

PLANNING COMMISSION MINUTES
CITY OF ROELAND PARK
4600 W 51st Street, Roeland Park, KS 66205
September 19, 2017, 7:00 P.M.

The Roeland Park Planning Commission met on September 19, 2017, in City Hall, 4600 West 51st Street.

Chair Nielsen declared a quorum and called the meeting to order.

Present: Paula Gleason Bill Ahrens Darren Nielsen
 Mike Hickey Kyle Rogler Mark Kohles

Staff: Jennifer Jones-Lacy, Assistant City Administrator
 John Jacobson, Building Official
 Carly Iverson, City Attorney representative

I. Roll Call

Ms. Jones-Lacy called the roll and noted that Commissioner Rogler was absent. (He did arrive after the start of the meeting.)

II. MINUTES

1. August 22, 2017 Planning Commission Meeting Minutes

Commissioner Gleason asked for a clarification in the minutes for remarks attributed to her that she believed Ms. Jones-Lacy made.

MOTION: COMMISSIONER GLEASON MOVED AND COMMISSIONER HICKEY SECONDED TO APPROVE THE AUGUST 22, 2017 PLANNING COMMISSION MEETING MINUTES AS AMENDED. (MOTION CARRIED 5-0)

III. ACTION ITEMS

There were no Action Items to discuss.

IV. DISCUSSION ITEMS

1. Discussion of In-Home Daycare Regulations and Potential Elimination of Redevelopment Committee

Ms. Jones-Lacy said if the Commissioners agree with the concepts included in the packet, then there will be a public hearing at the October 17 Planning Commission meeting.

Mr. Nielsen asked if the elimination of the Redevelopment Committee would require a public hearing.

Ms. Jones-Lacy said any changes made to Chapter 16 have to be published and require a public hearing.

Mr. Jacobson said there had been a resident request to evaluate the code on in-home daycare. He expressed concern about the limitation of three children as a maximum in a permitted home occupation daycare, which does not follow the state standard of six children to thirteen children. Mr. Jacobson has drafted updated policy language that follows a special use or a conditional permit process. Included in that are requirements for open space of 100 square feet per child, which would limit the amount of children in a daycare based on lot size. Also required would be a six-foot privacy fence around the open area. The daycares will also be limited to 25 percent of any floor being used for the permitted home occupation. These updates will allow the resident to have a secondary line of income, but it does not allow it to be converted into a commercial use.

He further stated if the resident does not meet any of the criteria or any stipulations specified during the permit process, it can be denied at that time. In the case of a revocation, it would come before the Planning Commission from a staff recommendation. The permits will be valid for five years, at which time it will need to be renewed.

Commissioner Ahrens asked if the floor space area limitations are exclusively to in-home daycare or if that also applies to other home occupations. Mr. Jacobson said they are specific to in-home daycare.

(Commissioner Rogler joined the meeting)

Mr. Jacobson added that this item was first brought to the City Council for discussion. They asked staff to draft generic policy relative to an in-home daycare use. It is a zoning ordinance and a change to the land use element, so it needs to come first before the Planning Commission.

Ms. Jones-Lacy also said that all in-home occupations are regulated under Chapter 5, Business Licensing Code, and is subject to the change by the City Council. The Planning Commission only has authority over Chapter 16. Mr. Jacobson had recommended to the City Council this go through a special use permitting process to be approved solely by the Planning Commission. The City Council indicated they do not want to be involved in the permitting process and to delegate it to the Planning Commission, who would then have the authority to approve, deny, or revoke a permit. Currently the code states babysitting no more than three children at any one time. Ms. Jones-Lacy drafted language to state a request for more children are subject to §5-605:

(b) Any proposed babysitting operation with more than three children and up to the maximum allowed by the State of Kansas must seek a Special Use Permit as outlined in Chapter 16-318-16-319.

Ms. Jones-Lacy said as they were going through this they noticed a lot of sections of the code that needed to be amended.

Mr. Nielsen asked how many daycares are currently in existence in the City. Ms. Jones-Lacy said if there are daycares with more than three children, then they do not know about them.

Mr. Jacobson said the state will permit every daycare, but the City is not notified. Therefore, being licensed by the state will be one part of the City's special use permit process.

Ms. Jones-Lacy added the public notification process will be required for permitting in home's surrounding 200 foot area. She also provided the proposed definition for the special use permit:

Sec. 16-318. – Special Use Permit

(a) Definition: are those types of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where product, process, mode of operation, or nature of business may prove detrimental to the health, safety, welfare or property values of the

immediate neighborhood and its environs. Within the various zoning districts specific uses may be permitted only after additional requirements are complied with as established within this section.

Ms. Jones-Lacy further outlined the requirements listed in the packet.

Mr. Jacobson also noted that the permit applies only to the homeowner and cannot be transferred to a new homeowner. However, if someone purchases the house and wants to operate a daycare, then they will have 120 days in which to apply for a similar use.

Ms. Jones-Lacy said there is also a section requiring landlord consent if the property is a rental.

There was brief discussion to dissolve the Redevelopment Committee due to its redundancy. The Planning Commission agreed.

Ms. Jones-Lacy will work with the City Attorney to formalize something into an ordinance for the Commission to approve in a motion to forward to the City Council. She will also clean up references to the Redevelopment Committee in the ordinance.

2. Modification from Final Development Plan for Redevelopment Area 1B – Signage

Mr. Jacobson stated Price Chopper will be opening a Starbucks in their store and would like to place a 2½' by 2½' sign on their building that has the Starbucks logo. He also recommended if the City should receive additional requests for signs on the shopping center to place a singular tenant sign at the front of the subdivision that could change as tenants change. In the short term he views this sign as inconsequential in the overall scope of the development.

MOTION: COMMISSIONER KOHLES MOVED AND COMMISSIONER AHRENS SECONDED TO APPROVE THE MODIFICATION FROM FINANCIAL DEVELOPMENT PLAN FOR REDEVELOPMENT AREA OF AREA 1B - SIGNAGE. (MOTION CARRIED 6-0)

3. Sustainable Code Audit Discussion

Ms. Jones-Lacy said this item was discussed at the last meeting and the consensus was to focus on the items within the audit from Mid-America Regional Council (MARC) that were conflicting, either directly or indirectly, with the sustainable practices within the City's code. There was also a recommendation to focus on housing choice as an option they should review or consider making changes to.

The first one was *Multiple Residence Districts* in that MARC does distinguish between different types of multi-family and Roeland Park requires buffers and relegates the apartment complexes to the perimeter of the community or to specific areas away from single-family residential and other types of development.

The second item is the *three residential districts take a basic approach to regulating residential uses*. MARC states the City has a generic nature to its residential districts and seems to be prescribing a one size fits all approach for three different types of housing, single-family, duplex, and multi-family. They state it ignores ranges of scale, design and types and could present some challenges for in-fill that do not comply.

Mr. Jacobson said in the end all of those residential classifications will come down to density per acre. Instead of creating 30 different residential categories, the City may wish to concentrate on density

and allow the development plan process to encourage some creative thinking for the in-fill parcels like mixed use development which would be suitable for a lot of areas in town.

The final item pertains to the *dimensions to single-family residential districts*. Ms. Jones-Lacy said the code states any new property has to be minimally 7,500 for a lot. MARC feels the City's single-family district is requesting space just for the sake of space and that the landscape plan is not to add aesthetic value, but to create more space, and is not, therefore, a sustainable practice.

Mr. Jacobson said he believed lowering the lot size to 6,000 and adding a couple of designations, and then relying on the densities and the development plans to allow some lateral mobility to make decisions based on the parcel and its location. He also said there is no easy way to transition new construction next to 1930s to 1950s construction.

Staff recommended to the Planning Commission to focus on the second and third point as they believed the first one would be an uphill battle.

Mr. Jacobson said he believed that they could accomplish all three by doing the last two, but the last one is a logical starting place. They also believe there will be several discussions over density based on future land use plan.

The Planning Commission was in consensus with staff's recommendation.

Ms. Jones-Lacy provided an update from the last meeting's discussion on the Building Sustainable Places grant and using the funding for a comprehensive plan. The group only funds smaller corridor type plans. She asked the Commission if they could think of some type of plan that would be a good candidate to let them know. The application process will begin again in 2018.

Mr. Jacobson added that in the City's current comprehensive plan there are several sub-planning areas and it is a great tool to have in a community like Roeland Park. It gives the City something to go to when a developer wants to begin a project, they can share the City's vision them.

V. OTHER MATTERS BEFORE THE PLANNING COMMISSION

Ms. Jones-Lacy informed the Commission that they would be getting a rezoning application for 5000 Johnson Drive. The developer is requesting a mixed use as they want to have two different retail uses on the bottom level and offices on top. They are looking to move quickly and would like a public hearing next month on the 17th of October.

Mr. Nielsen asked as he is a mayoral appointee will he continue to serve on the Planning Commission when the new mayor comes in. Ms. Jones-Lacy said he would remain, but the mayor could choose their own appointment.

VI. ADJOURNMENT

MOTION: COMMISSIONER NIELSEN MOVED AND COMMISSIONER GLEASON SECONDED TO ADJOURN. (MOTION PASSED 6-0)

(Roeland Park Planning Commission Meeting Adjourned)