

Memo

To: Mayor and City Council

From: Mark A. Klein, Planning Official

CC: Scott Lambers, City Administrator
Richard Coleman, Community Development Director
Chris Claxton, Parks and Recreation Director
Dawn Long, Finance Director

Date of Memo: October 12, 2020

Meeting Date: October 12, 2020

Re: Case 81-20, Villas de Fontana, Final Plan and Final Plat, removal of Stipulation #1, regarding automatic remand to the Planning Commission if Case 70-20, Villas de Fontana, Rezoning, Preliminary Plan and Final Plan, were denied

This memo is regarding a correction to Stipulation 1 of Case 81-20, Villa de Fontana, Final Plan and Final Plat. Currently the stipulation includes a statement that if Case 70-20, Villa de Fontana Preliminary Plan and Preliminary Plat were to be denied by the Governing Body, Case 81-20 would automatically be remanded back to the Planning Commission. This stipulation is incorrect and should be removed, with the remaining stipulations being renumbered 1 through 22, as follows.

1. This application shall meet all requirements per the Leawood Development Ordinance per the comments made in the "Staff Comments" portion of this document.
2. The project is limited to 63 lots and 12 tracts on 30.44 acres. of construction for the residential subdivision Villa de Fontana, zoned RP-2.
3. The project shall comply with the bulk regulations for SD-O and SD-CR, not allowing existing property to be in non-conformance.
4. The applicant/owner shall be responsible for the following impact fees:
 - a. Park Impact Fee prior to the recording of the Final Plat in the amount of \$400.00 per dwelling unit. This amount is subject to change by Ordinance.

- b. 135th Street Corridor Impact Fee prior to the recording of the Final Plat in the amount of \$389.40 per dwelling unit. This amount is subject to change by Ordinance.
- c. South Leawood Transportation Impact Fee, for the portion of the development that is south of 137th Street, prior to the recording of the Final Plat at a rate of \$625 x gross acres platted x miles from 135th Street. This amount is subject to change by Ordinance.
5. All new utility boxes with a height of less than 56 inches, a footprint of equal to or less than 15 square feet in area, or a pad footprint of equal to or less than 15 square feet, may be installed only with the prior approval of the Director of Community Development as being in compliance with this Ordinance. However, all new electric vehicle-charging stations shall only be permitted within the interior of a garage.
6. All new utility boxes with a height of 56 inches or greater, a footprint greater than 15 square feet in area, or a pad footprint greater than 15 square feet in area, shall be authorized only by approval of a special use permit prior to construction.
7. This development shall include a deviation of 80' at the build line for lots 10-12, 14-17, 54-56, and 61-63. The development shall meet all other required setbacks without deviations.
8. This development shall include a deviation of 25.5' front yard setback for lots 7, 8, 13, 18-30, 36, 44, 45, 51-53, and 57. The development shall meet all other required setbacks without deviations.
9. All streets within the subdivision shall be private with the exception of 137th Street, and shall comply with Section 16-8-3.2, of the Leawood Development Ordinance, including that all private streets shall be built to public standards. The developer or Homes Association shall maintain any planting or statuary within the street right of way. The developer shall execute a right-of-way maintenance agreement with the Public Works Department for any planting or statuary improvements within the public right-of-way.
10. All monument signs shall be placed within a common area designated as a separate tract of land to be maintained by the homes association.
11. All monument signs shall be located outside of all sight triangles, and shall be a minimum of 5' from all property lines and sidewalks.
12. The development shall comply with Section 16-8-3.7 of the Leawood Development Ordinance stating; Lots shall not have a depth greater than three times the width and shall have buildable width generally facing and directly relating to the street upon which such lots front.
13. Per the Leawood Development Ordinance, all landscaped areas shall be irrigated.
14. Per the Leawood Development Ordinance, all medium and large deciduous trees (including street trees), shall be 2 ½" caliper as measured 6" above the ground, all small deciduous and ornamental trees shall be a minimum of 1 ½" caliper as measured 6" above the ground, conifers and evergreen trees shall be a minimum of 6' in height, and shrubs shall be a 24" in height at the time of planting.
15. Per the Leawood Development Ordinance, at the time of planting, plant material screening the ground mounted utilities shall be a minimum of 6" taller than the utility it is to screen, with lower shrubs in the foreground to eliminate any gaps in screening.

16. The approved final landscape plan shall contain the following statements:
 - a. All trees shall be callipered and undersized trees shall be rejected.
 - b. All hedges shall be trimmed to maintain a solid hedge appearance.
 - c. All plant identification tags shall remain until issuance of a Final Certificate of Occupancy.
 - d. Any deviation to the approved final landscape plan shall require the written approval of the landscape architect and the City of Leawood, prior to installation.
 - e. All landscaped open space shall consist of a minimum of 60% living materials.
 - f. A letter, signed and sealed by a Kansas Registered Landscape Architect, shall be submitted prior to final occupancy that states that all landscaping has been installed per the approved landscape plan and all plant material used is to the highest standards of the nursery industry.
17. The Owner/Applicant must establish a funding mechanism to maintain, repair and/or replace all common areas and common area improvements including, but not limited to, streets, walls, and storm water system improvements. The mechanism will include a deed restriction running with each lot in the development that will mandate that each owner must contribute to the funding for such maintenance, repair and/or replacement and that each lot owner is jointly and severally liable for such maintenance, repair and/or replacement, and that the failure to maintain, repair or replace such common areas or common area improvements may result in the City of Leawood maintaining, repairing and replacing said common areas and/or improvements, and the cost incurred by the City of Leawood will be jointly and severally assessed against each lot, and will be the responsibility of the owner(s) of such lot.
18. All sidewalks shall be installed as per street construction standards.
19. The applicant shall obtain all approvals and permits from the Public Works Department, per the public works memo on file with the City of Leawood Planning and Development Department, prior to issuance of a building permit and recording the plat.
20. Prior to Governing Body consideration, all final detail will be provided per the Leawood Development Ordinance.
21. No construction shall be allowed between the hours of 9:00 p.m. to 7:00 a.m. and not on Sundays.
22. In addition to the stipulations listed in this report, the developer/property owner agrees to abide by all ordinances of the City of Leawood including the Leawood Development Ordinance, unless a deviation has been granted, and to execute a statement acknowledging in writing that they agree to stipulations one through twenty two.