



OLD BUSINESS ITEM 5C

Prepared by:
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June 21, 2007
Prepared For: Planning Commission

A. Agenda Item: Consider text amendments to Article 10 of the Zoning Regulations allowing accessory buildings to be placed within an established front yard with a Special Use Permit.

B. Exhibits:
Exhibit A - Current text from Article 10
Exhibit B - Excerpts of meeting minutes
Exhibit C - Photographs of area buildings
Exhibit D - Red-line of recommended text

C. Background:

In recent years, there have been a handful of requests to approve permits for accessory structures within established front yards. 'Established' front yards do not have the same definition as front yard setbacks; the established front yard begins at the front building wall of the home and extends to the front property line.

City Attorney Patrick Reavey raised the issue at the March 1st Council meeting (minutes attached). Council members directed that the Planning Commission consider an amendment to allow garages in front of homes. The Commission discussed such an amendment at their March 27th and April 22nd meetings and directed staff to revise the draft text and call a public hearing. The public hearing was held and closed at the May 22nd Commission meeting. After a failed motion to approve the amendment with revisions (*see Exhibit B*) the Commission moved to table the item.

D. Research:

Staff researched area communities' regulations with respect to this issue. The following communities do not have regulations specifically prohibiting accessory buildings in established front yards: Johnson County, Lenexa and Lawrence. The majority do not appear to permit such arrangements, including: Bonner Springs, Overland Park, Leawood, Mission, Shawnee, Parkville, Olathe, and Kansas City, Kansas.

Staff was able to locate and photograph three residences in Lawrence with accessory buildings in the established front yard. There is one such example in De Soto, construction date unknown (*see Exhibit C*). These photographs exhibit a high level of design.



E. Proposed Text:

A 'red-line' copy of the proposed text has been included as Exhibit D of staff's report. The text reflects discussions by the Commissioners at their April and May meetings, including a request to strike a condition stating that 'the accessory structure must not create substantial negative visual impacts to surrounding properties'. The minimum allowable acreage has been lowered from 5 to 3 acres.

It is important to note that a full site plan would be required with such a Special Use Permit application. And, as with every SUP, the Commission would be considering each of the thirteen 'matters to be considered'.

F. Conclusion:

Staff advises that the Commissioners recommend approval to the Council of text included as Exhibit D to staff's report dated June 21, 2007.

End of Report

Exhibits to Follow