

## Minutes of the STORMWATER MANAGEMENT COMMITTEE

Stormwater Management Committee Meeting

Friday, May 9, 2008

7:30 A.M., Main Conference Room, Leawood City Hall, Leawood, KS

<b>Committee Members</b>		
<input checked="" type="checkbox"/> Jim Rawlings, Chair Councilmember, Ward 2	<input checked="" type="checkbox"/> James Azeltine Councilmember, Ward 4	
<input type="checkbox"/> Carol Bussing	<input type="checkbox"/> Gary Bussing Councilmember, Ward 3	<input type="checkbox"/> William "Bill" Chiles
<input checked="" type="checkbox"/> Pat Dunn	<input checked="" type="checkbox"/> Debra Filla Councilmember, Ward 1	<input checked="" type="checkbox"/> Mel Henderson
<input checked="" type="checkbox"/> John Kahl	<input checked="" type="checkbox"/> Carole Lechevin	<input type="checkbox"/> Alec Weinberg

= Committee Member present

= Committee Member absent

Leawood Staff in Attendance: Scott Lambers, David Ley, Julie Stasi

Julie Stasi advised that Randy Becker was no longer on the committee and had completed his appointment. No other membership changes were made with the Mayor's May Committee appointments.

On today's list of agenda topics was:

1. Minutes of March 14, 2008 Committee Meeting.
2. Residential Water Run-Off in Remodel Construction Projects.
3. Inventory of stormwater problem areas.
4. Stream bank erosion and stream buffers.

Chair Rawlings called the meeting to order at 7:35AM. Chair Rawlings advised that there was no quorum at the last month meeting date, so the meeting became a "discussion only". We do have remaining business from the previous meeting of March 14. Committee took some time to review the past March 14 minutes along with the discussion notes taken by staff on April 11<sup>th</sup>, 2008.

- Debra Filla made a **motion to approve the minutes** from March 14, 2008. Mel Henderson seconded the motion. All were in favor. Motion passed unanimously.
- **Residential Water Run-Off in Remodel Construction Projects.**

Julie Stasi- advised the committee that Scott Lambers was here at the May discussion and provided a lot of information to us and our understanding of the "massing". Mr. Lambers had advised that the Planning Commission has this as an assignment and that what this group comes up with we can send to them as well.

In response to last months discussion, Joe Johnson provided the committee a memo dated May 9, 2008 and outlined four points the members are in agreement with.

1. If a remodel is under a certain square footage there is no requirement for any drainage study.

2. If a remodel is over the minimum square footage requirement list in 1, but less than 50% of the current square footage, the applicant shall submit a grading plan prepared by a licensed Engineer or Land Surveyor for the lot. The grading plan must include adjacent lots.
3. If a remodel exceeds 50% of the existing square footage of the house, the applicant must submit a stormwater study addressing the increase in pervious area and the potential for drainage problems or flooding of adjacent properties. The stormwater study would include solutions to contain water on the property or some other means to eliminate water problems or flooding problems on adjacent lots.
4. For all complete tear down and reconstruction the applicant must submit a stormwater study addressing the same points identified in 3.

Carol Lechevin-would like to add to these points tree protection. Also has concerns with homes association guidelines and if there is a wall built; and where it is in regards to lot size. Building footprint impacts stormwater runoff. If you increase the footprint, you increase the stormwater runoff.

Deb Filla summarized the points they discussed; which are summarized with what Joe has placed on this page. Basically they placed these into three groups. How big is the remodeling and depending on the level and requiring different things for the bigger it gets. One of the things discussed was what was going on with the Planning Commission in terms.

#### Committee discussion.

Scott Lambers-height goes hand in glove with the massing. And what we are going to have is a work session on the massing. That will be fairly straight forward. It is really what they think is an appropriate relationship. We will bring all to the council for approval. If people build up, you can have the same footprint of the house that was there before. We have a lot of ranches that take up a lot of space, so a new two story home might actually reduce the footprint, but again increase the size of the home.

Deb Filla also mentioned that the homes associations are looking at how to handle the addition of a 3<sup>rd</sup> car garage. Thinking of how they can increase the footprint; possibly either adding a living space or a 3<sup>rd</sup> car garage, but not both.

David Ley-A surveyor could do the item listed in Number 2. We would be looking to make sure builders are not putting downspouts on the side of their property directed at the other property owner. We are looking at the flow of water.

David Ley-It says here looking for the potential of drainage problems and flooding of adjacent properties. That is really what we're trying to address.

Scott Lambers-We are not looking at drives and walks here.

John Kahl-But if we're talking about pervious areas, then we have to evaluate them.

Deb Filla-Thinks we should, when people put in circle drives and outdoor kitchen, it has an impact.

Carol Lechevin-Could we simplify it and say when you bring in your plan for approval for a larger area of impervious surface; whether it's a drive, a patio, a roof footprint, etc., then it could be an "in-house" calculation that is easily done and the applicant doesn't have to hire a stormwater engineer. That way it becomes a simple formula.

John Kahl-We've got a million dollars in stormwater repair, we're doing that because of gross areas that were implemented at the time of development and constructed, not because of any one house.

Deb Filla-Doesn't that covering of impervious surface cause you to have stormwater problems?

Chair Rawlings-Is circle drives and expanding driveways on a lot, is that an issue as it relates to stormwater runoff? The water hits the concrete and runs into your yard.

David Ley-advised he does not remember ever being on a complaint where someone added a circle drive and created a flooding problem on their property. What we're trying to figure out is how to eliminate flooding problem on adjacent property. That may be a different subject with the driveways.

Pat Dunn-I think the impervious surface issue is another issue. We're talking today about new/remodel.

The committee edited the four points outlined in Staff's report.

**“RESIDENTIAL WATER RUNOFF DUE TO REMODEL RECOMMENDATION”**

1. If a remodel is under **400 square feet** ~~a certain square footage~~ there is no requirement for any drainage study.
2. If a remodel is over the minimum square footage requirement listed in #1, but less than 50% of the current square footage, the applicant **shall be required by the City** to submit a grading plan prepared by a licensed Engineer or Land Surveyor for the lot. The grading plan must include **25 feet of the** adjacent lots.
3. If a remodel exceeds 50% of the existing **impervious area** of the house, **in addition to being required to prepare a grading plan (outlined in #2 above)**, the applicant **may be required by the City to** ~~must submit~~ a stormwater study addressing the increase of ~~in pervious~~ **impervious** area and the potential for drainage problems or flooding of adjacent properties. The stormwater study would include solutions to contain water on the property or some other means to eliminate water problems or flooding problems on adjacent lots.
4. For all complete tear down and reconstruction the applicant must submit a stormwater study addressing the same points as identified in #3.

- James Azeltine motioned to approve the criteria titled: **“RESIDENTIAL WATER RUNOFF DUE TO REMODEL RECOMMENDATION”** with edits made to the City Council. John Kahl seconded the motion. All members were in favor. Motion passed.

- **In review of Section 5605.3 (Streams having a tributary area...)**

Pat Dunn-Asked about the 5605.3 information included in the packet. The information copied starts with paragraph 1, if the title says this applies to new construction that would tell us a lot.

Dave Ley-This is one page out of that whole document. Yes, we apply Section 5600 on

new developments.

Pat Dunn-It may be that what we are discussing is covered elsewhere,

John Kahl-His concern is in his professional career, in other communities across the metro area, I have seen them take this particular ordinance and apply it in a lot of ridiculous or inappropriate situations and he was hoping we could clarify this. Not saying that Leawood does this, but Dave Ley is saying how Leawood applies this. If we had something to clarify that it would be good. Because in ten years from now if and when current staff is not here and we have completely different people implementing this..

David Ley-but they may want that in ten years...It says "The limit of buffer zones shall be formally designated on a plat, deed, easement, or restrictive covenant,"...well, on an individual lot up north, none of those exist. They're all on private property.

James Azeltine-So we should explore if and how any of the portion of that APWA Guidelines should be applied to the Building Code or the Property Management Codes.

Scott Lambers-But I thought your concern was that the City was applying this to individual lots and by all practicality, that could make lots unbuildable. We could certainly clarify that this does not apply to residential lots of 2 acres or less or 5 acres or less to mitigate that issue, so that would take care of all the issues up north.

Pat Dunn-A simple way to address it would be to say it's the City's policy to apply in the following manner, subject to etc. etc.

Deb Filla-And the big gap is that it doesn't apply to existing, there's nothing said about existing.

Julie Stasi-It says in #4 "except by permission of the City/County Engineer."

David Ley-It says the buffer zone should be shown on the plats, well if it's not shown on the plat, then it doesn't exist, that covers it right there. In the individual lots up north, there are no buffer zones on plats.

Scott Lambers-It means if someone took up to 10 lots and says I'm going to tear down the homes that would require a new plat and planning process, that's where it comes into play. Your concern is that if you have your house and you want to do a remodel, if we said it did not apply, unless a re-plat is required, then that would take care of 90% of the issue. And again David is saying that that applies it in there, it has to be on a plat, it doesn't say specifically that unless the property is re-platted, this does not apply.

Jim Rawlings-What would cause a single property to be re-platted?

Scott Lambers-With a change of property owner or a combination of two lots. Doesn't happen very often but what is in there right now is a default provision, saying it has to be on the plat. And if to relay Member Kahls concerns so that there is no misinterpretation, we would say that unless a property is re-platted, these provisions don't apply.

Staff was directed to bring the entire copy of the section 5605.3 back to the committee so they can see it in its entirety.

- Regular scheduled meeting remains set at the second Friday of the month at 7:30 AM.
- The committee does have an assignment to look at a drainage concern and that will be heard at the next meeting. Next meeting scheduled for June 13, 2008.
- The Committee decided not to meet in the month of July.