

**City of Leawood
Planning Commission Work Session
Impervious Surface in Front Yards
May 12, 2015**

In attendance:

Commissioners: Mike Levitan, Ken Roberson, Kelly Jackson, Marc Elkins, Kip Strauss, William Ramsey and Wayne Walden.

Staff Members: Mark Klein, Richard Coleman, Ursula Brandt, Michelle Kriks, David Ley and Patty Bennett

Mr. Coleman: There have been complaints to City Council and to staff about the excessive concrete placed in front yards serving as a turnaround pad in the front yard, for example. We would like to come up with something fair and reasonable.

Mr. Klein: We would like to talk about parking in single-family residential. We are also talking about the front yard, which is the area extending across the front of the lot between the side lot lines, spanning the horizontal distance between the street line and the main building or projection thereof. We require 30% open space. The LDO does not address the issue. (*Shows example*) An example illustrates a circle driveway that was filled in order to allow for additional parking. A paved area of 20'X20' should accommodate 2 cars. The maximum permitted amount would be 400 square feet. Anything larger would require an administrative approval. Additionally, if the application were denied administratively based on criteria, the case could come before the Planning Commission and Governing Body. One concern could be a smaller lot.

Mr. Coleman: We have such a diversity of single-family lots, from lots that are only 60 feet wide in the north to estate lots in the south. We would need to establish different criteria for lots over an acre to address this. Yards that are being filled in with concrete are starting to become an issue.

Chairman Elkins: Would there be value to a limitation that calls for the smaller of 400 square feet or a percentage of the front yard in order to address the smaller lots?

Mr. Coleman: It would probably give more defined parameters, but there could still be some exceptions, such as being 2% over the amount on a large lot and it meets all the impervious surface criteria that the city has. That is a case I would most likely allow.

Chairman Elkins: Does the city already have an impervious surface limitation?

Mr. Coleman: We do. In residential, we require a minimum amount of open space as well. The complaints we are receiving are more in the realm of the front yard being the public face of the house and the front yard is extremely visible. There have been complaints about the large areas of concrete being placed right in the front of the yard. It makes some sense to have criteria. I know in my neighborhood, we have eccentric people. One house removed all the landscaping and filled the area with sand. Another did something similar with rock.

Chairman Elkins: Those would not be impervious surfaces, though.

Mr. Coleman: With the sand, they put a barrier underneath it. I don't know what it was. This is mostly dealing with the concrete issue. In Kansas City in the boulevard system, one rule prohibits curb cut any closer than 125 feet to another curb cut on the system. That is to keep it from being a continuous ribbon of drive approaches. Even if the lot is 100 feet wide, and 2 20-ft. sections are paved, the lot is essentially

almost cut in half as far as green on the frontage. We don't have that, so on State Line and many places, it might make sense to have circular drives

Comm. Strauss: Does the LDO define a driveway width?

Mr. Klein: No; there are requirements for right-of-way. Public Works says that it can't be less than 12 feet or more than 30 feet.

Comm. Strauss: So someone couldn't have a 30-ft. driveway that would take up most of the yard.

Comm. Pateidl: One issue I see is homes in Sienna or Tuscany Reserve with courtyards that are enclosed with brick and stucco that aren't necessarily visible from the street, but 400 square feet wouldn't come close to what is in front of these homes.

Mr. Klein: We looked at that, and usually the courtyards, for the most part, met the front yard setback. In certain cases, there were some deviations granted to the front yard setback.

Comm. Pateidl: We would need to be careful if the interpretation is part of the structure that it doesn't limit the ability of people to use that kind of design.

Mr. Coleman: If it has a setback and we looked at a percentage of the area, it would work.

Comm. Jackson: (*Referring to an example*) How would that be classified?

Mr. Klein: The front of the house or any extensions on the front of the house to the front property line would be the front yard and would be included in this discussion.

Comm. Jackson: (*Referring to another example*) Would the circular part be included in the 400 square feet?

Mr. Coleman: I would guess that the house had a circular turnaround and put a driveway approach on the other side, causing them to pave the circular piece in the middle so they could drive right in.

Comm. Pateidl: It would be considered legal, nonconforming. The issue then becomes monitoring and enforcement.

Mr. Coleman: That is an issue. We have lots of rules that not everybody follows, but not everybody knows about them, either. Enforcement would be an issue that we would have to try to figure out. Essentially, what would occur most often would be when someone comes in for a building permit, a right-of-way permit for a drive approach or a tear-down/rebuild or new build.

Chairman Elkins: Does a person have to get a building permit to fill in the green space?

Mr. Coleman: Right now, if an area larger than 400 square feet is disturbed, a land disturbance permit is required.

Chairman Elkins: It could be enforced then.

Comm. Levitan: The first slide that popped up was on Lee Boulevard. Did they come in for a permit?

Mr. Coleman: No, they didn't. This is one of the ones we've gotten a complaint about.

Comm. Levitan: They just poured that last year.

Comm. Strauss: Is that at 103rd?

Mr. Coleman: It is the 9600 block.

Chairman Elkins: We talked about the front yard being across the lot between the side lot lines. We have a number of lots in the city where the front is curved in a convex fashion. If we use the term "horizontal" what does it mean in the context of these unusual lots? The picture you draw is a square lot, but there are a lot of lots that are curved.

Mr. Coleman: We have some unusually shaped lots, and we have formulas for calculating rear yard setbacks with an angle. We would probably do something similar in those cases to calculate the front yard.

Chairman Elkins: Would that need to be written into the ordinance?

Mr. Coleman: We would probably need to look at that. The building line is a platted line, and we would base the calculation on the property line and the required setback. If it's in the front, it is 35 feet; on the side, it is 30 feet.

Mr. Klein: The definition we are using is taken from the front setback in the LDO.

Comm. Strauss: Does the LDO allow sport courts in the front yard?

Mr. Klein: No.

Comm. Strauss: I could see some grey area with people calling it a sport court.

Mr. Coleman: That's a good point. Now, side entry garages are popular so the garage doors aren't facing the street; whereas, 20 years ago, front entry garages were popular. Those were used extensively as basketball courts. They could be turned into that.

Mr. Klein: We would probably address it as impervious surface to ensure that someone wouldn't put in impervious concrete.

Mr. Coleman: Pervious concrete drains; snow melts.

Chairman Elkins: I didn't know there was such a thing as pervious concrete.

Comm. Jackson: It is out at I-Lan Park.

Comm. Levitan: Has it improved so that it doesn't clog?

Mr. Ley: The issue we're having is the surface is peeling off. We did it probably 10 years ago. Since then, they've improved it.

Mr. Coleman: The West Campus at KU has pervious parking. The drive aisle isn't, but all the parking spaces are. In the winter, the snow melts and drains down.

Mr. Klein: Are there any other comments?

Mr. Coleman: We'll try to put something together and get it in front of you.

Comm. Pateidl: Could we go to another subject?

Mr. Coleman: Sure.

Comm. Pateidl: This is the time of year when the boys are getting their heads together on the Capital Improvement Plans and trying to pull all that stuff together for a presentation later on. From my perspective, I've always felt like we have little or no input as far as the planning of the CIP program is concerned. We have one meeting, talk about it and it largely becomes a rubber stamp. If we're ahead of the game, even if we don't have input as far as actual planning, would it make sense to have a work session where that group comes in and tells us their goals, objectives and motivations as far as projects are concerned so we have a little bit of appreciation for the process and what the program is designed for? I would ask the other commissioners if they would want to have a session of that nature.

Mr. Coleman: Most of the CIP is driven by Public Works projects, whether it is stormwater, curbs and walks or street improvements. Following that would be park improvements. Those make up the bulk of it. I'm sure Joe would be willing to come and give us an overview of how Public Works goes about planning the projects and how they fit in. I know some of them have shifted over the last year because of financing issues and the way that the curb replacement program is getting financed. He could talk to us about that. I know that they're trying to work on incorporating some of the bicycle and pedestrian improvements into their planning so that there are bicycle lanes on 143rd Street and trying to tie that all together. There might be some specific things that the commission wants to discuss where the priorities for capital improvements might be.

Comm. Elkins: Who knows where the subject matter would go? I guess the question is if we can have the opportunity first and if we do want the opportunity to explore some of that as far as the Planning Commission is concerned. One of the things that came out of the annual meeting of the American Planning Association is the idea of using other people's money. We have a street program, but we don't have the money in the street program to do that. Maybe we can take some money out of the parks program to incorporate into street marking, or if we're doing curb replacement, we integrate some pavement markings with those types of programs. We're not discussing or evaluating any of those kinds of thoughts in the process of what we're doing today.

Mr. Coleman: We can certainly discuss it, and maybe part of it would be having other people come and talk to us about that. I know that, for example, the parks money is primarily dedicated to parks use. Some funds are non-discretionary.

Comm. Strauss: But you can reprioritize with the funds you have. You might be able to do some of the things you're talking about.

Mr. Coleman: Maybe it would be beneficial to have Joe talk to us about how Public Works has prioritized these projects. It's done over five years, but they're looking out ahead of that time, too.

Mr. Ley: It would be better as a joint meeting with City Council because we get direction from Public Works Committee, Stormwater Committee and Governing Body. We're all trying to work together to prioritize. If you want input, that would be best.

Comm. Pateidl: Or the alternative is to just get the Planning Commission out of the loop because we're not doing anything.

Comm. Ramsey: It is state statute.

Comm. Pateidl: Then we should be involved.

Mr. Coleman: I'll talk to Joe. It might be that somebody gets appointed from the Planning Commission to attend the Stormwater Committee meetings and some of the other meetings where the decisions are made to include planning input. I think it's worth talking about. It will be a matter of how involved the commission wants to get because you probably could get a lot more involved.

Comm. Strauss: I think a work session is probably good for all of us.

Chairman Elkins: Another part of that is when we passed a program for bicycle friendly streets, one of the things we added into the motion was a requirement that the parks group come back and report to us on an annual basis about the progress we've made. By my calculation, we've blown at least one of those annual reports and may have blown two of them. We can't blame them too much for that because we haven't asserted ourselves and requested it. A lot of that work on bicycle friendly streets is capital oriented. David makes a lot of sense, but it would make sense to combine that progress report on bicycle friendly streets with our evaluation of the capital program priorities as well. One way or the other, I'm anxious for us to have the first tri-annual report of the progress on bicycle friendly streets.

Comm. Pateidl: It was Complete Streets.

Mr. Coleman: They just finished Self Propelled last year, and there were some things in there that they can do, and there are some things in that plan that probably can't be done.

Chairman Elkins: Maybe we ought to modify the plan if there are things that can't be done. That is why the report is worthwhile.

Comm. Pateidl: Are you talking about Complete Streets or the bicycle plan?

Chairman Elkins: I'm talking about the bicycle plan.

MEETING ADJOURNED