

**City of Leawood
Planning Commission Meeting
April 10, 2018
Meeting - 6:00 p.m.
Leawood City Hall Council Chambers
4800 Town Center Drive
Leawood, KS 66211
913.339.6700 x 160**

CALL TO ORDER/ROLL CALL: Hoyt, Levitan, Pateidl, Elkins, Strauss, Coleman, Block, and Stevens. Absent: Belzer

APPROVAL OF THE AGENDA

A motion to approve the agenda was made by Strauss; seconded by Hoyt. Motion carried with a unanimous vote of 7-0. For: Hoyt, Levitan, Pateidl, Strauss, Coleman, Block, and Stevens.

NEW BUSINESS:

CASE 37-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1.2, LOCATION AND HEIGHT OF ACCESSORY USES, BUILDINGS, AND STRUCTURES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to accessory uses. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 37-18 – Leawood Development Ordinance Amendment to Section 16-4-1.2, Location and Height of Accessory Uses, Buildings, and Structures. This LDO amendment is also related to the following case as well. It deals with containers used to hold books that are shared by members of the community. Currently, that type of structure isn't really addressed within the LDO. These two amendments try to address those types of structures. This one has to do with location. This section of the ordinance grants exemptions to meeting the setbacks. In this case, it is the front yard setback. Typically, accessory uses have to meet all required setbacks unless they are specifically mentioned in this section. This lays out standards associated with these types of structures. They can't be more than 6 cubic feet. They must be located on private property. One container is allowed per residential lot. The structures must be maintained in a neat and orderly fashion. They must be made out of materials that are found in the community. Furniture cannot be associated with them within 10' of the structure. Staff is recommending approval of this application. I'd be happy to answer any questions.

Comm. Coleman: I noticed four years ago was when they had the Little Free Library issue with the young 9-year-old child who put one in and the code inspector cited him. At the time, there was supposed to be an ordinance created. Is there any drive now, four years later, that has caused us to take this up?

Mr. Coleman: We took it under advisement, put a moratorium on it for a year, and then there has been a study conducted with the homes associations of the city to get feedback. That was part of the time frame.

Comm. Hoyt: I don't know if this is a question for this first case or the second case, but given that there are Little Free Libraries scattered throughout Leawood, are there issues of ones that would not be compliant with this once this gets passed?

Mr. Klein: I don't believe so. These ordinances are allowed in residential districts. I'm not aware of any that are more than one on a lot.

Mr. Coleman: Some will probably be nonconforming because they're actually placed within the right-of-way currently.

Comm. Strauss: Mark, have you gotten calls from the public on these, either positive or negative?

Mr. Klein: There were a lot of questions at the beginning.

Mr. Coleman: The reason it started out was the one in question started putting furniture on the lawn, and a neighbor called to complain about it. It wasn't the codes enforcement officer that took it upon himself. Once we have a complaint on an issue, we have to investigate. At the time, we tried to work with them, but it didn't work out that way.

Comm. Strauss: Is there any concern that is not the right distance because 10' is not very far?

Mr. Coleman: They would be moveable. If someone had chairs on the lawn in the evening, it would not be a violation. The thought behind it was that there wasn't anything permanently. People tend to put those things there permanently for a purpose. Allowing placement at a short distance away was the thought on that.

Chairman Elkins: The idea is that we are fine with libraries but not reading groups.

Mr. Coleman: I think that we don't want another permanent fixture such as a couch, table, or chair. That is why we are proposing the 10' distance. As I said, if someone took a chair off the porch and put it by the walk, it would not be something we want to ticket.

Chairman Elkins: When you just described that, you talked about a permanent placement of furniture. Subsection E of Section 7 isn't limited to permanent placement. The lawn chair within 10' would be an offense, would it not?

Mr. Coleman: I don't believe so because it's not affixed and not a structure.

Chairman Elkins: It doesn't say anything about an affixed structure. It just talks about furniture.

Mr. Coleman: We're just saying there's a zone around it that's 10' that we wouldn't have furniture. Right now, if you didn't have a library and you had a chair out on your lawn, we're not going to ticket you for a chair on the lawn.

Chairman Elkins: I understand that; it is just not what the ordinance says.

Mr. Coleman: It just says that you can't have furniture within 10'.

Chairman Elkins: Regardless of whether that furniture is permanent or not. If I have a lawn chair within 10' of the container, it is subject to a ticket.

Mr. Coleman: Yes.

Chairman Elkins: The first time I asked that question, you said "No."

Mr. Coleman: Then I misspoke.

Chairman Elkins: It really doesn't have anything to do with whether the furniture is permanent or not; it is any furniture.

Mr. Coleman: Yes, but the intent is to not have people leaving their furniture out by the structure and associated with it. If it is 10' away, it is not associated.

Chairman Elkins: I'm not quite sure that's what it says, but I'll go with you on that one. Any other questions? If not, because this is an amendment to the LDO, we are required to have a Public Hearing.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Hoyt, Levitan, Pateidl, Strauss, Coleman, Block, and Stevens.

Chairman Elkins: That takes us to a discussion of the ordinance, in anticipation of a motion. Are there any other comments?

A motion to recommend approval of CASE 37-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1.2, LOCATION AND HEIGHT OF ACCESSORY USES, BUILDINGS, AND STRUCTURES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to accessory uses – was made by Hoyt; seconded by Stevens. Motion carried with a unanimous vote of 7-0. For: Hoyt, Levitan, Pateidl, Strauss, Coleman, Block, and Stevens.

CASE 38-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1.3, PERMITTED ACCESSORY USES, BUILDINGS, AND STRUCTURES – Request for approval of an amendment to the Leawood Development Ordinance, pertaining to accessory uses. **PUBLIC HEARING**

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 38-18 – Leawood Development Ordinance Amendment to Section 16-4-1.3, Permitted Accessory Uses, Buildings, and Structures. This is related to the previous case. That case had to do with placement with exception to the setback; this amendment allows the use in specific districts. The ordinance itself says that it is allowed in residential districts. The section that is placed within addresses RPA-5, RP-1, and R-1. The ordinance also allows uses in those districts within the RP-2, RP-3, and RP-4 districts as well, provided they are part of an approved plan. Staff is recommending approval of this application, and I'd be happy to answer any questions.

Chairman Elkins: Questions on this amendment? Seeing none, because this is a proposed amendment to the LDO, a Public Hearing is required.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Strauss; seconded by Coleman. Motion carried with a unanimous vote of 7-0. For: Hoyt, Levitan, Pateidl, Strauss, Coleman, Block, and Stevens.

Chairman Elkins: That takes us to discussion, leading to a motion. In light of the prior recommendation for approval, are there any other comments with respect to Case 38-18?

Comm. Strauss: I have a clarification question. We're saying these structures are not allowed in other non-residential areas?

Mr. Klein: Correct.

Comm. Strauss: Is there a reason behind that?

Mr. Klein: The reasoning is they're more of a residential use that people come to. Commercial areas are allowed to have libraries and formal businesses that have book sharing; whereas, they are not allowed in residential areas. This would allow that.

Chairman Elkins: Any additional comments? Is there a motion?

A motion to recommend approval of CASE 38-18 – LEAWOOD DEVELOPMENT ORDINANCE AMENDMENT TO SECTION 16-4-1.3, PERMITTED ACCESSORY USES, BUILDINGS, AND STRUCTURES – Request for approval of

an amendment to the Leawood Development Ordinance, pertaining to accessory uses – was made by Hoyt; seconded by Strauss. Motion carried with a unanimous vote of 7-0. For: Hoyt, Levitan, Pateidl, Strauss, Coleman, Block, and Stevens.

MEETING ADJOURNED