

City of Leawood
Planning Commission Work Session
June 14, 2016

Screening of Mechanical Equipment Associated with Pools in Residential Districts

Mr. Coleman This issue originally came to us as a complaint from a neighbor concerning the screening of pool equipment. Through that process, in the code enforcement, we discovered that this resident put the pool equipment close to the neighbor's back yard. Most are conscientious about this situation, and so there have not been requirements regarding screening; therefore, we are bringing the issue to you. We also had a referral from City Council to discuss the issue.

Comm. Ramsey: Is there any requirement for setback from the property line for this equipment?

Mr. Coleman: The discharge would need to be 15 feet away. This is approximately 15 feet from the property line.

Chairman Elkins: Is the complaint related to a visual aesthetic?

Mr. Coleman: It was related to two issues. The first was the visual because there is a lot of white PVC pipe. The second was the noise. We checked the noise level, and it was slightly below the ordinance level.

Mr. Klein: *(Shows various examples on the screen)*

Chairman Elkins: What are our options?

Mr. Klein: We would like to bring a screening recommendation based on what we gleaned from ordinances from other cities. Overland Park specifically addresses the situation, and it states that mechanical equipment from new, in-ground pools shall be screened from view unless the equipment is located greater than 25 feet from any rear or side property line. Additionally, any mechanical equipment visible from the street shall be screened. Also, an approved solid privacy fence at the property line shall be deemed as providing required screening. Finally, screening shall be any combination of landscaping, solid fence or other enclosure. This screening shall be approved by the Director of Planning and Development services or his/her designee prior to the permit being issued for the pool. It also has a clause with regard to appeals. Denial of a building permit by the Planning and Development Services Department based on the interpretation of the standards listed may be appealed to the Board of Zoning Appeals. We would like to propose something similar that is tailored to meet Leawood's requirements. You may recall that emergency generators serving single family houses have screening and placement requirements. Placement is in the back yard, and screening must be within a certain number of feet of the

emergency generator. Most importantly, we would want screening from the adjacent property owners and the street right-of-way.

Chairman Elkins: Do you know the rationale for the exception in the first point?

Mr. Klein: I think it is similar to what we have for our recycle bins. If they are set back more than a certain number of feet, they don't require screening. Probably in this case, they were trying to provide a way in which the homeowner did not have to screen the equipment if it was located far enough back. I'm not sure if we'll include something like that. We probably would want to make sure that it's screened.

Chairman Elkins: We do not have the exception for the emergency generator.

Mr. Klein: That is correct. I looked at other cities, but most didn't specifically address mechanical equipment related to a pool; whereas, Overland Park specifically addressed it. We also have utility boxes that are required to be screened with landscaping that is a minimum of 6 inches taller than whatever equipment is proposed to be screened. We would want to ensure that the screening will be sufficient at the time of planning. A fence or other architectural treatment that matched the main residence would suffice.

Comm. Pateidl: Would the requirements for the emergency generator fulfill the need for screening the pool equipment as they are written?

Mr. Klein: I think we can actually use a lot of those standards. I was looking at it, and I started to try to put together ideas. I borrowed a lot of the language from the requirements regarding emergency generators.

Comm. Pateidl: Could modifying that particular ordinance to include mechanical equipment for pools be a resolution to this entire problem?

Mr. Klein: The only thing I'm not really sure about is pools are allowed to go within 10 feet of the side and rear property line. The emergency generators are required to be within five feet of the main structure. They also have to be between the two ends of the house as the lines are drawn back toward the rear property line. A pool might actually be off-centered.

Comm. Pateidl: I have a question with respect to the noise. You indicated that it was just below the required decibel level. What part of the ordinance are we applying? Is it the portion that is tied to commercial property?

Mr. Coleman: The current ordinance is broad. It basically limits the noise level to 60 db at the property line.

Comm. Pateidl: My point is if someone lives next to a commercial property and we have criteria as it relates to, for example, the KCOI generator, it is one thing, but to apply that basis to a residential pool in a residential neighborhood really makes me wonder if we're being fair to our neighbors.

Mr. Coleman: Which neighbor?

Comm. Pateidl: If I'm putting in a pool and am being relegated to the same level as an emergency generator, my poor neighbor next door within 15-20 feet should expect better than that. When he bought into the residential neighborhood, he didn't anticipate equipment of that magnitude.

Mr. Coleman: The level is fairly quiet. We're working on revising the Sound Ordinance, and we will talk to you about it. It will be more robust and take into account not only the decibel levels but also the uses you're talking about, the time of day and also frequency level. The sound level of 60 db is average. Cars going up and down the street are probably around 60 or more decibels.

Comm. Ramsey: Do you have any idea what an air conditioning compressor puts out?

Mr. Coleman: It depends on the unit, but it is possible for them to be higher than 60 db.

Comm. Strauss: The first website I pulled up says that 60 db is conversation in a restaurant, office, background noise, air conditioning unit at 100 feet.

Mr. Coleman: It is a fairly low level of noise. That is at the property line, so the farther away from the property line, the more the decibel level drops. In this case, it was still below the threshold at the property line. I think it is fairly balanced in this situation, but we are looking at an ordinance revision that will take into account other factors.

Comm. Pateidl: That's good.

Comm. Strauss: I like the idea of screening no matter the distance. When I think of 25 feet, I think simple screening is appropriate and reasonable.

Mr. Klein: Many single family houses have nice landscaping, and it could be done easily.

Comm. Ramsey: Sounds good.

Chairman Elkins: I'm not sure screening on three sides, per the example you showed us, is adequate.

Mr. Klein: You're absolutely right. The emergency generators are largely screened by the house, but in this instance, screening on all sides would be appropriate.

Comm. Strauss: Should there be something about the location of the equipment? Could the person put it in the back of the yard and still meet the 10-ft. setback?

Mr. Klein: It would still have to meet the requirement of 60 db. These are not pretty, and they have tanks and cabinets associated with them. Wherever it went, we would want to make sure it wasn't placed up next to the yard. You're right that a setback is necessary.

Comm. Ramsey: Why couldn't we use the same criteria that we've used on the generators?

Mr. Klein: The generator has to be within 5 feet of the house. I don't know enough about the equipment to know how close it needs to be located to the pool itself. If it could be a certain distance away, it could be moved close to the house. If it has to be close to the pool and it could be located away from the house, I'm not sure it's possible that the equipment could meet the requirement.

Comm. Ramsey: Going along with what Comm. Strauss is alluding to, the guidelines read that the equipment associated with the pool needs to be by your house and not by the neighbor's house. I'm sure there will be exceptions when people have a patio or some hard surface that would make it difficult to do, but I would think the default would be that the equipment is closer to the pool owner's house than to the neighbor's house.

Mr. Klein: Maybe there is a way to do that with such variation in the depth of lots. Somebody with a lot that is 300-400 feet lawn could still be at a considerable distance from the property line.

Comm. Ramsey: In one photo, it showed it under construction with limestone block. All that will do is reflect that noise out onto the neighbors.

Mr. Klein: Again, they still have to meet the requirement of 60 db at the property line. I definitely understand your point. We used to discuss that issue with sports courts.

Comm. Strauss: When the homeowner gets a permit for the pool, some guidance could be given on where to locate the equipment since it's basically a site plan.

Comm. Ramsey: It's not an actual site plan, but they have to provide a drawing, don't they?

Mr. Klein: Actually, it's a site plan that is turned in to the Building Department. They have to show it because they have to make sure it meets the setback for the pool itself. Again, if there is another regulation with regard to the equipment being set back farther to ensure it doesn't go right next to the neighbor, it would be checked as well.

Comm. Pateidl: With new housing picking up, what do you have in mind for a time frame of addressing and resolving this issue?

Mr. Klein: I think we would probably like to bring this to you maybe in July. We have the June 28th meeting, and the one after that is July 26th.

Comm. Pateidl: I would encourage it to be as quickly as possible. On the Overland Park ordinance, it opened the door for the appeal. Do you want to have that door opened?

Mr. Klein: I think legally, we have to provide some sort of appeal process for interpretation of an ordinance. I would imagine it would have something similar.

Comm. Pateidl: That said, I suggest that you pick the brain of some pool companies as to the flexibility as it relates to the placement of this equipment. If whatever you incorporate in the ordinance is in conflict with the typical design of the pool, it will flood your department.

Mr. Klein: That's a great idea. We want it to be feasible.

Comm. Walden: In regard to pools, is there an ordinance regarding the fencing for safety purposes?

Mr. Klein: There is. Currently, the ordinance says that a fence has to be a minimum of 4 feet, and it can go up to 6 feet if associated with a pool. That is a change that will come to you as well. I believe the county has changed the requirement of fencing around pools, and the new minimum height will be 5 feet.

Comm. Strauss: Along with that, if the Homeowners Association bylaws state that the fence should be no higher than 4 feet, how does that play out?

Mr. Klein: Currently, whatever is more restrictive applies. This might be a little bit different in the fact that we're talking about safety, so I would think that the higher regulation would be enforced to ensure safety of those nearby.

Comm. Ramsey: Sounds good.

Mr. Klein: That's all we have for tonight.