

PLANNING COMMISSION MINUTES
CITY OF ROELAND PARK, KANSAS
4600 W 51st Street, Roeland Park, KS 66205
May 21, 2024, 6:00 P.M.

The Roeland Park Planning Commission met in a joint meeting with the Governing Body on May 21, 2024, at 6:05 p.m.

Commissioners Present: Lisa Brunner, Vice Chair (online)
Josey Shaw
Mark Kohles
Joe Kmetz
Haile Sims

Commissioners Absent: Darren Nielsen, Chair
Macrina Abdouch

Governing Body Present: Mayor Michael Poppa
Matt Lero
Jan Faidley
Jeff Stocks
Emily Hage (online)
Jen Hill (online)

Governing Body Absent: Tom Madigan
Benjamin Dickens
Kate Raglow

Staff Present: Jennifer Jones-Lacy - Assistant City Manager/Finance Director
Wade Holtkamp - Building Inspector
Alex Felzien - City Attorney
Chris Shires/Confluence - Consultant

I. ROLL CALL

Commissioner Brunner called the meeting to order. Ms. Jones-Lacy called the roll noting that Commissioners Nielsen and Abdouch were absent. Governing Body members absent were CMBRS Madigan, Dickens, and Raglow. In addition to Ms. Jones-Lacy, staff present were Building Inspector Wade Holtkamp, City Attorney Alex Felzien, and the City's consultant from Confluence, Chris Shires.

II. Approval of Minutes

1. Approve Minutes from February 20, 2024, Planning Commission meeting

MOTION: COMMISSIONER KOHLES MOVED AND COMMISSIONER KMETZ SECONDED TO APPROVE THE PLANNING COMMISSION MEETING MINUTES OF FEBRUARY 20, 2024, AS PRESENTED. (THE MOTION CARRIED 5-0.)

III. Public Hearing

No public hearing was held.

IV. Action Items

There were no action items discussed.

V. Discussion Items

1. Review Zoning Code Updates

Chris Shires gave a presentation on the zoning code updates to be discussed by the Planning Commission and Governing Body. Up for discussion was Article 4 - Zoning Districts, Article 6 - Accessory Uses and Structures, Article 9 - Sign Regulations, and Article 10 - Landscaping and Screening.

There were some updates to previously discussed items in Article 2 - Definitions and Article 14 - Subdivision Regulations (postage stamp lots for townhomes)

Under Article 2, Mr. Shires clarified the definitions for what is considered a bar, a liquor store, and a tobacco or vape shop.

In other articles that were reviewed, the reference to a zoning code administrator is mentioned, and staff was asked if that term is defined elsewhere. Mr. Shires said that it is technically the building official, and they will look to clean up that reference to one single term.

Ms. Jones-Lacy added that they did define the building code administrator. They looked at the total duties of the zoning administrator and they fall under the building official. Ms. Jones-Lacy said the title is building inspector in lieu of building official.

The presentation moved on to Article 14, Subdivision Regulations to address a “postage stamp” sized lot, which would typically be for a townhome development.

CMBR Faidley asked about an owner’s association and looked for clarification or a definition, and whether that is a requirement. Mr. Shires said it is an easier way to say homeowners because then it could technically be an office park or commercial and would not be limited to residential.

CMBR Hill asked how it works with the City requirements as they do not have any homeowners’ associations. Mr. Shires said that can only happen with a new development and with plat approval, which would be near impossible to ever retrofit in.

Ms. Jones-Lacy said there are no prohibitions against a homeowner's association; they just do not have any in the city.

Mr. Shires said they did want to update the zoning districts adding the Townhouse/Row Dwelling District in the R-4 and R-5 districts. He showed a chart outlining setbacks and building separation requirements that included building heights and green space requirements.

There was also a review of the Table of Permitted Uses. He noted the updates to short-term rentals for townhomes, rowhouses, apartments, and Airbnb types in R-4 and R-5 districts.

CMBR Hage asked about commercial uses for lodging noting the difference with short-term rentals uses in residential where it requires licensing, and then short-term rentals in commercial under lodging where there is permitting in all districts. Mr. Shires said the substantial difference is whether it is owner-occupied, which only requires a City permit versus licensing for a standalone Airbnb that is not owner-occupied. CMBR Hage said that all short-term rentals are to be owner-occupied.

Mayor Poppa said they should not have the licensing situation.

Ms. Jones-Lacy said they were having conversations on whether it should be owner-occupied, and that conversation was suspended until they get to that chapter of the code, which they will be reviewing later in the summer. Ultimately, anything they do should require a City license.

CMBR Hage said that on slide 15 it does not allow any group residence or group homes and asked what the rationale is for that as she would like to challenge it.

Mr. Shires said there is a provision in state law that preempts them from denying a group home when it is for a protected class as defined by state code.

Mayor Poppa asked if a sober living group home would be covered. CMBR Hage said that it technically would be. People in recovery and that have completed a course of treatment are covered by the ADA. She said they should be able to stipulate whether the home is accredited.

Ms. Jones-Lacy has had this conversation with Mr. Felzien. He said that Kansas law does not require the allowance of addiction group homes and the City can allow them if they choose, but they are required to allow for disability group homes.

CMBR Hill said they should tackle this in an upcoming Council meeting. Ms. Jones-Lacy said it is a policy decision.

Mr. Shires said they wanted to make sure that performance halls were included in the C-1 office district, and they also added the definition of cremation services of a human body is not something they do within the City limits.

Also, smoking/hookah lounge has been added as an SUP in the C-2 zoning district as a permitted use.

The remaining changes pertain to building design standards and material standards. Mr. Shires created a materials table and classified them by class. He also spoke about the use of fiber cement systems and how varied materials are applied in residential and commercial buildings.

There was also discussion of construction performance standards pertaining to trash and recycling as well as lot and yard standards.

CMBR Faidley asked how they are handling outdoor storage of garden supplies at places like Walmart. Ms. Jones-Lacy that is through a special event as it is seasonal. They apply and pay for a permit.

The discussion moved on to Article 6 - Accessory Uses and Structures. There was some clean-up on the language and updates for accessory building standards, fences, and walls. Also, the accessory dwelling units are to complement the principal structure on the lot.

CMBR Hill asked when an eight-foot-tall fence was necessary or desired. CMBR Faidley said she would like to see it as a variance. Ms. Brunner was opposed to ban. CMBR Faidley suggested they keep it at six feet and allow for a variance request. CMBR Lero said because of topography of a neighbor's house the six-foot fence did nothing. Ms. Jones-Lacy said a unique situation is one of the qualifiers when requesting a variance.

Mr. Shires wanted to add language that a six-foot tall fence is permitted with a variance for cause. He was concerned that might become the mechanism and wants to work further on that. Mr. Felzien added that variances are hard to obtain and are almost always denied. He said if the uniqueness of the lot is dependent on the neighbor, then it might make it impossible due to how variances are treated.

A question was asked about the front fence scenario noting in one instance residents have planted boxwood in their front yard that goes above the 30-inch requirement for a front yard fence. It was asked if that is regulated when the plantings become a wall and whether that needs to be defined.

Mr. Shires said currently there is nothing to prevent the planting of a hedgerow unless it obstructs the sight triangle at a street intersection. It was mentioned they are starting to see that in lieu of a fence along Roe. Mr. Shires asked if they would want to prohibit all front yards having plantings or fences greater than 30 inches. CMBR Lero asked if someone is creating a shrub or is their yard out of control.

CMBR Hill said she would agree as they usually see these situation at a hoarder house and it could be taken care of with other codes issues. She said they do not need to specifically limit the plantings.

CMBR Hage agreed that they do not want to do anything that would encourage taller plantings in the front yard and would want to stick with a simple solution.

It was suggested by some to regulate the front yard heights.

Commissioner Brunner said their discussion is regarding fences and has now moved into plantings. If someone has an out-of-control yard, the codes folks will take care of that. She said trying to regulate bushes and spacing is complicated.

There was majority to leave it alone as they do not want to create a new issue. Mr. Shires said they can make their final decision when it comes before them for final approval.

CMBR Faidley noted when using the term complement on design and match that is not always possible. There was agreement to leave off the word "match" as it may not be possible to find the same materials as the main structure but it can look nice and complement each other.

Mr. Shires moved the discussion on to Article 9 - Sign Code. He reviewed what are permitted permanent and temporary signs. Also included was a table outlining what is allowed in each zoning district. There was a temporary sign discussion at commercial sites in the C-1 and C-2 districts.

It was mentioned the strip mall has six businesses but is allowed only three signs. Mayor Poppa said he read that differently in that each business can have a temporary public street sign and one per building. There was discussion of temporary signs allowed during the daytime business hours and a lot limits. Also, the owner of the multi-business structure would determine who gets to put out the signs. Limiting them would make it easier for codes enforcement to quickly assess for compliance.

CMBR Hill asked if it changes if the rear of the business is facing Roe. Mr. Shires said it does give them an extra side for the business. Mr. Shires also said these situations have become complicated. There was discussion of signage in the Bella Roe shopping center where some of the buildings back up to Roe. Mayor Poppa said he would like to allow each business to have their own temporary sign on the frontage. Ms. Jones-Lacy said that potentially there could be four different flags grouped together at that point and is that what they want. Mayor Poppa said it could become a problem with too many along Roe, but they would they stipulate their placement and limit.

There was discussion of placement and spacing of signs. CMBR Hill said she does not want the area to look like a car lot with all the signage. Ms. Brunner did say that on the other hand they do want people to know the businesses are there and they want to draw attention to them since they have limited businesses in the city.

CMBR Faidley said they can always revisit this. She said it starts with implementation and seeing how it works out for Mr. Holtkamp and for the businesses themselves. Mr. Shires suggested if there is a concern about appearance, they could start restrictive. It is recommended to review the codes in a year after the updates and it can be changed at that time if desired. He also suggested they need to be more specific on freestanding signs. There was majority agreement that density of the signage is a concern.

Ms. Brunner said they want their businesses to thrive, and they want people to come here and live here because the businesses are thriving. They need to make it as easy as possible for those things to happen.

CMBR Hill asked if they can we make the blade signs temporary. And if there is an issue moving forward with a lot of them, then they can cut back. Mr. Shires said he would do research into what other cities are doing.

Mayor Poppa stated that the DEI Committee has reviewed these sign proposals and suggested they asked the City for a little more leniency in the sign code. Mr. Shires said that under the non-commercial free speech, they went to three signs per lot of record.

Mr. Shires went through the slides on Panel signs and sign illumination in residential areas as that was a concern. There are not to be any illuminated signs in a residential yard but there are exceptions for things such as churches and schools.

Regarding string lights, it was allowed for November and December. The DEI Committee recommended that be removed and there was agreement to remove that clause.

There was discussion of landscaping/screening and specifically on seeding of lawns, especially with a remodel or establishing a new lawn. Mr. Shires it is understood that work being done on a property is not to cause erosion and that being aggressive to establish a lawn is expected. He said he would go over this topic and bring it back for review.

He said that upcoming there is one more set to be reviewed by the body and a public hearing needs to be held before confirmation. Mr. Shires will draft the ordinance for review, a public hearing will be held followed by acceptance from the Planning Commission and then forwarded on to the Governing Body for final approval.

CMBR Faidley asked if they are looking at altering the zones on the zoning map. Mr. Shires said they are not at this time but that will change in the future.

VI. Other Matters Before the Planning Commission

There were no other matters presented to be discussed.

VII. Adjournment

CMBR Hill called for adjournment of the meeting, and everyone agreed.

(Roeland Park Joint Governing Body and Planning Commission Meeting Adjourned)