

**City of Leawood
Planning Commission Meeting
June 26, 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: Belzer, Levitan, Pateidl, Elkins, Strauss, Coleman, and Stevens. Absent: Hoyt and Block

APPROVAL OF THE AGENDA

Chairman Elkins: Does staff have any changes to the agenda?

Mr. Klein: No.

A motion to approve the agenda was made by Stevens; seconded by Coleman. Motion carried with a unanimous vote of 6-0. For: Belzer, Levitan, Pateidl, Strauss, Coleman, and Stevens.

APPROVAL OF MINUTES: Approval of the minutes from the May 22, 2018 Planning Commission meeting.

Chairman Elkins: On the very last entry for me, it reads, “Another issue of community service,” and I think it should be, “Another instance of community service.” If there are no other changes, is there a motion to approve the minutes as amended?

A motion to approve the minutes from the May 22, 2018 Planning Commission meeting was made by Belzer; seconded by Levitan. Motion carried with a unanimous vote of 6-0. For: Belzer, Levitan, Pateidl, Strauss, Coleman, and Stevens.

**CONTINUED TO THE JULY 24, 2018 PLANNING COMMISSION MEETING:
CASE 71-18 – 135th STREET AND KENNETH ROAD – MIXED USE AND MEDIUM DENSITY RESIDENTIAL – Request for approval of a Rezoning from AG (Agricultural) to MXD) (Mixed Used Development) and RP-3 (Planned Cluster Attached Residential District), Special Use Permit for an Assisted Living Facility, Preliminary Plan, and Preliminary Plat, located south of 135th Street and west of Kenneth Road. **PUBLIC HEARING****

**CONSENT AGENDA:
CASE 57-18 – BROOKDALE LEAWOOD (ASSISTED LIVING FACILITY) – FENCE – Request for approval of a Revised Final Plan, located south of 127th Street and west of State Line Road.**

CASE 69-18 – TOMAHAWK CREEK CONDOMINIUMS – REMOVAL OF RETAINING WALL – Request for approval of a Revised Final Plan, located south of 115th Street and west of Tomahawk Creek Parkway.

CASE 75-18 – PINNACLE IV – OUTDOOR PATIO FURNITURE – Request for approval of a Revised Final Plan, located north of 115th Street and west of Tomahawk Creek Parkway.

A motion to approve the Consent Agenda was made by Strauss; seconded by Coleman. Motion carried with a unanimous vote of 6-0. For: Belzer, Levitan, Pateidl, Strauss, Coleman, and Stevens.

NEW BUSINESS:

CASE 66-18 – 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 permanently installed generators for residential dwellings.

PUBLIC HEARING

Staff Presentation:

Assistant Director Mark Klein made the following presentation:

Mr. Klein: This is Case 66-18 – Leawood Development Ordinance Amendment to Section 16-4-1.3, Permitted Accessory Uses, Buildings, and Structures. This addresses residential emergency generators. Currently, the City of Leawood allows the generators as an accessory use. They have to be located in the back yard, and there are certain requirements: no more than 60 db at the property line, no more than 48 cubic feet, and must be screened. The reason we have the application before you tonight is that, after talking to the building official, we realized these generators fall into two categories: residential and commercial. He indicated the ones that are 22 kw fall within the residential category, so they are normally not any larger than what the 20 kw generators are. In some respects, the decibels are no more than some of the ones that are 20 kw. When the applications come into the building department, if they are larger than 20 kw, currently, they must come through the Planning Commission and City Council for approval. We are asking to lift that number from 20 to 22. Therefore, if someone submits an application for a 22 kw generator, it could be approved administratively just like the 20 kw would be. Anything larger than that would have to go through Planning Commission and City Council just as it always has. In addition, all the other restrictions that are part of this would still stay in effect. They can be no more than 60 db at the property line. That is checked at the time the generators are installed. They must be screened, must be within a certain distance of the house, and must be in the rear yard of the house. Staff is recommending approval of this amendment, and I'd be happy to answer any questions.

Comm. Coleman: Are we concerned with the size of the generator or the kilowatts? What is the driving force?

Mr. Klein: For residential, it's kind of a combination of both. We want to make sure that somebody doesn't decide to get a huge generator. Even though it might meet the decibels, it could look unsightly. We are also concerned about the decibels. That is why we have a screening component and a size and noise limitation.

Comm. Coleman: Is it possible to have more kilowatt hours than 22 in a unit that is less than 48 cubic feet?

Mr. Klein: The building official indicated that a lot of these residential generators don't go up to the 48 cubic feet. Once they go higher than 22 db is when they move into more of a commercial generator.

Comm. Strauss: The process works great when someone comes to request a permit and the city inspects the generator. Does the city get many complaints from residents of generators that a permit was not pulled for? Does that happen very often or not really?

Mr. Klein: I haven't heard of many cases. There may be an occasion when someone has a complaint regarding the noise. In that case, we would go out and check to make sure it was installed legally and that it met those requirements. I haven't heard a lot of stories like that, though.

Comm. Strauss: Do you know roughly how many permits are pulled a year for residential generators?

Mr. Klein: I'm not really sure. It sounds like it's a decent number.

Comm. Strauss: Tens or hundreds?

Mr. Coleman: It's not hundreds, but they're becoming more and more popular. A lot of the new homes put them in.

Comm. Strauss: They're just to protect when the power goes out, right?

Mr. Klein: Correct, and they do have test cycles that they will have to run monthly. The decibel level is important for that reason as well.

Chairman Elkins: Thank you. Are there other questions for Mr. Klein? Because this is proposed amendment to the Leawood Development Ordinance, a Public Hearing is required.

Public Hearing

As no one was present to speak, a motion to close the Public Hearing was made by Coleman; seconded by Strauss. Motion carried with a unanimous vote of 6-0. For: Belzer, Levitan, Pateidl, Strauss, Coleman, and Stevens.

Chairman Elkins: That takes us to general discussion. If not, would someone like to make a motion?

CASE 66-18 – 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 permanently installed generators for residential dwellings – was made by Coleman; seconded by Levitan. Motion carried with a unanimous vote of 6-0. For: Belzer, Levitan, Pateidl, Strauss, Coleman, and Stevens.

MEETING ADJOURNED