot width at the build-line. Mr. Klein confirmed that square footage includes any vertical component that supports a roof structure. Outside patios are not considered square footage.

Mr. Klein displayed photos of homes that had been torn down and reconstructed showing examples of the differences in overall lot size, depth, width, and building placement. He clarified that the F.A.R. includes all square footage from the ground level up, and does not include basements.

Councilmember Rasmussen asked if they had given any consideration for grading. Mr. Klein replied this was included in the Height Ordinance, which does not allow more than a 1' foot difference from the natural grade. There are exceptions to this, if approved by the City Engineer.

In order to create a regulation to fit Leawood's variation of small, deep, and wide lots, they had to combine the three massing components to the Height Ordinance.

Councilmember Bussing asked what the process was for someone to tear down an existing home for reconstruction. Mr. Klein replied they would bring in the building plan to be reviewed against the current ordinance for setback compliance. Currently, there is no regulation for the overall square footage and this would need to be calculated for compliance. In terms of height, there is a maximum of 15' at the vertical wall adjacent to the side yard. A height bonus is given if the side yard setback is greater than this, not to exceed 30' feet. Mr. Coleman noted they meet annually with builders and architects to distribute regulation information. When they met with the Planning Commission on the height regulations, they recommended removing the 50% height limitation on the second floor.

Councilmember Filla complimented the staff for wanting to maintain streetscapes by not allowing homes to be placed too far forward or back on a lot.

Mr. Klein confirmed a property owner could seek an exception from these requirements from the Board of Zoning Appeals [BZA]. Assistant City Attorney Franki Shearer stated they would need to write an exception into a section of the Code and also include an exception of similar criteria in the Height Ordinance.

Mayor Dunn complimented the staff for all of their work on this and for taking the lot size into consideration. She was pleased with the reinvestments citizens have placed in their homes all over Leawood.

Councilmember Osman confirmed with Mr. Coleman that if an existing home did not meet current regulations and the homeowner wanted to tear it down for reconstruction, they would need to come into compliance.

Mr. Coleman stated if they have consensus from the Governing Body to proceed, they would draft an ordinance and present it to the Planning Commission for recommendation, hold a public hearing, and then present it to the Governing Body for approval toward the end of the year.

Councilmember Rasmussen asked if they should put a moratorium into effect on tear downs during this process. Mayor Dunn didn't feel this was necessary since there had only been three violations in five years.

Mayor Dunn confirmed the Council's goal was to have the ordinance in effect by January 1, 2011.

There being no further business, the meeting was adjourned at 7:20 P.M.

Pam Gregory, Recording Deputy City Clerk