

AGENDA
CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING
ROELAND PARK
Roeland Park City Hall - 4600 W 51st St
November 21, 2016 7:00 PM

Pledge of Allegiance
Roll Call
Modification of Agenda

I. Citizens Comments

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. Comments about items that appear on the agenda will be taken as each item is considered. Citizens are requested to keep their comments under 5 minutes. Please turn all cellular telephones and other noise-making devices off or to "silent mode" before the meeting begins.

II. Consent Agenda

Consent agenda items have been studied by the Governing Body and will be acted on in a single motion. If a Council member requests a separate discussion on an item, it can be removed from the consent agenda and placed on new business for further consideration.

- A. Appropriation Ordinance # 898
- B. Cereal Malt Beverage License Renewals
- C. Ordinance 944 Updating the Zoning Code to Regulate the Placement of Cellular Facilities
- D. 2017 Roeland Park Sports Dome Lease agreement with Johnson County Parks and Rec
- E. ROW Purchase Agreement with KDOT- NE Corner of Johnson Drive and Roe

III. Business From the Floor

A. Applications / Presentations

- 1. Citizens Fundraising Initiative for R Park Wine Tasting Fundraiser at the Community Center
- 2. Sustainability Update – Michael Kelly

IV. Mayor's Report

- A. Proclamation World Pancreatic Cancer Day (Michael Poppa and Sheri McNeil)
- B. Announcements

V. Workshop and Committee Reports

- A. Workshop, Ad Hoc and Rebranding Committee Update

VI. Reports of City Liaisons

VII. Unfinished Business

- A. Approval of Elevation of Commerce Bank Building

VIII. New Business

- A. Approve the Dedication of Public Land for the Izabel Heights Plat on Fontana
- B. Committee Appointment and Reappointments (est. time 5 min.)
- C. Johnson County Parks and Rec Agreement for Operating the Community Center

IX. Ordinances and Resolutions:

- A. Ordinance 943 Consider Raising the Age to Buy Cigarettes and Tobacco Products
- B. Ordinance No. 941 - Amendment Related to City Code on Signs
- C. Ordinance 945 Update to the 2012 Comprehensive Plan (est. time 15 min.)

X. Reports of City Officials:

Welcome to this meeting of the City Council of Roeland Park. Below are the Procedural Rules of Council

The City Council encourages citizen participation in local governance processes. To that end, and in compliance with the Kansas Open meetings Act (KSA 45-215), you are invited to participate in this meeting. The following rules have been established to facilitate the transaction of business during the meeting. Please take a moment to review these rules before the meeting begins.

- A. **Audience Decorum.** Members of the audience shall not engage in disorderly or boisterous conduct, including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language; clapping; cheering; whistling; stomping; or any other acts that disrupt, impede, or otherwise render the orderly conduct of the City Council meeting unfeasible. Any member(s) of the audience engaging in such conduct shall, at the discretion of the Mayor (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or removal from that meeting. Please turn all cellular telephones and other noise-making devices off or to "silent mode" before the meeting begins.
- B. **Public Comment Request to Speak Form.** The request form's purpose is to have a record for the City Clerk. Members of the public may address the City Council during Public Comments and/or before consideration of

any agenda item; however, no person shall address the Council without first being recognized by the Mayor (Chair). Any person wishing to speak, whether during Public Comments or on an agenda item, shall first complete a Public Comment or Request to Speak form and submit this form to the City Clerk before the Mayor (Chair) calls for Public Comments or calls the particular agenda item

1. **Public Comment on Non-Agenda Items.** The Agenda shall provide for public comment about matters that are within the jurisdiction of the City but are not specifically listed on the Agenda. A member of the public who wishes to speak under Public Comments must fill out a Public Comment Request to Speak form and submit it to the City Clerk before the Mayor (Chair) calls for Public Comments.

2. **Public Comment on Agenda Items.** Public comment will be accepted on Agenda items. A member of the public, who wishes to speak on an Agenda item, including items on the Consent Agenda, must fill out a Request to Speak form and submit it to the City Clerk before the Mayor (Chair) calls the Agenda item.

C. **Purpose.** The purpose of addressing the City Council is to communicate formally with the Council regarding matters that relate to Council business or citizen concerns within the subject matter jurisdiction of the City Council. Persons addressing the City Council on an agenda item shall confine their remarks to the matter under consideration by the Council.

D. **Speaker Decorum.** Each person addressing the City Council, shall do so in an orderly, respectful, dignified manner and shall not engage in conduct or language that disturbs, or otherwise impedes the orderly conduct of the Council meeting. Any person, who so disrupts the meeting shall, at the discretion of the Mayor (Chair) or a majority of the Council Members present, be subject to removal from that meeting.

E. **Time Limit.** In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the City Council, each speaker shall limit comments to five minutes. If a large number of people wish to speak, this time may be shortened by the Mayor (Chair) so that the number of persons wishing to speak may be accommodated within the time available.

F. **Speak Only Once.** Second opportunities for the public to speak on the same issue will not be permitted unless mandated by state or local law. No speaker will be allowed to yield part or all of his/her time to another, and no speaker will be credited with time requested but not used by another.

- G. **Addressing the Council.** Comment and testimony are to be directed to the Mayor (Chair). Dialogue between and inquiries from citizens at the lectern and individual Council Members, members of staff, or the seated audience is not permitted. Council Members seeking to clarify testimony or gain additional information should direct their questions through the Mayor (Chair). Always speak from the microphone to ensure that all remarks are accurately and properly recorded. Only one speaker should be at the microphone at a time. Speakers are requested to state their full name, address and group affiliation, if any, before delivering any remarks.
- H. Agendas and minutes can be accessed at www.roelandpark.org or by contacting the City Clerk

The City Council welcomes your participation and appreciates your cooperation. If you would like additional information about the City Council or its proceedings, please contact the City Clerk at (913) 722.2600.

Item Number: Consent Agenda- II.-A.
Committee 11/21/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **Appropriation Ordinance # 898**
Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description

Appropriation Ordinance # 898

Type

Cover Memo

The City of Roeland Park, Kansas

4600 West Fifty-First Street

Roeland Park, Kansas 66205

City Hall (913) 722-2600 – Fax (913) 722-3713

Monday, November 21, 2016

Appropriation Ordinance - 11/21/2016 - #898

An Ordinance making Appropriation for the payment of certain claims. Be it ordained by the Governing Body of the City of Roeland Park, Kansas:

Section 1: That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of the respective funds in the City Treasury the sum required for each claim.

Section 2: This Ordinance shall take effect and be in force from and after its passage. Passed and approved this 21st day of November, 2016.

Attest:

City Clerk

Mayor

Total Appropriation Ordinance	\$	271,251.17
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There are sufficient funds in the General Fund to cover general fund expenditures.

Appropriation Ordinance - 11/21/2016 - #898

Vendor	Dept	Acct #	Description	Invoice Description	Check/EFT	Amount	Chk #	Check
					Date			Amount
A-1 Sewer & Septic Service	106	5214.106	Other Contracted Services	Invoice: 186949 /	11/3/2016	355.00	66176	355.00
Advance Auto Parts	102	5260.102	Vehicle Maintenance	Invoice: 5128628438946 / unit 25	10/20/2016	95.13	66133	95.13
Advance Auto Parts	102	5260.102	Vehicle Maintenance	Invoice: 5128630930622 /	11/9/2016	49.56	66208	57.25
Advance Auto Parts	102	5260.102	Vehicle Maintenance	Invoice: 5128631329177 / unit 25	11/9/2016	7.69	66208	
Airgas USA, LLC	106	5306.106	Materials	Invoice: 9939692039 /	11/3/2016	85.84	66177	85.84
Airgas USA, LLC	106	5306.106	Materials	Invoice: 9940422268 /	11/16/2016	88.08	66229	88.08
American Fidelity Assurance Co.	101	2052.101	Supplemental Insurance Payable	Invoice: 1410119A /	11/3/2016	258.33	66178	258.33
American Fidelity Assurance	101	2052.101	Supplemental Insurance Payable	Invoice: B528390 /	10/26/2016	30.58	66153	30.58
American Public Works Association	106	5405.106	Dues, Subscriptions & Books	Invoice: 2017 RENEWAL /	11/3/2016	680.00	66179	680.00
ASI	106	5207.106	Medical Expense & Drug Testing	Invoice: 20 /	11/9/2016	108.20	66209	108.20
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 132445 /	11/16/2016	599.12	66230	994.07
Asphalt Sales Company, Inc	270	5438.270	In-house Street Maintenance	Invoice: 132432 /	11/16/2016	394.95	66230	
Automatic Door Systems	101	5210.101	Maintenance & Repair Building	Invoice: 105518 /	11/16/2016	138.75	66231	138.75
Barnhart Security & Alarm, Inc.	106	5210.106	Maintenance And Repair Building	Invoice: 6967 /	11/3/2016	75.00	66180	525.00
Barnhart Security & Alarm, Inc.	106	5210.106	Maintenance And Repair Building	Invoice: 6758 /	11/3/2016	450.00	66180	
Batteries Plus Bulbs	102	5301.102	Office Supplies	Invoice: 258377470 /	10/26/2016	20.52	66154	20.52
Black & McDonald	101	5120.101	Street Light Repair & Maintenance	Invoice: 76725417 /	11/3/2016	1,737.40	66181	1,737.40
Black & McDonald	101	5120.101	Street Light Repair & Maintenance	Invoice: 76735198 /	11/16/2016	1,737.40	66232	1,737.40
Blue Sky Cleaners	102	5224.102	Laundry Service	Invoice: 10/31/16 /	11/9/2016	213.55	66210	213.55
Kelley Bohon	105	5206.105	Travel Expense & Training	Invoice: 11/15-11/18/16 TRAVE /	11/9/2016	40.00	66211	40.00
Bollcom, Inc.	101	5211.101	Maintenance & Repair Equipment	Invoice: 8382 /	11/3/2016	106.00	66182	106.00
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	Invoice: 1026878 /	10/20/2016	35.00	66134	105.00
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	Invoice: 1026896 / 2012 ford fusion	10/20/2016	35.00	66134	
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	Invoice: 1026890 / 2017 ford escape	10/20/2016	35.00	66134	
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	Invoice: 1027237 /	11/3/2016	17.50	66183	17.50
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	Invoice: 1027362 /	11/9/2016	17.50	66212	379.31
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	Invoice: 1027402 /	11/9/2016	361.81	66212	
The Bullet Hole	102	5206.102	Travel Expense & Training	Invoice: 361193 /	11/16/2016	20.00	66233	20.00
Columbia Capital Management, LLC	101	5209.101	Professional Services	Invoice: 16430008 /	10/26/2016	4,176.04	66155	4,176.04
Occupational Health Centers of the	102	5207.102	Medical Expense & Drug Testing	Invoice: 1009709258 /	10/20/2016	64.00	66135	64.00
Occupational Health Centers of the	102	5207.102	Medical Expense & Drug Testing	Invoice: 1009740816 /	11/3/2016	127.00	66184	127.00
Consolidated Communications	101	5202.101	Telephone	Invoice: 10/9/16 /	10/26/2016	551.48	66156	551.48
Lindsey Corey	101	4260.101	Rental Licenses	Invoice: 11/16 RENTAL /	11/16/2016	75.00	66234	75.00
Crafco, Inc.	106	5305.106	Traffic Control Signs	Invoice: 25501371 /	11/3/2016	312.75	66185	312.75
Crafco, Inc.	106	5305.106	Traffic Control Signs	Invoice: 25501413 /	11/9/2016	365.98	66213	365.98
Crafco, Inc.	106	5305.106	Traffic Control Signs	Invoice: 25501500 /	11/16/2016	237.00	66235	490.50
Crafco, Inc.	106	5305.106	Traffic Control Signs	Invoice: 25501536 /	11/16/2016	253.50	66235	
Creative Services of New England	102	5452.102	Community Policing	Invoice: D1615105 /	10/26/2016	205.95	66157	205.95
Custom Tree Care, Inc.	104	5214.104	Other Contracted Services	Invoice: 15553 /	10/26/2016	209.00	66158	209.00

CZ- USA	109	5816.109	Spec. Law Enforcement Expenses	Invoice: IN0315800 /	11/9/2016	300.00	66214	300.00
Eric Day	101	4245.101	Cereal Malt Beverage License	Invoice: 10/25/16 COURT OVERP /	10/26/2016	23.00	66159	23.00
Ed Roehr Safety Products	102	5308.102	Clothing & Uniforms	Invoice: 454418 / Gardner	10/20/2016	714.83	66136	714.83
Ed Roehr Safety Products	102	5308.102	Clothing & Uniforms	Invoice: 455893 / Ruth Peter	11/9/2016	182.65	66215	1,617.93
Ed Roehr Safety Products	102	5308.102	Clothing & Uniforms	Invoice: 454419 / Ruth Peter	11/9/2016	717.54	66215	
Ed Roehr Safety Products	102	5308.102	Clothing & Uniforms	Invoice: 454420 /	11/9/2016	717.74	66215	
E. Edwards, Inc.	106	5308.106	Clothing & Uniforms	Invoice: 10031612052 / Daniel/Ron swe	11/3/2016	289.14	66186	289.14
EJ Equipment, Inc.	106	5211.106	Maintenace & Repair Equipment	Invoice: P03544 / 206 trackless attach	11/3/2016	6,763.63	66187	8,263.63
EJ Equipment, Inc.	115	5211.115	Maintenace & Repair Equipment	Invoice: P03544 / 206 trackless attach	11/3/2016	1,500.00	66187	
EJ Equipment, Inc.	106	5211.106	Maintenace & Repair Equipment	Invoice: P03664 / leaf #206 attachment	11/16/2016	269.93	66236	269.93
Electronic Contracting Company	101	5210.101	Maintenace & Repair Building	Invoice: KC025078 /	10/26/2016	639.75	66160	639.75
Family Support Payment Center	101	2055.101	Employee Garnishment Payable	Invoice: 10/20/16 HARPER /	10/20/2016	328.62	66137	328.62
Family Support Payment Center	101	2055.101	Employee Garnishment Payable	Invoice: 11/3/16 HARPER /	11/3/2016	328.62	66188	328.62
Family Support Payment Center	101	2055.101	Employee Garnishment Payable	Invoice: 11/17/16 HARPER /	11/16/2016	328.62	66237	328.62
Fastenal Company	106	5211.106	Maintenace & Repair Equipment	Invoice: MOKC452027 / leaf attachment	11/3/2016	57.05	66189	57.05
Fastenal Company	106	5211.106	Maintenace & Repair Equipment	Invoice: MOKC452100 / leav #206 attach	11/16/2016	38.67	66238	38.67
Scott Ferrel	101	5817.101	RP Community Foundation Grant Expi	Invoice: 10/8/16 QT/PR CHOPPE /	10/20/2016	59.82	66138	59.82
Fred Pryor Seminars	104	5206.104	Travel Expense & Training	Invoice: 158378 /	11/16/2016	99.00	66239	792.00
Fred Pryor Seminars	105	5206.105	Travel Expense & Training	Invoice: 158378 /	11/16/2016	198.00	66239	
Fred Pryor Seminars	106	5206.106	Travel Expense & Training	Invoice: 158378 /	11/16/2016	495.00	66239	
Galls, LLC	102	5308.102	Clothing & Uniforms	Invoice: 6178803 /	10/20/2016	11.97	66139	25.95
Galls, LLC	102	5308.102	Clothing & Uniforms	Invoice: 6161787 /	10/20/2016	13.98	66139	
Galls, LLC	102	5308.102	Clothing & Uniforms	Invoice: 6282069 /	11/9/2016	281.55	66216	314.84
Galls, LLC	102	5308.102	Clothing & Uniforms	Invoice: 6323115 /	11/9/2016	19.99	66216	
Galls, LLC	102	5308.102	Clothing & Uniforms	Invoice: 6344120 /	11/9/2016	13.30	66216	
Grabill Plumbing, Inc.	101	5210.101	Maintenace & Repair Building	Invoice: 20075 /	10/20/2016	697.08	66140	697.08
David J. Grummon, P.A.	103	5209.103	Professional Services	Invoice: 11/1/16 /	11/9/2016	166.00	66217	166.00
Johnson County Wastewater	101	5198.101	Sewer	Invoice: 10/6/16 MULTIPLE /	10/20/2016	209.15	66141	585.87
Johnson County Wastewater	106	5198.106	Sewer	Invoice: 10/6/16 MULTIPLE /	10/20/2016	376.72	66141	
Johnson County Government	101	5218.101	IT Services & Communication	Invoice: 103299 /	10/20/2016	4,291.43	66142	4,291.43
Johnson County Park & Recreation C	360	5760.360	Building Expense	Invoice: 10262016 /	11/9/2016	20,583.90	66218	20,583.90
Johnson County Sheriff's Office	103	5227.103	Prisoner Care	Invoice: JCS3992 /	10/20/2016	1,645.00	66143	1,645.00
J.P. Cooke Company	105	5214.105	Other Contracted Services	Invoice: 424062 /	11/16/2016	112.53	66240	112.53
Ka-Comm., Inc.	102	5211.102	Maintenace & Repair Equipment	Invoice: 142449 /	10/20/2016	243.55	66144	487.10
Ka-Comm., Inc.	102	5211.102	Maintenace & Repair Equipment	Invoice: 142450 /	10/20/2016	243.55	66144	
Kansas City Board of Public Utilities	101	5121.101	Franchise Exps/Traffic Signals	Invoice: 2834 10/25/16 /	11/3/2016	29.41	66190	29.41
KCP & L	101	5201.101	Electric	Invoice: 10/25/16 MULTIPLE /	11/3/2016	1,978.22	66191	2,515.52
KCP & L	106	5201.106	Electric	Invoice: 10/25/16 MULTIPLE /	11/3/2016	537.30	66191	
KCP & L	106	5201.106	Electric	Invoice: 1275 11/2/16 /	11/9/2016	3,632.91	66219	3,632.91
Michael Kelly	101	5410.101	Committee Funds	Invoice: 9/23-10/7/16 EXP /	10/20/2016	675.00	66145	675.00
Teresa Kelly	101	5219.101	Meeting Expense	Invoice: 9/21-9/22/16 EXP /	10/20/2016	10.86	66146	44.65
Teresa Kelly	101	5219.101	Meeting Expense	Invoice: 9/21-9/22/16 EXP /	10/20/2016	33.79	66146	
Kansas Gas Service	101	5199.101	Natural Gas	Invoice: 1745/7836 10/12/16 /	10/26/2016	85.78	66162	133.02

Kansas Gas Service	106	5199.106	Natural Gas	Invoice: 1745/7836 10/12/16 /	10/26/2016	47.24	66162	
Charlie Kotcher	102	5206.102	Travel Expense & Training	Invoice: 11/8-11/10/16 TRAVEL /	10/20/2016	164.35	66147	164.35
Kansas Heavy Construction, LLC	450	5625.450	Stormwater Maintenance	Invoice: 10/17/16 130099200 /	11/3/2016	1,650.00	66192	2,900.00
Kansas Heavy Construction, LLC	450	5625.450	Stormwater Maintenance	Invoice: 8/15/16 130099200 /	11/3/2016	1,250.00	66192	
Kansas State Treasurer	103	5228.103	Fees Due State of Kansas	Invoice: 9/16 COURT REV /	11/3/2016	2,659.50	66193	2,659.50
Kansas State Treasurer	103	5228.103	Fees Due State of Kansas	Invoice: 10/16 COURT REV /	11/16/2016	2,009.00	66241	2,009.00
League of Kansas Municipalities	101	5203.101	Printing & Advertising	Invoice: 161916 /	10/20/2016	100.00	66148	100.00
League of Kansas Municipalities	101	5408.101	Miscellaneous Charges	Invoice: 163177 /	11/9/2016	617.81	66220	617.81
The Legal Record	101	5204.101	Legal Printing	Invoice: L63623 /	10/26/2016	59.77	66163	59.77
The Legal Record	101	5204.101	Legal Printing	Invoice: L63784 /	11/9/2016	14.72	66221	14.72
Lowe's Business Acct./GEMB	101	5210.101	Maintenace & Repair Building	Invoice: 1760 11/12/16 /	10/26/2016	28.44	66164	294.16
Lowe's Business Acct./GEMB	106	5304.106	Janitorial Supplies	Invoice: 1760 11/12/16 /	10/26/2016	45.94	66164	
Lowe's Business Acct./GEMB	106	5306.106	Materials	Invoice: 1760 11/12/16 /	10/26/2016	62.65	66164	
Lowe's Business Acct./GEMB	106	5306.106	Materials	Invoice: 1760 11/12/16 /	10/26/2016	37.47	66164	
Lowe's Business Acct./GEMB	106	5318.106	Tools	Invoice: 1760 11/12/16 /	10/26/2016	13.30	66164	
Lowe's Business Acct./GEMB	106	5318.106	Tools	Invoice: 1760 11/12/16 /	10/26/2016	49.80	66164	
Lowe's Business Acct./GEMB	106	5320.106	Grounds Maintenance	Invoice: 1760 11/12/16 /	10/26/2016	56.56	66164	
Mid America Peripheral Support	102	5214.102	Other Contracted Services	Invoice: 439612 /	11/16/2016	41.25	66242	207.68
Mid America Peripheral Support	102	5214.102	Other Contracted Services	Invoice: 439620 /	11/16/2016	75.96	66242	
Mid America Peripheral Support	105	5214.105	Other Contracted Services	Invoice: 439620 /	11/16/2016	49.22	66242	
Mid America Peripheral Support	105	5214.105	Other Contracted Services	Invoice: 439612 /	11/16/2016	41.25	66242	
Venessa Maxwell-Lopez	103	5209.103	Professional Services	Invoice: 10/21/16 /	10/26/2016	150.00	66165	150.00
Midwest Public Risk	107	5126.107	Health Insurance	Invoice: 802349 /	11/3/2016	22,010.17	66194	22,010.17
Moss Printing	101	5205.101	Postage & Mailing Permits	Invoice: 8276 /	10/20/2016	1,922.63	66149	1,922.63
NAPA Auto Parts	106	5211.106	Maintenace & Repair Equipment	Invoice: 403576 / oil filter for track	11/3/2016	10.04	66195	57.62
NAPA Auto Parts	106	5211.106	Maintenace & Repair Equipment	Invoice: 414162 /	11/3/2016	47.58	66195	
NAPA Auto Parts	106	5211.106	Maintenace & Repair Equipment	Invoice: 418001 / ferris mower	11/16/2016	18.72	66243	18.72
Nationwide Retirement Solutions	101	2060.101	Section 457 Employee Payable	Invoice: 10/20/16 PAYROLL /	10/20/2016	985.98	66150	985.98
Nationwide Retirement Solutions	101	2060.101	Section 457 Employee Payable	Invoice: 11/3/16 PAYROLL /	11/3/2016	985.98	66196	985.98
Nationwide Retirement Solutions	101	2060.101	Section 457 Employee Payable	Invoice: 11/17/16 PAYROLL /	11/16/2016	987.01	66244	987.01
Next To Nature Landscape, LLC	106	5214.106	Other Contracted Services	Invoice: 36720 /	11/3/2016	2,868.00	66197	2,868.00
Purchase Power	101	5205.101	Postage & Mailing Permits	Invoice: 10/20/16 /	11/3/2016	639.85	66198	639.85
Michael Poppa	101	5817.101	RP Community Foundation Grant Expi	Invoice: 10/4-10/8/16 BARKTOB /	10/26/2016	26.95	66166	26.95
Balls Food Stores	101	5408.101	Miscellaneous Charges	Invoice: 638186 /	10/26/2016	22.88	66167	53.83
Balls Food Stores	101	5408.101	Miscellaneous Charges	Invoice: 638187 /	10/26/2016	30.95	66167	
Principal Life	107	5130.107	City Paid Life Insurance	Invoice: 10/17/16 /	10/26/2016	685.80	66168	685.80
Wex Bank	104	5302.104	Motor Fuels & Lubricants	CK32192 Invoice: 47308151 /	10/21/2016	70.38	32192	976.98
Wex Bank	106	5302.106	Motor Fuels & Lubricants	CK32192 Invoice: 47308151 /	10/21/2016	906.60	32192	
Wex Bank	102	5302.102	Motor Fuels & Lubricants	CK32194 Invoice: 47393074 /	11/7/2016	1,460.45	32194	1,460.45
Rejis Commission	102	5214.102	Other Contracted Services	Invoice: INV0050943 /	11/9/2016	204.20	66222	204.20
Riteway Maintenance & Supply, LLC	101	5214.101	Other Contracted Services	Invoice: 15829 /	11/9/2016	910.00	66223	910.00
Roeland Park Community Foundatio	101	5817.101	RP Community Foundation Grant Expi	Invoice: 10/16 BEER BARKTOBER /	10/20/2016	840.00	66151	840.00
Roeland Park Community Foundatio	108	5103.108	Salaries - Elected Officials	Invoice: CKNOV /	11/1/2016	60.00	66173	60.00

George Schlegel	101	5230.101	Art Commissioner	Invoice: CHECKNOV /	11/1/2016	100.00	66174	100.00
Shafer, Kline & Warren, Inc.	270	5209.270	Professional Services	Invoice: 1300992509 /	11/3/2016	1,700.00	66199	31,827.99
Shafer, Kline & Warren, Inc.	270	5209.270	Professional Services	Invoice: 1300993403 /	11/3/2016	4,832.50	66199	
Shafer, Kline & Warren, Inc.	270	5209.270	Professional Services	Invoice: 13009901033 /	11/3/2016	4,422.99	66199	
Shafer, Kline & Warren, Inc.	300	5209.300	Professional Services	Invoice: 1300992907 /	11/3/2016	90.00	66199	
Shafer, Kline & Warren, Inc.	300	5209.300	Professional Services	Invoice: 1300992807 /	11/3/2016	1,204.60	66199	
Shafer, Kline & Warren, Inc.	300	5209.300	Professional Services	Invoice: 1300993205 /	11/3/2016	67.50	66199	
Shafer, Kline & Warren, Inc.	510	5209.510	Professional Services	Invoice: 13009922012 /	11/3/2016	18,390.00	66199	
Shafer, Kline & Warren, Inc.	270	5456.270	CARS Projects	Invoice: 13009913014 /	11/3/2016	630.00	66199	
Shafer, Kline & Warren, Inc.	450	5625.450	Stormwater Maintenance	Invoice: 13009920013 /	11/3/2016	490.00	66199	
Shafer, Kline & Warren, Inc.	270	5209.270	Professional Services	Invoice: 1300993302 /	11/16/2016	1,365.00	66245	36,897.99
Shafer, Kline & Warren, Inc.	270	5209.270	Professional Services	Invoice: 13009905016 /	11/16/2016	400.00	66245	
Shafer, Kline & Warren, Inc.	270	5209.270	Professional Services	Invoice: 1300993404 /	11/16/2016	1,140.00	66245	
Shafer, Kline & Warren, Inc.	270	5209.270	Professional Services	Invoice: 13009901034 /	11/16/2016	5,813.74	66245	
Shafer, Kline & Warren, Inc.	270	5209.270	Professional Services	Invoice: 13009925010 /	11/16/2016	1,277.50	66245	
Shafer, Kline & Warren, Inc.	270	5209.270	Professional Services	Invoice: 1300992607 /	11/16/2016	2,910.00	66245	
Shafer, Kline & Warren, Inc.	300	5209.300	Professional Services	Invoice: 1300992808 /	11/16/2016	3,599.75	66245	
Shafer, Kline & Warren, Inc.	300	5209.300	Professional Services	Invoice: 1300993206 /	11/16/2016	2,412.40	66245	
Shafer, Kline & Warren, Inc.	510	5209.510	Professional Services	Invoice: 13009922013 /	11/16/2016	17,187.10	66245	
Shafer, Kline & Warren, Inc.	450	5625.450	Stormwater Maintenance	Invoice: 13009920014 /	11/16/2016	792.50	66245	
Breanna Speck	101	4245.101	Cereal Malt Beverage License	Invoice: 93216 10/4/16 /	11/9/2016	140.00	66224	140.00
Staples Advantage	101	5301.101	Office Supplies	Invoice: 8041289625 /	10/26/2016	173.76	66169	285.08
Staples Advantage	101	5304.101	Janitorial Supplies	Invoice: 8041289625 /	10/26/2016	111.32	66169	
Staples Advantage	101	5301.101	Office Supplies	Invoice: 8041478257 /	11/3/2016	96.31	66200	247.53
Staples Advantage	101	5304.101	Janitorial Supplies	Invoice: 8041478257 /	11/3/2016	151.22	66200	
Stinson Leonard Street	510	5209.510	Professional Services	Invoice: 40028284-40028292 /	10/20/2016	2,979.61	66152	13,692.69
Stinson Leonard Street	101	5215.101	City Attorney	Invoice: 40028284-40028292 /	10/20/2016	10,713.08	66152	
Stinson Leonard Street	510	5209.510	Professional Services	Invoice: 40033471-40033482 /	11/16/2016	2,760.68	66246	18,181.69
Stinson Leonard Street	101	5215.101	City Attorney	Invoice: 40033471-40033482 /	11/16/2016	15,421.01	66246	
TerraFirm Construction, LLC	510	5244.510	General Contractor	Invoice: 160001 /	11/16/2016	2,000.00	66247	2,000.00
T & E Service Co., Inc.	106	5210.106	Maintenace And Repair Building	Invoice: 501019 /	11/3/2016	40.00	66201	40.00
US BANK	101	5206.101	Travel Expense & Training	Invoice: BOHON 10/25/16 /	11/9/2016	14.20	66225	885.07
US BANK	102	5206.102	Travel Expense & Training	Invoice: BOHON 10/25/16 /	11/9/2016	193.40	66225	
US BANK	105	5206.105	Travel Expense & Training	Invoice: MOODY 10/25/16-2 /	11/9/2016	10.00	66225	
US BANK	106	5206.106	Travel Expense & Training	Invoice: SCHARFF 10/25/16 /	11/9/2016	500.00	66225	
US BANK	106	5206.106	Travel Expense & Training	Invoice: LEON 10/25/16 /	11/9/2016	16.22	66225	
US BANK	101	5301.101	Office Supplies	Invoice: BOHON 10/25/16 /	11/9/2016	52.51	66225	
US BANK	106	5306.106	Materials	Invoice: LEON 10/25/16 /	11/9/2016	75.00	66225	
US BANK	101	5408.101	Miscellaneous Charges	Invoice: BOHON 10/25/16 /	11/9/2016	12.40	66225	
US BANK	101	5408.101	Miscellaneous Charges	Invoice: BOHON 10/25/16 /	11/9/2016	11.34	66225	
USIC Locating Services, LLC	101	5120.101	Street Light Repair & Maintenance	Invoice: 201886 /	11/3/2016	1,672.72	66202	1,672.72
Verizon Wireless	102	5202.102	Telephone	Invoice: 9774207346 /	11/3/2016	295.41	66203	295.41
Walmart Community-RFCSLLC	102	5452.102	Community Policing	Invoice: 6837 11/11/16 /	10/26/2016	41.92	66170	41.92

Water District No 1 of Johnson Cour	101	5197.101	Water	Invoice: 10/21/16 MULTIPLE /	11/3/2016	129.21	66204	895.57
Water District No 1 of Johnson Cour	106	5197.106	Water	Invoice: 10/21/16 MULTIPLE /	11/3/2016	766.36	66204	
Water District No 1 of Johnson Cour	101	5197.101	Water	Invoice: 1593 11/1/16 /	11/9/2016	129.21	66226	129.21
WCA Waste Corporation	115	5272.115	Solid Waste Contract	Invoice: 990000172374 /	11/3/2016	34,493.52	66205	34,493.52
WCA Waste Corporation	106	5320.106	Grounds Maintenance	Invoice: 990000176967 /	11/16/2016	113.19	66248	113.19
Weather or Not	106	5214.106	Other Contracted Services	Invoice: 7732 /	11/3/2016	2,094.00	66206	2,094.00
Wells Fargo Financial Leasing	102	5214.102	Other Contracted Services	Invoice: 5003485479 /	11/9/2016	202.50	66227	405.00
Wells Fargo Financial Leasing	105	5214.105	Other Contracted Services	Invoice: 5003485479 /	11/9/2016	202.50	66227	
City of Westwood	104	5214.104	Other Contracted Services	Invoice: 9/1-10/3/16 /	10/26/2016	2,981.25	66171	2,981.25
Kathleen Whitworth	101	5410.101	Committee Funds	Invoice: 10/3-10/15/16 NP RIB /	10/26/2016	71.74	66172	165.05
Kathleen Whitworth	101	5817.101	RP Community Foundation Grant Expi	Invoice: 10/8/16 BARKTOBERFES /	10/26/2016	93.31	66172	
Wholesale Batteries, Inc.	106	5260.106	Vehicle Maintenace	Invoice: 347949 / #108 GMC Senoma	11/16/2016	106.35	66249	106.35
Wichita State University	105	5206.105	Travel Expense & Training	Invoice: 67766 /	11/3/2016	330.00	66207	330.00
Forte	101	5214.101	Other Contracted Services	EFT#10/31/16 Invoice: 10/31/16 ALL AC	10/31/2016	287.99		
Forte	101	5214.101	Other Contracted Services	EFT#11/2/16 Invoice: 11/2/16 COURT /	11/2/2016	72.72		
Forte	101	5214.101	Other Contracted Services	EFT#11/2/16 Invoice: 11/2/16 ADMIN /	11/2/2016	6.95		
Forte	101	5214.101	Other Contracted Services	EFT#11/2/16 Invoice: 11/2/16 ADMIN V	11/2/2016	6.95		
Forte	101	5214.101	Other Contracted Services	EFT#11/2/16 Invoice: 11/2/16 COURT V	11/2/2016	6.95		
KPERS	101	2040.101	KPERS Accrued Employee	EFT#10/26/16 Invoice: 10/26/16 /	10/26/2016	1,716.80		
KPERS	107	5123.107	KPERS City Contribution	EFT#10/26/16 Invoice: 10/26/16 /	10/26/2016	2,626.71		
KPF	101	2045.101	KP&F Employee Withholding Payable	EFT#10/26/16 Invoice: 10/26/16 /	10/26/2016	2,000.46		
KPF	107	5131.107	KP&F City Contribution	EFT#10/26/16 Invoice: 10/26/16 /	10/26/2016	5,713.22		
Miller Management Systems, LLC	101	5214.101	Other Contracted Services	Invoice: EFTNOV /	11/1/2016	1,558.00		

\$ 271,251.17

Item Number: Consent Agenda- II.-B.
Committee 11/21/2016
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 11/17/2016
Submitted By: Kelley Bohon
Committee/Department:
Title: **Cereal Malt Beverage License Renewals**
Item Type: Other

Recommendation:

Staff recommends renewal of the cereal malt beverage sales licenses attached.

Details:

These licenses require annual renewal by Council.

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description



2017 CMB license renews

Type

Cover Memo

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee: \$75.00

No.



DEALER'S RETAIL LICENSE

From: 01/01/2017

To: 12/31/2017

To All Whom it May Concern:

License is hereby granted to Walmart to sell at retail

CEREAL MALT BEVERAGES

For sale in original and unopened containers and NOT for consumption on premises

5150 ROE Boulevard

in the City of Roeland Park in Johnson County, Kansas,

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body of such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

This License will expire on 12/31/2017, unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.

Given under our hands and the corporate seal of said City, on this date: 11/21/2016

Mayor

City Clerk

Fee: \$75.00

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

No.



DEALER'S RETAIL LICENSE

From: 01/01/2017

To: 12/31/2017

To All Whom it May Concern:

License is hereby granted to QuikTrip to sell at retail

CEREAL MALT BEVERAGES

For sale in original and unopened containers and NOT for consumption on premises

5055 ROE Boulevard

in the City of Roeland Park in Johnson County, Kansas,

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body of such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

This License will expire on 12/31/2017, unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.

Given under our hands and the corporate seal of said City, on this date: 11/21/2016

Mayor

City Clerk

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee: \$75.00

No.



DEALER'S RETAIL LICENSE

From: 01/01/2017

To: 12/31/2017

To All Whom it May Concern:

License is hereby granted to Walgreens to sell at retail

CEREAL MALT BEVERAGES

For sale in original and unopened containers and NOT for consumption on premises

4951 ROE Boulevard

in the City of Roeland Park in Johnson County, Kansas,

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body of such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

This License will expire on 12/31/2017, unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.

Given under our hands and the corporate seal of said City, on this date: 11/21/2016

Mayor

City Clerk

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee: \$75.00

No.



DEALER'S RETAIL LICENSE

From: 01/01/2017

To: 12/31/2017

To All Whom it May Concern:

License is hereby granted to Minit Mart to sell at retail

CEREAL MALT BEVERAGES

For sale in original and unopened containers and NOT for consumption on premises

4815 ROE Boulevard

in the City of Roeland Park in Johnson County, Kansas,

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body of such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

This License will expire on 12/31/2017, unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.

Given under our hands and the corporate seal of said City, on this date: 11/21/2016

Mayor

City Clerk

Fee: \$75.00

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

No.



DEALER'S RETAIL LICENSE

From: 01/01/2017

To: 12/31/2017

To All Whom it May Concern:

License is hereby granted to St. Agnes Catholic Parish to sell at retail

CEREAL MALT BEVERAGES

For sale in original and unopened containers and for consumption on premises

5250 and 5130 MISSION Road

in the City of Roeland Park in Johnson County, Kansas,

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body of such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

This License will expire on 12/31/2017, unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.

Given under our hands and the corporate seal of said City, on this date: 11/21/2016

Mayor

City Clerk

Fee: \$75.00

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

No.



DEALER'S RETAIL LICENSE

From: 01/01/2017

To: 12/31/2017

To All Whom it May Concern:

License is hereby granted to Price Chopper to sell at retail

CEREAL MALT BEVERAGES

For sale in original and unopened containers and NOT for consumption on premises

4950 ROE Boulevard

in the City of Roeland Park in Johnson County, Kansas,

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body of such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

This License will expire on 12/31/2017, unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.

Given under our hands and the corporate seal of said City, on this date: 11/21/2016

Mayor

City Clerk

Item Number: Consent Agenda- II.-C.
Committee 11/21/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date:	11/7/2016
Submitted By:	Jennifer Jones-Lacy, Asst. City Administrator/Finance Director
Committee/Department:	Admin.
Title:	Ordinance 944 Updating the Zoning Code to Regulate the Placement of Cellular Facilities
Item Type:	Ordinance

Recommendation:

Staff recommends approval of Ordinance 944 regarding the regulation of cellular towers in order to comply with recent state law changes.

Details:

Ordinance No. 944 is intended to bring the City's Zoning Regulations into compliance with K.S.A. 66-2019, which was enacted by the 2016 Kansas Legislature as part of Substitute for House Bill No. 2131 (unofficially referred to as the Kansas New Wireless Deployment Act) (the "Act"). This ordinance is the second part of a two-pronged approach to achieve compliance with the Act. The City Council passed Ordinance No. 942 in September to revise the City's right-of-way management ordinance to incorporate certain changes necessitated by the Act. The proposed revisions to the Zoning Regulations were reviewed by the Planning Commission at its October meeting and recommended for approval by the City Council.

The changes to the Zoning Regulations were patterned after changes that Overland Park made to its Unified Development Ordinance ("UDO"). The Overland Park UDO is structured similarly to the Roeland Park Zoning Regulations, so it was relatively easy to incorporate those changes. For example, in the permitted uses provisions of the zoning districts (Sections 16-406, 16-414, 16-417, 16-430 and 16-436), we made revisions to mirror the comparable districts in the Overland Park UDO. For Communications Facilities that are not permitted as a matter of right in a given zoning district, the property owner will have to request a special use permit. The most substantive changes are found in Article 11, which are found at Sections 14 through 22 of the ordinance. Those are also changes that are mandated by the Act. The Act (and federal law) imposes a "shot

clock" under which various types of applications must be acted upon by written decision within a certain time frame (see Section 16-1104.C). For those facilities which must be acted upon within 60 days, it was concluded that the approval (or disapproval) must be handled administratively because there is insufficient time to go through the public hearing process mandated by Kansas law for rezoning or special use permits. That was also the approach taken by Overland Park.

Sections 16-1102 through 16-1110 are new sections added to Towers and Antennas section of the zoning code. Below is a summary of the substantive changes:

- 16-1102 compiles all definitions associated with cellular facilities removing them from Section 16-201 where these terms are currently defined and adding additional terms for clarification.
- 16-1103 provides a policy statement to ensure that placement, construction and modification of these facilities protect the welfare and public interest of the City.
- 16-1104 gives the building official authority to administratively approve applications for cellular facilities under specific conditions and requiring a SUP with more substantial changes. It also establishes an application time frame and an allowance for a consolidated application for small cell networks and an exemption for facilities located within a structure or campus.
- 16-1105 establishes an application process and requirements.
- 16-1106 explains the City's preferred location of new cellular towers.
- 16-1107 prescribes the performance standards including height, setback, equipment storage, screening, removal, permitting and the like.
- 16-1108 explains reasons for application denial
- 16-1109 allows for temporary placement of towers in an emergency or disaster situation
- 16-110 Provides for interpretation and severability

Financial Impact

Amount of Request: N/A	
Budgeted Item?	Budgeted Amount: N/A
Line Item Code/Description: N/A	

Additional Information

How does item relate to Strategic Plan?

This ordinance contributes to the goal related to building sustainable commercial development in Roeland Park.

How does item benefit Community for all Ages?

N/A

ATTACHMENTS:

Description

Type

- ▢ Ordinance 944
- ▢ Red lined changes to Ch. 16 cell tower section

Ordinance
Backup Material

ORDINANCE NO. 944

AN ORDINANCE RELATING TO ZONING REGULATIONS; AMENDING AND REPEALING EXISTING SECTIONS 16-201, 16-318, 16-406, 16-414, 16-417, 16-430, 16-436, 16-602, 16-603, 16-604, 16-607 AND 16-1101 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS; ADDING NEW SECTIONS 16-201A, 16-1102, 16-1103, 16-1104, 16-1105, 16-1106, 16-1107, 16-1108, 16-1109 AND 16-1110 TO THE CODE OF THE CITY OF ROELAND PARK, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROELAND PARK, KANSAS:

SECTION 1. Article 11 of Chapter 16 of the Code of the City of Roeland Park, Kansas, is hereby retitled as "Communications Facilities."

SECTION 2. Existing Section 16-201 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-201. - Definitions.

For the purpose of this Chapter, certain terms or words used herein shall be interpreted or defined as follows unless the context clearly indicates otherwise:

- (a) *Accessory use or building* is a subordinate use or building or a portion of the main building, customarily incidental to and located on the same lot with the main use or building.
- (b) *Alteration* as applied to a building or structure is a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or moving from one location or position to another.
- (c) *Antenna* – see Section 16-1102.
- (d) *Basement* is a story having part but not less than one-half of its height below grade.
- (e) *Boarding house* shall mean every building or other structure which is kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests, other than a short-term rental (as defined in section 5-702 of the Code). Provided, however, where a resident homeowner leases space to no more than two roommates for terms of a year or more, it shall not be considered to be a boarding house.
- (f) *Building* is any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property. When a structure is

divided into separate parts by unpierced walls from the ground up, each part is deemed a separate building.

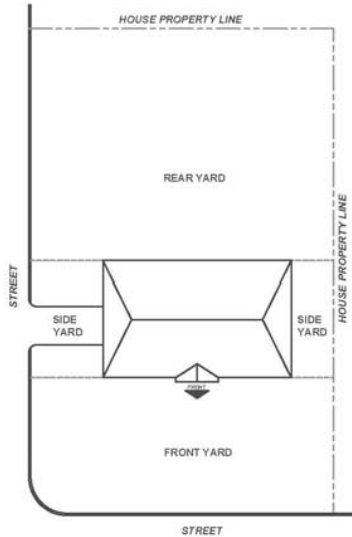
- (g) *Building height* the vertical dimensions measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling or the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.
- (h) *Communications Facility* – see Section 16-1102.
- (i) *Communication tower* - see Section 16-1102
- (j) *Concrete* pervious or impervious which is designed or used for residential dwelling purposes in the form of a driveway, patio, sidewalk, garage floor, shed floor, basement floor, step, porch or any other use designed to be permanent in nature shall be considered a structure. This excludes concrete used as an anchor for signs, posts or similar items.
- (k) *Driveways* which are designed or used for residential dwelling purposes shall be considered structures.
- (l) *Duplex* is a dwelling designed for or occupied exclusively by two families.
- (m) *Dwelling* is any building, or portion thereof, which is designed or used for residential dwelling purposes.
- (n) *Family* means one or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities; or a group of not more than five persons, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit, cost-sharing basis.
- (o) *Hotel* is a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged with or without meals and in which there are more than 12 sleeping rooms and no provisions for cooking in individual rooms.
- (p) *Lodging house* is a building where lodging only is provided for compensation to three or more, in contradistinction to hotels open to transients.
- (q) *Lot* is a parcel of land occupied or intended for occupancy by one main building together with its accessory buildings, including the open spaces required by this chapter.
- (r) *Lot, corner* is a lot abutting upon two or more streets at their intersection.

- (s) *Lot, depth of* is the mean horizontal distance between the front and rear lot lines.
- (t) *Lot of record* is a lot which is a part of a subdivision, map of which has been recorded in the office of the Register of Deeds of Johnson County, Kansas, or a lot described by metes and bounds the description of which has been recorded in the office of the Register of Deeds of Johnson County, Kansas.
- (u) *Manufactured home* means a dwelling unit that is substantially assembled in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards (24 C.F.R. 320 et seq.), promulgated by the U.S. Department of Housing and Urban Development.
- (v) *Medical, dental or health clinic* is any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings, including, but not limited to, doctors of medicine, dentistry, chiropractors, osteopaths, optometrists, podiatrists, and in which no retail sales are made.
- (w) *Multiple-family dwelling* is a dwelling or portion thereof designed for or occupied by three or more families, but which may have joint services or facilities for more than one family.
- (x) *Nonconforming use* is any building or land lawfully occupied by a use at the time of the passage of the ordinance from which this chapter is derived or amendments hereto, which use does not conform to this chapter after the passage of said ordinance or amendment hereto.
- (y) *Parking area* is any parking lot and vehicular use area.
- (z) *Person* includes a corporation, members of a partnership or other business organization, committee, board, trustee, receiver, agent or other representative.
- (aa) *Public utility* is any business, the purpose of which is to furnish to the general public either telephone service, telegraph service, cable television, electricity, natural gas, water, transportation of persons and property, sanitary sewer systems and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state.
- (bb) *Recycling collection point* is an accessory use or structure that serves as a drop-off point for pre-sorted recyclable materials. The temporary storage of these items is permitted, but no processing is allowed.
- (cc) *Shall* is mandatory.

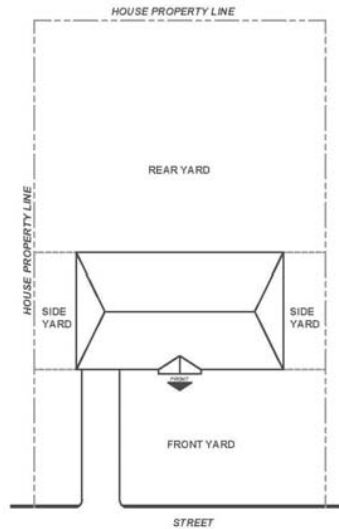
- (dd) *Single-family dwelling* is a dwelling designed for or occupied exclusively by one family.
- (ee) *Story* is that portion of a building, other than a basement, included between the surface of any floor above it or, if there be no floor above it, the space between the floor and the ceiling next above it.
- (ff) *Story, half* is a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent living quarters shall be counted as a full story.
- (gg) *Structure* is anything constructed or erected, the use of which requires permanent location on the ground or which is attached to something having a permanent location on the ground, but not including fences or single standing walls.
- (hh) *Use, occupy* or *occupied* as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed" to be used or occupied.
- (ii) *Yard* is an open space on the same lot with a building, unoccupied and unobstructed by any part of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the property line and the adjacent wall of the main building shall be used.
- (jj) *Yard, front* is a yard extending across the front of a lot between the side property lines and being the minimum horizontal distance between the front yard property line and the main building or any projection thereof other than steps, unenclosed balconies and unenclosed porches. The property line is a line common to the adjacent right-of-way (ROW), other than an alley. For corner lots, the front property line will generally be the side with the least dimension. The Building Inspector will make a determination. (See Figures 16-201.1a through 16-201.1d). Exception: when the house faces a corner, the house will have two front yards. (See Figures 16-201.1c and 16-201.1d).
- (kk) *Yard, rear* is a yard extending across the rear of a lot measured between side property lines and being the minimum horizontal distance between the rear property line(s) and the rear of the main building or any projection other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as opposite to the street upon which the lot has its least dimension. (See Figure 16-201.1a). On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front

yard. One-half the alley width may be considered a part of the adjacent rear yard. (See Figures 16-201.1a through 16-201.1d)

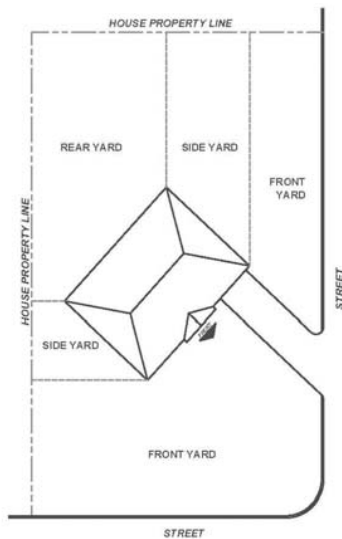
- (II) *Yard, side* is a yard between the building and the side property line of the lot extending from the front yard to the rear yard. (See Figures 16-201.1a through 16-201.1d).



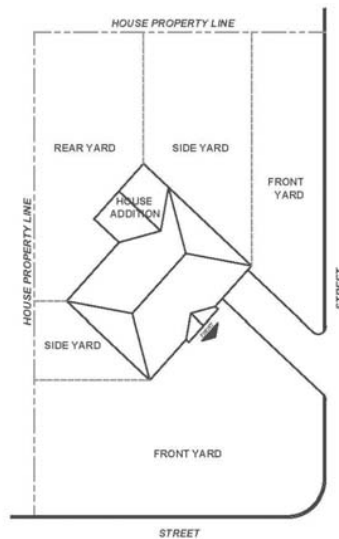
(Figure 16-201.1a.)



(Figure 16-201.1b.)



(Figure 16-201.1c.)



(Figure 16-201.1d.)

SECTION 3. Section 16-201A is hereby added to the Code of the City of Roeland Park, Kansas, and shall read as follows:

Sec. 16-201A. – Additional Definitions Relating to Communications Facilities.

The additional definitions relating to Communications Facilities set forth in Section 16-1102 are incorporated herein by reference.

SECTION 4. Existing Section 16-318 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-318. - Special Use Permit.

- (a) Any of the use restrictions provided for in this article may be waived in hardship cases provided that a written application for a special use permit is made to the Governing Body.
- (b) Communications Facilities (Towers, Base Stations and Antennas).
 - 1. The definitions in Section 16-1102 shall apply to Special Use Permits for Communications Facilities.
 - 2. Each Application for a Special Use Permit for Communications Facilities shall follow the process and submit the required information listed in Section 16-1105.
 - 3. A Special Use Permit for Communications Facilities shall be subject to the performance standards listed in Section 16-1107.
 - 4. A Special Use Permit for Communications Facilities shall be for a term not less than ten (10) years.
 - 5. A denial of a Special Use Permit for Communications Facilities shall comply with the requirements of Section 16-1108.

SECTION 5. Existing Section 16-406 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-406. - Single-Family Residence District.

The following uses and no other are permitted in a single-family residence district:

- (a) Single-family dwelling, and uses customarily incident to and located on the same lot or premises as the dwelling;
- (b) Public park or public playground, church, public or parochial school;
- (c) Group home, as defined by K.S.A. 12-736, and amendments thereto, located in a single-family dwelling;

- (d) Residential-designed manufactured homes conforming to the following architectural or aesthetic standards:
- (1) The roof must be double-pitched and have a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run, and covered with roofing material that is residential in appearance, including, but not limited to, approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roofs.
 - (2) All roof structures shall provide an eave projection of no less than six inches, which may include a gutter.
 - (3) The exterior siding shall consist predominantly of vinyl or metal horizontal lap siding (the reflectivity of which does not exceed that of gloss white paint), wood or hardboard, brick, stone or stucco comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the City.
 - (4) The manufactured home is set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1987" (referred to as NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home.
 - (5) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set in Chapter IV of the City Code, and attached firmly to the primary structure and anchored securely to the ground.
 - (6) All fuel supply systems shall be constructed and installed within the foundation wall or underground in accordance with all applicable building and safety Codes except that any bottled gas tanks may be fenced so as not to be clearly visible from the street or abutting properties.
 - (7) The moving hitch, transporting lights, and wheels and axles shall be removed.
 - (8) The manufactured home must be oriented on the lot so that its long access is parallel with the street. A perpendicular or diagonal placement may be permitted if the narrow dimension of the unit, as it appears from the street, is no less than 50 percent of the unit's long dimension.

- (9) The lot must be landscaped to ensure compatibility with surrounding properties.
- (10) The manufactured home has a length not exceeding four times its width, with length measured along the longest access and width measured at the narrowest part of the other access. The minimum dimensions of the manufactured home shall be 22 feet in width and 40 feet in length.
- (11) A garage or carport, constructed in accordance with the requirements of Chapter IV of the City Code is required.
- (e) Customary accessory uses.
- (f) Communications Facilities as follows, subject to the application, location and performance standards set forth in Article 11 of this Chapter :
 - (1) Towers and Base Stations designed as an architecturally compatible element to an existing non-residential use such as churches and schools, that comply with the same height and setback requirements as other structures in this district.
 - (2) Antennas mounted on and designed as an architecturally compatible element to an existing non-residential structure or building.(3) Small Cell/DAS Facilities on utility poles or street lights in the public right-of-way.

SECTION 6. Existing Section 16-414 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-414. - Office Building District.

In any office building district no building or structure shall be hereafter erected, moved or altered unless otherwise provided in this article, except for the following:

- (a) Office buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organizations or societies.
- (b) Other offices limited to the following:
 - (1) Accountants;
 - (2) Architects;
 - (3) Brokers;
 - (4) Engineers;

- (5) Dentists;
 - (6) Lawyers;
 - (7) Physicians, osteopaths, chiropractors;
 - (8) Real estate and insurance;
 - (9) Medical, dental, health clinic;
 - (10) Children's pre-school or nursery school;
 - (11) Savings and loan company (finance and loan);
 - (12) Public library;
 - (13) Small loan company (finance and loan);
 - (14) Travel agency;
 - (15) Tailor shop;
 - (16) Beauty salon.
- (c) Communication Facilities as follows, subject to the application, location and performance standards set forth in Article 11 of this Chapter:
- (1) Antennas mounted on existing buildings and water towers.
 - (2) Small Cell/DAS Facilities on utility poles or street lights in the public right-of-way.
- (d) Customary accessory uses; provided, however, no merchandise shall be sold or displayed and no equipment, material or vehicle shall be stored outside a building, except that this subsection shall not be construed as prohibiting the parking of passenger cars used by the owners, tenants and guests in traveling to and from the property located in the office building district.

SECTION 7. Existing Section 16-417 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-417. - Retail Business District.

In a retail business district, no building or premises shall be used and no building or structure shall be hereafter erected or altered, unless otherwise provided in this article except for the following:

- (a) Retail stores;

- (b) Retail trade and shops for custom work or the making of articles to be sold at retail on the premises;
- (c) Manufacturing, clearly incidental or necessary to retail business, lawfully conducted on the premises; provided, that it does not in any way become a nuisance or hazard;
- (d) Banks and savings and loan associations;
- (e) Motor car light repair work;
- (f) Automobile sales room;
- (g) Hospital, sanitarium, or small animal hospital;
- (h) Fire and police station, or other public buildings;
- (i) Any uses enumerated in section 16-414 hereof;
- (j) Mortuaries;
- (k) Gasoline service station;
- (l) Private clubs allowing consumption of alcoholic liquors upon the premises;
- (m) Restaurants;
- (n) Communications Facilities as follows, subject to the application, location and performance standards set forth in Article 11 of this Chapter:
 - (1) Antennas mounted on existing buildings and water towers.
 - (2) Small Cell/DAS Facilities on utility poles or street lights in the public right-of-way.
- (o) Customary accessory uses.

SECTION 8. Existing Section 16-430 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-430. - Planned Industrial Park District; Uses.

In a planned industrial park district, District P-I, no building or premises shall be used and no building or structure shall be hereafter erected or altered, unless otherwise provided in this article, except for the following:

- (a) Manufacturing, processing, fabrication or assembling of any commodity or equipment, except junk or salvage;

- (b) Sale, distribution, wholesaling, warehousing and storage of any commodity, except junk or salvage;
- (c) Offices, laboratories;
- (d) Public utility facilities;
- (e) Storage of vehicles clearly accessory and necessary to the normal operation of the uses;
- (f) Freight terminals;
- (g) Restaurants and automatic food and beverage vending machines;
- (h) Structures and uses that are clearly accessory and necessary to the normal operation of the above uses, including signs as provided in this Code.
- (i) Communications Facilities as follows, subject to the application, location and performance standards set forth in Article 11 of this Chapter:
 - (1) Towers up to a maximum height of 100 feet; provided, an additional 50 feet to accommodate Collocation may be approved upon submission of information certifying the capacity of the Tower for up to two additional providers and an owner's letter indicating the owner's intent to share space. A lightning rod, not to exceed 10 feet, shall not be included within these height limitations.
 - (2) Base Stations that comply with the same height and setback requirements as other structures in this district.
 - (3) Antennas mounted on existing buildings and water towers.
 - (4) Small Cell/DAS Facilities on utility poles or street lights in the public right-of-way.

SECTION 9. Existing Section 16-436 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-436. - Planned Office Building District; Permitted Uses.

On property zoned CP-O no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses, subject to the development and performance standards set forth in section 16-439:

- (a) Offices for the administrative and management functions only of businesses and civic organizations.

- (b) Services, limited to the following:
- (1) Accounting and bookkeeping;
 - (2) Advertising;
 - (3) Alterations and tailoring;
 - (4) Banks and financial institutions;
 - (5) Barber shops and beauty salons;
 - (6) Broadcasting studios;
 - (7) Business machine services (including photocopy; tele-facsimile; computer and data processing);
 - (8) Consulting services;
 - (9) Employment services;
 - (10) Engineering, architects and designers;
 - (11) Information services;
 - (12) Insurance;
 - (13) Investment services;
 - (14) Labor unions and business associations;
 - (15) Libraries;
 - (16) Legal services;
 - (17) Medical and dental offices and clinics;
 - (18) Medical and optical labs;
 - (19) Postal services;
 - (20) Public and private utilities;
 - (21) Real estate;
 - (22) Securities and commodities brokers;
 - (23) Travel agents.

- (c) Marketing, display or repairs of office business equipment.
- (d) Antennas mounted on existing structures subject to the performance standards set forth in Article 11 of this Chapter; provided that, the Antenna is installed on an existing structure (such as a building, utility pole, water tower etc.) three stories in height or greater but no less than 35 feet and; provided also that, the Antennas shall add no more than 20 feet to the height of that existing structure. Antennas that are architecturally compatible with the building architecture may locate on nonresidential buildings less than three stories or 35 feet in height, subject to final development plan approval in accordance with subsection 16-328. Equipment associated with the Antenna may be permitted on the roof so long as it is screened from view in accordance with section 16-1010.

SECTION 10. Existing Section 16-602 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-602. - Accessory Uses and Structures; All Residential Districts.

For the purpose of this chapter, certain terms or words used herein shall be interpreted or defined as follows unless the context shall indicate that the word shall have a different definition or interpretation.

The following are accessory uses and structures in a residential district; subject to the performance standards set forth in section 16-613:

- (a) Fence or walls.
- (b) Flag poles.
- (c) Garages and car ports.
- (d) Gardens.
- (e) Gates or guard houses for subdivisions or multi-family projects.
- (f) Ground-mounted satellite dish antennas.
- (g) Hobby activities.
- (h) Home occupations.
- (i) Keeping of animals.
- (j) Outside storage of equipment, materials or vehicles.
- (k) Parking areas.

- (l) Play equipment.
- (m) Signs.
- (n) Solar collectors.
- (o) Swimming pools.
- (p) Television and radio receiving antennas.
- (q) Tool-lawn equipment sheds not exceeding 200 sq. ft.
- (r) Recycling collection point.

SECTION 11. Existing Section 16-603 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-603. - Accessory Uses and Structures; Multiple Residence District.

The following are accessory uses and structures in the multiple residence district, subject to the performance standards set forth in section 16-613:

- (a) Power generators.
- (b) Recreation areas and buildings, swimming pools and clubhouses.
- (c) Trash collection centers.
- (d) Vending machines, restrooms and laundry facilities and common areas of a multi-family projects.
- (e) Maintenance buildings for the projects.

SECTION 12. Existing Section 16-604 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-604. - Accessory Uses and Structures; All Commercial Districts.

The following are accessory uses and structures in all commercial districts, subject to the performance standards set forth in section 16-613:

- (a) Cooling towers.
- (b) Dwelling units, other than mobile homes or manufactured homes, for security, management or maintenance personnel.
- (c) Fences or walls.
- (d) Flagpoles.

- (e) Food service and vending machines for tenants.
- (f) Parking areas.
- (g) Private parking garages.
- (h) Satellite dish antennas.
- (i) Signs.
- (j) Solar collectors.
- (k) Television, radio or microwave receiving antennas not exceeding 60 ft. in height, except as provided for in subsection (m) hereof.
- (l) Recycling collection points.

SECTION 13. Existing Section 16-607 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-607. - Accessory Uses and Structures; District P-1.

The following are accessory uses and structures in district P-1, subject to the performance standards set forth in section 16-613:

- (a) Dwelling units, other than mobile homes or manufactured homes, for security, management or maintenance personnel.
- (b) Employee recreation areas.
- (c) Gate houses.
- (d) Loading equipment.
- (e) Parking loading areas.
- (f) Satellite dish antennas.
- (g) Security and screening fences.
- (h) Signs.
- (i) Solar collectors.
- (j) Television, radio or microwave receiving antennas not exceeding 60 feet in height, except as provided for in subsection (l) hereof.
- (k) Recycling collection points.

SECTION 14. Existing Section 16-1101 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

16-1101 Statement of Intent

The Telecommunications Act of 1996 affirmed the City's authority concerning the placement, construction, and Modification of Communications Facilities. The intent of this Article is to ensure the provision of quality Wireless Services within the City limits; establish a fair and efficient process for the review and approval of Communications Facility Applications; assure an integrated, comprehensive review of environmental impacts of Communications Facilities, and promote the public health, safety, security, and general welfare of the City.

SECTION 15. Section 16-1102 is hereby added to the Code of the City of Roeland Park, Kansas, and shall read as follows:

16-1102 Definitions

For purpose of this Article, and where consistent with the context of a specific Section, the defined terms, phrases, words and abbreviations and their derivations shall have the meanings given in this Section.

Accessory Facility means an accessory facility, building, structure or equipment serving or being used in conjunction with Communications Facilities and generally located on the same Site as the Communications Facilities, including, but not limited to, utility or Transmission Equipment, power supplies, generators, batteries, cables, equipment buildings, storage sheds or cabinets, or similar structures.

Antenna means communications equipment that transmits or receives electromagnetic radio signals used in the provision of Wireless Services.

- **Distributed Antenna System (DAS)** means a network that distributes radio frequency signals and consisting of:
 1. Remote communications or Antenna nodes deployed throughout a desired coverage area, each including at least one Antenna for transmission and reception;
 2. A high capacity signal transport medium that is connected to a central communications hub site; and
 3. Radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the Antennas to provide Wireless or mobile Service within a geographic area or structure.
- **Small Cell Facility** means a Communications Facility that meets both of the following qualifications:

1. Each Antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and
 2. Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume. Accessory Facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.
- **Small Cell Network** means a collection of interrelated Small Cell Facilities designed to deliver Wireless Service.

Applicant means any person or entity that is engaged in the business of providing Wireless Services or the wireless infrastructure required for Wireless Services and that submits an Application pursuant to this Chapter.

Application means all necessary and appropriate documentation that an Applicant submits in order to receive approval for a Communications Facility.

Approval Authority means the Building Official for all Applications pursuant to Section 16-1040. A, and means the Governing Body for all Applications pursuant to Section 16-1040.B.

Base Station means a station that includes a structure that currently supports or houses an Antenna, transceiver, coaxial cables, power cables or other Accessory Facilities at a specific Site that enables FCC-licensed or authorized Wireless Service to mobile stations, generally consisting of radio transceivers, Antennas, coaxial cables, power supplies and other associated electronics. The term does not mean a Tower or equipment associated with a Tower; and it does not include any structure that, at the time the relevant Application is filed with the City, does not support or house equipment described in this paragraph or that was not previously approved under the applicable zoning or siting process. *(A non-tower support structure – for example, a building, church steeple, water tower, sign, street light, utility pole or other non-tower structure that can be used as a support structure for Antennas or the functional equivalent of such.)*

Collocation means the mounting or installation of Transmission Equipment on an Eligible Support Structure for the purpose of transmitting and/or receiving radio frequency signals for Wireless Service.

Communications Facility means a structure, facility, or location designed, or intended to be used as, or used to support Antennas or other Transmission Equipment used in Wireless

Services. This includes without limit, Towers of all types, and Base Stations, including but not limited to buildings, church steeples, water towers, signs, or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related Accessory Facilities associated with the Site. It is a structure and facility intended for transmitting and/or receiving, Wireless Services, Specialized Mobile Radio (SMR), personal communications services (PCS), commercial satellite services, microwave services, radio, television, and any commercial Wireless Service not licensed by the FCC.

Eligible Facilities Request means any request for Modification of an Existing Tower or Base Station that does not Substantially Change (*see definition*) the physical dimensions of such Tower or Base Station, involving:

1. Collocation of new Transmission Equipment;
2. Removal of Transmission Equipment; or
3. Replacement of Transmission Equipment.

Eligible Support Structure means any Tower or Base Station (*see definition*), provided that it is Existing at the time the relevant Application is filed.

Existing. A constructed Tower or Base Station is Existing if it has been reviewed and approved under the applicable zoning or siting process, provided that a Tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is Existing for purposes of this definition.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Modification or Modify means the addition, removal or change of any of the physical and noticeably visible components or aspects of a Communications Facility such as Antenna, cabling, radios, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any noticeably visible components, vehicular access, parking, upgrade or exchange of equipment for better or more modern equipment. Modification shall not include Replacement of such components in kind. A Collocation which changes the physical configuration of the Existing facility or structure shall be considered a Modification. The Building Official shall determine when changes such as enlarging the ground-mounted equipment area, increasing the screen wall height or installing additional equipment changes the physical and noticeably visible aspects of a Communications Facility.

Replacement means Replacement of an Existing Communications Facility that exists on a previously approved Site, utility easement, or an approved special use permit area, with a new facility of comparable proportions and of comparable height or such other height that would not constitute a Substantial Change to an Existing structure to support Communications Facilities or accommodate Collocation. A Replacement includes any associated removal of the pre-Existing Communications Facilities. A Replacement Tower

shall be within 15 feet, as measured horizontally along the ground, of an Existing Tower, and the Existing Tower shall be removed within 30 days from the installation of the Replacement Tower. The Building Official may approve a separation greater than 15 feet.

Site means, for Towers other than Towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the Tower and any access or utility easements currently related to the Site, and, for other Eligible Support Structures, further restricted to that area in proximity to the structure and to other Transmission Equipment already deployed on the ground.

Stealth or Stealth Technology means using the least visually and physically intrusive facility by minimizing adverse aesthetic and visual impacts on the land, property, buildings and other facilities adjacent to, surrounding, and generally in the same area as the requested location of a Communications Facility. Specifically, this means ensuring that all Antenna arrays, cables, and other Accessory Facilities used for providing the Wireless Service are not obtrusive or noticeably visible from adjacent properties or adjacent right-of-ways. Any Accessory Facilities mounted onto a Tower or structure shall not project greater than one (1) foot, as measured horizontally, from the surface of the Tower or structure and shall be painted or screened with materials that are a complementary color as the Tower or structure. Cables shall not be allowed to travel along the exterior of a Tower or structure. Understanding that new technologies are anticipated to change the components of Communications Facilities, the Building Official may determine if a Communications Facility or component of a Communications Facility is designed to be Stealth.

Substantial Change means a Modification that substantially changes the physical dimensions of an Eligible Support Structure (*Tower or Base Station*) by any of the following criteria:

1. Height
 - a. For Towers not in the public rights-of-way, an increase in the height of the Tower by more than 10% or by the height of one additional Antenna array with separation from the nearest Existing Antenna not to exceed 20 feet, whichever is greater.
 - b. For other Eligible Support Structures (*e.g., Towers in the public rights-of-way or Base Stations*), an increase in the height of the structure by more than 10% or more than 10 feet, whichever is greater.

Changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally (*such as on buildings' rooftops*); in other circumstances, changes in height are measured from the dimensions of the Tower or Base Station, inclusive of originally

approved appurtenances and any Modifications that were approved prior to the passage of the Spectrum Act.¹

2. Width/Girth
 - a. For Towers not in the public rights-of-way, adding an appurtenance to the body of the Tower that protrudes from the edge of the Tower more than 20 feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater.
 - b. For other Eligible Support Structures (*e.g., Towers in the public rights-of-way or Base Stations*), adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet.
3. New equipment cabinets
 - a. For any Eligible Support Structure (*see definition*), the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets.
 - b. For Towers in the public rights-of-way and Base Stations, the installation of any new equipment cabinets on the ground if there are no pre-Existing ground cabinets associated with the structure, or else the installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.
4. Any excavation or deployment outside the current Site.
5. Defeating the Stealth Technology or concealment elements of the Eligible Support Structure.
6. Not complying with conditions associated with the siting approval of the construction or Modification of the Eligible Support Structure or Base Station equipment, provided however that this limitation does not apply to any Modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections 1. through 4. above.

Transmission Equipment means equipment that facilitates transmission for any FCC-licensed or authorized Wireless Service, including, but not limited to, radio transceivers, Antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with Wireless Services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed Wireless Services and fixed Wireless Services such as microwave backhaul.

¹ The term Spectrum Act means Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub.L. 112–96).

Tower means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized Antennas and their Accessory Facilities, including structures that are constructed for Wireless Services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed Wireless Services and fixed Wireless Services such as microwave backhaul, and the associated Site.

- **Monopole** means a Tower consisting of a single pole, constructed without guy wires and ground anchors.
- **Lattice Tower** means a guyed or self-supporting three or four sided, open, steel frame structure used to support Antennas and Transmission Equipment.

Wireless Services means “personal wireless services” and “personal wireless service facilities” as defined in 47 U.S.C. § 332(c)(7)(C), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through Communications Facilities or any fixed or mobile Wireless Services provided using Communications Facilities.

SECTION 16. Section 16-1103 is hereby added to the Code of the City of Roeland Park, Kansas, and shall read as follows:

16-1103 Overall Policy

In order to ensure that the placement, construction, and Modification of Communications Facilities protect the public health, safety, security, and general welfare of the City, the following policies are hereby adopted (*subject to applicable state and federal law*):

- A. Optimize the number of Communications Facilities in the City.
- B. Encourage opportunities for user Collocation on Existing Communications Facilities, buildings and other structures and maximize Replacement strategies.
- C. Comply fully with established planning guidelines regarding land use and performance standards.
- D. Emphasize the use of Stealth Technology to integrate the appearance of Communications Facilities with many architectural and nature themes throughout the City and to use Existing Communications Facilities instead of building new Communications Facilities.
- E. Protect the public interests, where practical and applicable.
- F. Protect the public health, safety and welfare.

SECTION 17. Section 16-1104 is hereby added to the Code of the City of Roeland Park, Kansas, and shall read as follows:

16-1104 Application Approval Authority

A. Administrative Approval - The Building Official may approve Applications for Communications Facilities for the following:

1. The Modification of an Existing Tower or Base Station that does not incur a Substantial Change to the Tower or Base Station or that otherwise qualifies as an Eligible Facilities Request. *(See C.1 for timeframe.)*
2. New Small Cell/DAS Facilities on an Existing Tower, utility pole or street light in the public right-of-way. This provision is also applicable when the Existing Tower, utility pole or street light is replaced by a Tower, utility pole or street light that is not a Substantial Change from the original. *(See C.1 for timeframe.)*
3. New Antenna *(including Small Cell/DAS Facilities)* on an Existing Tower or Base Station *(such as a building)* that does not incur a Substantial Change to the Tower/Base Station and that: (1) is permitted by right in the underlying zoning district; and (2) meets applicable performance standards. *(See C.1 for timeframe.)*
4. New Antenna *(including Small Cell/DAS Facilities)* on an Existing Tower or Base Station *(such as a building)* that incurs a Substantial Change *(see definition)* to the Tower or Base Station and that: (1) is permitted by right in the underlying zoning district; and (2) meets applicable performance standards. *(See C.2 for timeframe.)*
5. New Tower permitted by right in the underlying zoning district that meets applicable performance standards. *(See C.3 for timeframe.)*
6. New Tower or utility pole for Small Cell/DAS Facilities in the public right-of-way. *(See C.3 for timeframe.)*

B. Special Use Permit Approval – A Special Use Permit (SUP) reviewed by the Planning Commission and approved by the Governing Body is required for Applications for Communications Facilities for the following:

1. A Substantial Change to an Existing Tower or Base Station. *(See C.2 for timeframe.)*
2. Any other Application for placement, installation or construction of Transmission Equipment that does not constitute an Eligible Facilities Request. *(See C.2 for timeframe.)*
3. New Tower. *(See C.3 for timeframe.)*

C. Application Timeframe

1. A final decision shall be issued for Applications under subsections A.1, A.2, and A.3 within 60 calendar days.
2. A final decision shall be issued for Applications under subsections A.4, B.1 and B.2 within 90 calendar days.
3. A final decision shall be issued for Applications under subsections A.5, A.6 or B.3 within 150 calendar days.
4. The timeframes set forth in subsections C.1-C.3 begin to run when a completed Application is filed following the pre-application conference. The applicable timeframe may be tolled by mutual agreement or in cases where the City determines that the Application is incomplete. To toll the timeframe for incompleteness, the City may provide written notice to the Applicant within 30 days of receipt of the Application, clearly and specifically delineating all missing documents and information. The timeframe begins running again when the Applicant makes a supplemental submission responding to the City's notice. The City then has 10 days to notify the Applicant that the supplemental submission did not provide the information identified in the original notice. The timeframe is tolled in the case of second or subsequent notices pursuant to this subsection. Second or subsequent notices may not specify missing documents or information that were not delineated in the original notice of incompleteness.

D. Small Cell and DAS Facilities – Consolidated Application and Exemption

1. Consolidated Application – Pursuant to K.S.A. 66-2019, and amendments thereto, an Applicant may file one consolidated Application for a Small Cell Network up to 25 individual Small Cell Facilities of a substantially similar design. Notwithstanding, the City may require a separate Application for any Small Cell Facilities that are not of a substantially similar design.
2. Exemption – No zoning or siting approval is required for the construction, installation or operation of any Small Cell or DAS Facilities located in an interior structure or upon the Site of any campus, stadium or athletic facility; provided, however, this exemption does not exempt any such facility from any applicable building or electrical code provision.

SECTION 18. Section 16-1105 is hereby added to the Code of the City of Roeland Park, Kansas, and shall read as follows:

16-1105 Application Process and Requirements

- A. Pre-Application Conference** – A pre-application conference is required before filing an Application for the Replacement or Modification of an Existing

Communications Facility or the construction of a new Communications Facility, unless waived by the Building Official. The purpose of the pre-application conference is to ensure the Applicant understands all requirements, to establish a tentative timeline, and to determine the Approval Authority for the Application. The pre-application conference should address issues that will expedite the review and approval process. Pre-application conferences for Small Cell/DAS Facilities in the public right-of-way will be conducted with the City's Director of Public Works.

- B. **Application Fee** – At the time the Application is filed for a Communications Facility, the Applicant will pay a non-refundable Application fee as determined in the current version of the Governing Body resolution establishing applicable fees; provided, the Application fee shall be subject to any applicable statutory maximum. An Application shall not be deemed submitted unless the applicable fee is paid.
- C. **Application Requirements** – An Application for the Replacement or Modification of an Existing Communications Facility or the construction of a new Communications Facility shall include the following information and requirements, unless waived by the Building Official:
1. As applicable, a site plan or preliminary development plan, and if applicable, any other Special Use Permit submission requirements required pursuant to Section 16-304.
 2. A descriptive statement of the proposed Communications Facility. For Towers or Base Stations, the statement shall provide the capacity of the structure, including the number and type of Antennas it can accommodate.²
 3. An affidavit from the Applicant stating that it conducted a thorough analysis of available Collocation opportunities within the applicable search ring.³
 4. Elevation drawings of the proposed Communications Facilities showing all Towers, Base Stations, Antennas, Transmission Equipment, Accessory Equipment, cabinets, fencing, screening, landscaping, lighting, and other improvements related to the facility. Specific colors and materials shall be noted.
 5. Digital photo simulations of the site providing “before and after” views demonstrating the true visual impact of the proposed Communications Facilities on the surrounding environment. Staff or the Approval Authority

² Pursuant to K.S.A. 66-2019, and amendments thereto, the City may not require specific information about: the Applicant's business decision regarding its designed service, customer service demand or quality of service for a particular area or Site; the specific need for the Communications Facility; or any proprietary, confidential or other business information to justify the need for the Site, including propagation maps and telecommunications traffic studies.

³ Pursuant to K.S.A. 66-2019, and amendments thereto, the City may not evaluate the Application based on availability of other potential locations for siting, including options to Collocate.

may require photo simulations from any specific vantage point.

6. A report from a licensed professional engineer which describes the Communications Facility's structural capacity, including a statement to the effect that the Communications Facility can safely accommodate all Antennas, Transmission Equipment and/or Accessory Equipment. This may include structural calculations, geotechnical foundation studies, and other data as determined by the Building Official, as applicable, and in compliance with all City codes. In the event an Existing Communications Facility is to be used, the report shall describe the condition of the Existing Communications Facility based on a physical inspection and its ability to accommodate any additional Accessory Equipment and/or Antennas.
7. A landscape plan that demonstrates the effective screening of the proposed Communications Facility and any Accessory Facilities as required by the Section 16-1107.H. The landscape plan shall be sealed by a professional landscape architect, unless this requirement is waived by the Approval Authority.
8. If lighting is required by the FCC or the FAA, the Applicant shall submit the proposed lighting plan and identify an available lighting alternative. If security lighting is to be used, the Applicant may be required to submit a photometric plan to ensure that lighting is unobtrusive and inoffensive and that no light is directed towards adjacent properties or rights-of-way. All lighting will meet any requirement of Section 16-1107.I.
9. If an emergency power system will be utilized, the Applicant will provide: sufficient details showing the location and proposed use of the same; a proposed plan for any intended non-emergency use (e.g., testing); and certification that the system will not violate local health and safety requirements and local noise control ordinances.
10. A statement that the proposed Communications Facility and any Accessory Facilities and/or landscaping shall be maintained within City ordinances, under what arrangement, and by whom. The statement shall provide contact information for the responsible party.
11. An engineer's certification that the proposed Communications Facility and the cumulative effect of all Communications Facilities on the Site comply with all FCC standards, including but not limited to, certifying that all facilities meet all provisions and regulations for radio frequency (RF) emissions or exposure, and that anticipated levels of electromagnetic radiation to be generated by all facilities on the Site, including the effective radiated power (ERP) of the Transmission Equipment, shall be within the guidelines established by the FCC.
12. When applicable, a signed copy of the lease between the Applicant and the

landowner or other acceptable documentation signed by the landowner evidencing the landowner's approval for the proposed Communications Facility. The lease or other documentation shall contain a provision stating that the landowner shall be responsible for the demolition and/or removal of the Communications Facility in the event the lessee fails to remove it upon abandonment of the facilities or the termination of the lease.

13. Applicants for Communications Facilities in the right-of-way shall provide notice by certified mail to the owners of record of all property within 200 feet of the proposed location. The notice shall provide: (1) a description of the proposed facility; (2) the location of the proposed facility; (3) a plan sheet showing the proposed location and the facility improvements; and (4) the Applicant's contact information and a statement that the owner shall have 20 days from the date of the notice to provide the City with any input regarding the Application. Each Communications Facility location shall be provided with its own notice; notices for multiple locations, even if under the same Application, may not be provided in a single letter. No Application will be approved until the Applicant submits an affidavit affirming that the required notice was sent. For Applications requiring a Special Use Permit, the notice requirements outlined in Section 16-1108 shall apply.
14. Any other information to satisfy the Performance Standards in Section 16-1107 or that, as determined by the Building Official, will assist the review and approval process for Communications Facilities.

D. Independent Third Party Review

1. The Applicant may be required to provide an independent review of the Application as determined by the Building Official.
2. The Building Official will select and approve a list of acceptable consultants to be used for the third party independent review.
3. The scope of the third party review will be determined by the Building Official and may vary with the scope and complexity of the Application; the scope will be determined following the pre-application conference. The independent third party review will generally be focused on the technical review of Wireless Services and verification of the information submitted by the Applicant such as federal RF emissions standards, and other technical requirements to ensure that the modeling parameters and data used in developing these technical requirements are valid and representative of the proposed Communications Facility.

SECTION 19. Section 16-1106 is hereby added to the Code of the City of Roeland Park, Kansas, and shall read as follows:

16-1106 Location of Communications Facilities

When possible, the City encourages - but does not require - new Communications Facilities to be located on Existing Communications Facilities or on existing structures (*for example, commercial buildings, water towers, utility poles and street lights*) whereby the new Communications Facilities can be architecturally integrated or otherwise camouflaged in a Stealth manner in order to minimize the intrusion upon the public and adjacent properties. If and when a new Tower or new Base Station is installed for Communications Facilities, said new Tower or new Base Station should be located and designed in a manner to minimize the intrusion upon the public and adjacent properties, and when possible, to be architecturally integrated or camouflaged in a Stealth manner with surrounding structures. For any new Tower or new Base Station the City's preference of location is as follows:

- A. In an industrial area as permitted by right.
- B. In a commercial area as permitted by right.
- C. In a commercial area, public property or semi-public property (*such as churches and schools*) as permitted by Special Use Permit.
- D. In a multi-family residential district as permitted by Special Use Permit.
- E. In a single-family residential district as permitted by right.
- F. In a single-family residential district as permitted by Special Use Permit.

SECTION 20. Section 16-1107 is hereby added to the Code of the City of Roeland Park, Kansas, and shall read as follows:

16-1107 Performance Standards for Communications Facilities

A. Height

- 1. Towers - The maximum height which may be approved for a Tower is 150 feet, which includes any Transmission Equipment on top of the Tower. A lightning rod, 10 feet in height or less, shall not be included within the height limitations.
- 2. Towers in Right-of-Way – The maximum height which may be approved for a Tower and related Transmission Equipment in the public right-of-way is: 50 feet along a thoroughfare; 40 feet along a collector; and 20 feet along a residential street.
- 3. Base Stations – Base Stations shall comply with any applicable height requirement for its particular type of structure as set forth in the applicable zoning district.

B. Design and Color

1. Towers

- a. Design - Towers shall be a Monopole or of some other Stealth or Stealth Technology design unless required by the Approval Authority to be architecturally compatible to the surrounding development. Guy and Lattice Towers are not allowed. Furthermore, Towers must be designed in compliance with all current applicable technical, safety, and safety-related codes adopted by the City or other applicable regulatory authority.
- b. Color and Finish - Towers shall have a galvanized finish unless an alternative Stealth or camouflaged finish is approved by the Approval Authority.

2. Base Stations – Base Stations shall comply with any applicable color and design requirement for its particular type of structure as set forth in the applicable zoning district, and shall blend with the surrounding buildings and/or natural environment.

3. Antennas

- a. Design on Towers – Antenna bridges and platforms on Towers are not allowed. Antennas on Towers may be:
 - (i) Internal,
 - (ii) A panel of slim-line design mounted parallel with the Tower,
 - (iii) A design deemed by the Approval Authority to be less obtrusive or more Stealth than the above-described designs; or
 - (iv) An omni-directional Antenna placed at the top of the Tower when it gives the appearance of being a similarly sized or smaller extension of the Tower. (The latter will be included in the Tower height calculation.)
- b. Design on Base Stations – Antennas and visible Accessory Facilities on a Base Station or other building/structure shall be comprised of materials that are consistent with the surrounding elements so as to blend architecturally with said building/structure and to camouflage their appearance in a Stealth manner. Such facilities on rooftops may require screening that is architecturally compatible with the building. As applicable, the following additional requirements apply:
 - (i) Antennas may be installed on any existing building or structure (*such as a water Tower but excluding single-family*

residences and accessory uses) three (3) stories in height or greater but no less than 35 feet provided that the additional Antennas shall add no more than 20 feet to the height of said existing structure.

- (ii) Antennas which are architecturally compatible to the building architecture may locate on non-residential buildings less than three (3) stories or 35 feet in height, subject to final development plan approval (certificate of conformity in DFD district).
 - (iii) Attached Antennas on a roof shall be located as close to the center of the roof as possible; and Antennas mounted on a building or structure wall shall be as flush to the wall as technically possible, and shall not project above the top of the wall.
 - (iv) Accessory Facilities for Antennas may be permitted on the roof so long as it is screened from view in accordance with Section 16-1010. *(For ground-mounted Accessory Facilities see Section 16-1107)*
- c. Color and Finish - Antennas and visible Accessory Facilities shall be colored and finished in a manner consistent with the Tower/Base Station and any surrounding elements so as to camouflage their appearance in a Stealth manner. Such facilities shall be of a neutral color that is identical to, or closely compatible with, the color of the Tower/Base Station so as to make such facilities as visually unobtrusive as possible. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen.

C. **Setbacks**

1. Communications Facilities in commercial and industrial zoning districts shall meet the setback requirements for other types of commercial structures of a similar size that are allowed by right in the zoning district in which the facilities are located. In the event the Communications Facilities will exceed the height allowed for other types of commercial structures in the district in which the facilities are located, the Communications Facilities shall meet the greater of the maximum setback requirements for the zoning district or a setback equal to the height of the facility, unless the Approval Authority reasonably finds that a greater setback is required in the interest of the public health, safety and welfare.

2. Communications Facilities in residential zoning districts shall meet the greater of the maximum setback requirements for the zoning district or a setback equal to the height of the facility, unless the Approval Authority reasonably finds that a greater setback is required in the interest of the public health, safety and welfare. Setbacks for Towers located on residentially zoned property which is shown on the Comprehensive Plan for a use other than very-low density or low density residential shall be determined at the time of the Application.
 3. In addition to the above setback requirements set forth in subsections C.1 and C.2, Towers shall have a minimum setback of 200 feet from any surrounding property which is zoned as Single-Family Residence District, unless such Tower: (1) does not exceed the height requirement for other types of commercial structures in the district in which the Tower is located; (2) is a utility pole or street light or a Monopole similar in size thereof; or (3) is designed as an architecturally compatible element in terms of material, design and height to the Existing or proposed use of the Site.
 4. Small Cell/DAS Facilities on utility poles or street lights shall not be subject to the setback requirements in subsections C.1 – C.3 above.
 5. The Approval Authority shall have the ability to grant a deviation from the setback requirements above subject to Section 16-429(g).
- D. **Accessory Facilities** - Accessory Facilities shall include only such structures and facilities necessary for transmission functions for Wireless Services, but shall not include broadcast studios, offices, vehicle storage areas, or other similar uses not necessary for the transmission function. Accessory Facilities shall be constructed of building materials consistent with the primary use of the Site and shall be subject to the applicable approval process. Where there is no primary use other than the Communications Facility, the Accessory Facility and the building materials for the Accessory Facility shall be subject to the review and approval of the Approval Authority.
- E. **Equipment Storage** - Mobile or immobile equipment not used in direct support of a Communications Facility shall not be stored or parked on the Site of the Communications Facility unless repairs to the Communications Facility are being made or pursuant to emergency approval as set forth in Section 16-1109.
- F. **Parking Areas and Drives** - All parking areas and drives associated with the Communications Facility shall comply with Section 16-802, except that the Approval Authority may waive the requirements for curbing and drainage facilities when they are not needed for drainage purposes. All access roads and turn-arounds shall be provided to ensure adequate emergency and service access.
- G. **Screening** - Accessory Facilities located at the base of a Tower or Base Station shall be screened from view with a solid screen wall a minimum of six (6) feet in height.

The materials of the wall, including any proposed razor wire or other security wire, shall be of a material designed to match the architecture of the surrounding structures, and shall be subject to the review and approval of the Approval Authority. The landowner or provider shall be responsible for maintenance of the screening. The Approval Authority shall have the ability to waive or reasonably modify this requirement where the design of the Accessory Facility is architecturally compatible to the primary use of the Site or where the Accessory Facility will have no visible impact on the public right-of-way and any other nearby property.

- H. **Landscaping** - A landscape plan shall be required in accordance with Section 16-1004. The landscape plan shall be sealed by a professional landscape architect, unless this requirement is waived by the Approval Authority. A continuous landscaped area shall be provided around the perimeter of the accessory building or screening wall; and utility boxes will comply with any applicable utility box screening requirement. All plant materials are subject to Section 16-1006 and shall include a mixture of deciduous and coniferous planting materials. Drought tolerant plant materials are encouraged. The owner or provider shall be responsible for maintenance of all approved landscaping. Where the visual impact of the equipment building would be minimal, the landscaping requirement may be reduced or waived by the Approval Authority.
- I. **Lighting** – Communications Facilities shall only be illuminated as required by the FCC and/or the FAA. If lighting is required, the Approval Authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Security lighting around the base of a Tower may be provided if the lighting is shielded so that: no light is directed towards adjacent properties or rights-of-ways; the lighting avoids illuminating the Tower; and the lighting meets any other applicable City requirements.
- J. **Utilities** - All utilities at a Communications Facility Site shall be installed underground and in compliance with applicable codes.
- K. **Security** - All Communications Facilities shall be located, fenced, or otherwise secured in a manner that prevents unauthorized access.
- L. **Signage** – Signage at the Site is limited to non-illuminated warning and equipment identification signs required by the FCC or applicable regulatory body or otherwise approved by the Approval Authority.
- M. **Building Codes and Inspection**
 - 1. Construction and Maintenance Standards – To insure structural integrity, Communications Facilities shall be constructed and maintained in compliance with the standards contained in applicable local building codes and the applicable standards for Communications Facilities published by the Electronic Industries Association, (EIA) or any applicable regulatory authority (*all as amended from time to time*). If upon inspection the City

concludes that a Communications Facility fails to comply with such codes and standards and constitutes a danger to persons or property, then the facility owner or landowner shall have 30 days following written notice to bring such facility into compliance. If the facility owner or landowner fails to bring such facility into compliance within this period, the City may order the removal or cause the removal of such facility at the facility owner or landowner's expense. Failure of the City to inspect the facility shall not relieve the facility owner or landowner of their responsibility to comply with this provision.

2. Inspection - At least every 24 months, the Communications Facility shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of Communications Facilities. At a minimum, this inspection shall be conducted in accordance with the inspection check list provided in the Electronic Industries Association (EIA) Standard 222, Structural Standards for Steel Antenna Towers and Antenna Support Structures (*as amended from time to time*). A copy of the inspection record shall be provided to the City upon request. The inspection shall be conducted at the facility owner or landowner's expense.

N. Operational Standards

1. Communications Facilities shall meet or exceed all minimum structural, height, radio frequency radiation and other operational standards as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are changed, then the Communications Facilities shall be brought into compliance with the revised standards and regulations within six (6) months of the effective date of the ordinance or law from which these standards and regulations are derived, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring Communications Facilities into compliance with any revised standards and regulations shall constitute grounds for the removal of the facility at the owner or provider's expense.
2. It is the responsibility of the Wireless Service provider to promptly resolve any electromagnetic interference problems in accordance with any applicable law or FCC regulation.

- O. Removal of Abandoned Communications Facilities** - Any Communications Facility that is not operated for a continuous period of 12 months shall be considered abandoned and a nuisance, and the owner of such facility or the landowner shall remove the same within 90 days of a receipt of notice from the City. If such facility is not removed within said 90 days, the City may remove such facility at the facility owner or landowner's expense. If there are two or more users of a single Tower, then this provision shall not become effective until all users cease using the Tower.

- P. Unsafe Communications Facilities** – Any Communications Facility which is not maintained to a suitable degree of safety and appearance (as determined by the City

and any applicable code, statute, ordinance, law, regulations or standard) will be considered a nuisance and will be upgraded or removed at the owner or provider's expense.

SECTION 21. Section 16-1108 is hereby added to the Code of the City of Roeland Park, Kansas, and shall read as follows:

16-1108 Application Denial

- A. The City may deny an Application for any of the following reasons:
1. Failure to submit any or all required Application documents and information.
 2. Conflict with safety and safety-related codes and requirements.
 3. Conflict with the historic nature or character of the surrounding area pursuant to federal or state law.
 4. The use or construction of a Communications Facility which is contrary to an already stated purpose of a specific zoning or land use designation.
 5. The placement and location of the Communications Facility would create an unacceptable risk, or the reasonable probability of such, to residents, the public, businesses, City employees, or employees of the Wireless Service provider.
 6. Conflict with a public health, safety and welfare issue, including, but not limited to, violation of noise ordinance, flashing or other light nuisance, and conflict with required sidewalk widths (including ADA accessibility requirements).
 7. Conflict with planned future public improvements.
 8. Conflict with or violation of any provision contained within this Chapter or any other applicable City code or with any applicable federal or state law.
- B. In the event of a denial, the Approval Authority or the City shall notify the Applicant in writing of the City's final decision, supported by substantial evidence contained in a written record and issued contemporaneously. Such notice shall be made within the applicable timeframe set forth in Section 16-1104.C.
- C. Any denial shall not discriminate against the Applicant with respect to the placement of Communications Facilities of other investor-owned utilities, Wireless Service providers, wireless infrastructure providers or wireless carriers.

SECTION 22. Section 16-1109 is hereby added to the Code of the City of Roeland Park, Kansas, and shall read as follows:

16-1109 Emergencies and Disasters

In the event of a declared emergency or disaster, the City Administrator or the Building Official may authorize any temporary Towers, Base Stations, Transmission Equipment or Accessory Equipment necessary to temporarily restore Wireless Services.

SECTION 23. Section 16-1110 is hereby added to the Code of the City of Roeland Park, Kansas, and shall read as follows:

16-1110 Interpretation and Severability

The provisions of this Article shall be construed in a manner consistent with all applicable federal, state and local laws and standards regulating Communications Facilities. In the event any federal or state law or standard is mandatory or is more stringent than provisions of this Article, then such provisions shall be revised accordingly. If any section, subsection, clause, phrase or portion of this Article is for any reason held invalid or unenforceable by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 24. Existing Sections 16-201, 16-318, 16-406, 16-414, 16-417, 16-430, 16-436, 16-602, 16-603, 16-604, 16-607 and 16-1101 of the Code of the City of Roeland Park, Kansas are hereby repealed.

SECTION 25. This ordinance shall take effect upon its publication, or the publication of a certified summary of this ordinance, in the official City newspaper.

PASSED by the City Council this 21st day of November, 2016. **APPROVED** by the Mayor.

Joel Marquardt, Mayor

ATTEST:

Kelley Bohon, City Clerk

APPROVED AS TO FORM:

Neil R. Shortlidge, City Attorney

Sec. 16-201. - Definitions.

For the purpose of this Cchapter, certain terms or words used herein shall be interpreted or defined as follows unless the context clearly indicates otherwise:

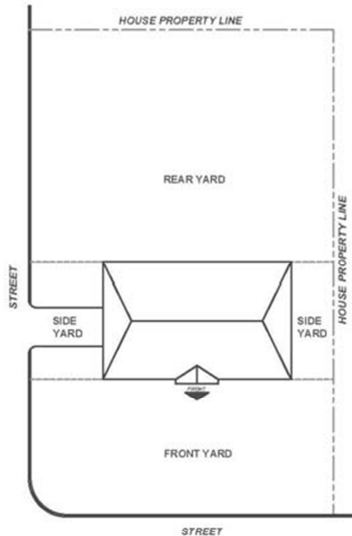
- (a) *Accessory use or building* is a subordinate use or building or a portion of the main building, customarily incidental to and located on the same lot with the main use or building.
- (b) *Alteration* as applied to a building or structure is a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or moving from one location or position to another.
- (c) *Antenna* – see Section 16-1102 ~~shall mean an exterior apparatus designed for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.~~
- (d) *Basement* is a story having part but not less than one-half of its height below grade.
- (e) *Boarding house* shall mean every building or other structure which is kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests, other than a short-term rental (as defined in section 5-702 of the Code). Provided, however, where a resident homeowner leases space to no more than two roommates for terms of a year or more, it shall not be considered to be a boarding house.
- (f) *Building* is any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property. When a structure is divided into separate parts by unpierced walls from the ground up, each part is deemed a separate building.
- (g) *Building height* the vertical dimensions measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling or the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.
- ~~(h) *Communication antenna* shall mean an antenna or array of antennas at one location intended to broadcast and receive signals as part of a wide area, communication system such as cellular telephone systems, pager systems or wireless computer networks, but excluding short-wave radio antennas operated primarily as a hobby.~~
- ~~(h) *Communications Facility* – see Section 16-1102 shall mean a land use facility supporting antennas and microwave dishes that sends and/or receives radio frequencies signals. Communication facility shall include structures or communication towers, antennas, associated structures and accessory buildings.~~
- ~~(i) *Communication tower* – see Section 16-1102 shall mean a ground mounted or self-supported, guyed, lattice or monopole tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, constructed to support one or more antennas; provided that, for purposes of this chapter, the term "communication tower" shall not include any tower that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.~~
- ~~(1) *Guyed tower* shall mean a communication tower that is supported, in whole or in part, by guy wires and ground anchors.~~

- ~~(2) Lattice tower shall mean a guyed or self-supporting three or four sided, open, steel frame communication tower.~~
- ~~(3) Monopole tower shall mean a communication tower consisting of a single pole, constructed without guy wires and ground anchors.~~
- ~~(k) Communication tower height shall mean the vertical distance measured from the base of the communication tower at grade to the highest point of the communication tower. If the tower is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the communication tower height.~~
- (j) Concrete, pervious or impervious which is designed or used for residential dwelling purposes in the form of a driveway, patio, sidewalk, garage floor, shed floor, basement floor, step, porch or any other use designed to be permanent in nature shall be considered a structure. This excludes concrete used as an anchor for signs, posts or similar items.
- (k) Driveways which are designed or used for residential dwelling purposes shall be considered structures.
- (l) Duplex is a dwelling designed for or occupied exclusively by two families.
- (m) Dwelling is any building, or portion thereof, which is designed or used for residential dwelling purposes.
- (n) Family means one or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities; or a group of not more than five persons, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit, cost-sharing basis.
- (o) Hotel is a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged with or without meals and in which there are more than 12 sleeping rooms and no provisions for cooking in individual rooms.
- (p) Lodging house is a building where lodging only is provided for compensation to three or more, in contradistinction to hotels open to transients.
- (q) Lot is a parcel of land occupied or intended for occupancy by one main building together with its accessory buildings, including the open spaces required by this chapter.
- (r) Lot, corner is a lot abutting upon two or more streets at their intersection.
- (s) Lot, depth of is the mean horizontal distance between the front and rear lot lines.
- (t) Lot of record is a lot which is a part of a subdivision, map of which has been recorded in the office of the Register of Deeds of Johnson County, Kansas, or a lot described by metes and bounds the description of which has been recorded in the office of the Register of Deeds of Johnson County, Kansas.
- (u) Manufactured home means a dwelling unit that is substantially assembled in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards (24 C.F.R. 320 et seq.), promulgated by the U.S. Department of Housing and Urban Development.
- (v) Medical, dental or health clinic is any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings, including, but not limited to, doctors of medicine, dentistry, chiropractors, osteopaths, optometrists, podiatrists, and in which no retail sales are made.

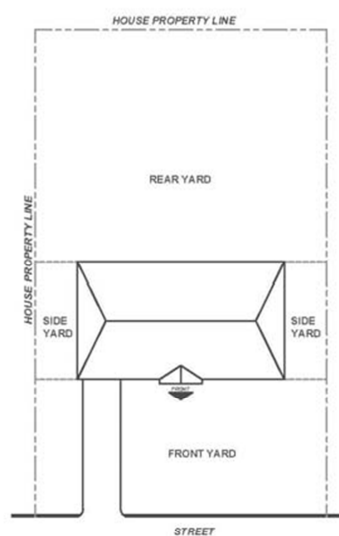
- (wy) *Multiple-family dwelling* is a dwelling or portion thereof designed for or occupied by three or more families, but which may have joint services or facilities for more than one family.
- (xz) *Nonconforming use* is any building or land lawfully occupied by a use at the time of the passage of the ordinance from which this chapter is derived or amendments hereto, which use does not conform to this chapter after the passage of said ordinance or amendment hereto.
- (yaa) *Parking area* is any parking lot and vehicular use area.
- (zbb) *Person* includes a corporation, members of a partnership or other business organization, committee, board, trustee, receiver, agent or other representative.
- (aaee) *Public utility* is any business, the purpose of which is to furnish to the general public either telephone service, telegraph service, cable television, electricity, natural gas, water, transportation of persons and property, sanitary sewer systems and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state.
- (bbdd) *Recycling collection point* is an accessory use or structure that serves as a drop-off point for pre-sorted recyclable materials. The temporary storage of these items is permitted, but no processing is allowed.
- (cc ee) *Shall* is mandatory.
- (ddff) *Single-family dwelling* is a dwelling designed for or occupied exclusively by one family.
- (ee gg) *Story* is that portion of a building, other than a basement, included between the surface of any floor above it or, if there be no floor above it, the space between the floor and the ceiling next above it.
- (ffhh) *Story, half* is a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent living quarters shall be counted as a full story.
- (ggii) *Structure* is anything constructed or erected, the use of which requires permanent location on the ground or which is attached to something having a permanent location on the ground, but not including fences or single standing walls.
- (hhjj) *Use, occupy or occupied* as applied to any land or building shall be construed to include the words "intended," "arranged" or "designed" to be used or occupied.
- (iikk) *Yard* is an open space on the same lot with a building, unoccupied and unobstructed by any part of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the property line and the adjacent wall of the main building shall be used.
- (jjH) *Yard, front* is a yard extending across the front of a lot between the side property lines and being the minimum horizontal distance between the front yard property line and the main building or any projection thereof other than steps, unenclosed balconies and unenclosed porches. The property line is a line common to the adjacent right-of-way (ROW), other than an alley. For corner lots, the front property line will generally be the side with the least dimension. The Building Inspector will make a determination. (See Figures 16-201.1a through 16-201.1d). Exception: when the house faces a corner, the house will have two front yards. (See Figures 16-201.1c and 16-201.1d).

(kmm) *Yard, rear* is a yard extending across the rear of a lot measured between side property lines and being the minimum horizontal distance between the rear property line(s) and the rear of the main building or any projection other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as opposite to the street upon which the lot has its least dimension. (See Figure 16-201.1a). On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. One-half the alley width may be considered a part of the adjacent rear yard. (See Figures 16-201.1a through 16-201.1d)

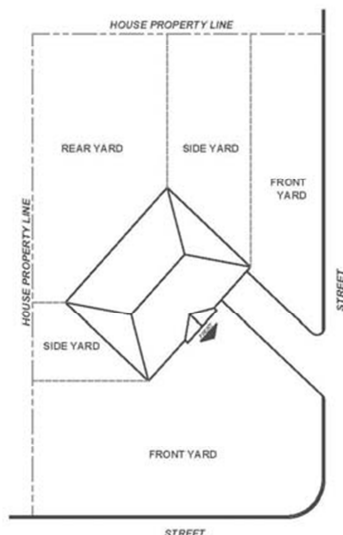
(lmm) *Yard, side* is a yard between the building and the side property line of the lot extending from the front yard to the rear yard. (See Figures 16-201.1a through 16-201.1d).



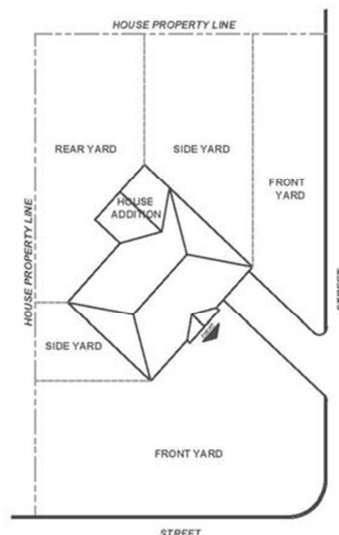
(Figure 16-201.1a.)



(Figure 16-201.1b.)



(Figure 16-201.1c.)



(Figure 16-201.1d.)

Sec. 16-201A. – Additional Definitions Relating to Communications Facilities. The additional definitions relating to Communications Facilities set forth in Section 16-1102 are incorporated herein by reference.

Sec. 16-318. - Special Use Permit.

(a) Any of the use restrictions provided for in this article may be waived in hardship cases provided that a written application for a special use permit is made to the Governing Body.

(b) Communications Facilities (Towers, Base Stations and Antennas).

1. The definitions in Section 16-1102 shall apply to Special Use Permits for Communications Facilities.

2. Each Application for a Special Use Permit for Communications Facilities shall follow the process and submit the required information listed in Section 16-1105.

3. A Special Use Permit for Communications Facilities shall be subject to the performance standards listed in Section 16-1107.

4. A Special Use Permit for Communications Facilities shall be for a term not less than ten (10) years.

5. A denial of a Special Use Permit for Communications Facilities shall comply with the requirements of Section 16-1108. ~~Communication towers and communication antennas may be permitted by special use permit as follows:~~

~~(1) In a single family residence district.~~

~~(2) In a duplex residence district.~~

~~(3) As an accessory use to a non-residential use in a residential zoning district where the communication tower or communication antenna:~~

~~(i) Is designed as an architecturally compatible element of the structures on the parcel of land proposed for the communication tower or communication antenna, but exceeds the height limitations of the zoning district or any permitted height exceptions; or~~

~~(ii) Is not designed as an architecturally compatible element of the structures on the parcel of land proposed for the communication tower or communication antenna.~~

~~(c) In residential districts, communication antennas located on a structure on property developed with residential uses.~~

~~(d) On public lands and public and private parks.~~

~~(e) As an accessory use in a multiple residence district.~~

~~(f) As an accessory use in the office building, retail business, planned office building, planned restricted business, planned general business and the planned industrial park districts.~~

Sec. 16-406. - Single-Family Residence District.

The following uses and no other are permitted in a single-family residence district:

(a) Single-family dwelling, and uses customarily incident to and located on the same lot or premises as the dwelling;

(b) Public park or public playground, church, public or parochial school;

(c) Group home, as defined by K.S.A. 12-736, and amendments thereto, located in a single-family dwelling;

- (d) Residential-designed manufactured homes conforming to the following architectural or aesthetic standards:
- (1) The roof must be double-pitched and have a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run, and covered with roofing material that is residential in appearance, including, but not limited to, approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roofs.
 - (2) All roof structures shall provide an eave projection of no less than six inches, which may include a gutter.
 - (3) The exterior siding shall consist predominantly of vinyl or metal horizontal lap siding (the reflectivity of which does not exceed that of gloss white paint), wood or hardboard, brick, stone or stucco comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the City.
 - (4) The manufactured home is set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1987" (referred to as NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home.
 - (5) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set in Chapter IV of the City Code, and attached firmly to the primary structure and anchored securely to the ground.
 - (6) All fuel supply systems shall be constructed and installed within the foundation wall or underground in accordance with all applicable building and safety Codes except that any bottled gas tanks may be fenced so as not to be clearly visible from the street or abutting properties.
 - (7) The moving hitch, transporting lights, and wheels and axles shall be removed.
 - (8) The manufactured home must be oriented on the lot so that its long access is parallel with the street. A perpendicular or diagonal placement may be permitted if the narrow dimension of the unit, as it appears from the street, is no less than 50 percent of the unit's long dimension.
 - (9) The lot must be landscaped to ensure compatibility with surrounding properties.
 - (10) The manufactured home has a length not exceeding four times its width, with length measured along the longest access and width measured at the narrowest part of the other access. The minimum dimensions of the manufactured home shall be 22 feet in width and 40 feet in length.
 - (11) A garage or carport, constructed in accordance with the requirements of Chapter IV of the City Code is required.
- (e) Customary accessory uses.
- (f) Communications Facilities as follows, subject to the application, location and performance standards set forth in Article 11 of this Chapter ~~towers designed as an architecturally compatible element of and attached to an existing non-residential use such as a school,~~

~~church, etc. and communication antennas mounted on existing non-residential structures and non-residential buildings conforming to the following requirements:~~

- (1) Towers and Base Stations designed as an architecturally compatible element to an existing non-residential use such as churches and schools, that comply with the same height and setback requirements as other structures in this district~~Communication towers are subject to site plan approval by the City Engineer. The City Engineer shall specify in writing the information to be contained in the required site plan. In addition, communication towers are subject to the same height and setback requirements as other structures within this district and the performance standards outlined in subsections 16-1101(a)(2)-(14), (17) and (20).~~
- (2) ~~Communication a~~Antennas mounted on and designed as an architecturally compatible element to an existing non-residential structure or building~~may be installed on an existing structure located on property developed with a non-residential use or on a non-residential building subject to the performance standards outlined in Article 11, hereof.~~
- (3) Small Cell/DAS Facilities on utility poles or street lights in the public right-of-way.

Sec. 16-414. - Office Building District.

In any office building district no building or structure shall be hereafter erected, moved or altered unless otherwise provided in this article, except for the following:

- (a) Office buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organizations or societies.
- (b) Other offices limited to the following:
 - (1) Accountants;
 - (2) Architects;
 - (3) Brokers;
 - (4) Engineers;
 - (5) Dentists;
 - (6) Lawyers;
 - (7) Physicians, osteopaths, chiropractors;
 - (8) Real estate and insurance;
 - (9) Medical, dental, health clinic;
 - (10) Children's pre-school or nursery school;
 - (11) Savings and loan company (finance and loan);
 - (12) Public library;
 - (13) Small loan company (finance and loan);
 - (14) Travel agency;
 - (15) Tailor shop;
 - (16) Beauty salon.

- (c) Communication Facilities as follows, subject to the application, location and performance standards set forth in Article 11 of this Chapter~~antennas mounted on existing structures; provided that, the communication antenna is installed on an existing structure (such as a building, utility pole, water tower etc.) three stories in height or greater, but no less than 35 feet; provided also that, the additional communication antennas shall add no more than 20 feet to the height of that existing structure. Communication antennas that are architecturally compatible with the building architecture may locate on nonresidential buildings less than three stories or 35 feet in height, subject to site plan approval in accordance with section 16-331. Equipment associated with the communication antenna may be permitted on the roof so long as it is screened from view in accordance with section 16-1010. Communication antennas mounted on a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Ground-mounted equipment associated with the communication antenna is subject to the performance standards outlined in subsections 16-1101(a)(9) (11), (14), (17) and (20).~~;

(1) Antennas mounted on existing buildings and water towers.

(2) Small Cell/DAS Facilities on utility poles or street lights in the public right-of-way.

- (d) Customary accessory uses; provided, however, no merchandise shall be sold or displayed and no equipment, material or vehicle shall be stored outside a building, except that this subsection shall not be construed as prohibiting the parking of passenger cars used by the owners, tenants and guests in traveling to and from the property located in the office building district.

Sec. 16-417. - Retail Business District.

In a retail business district, no building or premises shall be used and no building or structure shall be hereafter erected or altered, unless otherwise provided in this article except for the following:

- (a) Retail stores;
- (b) Retail trade and shops for custom work or the making of articles to be sold at retail on the premises;
- (c) Manufacturing, clearly incidental or necessary to retail business, lawfully conducted on the premises; provided, that it does not in any way become a nuisance or hazard;
- (d) Banks and savings and loan associations;
- (e) Motor car light repair work;
- (f) Automobile sales room;
- (g) Hospital, sanitarium, or small animal hospital;
- (h) Fire and police station, or other public buildings;
- (i) Any uses enumerated in section 16-414 hereof;
- (j) Mortuaries;
- (k) Gasoline service station;
- (l) Private clubs allowing consumption of alcoholic liquors upon the premises;
- (m) Restaurants;

- (n) Communications Facilities as follows, subject to the application, location and performance standards set forth in Article 11 of this Chapter:
 - (1) Antennas mounted on existing buildings and water towers.
 - (2) Small Cell/DAS Facilities on utility poles or street lights in the public right-of-way.
- (o) Customary accessory uses.

Sec. 16-430. - Planned Industrial Park District; Uses.

In a planned industrial park district, District P-I, no building or premises shall be used and no building or structure shall be hereafter erected or altered, unless otherwise provided in this article, except for the following:

- (a) Manufacturing, processing, fabrication or assembling of any commodity or equipment, except junk or salvage;
- (b) Sale, distribution, wholesaling, warehousing and storage of any commodity, except junk or salvage;
- (c) Offices, laboratories;
- (d) Public utility facilities;
- (e) Storage of vehicles clearly accessory and necessary to the normal operation of the uses;
- (f) Freight terminals;
- (g) Restaurants and automatic food and beverage vending machines;
- (h) Structures and uses that are clearly accessory and necessary to the normal operation of the above uses, including signs as provided in this Code.
- (i) Communications Facilities as follows, subject to the application, location and performance standards set forth in Article 11 of this Chapter:~~towers and communication antennas mounted on existing structures.~~
 - (1) Towers up to a maximum height of 100 feet; provided, an additional 50 feet to accommodate Collocation may be approved upon submission of information certifying the capacity of the Tower for up to two additional providers and an owner's letter indicating the owner's intent to share space. A lightning rod, not to exceed 10 feet, shall not be included within these height limitations.
 - (2) Base Stations that comply with the same height and setback requirements as other structures in this district.
 - (3) Antennas mounted on existing buildings and water towers.
 - (4) Small Cell/DAS Facilities on utility poles or street lights in the public right-of-way.

Sec. 16-436. - Planned Office Building District; Permitted Uses.

On property zoned CP-O no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses, subject to the development and performance standards set forth in section 16-439:

- (a) Offices for the administrative and management functions only of businesses and civic organizations.
- (b) Services, limited to the following:

- (1) Accounting and bookkeeping;
 - (2) Advertising;
 - (3) Alterations and tailoring;
 - (4) Banks and financial institutions;
 - (5) Barber shops and beauty salons;
 - (6) Broadcasting studios;
 - (7) Business machine services (including photocopy; tele-facsimile; computer and data processing);
 - (8) Consulting services;
 - (9) Employment services;
 - (10) Engineering, architects and designers;
 - (11) Information services;
 - (12) Insurance;
 - (13) Investment services;
 - (14) Labor unions and business associations;
 - (15) Libraries;
 - (16) Legal services;
 - (17) Medical and dental offices and clinics;
 - (18) Medical and optical labs;
 - (19) Postal services;
 - (20) Public and private utilities;
 - (21) Real estate;
 - (22) Securities and commodities brokers;
 - (23) Travel agents.
- (c) Marketing, display or repairs of office business equipment.
- (d) ~~Communication-A~~antennas mounted on existing structures subject to the performance standards set forth in Article 11 of this Chapter; provided that, the ~~communication A~~antenna is installed on an existing structure (such as a building, utility pole, water tower etc.) three stories in height or greater but no less than 35 feet and; provided also that, the ~~additional communication-A~~antennas shall add no more than 20 feet to the height of that existing structure. ~~Communication-a~~Antennas that are architecturally compatible with the building architecture may locate on nonresidential buildings less than three stories or 35 feet in height, subject to final development site plan approval in accordance with subsection 16-32831(e). Equipment associated with the ~~communication-a~~Antenna may be permitted on the roof so long as it is screened from view in accordance with section 16-1010. ~~Ground-mounted equipment associated with the communication tower is subject to the performance standards outlined in subsections 16-1101(a)(9), 16-1101(a)(11), 16-1101(a)(14) and 16-1101(a)(17).~~

Sec. 16-602. - Accessory Uses and Structures; All Residential Districts.

For the purpose of this chapter, certain terms or words used herein shall be interpreted or defined as follows unless the context shall indicate that the word shall have a different definition or interpretation.

The following are accessory uses and structures in a residential district; subject to the performance standards set forth in section 16-613:

- (a) Fence or walls.
- (b) Flag poles.
- (c) Garages and car ports.
- (d) Gardens.
- (e) Gates or guard houses for subdivisions or multi-family projects.
- (f) Ground-mounted satellite dish antennas.
- (g) Hobby activities.
- (h) Home occupations.
- (i) Keeping of animals.
- (j) Outside storage of equipment, materials or vehicles.
- (k) Parking areas.
- (l) Play equipment.
- (m) Signs.
- (n) Solar collectors.
- (o) Swimming pools.
- (p) Television and radio receiving antennas.
- (q) Tool-lawn equipment sheds not exceeding 200 sq. ft.
- (r) Recycling collection point.
- ~~(s) Communication towers, communication facilities and communication antennas by special use permit, if an accessory use or structure to a non-residential use and, if subsection 16-318(b)(3)(i) or 16-318(b)(3)(ii) apply, and also subject to the performance standards set forth in section 16-613.~~
- ~~(t) Communication antennas located on a non-residential structure located on property developed with residential uses approved by special use permit, subject to the performance standards set forth in section 16-613.~~

Sec. 16-603. - Accessory Uses and Structures; Multiple Residence District.

The following are accessory uses and structures in the multiple residence district, subject to the performance standards set forth in section 16-613:

- (a) Power generators.
- (b) Recreation areas and buildings, swimming pools and clubhouses.
- (c) Trash collection centers.

- (d) Vending machines, restrooms and laundry facilities and common areas of a multi-family projects.
- (e) Maintenance buildings for the projects.
- ~~(f) Communication towers, communication facilities and communication antennas by special use permit.~~

Sec. 16-604. - Accessory Uses and Structures; All Commercial Districts.

The following are accessory uses and structures in all commercial districts, subject to the performance standards set forth in section 16-613:

- (a) Cooling towers.
- (b) Dwelling units, other than mobile homes or manufactured homes, for security, management or maintenance personnel.
- (c) Fences or walls.
- (d) Flagpoles.
- (e) Food service and vending machines for tenants.
- (f) Parking areas.
- (g) Private parking garages.
- (h) Satellite dish antennas.
- (i) Signs.
- (j) Solar collectors.
- (k) Television, radio or microwave receiving antennas not exceeding 60 ft. in height, except as provided for in subsection (m) hereof.
- (l) Recycling collection points.

~~(m) Communication towers, communication facilities and communication antennas, by special use permit, also subject to the performance standards set forth in section 16-613.~~

Sec. 16-607. - Accessory Uses and Structures; District P-1.

The following are accessory uses and structures in district P-1, subject to the performance standards set forth in section 16-613:

- (a) Dwelling units, other than mobile homes or manufactured homes, for security, management or maintenance personnel.
- (b) Employee recreation areas.
- (c) Gate houses.
- (d) Loading equipment.
- (e) Parking loading areas.
- (f) Satellite dish antennas.
- (g) Security and screening fences.
- (h) Signs.
- (i) Solar collectors.

- (j) Television, radio or microwave receiving antennas not exceeding 60 feet in height, except as provided for in subsection (l) hereof.
- (k) Recycling collection points.
- ~~(l) Communication towers, communication facilities and communication antennas, by special use permit, also subject to the performance standards set forth in section 16-613.~~

ARTICLE 11. ~~COMMUNICATIONS FACILITIES~~ TOWERS AND ANTENNAS

~~Sec. 16-1101. Performance Standards.~~

- ~~(a) The following performance standards shall apply to all communication towers allowed by special use permit.~~
 - ~~(1) The maximum communication tower height that may be approved is 175 feet. A lightning rod, not to exceed ten feet, shall not be included within the height limitations. All new communication towers in excess of 100 feet shall be designed to accommodate at least two additional providers. The location of additional communication antennas on a legally existing communication tower shall not require additional approval from the Planning Commission or Governing Body.~~
 - ~~(2) All communication towers shall maintain a galvanized finish or be painted grey or light blue unless otherwise required by the Governing Body or if other standards are required by the Federal Aviation Administration.~~
 - ~~(3) All communication towers and facilities shall be sited to have the least practical adverse effect on the surrounding environment. In addition, communication towers should be designed and sited to avoid, wherever possible, the application of Federal Aviation Administration lighting and painting requirements.~~
 - ~~(4) Site location and development should preserve the preexisting character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless the disturbance would result in less visual impact of the site on the surrounding area.~~
 - ~~(5) The area covered by the application for a communication tower special use permit shall be sufficient to accommodate all communication facilities that can be accommodated on the proposed communication tower.~~
 - ~~(6) Communication towers and accessory buildings shall meet the setback requirements of the zoning district in which they are located unless greater setbacks are required by the Governing Body. The setback requirements for communication towers locating on residentially zoned property shall be determined at the time of the consideration of the special use permit application. All communication towers, except those designed as an architecturally compatible element in terms of material, design and height of the existing or proposed use of the property, shall be setback 200 feet from any surrounding property that is zoned for single family residence, duplex residence or multiple family residence; provided, however, that the distance may be reduced or waived by the Governing Body.~~
 - ~~(7) All communication towers, except those designed as an architecturally compatible element in terms of material, design and height of the existing or proposed use of the property, shall comply with the following separation requirements:~~

	Towers in	Towers 100'

	Excess of 100'	or Less
Towers in Excess 100'	1,500'	750'
Towers 100' or Less	750'	750'

-
- ~~(8) The Governing Body may grant a deviation from the height, setback and/or separation requirements. In support of a request for a deviation from the separation requirements, the applicant shall submit a technical study acceptable to the City which confirms that there are no other suitable sites available within the separation requirements. A deviation shall only be granted if the Governing Body determines that the deviation will not undermine the spirit and intent of this chapter.~~
- ~~(9) All parking areas and drives associated with a communication facility shall comply with section 16-802, except that the Governing Body may waive the requirements for curbing and drainage facilities when they are not needed for drainage purposes.~~
- ~~(10) Mobile or immobile equipment not used in direct support of a communication facility shall not be stored or parked on the site unless repairs to the communication facility are being made.~~
- ~~(11) Accessory uses shall include only those buildings and facilities necessary for transmission functions and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage areas, or other similar uses not necessary for the transmission function. All accessory buildings shall be constructed of building materials consistent with the primary use of the site, if the site has a primary use other than communication tower, and shall be subject to site plan approval. The site plan shall contain the information set forth in subsection 16-331(b) and consideration and approval shall be in accordance with the procedures set forth in subsections 16-331(c), 16-331(e).~~
- ~~(12) Communication towers shall only be illuminated as required by the Federal Communications Commission and/or the Federal Aviation Administration. Security lighting around the base of a communication tower may be provided if the lighting is shielded so that no light is directed towards adjacent properties or rights-of-way.~~
- ~~(13) All communication towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the federal government with the authority to regulate communication towers and antennas. If these standards and regulations change, the owners of the towers and antennas governed by this chapter shall bring the towers and communication antennas into compliance with the revised standards and regulations within six months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring these towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.~~
- ~~(14) In all areas of the City where the cables, wires and other like facilities of public utilities exist underground, or are required by the City to be placed underground, applicant shall also place all cables, wires, or other facilities associated with the communication facility underground.~~

- ~~(15) The base of the communication tower shall be screened from view with a solid screening fence a minimum of six feet in height. The materials of the fence, including any proposed razor wire or other security wire, shall be subject to the review of the Planning Commission and approval of the Governing Body. The Governing Body may waive the required screening where the design of the accessory building is architecturally compatible with the primary use of the property.~~
- ~~(16) A landscaping plan shall be required in accordance with section 16-1004. A continuous landscaped area shall be provided around the perimeter of the accessory building or screening wall. All plant materials are subject to section 16-1006 and shall include a mixture of deciduous and coniferous planting materials. Drought tolerant plant materials are encouraged. Where the visual impact of the equipment building would be minimal, the landscaping requirement may be reduced or waived by the Governing Body. Any communication antenna or communication tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of the communication antenna or communication tower shall remove the same within 90 days of a receipt of notice from the City notifying the owner of the abandonment. If the communication antenna or communication tower is not removed within 90 days, the City may remove the communication antenna or communication tower at the owner's expense. If there are two or more users on a single communication tower, then this provision shall not become effective until all users cease using the communication tower.~~
- ~~(17) Any communication antenna or communication tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of the communication antenna or communication tower shall remove the same within 90 days of receipt of notice from the City notifying the owner of the abandonment. If the communication antenna or communication tower is not removed within 90 days, the City may remove the communication antenna or communication tower at the owner's expense. If there are two or more users on a single communication tower, then this provision shall not become effective until all users cease using the communication tower.~~
- ~~(18) To ensure the structural integrity of communication towers, the owner of a communication tower shall ensure that it is constructed and maintained in compliance with standards contained in applicable local building Codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Building Inspector concludes that a communication tower fails to comply with these Codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the communication tower, the owner shall have 30 days to bring the communication tower into compliance with these standards. If the owner fails to bring the communication tower into compliance within the 30 days, the City may cause the removal of such communication tower at the owner's expense.~~
- ~~(19) At least every 12 months, the communication tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of communication towers as approved by the City Engineer. At a minimum, this inspection shall be conducted in accordance with the tower inspection checklist provided in the Electronics Industries Association (EIA) Standard 222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A copy of the inspection record shall be provided to the City.~~
- ~~(20) In the case of any disturbance to a street or other public property, caused by an applicant during the course of constructing or maintaining its communication facility, the applicant shall, at its own expense, replace and restore all paving, sidewalk, driveway, landscaping, or surface of any street or other public property disturbed to as good or better condition as~~

~~before the disturbance in accordance with applicable federal, state and local laws, rules, regulations or administrative decisions. The duty to restore the street or other public property shall include the repair of any area identified by the City Engineer as being weakened or damaged as a result of a cut or of other invasion of the pavement of a street or other public property.~~

~~(b) Every communication tower shall be subject to administrative review by the City Engineer after three years regardless of the approved term (if any) of the special use permit or the date the communication tower was installed. Reviews will subsequently be required every three years thereafter. At the time of this review the holder of the special use permit shall demonstrate to the satisfaction of the City Engineer that:~~

- ~~(1) The general appearance of the communication tower has been adequately maintained. This shall include landscaping, fencing, surfacing, communication tower appearance, etc.~~
- ~~(2) The structural integrity of the communication tower is uncompromised. A report from a licensed professional engineer shall be submitted by the holder of the special use permit certifying the structural integrity.~~
- ~~(3) A good faith effort has been made to cooperate with other providers to establish co-location at the tower site. Good faith effort shall include, but is not limited to, timely response to co-location inquiries from other providers and sharing of technical information to evaluate the feasibility of establishing co-location.~~
- ~~(4) The City may request that the holder of the special use permit hire a qualified third party to prepare a report providing measurements of radio frequency radiation emissions and certifying compliance with all applicable regulations.~~

~~Failure to adequately demonstrate compliance on anyone of these items shall subject the holder of the permit to revocation of the special use permit. The determination whether or not to revoke the special use permit shall be made by the Governing Body after a public hearing noticed in accordance with section 16-311.~~

16-1101 Statement of Intent

The Telecommunications Act of 1996 affirmed the City's authority concerning the placement, construction, and Modification of Communications Facilities. The intent of this Article is to ensure the provision of quality Wireless Services within the City limits; establish a fair and efficient process for the review and approval of Communications Facility Applications; assure an integrated, comprehensive review of environmental impacts of Communications Facilities, and promote the public health, safety, security, and general welfare of the City.

16-1102 Definitions

For purpose of this Article, and where consistent with the context of a specific Section, the defined terms, phrases, words and abbreviations and their derivations shall have the meanings given in this Section.

Accessory Facility means an accessory facility, building, structure or equipment serving or being used in conjunction with Communications Facilities and generally located on the same Site as the Communications Facilities, including, but not limited to, utility or Transmission Equipment, power supplies, generators, batteries, cables, equipment buildings, storage sheds or cabinets, or similar structures.

Antenna means communications equipment that transmits or receives electromagnetic radio signals used in the provision of Wireless Services.

- **Distributed Antenna System (DAS)** means a network that distributes radio frequency signals and consisting of:
 1. Remote communications or Antenna nodes deployed throughout a desired coverage area, each including at least one Antenna for transmission and reception;
 2. A high capacity signal transport medium that is connected to a central communications hub site; and
 3. Radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the Antennas to provide Wireless or mobile Service within a geographic area or structure.
- **Small Cell Facility** means a Communications Facility that meets both of the following qualifications:
 1. Each Antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and
 2. Primary equipment enclosures that are no larger than 17 cubic feet in volume, or facilities comprised of such higher limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume. Accessory Facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.
- **Small Cell Network** means a collection of interrelated Small Cell Facilities designed to deliver Wireless Service.

Applicant means any person or entity that is engaged in the business of providing Wireless Services or the wireless infrastructure required for Wireless Services and that submits an Application pursuant to this Chapter.

Application means all necessary and appropriate documentation that an Applicant submits in order to receive approval for a Communications Facility.

Approval Authority means the Building Official for all Applications pursuant to Section 16-1040.A, and means the Governing Body for all Applications pursuant to Section 16-1040.B.

Base Station means a station that includes a structure that currently supports or houses an Antenna, transceiver, coaxial cables, power cables or other Accessory Facilities at a specific Site that enables FCC-licensed or authorized Wireless Service to mobile stations, generally consisting of radio transceivers, Antennas, coaxial cables, power supplies and other associated electronics. The term does not mean a Tower or equipment associated with a Tower; and it does not include any structure that, at the time the relevant Application is filed with the City, does not support or house equipment described in this paragraph or that was not previously approved under the applicable zoning or siting process. *(A non-tower support structure – for example, a building, church steeple, water tower, sign, street light, utility pole or other non-tower structure that can be used as a support structure for Antennas or the functional equivalent of such.)*

Collocation means the mounting or installation of Transmission Equipment on an Eligible Support Structure for the purpose of transmitting and/or receiving radio frequency signals for Wireless Service.

Communications Facility means a structure, facility, or location designed, or intended to be used

as, or used to support Antennas or other Transmission Equipment used in Wireless Services. This includes without limit, Towers of all types, and Base Stations, including but not limited to buildings, church steeples, water towers, signs, or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related Accessory Facilities associated with the Site. It is a structure and facility intended for transmitting and/or receiving, Wireless Services, Specialized Mobile Radio (SMR), personal communications services (PCS), commercial satellite services, microwave services, radio, television, and any commercial Wireless Service not licensed by the FCC.

Eligible Facilities Request means any request for Modification of an Existing Tower or Base Station that does not Substantially Change (*see definition*) the physical dimensions of such Tower or Base Station, involving:

1. Collocation of new Transmission Equipment;
2. Removal of Transmission Equipment; or
3. Replacement of Transmission Equipment.

Eligible Support Structure means any Tower or Base Station (*see definition*), provided that it is Existing at the time the relevant Application is filed.

Existing. A constructed Tower or Base Station is Existing if it has been reviewed and approved under the applicable zoning or siting process, provided that a Tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is Existing for purposes of this definition.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Modification or Modify means the addition, removal or change of any of the physical and noticeably visible components or aspects of a Communications Facility such as Antenna, cabling, radios, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any noticeably visible components, vehicular access, parking, upgrade or exchange of equipment for better or more modern equipment. Modification shall not include Replacement of such components in kind. A Collocation which changes the physical configuration of the Existing facility or structure shall be considered a Modification. The Building Official shall determine when changes such as enlarging the ground-mounted equipment area, increasing the screen wall height or installing additional equipment changes the physical and noticeably visible aspects of a Communications Facility.

Replacement means Replacement of an Existing Communications Facility that exists on a previously approved Site, utility easement, or an approved special use permit area, with a new facility of comparable proportions and of comparable height or such other height that would not constitute a Substantial Change to an Existing structure to support Communications Facilities or accommodate Collocation. A Replacement includes any associated removal of the pre-Existing Communications Facilities. A Replacement Tower shall be within 15 feet, as measured horizontally along the ground, of an Existing Tower, and the Existing Tower shall be removed within 30 days from the installation of the Replacement Tower. The Building Official may approve a separation greater than 15 feet.

Site means, for Towers other than Towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the Tower and any access or utility easements currently related to the Site, and, for other Eligible Support Structures, further restricted to that area in proximity to the structure and to other Transmission Equipment already deployed on the ground.

Stealth or Stealth Technology means using the least visually and physically intrusive facility by minimizing adverse aesthetic and visual impacts on the land, property, buildings and other facilities adjacent to, surrounding, and generally in the same area as the requested location of a

Communications Facility. Specifically, this means ensuring that all Antenna arrays, cables, and other Accessory Facilities used for providing the Wireless Service are not obtrusive or noticeably visible from adjacent properties or adjacent right-of-ways. Any Accessory Facilities mounted onto a Tower or structure shall not project greater than one (1) foot, as measured horizontally, from the surface of the Tower or structure and shall be painted or screened with materials that are a complementary color as the Tower or structure. Cables shall not be allowed to travel along the exterior of a Tower or structure. Understanding that new technologies are anticipated to change the components of Communications Facilities, the Building Official may determine if a Communications Facility or component of a Communications Facility is designed to be Stealth.

Substantial Change means a Modification that substantially changes the physical dimensions of an Eligible Support Structure (*Tower or Base Station*) by any of the following criteria:

1. Height

- a. For Towers not in the public rights-of-way, an increase in the height of the Tower by more than 10% or by the height of one additional Antenna array with separation from the nearest Existing Antenna not to exceed 20 feet, whichever is greater.
- b. For other Eligible Support Structures (*e.g., Towers in the public rights-of-way or Base Stations*), an increase in the height of the structure by more than 10% or more than 10 feet, whichever is greater.

Changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally (*such as on buildings' rooftops*); in other circumstances, changes in height are measured from the dimensions of the Tower or Base Station, inclusive of originally approved appurtenances and any Modifications that were approved prior to the passage of the Spectrum Act.¹

2. Width/Girth

- a. For Towers not in the public rights-of-way, adding an appurtenance to the body of the Tower that protrudes from the edge of the Tower more than 20 feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater.
- b. For other Eligible Support Structures (*e.g., Towers in the public rights-of-way or Base Stations*), adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet.

3. New equipment cabinets

- a. For any Eligible Support Structure (*see definition*), the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets.
- b. For Towers in the public rights-of-way and Base Stations, the installation of any new equipment cabinets on the ground if there are no pre-Existing ground cabinets associated with the structure, or else the installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.

4. Any excavation or deployment outside the current Site.

5. Defeating the Stealth Technology or concealment elements of the Eligible Support Structure.

6. Not complying with conditions associated with the siting approval of the construction or Modification of the Eligible Support Structure or Base Station equipment, provided however that this limitation does not apply to any Modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections 1. through 4. above.

Transmission Equipment means equipment that facilitates transmission for any FCC-licensed or authorized Wireless Service, including, but not limited to, radio transceivers, Antennas, coaxial or

¹ The term Spectrum Act means Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub.L. 112–96).

fiber-optic cable, and regular and backup power supply. The term includes equipment associated with Wireless Services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed Wireless Services and fixed Wireless Services such as microwave backhaul.

Tower means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized Antennas and their Accessory Facilities, including structures that are constructed for Wireless Services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed Wireless Services and fixed Wireless Services such as microwave backhaul, and the associated Site.

- **Monopole** means a Tower consisting of a single pole, constructed without guy wires and ground anchors.
- **Lattice Tower** means a guyed or self-supporting three or four sided, open, steel frame structure used to support Antennas and Transmission Equipment.

Wireless Services means “personal wireless services” and “personal wireless service facilities” as defined in 47 U.S.C. § 332(c)(7)(C), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through Communications Facilities or any fixed or mobile Wireless Services provided using Communications Facilities.

16-1103 Overall Policy

In order to ensure that the placement, construction, and Modification of Communications Facilities protect the public health, safety, security, and general welfare of the City, the following policies are hereby adopted *(subject to applicable state and federal law)*:

- A. Optimize the number of Communications Facilities in the City.
- B. Encourage opportunities for user Collocation on Existing Communications Facilities, buildings and other structures and maximize Replacement strategies.
- C. Comply fully with established planning guidelines regarding land use and performance standards.
- D. Emphasize the use of Stealth Technology to integrate the appearance of Communications Facilities with many architectural and nature themes throughout the City and to use Existing Communications Facilities instead of building new Communications Facilities.
- E. Protect the public interests, where practical and applicable.
- F. Protect the public health, safety and welfare.

16-1104 Application Approval Authority

A. **Administrative Approval** - The Building Official may approve Applications for Communications Facilities for the following:

1. The Modification of an Existing Tower or Base Station that does not incur a Substantial Change to the Tower or Base Station or that otherwise qualifies as an Eligible Facilities Request. *(See C.1 for timeframe.)*
2. New Small Cell/DAS Facilities on an Existing Tower, utility pole or street light in the public right-of-way. This provision is also applicable when the Existing Tower, utility pole or street light is replaced by a Tower, utility pole or street light that is not a Substantial Change from the original. *(See C.1 for timeframe.)*
3. New Antenna *(including Small Cell/DAS Facilities)* on an Existing Tower or Base Station *(such as a building)* that does not incur a Substantial Change to the Tower/Base Station and that: (1) is permitted by right in the underlying zoning district; and (2) meets applicable performance standards. *(See C.1 for timeframe.)*

4. New Antenna (including Small Cell/DAS Facilities) on an Existing Tower or Base Station (such as a building) that incurs a Substantial Change (see definition) to the Tower or Base Station and that: (1) is permitted by right in the underlying zoning district; and (2) meets applicable performance standards. (See C.2 for timeframe.)
5. New Tower permitted by right in the underlying zoning district that meets applicable performance standards. (See C.3 for timeframe.)
6. New Tower or utility pole for Small Cell/DAS Facilities in the public right-of-way. (See C.3 for timeframe.)

B. Special Use Permit Approval – A Special Use Permit (SUP) reviewed by the Planning Commission and approved by the Governing Body is required for Applications for Communications Facilities for the following:

1. A Substantial Change to an Existing Tower or Base Station. (See C.2 for timeframe.)
2. Any other Application for placement, installation or construction of Transmission Equipment that does not constitute an Eligible Facilities Request. (See C.2 for timeframe.)
3. New Tower. (See C.3 for timeframe.)

C. Application Timeframe

1. A final decision shall be issued for Applications under subsections A.1, A.2, and A.3 within 60 calendar days.
2. A final decision shall be issued for Applications under subsections A.4, B.1 and B.2 within 90 calendar days.
3. A final decision shall be issued for Applications under subsections A.5, A.6 or B.3 within 150 calendar days.
4. The timeframes set forth in subsections C.1-C.3 begin to run when a completed Application is filed following the pre-application conference. The applicable timeframe may be tolled by mutual agreement or in cases where the City determines that the Application is incomplete. To toll the timeframe for incompleteness, the City may provide written notice to the Applicant within 30 days of receipt of the Application, clearly and specifically delineating all missing documents and information. The timeframe begins running again when the Applicant makes a supplemental submission responding to the City's notice. The City then has 10 days to notify the Applicant that the supplemental submission did not provide the information identified in the original notice. The timeframe is tolled in the case of second or subsequent notices pursuant to this subsection. Second or subsequent notices may not specify missing documents or information that were not delineated in the original notice of incompleteness.

D. Small Cell and DAS Facilities – Consolidated Application and Exemption

1. Consolidated Application – Pursuant to K.S.A. 66-2019, and amendments thereto, an Applicant may file one consolidated Application for a Small Cell Network up to 25 individual Small Cell Facilities of a substantially similar design. Notwithstanding, the City may require a separate Application for any Small Cell Facilities that are not of a substantially similar design.
2. Exemption – No zoning or siting approval is required for the construction, installation or operation of any Small Cell or DAS Facilities located in an interior structure or upon the Site of any campus, stadium or athletic facility; provided, however, this exemption does not exempt any such facility from any applicable building or electrical code provision.

16-1105 Application Process and Requirements

- A. Pre-Application Conference** – A pre-application conference is required before filing an Application for the Replacement or Modification of an Existing Communications Facility or the construction of a new Communications Facility, unless waived by the Building Official. The purpose of the pre-application conference is to ensure the Applicant understands all requirements, to establish a tentative timeline, and to determine the Approval Authority for the Application. The pre-application conference should address issues that will expedite the review and approval process. Pre-application conferences for Small Cell/DAS Facilities in the public right-of-way will be conducted with the City’s Director of Public Works.
- B. Application Fee** – At the time the Application is filed for a Communications Facility, the Applicant will pay a non-refundable Application fee as determined in the current version of the Governing Body resolution establishing applicable fees; provided, the Application fee shall be subject to any applicable statutory maximum. An Application shall not be deemed submitted unless the applicable fee is paid.
- C. Application Requirements** – An Application for the Replacement or Modification of an Existing Communications Facility or the construction of a new Communications Facility shall include the following information and requirements, unless waived by the Building Official:
1. As applicable, a site plan or preliminary development plan, and if applicable, any other Special Use Permit submission requirements required pursuant to Section 16-304.
 2. A descriptive statement of the proposed Communications Facility. For Towers or Base Stations, the statement shall provide the capacity of the structure, including the number and type of Antennas it can accommodate.²
 3. An affidavit from the Applicant stating that it conducted a thorough analysis of available Collocation opportunities within the applicable search ring.³
 4. Elevation drawings of the proposed Communications Facilities showing all Towers, Base Stations, Antennas, Transmission Equipment, Accessory Equipment, cabinets, fencing, screening, landscaping, lighting, and other improvements related to the facility. Specific colors and materials shall be noted.
 5. Digital photo simulations of the site providing “before and after” views demonstrating the true visual impact of the proposed Communications Facilities on the surrounding environment. Staff or the Approval Authority may require photo simulations from any specific vantage point.
 6. A report from a licensed professional engineer which describes the Communications Facility’s structural capacity, including a statement to the effect that the Communications Facility can safely accommodate all Antennas, Transmission Equipment and/or Accessory Equipment. This may include structural calculations, geotechnical foundation studies, and other data as determined by the Building Official, as applicable, and in compliance with all City codes. In the event an Existing Communications Facility is to be used, the report shall describe the condition of the Existing Communications Facility based on a physical inspection and its ability to accommodate any additional Accessory Equipment and/or Antennas.
 7. A landscape plan that demonstrates the effective screening of the proposed Communications Facility and any Accessory Facilities as required by the Section 16-1107.H. The landscape

² Pursuant to K.S.A. 66-2019, and amendments thereto, the City may not require specific information about: the Applicant’s business decision regarding its designed service, customer service demand or quality of service for a particular area or Site; the specific need for the Communications Facility; or any proprietary, confidential or other business information to justify the need for the Site, including propagation maps and telecommunications traffic studies.

³ Pursuant to K.S.A. 66-2019, and amendments thereto, the City may not evaluate the Application based on availability of other potential locations for siting, including options to Collocate.

- plan shall be sealed by a professional landscape architect, unless this requirement is waived by the Approval Authority.
8. If lighting is required by the FCC or the FAA, the Applicant shall submit the proposed lighting plan and identify an available lighting alternative. If security lighting is to be used, the Applicant may be required to submit a photometric plan to ensure that lighting is unobtrusive and inoffensive and that no light is directed towards adjacent properties or rights-of-way. All lighting will meet any requirement of Section 16-1107.I.
 9. If an emergency power system will be utilized, the Applicant will provide: sufficient details showing the location and proposed use of the same; a proposed plan for any intended non-emergency use (e.g., testing); and certification that the system will not violate local health and safety requirements and local noise control ordinances.
 10. A statement that the proposed Communications Facility and any Accessory Facilities and/or landscaping shall be maintained within City ordinances, under what arrangement, and by whom. The statement shall provide contact information for the responsible party.
 11. An engineer's certification that the proposed Communications Facility and the cumulative effect of all Communications Facilities on the Site comply with all FCC standards, including but not limited to, certifying that all facilities meet all provisions and regulations for radio frequency (RF) emissions or exposure, and that anticipated levels of electromagnetic radiation to be generated by all facilities on the Site, including the effective radiated power (ERP) of the Transmission Equipment, shall be within the guidelines established by the FCC.
 12. When applicable, a signed copy of the lease between the Applicant and the landowner or other acceptable documentation signed by the landowner evidencing the landowner's approval for the proposed Communications Facility. The lease or other documentation shall contain a provision stating that the landowner shall be responsible for the demolition and/or removal of the Communications Facility in the event the lessee fails to remove it upon abandonment of the facilities or the termination of the lease.
 13. Applicants for Communications Facilities in the right-of-way shall provide notice by certified mail to the owners of record of all property within 200 feet of the proposed location. The notice shall provide: (1) a description of the proposed facility; (2) the location of the proposed facility; (3) a plan sheet showing the proposed location and the facility improvements; and (4) the Applicant's contact information and a statement that the owner shall have 20 days from the date of the notice to provide the City with any input regarding the Application. Each Communications Facility location shall be provided with its own notice; notices for multiple locations, even if under the same Application, may not be provided in a single letter. No Application will be approved until the Applicant submits an affidavit affirming that the required notice was sent. For Applications requiring a Special Use Permit, the notice requirements outlined in Section 16-1108 shall apply.
 14. Any other information to satisfy the Performance Standards in Section 16-1107 or that, as determined by the Building Official, will assist the review and approval process for Communications Facilities.

D. Independent Third Party Review

1. The Applicant may be required to provide an independent review of the Application as determined by the Building Official.
2. The Building Official will select and approve a list of acceptable consultants to be used for the third party independent review.
3. The scope of the third party review will be determined by the Building Official and may vary with the scope and complexity of the Application; the scope will be determined

following the pre-application conference. The independent third party review will generally be focused on the technical review of Wireless Services and verification of the information submitted by the Applicant such as federal RF emissions standards, and other technical requirements to ensure that the modeling parameters and data used in developing these technical requirements are valid and representative of the proposed Communications Facility.

16-1106 Location of Communications Facilities

When possible, the City encourages - but does not require - new Communications Facilities to be located on Existing Communications Facilities or on existing structures (for example, commercial buildings, water towers, utility poles and street lights) whereby the new Communications Facilities can be architecturally integrated or otherwise camouflaged in a Stealth manner in order to minimize the intrusion upon the public and adjacent properties. If and when a new Tower or new Base Station is installed for Communications Facilities, said new Tower or new Base Station should be located and designed in a manner to minimize the intrusion upon the public and adjacent properties, and when possible, to be architecturally integrated or camouflaged in a Stealth manner with surrounding structures. For any new Tower or new Base Station the City's preference of location is as follows:

- A. In an industrial area as permitted by right.
- B. In a commercial area as permitted by right.
- C. In a commercial area, public property or semi-public property (such as churches and schools) as permitted by Special Use Permit.
- D. In a multi-family residential district as permitted by Special Use Permit.
- E. In a single-family residential district as permitted by right.
- F. In a single-family residential district as permitted by Special Use Permit.

16-1107 Performance Standards for Communications Facilities

A. Height

- 1. Towers - The maximum height which may be approved for a Tower is 150 feet, which includes any Transmission Equipment on top of the Tower. A lightning rod, 10 feet in height or less, shall not be included within the height limitations.
- 2. Towers in Right-of-Way – The maximum height which may be approved for a Tower and related Transmission Equipment in the public right-of-way is: 50 feet along a thoroughfare; 40 feet along a collector; and 20 feet along a residential street.
- 3. Base Stations – Base Stations shall comply with any applicable height requirement for its particular type of structure as set forth in the applicable zoning district.

B. Design and Color

- 1. Towers
 - a. Design - Towers shall be a Monopole or of some other Stealth or Stealth Technology design unless required by the Approval Authority to be architecturally compatible to the surrounding development. Guy and Lattice Towers are not allowed. Furthermore, Towers must be designed in compliance with all current applicable technical, safety, and safety-related codes adopted by the City or other applicable regulatory authority.
 - b. Color and Finish - Towers shall have a galvanized finish unless an alternative Stealth or camouflaged finish is approved by the Approval Authority.

2. Base Stations – Base Stations shall comply with any applicable color and design requirement for its particular type of structure as set forth in the applicable zoning district, and shall blend with the surrounding buildings and/or natural environment.
3. Antennas
 - a. Design on Towers – Antenna bridges and platforms on Towers are not allowed. Antennas on Towers may be:
 - (i) Internal,
 - (ii) A panel of slim-line design mounted parallel with the Tower,
 - (iii) A design deemed by the Approval Authority to be less obtrusive or more Stealth than the above-described designs; or
 - (iv) An omni-directional Antenna placed at the top of the Tower when it gives the appearance of being a similarly sized or smaller extension of the Tower. *(The latter will be included in the Tower height calculation.)*
 - b. Design on Base Stations – Antennas and visible Accessory Facilities on a Base Station or other building/structure shall be comprised of materials that are consistent with the surrounding elements so as to blend architecturally with said building/structure and to camouflage their appearance in a Stealth manner. Such facilities on rooftops may require screening that is architecturally compatible with the building. As applicable, the following additional requirements apply:
 - (i) Antennas may be installed on any existing building or structure *(such as a water Tower but excluding single-family residences and accessory uses)* three (3) stories in height or greater but no less than 35 feet provided that the additional Antennas shall add no more than 20 feet to the height of said existing structure.
 - (ii) Antennas which are architecturally compatible to the building architecture may locate on non-residential buildings less than three (3) stories or 35 feet in height, subject to final development plan approval (certificate of conformity in DFD district).
 - (iii) Attached Antennas on a roof shall be located as close to the center of the roof as possible; and Antennas mounted on a building or structure wall shall be as flush to the wall as technically possible, and shall not project above the top of the wall.
 - (iv) Accessory Facilities for Antennas may be permitted on the roof so long as it is screened from view in accordance with Section 16-1010. *(For ground-mounted Accessory Facilities see Section 16-1107)*
 - c. Color and Finish - Antennas and visible Accessory Facilities shall be colored and finished in a manner consistent with the Tower/Base Station and any surrounding elements so as to camouflage their appearance in a Stealth manner. Such facilities shall be of a neutral color that is identical to, or closely compatible with, the color of the Tower/Base Station so as to make such facilities as visually unobtrusive as possible. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen.

C. Setbacks

1. Communications Facilities in commercial and industrial zoning districts shall meet the setback requirements for other types of commercial structures of a similar size that are allowed by right in the zoning district in which the facilities are located. In the event the Communications Facilities will exceed the height allowed for other types of commercial structures in the district in which the facilities are located, the Communications Facilities

- shall meet the greater of the maximum setback requirements for the zoning district or a setback equal to the height of the facility, unless the Approval Authority reasonably finds that a greater setback is required in the interest of the public health, safety and welfare.
2. Communications Facilities in residential zoning districts shall meet the greater of the maximum setback requirements for the zoning district or a setback equal to the height of the facility, unless the Approval Authority reasonably finds that a greater setback is required in the interest of the public health, safety and welfare. Setbacks for Towers located on residentially zoned property which is shown on the Comprehensive Plan for a use other than very-low density or low density residential shall be determined at the time of the Application.
 3. In addition to the above setback requirements set forth in subsections C.1 and C.2, Towers shall have a minimum setback of 200 feet from any surrounding property which is zoned as Single-Family Residence District, unless such Tower: (1) does not exceed the height requirement for other types of commercial structures in the district in which the Tower is located; (2) is a utility pole or street light or a Monopole similar in size thereof; or (3) is designed as an architecturally compatible element in terms of material, design and height to the Existing or proposed use of the Site.
 4. Small Cell/DAS Facilities on utility poles or street lights shall not be subject to the setback requirements in subsections C.1 – C.3 above.
 5. The Approval Authority shall have the ability to grant a deviation from the setback requirements above subject to Section 16-429(g).
- D. Accessory Facilities** - Accessory Facilities shall include only such structures and facilities necessary for transmission functions for Wireless Services, but shall not include broadcast studios, offices, vehicle storage areas, or other similar uses not necessary for the transmission function. Accessory Facilities shall be constructed of building materials consistent with the primary use of the Site and shall be subject to the applicable approval process. Where there is no primary use other than the Communications Facility, the Accessory Facility and the building materials for the Accessory Facility shall be subject to the review and approval of the Approval Authority.
- E. Equipment Storage** - Mobile or immobile equipment not used in direct support of a Communications Facility shall not be stored or parked on the Site of the Communications Facility unless repairs to the Communications Facility are being made or pursuant to emergency approval as set forth in Section 16-1109.
- F. Parking Areas and Drives** - All parking areas and drives associated with the Communications Facility shall comply with Section 16-802, except that the Approval Authority may waive the requirements for curbing and drainage facilities when they are not needed for drainage purposes. All access roads and turn-arounds shall be provided to ensure adequate emergency and service access.
- G. Screening** - Accessory Facilities located at the base of a Tower or Base Station shall be screened from view with a solid screen wall a minimum of six (6) feet in height. The materials of the wall, including any proposed razor wire or other security wire, shall be of a material designed to match the architecture of the surrounding structures, and shall be subject to the review and approval of the Approval Authority. The landowner or provider shall be responsible for maintenance of the screening. The Approval Authority shall have the ability to waive or reasonably modify this requirement where the design of the Accessory Facility is architecturally compatible to the primary use of the Site or where the Accessory Facility will have no visible impact on the public right-of-way and any other nearby property.

H. Landscaping - A landscape plan shall be required in accordance with Section 16-1004. The landscape plan shall be sealed by a professional landscape architect, unless this requirement is waived by the Approval Authority. A continuous landscaped area shall be provided around the perimeter of the accessory building or screening wall; and utility boxes will comply with any applicable utility box screening requirement. All plant materials are subject to Section 16-1006 and shall include a mixture of deciduous and coniferous planting materials. Drought tolerant plant materials are encouraged. The owner or provider shall be responsible for maintenance of all approved landscaping. Where the visual impact of the equipment building would be minimal, the landscaping requirement may be reduced or waived by the Approval Authority.

I. Lighting – Communications Facilities shall only be illuminated as required by the FCC and/or the FAA. If lighting is required, the Approval Authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Security lighting around the base of a Tower may be provided if the lighting is shielded so that: no light is directed towards adjacent properties or rights-of-ways; the lighting avoids illuminating the Tower; and the lighting meets any other applicable City requirements.

J. Utilities - All utilities at a Communications Facility Site shall be installed underground and in compliance with applicable codes.

K. Security - All Communications Facilities shall be located, fenced, or otherwise secured in a manner that prevents unauthorized access.

L. Signage – Signage at the Site is limited to non-illuminated warning and equipment identification signs required by the FCC or applicable regulatory body or otherwise approved by the Approval Authority.

M. Building Codes and Inspection

1. Construction and Maintenance Standards – To insure structural integrity, Communications Facilities shall be constructed and maintained in compliance with the standards contained in applicable local building codes and the applicable standards for Communications Facilities published by the Electronic Industries Association, (EIA) or any applicable regulatory authority (*all as amended from time to time*). If upon inspection the City concludes that a Communications Facility fails to comply with such codes and standards and constitutes a danger to persons or property, then the facility owner or landowner shall have 30 days following written notice to bring such facility into compliance. If the facility owner or landowner fails to bring such facility into compliance within this period, the City may order the removal or cause the removal of such facility at the facility owner or landowner's expense. Failure of the City to inspect the facility shall not relieve the facility owner or landowner of their responsibility to comply with this provision.

2. Inspection - At least every 24 months, the Communications Facility shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of Communications Facilities. At a minimum, this inspection shall be conducted in accordance with the inspection check list provided in the Electronic Industries Association (EIA) Standard 222, Structural Standards for Steel Antenna Towers and Antenna Support Structures (*as amended from time to time*). A copy of the inspection record shall be provided to the City upon request. The inspection shall be conducted at the facility owner or landowner's expense.

N. Operational Standards

1. Communications Facilities shall meet or exceed all minimum structural, height, radio frequency radiation and other operational standards as established by the FCC, FAA, EPA and other applicable federal regulatory agencies. If such standards and regulations are

changed, then the Communications Facilities shall be brought into compliance with the revised standards and regulations within six (6) months of the effective date of the ordinance or law from which these standards and regulations are derived, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring Communications Facilities into compliance with any revised standards and regulations shall constitute grounds for the removal of the facility at the owner or provider's expense.

2. It is the responsibility of the Wireless Service provider to promptly resolve any electromagnetic interference problems in accordance with any applicable law or FCC regulation.

O. Removal of Abandoned Communications Facilities - Any Communications Facility that is not operated for a continuous period of 12 months shall be considered abandoned and a nuisance, and the owner of such facility or the landowner shall remove the same within 90 days of a receipt of notice from the City. If such facility is not removed within said 90 days, the City may remove such facility at the facility owner or landowner's expense. If there are two or more users of a single Tower, then this provision shall not become effective until all users cease using the Tower.

P. Unsafe Communications Facilities – Any Communications Facility which is not maintained to a suitable degree of safety and appearance (as determined by the City and any applicable code, statute, ordinance, law, regulations or standard) will be considered a nuisance and will be upgraded or removed at the owner or provider's expense.

16-1108 Application Denial

A. The City may deny an Application for any of the following reasons:

1. Failure to submit any or all required Application documents and information.
2. Conflict with safety and safety-related codes and requirements.
3. Conflict with the historic nature or character of the surrounding area pursuant to federal or state law.
4. The use or construction of a Communications Facility which is contrary to an already stated purpose of a specific zoning or land use designation.
5. The placement and location of the Communications Facility would create an unacceptable risk, or the reasonable probability of such, to residents, the public, businesses, City employees, or employees of the Wireless Service provider.
6. Conflict with a public health, safety and welfare issue, including, but not limited to, violation of noise ordinance, flashing or other light nuisance, and conflict with required sidewalk widths (including ADA accessibility requirements).
7. Conflict with planned future public improvements.
8. Conflict with or violation of any provision contained within this Chapter or any other applicable City code or with any applicable federal or state law.

B. In the event of a denial, the Approval Authority or the City shall notify the Applicant in writing of the City's final decision, supported by substantial evidence contained in a written record and issued contemporaneously. Such notice shall be made within the applicable timeframe set forth in Section 16-1104.C.

C. Any denial shall not discriminate against the Applicant with respect to the placement of Communications Facilities of other investor-owned utilities, Wireless Service providers, wireless infrastructure providers or wireless carriers.

16-1109 Emergencies and Disasters

In the event of a declared emergency or disaster, the City Administrator or the Building Official may authorize any temporary Towers, Base Stations, Transmission Equipment or Accessory Equipment necessary to temporarily restore Wireless Services.

16-1110 Interpretation and Severability

The provisions of this Article shall be construed in a manner consistent with all applicable federal, state and local laws and standards regulating Communications Facilities. In the event any federal or state law or standard is mandatory or is more stringent than provisions of this Article, then such provisions shall be revised accordingly. If any section, subsection, clause, phrase or portion of this Article is for any reason held invalid or unenforceable by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Item Number: Consent Agenda- II.-D.
Committee 11/21/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 11/3/2016
Submitted By: Keith Moody
Committee/Department: Administration
Title: **2017 Roeland Park Sports Dome Lease agreement with Johnson County Parks and Rec**
Item Type: Agreement

Recommendation:

Staff recommends approval of the agreement as presented.

Details:

The attached agreement is unchanged from prior years. It provides a one year land lease to JCPRD for the Sports dome facility located on the Community Center property. The facility is an asset to the community, the operation of the facility is entirely the financial responsibility of JCPRD, and the City does not have any competing plans for use of the land occupied by the Sports Dome in the near or long term presently.

The lease price is \$1.

Financial Impact

Amount of Request: \$1	
Budgeted Item?	Budgeted Amount: \$1
Line Item Code/Description: Rent Revenue	

Additional Information

We did ask JCPRD if they would like to incorporate the same auto renewal language in this

agreement as has been proposed for the community center agreement, but their Board had already approved the agreement as presented, they are happy to look at incorporating that language for 2018.

How does item relate to Strategic Plan?

Sustaining the land lease provides for recreation opportunities that may not otherwise be available within the City.

How does item benefit Community for all Ages?

Activities at the Sports Dome cater to residents of all ages.

ATTACHMENTS:

Description	Type
 2017 RP sports dome agreement	Cover Memo

**2017 ROELAND PARK SPORTS DOME LEASE AGREEMENT
BETWEEN THE CITY OF ROELAND PARK, KANSAS
AND JOHNSON COUNTY PARK AND RECREATION DISTRICT**

This lease agreement ("Lease Agreement") is entered into this 19th day of October, 2016, by and between the City of Roeland Park, Kansas, hereinafter referred to as "City," and Johnson County Park and Recreation District whose address is 7900 Renner Road, Shawnee Mission, Kansas 66219, hereinafter referred to as "JCPRD."

WHEREAS, the City owns the Roeland Park Community Center generally located at 4850 Rosewood, Roeland Park, Kansas, hereinafter referred to as the "Center"; and

WHEREAS, since December 21, 1989, JCPRD has leased from the City a certain piece of property owned by the City and located near the Center on which JCPRD has previously erected, and has operated and continues to operate, an inflatable dome structure commonly known and referred to as the Roeland Park Sports Dome, hereinafter referred to as the "Sports Dome"; and

WHEREAS, JCPRD has established and it conducts programs at the Sports Dome to provide for the recreational, cultural, educational and social needs of Roeland Park residents and/or citizens of Johnson County; and

WHEREAS, JCPRD desires to continue leasing from the City and the City desires to continue leasing to the JCPRD that real property on which the Sports Dome is situated.

WHEREAS, the City Council of the City did approve and authorize its Mayor to execute this Agreement by official vote of said body on the _____ day of _____, 2016; and

WHEREAS, the Governing Body of JCPRD did authorize its chairperson to execute this Agreement by official vote of said body on the 19th day of October, 2016.

NOW, THEREFORE, in consideration of the above recitals, and mutual covenants and agreements herein contained, and for other good and valuable consideration, the parties agree as follows:

1. Purpose of the Agreement. The City agrees to lease to JCPRD the general land on which the Sports Dome is situated, including reasonable access thereto. JCPRD shall use the area subject to this lease for the purpose of operating the Sports Dome and its programming therein.
2. Duration of Agreement and Termination. The term of this Agreement shall be effective as of the 1st day of January, 2017, shall continue through and inclusive of the 31st day of December, 2017, provided that this Agreement may otherwise be renewed annually by both parties by approving an annual Addendum to this Agreement. Notwithstanding anything contained herein to the contrary, this Agreement and any renewal or extension thereof, may be terminated at any time by either party giving

at least ninety (90) days prior written notice to the other party of its intention to terminate this Agreement, and further provided that if the City or JCPRD shall fail or refuse to comply with any of the obligations or provisions herein agreed, the affected party shall have the right to notify the other party in writing of such default; and if the party so notified shall remain in default for thirty (30) days thereafter, the affected party may elect to terminate this Agreement immediately thereafter.

3. No Legal Entity Created. There will be no separate legal entity created under this agreement.

4. Responsibilities.

A. JCPRD agrees as follows:

(1) To pay to the City one dollar (\$1.00) per year for the rental of the real property identified in this Agreement.

(2) To provide all funding and personnel necessary to manage and operate the Sports Dome.

(3) To be solely responsible for and to pay for all maintenance, water utilities used at or by the Sports Dome and for all maintenance, repair, replacement, and general upkeep of equipment used therein or thereon.

(4) JCPRD may not make any physical changes to the premises except as approved in advance in writing by the City.

(5) Only persons qualified to conduct programs will be permitted to instruct, lead or supervise the classes and it shall be the responsibility of JCPRD to insure that the instructors are qualified.

(6) To operate the Sports Dome at times not to exceed the hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to Midnight, Fridays and Saturdays.

(7) To provide security and supervision of the Sports Dome during all scheduled operating hours.

(8) To notify the City, if for mechanical reasons or inclement weather, the Sports Dome will not be operated during previously scheduled hours.

(9) To provide for use a trash container at the Sports Dome with regularly scheduled pick-up and removal.

(10) To generally maintain all sidewalks at the Sports Dome, including

snow removal.

(11) To obtain and maintain in full force and effect the insurance coverage as set forth in Paragraph 5.

(12) It is not the agent of the City and it will not hold itself out as the agent of the City, nor as offering a program which has either been approved or is supervised by the City.

(13) It will abide by the laws of the government of the United States and the statutes of the State of Kansas.

B. The City agrees as follows:

- (1) To lease to JCPRD for one dollar (\$1.00) per year for the property identified in this Agreement.
- (2) To provide the public use of the City's parking lots for participants engaged in the program activities at the Sports Dome.
- (3) To maintain all roadways and parking areas, providing access and use by pedestrians and vehicular traffic including snow removal.

5. Insurance. JCPRD shall secure and maintain, or have maintained throughout the duration of this contract, insurance of such types and in such amounts as may be necessary to protect JCPRD and the City against all hazards or risks generated by JCPRD or any of its agents. The District shall offer to the City other evidence of such insurance coverage, and any and all renewals thereof, in the form of a Certificate of Insurance. The Certificate of Insurance shall list the City as an additional insured. The Certificate shall list the following insurance coverage:

Commercial General Liability	\$ 500,000
General Aggregate	\$1,000,000
Products	\$1,000,000
Personal and Advertisement Injury	\$ 500,000
Personal & Advertisement (each occurrence)	\$ 500,000
Fire Damage	\$ 300,000

Workers Compensation and Employers Liability as determined by Kansas Statutes

6. Acquisition, Holding and Disposal of Property. The land and fixtures, including the entrance structure and concrete floor, shall remain the property of the City and the actual dome at the Sports Dome and the tangible personal property and equipment of JCPRD located and/or used therein is and shall

remain the property of JCPRD. No land, equipment or other tangible personal property is to be jointly owned. At the end of the term of this Agreement and any renewals or extensions thereof, JCPRD reserves the right to dismantle and dispose of its dome and all of its tangible personal property and equipment located and/or used therein.

7. Verbal Statements Not Binding. It is understood and agreed that the written terms and provisions of this Lease Agreement shall supersede all prior verbal statements of any and every official and/or other representative of the City and JCPRD, and such statements shall not be effective or be construed as entering into, forming a part of, or altering in any way whatsoever the written Lease Agreement.

8. Inspection of Premises by City. The City shall have the right to inspect the Sports Dome and facilities occupied by JCPRD at all reasonable times.

9. Indemnification. JCPRD shall indemnify, defend and hold City harmless from any and all liability, injury, damage, loss claims, costs and expenses which may arise from or in connection with the rights and privileges granted to JCPRD herein and the use of the real property on which the Sports Dome is situated. However, JCPRD's indemnification and obligation shall not apply to such liability, injury, damage or loss as is determined to be caused by the negligence or willful and intentional conduct of the City, its employees, agents or representatives. Nothing in this Agreement shall constitute a waiver by JCPRD of any defense JCPRD may have against a third party under the Kansas Tort Claims Act, K.S.A. 75-6101, et seq. and amendments thereto.

10. Provisions Separable. It is the intent of the parties hereto in the preparation and execution of the Agreement to avoid a conflict with the State of Kansas; and if any provisions herein are found to be in conflict with the State Cash Basis or Budget, Law, or any other state law or regulation, it is the intent of the parties hereto that such provision shall have no force and effect, and the remainder of this Agreement shall be valid as though such conflicting provision had not been written or made a part hereof.

IN WITNESS WHEREOF, the above and foregoing Agreement has been approved by each of the parties on the day and year first above written.

CITY OF ROELAND PARK

Date: _____

Joel Marquardt, Mayor

ATTEST:

By: _____
Kelley Bohon, City Clerk

BOARD OF PARK AND RECREATION COMMISSIONERS
JOHNSON COUNTY PARK AND RECREATION DISTRICT

Date: 10.19.2016



Paul Snider, Chair

APPROVED AS TO FORM:



Ernest C. Ballweg, JCPRD Legal Counsel

Item Number: Consent Agenda- II.-E.
Committee 11/21/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 11/3/2016
Submitted By: Keith Moody
Committee/Department: Administration
Title: **ROW Purchase Agreement with KDOT- NE Corner of Johnson Drive and Roe**
Item Type: Agreement

Recommendation:

Staff recommends approval of the right of way purchase agreement attached.

Details:

The attached agreement provides for transfer of ownership of 50,500 square feet of KDOT right of way (see Exhibit B diagram) to Roeland Park. This is right of way not anticipated to be used for street purposes in the future and is adjacent to the 74,430 square feet of land the City currently owns at the northeast corner of Johnson Drive and Roe Boulevard.

KDOT maintains that the property may only be sold to the City due to federal funds being used to acquire the property. To that end KDOT completed an appraisal of the property and the \$50,000 value was established through that independent appraisal. The value does reflect the fact that the KDOT property has been reviewed by two title companies and both have indicated they would not provide title insurance on this area. This will limit the City's ability to sell the ground along with the adjacent land owned by the City and will limit use of the land. The property does add value to the land owned by the City as it provides space for a yard, landscaping, parking, storm water management, and utility relocations.

The agreement only requires compensation to KDOT upon the sale or lease of this ground (see item I and J of agreement). Compensation is limited to \$50,000 with the proportional development expenses for this area being deducted from the proportional gross proceeds of a sale or lease (see item F of the agreement for detail). The City thus will not pay KDOT until the land is either sold or leased and that payment is limited to a maximum with related development/marketing

expense deductions applied. This is a very fair approach.

The agreement has been reviewed and approved as to form by both KDOT and City attorneys.

Financial Impact

Amount of Request: \$0	
Budgeted Item?	Budgeted Amount: N/A
Line Item Code/Description: N/A	

Additional Information

How does item relate to Strategic Plan?

Completes another step toward bringing this property to a developed state, diversifying land uses and enhancing the City's tax base.

How does item benefit Community for all Ages?

N/A

ATTACHMENTS:

Description	Type
☐ KDOT Property Purchase Agreement	Cover Memo
☐ Exhibit A and B of Purchase Agreement	Cover Memo
☐ Map Depicting ROW being Purchased from KDOT	Cover Memo

AGREEMENT FOR PURCHASE OF REAL PROPERTY

THIS AGREEMENT (“Agreement”), made and entered into effective the date signed by the Secretary or designee, is between the Secretary of Transportation, Kansas Department of Transportation (KDOT) (the “Secretary”), and, the City of Roeland Park a municipality, duly organized, existing, and constituted under and by virtue of the laws of the State of Kansas (the “City”), collectively, the “Parties.”

RECITALS

WHEREAS, the Secretary is the owner of certain real property acquired previously as state highway right of way situated in the County of Johnson, State of Kansas, including all improvements and fixtures thereon, if any (the “Property”), such Property being more particularly described in Exhibit A, which is attached to and incorporated into this Agreement by this reference, and as depicted generally in Exhibit B, which it included for illustrative purposes only; and

WHEREAS, the Secretary has determined, pursuant to the Secretary’s authority under K.S.A. 68-413(d)(1) that the Property is no longer needed for state highway purposes; and

WHEREAS, the City desires to purchase the Property in order to facilitate the development of the Property in a manner that will benefit the surrounding community and promote urban development in the State of Kansas; and

WHEREAS, the Secretary is authorized under K.S.A. 68-413(d)(1) to dispose of excess right of way in the manner deemed most expedient, and under K.S.A. 68-2314b(b)(2) may participate in projects which enhance economic development opportunities; and

WHEREAS, the Secretary has determined the transfer of the Property to the City will assist with the economic and urban development of an underdeveloped area along the state highway system, and therefore desires to convey to the City the Property under the terms set forth in this Agreement; and

WHEREAS, the Parties desire that the Property, if conveyed hereunder, be subject to certain covenants, conditions, and restrictions contained in the deed, as set forth in this Agreement.

NOW, THEREFORE, for \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and for the mutual covenants contained in this Agreement, the Secretary and the City agree as follows:

1. **Conveyance.** In exchange for the consideration and purposes set forth in the Recitals, the Secretary hereby conveys to the City the Property upon the terms and conditions contained in this Agreement.

2. **Purchase Price.** The City agrees to purchase the Property and the Secretary agrees to sell the Property for the price established by the following facts and formula:

- A. The Property is approximately 50,500 square feet.
- B. The City owns an additional 74,430 square feet, the “City’s Property.”
- C. The City’s Property and the Property, less 6,916 square feet, which constitutes the Granada street right of way, is referred to as the “Development.”
- D. Collectively, the Development is approximately 117,978 square feet.
- E. The Secretary’s percentage of the Development is 37% (the “Secretary’s Percentage”).
- F. The City will incur the following expenses, collectively the “Fees”:
 - i. Fee to CBC Real Estate Group, LLC for site use analysis;
 - ii. Fee for survey and engineering work;
 - iii. Fee to re-plat the Development as a single parcel;
 - iv. Fee for land sale or lease; and
 - v. Closing costs and additional fees as may arise.
- G. The City will provide the Secretary with written documentation of all Fees incurred.
- H. The City will market the Development, sell or lease the Development according to its established procedures, and receive compensation from the sale (the “Sale Price”) or periodic payments under a lease (the “Lease Payments”).
- I. In the event the City sells the Development, the City will follow the procedure below to calculate the Secretary’s Share:
 - i. The City will subtract the Fees from the Sale Price (the “Sale Proceeds”).
 - ii. The City will multiply the Secretary’s Percentage times the Sale Proceeds to arrive at the compensation due to the Secretary resulting from the sale authorized in 2(G) (the “Secretary’s Share”).
 - (a) The Secretary’s Share shall at most be \$50,000.
 - (b) The Secretary acknowledges that the Secretary’s Share may be zero.
 - iii. The above can be summarized in the following formula:
$$\text{Sale Price} - \text{Fees} = \text{Sale Proceeds}$$
$$\text{Sale Proceeds} \times .37 = \text{Secretary's Share}$$
$$\text{Secretary's Share} \leq \$50,000$$
 - iv. The City will remit to the Secretary, at the address provided below, a check for the Secretary’s Share, if any amount is to be remitted.
- J. In the event of lease of the Development by the City, the City will follow the procedure below to calculate the Secretary’s Lease Share:

i. The City will retain all Lease Payments until the Fees have been fully recouped. After the Fees have been fully recouped from a lease of the Development, if the City still receives additional Lease Payments (the "Excess Lease Payments"), the City will multiply the Excess Lease Payments by the Secretary's Percentage to arrive at the compensation due to the Secretary (the "Secretary's Lease Share").

(a) The Secretary's Lease Share shall at most be \$50,000.

(b) The Secretary acknowledges that the Secretary's Lease share may be zero.

ii. The above can be summarized in the following formula:

The City retains all Lease Payments until the Fees are paid in full

After Fees have been fully paid, then

$(\text{Excess Lease Payments}) \times .37 = (\text{Secretary's Lease Share})$

$\text{Secretary's Lease Share} \leq \$50,000$

iii. The City will remit to the Secretary, at the address provided below, a check for the Secretary's Lease Share, if any amount is to be remitted.

3. **Deed.** The Secretary will provide a quitclaim deed in favor of the City transferring ownership to the City, **EXCEPT** that the deed is subject to and shall contain the following restrictions and provisions:

A. A restrictive covenant retained by and in favor of the Secretary that any improvements or construction on the Property (including excavation) by the City or any subsequent owner (collectively referred to as "Owners") shall be done in such a way as to maintain lateral support for KDOT's abutting highway and/or roadway improvements. If improvements, construction, or excavation on the Property causes any weakening of the soil, the underlying geology, or lateral support for the abutting highway improvements in the opinion of the Secretary, the Owners must construct, at Owners' expense, a retaining wall or other support system upon and entirely within the Property to provide the required lateral support for the highway improvements. If Owners need to enter upon KDOT's abutting right of way to construct a retaining wall, support system or similar improvement upon the Property to maintain lateral support for the highway, the Secretary agrees to issuance of a Right of Way Use Permit for such purposes upon the Owners' submission of an application which complies with all applicable KDOT roadside safety regulations, guidelines, and policies, including performing such grading within the Right of Way as KDOT deems necessary to return the Right of Way to a condition acceptable to KDOT.

B. An easement in favor of the Secretary and any owners of utilities for the right of ingress and egress, reconstruction, and maintenance of all existing utilities and appurtenances thereto.

4. **Notice.** All notices, demands, and/or consents provided for in this Agreement shall be in writing and shall be delivered to the Parties hereto by hand or by United States Mail with postage prepaid. Such notices shall be deemed to have been served on the hand delivered or the date mailed, postage prepaid. All such notices and communications shall be addressed as follows:

To Secretary:

Chief, Bureau of Right of Way
Kansas Department of Transportation
Eisenhower State Office Building
700 Southwest Harrison Street – 14th Floor
Topeka, Kansas 66603

With a copy to:

Chief Counsel, Office of Chief Counsel
Kansas Department of Transportation
Eisenhower State Office Building
700 Southwest Harrison Street – 3rd Floor West
Topeka, Kansas 66603

To the City:

Keith Moody
City Administrator
4600 W. 51st Street
Roeland Park, Kansas 66205

With a copy to:

Neil R. Shortlidge
Stinson Leonard Street LLP
1201 Walnut, Suite 2900
Kansas City, Missouri 64106

5. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Kansas.

6. **Successors.** This Agreement shall apply to, inure to the benefit of, and be binding upon and enforceable against the Parties and their respective successors, to the extent as if specified at length throughout this Agreement.

7. **No Assignment.** This Agreement is non-assignable and any attempt to sell, transfer, assign, or convey the Agreement will result in the immediate termination of this Agreement without notice.

8. **No Third Party Beneficiaries.** No third party beneficiaries are intended to be created by this Agreement and nothing in this Agreement authorizes third parties to enforce or maintain any suit for damages resulting from any of the terms or provisions contained in this Agreement.

9. **Headings.** The headings inserted at the beginning of each paragraph or subparagraph are for convenience of reference only and do not limit or otherwise affect nor will be used in the construction of any terms or provisions hereof.

10. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument.

11. **Entire Agreement.** This Agreement contains all of the terms, promises, covenants, conditions, and representations made or entered into by or between the Secretary and the City and supersedes all prior discussions and agreements whether written or oral between the Secretary and the City with respect to the transaction contemplated herein and all other matters contained in this Agreement and constitutes the sole and entire agreement between the Parties with respect thereto. This Agreement may not be modified or amended unless such amendment is set forth in writing and duly executed by the Parties.

12. **Invalidity of Any Provisions.** If for any reason any provision in this Agreement shall be determined to be invalid or unenforceable, the validity and effect of the other provisions will, to the extent reasonably possible, remain in force as to the balance of the provisions as if such invalid provisions were not a part of this Agreement.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed under proper authority:

ATTEST:

City of Roeland Park

Kelley Bohon, City Clerk (Date)

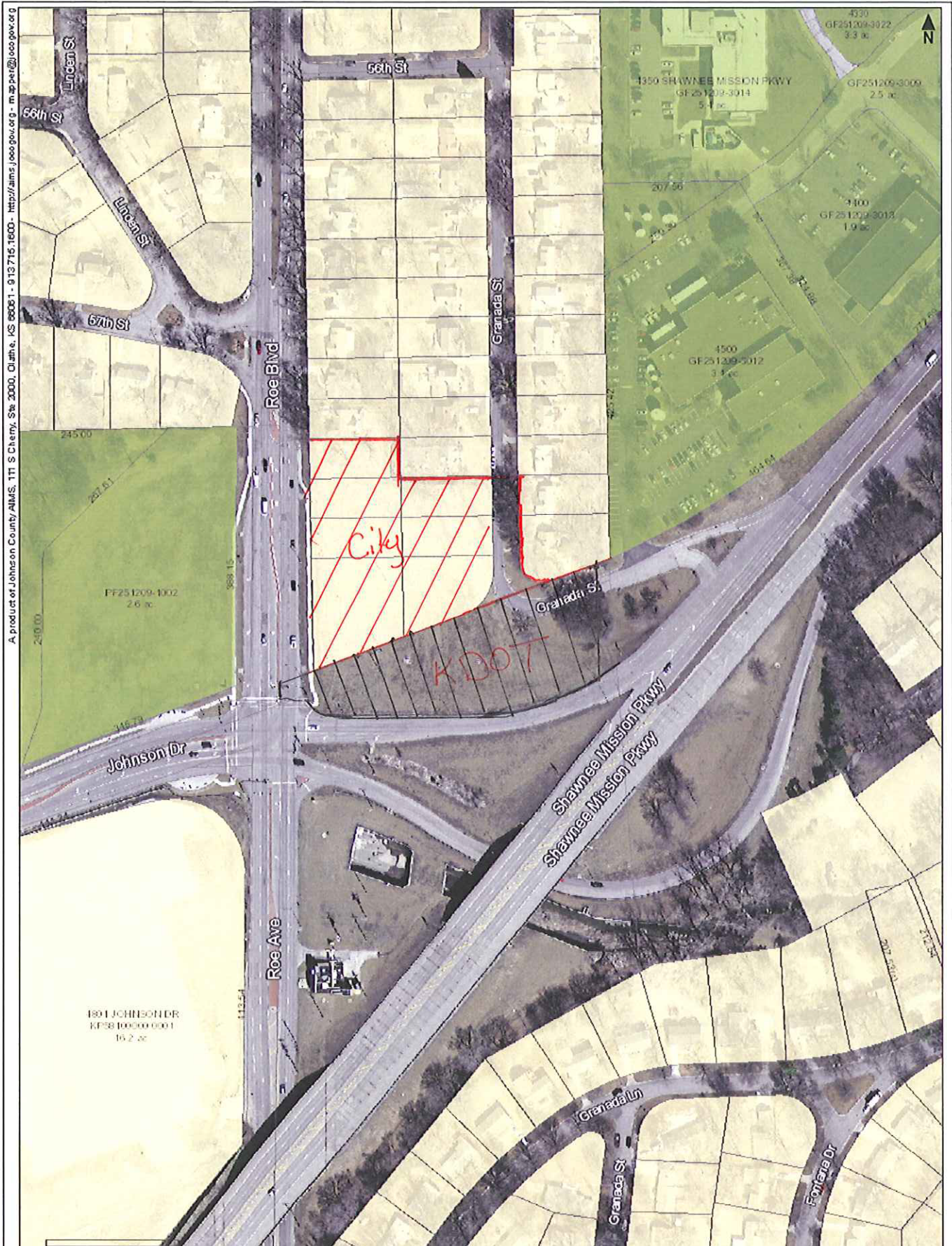
By: _____
Keith Moody, City Administrator

(Seal)

KANSAS DEPARTMENT OF TRANSPORTATION
Richard Carlson, Acting Secretary of Transportation

(Date)

By: _____
Catherine M. Patrick, P.E.
State Transportation Engineer



A tract of land in the Northeast Quarter of Section 9, Township 12 South, Range 25 East of the 6th P.M., Johnson County, Kansas, described as follows: COMMENCING at the Northwest corner of said Quarter Section; thence on an assumed bearing of South 01 degree 56 minutes 35 seconds East, 1585.26 feet along the West line of said Quarter Section to the extended South line of Lots 1, 26, and 27, Roseland Court, a subdivision to the City Roeland Park, Kansas, according to the recorded plat thereof and the POINT OF BEGINNING; FIRST COURSE, thence North 67 degrees 56 minutes 55 seconds East, 526.08 feet along said South line and the extension thereof; SECOND COURSE, thence South 01 degree 55 minutes 37 seconds East, 143.79 feet; THIRD COURSE, thence on a curve of 475.00 feet radius to the right, an arc distance of 236.14 feet with a chord which bears South 73 degrees 56 minutes 59 seconds West, 233.72 feet; FOURTH COURSE, thence South 88 degrees 06 minutes 03 seconds West, 193.42 feet; FIFTH COURSE, thence on a curve of 34.00 feet radius to the right, an arc distance of 22.73 feet with a chord which bears North 73 degrees 22 minutes 33 seconds West, 22.31 feet; SIXTH COURSE, thence South 67 degrees 56 minutes 55 seconds West, 56.17 feet to said West line of said Quarter Section; SEVENTH COURSE, thence North 01 degree 55 minutes 24 seconds West, 31.95 feet along said West line to the point of beginning. The above described tract contains 50,500 square feet, more or less.

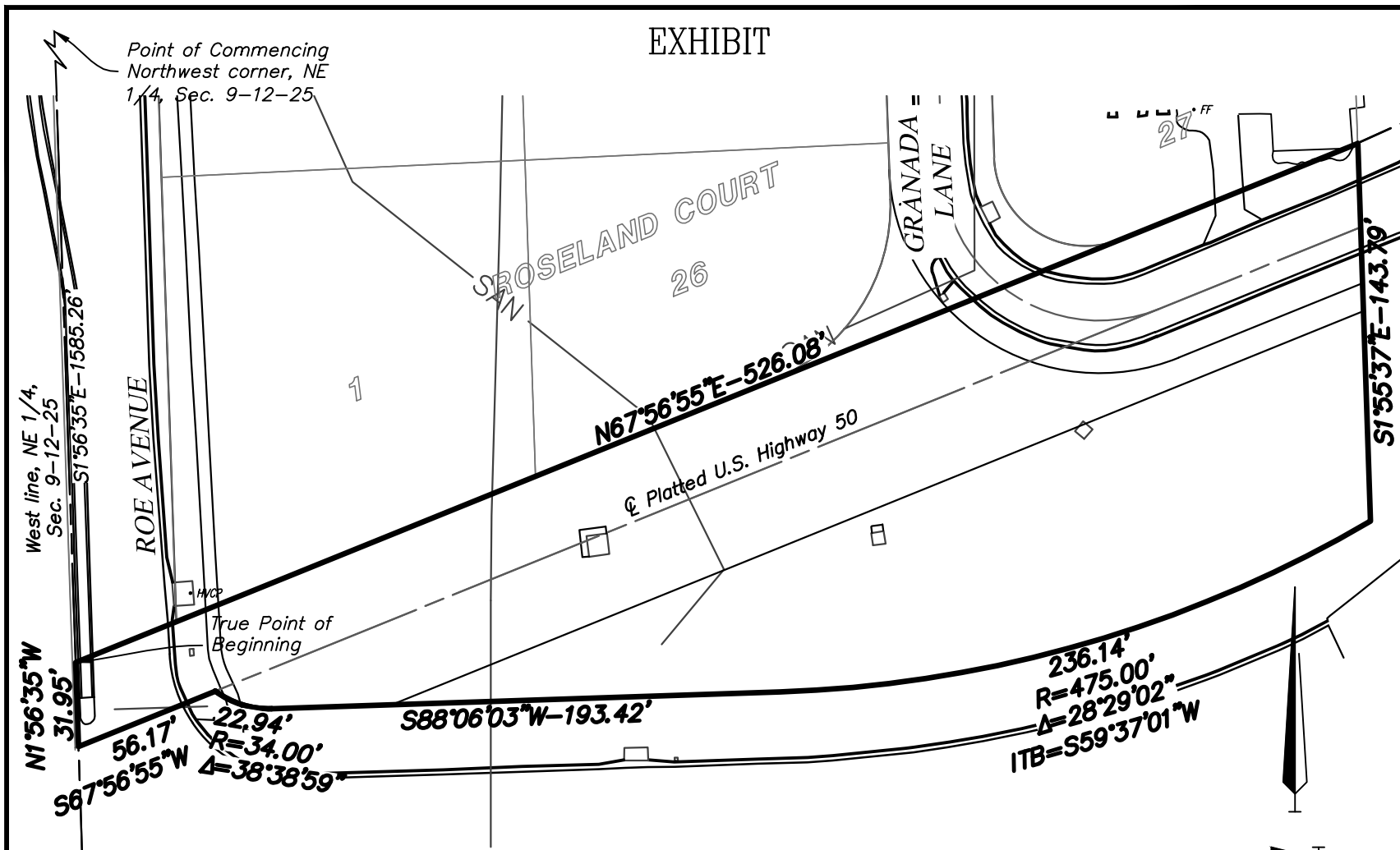
The party of the first part hereby retains any and all abutters' rights of access to said highway.

The Secretary may install a fence or other device to delineate the above described controlled access highway facility. If such fence or other device is installed, the Secretary assumes no legal or other responsibility for fencing private property.

RESTRICTIVE COVENANT: The party of the second part, for their heirs and assigns, do hereby covenant and agree, said covenant to run with the land, that the land conveyed herein shall not be used for billboards or other off-premise commercial advertising purposes, which does not include on premise advertising signs for businesses operated on the described land.

The above described land is subject to easement for the right of ingress and egress, reconstruction, and maintenance of all existing utilities and appurtenances thereto, together with the appurtenance and all the estate, title and interest of said party of the first part therein.

EXHIBIT



SHAHER, KLINE & WARREN, INC.

11250 CORPORATE AVENUE, LENEXA, KANSAS 66219

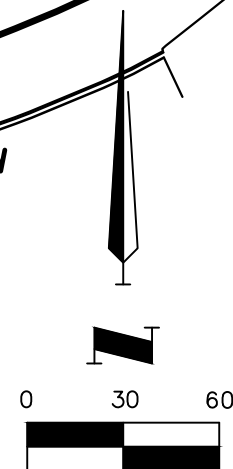
PHONE: 913-888-7800 FAX: 913-888-7868

<http://www.skw-inc.com>

PROJECT NO. 130099-270

DATE 03/23/2016

BY RCS



Item Number: Applications/Presentations- A.-1.
Committee 11/21/2016
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 11/15/2016
Submitted By: Keith Moody
Committee/Department: Admin.
Title: **Citizens Fundraising Initiative for R Park Wine Tasting Fundraiser at the Community Center**
Item Type: Other

Recommendation:

Staff recommends approval for the sale of unopened wine at the R Park Wine Tasting Event. The attached permit is the form used to grant persons approval to serve alcohol (but not sell). This is a unique situation that staff and the City attorney feel should be approved by Council.

Details:

Serving of alcohol at the community is allowed through staff issuance of the attached form. Sales are not contemplated in that permit, nor is this sales situation anticipated in our City Code. The state of KS does require approval from the City and they will issue a permit that covers the wine tasting portion of the event.

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description

▣ R Park Permit

Type

Cover Memo

PERMIT FOR SERVICE OF BEER AND/OR WINE
AT THE ROELAND PARK COMMUNITY CENTER

The City of Roeland Park, Kansas hereby grants **Roeland Park Community Center – Citizens Fundraising Initiative for R Park** privilege and permission to serve ____ (a) Beer ____ (b) Wine **X** (c) **Both Beer and Wine** at the Roeland Park Community Center on the _____, **2017**, between the hours of **6:00 P.M. – 9:00 P.M.**

This permit is conditioned upon the permittee following the rules and regulations concerning the serving and consumption of alcoholic beverage at the Roeland Park Community Center. Violation of those rules and regulations may result in the immediate suspension of this permit. Additionally, a law enforcement officer of the City may immediately suspend the license hereby granted when in the exercise of such officer's discretion it appears that a disturbance is likely to occur.

The party responsible for the proper use of the Roeland Park Community Center by the organization is

Citizens Fundraising Initiative
for R Park

Kelley Bohon, City Clerk

Dated: _____

Item Number: Applications/Presentations- A.-2.
Committee 11/21/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **Sustainability Update – Michael Kelly**
Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Item Number: Mayor's Report- IV.-A.
Committee 11/21/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date:

Submitted By:

Committee/Department:

Title:

Proclamation World Pancreatic Cancer Day (Michael Poppa and Sheri McNeil)

Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
 World Pancreatic Cancer Day	Cover Memo



Proclamation

WORLD PANCREATIC CANCER DAY

Declaring November 17 as “World Pancreatic Cancer Day” in the City of Roeland Park.

WHEREAS in 2016, an estimated 53,070 people in the United States will be diagnosed with pancreatic cancer, one of the deadliest cancers, and 41,780 will die from the disease;

WHEREAS pancreatic cancer surpassed breast cancer this year to become the third leading cause of cancer death in the United States, and it is projected to become the second leading cause by 2020;

WHEREAS pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just eight percent;

WHEREAS when symptoms of pancreatic cancer present themselves, it is generally in later stages, and 71 percent of pancreatic cancer patients die within the first year of their diagnosis;

WHEREAS approximately 390 deaths will occur in Kansas in 2016;

WHEREAS pancreatic cancer is the seventh most common cause of cancer-related death in men and women across the world;

WHEREAS there will be an estimated 418,451 new pancreatic cancer cases diagnosed worldwide in 2020;

WHEREAS the good health and well-being of the residents of Roeland Park, Kansas are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes and effective treatments; therefore be it

RESOLVED that the mayor designate November 17 as “**World Pancreatic Cancer Day**” in the City of Roeland Park, Kansas.

Seal here

JOEL MARQUARDT
Mayor

Item Number: Mayor's Report- IV.-B.
Committee 11/21/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **Announcements**
Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Item Number: Workshop Reports- V.-A.
Committee 11/21/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 11/21/2016
Submitted By: Jennifer Jones-Lacy, Asst. City Administrator/Finance Director
Committee/Department:
Title: **Workshop, Ad Hoc and Rebranding Committee Update**
Item Type: Report

Recommendation:

Details:

Council Workshop November 7, 2016

1. Roe Blvd Traffic Study Presentation
 - a. City Engineers from SKW made presented recommendations from a traffic study they conducted on Roe Blvd as well as traffic counts. They recommended to remove the signal at Bella Roe Plaza/Walgreens. Through and left turning traffic movements from the east and west legs need to be removed and redirected to the intersection of W. 48th St and W. 50th Ter. They also suggested removing the signal at W 52nd and to update signal timings at remaining traffic signals at W. 48th St, W. 50th Ter., and W. 51st Street intersections.
2. Parks Update – Jennifer Provyn
 - a. Jennifer gave an update on the happenings at the parks. There was a ribbon cutting at Nall Park, the intend to install more baby swings at R Park and are planting 10 new trees there. They also intend to purchase signage for all the trees identifying the species and origin.
3. Trash and Recycle Bin Placement
 - a. Jennifer Jones-Lacy reviewed suggested changes to the shielding and approved locations of the trash and recycling bins stating the existing ordinance is

difficult to enforce do the prevalence of what would be considered a violation. The Council decided they wanted to allow some relaxation of the rules by allowing containers behind the primary structure in the backyard but remaining shielded on three sides if the containers are on the side of the house. They suggested Councilman Rhoades and McNeil along with staff continue to review and edit the ordinance to reflect those changes.

4. 2016 Street Maintenance Overview
 - a. Jose Leon gave a presentation on 2016 street maintenance and provided a map of the work that has been completed. He also explained the cost savings from chip seal versus mill and overlay. Council suggested an article in the newsletter.
5. Ordinance 941 – Signs
 - a. Councilmember Rhoades suggested changing the definition of a sign as the current definition is too restrictive and could allow for unintended interpretations of what is a sign versus what a sign is not. Suggested returning the ordinance to the Planning Commission for retooling. Will be discussed at the November Council meeting.
6. Committee Appointments and Reappointments
 - a. Held off on the reappointment of Ward I Representative for the Planning Commission and the BZA at-large rep. All other appointments were moved to new business for the November Council meeting.
7. Ordinance 944 – Updating zoning regulations for the placement of cell towers
 - a. Neil Shortlidge provided a summary of the changes to the zoning code which were predicated by changes to state law about allowable locations for cellular facilities. Council moved this to the consent agenda for November’s Council meeting.
8. Ordinance 945 – Updating the City’s Comprehensive Plan.
 - a. Council suggested two minor changes to what was submitted including adding “former” to the Mission Mall site and updating one of the demographic maps. Item was moved to new business for the November Council meeting.
9. Johnson County Parks and Rec Agreement for Operating the Community Center
 - a. Put on the consent agenda for the November Council Meeting
10. 2017 Sports Done lease agreement renewal
 - a. Moved to the Consent agenda for the November Council Meeting
11. ROW Purchase Agreement with KDOT for the NE Corner of Johnson and Roe
 - a. The agreement states that the City will only pay KDOT if the land is sold or leased and the sale will cap at \$50,000 with related development/marketing expense deductions applied. The item was moved to the Consent agenda for the November Council Meeting

Ad Hoc Development Committee Summary

- I. Caves/Old Pool Site clearance
 - a. Discussed removal of rock outcropping which sits to the east/northeast of the

monolith due to possible safety considerations, as well as creating a larger useable area (approx. 3/10 acre) on bottom area

- b. Removal is not in the base bid and will be an additional estimated \$37,500 (2,000 CY of rock removed at our per unit price)
- c. Jason Glasrud recommended getting input from ZipKC
- d. Committee to re-evaluate at 11/9/16 meeting

II. Committee discussed scope of CBC contract and expanding the agreement with the City for the NE Cloverleaf property to a marketing agreement similar to how it was formulated for the Caves property.

Branding Committee

Minutes from the previous meeting were emailed to the Council. The draft qualitative research report and positioning report are attached.

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
☐ Qualitative Research Report	Exhibit
☐ Positioning Statement	Exhibit



Qualitative Research Report

Prepared for: City of Roeland Park Branding Committee

Prepared by: Benedictine College Marketing Program Students
Atchison, KS

October 25, 2016

Introduction

The City of Roeland Park has contracted with the students of the Benedictine College School of Business Marketing Program to undertake a city rebranding effort. This research report serves as the informational basis of the rebrand, and will guide the creative and media placement efforts of the new brand design, positioning statement, and media launch plan.

Purpose and Scope

The main objective of this research is to uncover qualitative insights from the residents and workers of Roeland Park regarding the core identity of the city, as well as the best elements of living and working there. Studies have found that while city rebranding efforts have a low success rate of short-term acceptance, (<http://www.citymetric.com/business/why-do-most-city-branding-campaigns-fail>), those with the highest rate of success are those that “link up research with an authentic message that resonates” (<http://www.governing.com/topics/economic-dev/gov-municipal-branding-campaigns-worth-price.html>). To this end, our research has set out to identify not what residents and workers would “like” the brand to be, but to identify what is already authentically, verifiably great about living and working in Roeland Park.

Specific Objectives

Sample Design

Focus Group participants were chosen by convenience sampling of residents supplied by city council members to ensure all wards of the city were represented. Interview participants were selected from this list, as well as with a mall intercept in front of the local Fantastic Sam’s storefront. Also, text analytics were completed of the Citizen Survey responses to the branding-specific, open-ended questions.

Data Analysis

Due to the large sample size and amount of data collected, the ETC Citizen Survey open-ended questions provided a large source of quantifiable insights from a variety of citizens.

Question 22: What has brought you to or kept you here in Roeland Park?

The most common category of positive responses to this question related to “Location within the city” (249 out of 428 responses), followed by “Quality of living/people” (144/428), and “Low cost of Living” (112/428).

- Location: 249/428
- Quality Living Area/Quality People: 144/428
- Cost of Living: 112/428
- Build & Structure of Housing/House/Home Ownership & Inheritance: 55/428
- Work Related: 54/428
- Safety: 52/428
- Schools: 51/428
- Other: 45/428
- Born & Raised Here/Lived Here For a Long Time: 29/428
- Size: 27/428
- Family/Friends: 26/428
- Snow/Leaf Pick Up: 16/428
- Trees: 17/428
- Diversity: 11/428

Location insights:

Common themes refer to proximity to KC Metro amenities, as well as the ease of work commutes. However, the “walkability” factors of the community were evident here, as well. Positive comparisons were made with other metro neighborhoods, especially within Johnson County.

- *“Good location in relation to the city without being in Missouri or KCK”*
- *“I like how accessible it is to the whole metro area. Living in Roeland Park, my husband and I are smack in the middle between my parents in Brookside and his mother in Merriam. Being so close to I-35, we can easily get around the broader metro region. We like being so close to restaurants and cultural events in midtown, downtown, Mission, SW Blvd, etc.”*
- *“I like that I'm within walking distance of parks the pool and Wal-Mart Lowes and price chopper”*
- *“We moved here for the great central location because we work downtown, but*

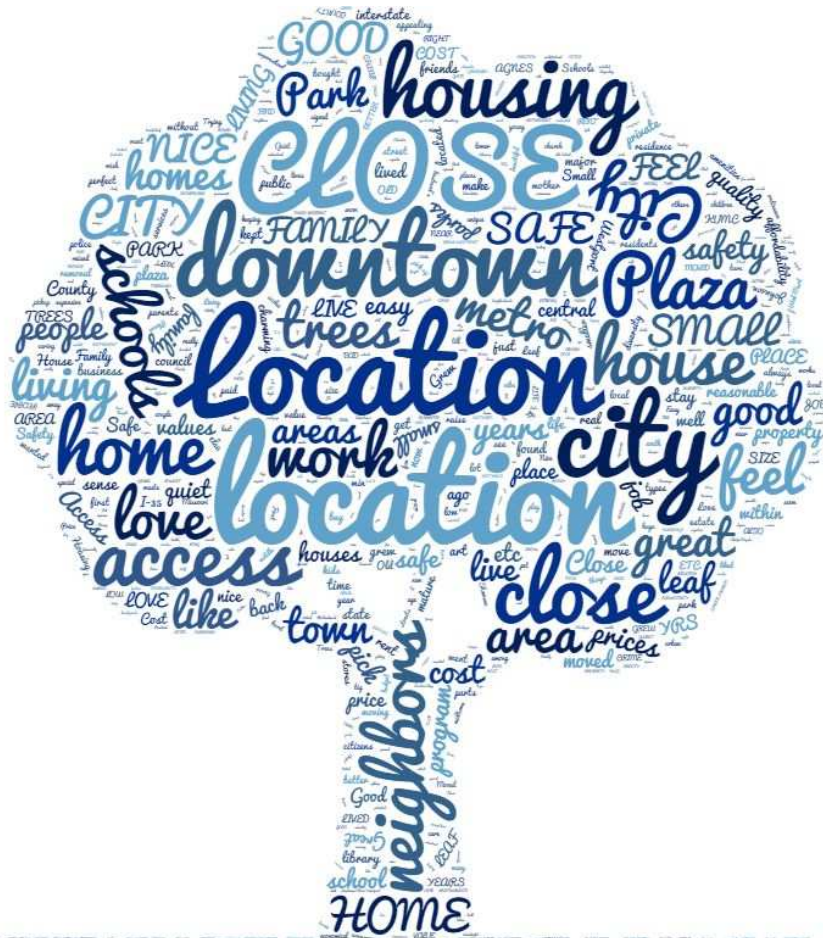
wanted to live in Johnson County.”

Neighborhood Quality insights:

- *“Quiet and peaceful with friendly neighbors. City services and reputation for concerns of citizens”*
- *“Also loved the mature neighborhoods with character (houses are different, huge trees, etc)”*
- *“Love the peacefulness as compared to crowded areas out south”*
- *“We like our neighbors. We like that Roeland Park seems to be free of the right-wind nuts (sorry!) that seem to have taken over other parts of the Kansas-side of metro.”*

Low cost of living insights:

- *“I grew up here and moved away. I came back after living in prairie village because it was better cost of living.”*
- *“ROELAND PARK IS ESSENTIALLY SOUTH PLAZA IN TERMS OF LOCATION AND HISTORY/ARCHITECTURE BUT FOR A FRACTION OF THE PRICE.”*



Question 23: What differentiates Roeland Park from other communities?

The comparative nature of this question prompted a strong majority of positive remarks. Most common categories were Atmosphere (such as “small town feel,” “quiet,” and “neighbors,” Location, Attribute-specific responses (such as amenities, churches, etc.), Community demographics, diversity and neighbors, and Cost of Living.

Atmosphere responses: 73/346

- “We have Johnson County quality of life, without being so far south that we miss out on the rest of the city. And we have brave, liberal elected leaders, more similar to Lawrence than to most of the rest of Johnson County. That’s something to be proud of.”
- “Affordability, diversity of residents, pride of services, friendliness.”
- “Small-town feel in the middle of the metro. Great neighbors. Great location.”
- “Close to everything. No snobbery for the most part. An inferiority complex.”

Question 24: What three words would you use to describe Roeland Park?

With 373 responses to a question specifying a fixed number of words, a word count analysis was combined with categorical analyses. Each entry was broken into 3 pieces and analyzed as 3 separate entries.

Words receiving more than 10 mentions are listed in the table below:

Friendly	88	8.70%
Safe	67	6.62%
Quiet	50	4.94%
Convenient	49	4.84%
Proximity	43	4.25%
Community	40	3.95%
Location	38	3.75%
Affordable	33	3.26%
Clean	29	2.87%
Nice	28	2.77%
Home	21	2.08%
Small	21	2.08%
Diverse	17	1.68%
Downtown	17	1.68%
Neighborly	17	1.68%
Peaceful	16	1.58%
Quaint	16	1.58%
Family-friendly	15	1.48%
Comfortable	14	1.38%
Neighborhoods	14	1.38%
Progressive	13	1.28%
Accessible	12	1.19%
Trees	11	1.09%
Loyalty	10	0.99%
Neat	10	0.99%
Plaza	10	0.99%
Relaxed	10	0.99%



Only 299 responses to this question could indicate a reluctance to answer or a difficulty processing the question. Similar themes arise with categorical analyses.

- *"I have relatives from Denver who have said that they can think of NO WHERE in Denver where there is a community like Roeland Park. The friendliness pride of home owners, which is shown in how homes and yards look the community center/aquatic center the fact that I can WALK to the library."*
- *"Roeland Park is a progressive city committed to taking care of all residents. I am proud of the non-discrimination stance the city took to support all residents."*
- *"The safety of the community, the friendliness of the neighbors."*

The next largest category referred to Government Services (69/299), followed by the city's cleanliness (58/299), and "friendliness" (52/99)

- *"Community spirit, welcoming attitude, attention to quality of community, while remaining relaxed and accepting of difference. I love the community center! I love that you allow chickens."*
- *"I am proud that we are willing to lead the way on issues that are good not just for our community but for, well, the future of humanity, like equal treatment for LGBTQ persons, the skateboard park, the charging stations for electric vehicles. We also have a somewhat diverse community, a friendly community, and our own library. I cannot stress how much I think the library is important for Roeland Park. It's an important resource for so many in NE JOCO, and I personally use it several times a week."*

Other significant response categories:

KC Access (51)

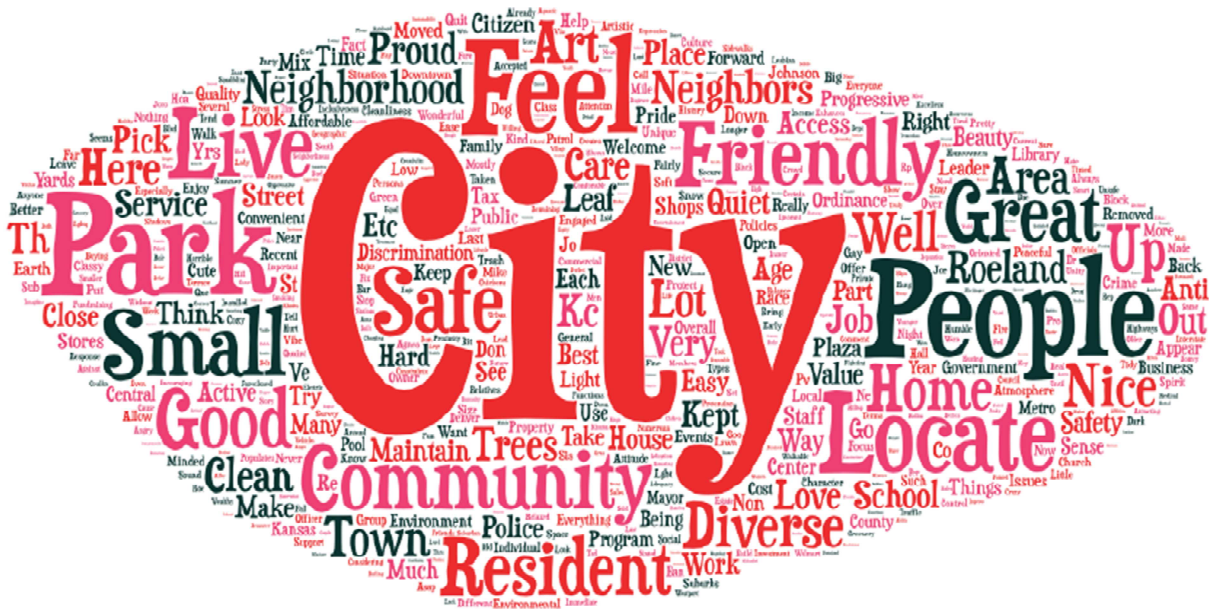
Diversity (38)

Nature (33)

Beauty (27)

Small Town (24)

What about Roeland Park makes you proud to be a resident?



Question 33. How would you like to see Roeland Park change or evolve over the next five years?

- "EVEN MORE WALKABLE/SUSTAINABLE/SHOPPING THAT WE CAN FREQUENT.WE WANT TO SPEND LOCALLY AND BE ABLE TO WALK OR BIKE FOR MOST OF OUR NEEDS."
- "GET RID OF WALMART, CHANGE LIQUOR LICENSE LAWS SO WE CAN GET DECENT RESTAURANTS, PROMOTE THE ROELAND PARK GARDEN AND A FARMERS MARKET"
- "I'd like to see it become a "walkable" community with small (mom & pop) shops & restaurants, walking trails, monthly nightly events of some sort, and green. I'd really like to see it partner with Mission, Fairway, and Westwood to make the entire 66205 community the place to be!"
- "More walkability, bike/walking paths, green spaces. Crosswalks to cross Roe safely, to promote riding bikes to the library and parks. Increased community bonds & pride."
- "Redevelopment of existing shopping areas. They look old and run down. The house offices along Johnson Drive also look old and run down and a little bit of landscaping design would go a long ways to beautifying this entrance into the city. I would also like to see a couple of ""sit-down"" type restaurants added to the mix, we don't need anymore fast food restaurants."



Out of the 200 responses received for this particular question, 97 of those responses mentioned the location of Roeland Park in a positive manner. Nearly 50 percent of responses talked about the location at one point or another, with the next closest category being “friendly environment” at 71 mentions. After the top two categories identified, there is a steep drop off to where our other categories averaged those responses around 10 percent of the time.

CATEGORY PERCENT OF TOTAL

Safe	11.5%
Location	48.5%
Price	6.5%
Friendly Environment	35.5%
Sarcastic/ Irrelevant	17.5%
Work	6%
Quality of Living	10%
Small Town	11%
Diversity	4%
Family	16%

- *"A former mayor once said that RP was the domain of the "newly wed and nearly dead." If we are going to keep RP vibrant, we need to attract the millennial as our "nearly dead" are even nearer. That means we use our funky to our advantage. We capitalize on the art, the antique chic architecture, the accessibility of city politics, our awesome police force, the warm and welcoming, the "be who you really are in Roeland Park" thing. We have vibrant events - so those too. And location. Location. Location."*
- *"Small town feel in the heart of a big city. Charming, friendly, inviting."*
- *"Five minutes away from what's happening with a hometown feel for everyday life."*
- *"A place for everybody, Young, old, families, singles. Small community feel, easy access to popular things in places in all directions. "*
- *"I THINK ANY COMMERCIAL I MADE WOULD HIGHLIGHT ROELAND PARKS PROXIMITY TO THE COUNTRY CLUB PLAZA, DOWNTOWN KC, PRAIRIE VLG, WESTPORT, FAIRWAY/MISSION HILLS. I WOULD ALSO SHOWCASE THE BEAUTY OF HISTORIC NEIGHBORHOODS. I THINK ROELAND PARK IS A HIDDEN GEM IN THAT IT HAS ALL THE BEST ATTRIBUTES OF SOUTH PLAZA AND PRAIRIE VLG BUT SOME PEOPLE DON'T KNOW IT EXISTS OR CONFUSE IT AS BEING PARK OF MISSION"*

Focus Group and Interview Data

The first focus group consisted of 8 community members, 7 of which had at least one child living in the home. The discussion centered around community identity, current branding, and future dreams of Roeland Park.

- The decision to move to Roeland Park is often due to a family or career change, as is the decision to leave. However, residents are quick to list off reasons to stay.
 - *So I guess that means “space.” We’ve got almost a half acre two blocks away, so it’s pretty remarkable in parts of RP you can have that much land right in the middle of town, which is cool, so we have space for children. We’ve got woods in our lot, thick woods, which attract deer, which is annoying. (laughter)”*
 - *It’s wonderful to be so close to the middle of the city and still be able to have green space, and but still be able to be close to things that I enjoy doing. Everything! 10 minutes to Kauffman, I can walk to the library. Yes. We’ve got it all. Except a nice restaurant (laughter)*
 - *“I tell people all the time about our neighbors that this is a place we meant to stay for a year, or two, and our community keeps us here. The longer we are here, the more connections we make, and the harder it gets to think about leaving. So, we tell people all the time that it’s close, it’s affordable, and we are surrounded by great people, and you are able to get involved, and you can see the same people at the park every night when you go by if you want to, and sometimes you can see different people every night you’re there. So, there’s a great community feel to it.”*
- There is a common sense that Roeland Park lacks an identity and recognition from the rest of the metro area
 - *“I generally have to say it’s west of the Plaza. Most of the time people don’t know RP and the other, this is probably a bad association, but, the Walmart on Roe. Everyone seems to either know the Walmart on Roe for one reason or another, or the Price Chopper that seems to have all the Mexican produce. Those are 2 main factors that can usually tie to RP, but its west of the plaza that’s the descriptor.”*
 - *I did I had a friend that was like “you live in Roeland Park? That is where you get to push your things to the curb!” And I was like “yeah, I mean I don’t really”.. that is something we are known for among certain groups of people (laughter)*

- *"There's no downtown. There's no strip."*
- There's a sense that residents are quite happy leaving things the way they are.
 - *I think that's one of the things that's kind of attractive in a way. We're all residents, and I'd rather be in a neighborhood feel community, than have these features. They're close enough. The plaza's close enough, Mission's close enough. They're all close enough that I'm okay keeping them on the peripheral...because of the traffic that it brings through neighborhoods. Because there are a lot of kids playing."*
 - *I totally agree because I feel like when people have a kid and then they move out south. I hope more millennials who feel like they don't need these huge houses to raise a family in. When we got pregnant with our second people assumed we would be leaving.*
- They like things walkable, green, and progressive, and feel like they get that here.
 - *I think that it is a great neighborhood. I think it is really neat that you are walking around and you see people year round walking and going to the parks and stuff so I think I just wish they knew more of that.*
 - *There is no business that we have that I am really ashamed of and that when I look at social justice issues and the loan you know the pay day loan companies and so forth and our community really took a stand and again I was really pleased and proud of that. And I think we have do I dare I really think that we are probably the most progressive area in the whole of Johnson County and I really like that.*
- A city's brand doesn't seem valuable at first blush to them, but they're aware of the current state of branding, and have a few descriptors as to what future brand elements could hold.
 - *You could have no logo and I think I'd still love the city of Roeland Park.*
 - *I'd like to see little houses that would show the community. That's the best part.*
 - *Walkability, community service, library is another one. So that would play on this idea of these small tight knit neighborhoods and communities.*
- They see a future of small, incremental, positive changes for Roeland Park.

- *I wouldn't go as far to say entertainment district, but a coffee shop. I want a coffee shop and don't tell me QuikTrip, I know it's cheap, but come on there is better coffee than QuikTrip.*
- *Something that brings people to the city as a destination point, but not lots of people.*
- *A craft brewery*
- And there's a real sense of community pride and togetherness that occurs daily, and weekly in neighborhoods and events in parks.
 - *And it's your neighbors you are seeing... the pirate event... we see the same kids that we play with at the park... I don't know what's driving people from all over the metro, but I'm okay with that.*
 - *You see a lot of your neighbors there... we see lots of your neighbors there and it's a community feel... and I love these small events and I would love to see this to continue on rather than just we do it for five years and nobody else wants to continue until it stops.*

The second focus group consisted of 7 residents age 55+ with children out of the home.

- They are long-term Roeland Park residents; only one had been a resident for under 10 years; two had been in the same home since the 1950s.
- They are huge fans of city services.
 - *Great library.*
 - *We love the community center. It's a big part of the community.*
 - *There's not a lot of bureaucracy in the city management; if you have problems, you can reach out and get feedback.*
- They know its history intimately and long for businesses and buildings long since past
 - A "downtown" district
 - The Katz Drug Store
 - The Skyline School
- Many said they had initially planned to leave eventually when they moved to Roeland Park, but never did because they couldn't find a reason.
- There was strong agreement on the good police, the well-built and affordable houses, the good location, the nice trees, the idea of getting a nice restaurant, the nice parks, the walkability of the area, and the desire for a new 'downtown' shopping area.

- Like the first group, there was broad agreement that it is hard to describe what Roeland Park is - it has a lack of recognition and identity.

Non-Resident Interviews

- Most non-residents interviewed found the town clean and quiet, and would consider moving there.
 - *It seems safe. Safer than where I am now.*
 - *I have a friend that lives over that way. There are some nice apartments over there.*
 - *The police are always out.*
 - *It's a great area. Really quiet and the people are nice.*
 - *I wouldn't move back here. It's too quiet. I needed something more urban.*
- Location and proximity to other metro amenities were apparent, even to short-term workers.
 - *A lot of convenient places to go.*
 - *About 15 minutes from anything.*
- Like the residents, they perceived a lack of recognition.
 - *They say "where's that? They think it's far because of how it sounds.*
 - *It looks like a new area, so I think there will be a lot more landmarks, like a car dealership or something like that, but not much more, since it's already so new.*



Roeland Park Positioning Statement

Prepared for: City of Roeland Park Branding Committee

Prepared by: Benedictine College Marketing Program Students

Atchison, KS

October 25, 2016

For residents and businesses, present and future,
Roeland Park is an oasis in the city,
where neighbors and nature thrive together,
just moments from anywhere.

Definition and Discussion

“Oasis” refers to the calm, quiet quality of life inherent in the neighborhoods of Roeland Park. As a “first tier” suburb, located so centrally to much of Kansas City’s amenities and districts, its secure serenity is a welcome contrast to its neighboring communities. An oasis is defined as a fertile spot in a desert where people gather, which also reflects the natural beauty of its green spaces, and the thriving community within.

“Neighbors and Nature” brings to light the true identity and strengths of life in Roeland Park, the people who share in the community and the green trees and spaces that define its walkable streets and parks.

“Thrive Together.” The neighbors and nature of Roeland Park are dependent upon one another. The trees and elements of nature are symbols of residents’ civic pride while they provide the calming aesthetic of their neighborhoods. Together, they grow the quality of life that attracts more great neighbors and businesses that form a community.

“Moments from Anywhere.” More residents, workers, and shoppers praise Roeland Park’s location than any other attribute. Its proximity to some of the metro area’s most-visited districts and amenities, while retaining its uniquely quiet, walkable, family-friendly lifestyle is one of Roeland Park’s defining characteristics.

A Positioning Statement

In marketing, a brand's "position" is defined as "the space a brand or product occupies in its target audience's minds, relative to its competition." Positioning is a marketing practice of choosing specific tactics that will lead target audiences to form attitudes, beliefs, opinions and feelings about a brand that closely reflect the brand's desired position, or "mind space."

A positioning statement is a concise, formal statement that clarifies a brand's position. Though they often sound similar to a piece of advertising copy, it is not a tagline, or even meant to share with the public. Rather, it is a resource to be used in crafting marketing strategy.

A positioning statement serves a number of purposes:

- It describes how Roeland Park wishes to be perceived by our target audiences.
- It acts as a guide to marketing decision makers, giving direction to marketing strategy, and providing a "filter" for marketing decisions
- It focuses messaging and marketing strategy when used consistently, which strengthens the target audience's brand perception.

Item Number: Unfinished Business- VII.-A.
Committee 11/21/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 11/21/2016
Submitted By: Jennifer Jones-Lacy, Asst. City Administrator/Finance Director
Committee/Department:
Title: **Approval of Elevation of Commerce Bank Building**
Item Type: Ordinance

Recommendation:

To review approve the elevations for the Commerce Bank building to be constructed at the northwest corner of Johnson Dr. and Roe Blvd by approving Ordinance 948.

Details:

On October 10, 2016 the City Council approved Ordinance 940 which approved the MXD zoning district and the Development Plan for the small hospital facility at the NW corner of Johnson and Roe in Roeland Park. The Council excluded the Commerce Bank elevation pages and signage from the approved development plan. After meeting with the Ad Hoc Development Committee to review and get feedback, Commerce has resubmitted these documents for approval. Attached you will find the resubmitted elevations from Commerce Bank along with Ordinance 948 for your consideration and approval.

In addition to the excluded elevations and signage plan, Commerce resubmitted the Plaza Enlargement, Sheet FDP-05 which removes the corner feature that was previously submitted. Architects from the bank are working with the Art Commission to establish what the 1% for art may include, but the Art Commission did not feel a seating wall constituted art and thus they removed that feature from the illustrations. By approving Ordinance 940, you are also approving this revision with the caveat that the representatives from Commerce Bank will continue to work with the City on the art installation. The page also notes that this corner is being reserved for 1% for art.

The original development plan submitted for the bank and hospital was previously approved by the Planning Commission in August. According to the City Attorney, the attached ordinance only needs a simple majority to be approved.

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

The revisions in the attachment illustrate a more aesthetically pleasing design which contributes to the goal of promoting a positive image of the City. Addition windows have been added to the east elevation, sun shades have been added to windows along the east and south, more stone has been added to the legs of the clock tower in order to make this area appear taller, and the clock area was changed from a circle to a square to make it more modern appearing. The Ad Hoc Development Committee, staff and Commerce met twice to discuss elevation changes.

How does item benefit Community for all Ages?

N/A

ATTACHMENTS:

Description		Type
☐	Commerce Bank elevations	Exhibit
☐	Ordinance 948	Ordinance

MXD PRELIMINARY/FINAL PLAN FOR A BANK WITH DRIVE-THRU FACILITY AND HOSPITAL



SHEET INDEX

A00*	COVER SHEET
A01	ARCHITECTURAL SITE PLAN
A02*	OVERALL RENDERING FROM JOHNSON DRIVE
B01*	BANK RENDERING FROM SOUTHWEST
B02*	BANK RENDERING FROM INTERSECTION
B03*	BANK RENDERING FROM EAST
B04*	BANK ELEVATIONS
B05*	BANK ELEVATIONS
B06*	BANK LINE-OF-SIGHT DIAGRAM
H01	HOSPITAL ELEVATIONS
H02	HOSPITAL ELEVATIONS
H03	HOSPITAL RENDERING FROM SOUTHEAST
H04	HOSPITAL RENDERING FROM SOUTHWEST
H05	HOSPITAL LINE-OF-SIGHT RENDERINGS
H06	HOSPITAL LINE-OF-SIGHT RENDERINGS
FDP01	SITE PLAN
FDP02	GRADING AND STORM SEWER PLAN
FDP03	STORMWATER MANAGEMENT PLAN
FDP04	LANDSCAPE PLAN
FDP05*	PLAZA ENLARGEMENT PLAN
FDP06	SITE PHOTOMETRIC PLAN
	BANK SIGNAGE EXHIBIT*
	HOSPITAL SIGNAGE EXHIBIT



* Only the sheets marked with an asterisk have been revised and included in this packet. All other sheets listed above can be found in the set dated October 3, 2016, as approved by Ordinance 940.



2000 SHAWNEE MISSION PARKWAY
STE 100 MISSION WOODS, KS 66205
TEL 916 502 1500 FAX 916 842 1878

PROJECT

MXD PRELIMINARY/FINAL PLAN FOR A BANK WITH DRIVE-THRU FACILITY AND HOSPITAL

JOHNSON DRIVE AND ROE BOULEVARD
ROELAND PARK KS, 66205

ARIAL VIEW FROM JOHNSON DRIVE

PROJECT NUMBER
2016107.001

SHEET AUTHOR
M. ELSOM

DATE
NOV 21, 2016

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SHEET NUMBER

A02

RMTA.BIZ



2000 SHAWNEE MISSION PARKWAY
STE 100 MISSION WOODS, KS 66205
TEL 916 502 1500 FAX 916 842 1878

PROJECT

COMMERCE BANK

JOHNSON DRIVE AND ROE BOULEVARD
ROELAND PARK KS, 66205

PROJECT NUMBER
2016107.001

SHEET AUTHOR
M. ELSOM

DATE
NOV 21, 2016

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SHEET NUMBER

B01

VIEW FROM SOUTHWEST

RMTA.BIZ





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STE 100 MISSION WOODS, KS 66205
TEL 916 502 1500 FAX 916 842 1878

PROJECT

COMMERCE BANK

JOHNSON DRIVE AND ROE BOULEVARD
ROELAND PARK KS, 66205

PROJECT NUMBER
2016107.001

SHEET AUTHOR
M. ELSOM

DATE
NOV 21, 2016

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SHEET NUMBER

B03

VIEW FROM EAST

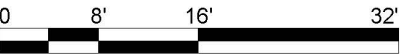
RMTA.BIZ



WEST



EAST



 2000 SHAWNEE MISSION PARKWAY STE 100 MISSION WOODS, KS 66205 TEL 816 502 1500 FAX 816 842 1878	PROJECT COMMERCE BANK JOHNSON DRIVE AND ROE BOULEVARD ROELAND PARK KS, 66205	SCALE 1/16" = 1'-0"		PROJECT NUMBER 2016107.001	© 2016 Rees Masiello's Turley Architecture, LLC All rights reserved. No part of this document may be reproduced or utilized in any form without the prior written authorization of Rees Masiello's Turley Architecture, LLC.		
		ELEVATIONS		SHEET AUTHOR M. ELSOM			SHEET NUMBER B04
				DATE NOV 21, 2016			

METAL CLAD ROOF. COLOR: AGED COPPER

CAST STONE

FACE BRICK - BRICKCRAFT "HARVEST BLEND"
MOTAR: SGS 41H PINK

METAL CANOPY. COLOR: DARK BRONZE

STOREFRONT. COLOR: DARK BRONZE

CAST STONE



T.O. TOWER
37'-0"

T.O. PARAPET
18'-4"

ROOF
14'-6"

FIRST FLOOR
0'-0"

SOUTH

METAL CLAD ROOF. COLOR: AGED COPPER

CAST STONE

TELLER WINDOW. COLOR: DARK BRONZE

FACE BRICK - BRICKCRAFT "HARVEST BLEND"
MOTAR: SGS 41H PINK

CAST STONE



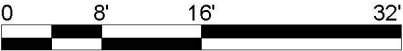
T.O. TOWER
37'-0"

T.O. PARAPET
18'-4"

ROOF
14'-6"

FIRST FLOOR
0'-0"

NORTH



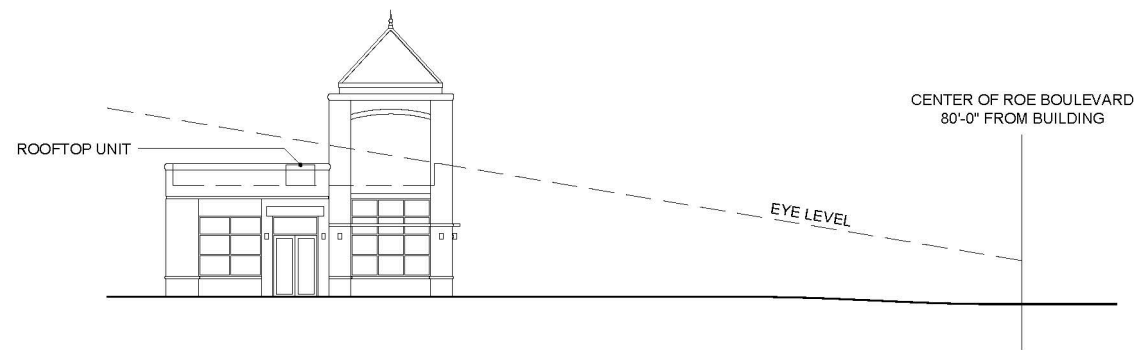
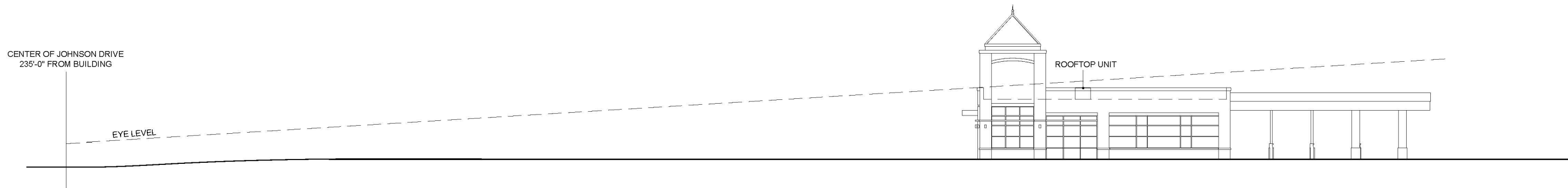
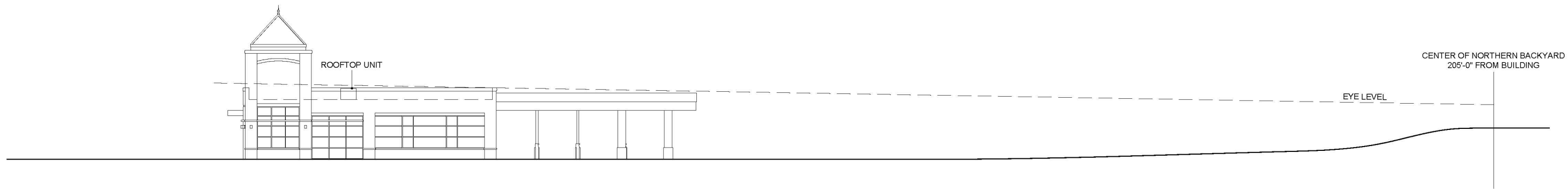
2000 SHAWNEE MISSION PARKWAY
STE 100 MISSION WOODS, KS 66205
TEL 816 502 1500 FAX 816 842 1878

PROJECT
COMMERCE BANK

JOHNSON DRIVE AND ROE BOULEVARD
ROELAND PARK KS, 66205

SCALE 1/16" = 1'-0"
ELEVATIONS

PROJECT NUMBER 2016107.001	© 2016 Rees Maelonis Turley Architecture, LLC All rights reserved. No part of this document may be reproduced or utilized in any form without the prior written authorization of Rees Maelonis Turley Architecture, LLC.	RMTA.BIZ
SHEET AUTHOR M. ELSOM	SHEET NUMBER B05	
DATE NOV 21, 2016		



NOT TO SCALE



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STE 100 MISSION WOODS, KS 66205
TEL 816 502 1500 FAX 816 842 1878

PROJECT

COMMERCE BANK

JOHNSON DRIVE AND ROE BOULEVARD
ROELAND PARK KS, 66205

LINE-OF-SIGHT DIAGRAMS

PROJECT NUMBER
2016107.001

SHEET AUTHOR
M. ELSOM

DATE
NOV 21, 2016

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SHEET NUMBER

B06

RMTA.BIZ

DWG: C:\Users\ewilson\OneDrive - Olsson Associates\ProjectTempFiles\0161960\L_FDP01_61960 (2).dwg USER: ewilson
DATE: Oct 31, 2016 3:24pm XREFS: V_TOPO_61960 C_TBLK_61960 V_XBOL_61960 C_PSTRM_61960 L_BASE_61960



NOTE
AREA RESERVED FOR THE 1% FOR ART



drawn by: _____ BB
checked by: _____ BS
approved by: _____ BS
QA/QC by: _____ DE
project no.: _____ 016-1960
drawing no.: _____
date: _____ 07.12.2016

PLAZA ENLARGEMENT
PRELIMINARY & FINAL DEVELOPMENT PLAN

COMMERCE & EMBREE
ROE BOULEVARD & JOHNSON DRIVE

AND PARK, KANSAS

[illegible]

OLSSON[®]
ASSOCIATES

TEL 816.587.4320
FAX 816.587.1393 www.olsonassociates.com

1301 Burlington Street, #100
Kansas City, MO 64116

EXHIBIT A



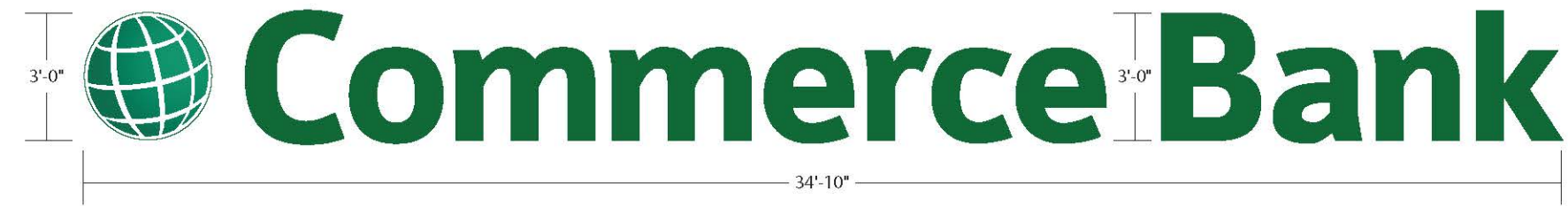
EAST ELEVATION
SCALE: 1/16" = 1'-0"
1668.93 SQ FT OF BUILDING
104.5 SQ FT OF SIGNAGE



SOUTH ELEVATION
SCALE: 1/16" = 1'-0"
1104 SQ FT OF BUILDING
39.03 SQ FT OF SIGNAGE



WEST ELEVATION
SCALE: 1/16" = 1'-0"
1191 SQ FT OF BUILDING
104.5 SQ FT OF SIGNAGE



All noted dimensions are approximate and may be modified slightly during manufacturing to allow proper component usage.

- SPECIFICATIONS:**
- FURNISH AND INSTALL (3) SETS OF INTERNALLY-ILLUMINATED PAN CHANNEL LETTERS AND GLOBE LOGO
 - WHITE PLEX FACES WITH PMS 349 GREEN TRANSLUCENT VINYL, LOGO TO BE DIGITALLY PRINTED
 - GREEN TRIMCAP AND GREEN RETURNS TO MATCH PMS 349 GREEN.
 - ILLUMINATES WITH WHITE LEDS
 - INSTALLS FLUSH TO FASCIA
 - ELECTRICAL SERVICE TO SIGNS PROVIDED BY OTHERS

CUSTOMER: COMMERCE BANK
NAME: BRENT HALL
LOCATION: SHAWNEE MISSION PKY/
ROE BLVD
ROELAND PARK, KS 66105

DATE: 10/26/16
DESIGN NO: FS/QT-23567r-1
ARTIST: JH
SCALE: 1/4" = 1'

APPROVED:

DATE:



ORDINANCE NO. 948

AN ORDINANCE APPROVING THE BUILDING ELEVATIONS AND SIGNAGE FOR THE COMMERCE BANK BUILDING TO BE LOCATED AT THE NORTHWEST CORNER OF ROE BOULEVARD AND JOHNSON DRIVE, ROELAND PARK, KANSAS

WHEREAS, on October 10, 2016, the City Council approved rezoning for the property located at the northwest corner of Roe Boulevard and Johnson Drive, Roeland Park, Kansas, by passage of Ordinance No. 940; and

WHEREAS, Ordinance No. 940 specifically excepted the building elevations and signage for the Commerce Bank building from the approval, and required that revised elevations and signage sheet be submitted for approval by the City Council; and

WHEREAS, new building elevations and a signage exhibit for the Commerce Bank building have been submitted for approval by the City Council;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROELAND PARK, KANSAS:

SECTION 1. The building elevations for the Commerce Bank building, labeled as sheets A00, A02, B01, B02, B03, B04, B05 and B06, all dated Nov. 21, 2016; sheet FDP-05, revised and dated 11/10/16; and the signage sheet, labeled Exhibit A and dated 10/26/16, are hereby approved.

SECTION 2. This ordinance shall take effect upon its publication in the official City newspaper.

PASSED by the City Council this 21st day of November, 2016. **APPROVED** by the Mayor.

Joel Marquardt, Mayor

ATTEST:

Kelley Bohon, City Clerk

APPROVED AS TO FORM:

Neil R. Shortlidge, City Attorney

Item Number: New Business- VIII.-A.
Committee 11/21/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 11/21/2016
Submitted By: Jennifer Jones-Lacy, Asst. City Administrator/Finance Director
Committee/Department:
Title: **Approve the Dedication of Public Land for the Izabel Heights Plat on Fontana**
Item Type: Other

Recommendation:

To approve the dedication of easements for the Izabelle Heights Plat.

Details:

On October 18th, the Planning Commission approved the Plat for Izabel Heights which converts four lots into three. It is the City Council's duty to accept the dedication of public land before the plat can be returned to the County to be recorded. The plat dedicates easements for utility and sanitary sewer and is attached.

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

N/A

How does item relate to Strategic Plan?

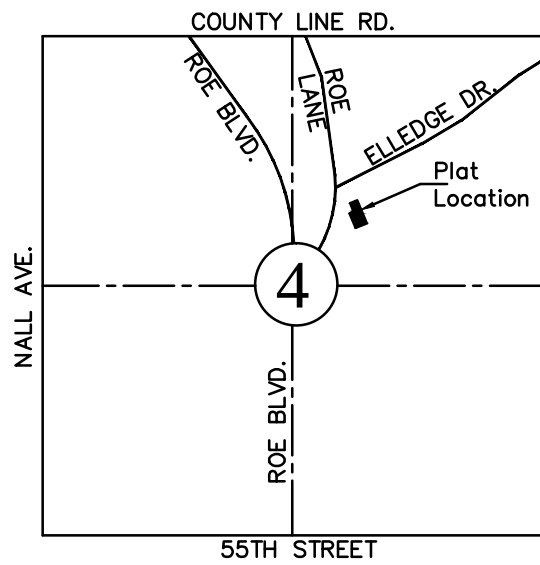
N/A

How does item benefit Community for all Ages?

The homes being built will likely have walk out basements, suitable to be used for older parents living with adult children.

ATTACHMENTS:

Description	Type
 Izabelle Heights Plat	Cover Memo



VICINITY MAP
SEC. 4-T12S-R25E

Prepared For:
MOJO BUILT LLC
5300 College Blvd.
Overland Park, KS 66211

IZABEL HEIGHTS

A RE-PLAT OF LOTS 6, 7 AND 8, AND PART OF LOTS 4 AND 5, BLOCK 2, SOUTHRIDGE

LEGAL DESCRIPTION

All of Lots 6, 7 and 8, the East 100 feet of Lot 5, and the East 100 feet of the South 25 feet of Lot 4, SOUTHRIDGE, a subdivision in the City of Roeland Park, Johnson County, Kansas.

The undersigned proprietors of the described property has caused the same to be re-platted as shown hereon, which subdivision shall hereafter be known as "IZABEL HEIGHTS".

DEDICATION

An easement or license to lay, construct, alter repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over, under and through those areas designated as "Sanitary Sewer Easement" or S/E on this plat is hereby dedicated to the Consolidated Main Sewer Districts of Johnson County, Kansas or their assigns.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, ducts and cables, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E", is hereby granted to the City of Roeland Park, Kansas, and other governmental entities as may be authorized by state law to use the easement for these purposes.

The undersigned proprietor of that property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on that plat as streets, terraces, places, roads, drives, lanes, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on those parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the City of Roeland Park, Kansas from any expense incident to the relocation of any existing utility installations within the prior easement.

EXECUTION

IN TESTIMONY WHEREOF, the undersigned proprietors have hereunto subscribed their names
this ____ day of _____, 2016.

ACKNOWLEDGEMENT

STATE OF KANSAS)
)SS.
COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this ____ day of _____, 2016, before me, the undersigned, a Notary Public in and for said County and State, came _____ of Mojo Built, LLC, who is personally known to me to be the same persons who executed the within instrument, and such persons duly acknowledges the execution of the same to be the act and deed of same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public: _____ My Appointment Expires _____

Print Name: _____

APPROVALS

Approved by the Planning Commission of the City of Roeland Park, Johnson County, Kansas,
this ____ day of _____, 2016.

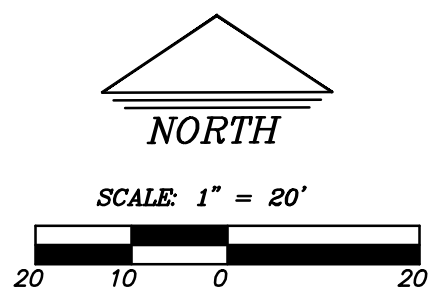
Chairman – Julie Mohart

Approved by the Governing Body of the City of Roeland Park, Johnson County, Kansas,
this ____ day of _____, 2016.

Attest : _____
Mayor – Joel Marquardt City Clerk – Kelley Bohon

CERTIFICATION

I hereby certify that a field survey of the hereon described property was performed under my direct supervision and was completed in the field on _____, and that the information shown hereon is true and correct to the best of my knowledge and belief.



Sec. 16-1423 - Rule Exception
In case of hardship caused by the size, location or configuration of land, topography or other factors which affect a specific tract or subdivision or portion thereof, the subdivider may request a rule exception from the requirements of this article relating to lot and street layout, block lengths, cul-de-sac lengths, or minimum lot dimensions. Rule exceptions shall be requested at the time of filing the application for the preliminary or final plat on forms provided by the City. Rule exceptions shall not be approved by the Planning Commission unless it finds that the approval will not be contrary to the public interest or unnecessarily burden the City.

Rev. 11/08/2016						
Rev. 10/12/2016						
Rev. 10/10/2016						
Rev. 09/19/2016						
 GREEN ENGINEERING, LLC						
1325 S. FOUNTAIN DR. PO BOX 221 OLATHE, KS 66051						
PHONE: (913) 782-4040 FAX: (913) 782-0482						
SEC	TWP	RNG	COUNTY	STATE	DATE	PROJECT NO.
4	12	25	JOHNSON	KS	09/16/2016	160903

Item Number: New Business- VIII.-B.
Committee 11/21/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 9/1/2016
Submitted By: Kelley Bohon
Committee/Department: Admin.
Title: **Committee Appointment and Reappointments (est. time 5 min.)**
Item Type: Other

Recommendation:

To approve reappointment of:
Mary Schulteis and Christine Webster to the Arts Committee

Deb Settle to Community Events Committee

Jennifer Provyn, Patrick Franken, Cory Coe, Kathleen Whitworth, and Tyler Steele to the Parks Committee

Duane Daugherty, Judy Hyde, Elizabeth Phelps and Michael Kelly to the Sustainability Committee

and to appoint:

Shea Geist to the Community Events Committee

Details:

The names/positions listed below are those that are expiring and require reappointment.

Arts Advisory Committee (Expires 12/31 of each year)
At Least 3 Members - 2 Residents, 1 Council

Marek Glinieski

Moffett Ferguson
Mary Schulteis
Christine Webster

Board of Zoning Appeals (3 year terms)

Paula Gleason Ward 2

Community Events Committee (Expires 12/31 of each year)

Up to 10, 8 Members - 6 Residents, 2 Council

Jennifer Gunby
Jan Grebe
Scott Ferrel
Kathleen Whitworth
Deb Settle

Parks/Tree Advisory Committee (Expires 12/31 of each year)

At Least 5 Members - 4 Residents, 1 Council

Jan Grebe
Jennifer Provyn
Patrick Franken
Cory Coe
Kathleen Whitworth
Tyler Steele
Chris Burt

Planning Commission (3 year terms)

Julie Mohart
Kyle Rogler

Sustainability Committee (Expires 12/31 of each year)

5 Members - 4 Residents, 1 Council

Brandon Gillette
Duane Daugherty
Catherine Creed
Judy Hyde
Michael Kelly
Elizabeth Phelps

Financial Impact

Amount of Request: N/A	
Budgeted Item?	Budgeted Amount: N/A
Line Item Code/Description: N/A	

Additional Information

How does item relate to Strategic Plan?

Engages the public in community events and decision making.

How does item benefit Community for all Ages?

Provides perspective in decision making from a wide range of age groups.

ATTACHMENTS:

Description		Type
	Shea Geist	Cover Memo

Committee Volunteer Application

wordpress@roelandpark.net on behalf of City of Roeland Park-Volunteer Form

Mon 10/17/2016 12:37 PM

To: Bohon, Kelley <kbohon@roelandpark.org>;

📎 1 attachments (207 KB)

Shea_Geist_Resume_NP_2016.pdf;

Committee Volunteer Application Form

Email:	
Date:	10/17/2016
Name:	Shea Geist
Daytime Phone Number:	
Evening Phone Number:	
Address:	5000 Southridge Street Roeland Park, Kansas 66205 United States of America
Place of Employment:	n/a
How long have you been a resident of Roeland Park?:	7 years
How much time do you have to devote per month?:	5 hours per month, outside of event days
Briefly describe why you are interested in serving on a Board/Committee for the City of Roeland Park:	Serving my community is important to me. The city events that bring us together are pivotal to the sense of community that makes Roeland Park special.
Select which Board or Committees you are interested in serving on: (only one per application):	Events
Additional, comments: (If any):	
File Upload:	http://www.roelandpark.net/wordpress/wp-content/uploads/Shea_Geist_Resume_NP_2016.pdf
HTML:	

5000 Southridge Street
Roeland Park, KS 66205

PROFESSIONAL ACCOMPLISHMENTS

- Planned and executed the EdExpo, an annual two-day educational event with exhibitors, multiple tracks and concurrent special events, resulting in an unanticipated profit.
- Administered the Conference for the Courts and Media, bringing together nationally-known journalists and jurists for a precedent-setting collaboration.
- Nurtured functional, self-sufficient teams within continuously changing environments.

M. Shea Geist

RELEVANT PROFESSIONAL EXPERIENCE

DIRECTOR OF MARKETING & COMMUNITY ENGAGEMENT (Formerly Director of Operations)

2013 - 2015

Coalition for Independence

Kansas City, KS

Provide administrative leadership to the entire organization. As part of the leadership team, participate in **strategic, procedural and financial (budgeting) planning and review**. Accountable for fund development (including grant writing), marketing (including social media), facilities management, equipment acquisition and maintenance, and all technology. Responsible for **the inaugural annual fund campaign, increasing the social media engagement by nearly 40%**, and more efficient use of technology through training and support.

PRINCIPAL

2006 - Present

Feng Shea Feng Shui Consulting

Roeland Park, KS

Teach individuals and businesses to align the energy of a space with goals. Consultations include goal setting, education, recommendations, and coaching to assure the success of the client. Instructor for UMKC Communiversity Program and Johnson County Community College.

QA PROCESSOR

2013-2013

Mortgage Lenders of America

Overland Park, KS

Hired specifically to create the position. Created comprehensive procedures and checklist to assist in consistent application of quality controls.

LOAN QUALITY ANALYST

2012-2013

The Federal Savings Bank

Overland Park, KS

Reviewed mortgage files for submission. Assured borrower and compliance documents are provided and executed properly. Followed the pipeline for a team of bankers, responded to requests for additional documentation. Assisted bankers in providing anything needed to drive a file to closing. High levels of detail-orientation, heavy problem solving and multi-tasking required.

TEAM LEAD - FUNDING

2010-2012

CapWest Mortgage

Overland Park, KS

Audited mortgage files in preparation for funding, assuring the quality of the mortgage product and facilitating the eventual sale of the instrument. High levels of **detail-orientation, heavy problem solving and multi-tasking** required. Promoted to team lead within four months of hiring. Developed and continued to enhance **innovative and effective process** improvements. Motivated team to perform with **recognized and consistent excellence**.

EDUCATION COORDINATOR

2004-2005

Reno/Sparks Association of REALTORS®

Reno, NV

Administered and executed education programs for members including soliciting course writers, promotion, and course evaluation. Successfully interfaced with multiple committees. Solicited and provided direction to volunteers.

ALUMNI LIAISON

1999-2001

The National Judicial College

Reno, NV

Created programs successfully linking alumni to the College. Wrote grant applications. Planned numerous special events.

COURSE ADMINISTRATOR

1997-1999

Successful executed dozens of judicial education courses, including travel arrangements for faculty, preparation of materials, and evaluation of programs.

EDUCATION

ROCKHURST UNIVERSITY

Master, Business Administration & Bachelor of Arts, Economics

LEADERSHIP RENO/SPARKS

Class of 2007

LEADERSHIP NORTHEAST JOHNSON COUNTY

Class of 2015

"Shea is the best of both worlds. Her genuine concern for others inspires engagement in those she leads. As a team member, she imagines the best and works harder and more creatively to achieve it. I am glad to have worked with such a talented, effective individual."

Gretchen Davis

Item Number: New Business- VIII.-C.
Committee 11/21/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date:	11/3/2016
Submitted By:	Keith Moody
Committee/Department:	Administration
Title:	Johnson County Parks and Rec Agreement for Operating the Community Center
Item Type:	Agreement

Recommendation:

Staff recommends approval of the agreement as presented.

Details:

The attached agreement is in substantially the same form as in prior years. The attached redline version details the changes. Specifically instead of the agreement being for one year it now provides for the agreement to renew automatically (section 2). Either party can cancel the agreement for the upcoming year with written notice on or before 9/15 of the current contract year (3.5 months prior notice). This change was pursued by City staff as the renewal of annual contracts has little value to add and it is time consuming.

Section 9.d has been amended so that the payment to JCPR is tied to a percentage of costs vs. a fixed amount (as expenses change each year) and it adds language giving authority to the City to approve the budget for the facility and set forth a timeline for this process. This section also clarifies how net loss or profit is shared, this was not previously addressed in the agreement.

The process for modifying the agreement is also specified in the changes in section 2.

The City Attorney has reviewed and approved the agreement as to form. Final review is pending by JCPRD legal counsel.

Financial Impact

Amount of Request: \$75,000 Estimated for 2017	
Budgeted Item?	Budgeted Amount: \$75,000
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

Provides parks and recreation programming to residents.

How does item benefit Community for all Ages?

Programming offered at the Community Center is provided to residents of all ages.

ATTACHMENTS:

Description	Type
 Community Center Joint Use Agreement with JCPRD	Backup Material

DRAFT 2017

**Agreement between the City of Roeland Park, Kansas
and
Johnson County Park and Recreation District
for the Joint Use and Operation of the Roeland Park Community Center**

THIS AGREEMENT, made and entered into this ____ day of _____, ~~2015~~2016, by and between the City of Roeland Park, Kansas, (hereinafter referred to as "City"), and Johnson County Park and Recreation District, (hereinafter referred to as "JCPRD"), each party having been duly organized and now existing under the laws of the State of Kansas.

RECITALS

WHEREAS, pursuant to KSA 12-2908, the parties mutually agree that it is in the best interest of the public health, safety and welfare to jointly use and operate, as a recreational, educational and service facility, the Roeland Park Community Center, 4850 Rosewood Drive, Roeland Park, Kansas 66205 (hereinafter the "Facility"); and

WHEREAS, the Park District did approve and authorize its Board Chair to execute this Agreement by official vote of said body on the ____ day of _____, 20__; and

WHEREAS, the governing of the City did approve and authorize its Mayor to execute this Agreement by official vote of said body on the ____ day of _____, 20__; and

WHEREAS, to comply with the Kansas Interlocal Cooperation Act ("Act"), certain matters are required to be set forth with specificity and those matters are set forth below.

NOW THEREFORE, in consideration of the above and foregoing recitals, the mutual covenants and agreements herein contained, and for other good and valuable consideration, the parties hereto agree as follows:

1. Compliance with Act. This Agreement is intended to and shall be interpreted to comply with the provisions of the Act.

2. Duration. This Agreement shall take effect for the period beginning January 1, 2017 and shall remain continuously in effect, subject to the terms and conditions hereinafter contained. Each party is obligated to express to the other party in writing on or before September 15 of the Contract Year, if there is intent not to renew the agreement. No modifications to this Agreement shall be effective unless and until separately made in writing and duly executed by

~~both parties. This Agreement shall remain in full force and effect for the period beginning January 1, 2016, 2017 and ending December 31, 2016 2017, subject to the terms and conditions hereinafter contained.~~

3. No Separate Entity Created. No separate legal entity is created under this Agreement.

4. Purpose of Agreement. The parties are entering into this Agreement for the purpose of setting forth the terms and conditions concerning their joint use and operation of the Facility as a community center for educational, recreational and service purposes.

5. Financing and Budget. This Agreement does not require that either party undertake any special financing arrangements or the preparation of a separate budget. The costs and expenses of providing services under this Agreement are set forth in a separate section below.

6. Termination. This Agreement may be terminated by either party upon not less than three (3) months' notice to the other. No property is to be jointly acquired under this Agreement and, therefore, no disposition of such property upon termination is contemplated or required.

7. JCPRD as Administrator. For purposes of the Act, JCPRD shall be deemed the administrator of this Agreement.

8. Real and Personal Property. No real or personal property is to be acquired jointly under this Agreement.

9. Allocation of Costs Between the Parties. The cost involved in the joint use and operation of the Facility and programs and services provided and administered therein shall be distributed as follows:

a. The City shall furnish and pay any costs associated with the acquisition of the Facility, including paying all taxes and fees as may be required by law.

b. The City shall maintain the roof and all exterior surfaces of the Facility and shall continue common landlord responsibilities with regard to maintenance of the heating, air conditioning, plumbing and electrical systems of the Facility subject to the provisions of Subparagraph 9.f. herein below. In addition, the City shall be responsible for all interior building or maintenance repairs which exceed Three Hundred Dollars (\$300.00) per repair.

c. The City shall maintain the nine (9) acres of lawn and the parking lot surrounding the Facility. Such maintenance shall include weed control, mowing and snow removal, provided, however,

that JCPRD shall be responsible for snow removal of the sidewalks surrounding the Facility. The City shall maintain ownership of all its tools and equipment (i.e., floor buffer, brooms, mops, tables and chairs, etc.) in place at the Facility; provided, that the City shall make available to JCPRD for use of the Facility such tools and equipment.

- d. During the term of this Agreement, the City shall pay JCPRD in the amount of 50% of the projected expenses associated with the Facility operating budget for the given year. Payment will be made in equal quarterly installments beginning on January 2, 2017, and will follow on the second day of each quarter thereafter for the purpose of reimbursing JCPRD for utility, janitorial services and operating expenses associated with the Facility. JCPRD shall make the projected budget in its entirety available for City review no later than February 1 each year and the City shall provide comment and/or approval of budget to JCPRD no later than March 1 each year. JCPRD and the City shall share equally the net profit or loss of the facility post reimbursement with JCPRD billing the City for 50% of the total loss or paying the City 50% of the net profit at year end. During the term of this Agreement, the City shall pay JCPRD the amount of Seventy-Five Thousand, Dollars (\$75,000.00) payable in equal quarterly installments beginning on January 23, 2016~~2017~~, and on the second day of each quarter thereafter for the purpose of reimbursing JCPRD for utility, janitorial services and operating expenses associated with the Facility. This payment is based 50% of the projected 2016 actual Facility Operating budget of \$150,000.00.

e. The City will provide property insurance insuring the Facility against physical loss and general liability insurance covering the City's interest in the Facility. JCPRD will provide and pay the costs of liability insurance covering its operations in the Facility. Such insurance coverage by JCPRD coverage shall show the City as an additional named insured. JCPRD shall submit a certificate of insurance to the City to verify JCPRD's liability insurance covering JCPRD and the City. JCPRD may also elect to provide contents coverage for its property located on the premises.

f. JCPRD will provide personnel and material necessary for all JCPRD programs and public services at the Facility. JCPRD shall provide its own office furniture, supplies, and telephone service. In addition, JCPRD will provide janitorial services, pest control service, pay all utility costs and will be responsible for the payment of minor interior building repairs which do not exceed Three Hundred Dollars (\$300.00) per repair. Such repairs shall include, but not be limited to, glass replacement, window repair, touch-up painting, ceiling and floor tile repairs, lights bulbs and lighting fixtures, locks and window treatments. Notwithstanding anything to the contrary herein contained, JCPRD shall not be responsible for repairs to the air conditioning, plumbing and electrical systems of the Facility which exceed Three Hundred Dollars (\$300.00) per repair. Further, JCPRD shall not be responsible for any repairs to the heating system, regardless of cost of the repair. Repairs which are not delineated as being the financial responsibility of JCPRD shall be the sole responsibility of and cost to the City. JCPRD shall promptly notify the City of any repairs which JCPRD believes are the responsibility of the City.

10. Facility Administrator. JCPRD designates the 50 Plus Program Specialist (hereinafter "Program Specialist") as the representative of JCPRD responsible for the day-to-day operations of the programs and services provided at the Facility. The Program Specialist shall serve as manager of the Facility and shall cause the making of all contracts necessary to carry out the programs and services to be provided at the Facility.

11. Programs and Services Provided. The City grants a non-exclusive use of the Facility to JCPRD for the purpose of providing a center for educational, recreational and other services to the residents of Johnson County, Kansas. Program Specialist shall develop appropriate programs to maximize the utilization of the Facility and notify the City of said programs; provided, however, the City reserves the right to disapprove said programs. JCPRD will schedule and organize room usage for all individuals and groups requesting use of the Facility subject to the rules and procedures set by JCPRD. Facility fees and charges for room usage will be set by and follow JCPRD's fees and charges. JCPRD shall notify the city when changes are made to the rules and procedures or fees and charges regarding room usage for all individuals and groups requesting use. JCPRD shall, upon request, provide the City with a monthly report on the participation usage of the Facility for the previous month. The City and City affiliated groups (Committees, Citizen Fundraising Group, etc) shall have the right to use the parts of the Facility which are utilized for public programs and

services for programs, functions or services which the City wishes to make available to residents of the City or their guests; provided, however, such use would not interfere with the programs or service provide by JCPRD and provided that the space needs can be accommodated. Use of the facility by said groups contingent on inclement weather shall be made available two weeks prior to the event date; provided, space needs can be accommodated. Employees of the City are eligible to use the Facility at the City Resident rate. In some instances, the Facility may be used by other non-profit, county government agencies or community service groups, at no charge, as long as they do not interfere with programs or services provided by JCPRD, and provided that space need are accommodated. The Facility may be used for in-kind programming use or for services and programs co-sponsored by the Facility. The Program Specialist will determine if space is appropriate for co-sponsored or payment in kind.

12. Facility Billing and Rentals. JCPRD shall maintain a billing and bookkeeping system for tenant rentals, long distance charges, and copier use. JCPRD shall process, collect and retain all tenant, long distance and copier use revenues generated monthly by the Facility. This accounting shall be available for review by the City upon request.

13. Amendment. The services provided under this Agreement may, from time to time, be modified by agreement of JCPRD and the City, and any such modification shall be memorialized in writing signed by the appropriate representative of JCPRD and the City.

14. Governing Law. This Agreement shall be governed by, enforced and construed in accordance with the laws of the State of Kansas.

15. Severability. All agreements, covenants and clauses contained herein are severable, and in the event any part of this agreement shall be deemed or held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement shall be interpreted as if such unconstitutional, invalid or unenforceable agreements, clauses and covenants were not contained herein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in triplicate by their duly authorized representatives and made effective the day and year first above written.

CITY OF ROELAND PARK, KANSAS

Joel Marquardt, Mayor

ATTEST:

Kelley Bohon, City Clerk

APPROVED AS TO FORM:

Neil R. Shortlidge, City Attorney

**BOARD OF PARK AND RECREATION COMMISSIONERS
JOHNSON COUNTY PARK AND RECREATION DISTRICT**

~~George J. Schalge~~Paul Snider, Board Chair

APPROVED AS TO FORM:

Ernest C. Ballweg, JCPRD Legal Counsel

Item Number: Ordinances and Resolutions:- IX.-
 A.
Committee 11/21/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 12/1/2015
Submitted By: Erin Thompson, Michael Poppa, Teresa Kelly
Committee/Department: Admin
Title: **Ordinance 943 Consider Raising the Age to Buy Cigarettes and Tobacco Products**
Item Type: Ordinance

Recommendation:

To approve ordinance 943

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF ROELAND PARK, KANSAS; ADDING SECTION 11-101.2 TO THE CODE OF THE CITY OF ROELAND PARK, KANSAS, AMENDING SECTIONS 5.6 AND 5.7 OF THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 2016.

Details:

Both Kansas City, MO and Kansas City, KS recently raised the age to legally buy cigarettes to 21. The Shawnee Mission School District issued a statement position encouraging governing bodies of the fourteen Johnson County municipalities served by the Shawnee Mission School District to consider increasing the legal age for purchase of tobacco products, including e-cigarettes and smokeless tobacco, to age 21.

Attached is the ordinance passed by the Unified Government raising the age to buy cigarettes, electronic cigarettes, and tobacco products.

The City Attorney has confirmed that Roeland Park has the authority to adopt such an ordinance.

Financial Impact

Amount of Request: N/A	
Budgeted Item?	Budgeted Amount: N/A
Line Item Code/Description: N/A	

Additional Information

How does item relate to Strategic Plan?

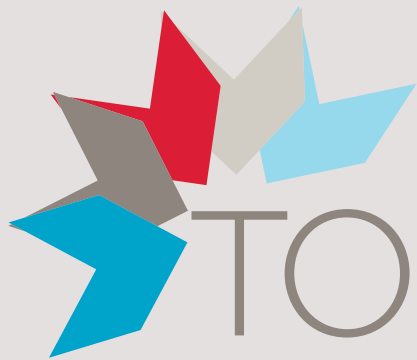
N/A

How does item benefit Community for all Ages?

N/A

ATTACHMENTS:

Description	Type
☐ Tobacco 21 handouts	Backup Material
☐ Ordinance 943	Cover Memo



TOBACCO 21 | **KC**

For more information, contact Scott Hall,
Vice President of Strategic Initiatives,
Greater Kansas City Chamber of Commerce

Email hall@kcchamber.com
Phone (816) 374-5437



Moving forward

For information, contact:
Pam Whiting
(816) 374-5481
email whiting@kcchamber.com



Healthy KC Calls for Raising the Age of Sale of Tobacco Products to 21

"We're asking cities around the Kansas City region to take action and raise the age young people can buy tobacco products from 18 to 21," Jim Heeter announced at a news conference this morning. Heeter is President and CEO of the Greater Kansas City Chamber of Commerce. "It's one of the most effective ways to prevent kids from starting a noxious habit that can end in their early death."

The "Tobacco 21|KC" effort is being launched by Healthy KC, a partnership of the Chamber and Blue Cross and Blue Shield of Kansas City that includes business, health care organizations, hospitals, nonprofits, government, and more. To date, 101 organizations and individuals have endorsed Tobacco 21 KC.

"The rates of teen and youth smoking are higher in both Kansas and Missouri than in the rest of the nation," says Dr. Bridget McCandless, CEO of the Health Care Foundation of Greater Kansas City and Co-Chair of the Healthy KC Commission. "Research shows that those who have had their first cigarettes by age 18 are almost twice as likely to become lifelong smokers as those who have not tried by age 21." A growing amount of research, she says, indicates that the human brain is still developing well past one's 18th birthday, and that nicotine has an adverse effect on that brain development.

Erin Schneider-Stucky, Co-Chair of the Healthy KC Commission and Vice President and Chief Sales Executive, Blue Cross and Blue Shield of Kansas City, says, "According to the CDC, more than 5.6 million kids who are under the age of 18 today will die early from smoking related illnesses. Nearly \$170 billion is spent in direct medical care for tobacco-related diseases every year. If we lower the number of smokers by reducing access to tobacco products to people under the age of 21, we can reduce the number of people dying from a preventable cause and lower our overall healthcare costs. Tobacco 21|KC is a solution we support because it's been proven to work in other communities similar to ours and we know the long-term results will improve the health and wellness of our community."

The suburban city of Needham, Massachusetts was the first to implement Tobacco 21 in 2005, and saw teen smoking decrease by an astonishing 46 percent between 2006 and 2010. Following Needham's example, the state of Hawaii, along with 94 cities in seven states, have now passed Tobacco 21 legislation.

Earlier this year, the Institute of Medicine released a study estimating that Tobacco 21 would reduce smoking among 15 to 17-year-olds by 25 percent, and among 18 to 20-year olds by 15 percent. Meanwhile, the public support for Tobacco 21 is strong, with polls indicating that approximately 70 percent of the public favor the idea.

"We appreciate the strong support we've received so far from the 101 businesses, organizations, educators and health care providers that have endorsed Tobacco 21|KC, with new endorsements coming in daily," Heeter says.

"And now we'd like to get the public involved as well. If you support Tobacco 21, go to Change.org and sign the petition we've started - just do a search for "Tobacco 21 KC." Then let your city officials know you'd like to see Tobacco 21 in your community."



ENDORSEMENTS INCLUDE:

Affinity Enterprise Group
American Academy of Pediatrics - KS Chapter
American College of Physicians
American Heart Association
American Lung Association in Missouri
ARC Physical Therapy +
Bardavon Health Innovations
Benilde Hall
Black Healthcare Coalition
Blue Cross and Blue Shield of Kansas City
BNIM
Cass Community Health Foundation
Cass County Dental Clinic
CBIZ
Children's Mercy Hospitals and Clinics
Clay County Public Health Center
Clean Air Kearney
Clean Air Metro KC
Community Health Council of Wyandotte County
Community Services League
Cornerstones of Care
Dental Excellence
Doctors for America - UMKC
El Centro
Episcopal Community Services
Garmin
Global Prairie
Greater Kansas City Chamber of Commerce
Greater Kansas City Dental Society
Health Care Collaborative of Rural Missouri
Health Care Foundation CAC
Health Care Foundation of Greater Kansas City
Healthy Communities Wyandotte
Healthy Community Services of Johnson County
Independence Board of Health
Jackson County Health Department
JayDoc Free Clinic
John Locke Society of Retired Physicians
Johnson County Department of Health & Environment
Juntos
Kansas Action for Children
Kansas City CARE Clinic
Kansas City Missouri Public Schools
Kansas City Missouri Health Commission
Kansas City University
Kansas Family Partnership
Kansas Health Foundation
Kansas Masonic Research Institute
Kansas Public Health Association
KC Faith Initiative

KCP&L
Kearney-Holt CAN
KU Medical Center Student Governing Council
KU MPH Student Organization
Latino Health For All Coalition
Mattie Rhodes Center
Menorah Medical Center
Metropolitan Healthy Communities Coalition
Metropolitan Medical Society
Mid-American Coalition on Health Care
Midwest Cancer Alliance
Miles of Smiles
Missouri American College of Physicians
Missouri Association of Osteopathic Physicians & Surgeons
Missouri Public Health Association
Mosaic Life Care
NBC Community Development Corporation
NCES Health & Nutrition Education
North Kansas City Hospital
Northland Coalition
Oral Health Kansas
Platte County Health Department
Preventing Tobacco Addiction Foundation
Psi Chi International Honor Society - UMKC
REACH Healthcare Foundation
ReDiscover
Research Medical Center
Riverview Health Services Inc
Saint Luke's Health System
Samuel U. Rodgers Health Center
Second Chance Reentry Program
Shawnee Mission Health
Southwest Boulevard Family Health Care
Park University
Speaks Funeral Home
Stewardship Capital
Synergy Services
Tobacco Free Kansas Coalition
Tobacco Free Missouri Coalition
Tri-County Mental Health Services, Inc.
Unified Government Public Health Department
United Community Services of Johnson County
United Methodist Health Ministry Fund
University of Kansas Cancer Center
University of Kansas Hospital
University of Kansas Medical Center
West Central Missouri AHEC
Wyandotte County WIC Program
Your Wellness Connection
Youth With Vision



Reducing Youth Smoking in Greater Kansas City



The Problem:

- » 24.1% of Kansas high school students are current tobacco users. (*Nationwide Avg. 22.4%*)
- » 23.1% of Missouri high school students are current tobacco users.
- » 22% of Kansans are current cigarette smokers. (*Nationwide Avg. 21.2% - Ranked 31st*)
- » 25% of Missourians are current cigarette smokers. (*Ranked 43rd*)
- » Approximately 90% of adult smokers start before age 18.
- » The primary cigarette source for underage smokers is their 18 to 20 year old peers.
- » Adolescent brains are still developing and are uniquely sensitive to nicotine addiction.
- » While youth cigarette smoking in our community and across the county is slowly declining, e-cigarette use among youth has more than doubled in recent years.

Our Proposal:

- » **Increase the minimum age of sale and purchase of tobacco products, e-cigarettes, vapor products and paraphernalia to 21.**

The Health Impact:

- » A March 2015 Institute of Medicine study estimated that Tobacco 21 would reduce smoking among 15-17 year old by 25% and among 18-20 year olds by 15%.
- » Data from Needham, MA shows a nearly 50% reduction in tobacco use by teens since their Tobacco 21 policy change in 2005. This decrease significantly exceeded reductions in peer communities over the same amount of time.
- » Fewer smokers before 18 lead to fewer long-term smokers reducing overall smoking rates by an estimated 12%.

The Business Impact:

- » A recent study from The Ohio State University estimated that the average smoker costs a private employer \$5,218 per year in excess costs related to their smoking.
- » The American Journal of Public Health - "*Retail Impact of Tobacco Sales Age to 21 Years*" - estimated only a 2% decrease in annual total tobacco sales due to Tobacco 21.

Supporters:

- » 75% of U.S. adults, including 70% of current smokers.
- » 94 cities in seven states and the entire state of Hawaii have passed Tobacco 21.
- » More than 100 organizations throughout the KC metro area.

IT'S SIMPLE MATH:

Raising the minimum tobacco sales age to 21 will dramatically reduce tobacco use.

Just 2% of tobacco sales help produce 90% of new smokers.

Cigarette sales to those under 21 account for only 2.12% of total sales. But, because 90% of smokers start by the age of 21, these are the very sales that help lead to 9 out of every 10 new smokers. This means that the impact on store owners will be minimal and will only affect a very small percentage of their tobacco sales in the short term.¹

Raising the minimum tobacco sales age to 21 can reduce smoking rates to single digits.

Only 10% of smokers start at the age of 21 or older.² If the current smoking rate is about 20%,³ then by simple math, if someone reaches the age of 21 as a non-smoker, that individual has only a 2% chance of becoming a smoker ($.1 \times .2 = .02 = 2\%$).

This strategy is already working.

In 2005, Needham, MA voted to raise and enforce the minimum tobacco sales age of 21. In 2006, before full enforcement, the town had a youth smoking rate of 13% compared with 15% in the surrounding communities. By 2010, the youth smoking rate in Needham was down to 6.7% while the surrounding communities' rate only decreased to 12.4%. The percent decline in youth smoking in Needham was nearly triple that of its neighbors.⁴

Many people who purchase for distribution to minors are between the ages of 18 and 20.⁵

Since most students do not reach twenty-one years of age while still enrolled in high school, increasing the legal age of sale would greatly reduce the number of students who could purchase tobacco products. By decreasing the number of eligible buyers in high school, this action will help reduce youth smoking by decreasing the access of students to tobacco products.

A similar strategy was highly successful in addressing alcohol sales.

A national age 21 law for alcohol sales resulted in reduced alcohol consumption among youth, decreased alcohol dependence, and has led to dramatic reductions in drunk driving fatalities.^{6,7} At the time, some critics of the policy argued that because 18 year-olds can vote and enlist in the military, they should be allowed to be sold alcohol. Despite these arguments, the increase in the minimum sales age for alcoholic beverages has saved tens of thousands of lives of young drivers, their passengers, and others on the road.⁸

¹Winickoff JP, Hartman L, Chen ML, Gottlieb M, Nabl-Burza E, DiFranza JR. Minimal Retail Impact of Raising Tobacco Sales Age to 21. American Journal of Public Health. 2014. In Press.

²This is a conservative estimate. Centers for Disease Control and Prevention. National Center for Health Statistics. National Health Interview Survey, 2008. Analysis by the American Lung Association, Research and Program Services Division using SPSS software.

³CDC. Morbidity and Mortality Weekly Report. "Current Cigarette Smoking Among Adults — United States, 2011." November 9, 2012. 61(44):889-894.

⁴Analysis of 2011 Youth Risk Behavior Surveillance System (YRBSS) data by Jonathan P. Winickoff, MD, MPH, Associate Professor of Pediatrics, Harvard Medical School.

⁵DiFranza JR, Wellman RJ, Mermelstein R, et al. The natural history and diagnosis of nicotine addiction. Current Reviews in Pediatrics. 2011;7(2):88-96.

⁶Wagenaar AC. Minimum drinking age and alcohol availability to youth: Issues and research needs. In: Hilton ME, Bloss G, eds. Economics and the Prevention of Alcohol-Related Problems. National Institute on Alcohol Abuse and Alcoholism (NIAAA) Research Monograph No. 25, NIH Pub. No. 93-3513. Bethesda, MD: NIAAA; 1993:175-200.

⁷DeJong W, Blanchette J. "Case Closed: Research Evidence on the Positive Public Health Impact of the Age 21 Minimum Legal Drinking Age in the United States." J. Stud. Alcohol Drugs, Supplement 17, 108-115, 2014.

⁸NHTSA's National Center for Statistics and Analysis, March 2005. "Calculating Lives Saved Due to Minimum Drinking Age Laws." Washington, DC, U.S., DOT.

THE VULNERABLE TEEN/YOUNG ADULT BRAIN

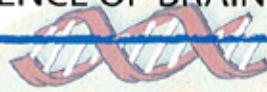
Nearly 90% of smokers started smoking by age 20.¹

Scientific study of the brain is increasingly showing a distinct gap between when we are physiologically mature and neurobiologically mature.²

In fact, there could be as much as a 4-7 year difference. During this period the brain continues to be highly vulnerable.²

The minimum age of military service does not equal readiness to enlist in a lifetime of smoking.

THE SCIENCE OF BRAIN WIRING



From neuroscience experiments, we know that the frontal lobe - the seat of human judgment - is not fully wired until age 25.³ This is why some describe the period from 18-25 years as emerging into adulthood.² During this critical period, the brain remains especially vulnerable to tobacco addiction.⁴

Delaying the age of initiation of nicotine significantly prevents a lifetime of addiction.

99% of lifetime smokers started smoking before the age of 26.²

Tobacco affects the development of the brain in areas of addiction during this vulnerable period.^{4,5}

The tobacco industry knew all of this as early as 1986

"Raising the legal minimum age for cigarette purchaser to 21 could gut our key young adult market..."

-Philip Morris report, January 21, 1986⁶

Brain health is public health

¹ SAMHSA. Calculated based on the data in the 2011 National Survey on Drug Use and Health.

² The Surgeon General Report. 2012. "Preventing Youth Tobacco Use." <http://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/factsheet.html>.

³ Crews et al. Adolescent Cortical Development: A Critical Period of vulnerability for addiction; Pharmacol Biochem Beh, 2007, pages 189-199.

⁴ Morales et al. Cigarette Exposure, Dependence & Craving are Related to Insula Thickness in Young Adult Smokers; Nature/Neuropsychopharmacology, 2014, pages 1-7

⁵ U.S. Department of Health and Human Services. "The Health Consequences of Smoking — 50 Years of Progress: A Report of the Surgeon General." Atlanta, GA: U.S.

Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

⁶ Philip Morris Discussion Draft of Sociopolitical Strategy <http://legacy.library.ucsf.edu/tid/aba84e00/pdf>

RESPONSES TO CONVENIENCE STORE OWNERS' CONCERNS

Big tobacco (RJR and Philip Morris USA) have been working through the retailers.

The arguments you may hear:

We will go out of business.

When Needham increased the sales age to 21 in 2005 not a single convenience store went out of business.

Restaurant and bar owners had the same fear when smoking was banned, and this did not happen.¹

Tobacco sales to 18-20 year olds are only 2% of retail tobacco sales.²

CVS and Target have decided to stop selling all tobacco products, leaving more tobacco business for convenience stores.

We make our profits from the ancillary purchases (milk and bread) when people come in to buy cigarettes

98% of tobacco sales and all associated ancillary purchases will be unaffected.²

18-20 year olds will have more money for other in-store purchases that are not tobacco.

They will just go to other towns and we will lose business.

Lower smoking rates are better for business.

A city or town that creates fewer smokers will have higher socioeconomic status, better health status, better jobs, and better quality of life for all residents.³

Research has shown a minimal retail impact of raising the sales age to 21.²

In fact, since 2005 in Needham, there is no evidence for youth traveling to other towns to purchase tobacco.

Each town that goes to 21 increases the likelihood that the surrounding towns will also go to 21.

Small decreases in youth access to retail tobacco are strongly associated with lower tobacco use.

The key point is that youth will quit or use less tobacco, and those who don't smoke are less likely to start.^{4,5}

We want this to go to the state legislature to make it a level playing field.

The banning of tobacco in bars and restaurants was won on the local level first before it went to the state.

This is a ploy by the Tobacco Industry.

When Utah's Senator Reid was asked why Tobacco21 didn't pass at the state level, he explained it to us in three words: "The Tobacco Lobby."

¹ Hahn, EJ. "Smokefree Legislation: A Review of Health and Economic Outcomes Research," American Journal of Preventive Medicine 39(6S1):S66-S76, 2010.

² Winickoff JP, Hartman L, Chen ML, Gottlieb M, Nabi-Burza E, DiFranza JR. Minimal Retail Impact of Raising Tobacco Sales Age to 21. American Journal of Public Health. 2014. In Press.³

³ U.S. Department of Health and Human Services. "The Health Consequences of Smoking — 50 Years of Progress: A Report of the Surgeon General." Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

⁴ Scully M, McCarthy M, Zacher M, Warner C, Wakefield M, White V. Density of tobacco retail outlets near schools and smoking behavior among secondary school students. Aust New Zealand J Pub Health. 2013;37(6):574-78.

⁵ Henriksen L, Feighery EC, Schleicher NC, Cowling DW, Kline RS, Fortmann SP. Is adolescent smoking related to the density and proximity of tobacco outlets and retail cigarette advertising near schools? Prev Med. 2008 Aug;47(2):210-4.

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THE MILITARY/AGE RESTRICTION ARGUMENT

What you can't do until you are 21 years or older:

- ☒ Buy alcohol
During the Vietnam era, 29 states lowered the alcohol purchase age to 18 and highway death rates made a significant climb. Raising the sales age back to 21 caused the death rate to drop significantly.¹
- ☒ Casino gambling
- ☒ Get a 'license to carry' gun permit.
- ☒ Rent a car (must be age 25 - crash rates don't drop significantly until then)
- ☒ Rent a hotel room in some hotels.

The argument: If you can go to war and bear arms at 18 you should have the right to smoke.

Response: The minimum age of military service does not equal readiness to enlist in a lifetime of smoking.

IN FACT:

The U.S. Army Surgeon General says soldiers who smoke are less combat ready and take longer to heal.²

The U.S. Military is taking steps to ban all tobacco sales on military bases. Easy access to cigarettes has led to a 33.6% smoking rate among active duty military.²

Years of studies, including a comprehensive study on 9.3 million military beneficiaries, have revealed lung cancer mortality rates are double among Veterans.³

Veterans who served to protect our freedom but contracted emphysema from addiction to the discounted cigarettes in the military have lost **their** freedom.⁴

¹ DeJong et al. Case Closed: Research Evidence on the Positive Public Health Impact of Age 21 MLDA in the US, Journal of Studies On Alcohol and Drugs/ Supplement No17.2014 pg108-115

² <http://www.army.mil/standto/archive/issue.php?issue=2012-11-20>

³ A Study of Cancer in the Military Beneficiary Population, Guarantor: Raymond Shelton Crawford III, MD MBA, Contributors: Raymond Shelton Crawford III, MD MBA; Julian Wu, MD MPH; Dae Park, MD; Galen Lane Barbour, MD; Military Medicine, Vol. 172, October 2007

⁴ <http://www.iom.edu/~media/Files/Report%20Files/2009/MilitarySmokingCessation/Combating%20Tobacco%20Military%20for%20web.pdf>

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TOBACCO

~~eighteen~~ twenty-one

[CRITICAL ISSUES](#)[E-CIGARETTES &
TEENS](#)[NICOTINE BRAIN](#)[ALCOHOL TO 21](#)

CRITICAL ISSUES

Why now? The case to take all nicotine and tobacco products to age 21.

After a decade of consistent decreases in tobacco use by teenagers, The National Youth Tobacco Survey reports that in 2014 overall use of tobacco among youth rose, exposing dangerous new trends. Clever marketing by the tobacco industry, pushing small cigars, hookahs, e-cigarettes, and flavored vaping products, has put millions of young people at risk of lifelong lethal nicotine addiction.

There is no one magic bullet for preventing youth tobacco use. Increased taxes, counter-marketing and school programs all play a role. However, funding has shriveled and tax increases face mounting opposition causing fewer and fewer to be enacted. There is now growing interest in another tool: access restriction to age 21.

The momentum is surging across the nation. In November of 2013, New York City and the Big Island of Hawaii both passed legislation to restrict access to nicotine and tobacco before age 21. Meanwhile, two pediatricians in Massachusetts, Drs. Jonathan Winickoff and Lester Hartman, successfully campaigned in over three dozen communities in Massachusetts, persuading each

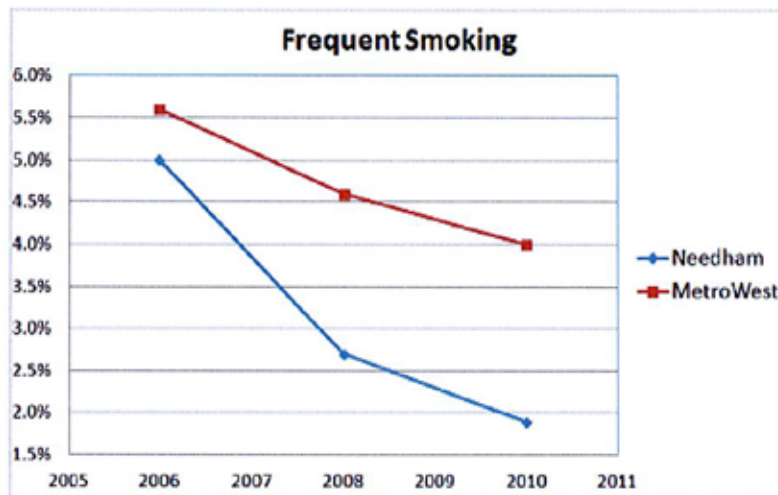
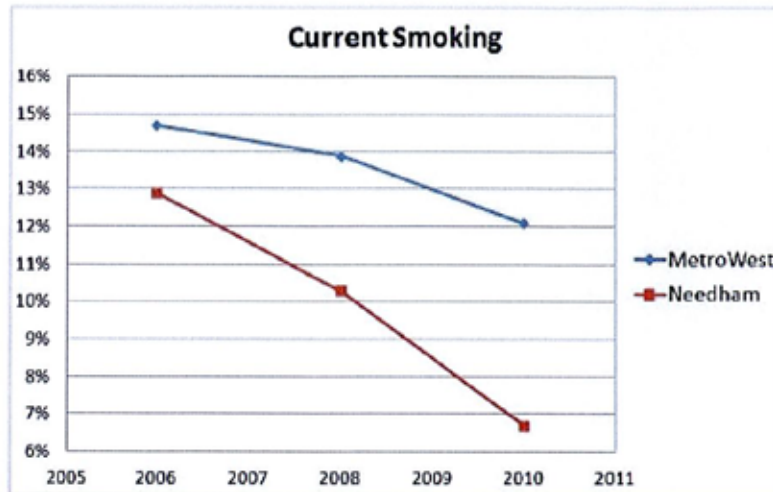
to raise its access age to 21. Similar local efforts around the country have also succeeded, and statewide efforts began in earnest in 2015. As of August, 2015, 91 cities in 8 states, and the entire state of Hawaii, have taken this important step, covering over 13.6 million people.

The popular support is overwhelming. In July of 2015 the CDC released a study (found [Here](#) and [Here](#)) concluding that an astounding 75% of adults favor raising the tobacco age to 21, including 70% of current smokers and 65% of those aged 18-24.

Finally, there is strong outcome-based data to support the issue. Before 2005 an age-21 policy had never been tried anywhere, even though other inherently risky activities including alcohol and handgun sales as well as casino gambling are routinely restricted until age 21. Over a three-year period from 2005-2008, Needham, Massachusetts, gradually raised their legal sales age for tobacco from age 18 to 21. It seemed largely a symbolic gesture at the time as other Boston suburbs tightly surround Needham. Surely young people would just buy nearby?

But there was a surprise. The MetroWest Health Foundation, serving 29 Boston suburbs, began surveying high school students on risk behaviors every two years beginning in 2006. By 2010 cigarette smoking by Needham High School students had dropped by more than half (red) while the surrounding MetroWest suburbs (blue) fell only slightly. Experts attribute this decrease to loss of social sources. Teen smoking is not powered by illegal sales nearly as much as by legal sales to older youth. Raising access to age 21 puts legal purchasers outside the social circle of most high school students.

MetroWest Adolescent Health Surveys – 2006-2010 – High School Smoking



*Current use is defined as smoking once in the past 30 days. Frequent use is defined as smoking at least 20 of the last 30 days. Age 21 for Needham not full implemented until 2008.

These results mirror those of raising the age for alcohol to 21. That intervention, undertaken by most states in the 1980s to reduce deaths caused youthful drunk drivers, had the added benefit of dramatically reducing teenage drinking including binge drinking and daily drinking. In fact as those young people have grown up their alcohol use is still remains lower than before the drinking age was 21.

And the Institute of Medicine agrees. In March of 2015, the Institute of Medicine, on behalf of the Food and Drug Administration (FDA), released a seminal report detailing the potential public health benefits of enacting a nationwide Tobacco 21 policy. Among the astounding results was a 25% drop in youth smoking initiation, a

12% drop in overall smoking rates, and a 16% drop in SIDS cases, an impact that would be recognized immediately. Their conservative estimate is that if age 21 were adopted throughout the U.S. it would prevent 4.2 million years of life lost to smoking in kids alive today.

The most compelling argument for taking tobacco to age 21 comes from the tobacco industry itself: "Raising the legal minimum age for cigarette purchase to 21 could gut our key young adult market (17-20) where we sell about 25 billion cigarettes and enjoy a 70 percent market share." They know their markets, it's time we listened.

The bigger picture

The health consequences of smoking are staggering. Smoking current provokes over 500,000 annual premature deaths. Nearly 480,000 of those are from primary smoking, while over 40,000 non-smokers die each year from exposure to second hand smoke. For teens, cigarettes are a gateway drug to alcohol, marijuana and cocaine use, compounding the damage. All told tobacco takes more lives than AIDS, auto accidents, homicides, alcohol, illegal drugs, suicides and fires combined.

The economic losses are equally sobering. The direct health care costs and indirect losses to the American economy from tobacco use are estimated to be nearly \$330 billion per year, much of that at the expense of employers paying health insurance premiums and taxpayers financing Medicaid and Medicare. The American Lung Association estimates that each pack of cigarettes consumed costs our society \$18.05 in increased health care and work related expenditures.

We have strong evidence that moving alcohol to age 21 reduced youth usage. America performed a striking social experiment with alcohol access during the 70's and 80's. After the Vietnam War and the reduction of the voting age to 18, many states lowered their drinking age. The disastrous drunk driving results of this action prompted our nation to move all states drinking ages to 21. Not only did drunk driving deaths plummet, but youth usage and binge drinking fell by a third.



Age 21 protects younger teens better. The younger the buyer is, the less likely they are to achieve a purchase even with current shoddy enforcement. Moreover, most social sources of tobacco for teens are themselves younger than 21. Age 21 reduces initiation in younger kids and inhibits consolidation of addiction in older teens.

Age 18 is not magic. Well-heeled industry lobbyists constantly whisper to lawmakers the mantra, "Old enough to fight and vote, old enough to drink and smoke." They imply smoking is a right and a benefit, not an addiction and a societal burden. Our society has always recognized that young people are vulnerable to impulsive and risky behaviors and granted our kids gradually increasing access to potentially dangerous activities. We allow partial work permits at age 14 then driver's licenses at 16 and legal responsibilities at 18. Finally we grant access to alcohol, gambling and handguns at age 21. In the four states (Alaska, Oregon, Colorado, and Washington) that have legalized marijuana, the legal sales age is set at 21. Smoking is statistically much more deadly than any of these other risky behaviors. How many hundreds of thousand of lives should be traded for the shortsighted sophistry of "18 = adult"?



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EDITORIALS OCTOBER 22, 2015

Raising legal age to 21 best way for KC area cities to combat teen smoking

HIGHLIGHTS

Tobacco 21|KC initiative endorsed by more than 100 area organizations

Success in reducing tobacco use noted in other metro areas

Companies would save millions of dollars on health related expenses



The Editorial Board

The best way to reduce tobacco use is to target teenagers so they don't start smoking and become addicted as adults. That's the aim of a new civic smoking-cessation initiative, Tobacco 21|KC.

The worthy project, announced Thursday, aims to get area cities to raise the minimum legal age for tobacco product purchases from 18 to 21. It already has the support of more than 100 businesses, health care organizations, children's advocacy groups, educators and community groups.

That's not surprising. The promoting organization, Healthy KC, is a partnership of the Greater Kansas City Chamber of Commerce and Blue Cross and Blue Shield of Kansas City working to improve the health and well-being of area residents. Its four pillars are nutrition, physical activity, work/life integration and tobacco cessation.

Raising the legal age to 21 for tobacco purchases, including e-cigarettes, actually attacks smoking among 14- to 15-year-olds, because the younger teens mostly depend on their older friends to buy cigarettes for them. One study, by the Institute of Medicine on behalf of the Food and Drug Administration, predicts that raising the age limit would lead to fewer long-term smokers and reduce overall smoking rates by about 12 percent.

A drop like that and an expected 25 percent decline in youth smoking initiation would be good for the health of Kansas Citians. Right now 23.1 percent of Missouri's high school students and 24.1 percent of students in Kansas high schools are tobacco users compared with 22.4 percent nationwide. About 90 percent of adult smokers start before age 18.

Tobacco 21 was started in 1996 as a national effort. Needham, Mass., became the first city to act, in 2005, and has reported that teen smoking declined 46 percent between 2006 and 2010. Hawaii, New York City and more than 90 other cities in the U.S. have passed Tobacco 21 measures.

"We're excited about it," Jim Heeter, president and chief executive with the Greater Kansas City Chamber of Commerce, told the editorial board of The Star. "We feel it will have an enormous impact."

Raising the age for tobacco purchases is supported by 75 percent of adults in the United States and even 70 percent of smokers. Smokers are at a greater risk of stroke, heart disease and cancer. Smoking causes more than 480,000 deaths annually in the U.S. Most people who smoke say they wish someone had prevented them from starting when they were young.

Officials in several area cities have expressed an interest in passing Tobacco21|KC ordinances. Once the first goes on the books, chamber officials said, other cities would follow. The initiative would dovetail with smoking bans approved in recent years by area cities and the state of Kansas, which have created healthier workplaces for employees and customers of restaurants, bars and other companies.

If what has occurred elsewhere happens in the Kansas City area, Tobacco 21|KC is expected to decrease annual tobacco sales only by 2 percent but result in millions of dollars saved in health care expenses from people not smoking.

The initiative is the right thing to do to ensure Kansas City area residents live longer, healthier lives.



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Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products



Over the past 50 years, tobacco control in the United States has led to an estimated 8 million fewer premature deaths. However, tobacco use continues to significantly affect public health, and more than 40 million Americans still smoke.

In 2009, the Family Smoking Prevention and Tobacco Control Act granted the U.S. Food and Drug Administration (FDA) broad authorities over tobacco products, though it prohibited FDA from establishing a nationwide minimum age of legal access—an MLA for tobacco products—above 18 years of age. It also directed FDA to convene a panel of experts to conduct a study on the public health implications of raising the minimum age to purchase tobacco products. At FDA's request, the Institute of Medicine (IOM) convened a committee in 2013 for this purpose.

In the resulting report, *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*, the committee of experts reviews existing literature on tobacco use initiation, developmental biology and psychology, and tobacco policy and predicts the likely public health outcomes of raising the MLA for tobacco products to 19 years, 21 years, and 25 years. The committee also uses mathematical modeling to quantify these predictions. Of note, the report contains only conclusions regarding raising the MLA; as requested by FDA, the committee does not offer recommendations as to whether the MLA should be raised.

...tobacco use continues to significantly affect public health, and more than 40 million Americans still smoke.

Lowering Initiation Rates

The initiation age of tobacco use is critical. Among adults who become daily smokers, approximately 90 percent report first use of cigarettes before reaching 19 years of age, and almost 100 percent report first use before age 26. As mentioned above, FDA cannot raise the MLA nationwide. However, states and localities can set a higher minimum age for their communities. Most states currently set the MLA at 18 years. Four states set it at 19 years, and several localities around the country have raised the minimum age to 21 years.

Based on its review of the literature, the committee concludes that overall, increasing the MLA for tobacco products will likely prevent or delay initiation of tobacco use by adolescents and young adults. The age group most impacted will be those age 15 to 17 years. The committee also concludes that the impact of raising the MLA to 21 will likely be substantially higher than raising it to 19. However, the added effect of raising the MLA from 21 to 25 will likely be considerably less.

The parts of the brain most responsible for

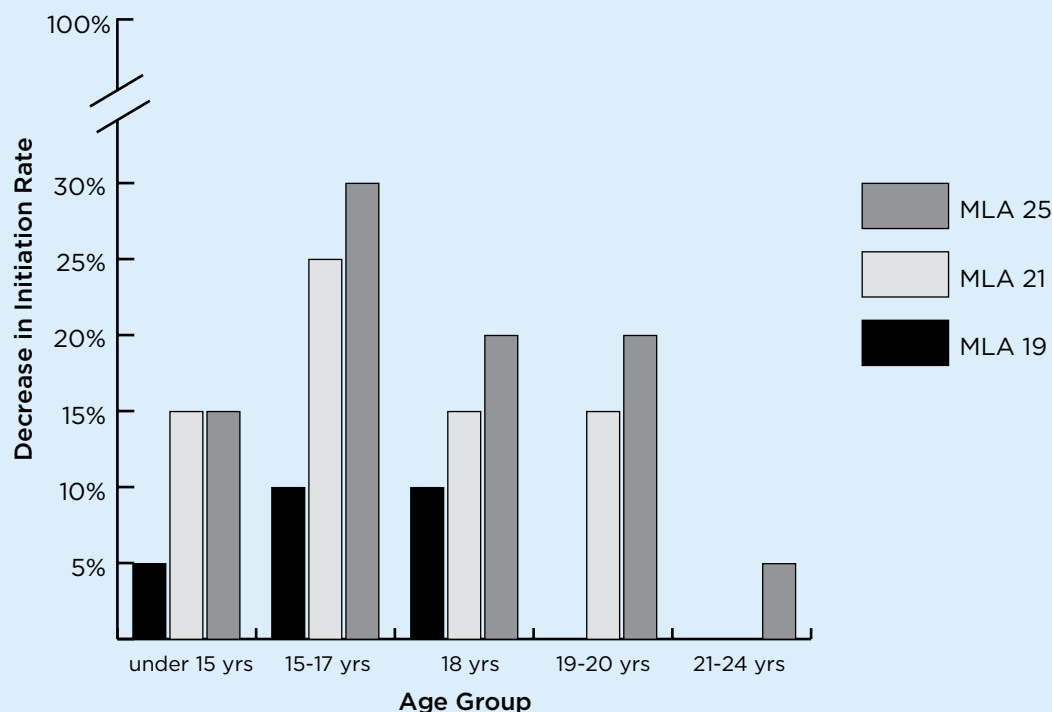
decision making, impulse control, sensation seeking, and susceptibility to peer pressure continue to develop and change through young adulthood, and adolescent brains are uniquely vulnerable to the effects of nicotine. In addition, the majority of underage users rely on social sources—like family and friends—to get tobacco.

Raising the MLA to 19 will therefore not have much of an effect on reducing the social sources of those in high school. Raising the MLA to 21 will mean that those who can legally obtain tobacco are less likely to be in the same social networks as high school students. In the same vein, increasing the MLA from 21 to 25 is not likely to achieve additional notable reductions in social sources for those under age 15.

Reducing Prevalence, Decreasing Disease

Delaying initiation rates will likely decrease the prevalence of tobacco users in the U.S. population. To quantify this decrease in both prevalence of tobacco users and in related health concerns

FIGURE: Committee Estimates Regarding Effects on Initiation Rates



NOTE: This figure was created using data from Table 7-2 in the report.

The parts of the brain most responsible for decision making, impulse control, sensation seeking, and susceptibility to peer pressure continue to develop and change through young adulthood, and adolescent brains are uniquely vulnerable to the effects of nicotine and nicotine addiction.

that could be a result of raising the MLA, the committee commissioned the use of two established and complementary tobacco simulation models, SimSmoke and the Cancer Intervention and Surveillance Modeling Network smoking population model (CISNET).

In using the models, the committee employed all available evidence and expert judgment to project outcomes. The committee also had to make assumptions with important implications. The models only address cigarette smoking, but the committee expects the MLA and relative effects on initiation to apply to all tobacco products. In addition, the models project the effects of raising the MLA on the United States as a whole and do not take into account existing variations in tobacco use—such as by race or socioeconomic status—initiation rates, and tobacco control activities. In addition, the rapidly changing landscape of tobacco products—for example, e-cigarettes—provides unknowns and could affect the future of tobacco product use in ways that the committee was unable to anticipate due to lack of evidence.

Based on the modeling and backed up by the literature review, the committee concludes that raising the minimum age of legal access to tobacco products in the United States, particularly to ages 21 and 25, will likely lead to a substantial reduction in smoking prevalence. If the MLA were raised now, the models projected that by the time today's teenagers were adults, there would be a 3 percent decrease in prevalence of tobacco use among those adults if the MLA were raised to 19, a 12 percent decrease if raised to 21, and a 16 per-

cent decrease if raised to 25.

Given a decline in the initiation rates of tobacco use by adolescents and lower prevalence in the population, it follows that tobacco-related disease would also decrease in proportion to the reduction in tobacco use. It is generally known that smoking-related diseases like cancer and heart disease develop over decades, and therefore, it could take many years to lower rates of these diseases; however, there could be immediate decreases in other tobacco-related health effects.

The committee concludes that raising the MLA will likely immediately improve the health of adolescents and young adults by reducing the number of those with adverse physiological effects such as increased inflammation and impaired immune functioning caused by smoking, as these could potentially lead to negative health consequences, including increased hospitalizations and lessened capacity to heal wounds. Adverse maternal, fetal, and infant outcomes—including preterm births, low birth weight, and sudden infant death—will also probably decrease due to reduced tobacco exposure in mothers and infants. Raising the MLA will also lessen the population's exposure to secondhand smoke and its associated health effects, both now and in the future.

Over time, the committee concludes that raising the MLA will likely lead to substantial reductions in smoking-related mortality, though results from the models suggest that these results will not be observed for at least 30 years, assuming that the MLA increase occurs now. The CISNET model



Committee on the Public Health Implications of Raising the Minimum Age for Purchasing Tobacco Products

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Swannie Jett
Executive Director, Florida Department of Health in Seminole County

Harlan Juster
Director, Bureau of Tobacco Control, New York State Department of Health

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U.S. Food and Drug Administration

projected that if the MLA were raised now to 21 nationwide, there would be approximately 223,000 fewer premature deaths, 50,000 fewer deaths from lung cancer, and 4.2 million fewer years of life lost for those born between 2000 and 2019.

Conclusion

The public health impact of raising the MLA for tobacco products depends on the degree to which local and state governments change their policies. These decisions will depend on each state's or locality's balance between personal interests and the privacy of young adults to make their own choices versus society's legitimate concerns about protecting public health.

The IOM committee makes conclusions about likely public health outcomes of raising the MLA for tobacco products. Overall, in the absence of transformative changes in the tobacco market, social norms and attitudes, or in the knowledge of patterns and causes of tobacco use, the committee is reasonably confident that raising the MLA will reduce tobacco use initiation, particularly among adolescents 15 to 17 years of age; improve the health of Americans across the lifespan; and save lives. 



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**CITY OF ROELAND PARK, KANSAS
ORDINANCE NO. 943**

**AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE
CORPORATE LIMITS OF THE CITY OF ROELAND PARK, KANSAS;
ADDING SECTION 11-101.2 TO THE CODE OF THE CITY OF
ROELAND PARK, KANSAS, AMENDING SECTIONS 5.6 AND 5.7 OF
THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES,
EDITION OF 2016.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROELAND
PARK, KANSAS:**

SECTION 1. Section 11-101.2 is hereby added to the Code of the City of Roeland Park, Kansas, as an amendment to the Uniform Public Offense Code, 2016 Edition, which was incorporated by reference in Ordinance No. 939, and shall read as follows:

11-101.2 Article 5 Amendments. Sections 5.6 and 5.7 of the Uniform Public Offense Code are hereby amended to read as follows:

Section 5.6. Purchase or Possession of Cigarettes or Tobacco Products by a Minor.

- (a) It shall be unlawful for any person:
 - (1) who is under twenty-one (21) years of age to purchase or attempt to purchase cigarettes, electronic cigarettes, liquid nicotine or tobacco products; or
 - (2) who is under eighteen (18) years of age to possess or attempt to possess cigarettes, electronic cigarettes, liquid nicotine or tobacco products. (K.S.A. 79-3321:3322, as amended).
 - (3) For the purposes of this section, the terms are defined in K.S.A. 79-3301 and amendments thereto, except liquid nicotine which is the active ingredient of the tobacco plant (nicotine) in liquefied form suitable for the induction of nicotine, whether by nasal spray, ingestion, smoking or other means, into the human body.
- (b) Violation of this section shall be an ordinance infraction for which the fine shall be a minimum of twenty-five dollars (\$25.00) and a maximum of one hundred dollars (\$100.00). In addition, the judge may require a person charged with violating this section to appear in court and/or may require completion of a tobacco education program.

Section 5.7. Selling, Giving or Furnishing Cigarettes or Tobacco Products by a Minor.

- (a) It shall be unlawful for any person, directly or indirectly, to:
 - (1) Sell, furnish or distribute cigarettes, electronic cigarettes, liquid nicotine or tobacco products to any person under twenty-one (21) years of age; or
 - (2) Buy any cigarettes, electronic cigarettes, liquid nicotine or tobacco products for any person under twenty-one (21) years of age.
- (b) It shall be a defense to a prosecution under this section if:
 - (1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
 - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, liquid nicotine or tobacco products to the person under twenty-one (21) years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes, liquid nicotine or tobacco products; and
 - (3) To purchase or receive the cigarettes, electronic cigarettes, liquid nicotine or tobacco products, the person under twenty-one (21) years of age exhibited to the defendant a driver's license, Kansas non-driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, liquid nicotine or tobacco products.
 - (4) For purposes of this section, the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under twenty-one (21) years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.
- (c) It shall be a defense to a prosecution under this section if:
 - (1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and
 - (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail

only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53- 601 and amendments thereto, that the person was twenty-one (21) or more years of age.

- (d) For the purposes of this section, the terms are defined in K.S.A. 79-3301 and amendments thereto, except liquid nicotine which is the active ingredient of the tobacco plant (nicotine) in liquefied form suitable for the induction of nicotine, whether by nasal spray, ingestion, smoking or other means, into the human body.
- (e) As used in this section, “sale” means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes or tobacco products, with or without consideration. (K.S.A. Supp. 79-3302, 79-3321:79-3322).
- (f) Violations of this section shall constitute a Class B violation punishable by a minimum fine of two hundred dollars (\$200.00).

SECTION 2. This Ordinance shall take effect upon its publication in the official City newspaper.

PASSED by the City Council the 21st day of November, 2016. **APPROVED** by the Mayor.

Joel Marquardt, Mayor

ATTEST:

Kelley Bohon, City Clerk

APPROVED AS TO FORM:

Neil R. Shortlidge, City Attorney

Item Number: Ordinances and Resolutions:- IX.-B.
Committee Meeting 11/21/2016
Date:



City of Roeland Park
Action Item Summary

Date: 9/16/2016
Submitted By: Jennifer Jones-Lacy
Committee/Department: Admin.
Title: **Ordinance No. 941 - Amendment Related to City Code on Signs**
Item Type:

Recommendation:

Return Ordinance 941 regarding sign regulations back to the Planning Commission with recommendations as outlined below for further consideration.

Details:

The Governing Body discussed Ordinance 941 at the Council Workshop meeting on November 7th. Some Council members expressed concern about the new language and how it could cause some interpretation issues with signs currently on the campuses of schools and churches. The language was previously approved by the Planning Commission in August. Rather than rejecting the ordinance in its entirety, the Council recommended returning the item back to the Planning Commission for further consideration.

After further discussion with Councilmembers Rhoades and Janssen, the following recommendations will be submitted to the Planning Commission for consideration on November 22nd. If approved those revisions will come back to the Council for final approval in December.

A revised redlined version of the changes are attached. The changes recommended to the Planning Commission are to consider including the following alteration to the definitions section 16-201 of the City Code.

- (hh) Sign means a name, identification, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Each display surface of a sign or sign face must be considered to be a sign. Provided, however, that the following shall not be considered to be signs: signs located completely within an enclosed building, and not exposed to view from a street; any sign not visible to persons located off the premises from where the sign is located; score boards and related signs on athletic complexes; and bumper stickers that are no larger than eighteen (18) inches in length and five (5) inches in height.

In addition, replacing the term "facility" with the term "building" in section 16-909 (a) - Signs Permitted in All Districts. The intention here is to ensure the code allows signage by building instead of by parcel. The term

building is defined in section 16-201(f).

Sec. 16-909. - Signs Permitted In All Districts.

- (a) Churches, synagogues, and other similar places of worship, schools, libraries, community centers, or other public or semi-public buildings shall be allowed two wall signs, with not more than one on each façade. No sign shall have a sign surface area exceeding 25 square feet. In lieu of one of the wall signs, one monument sign shall be permitted. The monument sign shall be located on the premises, be not less than ten feet from the street line, and the sign surface of each sign face shall not exceed 25 square feet in area per face. The height of the sign shall not exceed five feet; provided, that for each two foot setback from the street line in excess of ten feet, one additional foot may be added to the height of the sign to a maximum of eight feet.

These changes are intended to add clarity to the ordinance and prevent possible unintended consequences of regulating signs not visible from off of a campus and athletics related signage.

Financial Impact

Amount of Request: N/A	
Budgeted Item?	Budgeted Amount: N/A
Line Item Code/Description: N/A	

Additional Information

Original Staff Report

The State of Kansas recently approved legislation that prohibits the regulation of political signs on private property or in the right-of-way for streets during the 45-day period prior to an election and two-day period after. However, regulating signs based on content is a violation of federal law. The Council decided to follow the tenants of Federal law and not integrate the state statute. However, in reviewing the City sign code, the City Attorney noticed some additional language that needed to be updated. Primary changes include:

- Adding a definition for Government Sign
- Updating the definition of a Sign to explain what a sign “is not”
- Adding a Definition for Vehicle Sign
- Establishing that sign permit fees shall be set by resolution approved by the Governing Body

Other changes are primarily formatting and grammatical in nature. Attached is the red lined version of the changes to City Code approved by the Planning Commission on August 16th and the proposed Ordinance which incorporates those changes.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
☐ Ordinance 941	Cover Memo
☐ Redlined sign Regulations	Cover Memo

ORDINANCE NO. 941

AN ORDINANCE RELATING TO THE ZONING REGULATIONS OF THE CITY OF ROELAND PARK, KANSAS; AMENDING SECTIONS RELATING TO SIGNS; AMENDING AND REPEALING EXISTING SECTIONS 16-902, 16-903, 16-907, 16-908, 16-909, 16-910 AND 16-917 OF THE CODE OF THE CITY OF ROELAND PARK, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROELAND PARK, KANSAS;

SECTION 1. Existing Section 16-902 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-902. – Findings and Intent; Interpretation.

- A. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this Article is to regulate the size, color, illumination, movement, materials, location, height and conditions of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic investment. This Article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all Signs. This Article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. This Article is based on the following legislative intent and findings.
1. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of the land or building. Therefore, the intent of this Article is to establish limitations on signs in order to ensure that they are appropriate to the land, building or use to which they are appurtenant and are adequate for the intended purpose while balancing the individual and community interests identified above.
 2. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
 3. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
 4. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.
 5. These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by the federal government, the State of Kansas, Johnson County, or this City. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illustrate the type of signs that falls within the immunities of the government from regulation.

6. Many signs are intended to be temporary in nature, and so do not meet the regular structural and installation requirements necessary to prevent them from being affected by weather and other natural forces and present a potential hazard to persons and property. Severe weather conditions include, but are not limited to, thunderstorms with accompanying high winds, tornadoes, ice accumulation, and flooding, and are characteristic of local weather conditions.
8. The primary purpose of signs unrelated to traffic and placed along a roadway is to attract the attention of drivers and distract them from their primary responsibility of constant attention to traffic and road conditions. This concern is especially acute in residential areas where young children present a significant potential hazard for drivers.
9. Signs inherently are out of keeping with their surroundings; they are intended to attract attention. Their purpose fails if they meld into the landscape. As such, they are a visual blight where the visual clutter of signs is at odds with the City's policy to make structures blend into the topography and be compatible with their natural surroundings.
10. Signs have an adverse effect on the aesthetic quality of a City, and thus risk depreciating property values. This potential adverse effect conflicts with the City's policy to enhance the quality of life through other land use regulations.
11. Residents are virtually captive audiences of signs displayed by neighbors; signs are an intrusion into residential privacy and interfere with the enjoyment of a resident's property because the vista from the resident's property may become so marred by the clutter of signs that the resident cannot successfully avoid observing the sign clutter.

SECTION 2. Existing Section 16-903 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-903. - Definitions.

- (a) A-frame or sandwich sign means any sign supported from the ground utilizing one or more rear supporting braces, in which the combination of the sign and supports forms the letter "A," in the manner of a artist's easel.
- (b) Abandoned sign means any sign on any building, structure or premises that has been vacated for a six month period of time.
- (c) Attention-attracting device means a device with flashing, blinking, rotating, twirling or moving action, a changeable copy sign on which the message changes more than eight times per day, but not including a search light, or a balloon or an air or gas filled object designed or intended to attract the attention of the public to an establishment or to a sign.
- (d) Backlight sign means any sign that displays direct or indirect light from the back of that sign through a transparent, translucent or open material.
- (e) Banner means any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National, state or municipal flags, or the official flag of any institution or business shall not be considered a banner.
- (f) Building inspector means the building official of the City of Roeland Park, Kansas, or other designated authority charged with the administration or enforcement of the provisions of this article, or his or her duly authorized representatives.
- (g) Canopy sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

- (h) Changeable copy sign means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the sign surface.
- (i) Code means the Code of the City of Roeland Park, Kansas, as hereinafter amended.
- (j) Commercial sign means any sign that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- (k) Curb line means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the Building Inspector.
- (l) Detached sign means a sign located on the ground or on a structure located on the ground and not attached to a building.
- (m) Directional sign means any sign that provides direction for the safe and efficient flow of vehicular or pedestrian traffic on a property, and shall include signs marking entrances, exits, parking areas, loading areas or other operational features of the premises.
- (n) Directly illuminated sign means any sign the source of illumination of which is exposed to the human eye, such as, but not limited to, an incandescent bulb or fluorescent tube.
- (o) Government sign means a sign that is constructed, placed, or maintained by the federal, state or local government, or a sign that the federal, state or local government requires a property owner to construct, place or maintain either directly or to enforce a property owner's rights, including, but not limited to, traffic control devices, parking control signs, street identification signs, warning signs, legal postings and signs prohibiting or controlling access to property.
- (p) Holiday decorations means displays erected on a seasonal basis in observance of religious, national or state holidays that are not intended to be permanent in nature and that do not constitute commercial signs.
- (q) Indirectly illuminated sign means any sign that is partially or completely illuminated at any time by a light source that is a shielded so as to not be visible at eye level.
- (r) Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed, and constructed to provide protection from the weather.
- (s) Marquee sign means any sign attached to, or in any manner made a part of a marquee.
- (t) Monument sign means a detached sign the width of which is a minimum of one and one-half times the width of the widest part of sign surface and the base of which consists of two or more supports and the height of the base is not more than two feet above the average grade of the ground. The base of a monument sign shall be architectural in nature and utilize materials consistent with the design of the building it is identifying.
- (u) Neon sign means a directly illuminated sign for which the light source is luminescent gas.
- (v) Non-affixed sign means any sign that is not permanently affixed to a building, structure or the ground.
- (w) Noncommercial sign means any sign that is not a commercial sign.
- (x) Nonconforming sign means any sign that does not comply with the sign provisions of this article or any other applicable provision of the Code.
- (y) Outdoor advertising sign means any sign advertising or directing attention to a name, a business, product, development, project, or service that is offered, manufactured, or sold at a location other than the premises upon which the sign is situated (commonly known as a billboard).
- (z) Pole or pylon sign means a detached sign supported by uprights, braces, columns, poles, or other vertical members that are not attached to a building.

- (aa) Portable sign means any sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to an A-frame or sandwich sign; balloons or other gas or air filled objects used as commercial signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless that vehicle is used in the normal day-to-day operations of the business.
- (bb) Projecting sign means any sign located on the face of the building extending more than one foot from the face of the building to which it is attached.
- (cc) Public property, for the purposes of this article only, means:
 - (1) Any public building or premise owned by a governmental entity;
 - (2) Any sidewalk, public bridge, crosswalk, curb, paved portion of any street or highway, or the median strip of any divided street or highway;
 - (3) The unpaved area between the street lines of any street adjacent to a tract of land owned or leased by a governmental entity;
 - (4) Any street sign or any traffic sign or signal;
 - (5) Any telephone, telegraph, electric wire, power, street lamp post or any other utility pole or line, or any fire hydrant;
 - (6) Any tree or other vegetation on public property, including without limitation those in between the street lines of a public street; and
 - (7) Any public park, open space area, bench, drinking fountain, or other property owned or leased by a governmental entity and used for governmental purposes.
- (dd) Roof sign means any sign erected, constructed and maintained fully upon or over the roof or parapet of a building or structure and having the roof or parapet as its principle means of support.
- (ee) Semi-illuminated sign means any sign located on a building face that is uniformly illuminated over the sign surface by use of electricity or other artificial light.
- (ff) Sight distance triangle means the two areas on all corner lots within the triangles formed by a short leg 15 feet long and a long leg 140 feet, both distances measured along the curbline or edge of the pavement.
- (gg) Sign means a name, identification, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Each display surface of a sign or sign face must be considered to be a sign. Provided, however, that the following shall not be considered to be signs: signs located completely within an enclosed building, and not exposed to view from a street; and bumper stickers that are no larger than eighteen (18) inches in length and five (5) inches in height.
- (hh) Sign alteration means the replacement, enlargement, reduction, reshaping, changing or adding to a sign, or sign structure or other supporting members.
- (ii) Sign maintenance means the normal care and minor repair necessary to retain a safe, attractive and finished sign, sign surface or sign structure. Changing copy or a logo on a sign surface without increasing sign dimensions shall be considered sign maintenance if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business firm name as before the change.
- (jj) Sign refacing means changing or replacing the words, numerals or other aspects of the sign surface to serve a different establishment or business, or to create a substantially different visual effect without alternating, moving or replacing the sign, sign structure, or sign surface.
- (kk) Sign structure means the support, poles, upright bracing or brackets and framework for any sign that is mounted on or affixed to a building, structure or the ground.

- (ll) Sign surface means the entire area within a square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including the sign structure.
- (mm) Snipe sign means any sign made of material such as cardboard, paper, pressed wood, plastic or metal that is attached to a fence, window, tree, utility pole or temporary structure or any sign that is not securely fastened to a building or structure or firmly anchored to the ground.
- (nn) Street line means the dividing line between the street right-of-way and the abutting property.
- (oo) Temporary sign means any sign intended to be displayed for a limited period of time on public or private property; is typically constructed from nondurable materials, including paper, cardboard, cloth, plastic or wallboard; and does not constitute a structure subject to the Building Code.
- (pp) Temporary wall sign means any sign attached to and erected parallel to and within one foot of the face or wall of a building and intended to be displayed for a limited period of time; typically constructed from nondurable materials, including paper, cardboard, cloth, plastic or wallboard; and does not constitute a structure subject to the Building Code.
- (qq) Two-faced sign means a sign with two sign faces and where the angle of separation of the faces is not greater than 135 degrees.
- (rr) Vehicle sign means a sign attached to or displayed upon a motor vehicle.
- (ss) Wall means the exterior or surface of a building or structure. For the purposes of the sign provisions of this article, walls shall include mansard-type or sloped-roof structures.
- (tt) Wall bulletin means any sign painted on a wall or a painted sign or poster that is attached to but does not project more than 12 inches from the building or structure.
- (uu) Wall sign means any sign attached to and erected parallel to and within one foot of the face or wall of a building, including wall bulletins.
- (vv) Window sign means any sign that is placed on the inside of a window or upon the windowpanes and is visible from the exterior of the window.
- (ww) Yard sign means a non-illuminated sign constructed of durable materials that is supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building.

SECTION 3. Existing Section 16-907 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-907. - Sign Permit Required; When; Application Procedures.

- (a) Except as otherwise provided in section 16-908, no sign shall be installed, erected or set in place, nor shall any sign alteration or sign refacing occur, until a sign permit has been issued by the Building Inspector and until a sign permit fee in an amount established by resolution adopted by the Governing Body is paid.
- (b) Any person desiring to erect a sign for which a permit is required shall submit an application to the City Clerk on a form provided by the City that shall contain the following information:
 - (1) Name, address and telephone number of the applicant;
 - (2) Location of building, structure or lot to which or upon which the sign is to be attached or erected;
 - (3) Position of the sign in relation to nearby buildings or structures, streets and sidewalks;
 - (4) Drawing of the sign and specifications describing the sign;

- (5) Length of time the sign will be displayed;
 - (6) Written consent of the owner of the building, structure or land to which or on which the sign is to be attached or erected, including the owner's address and phone number;
 - (7) Other information as the City Clerk and/or Building Inspector shall require to show full compliance with this article and all other provisions of the Code.
- (c) When the sign permit application is complete, the City Clerk shall forward the application to the Building Inspector. It shall be the duty of the Building Inspector, upon receipt of the application, to review the application and to conduct other investigations as is necessary to determine the application's accuracy. If the applicant has provided the information requested in the application, the information is accurate and it appears that the proposed sign will comply with this article and all other applicable provisions of the Code, the Building Inspector shall issue a sign permit. All issued sign permits shall contain the number of the permit and the date the permit is issued. If the Building Inspector determines that the proposed sign is not in compliance with all requirements of the Code, the Building Inspector shall notify the applicant in writing that the requested permit will not be issued, state in the notice the reasons for the denial, and inform the applicant of his or her right to appeal the Building Inspector's determination to the Board of Zoning Appeals. The Building Inspector shall either issue or deny the sign permit within 30 days of the date the City Clerk receives the application for the permit. If, on the 30th day after the City Clerk received the application, the application is not complete, the Building Inspector shall deny the requested permit.
- (d) Any person aggrieved by the denial of an application for a sign permit by the Building Inspector may appeal the Building Inspector's refusal to the Board of Zoning Appeals by giving written notice to the City Clerk not later than 20 days after notice of the Building Inspector's refusal to issue the requested sign permit. In any appeal, the Board of Zoning Appeals shall review the action of the Building Inspector at its next regularly scheduled meeting, but not later than 30 days after notice of appeal is received by the City Clerk, and if it determines that the action of the Building Inspector was incorrect, shall order the issuance of the permit under the terms and conditions as are appropriate.
- (e) In certain instances, as specifically designated in these regulations, the Planning Commission shall consider and approve or deny sign permit applications. In this instance, the Building Inspector shall not issue a sign permit unless the Planning Commission has first approved the subject sign permit application. The Planning Commission shall consider the sign permit application within the time frames set forth hereinabove for the Building Inspector to either issue or deny the sign permit. If the Planning Commission denies the sign permit application, the applicant may appeal the Planning Commission's denial to the Governing Body by giving written notice to the City Clerk not later than 20 days after the Planning Commission's denial. The applicant shall be provided written notice of the Planning Commission's consideration of the sign permit application and the Governing Body's review of the applicant's appeal of the Planning Commission's denial, if the appeal is requested. The Governing Body shall consider the sign permit applicant's appeal at its next regularly scheduled meeting and the time frame for the Building Inspector to issue or deny the sign permit shall be deferred until two working days after the Governing Body has heard the sign permit applicant's appeal.
- (f) All rights and privileges acquired pursuant to this article, or any amendment hereto, are mere licenses and are revocable at any time by the City for cause, and all permits shall contain this provision.

SECTION 4. Existing Section 16-908 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-908. - Signs Excluded From Sign Permit Requirement.

The following signs are not required to obtain a permit, however, these signs shall otherwise comply with this article and all other applicable provisions of the City Code.

- (a) Sign maintenance.
- (b) Directional signs.
- (c) Holiday decorations.
- (d) Window signs.
- (e) Flags, pennants or insignia of any governmental body, public or private school, church, synagogue or other place used primarily for worship, community centers, or other public, semi-public, or civic organizations or other similar noncommercial entity, when not displayed in connection with a commercial promotion or as an advertising device, and; provided that, not more than three flags, pennants or insignia shall be displayed on any building, structure or premises.
- (f) Integral decorative or architectural features of buildings, so long as these features do not contain letters, trademarks, moving parts or lights.
- (g) Decorative landscape markers, which may include logos or trademarks.
- (h) Signs on or adjacent to doors at the rear of commercial or industrial buildings displaying only the names and addresses of the occupants. Where multiple tenants share the same rear door, the sign may display the name and address of each tenant. These signs shall not exceed four square feet.
- (i) Vehicle signs where the motor vehicle is not primarily used as a sign.
- (j) Temporary signs.
- (k) Government signs.

SECTION 5. Existing Section 16-909 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-909. - Signs Permitted In All Districts.

- (a) Churches, synagogues, and other similar places of worship, schools, libraries, community centers, or other public or semi-public facilities shall be allowed two wall signs, with not more than one on each façade. No sign shall have a sign surface area exceeding 25 square feet. In lieu of one of the wall signs, one monument sign shall be permitted. The monument sign shall be located on the premises, be not less than ten feet from the street line, and the sign surface of each sign face shall not exceed 25 square feet in area per face. The height of the sign shall not exceed five feet; provided, that for each two foot setback from the street line in excess of ten feet, one additional foot may be added to the height of the sign to a maximum of eight feet.
- (b) One directional sign shall be permitted at each entrance to a building site. These signs may be a pole or pylon sign, single- or two-faced and shall not exceed three feet in height, and four square feet of sign surface per face. These signs may indicate entrances, exits, addresses, direction of traffic-flow and the location of loading docks, parking areas, delivery doors, drive-through lanes and similar facilities. The sign shall be located on the premises and shall be set back from the street line a minimum of five feet.
- (c) Official governmental jurisdiction flags, including flags indicating weather conditions, and flags that are emblems of religious, charitable, public and nonprofit organizations. No flag shall exceed 50 square feet in area.
- (d) Noncommercial signs, provided that these signs shall conform to all sign surface and sign type area, height, setback, location, construction and maintenance requirements applicable to all other signs in the zoning district in which the noncommercial sign is located as set forth in this article or any other applicable provisions of the Code. No sign shall be displayed on private property without the written consent of the owner or occupant of the property on which the sign is displayed.

(e) Although these regulations do not apply to signs constructed, placed or maintained by federal, state or local governments, these regulations clarify that government signs which form the expression of that government are allowed in every zoning district and include the signs described and/or required in the following subsections 1 through 4 when erected and maintained pursuant to law.

1. Traffic control devices on public or private property must be erected and maintained so as to comply with the Manual on Uniform Traffic Control Devices adopted by the Kansas Secretary of Transportation pursuant to K.S.A. 8-2003, and amendments thereto. Because these regulations do not apply to the federal, state or local governments, a failure to comply with this provision by those governments does not constitute evidence of negligence or form the basis for a cause of action.
2. Each property owner shall mark their property using numerals that identify the address of the property so that public safety agencies can easily identify the address from the public street. Where required under this Code or other law, the identification must be on the curb or the principal building on the property. When located on a building, the size and location of the identifying numerals and letters, if any, must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, the address identification must be located on a mailbox or other suitable display in the front yard that is visible from the street.
3. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger, to restrict access to the property either generally or specifically, or to advise of the existence of security systems, the owner must comply with the federal, state or local regulation to exercise that authority by posting a sign on the property. If the federal, state or local regulation describes the form and dimensions of the sign, the property owner must comply with those requirements. Otherwise, when the form and dimensions are not defined, and it is located on a building, fence or other structure, the sign and location of the warning sign must be proportional to the size of the structure and the distance from the street, but in no case larger than one and a half (1.5) square feet. A warning sign may also be installed in a place on the property to provide access to the notice that is required to be made, but in no case shall the sign be larger than one and a half (1.5) square feet and shall be set back a minimum of five (5) feet from the street line.
4. Official notices or advertisements may be posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties. If the federal, state or local regulation describes the form and dimensions of the office notice or advertisement, the property owner must comply with those requirements; otherwise, when not defined, the sign shall be no larger than six (6) square feet and located on a place on the property to provide access to the notice that is required to be made. Provided, that all such signs must be removed by the property owner not more than ten (10) days after their purpose has been accomplished or as otherwise required by law.

The signs described in subsections 1 through 4 above are an important component of measures necessary to protect the public safety and serve the compelling governmental interests of protecting the public and traffic safety, complying with legal requirements, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

SECTION 6. Existing Section 16-910 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-910. - Signs Allowed in the Single-Family Residence, Duplex Residence and Multi-Residence Districts.

- (a) One yard sign is permitted on any lot. The sign shall have a sign surface not more than six square feet in area with a maximum height of six feet, and shall be set back a minimum of five feet from the street line.
- (b) An unlimited number of window signs is permitted. The sign surface of any single window sign shall not exceed three square feet.
- (c) Three temporary signs are permitted on any lot. All temporary signs shall have a sign surface no larger than three square feet, shall be no more than two and one-half linear feet wide, and with a maximum height of three and one-half feet above grade. All temporary signs shall be set back a minimum of five feet from the street line. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant or any type of street furniture, or otherwise create a hazard, including a tripping hazard. Temporary signs shall not be posted on trees or utility poles. No temporary sign shall be illuminated or painted with light-reflecting paint. A temporary sign may be posted for so long as it remains in good condition. Once a temporary sign is tattered or otherwise is no longer in good condition, it shall be removed or replaced. If the Building Inspector determines that a temporary sign is not in good condition, the property owner shall be notified of that determination and shall remove or replace the sign within three days of such notification. Signs which are not removed or replaced within three days of such notification shall be deemed a nuisance and shall be subject to abatement in accordance with the provisions of Chapter VIII, Article 3, of the Code. The Building Inspector's determination that a temporary sign is not in good condition may be appealed to the Board of Zoning Appeals. Any appeal to the Board of Zoning Appeals shall stay any abatement proceedings during the time the matter is pending before the Board of Zoning Appeals.

SECTION 7. Existing Section 16-917 of the Code of the City of Roeland Park, Kansas is hereby amended to read as follows:

Sec. 16-917. - Prohibition and Amortization of nonconforming signs.

- (a) All signs that existed on the effective date of these regulations, or any amendment thereto, that becomes a nonconforming sign by virtue of these regulations, or any amendment thereto, shall be discontinued and removed within five and one-half years of the date that the sign became a nonconforming sign. No changes in the basic structure, source of illumination, location or appearance of a sign, sign alteration, or sign refacing shall be made to any sign. If the business to which the sign is related should move to another site (which move, in the opinion of the Building Inspector, creates, in effect, an outdoor advertising sign) then the sign shall be removed or otherwise brought into full compliance with all applicable provisions of the Code.
- (b) Upon application to the City Clerk, the Governing Body may extend the time for discontinuance and/or removal of a nonconforming sign. No extension of time shall be granted for a period of time longer than that necessary to allow the owner of the sign to recoup the owner's initial investment in the nonconforming sign. The application for extension shall be on a form provided by the City and shall be accompanied by:
 - (1) A copy of the original sign permit issued for the nonconforming sign or other evidence satisfactory to the City of the date upon which the nonconforming sign was initially installed;
 - (2) Evidence that annual sign inspections have taken place each year since the initial date of installation of the nonconforming sign;
 - (3) Documentation evidencing the initial cost of purchase or construction and installation of the sign;
 - (4) If the nonconforming sign is not on property owned by the sign owner, the lease or other document establishing the sign owner's right to place the sign at its present location and all amendments thereto; and

- (5) All documents evidencing the degree to which the value of the sign has been depreciated for income tax or other purposes.
- (c) In determining whether to grant the extension and the length of the extension, if one is to be granted, the Governing Body shall consider the following:
 - (1) The nature of the nonconforming sign;
 - (2) The character of the sign;
 - (3) The location of the sign;
 - (4) That part of the owner's total business that will be impacted by the removal or replacement of the nonconforming sign;
 - (5) The sign owner's original capital investment in the nonconforming sign;
 - (6) The investment realization from the nonconforming sign to date;
 - (7) Depreciation taken by the owner of the sign for income tax or other purposes;
 - (8) The life expectancy of the nonconforming sign;
 - (9) The existence or non-existence of lease obligations;
 - (10) The existence of a contingency clause in any lease permitting termination of the lease;
 - (11) The other economic uses of any leasehold interests in the land or structure upon which the sign is located;
 - (12) The value of, or feasibility of, subleases and assignments of any lease.
 - (13) The extent to which the investment of the owner in the nonconforming sign has been recouped;
 - (14) The fact that similar signs are prohibited in the same area;
 - (15) Other reasonable uses of the land;
 - (16) The salvage value of the nonconforming sign;
 - (17) The sign owner's loss of sharing revenue, if any; and
 - (18) The ability of the sign owner to transfer the nonconforming sign to another location where it could be placed and would be in compliance with this article and all other provisions of the Code.

SECTION 8. Existing Sections 16-902, 16-903, 16-907, 16-908, 16-909, 16-910 and 16-917 of the Code of the City of Roeland Park, Kansas are hereby repealed.

SECTION 9. This ordinance shall take effect upon its publication in the official City newspaper.

PASSED by the City Council this 17th day of October, 2016. APPROVED by the Mayor.

Joel Marquardt, Mayor

ATTEST:

Kelley Bohon, City Clerk

APPROVED AS TO FORM

Neil R. Shortlidge, City Attorney

ARTICLE 9. - SIGN REGULATIONS

Sec. 16-901. - Purpose.

The purpose of this article is to create the framework for a comprehensive and balanced system of content- and viewpoint-neutral regulation of signs to facilitate easy and pleasant communication between people while protecting the First Amendment rights of resident individuals and businesses of the City and preserving and improving the quality of the City's environment by avoiding visual clutter harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of these regulations:

- (a) To authorize the use of signs that are:
 - (1) Compatible with their surroundings,
 - (2) Appropriate to the activity that displays them,
 - (3) Expressive of the identity of individual activities and the community as a whole, and
 - (4) Legible under the circumstances in which they are seen; and
- (b) To ensure that nonconforming signs are eliminated in the City after a reasonable grace period that allows sign owners to recoup their initial investments in those nonconforming signs.

Sec. 16-902. ~~Findings and Intent; Interpretation.~~

A. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this Article is to regulate the size, color, illumination, movement, materials, location, height and conditions of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic investment. This Article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all Signs. This Article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. This Article is based on the following legislative intent and findings.

1. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of the land or building. Therefore, the intent of this Article is to establish limitations on signs in order to ensure that they are appropriate to the land, building or use to which they are appurtenant and are adequate for the intended purpose while balancing the individual and community interests identified above.
2. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
3. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

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4. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.
5. These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by the federal government, the State of Kansas, Johnson County, or this City. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illustrate the type of signs that falls within the immunities of the government from regulation.
6. Many signs are intended to be temporary in nature, and so do not meet the regular structural and installation requirements necessary to prevent them from being affected by weather and other natural forces and present a potential hazard to persons and property. Severe weather conditions include, but are not limited to, thunderstorms with accompanying high winds, tornadoes, ice accumulation, and flooding, and are characteristic of local weather conditions.
8. The primary purpose of signs unrelated to traffic and placed along a roadway is to attract the attention of drivers and distract them from their primary responsibility of constant attention to traffic and road conditions. This concern is especially acute in residential areas where young children present a significant potential hazard for drivers.
9. Signs inherently are out of keeping with their surroundings; they are intended to attract attention. Their purpose fails if they meld into the landscape. As such, they are a visual blight where the visual clutter of signs is at odds with the City's policy to make structures blend into the topography and be compatible with their natural surroundings.
10. Signs have an adverse effect on the aesthetic quality of a City, and thus risk depreciating property values. This potential adverse effect conflicts with the City's policy to enhance the quality of life through other land use regulations.
11. Residents are virtually captive audiences of signs displayed by neighbors; signs are an intrusion into residential privacy and interfere with the enjoyment of a resident's property because the vista from the resident's property may become so marred by the clutter of signs that the resident cannot successfully avoid observing the sign clutter.

Sec. 16-903. - Definitions.

- (a) A-frame or sandwich sign means any sign supported from the ground utilizing one or more rear supporting braces, in which the combination of the sign and supports forms the letter "A," in the manner of a artist's easel.
- (b) Abandoned sign means any sign on any building, structure or premises that has been vacated for a six month period of time.
- (c) Attention-attracting device means a device with flashing, blinking, rotating, twirling or moving action, a changeable copy sign on which the message changes more than eight times per day, but not including a search light, or a balloon or an air or gas filled object designed or intended to attract the attention of the public to an establishment or to a sign.
- (d) Backlighted sign means any sign that displays direct or indirect light from the back of that sign through a transparent, translucent or open material.
- (e) Banner means any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National, state or municipal flags, or the official flag of any institution or business shall not be considered a banner.

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(a) . Sign regulations may impact First Amendment rights and that these rights are important constitutional rights that must be protected; ¶
(b) . Unregulated signage has direct and secondary effects that are harmful to the safety and general welfare of the City as a whole and to its individual citizens; ¶
(c) . These direct and secondary effects result from the visual clutter that occurs as a result of the unregulated installation and lack of maintenance of signs; ¶
(d) . These direct and secondary effects include harm to traffic and pedestrians' safety, depreciation of property values within the City, decreased business opportunities for individual and business residents of the City (resulting in decreased sales, property and other tax revenues that are necessary to provide an adequate level of public service to City residents), community blight, and an overall less pleasing community appearance; ¶
(e) . Because of these direct and secondary effects, the City has a compelling interest in regulating signs within the City; ¶
(f) . For the most part, these regulations are content- and viewpoint-neutral, reasonable time, manner and place restrictions that directly advance the City's stated interests; ¶
(g) . To the extent that certain provisions of these regulations are content-based, they are intended to further compelling governmental interests; ¶
(h) . The scope of the regulations is proportionate to the interests served and narrowly tailored to achieve the desired objective; ¶
(i) . A direct nexus exists between the desired City's goals and the means chosen in these regulations to achieve its desired goals; ¶
(j) . The goals of the ordinance from which this article is derived cannot be fully achieved if existing signs, which do not conform to the regulations contained herein, are allowed to remain as they exist on the effective date of said ordinance for an unlimited amount of time; therefore, a grace period of five and one-half years is hereby established to allow the owners of existing, nonconforming signs a reasonable period of time to conform these signs to the provisions of this article or remove them, which grace period shall end on November 25, 1999; ¶

- (f) Building inspector means the building official of the City of Roeland Park, Kansas, or other designated authority charged with the administration or enforcement of the provisions of this article, or his or her duly authorized representatives.
- (g) Canopy sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- (h) Changeable copy sign means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the sign surface.
- (i) Code means the Code of the City of Roeland Park, Kansas, as hereinafter amended.
- (j) Commercial sign means any sign that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- (k) Curb line means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the Building Inspector.
- (l) Detached sign means a sign located on the ground or on a structure located on the ground and not attached to a building.
- (m) Directional sign means any sign that provides direction for the safe and efficient flow of vehicular or pedestrian traffic on a property, and shall include signs marking entrances, exits, parking areas, loading areas or other operational features of the premises.
- (n) Directly illuminated sign means any sign the source of illumination of which is exposed to the human eye, such as, but not limited to, an incandescent bulb or fluorescent tube.
- (o) Government sign means a sign that is constructed, placed, or maintained by the federal, state or local government, or a sign that the federal, state or local government requires a property owner to construct, place or maintain either directly or to enforce a property owner's rights, including, but not limited to, traffic control devices, parking control signs, street identification signs, warning signs, legal postings and signs prohibiting or controlling access to property.
- (p) Holiday decorations means displays erected on a seasonal basis in observance of religious, national or state holidays that are not intended to be permanent in nature and that do not constitute commercial signs.
- (q) Indirectly illuminated sign means any sign that is partially or completely illuminated at any time by a light source that is a shielded so as to not be visible at eye level.
- (r) Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed, and constructed to provide protection from the weather.
- (s) Marquee sign means any sign attached to, or in any manner made a part of a marquee.
- (t) Monument sign means a detached sign the width of which is a minimum of one and one-half times the width of the widest part of sign surface and the base of which consists of two or more supports and the height of the base is not more than two feet above the average grade of the ground. The base of a monument sign shall be architectural in nature and utilize materials consistent with the design of the building it is identifying.
- (u) Neon sign means a directly illuminated sign for which the light source is luminescent gas.
- (v) Non-affixed sign means any sign that is not permanently affixed to a building, structure or the ground.
- (w) Noncommercial sign means any sign that is not a commercial sign.
- (x) Nonconforming sign means any sign that does not comply with the sign provisions of this article or any other applicable provision of the Code.

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Deleted: Identification sign means any sign or set of numerals or letters that denotes a principal building's location with respect to streets or to those home or buildings around the principal building.

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Deleted: Legal posting means any sign intended to convey a legal right or restriction on a property, such as a "no trespassing" sign; a sign intended to warn the public of a bona fide danger on the property, such as a "beware of dog" sign; or a sign placed by order of a court or by a government official in the normal course of their duties. ¶

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Deleted: Name plate sign means any single-faced, non-illuminated wall sign that displays only the name and/or occupation of the person or persons occupying space in a building. Name plate signs may be incorporated within a wall sign, and shall otherwise be subject to regulations restricting wall signs. ¶

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(y) Outdoor advertising sign means any sign advertising or directing attention to a name, a business, product, development, project, or service that is offered, manufactured, or sold at a location other than the premises upon which the sign is situated (commonly known as a billboard).

(z) Pole or pylon sign means a detached sign supported by uprights, braces, columns, poles, or other vertical members that are not attached to a building.

(aa) Portable sign means any sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to an A-frame or sandwich sign; balloons or other gas or air filled objects used as commercial signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless that vehicle is used in the normal day-to-day operations of the business.

(bb) Projecting sign means any sign located on the face of the building extending more than one foot from the face of the building to which it is attached.

(cc) Public property, for the purposes of this article only, means:

- (1) Any public building or premise owned by a governmental entity;
- (2) Any sidewalk, public bridge, crosswalk, curb, paved portion of any street or highway, or the median strip of any divided street or highway;
- (3) The unpaved area between the street lines of any street adjacent to a tract of land owned or leased by a governmental entity;
- (4) Any street sign or any traffic sign or signal;
- (5) Any telephone, telegraph, electric wire, power, street lamp post or any other utility pole or line, or any fire hydrant;
- (6) Any tree or other vegetation on public property, including without limitation those in between the street lines of a public street; and
- (7) Any public park, open space area, bench, drinking fountain, or other property owned or leased by a governmental entity and used for governmental purposes.

(dd) Roof sign means any sign erected, constructed and maintained fully upon or over the roof or parapet of a building or structure and having the roof or parapet as its principle means of support.

(ee) Semi-illuminated sign means any sign located on a building face that is uniformly illuminated over the sign surface by use of electricity or other artificial light.

(ff) Sight distance triangle means the two areas on all corner lots within the triangles formed by a short leg 15 feet long and a long leg 140 feet, both distances measured along the curblane or edge of the pavement.

(gg) Sign means a name, identification, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Each display surface of a sign or sign face must be considered to be a sign. Provided, however, that the following shall not be considered to be signs: signs located completely within an enclosed building, and not exposed to view from a street; any sign not visible to persons located off the premises from where the sign is located; score boards and related signs on athletic complexes; and bumper stickers that are no larger than eighteen (18) inches in length and five (5) inches in height.

(hh) Sign alteration means the replacement, enlargement, reduction, reshaping, changing or adding to a sign, or sign structure or other supporting members.

(ii) Sign maintenance means the normal care and minor repair necessary to retain a safe, attractive and finished sign, sign surface or sign structure. Changing copy or a logo on a sign surface without

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Deleted: Official sign means any sign installed or erected by a governmental body or agency or by a public utility such as traffic signs, signals, regulatory devices or warnings; signs designating properties or structures officially designated by the federal, state or local government as being of historical significance; or other similar signs.

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Deleted: any framed, bracketed, free-form, or engraved surface, and the support therefor, that is fabricated to create words, numerals, figures, devices, designs, trademarks, or logos, and that is mounted on or affixed to a building, structure, or the ground, and that is visible to persons not located on the premises where the sign is located, with the purpose of attracting the attention of these persons or communicating information to them.

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increasing sign dimensions shall be considered sign maintenance if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business firm name as before the change.

(jj) Sign refacing means changing or replacing the words, numerals or other aspects of the sign surface to serve a different establishment or business, or to create a substantially different visual effect without alternating, moving or replacing the sign, sign structure, or sign surface.

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(kk) Sign structure means the support, poles, upright bracing or brackets and framework for any sign that is mounted on or affixed to a building, structure or the ground.

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(ll) Sign surface means the entire area within a square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including the sign structure.

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(mm) Snipe sign means any sign made of material such as cardboard, paper, pressed wood, plastic or metal that is attached to a fence, window, tree, utility pole or temporary structure or any sign that is not securely fastened to a building or structure or firmly anchored to the ground.

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(nn) Street line means the dividing line between the street right-of-way and the abutting property.

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(oo) Temporary sign means any sign intended to be displayed for a limited period of time on public or private property; is typically constructed from nondurable materials, including paper, cardboard, cloth, plastic or wallboard; and does not constitute a structure subject to the Building Code.

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(pp) Temporary wall sign means any sign attached to and erected parallel to and within one foot of the face or wall of a building and intended to be displayed for a limited period of time; typically constructed from nondurable materials, including paper, cardboard, cloth, plastic or wallboard; and does not constitute a structure subject to the Building Code.

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(qq) Two-faced sign means a sign with two sign faces and where the angle of separation of the faces is not greater than 135 degrees.

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(rr) Vehicle sign means a sign attached to or displayed upon a motor vehicle.

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(ss) Wall means the exterior or surface of a building or structure. For the purposes of the sign provisions of this article, walls shall include mansard-type or sloped-roof structures.

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(tt) Wall bulletin means any sign painted on a wall or a painted sign or poster that is attached to but does not project more than 12 inches from the building or structure.

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(uu) Wall sign means any sign attached to and erected parallel to and within one foot of the face or wall of a building, including wall bulletins.

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(vv) Window sign means any sign that is placed on the inside of a window or upon the windowpanes and is visible from the exterior of the window.

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(ww) Yard sign means a non-illuminated sign constructed of durable materials that is supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building.

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Sec. 16-904. - Regulations Generally.

Other than lawful nonconforming signs, no signs shall be permitted in any zoning district of the City except in accordance with these provisions.

Sec. 16-905. - Computations.

The following principles shall control the computation of sign surface area and sign height.

- (a) Computation of sign surface area of individual signs. The area of a sign surface (that is also the sign area of a wall sign or any or other sign with only one face) shall be computed by measuring the area of the smallest circle, square, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming integral part of the background of the sign or used to differentiate the sign from the backdrop or sign structure against which it is placed, but not including the sign structure or decorative fence or wall between the fence or wall otherwise meet zoning ordinance regulations and that is clearly incidental to the display itself.
- (b) Computation of area of multi-face signs. The sign surface area for a sign with more than one face shall be computed by adding together the area of all sign surfaces on the sign.
- (c) Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lowest of (a) existing grade prior to construction, or (b) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoned lot, whichever is lower.

Sec. 16-906. - Prohibited Signs.

The following types of signs shall be prohibited, except where specifically permitted in this article:

- (a) Any sign that is not otherwise included as a type of sign authorized hereby.
- (b) Any sign that prevents free ingress to or egress from any door, window, or fire escape.
- (c) Any sign that obstructs the view within the sight distance triangle of a street intersection or that interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public or private streets.
- (d) Any outdoor advertising sign.
- (e) Any non-affixed sign.
- (f) Any roof sign, banner, portable sign, pennant, searchlight, A-frame or sandwich sign, snipe sign.
- (g) Any directly, indirectly or semi-illuminated sign and neon sign.
- (h) Pole or pylon signs.
- (i) Any sign located on public property.
- (j) Any sign that, by reason of its size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic-control sign, signal or device, or the light of an emergency vehicle or that hides from view any traffic or street sign or signal or device.
- (k) Any sign giving false statements concerning zoning or land use.
- (l) Any abandoned sign.
- (m) Any sign containing a message that is obscene, as that term is defined in K.S.A. 21-4301(c), and any amendments thereto.
- (n) Any sign containing false or misleading advertising.
- (o) Any changeable copy sign, except on churches, public or private schools, or public buildings, theater listing signs, and service station price signs.
- (p) Attention-attracting devices.

Sec. 16-907. - Sign Permit Required; When; Application Procedures.

- (a) Except as otherwise provided in section 16-908, no sign shall be installed, erected or set in place, nor shall any sign alteration or sign refacing occur, until a sign permit has been issued by the Building Inspector and until a sign permit fee in an amount established by resolution adopted by the Governing Body is paid.
- (b) Any person desiring to erect a sign for which a permit is required shall submit an application to the City Clerk on a form provided by the City that shall contain the following information:
- (1) Name, address and telephone number of the applicant;
 - (2) Location of building, structure or lot to which or upon which the sign is to be attached or erected;
 - (3) Position of the sign in relation to nearby buildings or structures, streets and sidewalks;
 - (4) Drawing of the sign and specifications describing the sign;
 - (5) Length of time the sign will be displayed;
 - (6) Written consent of the owner of the building, structure or land to which or on which the sign is to be attached or erected, including the owner's address and phone number;
 - (7) Other information as the City Clerk and/or Building Inspector shall require to show full compliance with this article and all other provisions of the Code.
- (c) When the sign permit application is complete, the City Clerk shall forward the application to the Building Inspector. It shall be the duty of the Building Inspector, upon receipt of the application, to review the application and to conduct other investigations as is necessary to determine the application's accuracy. If the applicant has provided the information requested in the application, the information is accurate and it appears that the proposed sign will comply with this article and all other applicable provisions of the Code, the Building Inspector shall issue a sign permit. All issued sign permits shall contain the number of the permit and the date the permit is issued. If the Building Inspector determines that the proposed sign is not in compliance with all requirements of the Code, the Building Inspector shall notify the applicant in writing that the requested permit will not be issued, state in the notice the reasons for the denial, and inform the applicant of his or her right to appeal the Building Inspector's determination to the Board of Zoning Appeals. The Building Inspector shall either issue or deny the sign permit within 30 days of the date the City Clerk receives the application for the permit. If, on the 30th day after the City Clerk received the application, the application is not complete, the Building Inspector shall deny the requested permit.
- (d) Any person aggrieved by the denial of an application for a sign permit by the Building Inspector may appeal the Building Inspector's refusal to the Board of Zoning Appeals by giving written notice to the City Clerk not later than 20 days after notice of the Building Inspector's refusal to issue the requested sign permit. In any appeal, the Board of Zoning Appeals shall review the action of the Building Inspector at its next regularly scheduled meeting, but not later than 30 days after notice of appeal is received by the City Clerk, and if it determines that the action of the Building Inspector was incorrect, shall order the issuance of the permit under the terms and conditions as are appropriate.
- (e) In certain instances, as specifically designated in these regulations, the Planning Commission shall consider and approve or deny sign permit applications. In this instance, the Building Inspector shall not issue a sign permit unless the Planning Commission has first approved the subject sign permit application. The Planning Commission shall consider the sign permit application within the time frames set forth hereinabove for the Building Inspector to either issue or deny the sign permit. If the Planning Commission denies the sign permit application, the applicant may appeal the Planning Commission's denial to the Governing Body by giving written notice to the City Clerk not later than 20 days after the Planning Commission's denial. The applicant shall be provided written notice of the Planning Commission's consideration of the sign permit application and the Governing Body's review of the applicant's appeal of the Planning Commission's denial, if the appeal is requested. The Governing Body shall consider the sign permit applicant's appeal at its next regularly scheduled meeting and the time frame for the Building Inspector to issue or deny the sign permit shall be deferred until two working days after the Governing Body has heard the sign permit applicant's appeal.

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- (f) All rights and privileges acquired pursuant to this article, or any amendment hereto, are mere licenses and are revocable at any time by the City for cause, and all permits shall contain this provision.

Sec. 16-908. - Signs Excluded From Sign Permit Requirement.

The following signs are not required to obtain a permit, however, these signs shall otherwise comply with this article and all other applicable provisions of the City Code.

- (a) Sign maintenance.
- (b) Directional signs.
- (c) Holiday decorations.

(d) Window signs.

(e) Flags, pennants or insignia of any governmental body, public or private school, church, synagogue or other place used primarily for worship, community centers, or other public, semi-public, or civic organizations or other similar noncommercial entity, when not displayed in connection with a commercial promotion or as an advertising device, and; provided that, not more than three flags, pennants or insignia shall be displayed on any building, structure or premises.

(f) Integral decorative or architectural features of buildings, so long as these features do not contain letters, trademarks, moving parts or lights.

(g) Decorative landscape markers, which may include logos or trademarks.

(h) Signs on or adjacent to doors at the rear of commercial or industrial buildings displaying only the names and addresses of the occupants. Where multiple tenants share the same rear door, the sign may display the name and address of each tenant. These signs shall not exceed four square feet.

(i) Vehicle signs where the motor vehicle is not primarily used as a sign.

(j) Temporary signs.

(k) Government signs.

Deleted: (d) . Home security and neighborhood watch signs.¶
(e) . Identification signs.¶
(f) . Legal postings.¶
(g) . Name plate signs.¶
(h) . Official signs.¶

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Sec. 16-909. - Signs Permitted In All Districts.

- (a) Churches, synagogues, and other similar places of worship, schools, libraries, community centers, or other public or semi-public buildings shall be allowed two wall signs, with not more than one on each façade. No sign shall have a sign surface area exceeding 25 square feet. In lieu of one of the wall signs, one monument sign shall be permitted. The monument sign shall be located on the premises, be not less than ten feet from the street line, and the sign surface of each sign face shall not exceed 25 square feet in area per face. The height of the sign shall not exceed five feet; provided, that for each two foot setback from the street line in excess of ten feet, one additional foot may be added to the height of the sign to a maximum of eight feet.
- (b) One directional sign shall be permitted at each entrance to a building site. These signs may be a pole or pylon sign, single- or two-faced and shall not exceed three feet in height, and four square feet of sign surface per face. These signs may indicate entrances, exits, addresses, direction of traffic-flow and the location of loading docks, parking areas, delivery doors, drive-through lanes and similar facilities. The sign shall be located on the premises and shall be set back from the street line a minimum of five feet.
- (c) Official governmental jurisdiction flags, including flags indicating weather conditions, and flags that are emblems of religious, charitable, public and nonprofit organizations. No flag shall exceed 50 square feet in area.
- (d) Noncommercial signs, provided that these signs shall conform to all sign surface and sign type area, height, setback, location, construction and maintenance requirements applicable to all other signs in the zoning district in which the noncommercial sign is located as set forth in this article or any other

applicable provisions of the Code. No sign shall be displayed on private property without the written consent of the owner or occupant of the property on which the sign is displayed.

(e) Although these regulations do not apply to signs constructed, placed or maintained by federal, state or local governments, these regulations clarify that government signs which form the expression of that government are allowed in every zoning district and include the signs described and/or required in the following subsections 1 through 4, when erected and maintained pursuant to law.

1. Traffic control devices on public or private property must be erected and maintained so as to comply with the Manual on Uniform Traffic Control Devices adopted by the Kansas Secretary of Transportation pursuant to K.S.A. 8-2003, and amendments thereto. Because these regulations do not apply to the federal, state or local governments, a failure to comply with this provision by those governments does not constitute evidence of negligence or form the basis for a cause of action.

2. Each property owner shall mark their property using numerals that identify the address of the property so that public safety agencies can easily identify the address from the public street. Where required under this Code or other law, the identification must be on the curb or the principal building on the property. When located on a building, the size and location of the identifying numerals and letters, if any, must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, the address identification must be located on a mailbox or other suitable display in the front yard that is visible from the street.

3. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger, to restrict access to the property either generally or specifically, or to advise of the existence of security systems, the owner must comply with the federal, state or local regulation to exercise that authority by posting a sign on the property. If the federal, state or local regulation describes the form and dimensions of the sign, the property owner must comply with those requirements. Otherwise, when the form and dimensions are not defined, and it is located on a building, fence or other structure, the sign and location of the warning sign must be proportional to the size of the structure and the distance from the street, but in no case larger than one and a half (1.5) square feet. A warning sign may also be installed in a place on the property to provide access to the notice that is required to be made, but in no case shall the sign be larger than one and a half (1.5) square feet and shall be set back a minimum of five (5) feet from the street line.

4. Official notices or advertisements may be posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties. If the federal, state or local regulation describes the form and dimensions of the office notice or advertisement, the property owner must comply with those requirements; otherwise, when not defined, the sign shall be no larger than six (6) square feet and located on a place on the property to provide access to the notice that is required to be made. Provided, that all such signs must be removed by the property owner not more than ten (10) days after their purpose has been accomplished or as otherwise required by law.

The signs described in subsections 1 through 4 above are an important component of measures necessary to protect the public safety and serve the compelling governmental interests of protecting the public and traffic safety, complying with legal requirements, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

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Sec. 16-910. - Signs Allowed in the Single-Family Residence, Duplex Residence and Multi-Residence Districts.

- (a) One yard sign is permitted on any lot. The sign shall have a sign surface not more than six square feet in area with a maximum height of six feet, and shall be set back a minimum of five feet from the street line.
- (b) An unlimited number of window signs is permitted. The sign surface of any single window sign shall not exceed three square feet.
- (c) Three temporary signs are permitted on any lot. All temporary signs shall have a sign surface no larger than three square feet, shall be no more than two and one-half linear feet wide, and with a maximum height of three and one-half feet above grade. All temporary signs shall be set back a minimum of five feet from the street line. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant or any type of street furniture, or otherwise create a hazard, including a tripping hazard. Temporary signs shall not be posted on trees or utility poles. No temporary sign shall be illuminated or painted with light-reflecting paint. A temporary sign may be posted for so long as it remains in good condition. Once a temporary sign is tattered or otherwise is no longer in good condition, it shall be removed or replaced. If the Building Inspector determines that a temporary sign is not in good condition, the property owner shall be notified of that determination and shall remove or replace the sign within three days of such notification. Signs which are not removed or replaced within three days of such notification shall be deemed a nuisance and shall be subject to abatement in accordance with the provisions of Chapter VIII, Article 3, of the Code. The Building Inspector's determination that a temporary sign is not in good condition may be appealed to the Board of Zoning Appeals. Any appeal to the Board of Zoning Appeals shall stay any abatement proceedings during the time the matter is pending before the Board of Zoning Appeals.

Sec. 16-911. - Signs Permitted In Commercial and Industrial Districts.

- (a) To the extent that a residential land use is permitted in a commercial or industrial zoning district, signs for a residential land use shall be permitted as in the single-family, duplex residential and multi-residence districts.
- (b) In all commercial and industrial districts, one window sign is permitted in lieu of any sign permitted by this article, provided that, the window sign shall not have a sign surface exceeding eight square feet.
- (c) In all commercial and industrial districts, one temporary sign is permitted on any developed lot. All temporary signs shall have a sign surface no larger than three square feet, shall be no more than two and one-half linear feet wide, and with a maximum height of three and one-half feet above grade. All temporary signs shall be set back a minimum of five feet from the street line. No temporary sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant or any type of street furniture, or otherwise create a hazard, including a tripping hazard. Temporary signs shall not be posted on trees or utility poles. No temporary sign shall be illuminated or painted with light-reflecting paint. A temporary sign may be posted for so long as it remains in good condition. Once a temporary sign is worn or otherwise is no longer in good condition, it shall be removed or replaced. If the Building Inspector determines that a temporary sign is not in good condition, the property owner shall be notified of that determination and shall remove or replace the sign within three days of such notification. Signs which are not removed or replaced within three days of such notification shall be deemed a nuisance and shall be subject to abatement in accordance with the provisions of Chapter VIII, Article 3, of the Code. The Building Inspector's determination that a temporary sign is not in good condition may be appealed to the Board of Zoning Appeals. Any appeal to the Board of Zoning Appeals shall stay any abatement proceedings during the time the matter is pending before the Board of Zoning Appeals.
- (d) One yard sign is permitted on any lot. The sign shall have a sign surface not more than six square feet in area with a maximum height of six feet, and shall be set back a minimum of five feet from the street line.
- (e) In all commercial and industrial districts, one temporary sign is permitted on any undeveloped lot. No temporary signs shall exceed eight feet in height or have a sign surface larger than 32 square feet of sign surface per face. Temporary signs shall have a maximum of two faces, and shall be set back at least 20 feet from the street line. No temporary sign shall be located closer than 50 feet from any

residentially zoned property. A temporary sign shall be removed prior to the issuance of a certificate of occupancy. A temporary sign is permitted for as long as it remains in good condition. Once a temporary sign is worn or otherwise is no longer in good condition, it shall be removed or replaced. If the Building Inspector determines that a temporary sign is not in good condition, the property owner shall be notified of that determination and shall remove or replace the sign within three days of the notification. Temporary signs that are not removed or replaced within three days of the notification shall be deemed a nuisance and shall be subject to abatement in accordance with the provisions of Chapter VIII, Article 3. The Building Inspector's determination that a temporary sign is not in good condition may be appealed to the Board of Zoning Appeals. Any appeal to the Board of Zoning Appeals shall stay any abatement proceedings during the time the matter is pending before the Board of Zoning Appeals.

- (f) In all commercial and industrial districts, one temporary wall sign is permitted in lieu of any sign permitted by this article, provided that, the wall sign shall not have a sign surface exceeding seven percent of the area of the wall upon which it is mounted.
- (g) Office building and planned office building districts.
 - (1) In the office building and planned office building districts, not more than three wall signs shall be permitted on each office building, no more than one sign on any façade. No sign shall have a sign surface area exceeding seven percent of the area of the wall upon which it is mounted.
 - (2) In lieu of the wall signs, one monument sign for each building shall be permitted. The sign shall not exceed five feet in height and the sign surface shall not exceed 50 square feet per face if located at least ten feet from the street line of public street or private street curb line. For each additional two foot setback from the street line of a public street or a private street curb line over ten feet, one additional foot may be added to the height of the sign to a maximum of ten feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three feet on all sides of the sign base.
 - (3) In lieu of one wall sign, one marquee sign or one canopy sign shall be permitted. The sign shall be first approved by the Planning Commission.
- (h) Retail business and planned restricted business districts.
 - (1) In retail business and planned restricted business districts, wall signs as indicated above for office building and planned office building districts shall be permitted except that these signs shall be allowed for each business or commercial establishment in a multi-tenant building and shall be located on the façade of the tenant space. These signs may be indirectly illuminated or semi-illuminated, but shall not extend above the height of the wall upon which they are mounted, and any wall bulletin shall not be larger than ten square feet in area. In addition, one non-illuminated wall sign, with a sign surface not more than six square feet, may be placed at each major entrance to a multi-tenant building.
 - (2) In lieu of one of the wall signs, one monument sign for each building shall be permitted. The sign shall not exceed five feet in height and the sign surface shall not exceed fifty square feet per face if located at least ten feet from the street line of a public street or private street curb line. For each additional two foot set back from the street line of a public street or private street curb line over ten feet, one additional foot may be added to the height of the sign, to a maximum of ten feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three feet on all sides of the sign base.
 - (3) In lieu of one wall sign, one projecting sign of the same area as the wall sign replaced shall be permitted, provided that no projecting sign shall extend more than three feet from the face of the building or one-third of the sidewalk width from the wall of the supporting building, whichever is less. The lower edge of a projecting sign shall be no closer than ten feet to any sidewalk or 14 feet to any street or alley surface where vehicles may pass below. The upper edge of a projecting sign shall neither stand vertically above the eave line of a single structure nor above the second-story sill line of a multi-story structure. All projecting signs shall be attached at right angles to the supporting structure and may be anchored no more than six inches from the structure.

- (4) In lieu of one wall sign, one neon sign shall be permitted, with a sign surface not exceeding ten square feet. Any neon sign located within the building and within 48 inches of any window or door and visible from outside of the building shall constitute the neon sign allowed in lieu of a wall sign. Retail liquor stores so licensed by the Kansas Division of Alcoholic Beverage Control using a neon sign shall be further limited to a sign that has a border, lettering, figure or design of the sign or tubing that is not more than four inches high or three inches wide, restricted to lines that shall be not more than one inch apart, only one line shall be allowed to be in excess of three feet in length, and any border shall not allow the sign surface to exceed ten square feet. Any retail liquor store sign shall be located on the corner of a window or on the door. In addition, retail liquor stores shall be allowed to use interior neon tubing to partially or fully outline a window or windows providing that neon tubing does not flash, blink, rotate or move. The neon border shall not be permitted to be wider than a maximum of four inches. In measuring the area of the sign or tube, a rectangle shall be constructed from the highest, lowest and widest points where the sign or tube exists, and the area shall be calculated to include all that area within the rectangle. In no event shall a neon sign be used on any façade of the main structure except as otherwise provided herein. No neon signs shall blink, flash or otherwise be used to display intermittent lighting sequences or to simulate motion. Neon signs shall be installed, wired and inspected in accordance with the National Electrical Code, as it may be amended.
- (5) In lieu of one wall sign, one marquee sign or one canopy sign shall be permitted. The sign shall be first approved by the Planning Commission. If a development plan is required for the use, the marquee sign or canopy sign shall be approved at the time of final development plan approval.
- (6) Drive-through restaurants and car washes may have two single-faced signs located in conjunction with a drive-through lane. The sign shall not exceed eight feet in height or 32 square feet of sign surface per face.
- (7) In the case of a shopping center designated as one unified entity and consisting of one or several attached or free-standing buildings, one indirectly or semi-illuminated monument sign, in addition to all other authorized signs may be permitted. The monument sign shall not exceed five feet in height, with the sign surface not exceeding 50 square feet per face if located ten feet from the street line of a public street or private street curb line. For each additional two foot setback from the street line of a public street or private street curb line, one additional foot may be added to the height of the sign to a maximum of ten feet. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three feet on all sides of the sign base.
- (8) Except in the case of a shopping center designated as one unified entity and consisting of one or several attached or free-standing buildings, one indirectly or semi-illuminated monument sign shall be permitted in lieu of one wall sign for each commercial building, which sign shall conform to the height, size and setback requirements applicable to monument signs in the office building, and planned office building districts.
- (9) Banners may be used as architectural or decorative accessories in shopping centers provided they are generally uniform throughout a group of shops, and in harmony with the architectural theme of the center. No banner shall be installed unless its location and design have first been approved by the Planning Commission.
- (i) Planned General Business and Planned Industrial Park District.
- (1) Each business establishment shall be permitted not more than three indirectly or semi-illuminated wall, marquee or canopy signs, not more than one on each business façade. The sign surface of any such sign shall not exceed seven percent of the total area of the façade upon which it is placed. Wall signs shall not extend above the height of the wall. Marquee and canopy signs shall not extend more than six inches beyond the front of the marquee or canopy on which they are located, above the height of the wall on which the marquee or canopy is mounted, and their lower edge shall be no closer than ten feet to any sidewalk or 14 feet to any street or alley surface where cars may pass below. The sign surface of any wall sign shall not exceed ten square feet.

In addition, one non-illuminated wall sign, with a sign surface not exceeding six square feet, may be placed on each major entrance to a multi-tenant building.

- (2) In lieu of one of the above signs, one projecting sign shall be permitted for each establishment provided that the sign surface of the projecting sign shall not exceed seven percent of the total area of the façade upon which it is attached, shall not extend more than three feet from the face of the building or one-third of the sidewalk width, whichever is less, above the roof level of the building where the sign is located, and the sign's lower edge shall be no closer than ten feet to any sidewalk or 14 feet to any street or alley surface where cars may pass below.
- (j) Drive-through restaurants and car washes may have two single-faced signs located in conjunction with a drive-through lane. Each sign shall not exceed eight feet in height or 32 square feet of sign surface per face.

Sec. 16-912. - Additional Regulations Applicable to All Districts.

- (a) For any sign authorized in any zoning district, a noncommercial message may be substituted for any allowed commercial message or any other allowed noncommercial message, provided that the sign is legal without consideration of message content. If the sign is one for which no sign permit is required, the message substitution may be made without additional approval. The purpose of this provision is to prevent inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not allow for the substitution of an offsite commercial message in place of an onsite commercial message.
- (b) All signs shall be of sound structural quality, be maintained in good repair and have a clean and neat appearance. Land adjacent to these signs shall be kept free from debris, weeds and trash.
- (c) No part of any sign shall be located closer than ten feet from a side or rear property line.
- (d) Any backlighted sign or backlighted canopy, marquee or panel shall comply with all federal, state and local laws concerning the placement, dimensions, materials or other regulations controlling these signs; provided, however, that the dimensions of a backlighted sign or backlighted canopy, marquee or panel shall be measured by constructing a rectangle for the highest, lowest and widest points of the object, display or surface that displays a light source, except that the opaque surfaces immediately related to or a part of that same sign or panel shall also be calculated in the dimensions of the sign. Provided further, in calculating the dimensions of a continuous panel which spans at least 80 percent of any one façade or a single common structure with multi-tenants, the continuous opaque areas between, over and below the lighted area for these independent operations shall not be calculated to determine the dimensions of the signs, canopies, marquees, or panels. Up to 25 percent of the surface of any face of any marquee, facade, or wall may be backlighted so long as it is ornamental or decorative in purpose and does not employ any business and/or company logo, trademark, or pattern exclusive to a business and/or company. Similarly, canopies may be backlighted to the extent of 25 percent of the wall area to which they are attached. The backlighted area shall be in addition to signage areas otherwise allowed.
- (e) The background panel of all semi-illuminated signs shall be opaque, with only the lettering illuminated.

Sec. 16-913. - Service Stations.

Service stations shall be permitted the following signs:

- (a) One non-illuminated, indirectly illuminated or semi-illuminated monument sign provided the sign is not closer than 50 feet to any boundary of a residential district. The sign shall not exceed ten feet in height nor 70 square feet in sign surface area per face. If not sitting within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of three feet on all sides of the sign base.
- (b) No more than two signs that display fuel prices shall be permitted. These signs may be monument or wall signs, indirectly illuminated or semi-illuminated signs, but shall not exceed 15 square feet in sign surface area each.

- (c) Each fuel pump island may have a sign on each end not exceeding four square feet in area each.
- (d) A maximum of two indirectly or semi-illuminated signs. These signs shall not exceed one square foot in area each.
- (e) A maximum of two additional non-illuminated signs not to exceed six square feet in area and to be mounted not to exceed four feet in height shall be allowed.

Sec. 16-914. - Signs Permitted In Conjunction With Special Use Permits.

- (a) In the case of uses authorized by a special use permit, all signs in conjunction therewith shall be approved by the planning commission, except where private sign criteria, in accordance with section 16-915, have been previously approved for development.
- (b) In reviewing and approving the signs, the planning commission shall take into consideration:
 - (1) The use of the facility;
 - (2) The height of the building;
 - (3) The surrounding land uses and zoning districts;
 - (4) The relationship of the site to public streets and the type of public street; and
 - (5) The topography of the site. Where appropriate, the sign regulations of the underlying zoning district or the most analogous zoning district shall be allowed.

Sec. 16-915. - Private Sign Criteria.

All hotels and motor hotels, and shopping centers business parks, office parks or industrial parks shall be required to prepare a set of sign criteria governing all exterior signs in the development. The criteria shall be binding upon all subsequent purchasers or lessees within the development. The size, colors, materials, styles of lettering, appearance of logos, types of illumination and location of signs shall be set out in the criteria. In all respects, the criteria shall be within the regulations set out in this chapter and shall be for the purpose of assuring harmony and visual quality throughout the development. Final development plans (in the case of a planned zoning district) or building permits (in the case of a conventional zoning district) shall not be approved until the governing body has approved the sign criteria. No sign permit shall be issued for a sign that does not conform to the criteria. For purposes of this section, the terms "shopping centers, business parks, office parks or industrial parks" shall mean a project of one or more buildings that has been planned as an integrated unit or cluster on property under unified control or ownership at the time that zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with these regulations relative to the number of detached signs, harmony and visual quality of signs to be installed.

Sec. 16-916. - Removal of Unsafe, Unlawful or Abandoned Signs.

- (a) If the Building Inspector shall find that any sign regulated herein is unsafe or insecure, or is a menace to the public, or, has been constructed or erected, or is being maintained in violation of this article or Chapter IV, Article 9 of the Code, the Building Inspector shall give notice thereof to the permittee, or, if the sign is one that does not require a permit, to the owner of the property on which the sign is located. If the person so notified fails to alter or remove the sign so as to comply with the standards herein set forth within 48 hours after notice, the sign may be removed or altered to comply with these provisions by the Building Inspector at the expense of the permittee or owner of the property upon which the sign is located, and the permit shall be revoked. The Building Inspector shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Building Inspector may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.
- (b) When the Building Inspector notifies a permittee or property owner that a sign is not in compliance pursuant to subsection (a) hereof, the Building Inspector shall also inform such person of the right to file an appeal with the Board of Zoning Appeals contesting the Building Inspector's determination.

- (c) If the time period set forth in subsection (a) hereof has elapsed and the sign has not been removed, the Building Inspector shall send written notification by certified mail, return receipt requested, to the record owner of the property on which the sign is located indicating when the sign shall be, removed. If the sign has not been removed within 30 days after receipt of the notice, the City may have the sign removed and the cost assessed to the property owner.
- (d) Where a sign has been removed by the City pursuant to subsection (c) hereof, the City Clerk shall mail a statement of the cost of removal of that sign to the last known address of the record owner or persons in charge of the property. If the cost is not paid within ten days from the mailing of the notice, the Governing Body shall proceed to pass an ordinance levying a special assessment for the cost against the lot or piece of land and the City Clerk shall certify the assessment to the County Clerk for collection of payment the same as other assessments and taxes are collected and paid to the City.
- (e) If a building, structure or premise is a vacated for a six month period of time, the owner of that property shall be responsible for removing any signs located thereon with the exception of one wall sign in the case of property located in a commercial and industrial district, and with the exception of one yard sign in the case of property located in a residential district. In addition, the owner shall be responsible for restoring the façade of the building, structure or premise to its normal appearance.

Sec. 16-917. - Prohibition and Amortization of nonconforming signs.

- (a) All signs that existed on the effective date of these regulations, or any amendment thereto, that becomes a nonconforming sign by virtue of these regulations, or any amendment thereto, shall be discontinued and removed within five and one-half years of the date that the sign became a nonconforming sign. No changes in the basic structure, source of illumination, location or appearance of a sign, sign alteration, or sign refacing shall be made to any sign. If the business to which the sign is related should move to another site (which move, in the opinion of the Building Inspector, creates, in effect, an outdoor advertising sign) then the sign shall be removed or otherwise brought into full compliance with all applicable provisions of the Code.
- (b) Upon application to the City Clerk, the Governing Body may extend the time for discontinuance and/or removal of a nonconforming sign. No extension of time shall be granted for a period of time longer than that necessary to allow the owner of the sign to recoup the owner's initial investment in the nonconforming sign. The application for extension shall be on a form provided by the City and shall be accompanied by:
 - (1) A copy of the original sign permit issued for the nonconforming sign or other evidence satisfactory to the City of the date upon which the nonconforming sign was initially installed;
 - (2) Evidence that annual sign inspections have taken place each year since the initial date of installation of the nonconforming sign;
 - (3) Documentation evidencing the initial cost of purchase or construction and installation of the sign;
 - (4) If the nonconforming sign is not on property owned by the sign owner, the lease or other document establishing the sign owner's right to place the sign at its present location and all amendments thereto; and
 - (5) All documents evidencing the degree to which the value of the sign has been depreciated for income tax or other purposes.
- (c) In determining whether to grant the extension and the length of the extension, if one is to be granted, the Governing Body shall consider the following:
 - (1) The nature of the nonconforming sign;
 - (2) The character of the sign;
 - (3) The location of the sign;
 - (4) That part of the owner's total business that will be impacted by the removal or replacement of the nonconforming sign;

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- (5) The sign owner's original capital investment in the nonconforming sign;
- (6) The investment realization from the nonconforming sign to date;
- (7) Depreciation taken by the owner of the sign for income tax or other purposes;
- (8) The life expectancy of the nonconforming sign;
- (9) The existence or non-existence of lease obligations;
- (10) The existence of a contingency clause in any lease permitting termination of the lease;
- (11) The other economic uses of any leasehold interests in the land or structure upon which the sign is located;
- (12) The value of, or feasibility of, subleases and assignments of any lease.
- (13) The extent to which the investment of the owner in the nonconforming sign has been recouped;
- (14) The fact that similar signs are prohibited in the same area;
- (15) Other reasonable uses of the land;
- (16) The salvage value of the nonconforming sign;
- (17) The sign owner's loss of sharing revenue, if any; and
- (18) The ability of the sign owner to transfer the nonconforming sign to another location where it could be placed and would be in compliance with this article and all other provisions of the Code.

Sec. 16-918. - Approval of Variances.

Any variance from these regulations may be approved only by the Board of Zoning Appeals after an application for a permit has been denied for the proposed sign, by the Building Inspector as provided in these regulations.

Sec. 16-919. - Severability.

Severability is intended throughout and within the provisions of this article. If any section, subsection, sentence, clause, phrase or portion of the article is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this article.

Item Number: Ordinances and Resolutions:- IX.-
C.
Committee 11/21/2016
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 11/7/2016
Submitted By: Jennifer Jones-Lacy, Asst. City Administrator/Finance Director
Committee/Department: Admin.
Title: **Ordinance 945 Update to the 2012 Comprehensive Plan (est. time 15 min.)**
Item Type:

Recommendation:

To recommend adoption Ordinance 945 approving updates to the 2012 Comprehensive Plan.

Details:

The City Planning Commission is tasked with annually reviewing the City's Comprehensive Plan and recommending updates as necessary to the City Council. The goal of the Planning Commission was to update demographic information and the status of some of the undeveloped project sites in and around the City. Attached is the comprehensive plan with red lined edits as reviewed by the City Administrator, Assistant City Administrator and approved by the Planning Commission. Primary changes include:

- 1.4 – Re-frame the Key Issue of the East Gateway Redevelopment to emphasize the collaborative effort and use the more commonly used title of the "Mission Mall"(pg. 10)
- 1.4 – Add clarity to the plan to promote higher density residential development explaining that it should contribute to helping Roeland Park be a Community for All Ages (pg. 11)
- 2.1 – Update the demographic information (pg. 12)
- 2.3 – Update maps where possible (pg. 20)
- 3.1 – Include current plans for the Roeland Park property at 47th and Mission (pg. 23)
- 3.2 – Update the East Gateway/Mission Mall site plan (pg. 24)
- 3.4 – Update the planned zoning for the Caves site to include Planned Restricted Business (CP-1) along with MXD (pg. 26)
- 4.2 - Add to the Planning Goals that the City is working toward rebranding to establish a clear

identity for the city under the goal of "City Character/Image" (pg. 27)

- 5.2 - Remove the stated plans for implementing a mixed used neighborhood center at 47th and Mission due to the size and current plans for the site as a potential sit-down restaurant. (pg. 31)
- 5.2 - Update plans for the East Cloverleaf to explain that an assessment of highest and best use and the Comprehensive Plan should drive development on the site and remove the stated plans as specifically residential development (pg. 34)
- 5.3 – Update plans for the West Cloverleaf based upon current plans for the bank and small hospital (pg. 36)
- 5.3 – Update East Cloverleaf to provide current status and additional images (pg. 38)
- 5.3 – Update detail on the Caves site to include site goals of creating a regional landmark with an anchor tenant, a mix of lodging and restaurants (pg. 41)
- 5.6 – Update information on transit, new bus routes and Roe Boulevard improvements (pg. 46)

K.S.A. 12-747(b) requires revisions to the City's comprehensive plan be adopted via resolution approved by the Planning Commission, which approved Resolution 2016-1 on October 18th. The Council is asked to approve Ordinance No. 945 adopting these amendments to the Comprehensive Plan.

At the workshop on 11/7, the Governing Body requested an update to one of the demographics maps as well as changing references of the "Mission Mall" to the "Former Mission Mall". Those changes have been addressed and are included in the attached Comp Plan.

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

The Comprehensive Plan was originally used as one of the guides for the Strategic Plan. Like the Strategic Plan, the Comp Plan is a living document that must be updated on a periodic basis. The two documents are supportive of one another.

How does item benefit Community for all Ages?

The revisions to the Comp Plan include a goal statement to develop a variety of housing in which people can age in place and is benefits all ages. This is a key element of becoming a Community for All Ages.

ATTACHMENTS:

Description	Type
Ordinance 945	Ordinance
Comprehensive Plan - Redline 2016 Revisions	Exhibit
Comprehensive Plan Revisions Clean Version	Exhibit

ORDINANCE NO. 945

**AN ORDINANCE APPROVING THE COMPREHENSIVE PLAN FOR THE CITY OF
ROELAND PARK, KANSAS PURSUANT TO K.S.A. 12-747**

WHEREAS, the City of Roeland Park, Kansas (the "City") has adopted a Comprehensive Plan for the City (the "Comprehensive Plan"), which was last revised by the adoption of Ordinance No. 874 on June 4, 2012; and

WHEREAS, the City's Planning Commission conducted a public hearing on a proposed revised Comprehensive Plan on October 18, 2016, at which time interested citizens were given an opportunity to provide input; and

WHEREAS, the Planning Commission recommend approval of the revised Comprehensive Plan by the adoption of its Resolution No. 2016-1 on October 18, 2016;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROELAND PARK, KANSAS:

SECTION 1. The Comprehensive Plan for the City recommended by the Planning Commission, designated as "Adopted – June 4, 2012, Updated 2016," is hereby approved.

SECTION 2. This ordinance shall take effect upon its publication in the official City newspaper.

PASSED by the City Council this 21st day of November, 2016. **APPROVED** by the Mayor.

Joel Marquardt, Mayor

ATTEST:

Kelley Bohon, City Clerk

APPROVED AS TO FORM:

Neil R. Shortlidge, City Attorney

ROELAND PARK, KANSAS COMPREHENSIVE PLAN



*4600 West Fifty-First Street
Roeland Park, Kansas 66205
City Hall (913) 722-2600
Fax (913) 722-3713*

2012 - Final
City Ordinance 874

Recommended for Approval by the Roeland
Park Planning Commission

April 17, 2012

Adopted by the Roeland Park City Council

June 4, 2012

ACKNOWLEDGEMENTS

ROELAND PARK CITY COUNCIL 2012

Adrienne Foster <i>Mayor</i>	Jennifer Gunby <i>Ward II</i>	Megan England <i>Ward III</i>
Becky Fast <i>Ward I</i>	Robert Meyers <i>Ward II</i>	Bill Art <i>Ward IV</i>
Betsy Mellor <i>Ward I</i>	Mark Kohles <i>Ward III</i>	Marek Gliniecki <i>Ward IV</i>

ROELAND PARK PLANNING COMMISSION 2012

Paula Gleason, Chair	Jim Owens	John Moylan
Kori Belton	Linus Orth	Scott Gregory

ROELAND PARK CITY STAFF

Mike Flickinger, Building Official

Debra Mootz, City Clerk/Finance Director

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SECTION 1 INTRODUCTION

1.1 Background



The Roeland Park Comprehensive Plan is the City's official plan for the future. The Plan serves as the community's guideline for future development, changes to the City's zoning and subdivision regulations, and compliance with the Code of Kansas Statute No. 12-747 section b.

This comprehensive plan plays an additional role beyond compliance with state statute. It embodies the community's vision for the future of Roeland Park with specific goals, direction for current development opportunities and a community implementation plan.

The plan is based on the following key principles:

- Maintain stability of Roeland Park's single-family residential base.
- Accommodate new types of housing to attract new and maintain current residents.
- Balance the City's opportunity to control the type and quality of development possible with newly created market demand for city-owned property.
- Maximize the City's benefit from the Mission Gateway project.
- Enhance the image and character of Roeland Park.

1.2 History of Roeland Park

On July 2, 2011, Roeland Park celebrated its 60th anniversary as an incorporated city. Before Roeland Park was incorporated, archaeologists explored our region and determined that a group, known as the Hopewellian people, lived in the Kansas City area from 122 BC to AD 800. Around AD 1000 these people gave way to a culture based on hunting, fishing and rudimentary agriculture. The first people to be identified living in the general area that is now Roeland Park, were the Kansa Indians. The Kaw (Kansa) was one of five Dhegiha tribes that migrated west from the Ohio Valley. The Kaw were noted in the area in 1724. The Kansa Indians are believed to be members of a group of Siouan Indians that splintered off a main group and initially settled near the mouth of the Kaw River in Wyandotte County, probably before AD 1800. The tribe also established villages in other locations north of Leavenworth and west of Lawrence. Continued pressures on this group resulted in its moving westward until eventually it, along with other tribes, were relocated to Indian Territory.

In 1829 the United States government granted the Shawnee Indians a reservation that extended along the Kaw River from what is now the Kansas-Missouri state line, westward into Douglas County. The Shawnee Indians initially lived in bark huts or wigwams (Not the tepees of the Plains Indians). They arrived in Kansas in two groups. One group of about 100 arrived in 1829 and the balance of about 900 arrived in 1832. In 1830 the Rev Thomas Johnson attempted to establish a mission for the Shawnee Indians near what is now Turner, Kansas. This proved unsuitable and the mission was relocated and opened in 1839 at its present location. The Shawnees were moved to Indian Territory in 1862, although some individuals stayed on as part of the general population of Johnson County.

An interesting sidelight of "what might have been" is that Joseph Smith and a deputation of Mormons visited Johnson County in 1832. After a careful survey they selected Shawnee Township as the future home of Mormondom. This was not to be. For once, the government had some scruples and refused to break the treaty with the Shawnee. The Mormons then settled near Independence, Missouri.

The first owner of land that is now part of the City of Roeland Park was Sim-e-to, also known as John Denny. He received 160 acres of land on November 7, 1858. This tract was located in the area between what is now 51st Street to 55th Street and Nall Avenue to about Sherwood. The land was preempted and reissued to Mary Pinner, a widow of the War of 1812 soldier. She assigned the land to Alexander Johnson, the son of Rev. Thomas Johnson. Just why the land was taken from Sim-e-to is not known. One report suggests this may have happened because John Denny was part of a gang of horse thieves. He is reported to have been hanged for stealing horses. He is buried in an unmarked grave in an unmarked cemetery located at what is now 55th and Queal Streets in western Merriam, Kansas.



On April 16, 1865 the United States issued a land patent to the Reverend Thomas Johnson for about 1,800 acres of land. Generally this land consisted of all or parts of Sections 3 and 4, and the North half of Sections 9 and 10, Township 12 South, Range 25 East in Johnson County, Kansas. Reverend Johnson was murdered before the patent was completed and title to the land was vested in his widow and children, each of whom received a portion of the land or other assets. The area that is now the City of Roeland Park is all located on land granted to Reverend Johnson, or acquired from Mrs. Pinner.

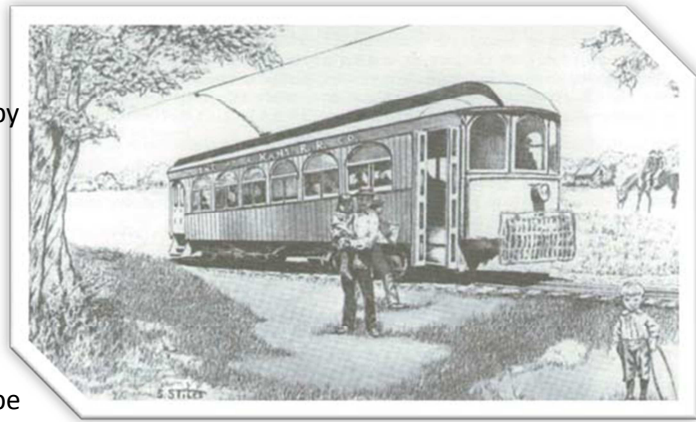
Between 1865 and 1875 various sales and transfers of the property were made. Property owners in 1875 were: Alexander S. Johnson, Andrew M. Johnson and Edna Johnson who were children of Rev. Thomas Johnson; F. A. Waterman, whose wife was the former Laura Johnson, daughter of Thomas Johnson; John B. Wornall whose wife was Eliza S. Johnson; Moses Greno, who owned the Indian Mission site; and J. Chandler, G. W. Fincke, H. Hall, and F. T. Scruggs.

By 1875 Johnson County had several incorporated towns including Shawnee Town, located about five miles west of the Shawnee Indian Mission; Campbellton, located in what is now Merriam, and Glenwood, located four miles southwest of the Mission. Other Johnson County towns included Olathe, Eudora and others. However, only a school, the Shawnee Indian Mission, and farmsteads were in the area in which the City of Roeland Park is now located.

Beginning in 1882, John Roe began to assemble his farm. The original farm was located in the area that is now 55th Street to 59th Street, Nall to Roe. In 1884 and 1893 John Roe expanded his holding northward to 51st Street and subsequently to the Johnson/Wyandotte county line. He also acquired land to the east between Neosho and Mission Road and 55th to what is now Elledge Drive.

In 1905, John Roe granted an easement to William Strang to construct a rail line for the Missouri-Kansas Railroad across the northern parts of his farm. The Missouri-Kansas Railroad, more commonly referred to as the Strang Line, ran from near Westport to Olathe. The line entered the City of Roeland Park area near 47th and Canterbury Streets, traveled southwesterly to near the site of the present City Hall, then across Roe Avenue where it went westerly on the north side of 51st Street.

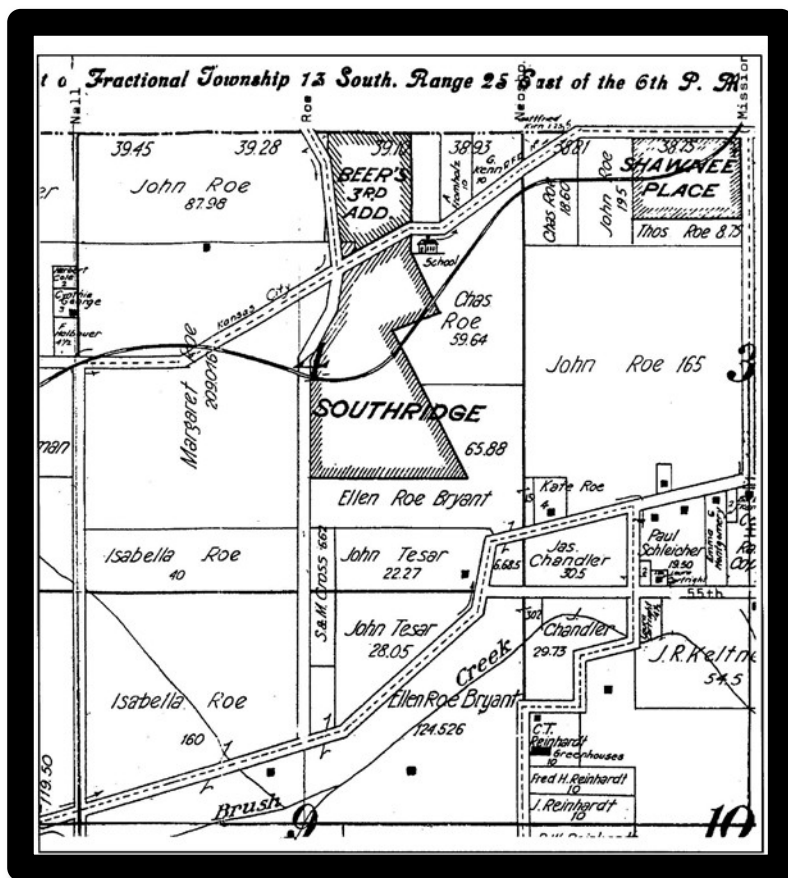
Prior to 1905 the Wornall farm was divided among the children of John B. Wornall. On August 7, 1905 the Wornall children sold this land to William Strang. Strang divided the land by selling the right-of-way for the Strang Line to the Missouri-Kansas Interurban Railway Company. The remaining land was sold to the Strang Land Company. Strang owned a substantial interest in both companies. In 1907 Herman Beers acquired the area between Roe and Delmar, Elledge to County Line. Beers subdivided the land into lots. This appears to be the earliest urbanization of land in what is now the City of Roland Park.



In 1909 the Strang Land Company subdivided the land that had been acquired from the Wornall family and called the area "Southridge." At about the same time, the area that is now between 47th and 48th Street, Mission Road to Reinhardt was platted and designated as "Shawnee Place."

In 1922 Frank Hodges purchased the land now described as Mission Ridge and Mission Grove. Mission Grove had been subdivided in 1921 by Charles Roe, a son of John Roe. Frank Hodges subdivided the Mission Ridge area in 1923 but no substantial development occurred in the area until after World War II.

In 1937, construction was started in the northwest part of the area. Between 1937 and 1940 six houses were constructed in the Pemland Heights area, north of 49th Street and east of Nall. By far the larger area in which development began was the construction by Charles E. Vawter in the areas he named Roe Manor Heights, Roeland Park and Roe Highlands. Initial construction was in the Roe Manor Heights area and along Nall and 51st Street. Construction was halted during World War II due to shortage of materials. Never-the-less, homes under construction were permitted to be completed when Mr. Vawter agreed to rent the houses to war workers.



1922 Township Map of Roeland Park, Kansas

Charles Vawter purchased the land he developed from Misses Isabella, Catherine, and Margaret Roe, and Mrs. Ellen Roe Bryant, daughters of John Roe. In naming his subdivision for the Roe family, Mr. Vawter established the name for the City of Roeland Park.

1.3 Planning Process

The Planning Commission during 2011-2012 spent several months reviewing the 2002/2007 Comprehensive Plan to update statistical information, including the goals and objectives set forth in that plan and to identify, based on updated data about Roeland Park, and the current and future key issues facing the community. [The Plan was amended internally in 2016 to reflect updates to various development areas and changes in Roeland Park that affected the document.](#)

- The Planning Commission provided a recommendation by resolution to the governing body after a public hearing process had been completed. The first Comprehensive Plan was created May 7, 1991
- In May, 2002 the City updated the Comprehensive Plan. Consideration was given to future land use and community development issues. The Plan was created by the citizens, City staff, shareholders and elected officials in Roeland Park and is intended to provide guidance on future community development issues. The Plan provided a future vision of the community, a set of common goals for which to strive and a pathway of steps to attain these goals.
- In 2007, the City held an extensive and lively community participation process, guided by a Community Steering Committee, to update the 2002 plan. The Steering Committee held three public town hall meetings and eight Committee meetings. Citizens discussed development pressures, neighborhood concerns, as well as the character and image of Roeland Park, City services and the role Roeland Park should play in the future of the metropolitan area.
- As a function of the Planning Commission, the commissioners are to review and provide updates and recommendations to the Plan. Their focus is on all existing and proposed developments within the City. Public Hearings will be held in April 2012 for public comments.

1.4 Key Issues

One of the primary reasons for replacing the 2002/2007 Comprehensive Plan is the recent development activity in the neighboring City of Mission, Kansas and the subsequent benefit and impact on Roeland Park residents.

This development activity springs from a combination of market forces and the foresight of northeast Johnson County cities to position themselves to not only take advantage of the opportunity presented, but to determine **what** they want and **how** to proceed in order to best serve their citizens.

Many of the action steps outlined in the plan have been completed or are ongoing, especially those related to municipal services and the recent development of the Bella Roe retail area. The city received high marks from citizens at public meetings held in June, 2006.

The Plan focuses on the city-owned sites that provide new development opportunities that the city can actually control through property ownership, land use and zoning, thereby leveraging a chance to change the character of Roeland Park.

The key issues are as follows:

- Support the redevelopment plans currently underway for the 47th and Mission Road Neighborhood Center. Refer to Section 3 (New & Neighboring Developments).
- ~~Amend as necessary and adopt the recommendation of the East Gateway Redevelopment Plan. Refer to Section 3 (New & Neighboring Developments), for the description of this joint planning effort.~~ [Work in concert with the Cities of Mission and Fairway to promote the redevelopment of the former Mission Mall site into a mixed use development which enhances this highly visible gateway for the three](#)

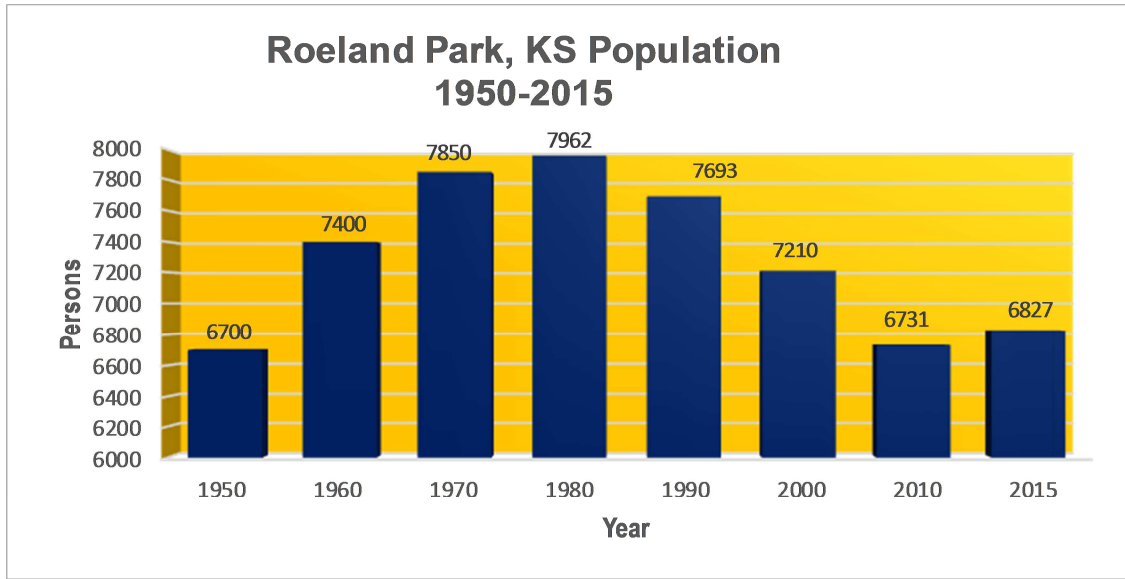
[communities.](#)

- Promote quality development at the two cloverleaf sites at Roe Boulevard and Johnson Drive.
- Utilize the development opportunity at Roe Boulevard and Johnson Drive as a formal southern gateway to the City and create a northern gateway to the City.

- Minimize the physical barriers for vehicles and pedestrians crossing Roe Boulevard.
- Promote higher density residential development where it compliments public uses and supports mixed use development. Higher density residential design should provide options attractive to all ages, affording young people to make memories, raise a family and enjoy their retirement years all within our community."
- ~~Promote somewhat higher densities of owner-occupied residential redevelopment that adhere to the plan and direction set forth in this Comprehensive Plan. Examples of higher densities include townhouses and senior citizen facilities.~~
- Redevelop the old City Pool site and Roe Lane corridor to be a more viable establishment within the Town Village Center.
- Implement the recommendations of the Park Master Plan on City park properties.
- Encourage upkeep and worth of the Bella Roe Plaza development at Town Center.
- Support quality development in the City.
- Encourage development that maximizes revenue for the City.
- Create and preserve revenue for the City in all development.

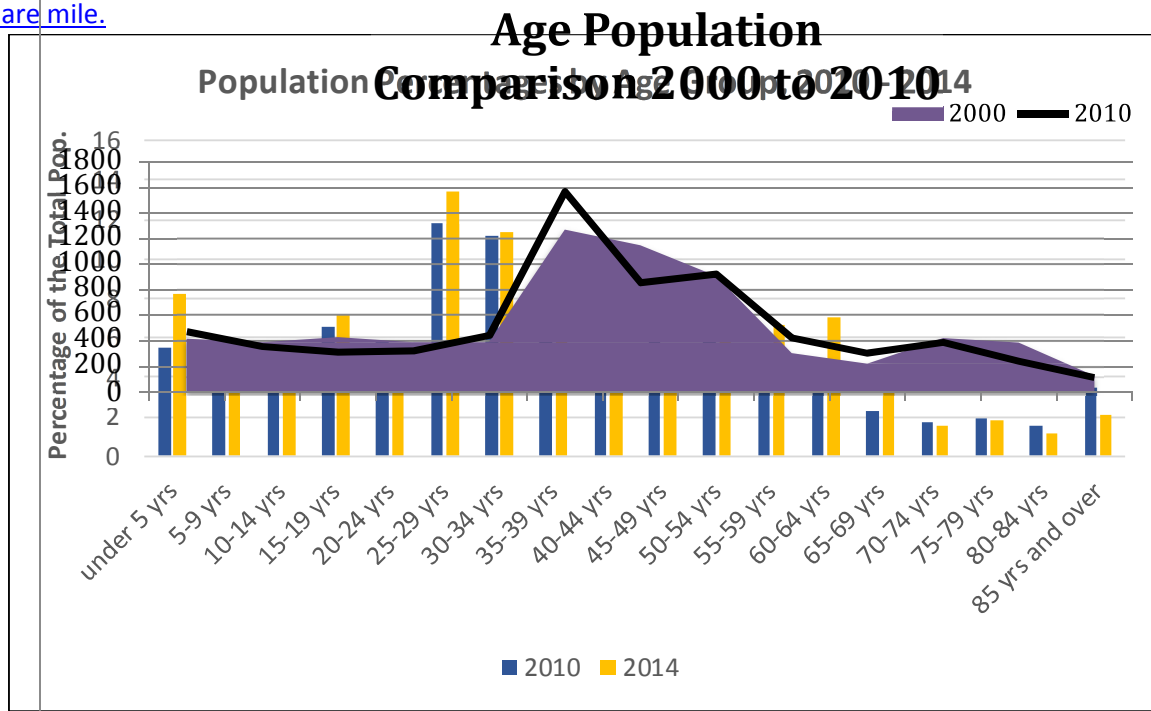


R Park- 5535 Juniper



€ Corrected 2000 population count from original 6817 based on Census Count Question Resolution Program.

The estimated population of Roeland Park in 2015 was 6,827 which represents a 1.4% increase from the official 2010 figure. According to the U.S. Census Bureau's American Community Survey (ACS) estimates, in 2014 the population was 47.3% male and 52.7% female. The median age was 33.6 which is a 6% younger than the median age in 2010. In comparison to the median age of residents in neighboring Fairway (40.7), Mission (34.0) and to the US (37.4), Roeland Park is a relatively younger community. The population density in the city is 4,212 people per square mile.



The 2010 Census population was 6731 a -6.6% change from 2000. The current population is 48.4% male and 51.5% female. In the 2010 census the median age of the population was 34.1, compared to Fairway (41.4), Mission (35.2) and the US median age which was 37.2. The population density in the area is 4,154.9 people per square mile.

The census trend in Roeland Park is typical for communities of Northeast Johnson County. The level population trend is the result of established housing stock, aging population, lack of available developable land, and the growth and development taking place in southern Johnson County.

2014 US Census Bureau ACS	Roeland Park	Mission	Merriam	Lenexa	Fairway
Population	6,799	9,451	11,191	49,573	3,946
Population Density (persons/sq mi)	4,212	3,735.57	2,590.51	1,445.28	3,461.40
Households (2010 Census)	3,065	5,000	4,900	19,288	1,749
Median Household Income	\$64,394	\$51,080	\$55,103	\$75,400	\$104,916
Total Population Median Age	33.6	34.0	36.5	36.6	40.7
QuickFacts 2010 Census	Roeland Park	Mission	Merriam	Lenexa	Fairway
Population	6,731	9,323	11,003	48,190	3,882
Population Density	4,154.94	3,491.76	2,546.99	1,413.20	3,529.09
Households	3,197	5,295	4,673	17,471	1,749
Median Household Income (est. 2010)	\$57,950	\$48,407	\$49,957	\$76,343	\$96,362
Total Population Median Age	34.10	35.20	37.40	36.60	41.40

Employment

Roeland Park is primarily a residential community with three commercial anchor stores and an industrial center. Most people are employed by an entity outside the city limits. The primary exceptions to this are the BellaRoe center at Roe and 51st Street and an industrial park located off of Roe Lane on the north side of the community.

The majority of employment offered in Roeland Park can be classified as service. Fast food restaurants, retail stores and drug stores are examples of the types of service sector employment. The three largest employers in Roeland Park are Wal-Mart, Price Chopper and Lowe's. Most non-service sector employment is provided through a small number of manufacturing businesses and banks.

In 2010, there is estimated to have been 5,830 people over the age of 16 in the labor force. Of City residents, 73.6% were employed, 1.9% were unemployed and 24.6% were not in the labor force. In 2000, unemployment in this area was 3.5% and in 2010 it was estimated 3.6%.

In 2000, 86.7% of residents were employed in white-collar jobs in the management, service, sales and related fields. By 2014, the percentage of white collar workers increased to 89.7%, and those employed in blue collar occupations in the construction, maintenance, production and related fields made up 10.2% of employed Roeland Park residents.

In 1990, 72.9% of employees were employed in white-collar occupations and 27.1% were employed in blue-collar occupations. In 2010, white-collar workers made up 84.5% of the population, and those employed in blue-collar occupations made up 15.4%. In 1990, the average time traveled to work was 12 minutes and in 2010 it was 17 minutes.

Income

In 2010, estimated median household income in Roeland Park was \$57,950, compared to Fairway (\$96,362), Mission (\$48,407) and the US median which was \$53,914. The Census identified in 2000 the median household income of Roeland Park was \$51,962. in 2000 and \$34,686 in 1990. The change from 2000 to 2010 is less than 1% was nearly 24%.

In 2010, the per capita income in Roeland Park was \$33,645, compared to Merriam (\$27,986), Mission (\$33,362) and the \$US per capita, which was \$27,334. Most citizens receive income from salaries and wages, with some citizens deriving income from investments as well.

Households

Housing makes up the vast majority of Roeland Park. A household is defined as a family, group or individual residing in a housing unit. A housing unit is the actual physical structure. During the 10 years between the 1990 and 2000 U.S. Census surveys, total households decreased and total housing units have increased in Roeland Park. The household numbers may not reflect the corrected census information made available in 2010. These reported trends reflect national trends of similar aging inner ring suburbs.

As of the 2010 Census there were 3,065 households in Roeland Park. Although estimates of households are not available in ACS estimates, the total number has likely increased alongside the total population. According to the Tapestry Segmentation study conducted by Esri, an international GIS company, approximately 88% of Roeland Park residents belong to households comprised of singles in shared housing, married couples without children, and other nonfamily units. Most of these mainly younger residents are mobile and have some college education.

There are currently 3,235 households in Roeland Park. The Corrected Census in 2000 revealed total housing units of 3,304 and 3,201 in 1990.

In 2006, the median number of years in residence was 5.82. In 2010, the average household size was 2.2 people and the average family size was 2.82 people. In 2006, the average number of vehicles per household was 1.9.

Housing Units

As of 2014 there were an estimated 3,215 housing units in the city, a 5.6% decrease from 3,405 in 2010. The median unit value in 2014 was \$155,300 which represents a slight 0.6% decrease from the 2010 median value of \$156,300. For comparison, the 2014 median unit value in Mission was \$153,800 and in Fairway was \$292,800. In 2014, 2,227 housing units were owner occupied and 752 were occupied by renters. The average monthly

mortgage payment in 2014 was \$1,386 compared to \$866 for renters. The same figures for 2010 were \$1,377 for a mortgage and \$801 for rent.

Race and Ethnicity

In 2014 the racial makeup of the community was 91.1% white, 2.6% black, 0.3% Native American/Alaska Native, 2% Asian, and 3.5% identified as belonging to two or more races. Compare these to Fairway (96.1% white, 0.3% black, 0.1% Native American/Alaska Native, 1% Asian), Mission (85% white, 7.8% black, 0.1% Native American/Alaska Native, 2.9% Asian) and the U.S. (73.8% White, 12.6% Black, 0.8% Native American/Alaskan Native, 5% Asian).

The Census includes people who identify as Hispanic or Latino as “white” for survey purposes. In 2014 12.9% of residents identified as Hispanic and Latino compared to 3.0% in Fairway 8.2% in Mission and 16.9% of the U.S. population.

~~In 2010, there were 3,282 housing units. The median housing value was \$64,376 in 1990; compare this to the US median of \$155,800 for the same year. The 2000 Census median housing value was \$105,041. In 1990, there were 2,469 owner occupied housing units vs. 3,065 in 2010. Also in 1990, there were 733 renter occupied housing units vs. 104 in 2010. The average rent in 1990 was \$385 vs. \$801 based on 5-year average in 2010.~~

Race and Ethnicity

~~In 2010, the racial makeup was as follows: 87.6% white; 3.7% black; 0.4% Native American; 1.5% Asian/pacific islander. Compare these to Fairway which was 95.3% white, 0.8% black, 0.3% Asian/pacific islander; and Mission which was 84.6% white, 5.5% black, .04% Asian/pacific islander; and the US racial makeup which was: 72.4% White, 12.6% Black, 0.9% Native American, 4.8% Asian/Pacific Islander.~~

~~People of Hispanic ethnicity are counted independently of race. People of Hispanic origin make up 10.4% of the current year population. Compare this to Fairway 3.0%, Mission 8.2% and the US makeup of 16.3%.~~

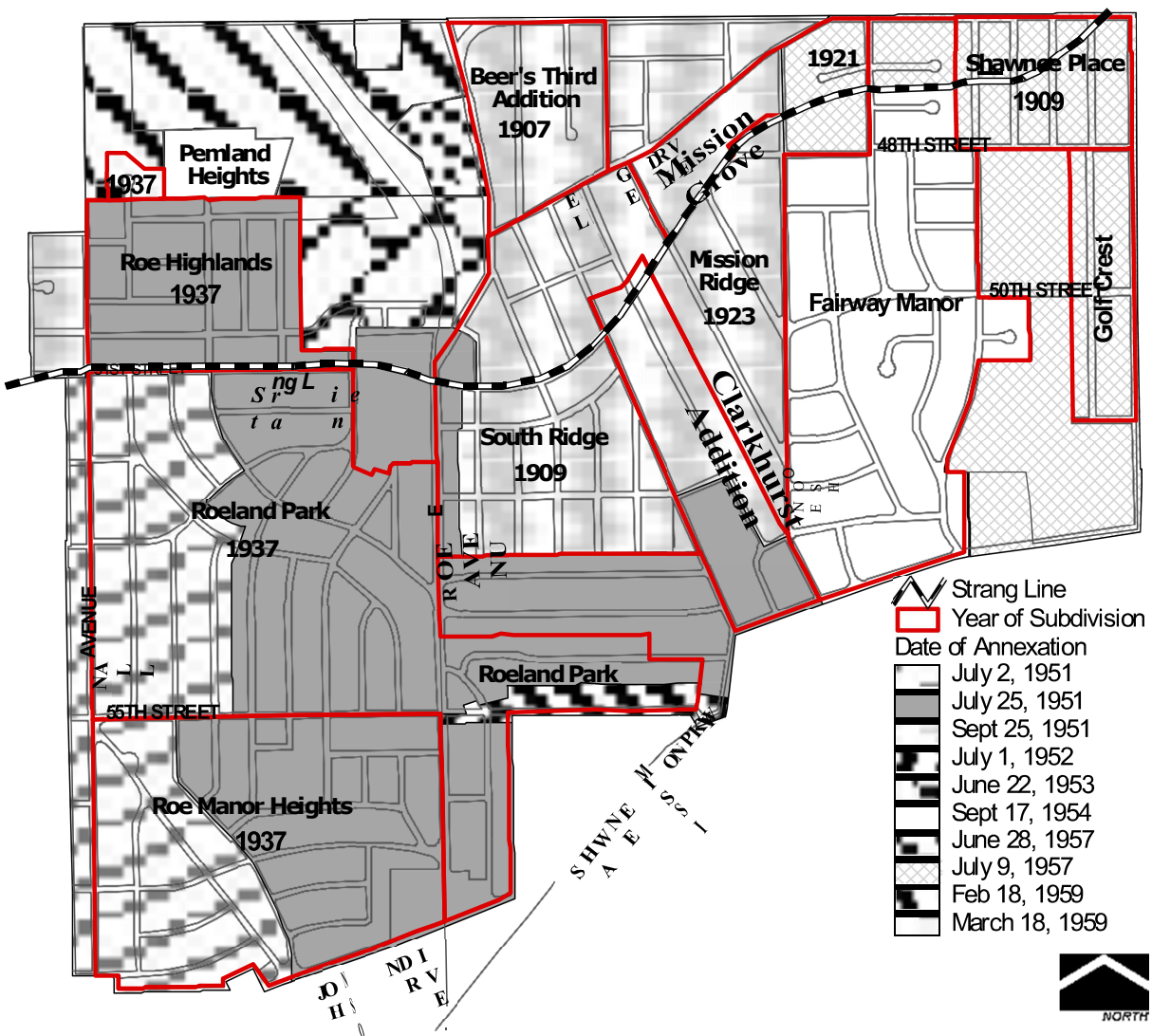
2.2 Existing Land Use

The City of Roeland Park was incorporated on July 2, 1951, soon after additional subdivisions were annexed into the community, creating present day Roeland Park. Throughout the years Roeland Park has been able to maintain its basic character and identity that existed at the City's inception.

Single Family Residential Neighborhoods

Today Roeland Park is primarily a single-family residential community. Other existing land uses include: parks, schools, neighborhood commercial, industry, utilities and a community recreation campus. Most of Roeland Park's subdivisions were platted in the first half of the 20th Century, prior to incorporation. Records show the first subdivision was created in 1907. The popular architectural styles of the time can be seen throughout the community in smaller one and one-half story homes. The residential neighborhoods are well established and maintained. Mature trees are common, providing shade and creating a quiet ambiance. Many homes are old enough to have had multiple owners.

City Subdivisions



Roeland Park is a community of neighborhoods which can be seen by the subdivision map. Traversing the community one can see distinct differences between adjacent neighborhoods. The differences are primarily in the styles of houses, the layout of the streets, the size of the parcels, and the flow between adjacent neighborhoods. These differences are the result of a variety of factors including different periods of development, different developers and land topography.

The subdivisions of Southridge and Shawnee Place are two of the oldest neighborhoods within Roeland Park. Both developed in 1909, these two neighborhoods share many similarities with each other. Both neighborhoods were developed along the historic Strang Line Trolley. This is evident when looking at the layout of the subdivision's parcels and streets. Southridge and Shawnee Place were developed using a grid-like pattern for their layout. Both developments also have comparatively smaller lot sizes than other Roeland Park neighborhoods. Newer homes constructed in these two areas have been built on two or three existing parcels.



During the 1930's, Charles Vawter developed the residential subdivisions of Roe Highlands, Roeland Park, and Roe Manor. A similar style and scale is shared by these neighborhoods. A more flowing, less grid-like, street layout was used. Slightly larger lots than the Southridge neighborhoods were common too. Most of these three neighborhoods don't have sidewalks but do have curbs and underground storm sewers. Landscaped islands, ornamental statues and lush vegetation are all common throughout Charles Vawter's Roeland neighborhoods.

The subdivision of Fairway Manor is located on the eastern side of Roeland Park. During the mid-1950's the Old Mission Golf Course was annexed into Roeland Park after it was subdivided into land for residential and educational uses. The Fairway Manor subdivision contains larger lots and more spacious houses than other Roeland Park neighborhoods. Landscaped medians and islands decorated with flowers and statues are found throughout the subdivision.



The Mission Ridge subdivision was created in 1923. While Fairway Manor has a suburban feel, Mission Ridge has a more rural feel. The lots are larger and the houses appear older and less uniform in their style and scale.

Medium Density Residential

Residential units that are occupied by more than one family, but have a lower density than multi-family residential uses, are classified as medium density. A common example of medium density structures are duplexes, triplexes and townhomes. Roeland Park has a small number of medium density uses in the north and northeast. They are located along 47th Street and Roe Lane. The medium density structures are in single family neighborhoods. They are designed to blend in with adjacent single family.

Multi-Family Residential

The vast majority of Roeland Park residents reside in single-family homes. Other types of housing are minimal in number and are dispersed. The major exception is the large multi-family complex called the Boulevard Apartments. Located west of Roe Boulevard and north of the community center, the Boulevard Apartments create a transition zone between the single-family residential to the south and the busy Interstate 35 to the north.

Commercial

In the 1950's, Roeland Park's only commercial center was created (Town Center). The commercial area is located along Roe Boulevard with the heart of the area located at the 51st Street intersection. Over the years a variety of changes have taken place with various tenants coming and going. Even with the many changes affecting the commercial area the basic layout has remained the same. The layout consists of large stores connected by large surface parking lots. Smaller commercial businesses such as restaurants, gas stations and drug stores have cropped up and are thriving around the larger anchor businesses.



Other businesses do exist within Roeland Park that are not located in the Town Center. They are small businesses, many in renovated residential homes, along Mission Road and the north side of Johnson Drive. Although there is only one major commercial center in Roeland Park, residents don't have to go far outside the city to find additional neighborhood and regional commercial areas.

Light Industry

The only major industrial park in Roeland Park is located in the north central part of the City. Just north of the city property on Roe Boulevard (the old swimming pool complex) sits the Roeland Business Park. There are manufacturing and warehousing businesses, as well as a large power sub-station located in the area.

Parks and Open Spaces

Parks and open spaces are important to any community. They provide a place for recreation and relaxation. Roeland Park is home to two community parks and three neighborhood parks. Nall Park, located at the intersection of Nall Avenue and 48th Street, and R Park, located along Juniper at 55th Terrace, are the two community parks. The five smaller neighborhood parks can be found at the intersections of Sycamore and Cedar Streets, Neosho and Wells Streets, on Juniper between Alder and Rosewood Drive, Johnson Drive and Roeland Drive and on 51st Street and Granada across from City Hall.



The Shawnee Indian Mission State Park is located on 53rd Street just south of the city limits. Roeland Park residents benefit from this state historic landmark. Roeland Park actively participates in the sustainability of this facility.

Schools

Many communities are judged by the quality of their schools. Roeland Park currently has four schools in the community. One public school is affiliated with the Shawnee Mission School District. Roesland Elementary School is located at the corner of Elledge Drive and Parish Drive. The school was established around 1873 but has undergone numerous renovations, and was rebuilt in 2008. Two other schools are private, the St. Agnes Elementary School and the Bishop Miege High School. Located in the southeastern corner of the city, these two schools are affiliated with the Catholic Archdiocese and were opened in 1947 and 1957 respectively. On the Bishop Miege North Campus, The Children's Garden Montessori School and Horizon Academy provide additional educational resources.



Community Center/ Library

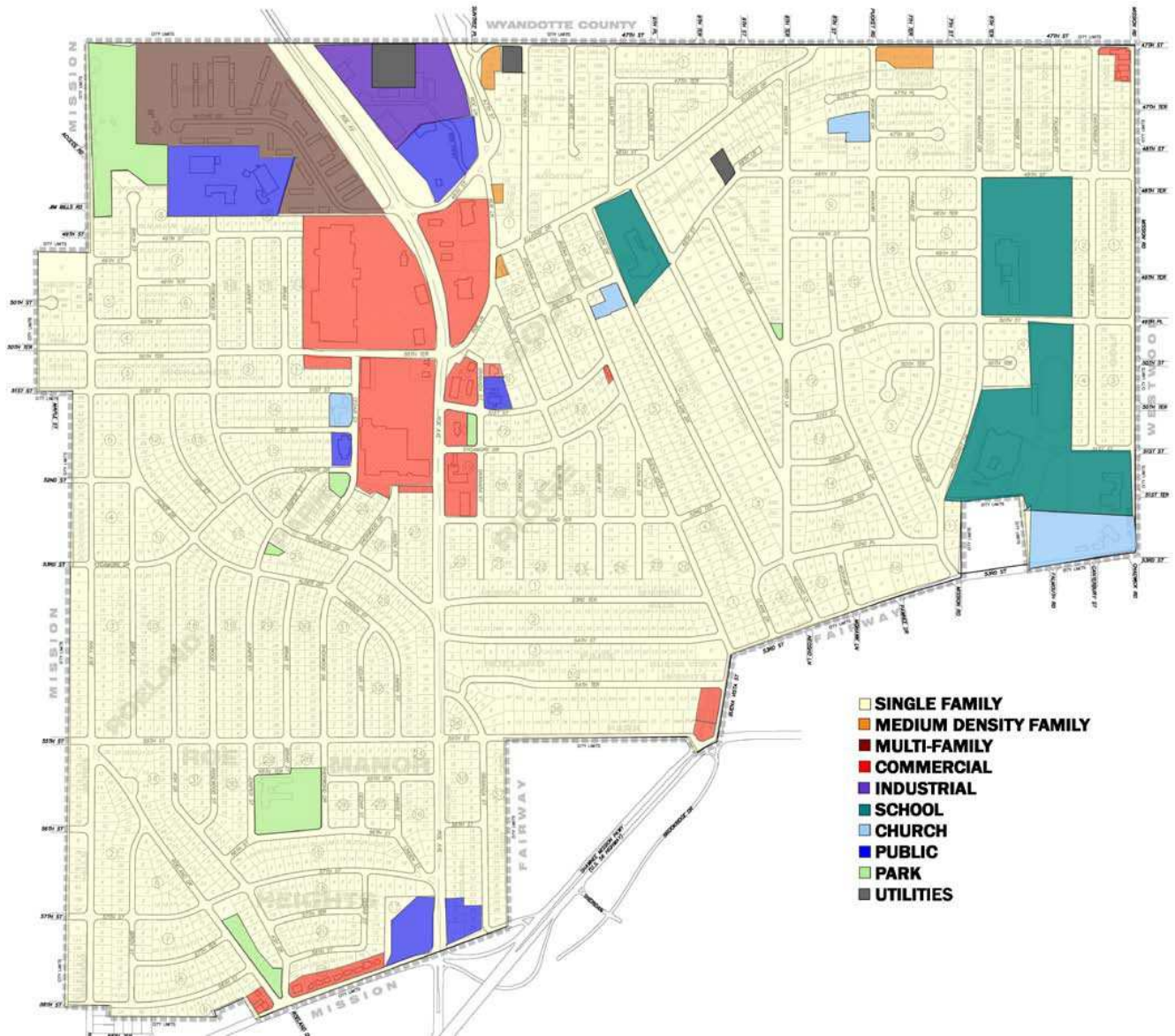
A strong community center is a source of pride for any community. Roeland Park's community center is located just south of Boulevard Apartments and east of Nall Park. The community center building, formally the Skyline Elementary School, was purchased by the city in the early 1980's. The city opened the Community Center's doors in early 1985. The center provides Roeland Park and the surrounding area with educational and recreation services.

A branch of the Johnson County Library sits at the corner of Cedar and 51st Terrace. The library provides local residents with an educational resource and access to the internet.

Land Use

Single family residential is the most prevalent land use in Roeland Park. Over 600 acres, or almost 80%, of the community can be classified as single family. Schools, with 53 acres, is the second most prevalent land use. Schools are followed by commercial (46 acres), multi-family residential (31 acres), open space (19 acres), semi-public (12 acres), industrial (11 acres), church (11 acres), utilities (4 acres), medium density (4 acres) and office (3 acres).

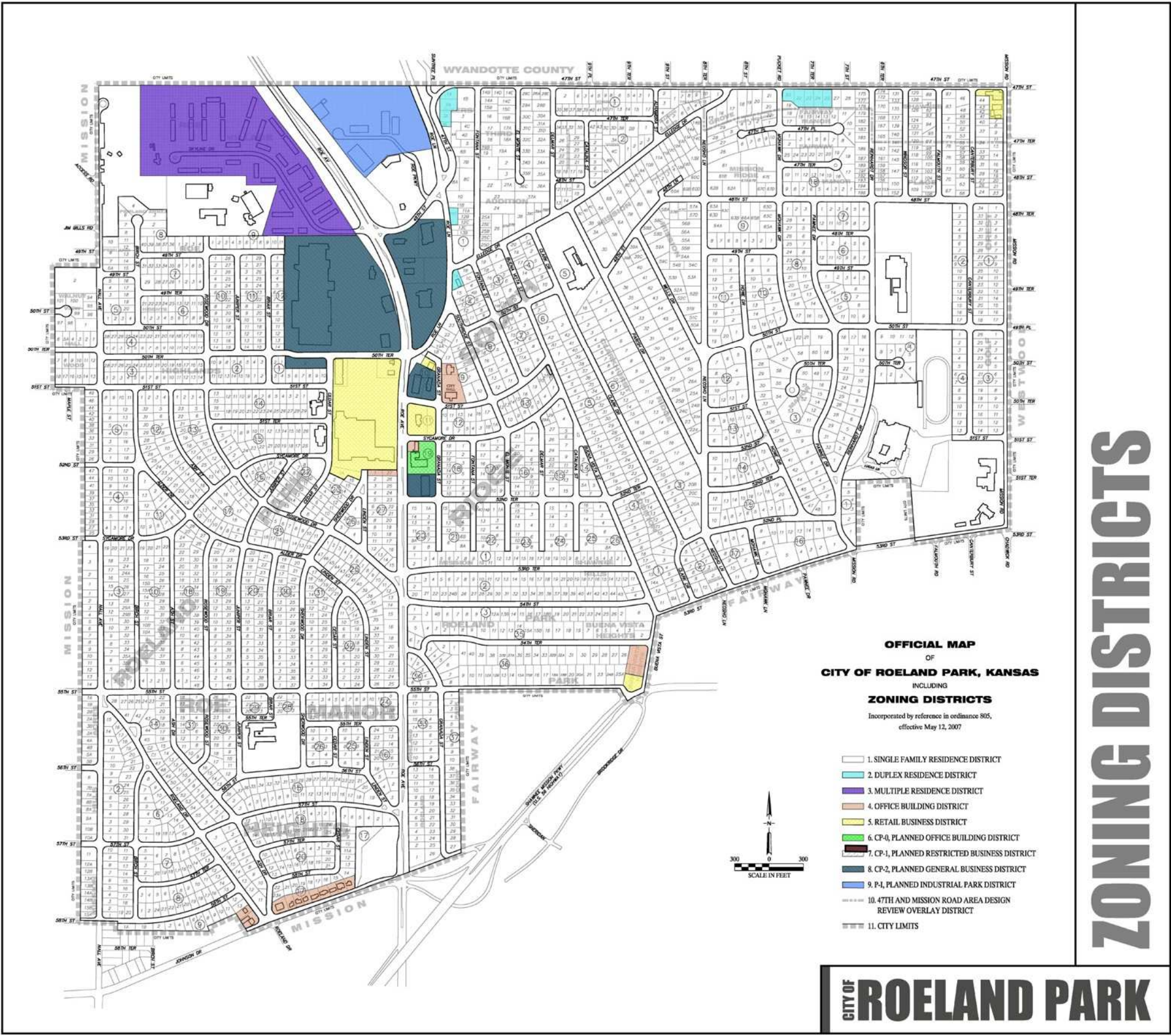
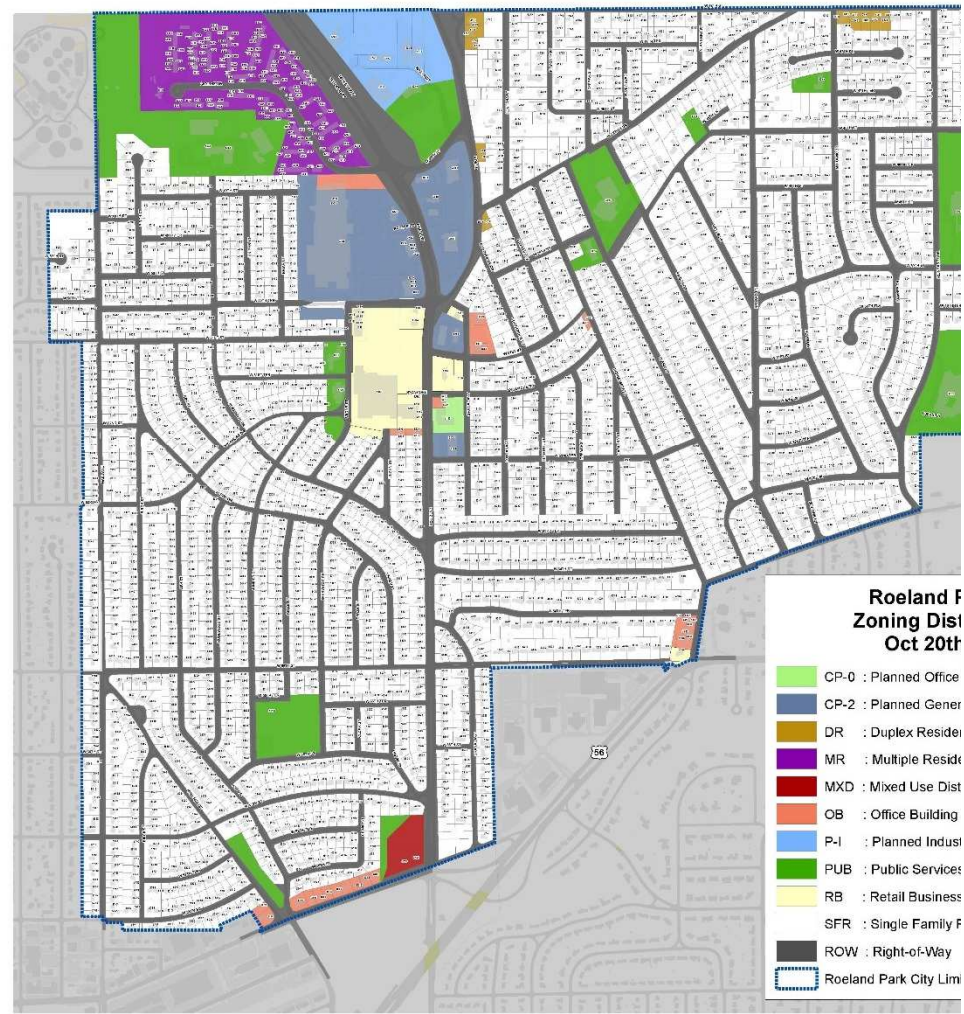
Existing Land Use Map



2.3 Zoning

The Roeland Park Zoning Map designates the uses that are allowed on a given parcel. The Roeland Park Zoning Ordinances (Chapter XVI Zoning and Planning) are used to help shape the community’s future by enforcing an objective set of rules and regulations. In order to accomplish the vision and goals set forth in this comprehensive plan, ordinances may have to be created and/or modified. The proposed town and neighborhood centers will require a more multi-use orientated zoning district.

CITY OF ROELAND PARK, KANSAS
ZONING DISTRICTS

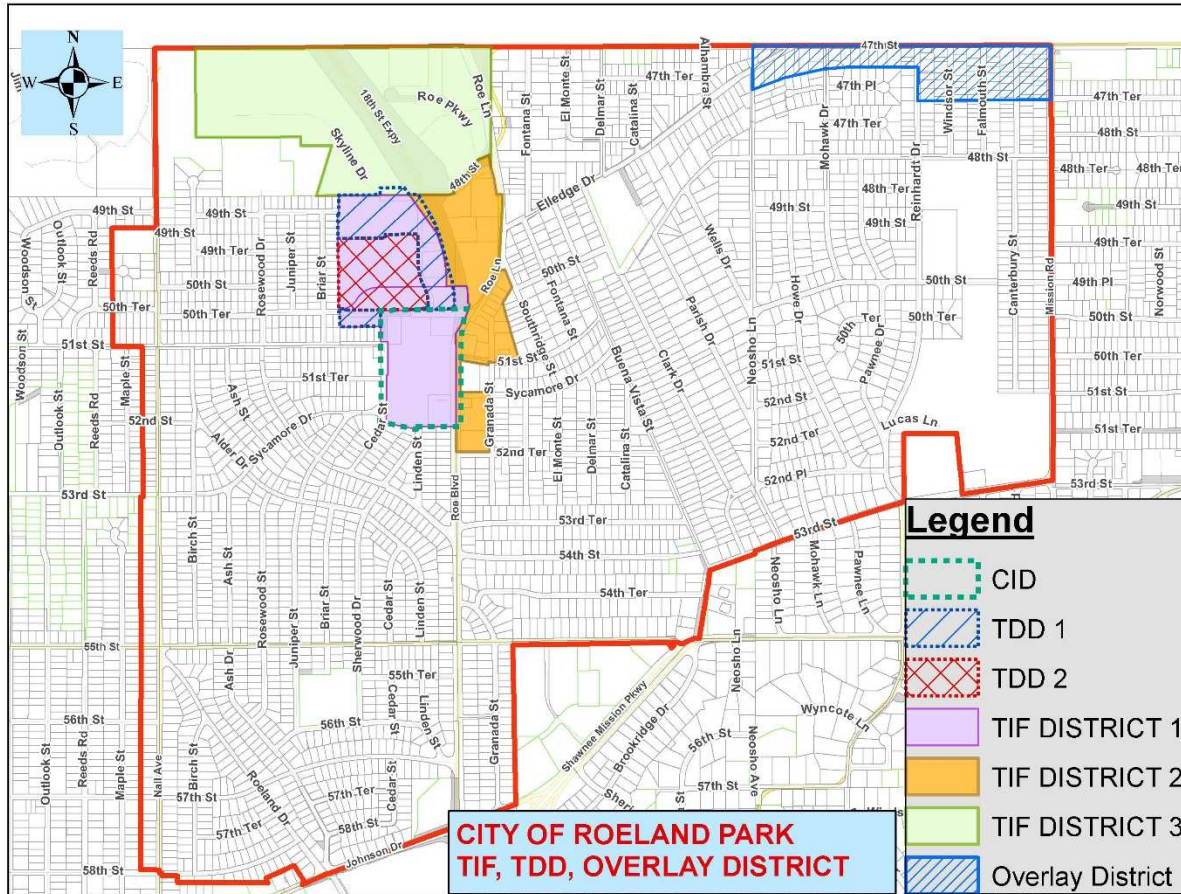


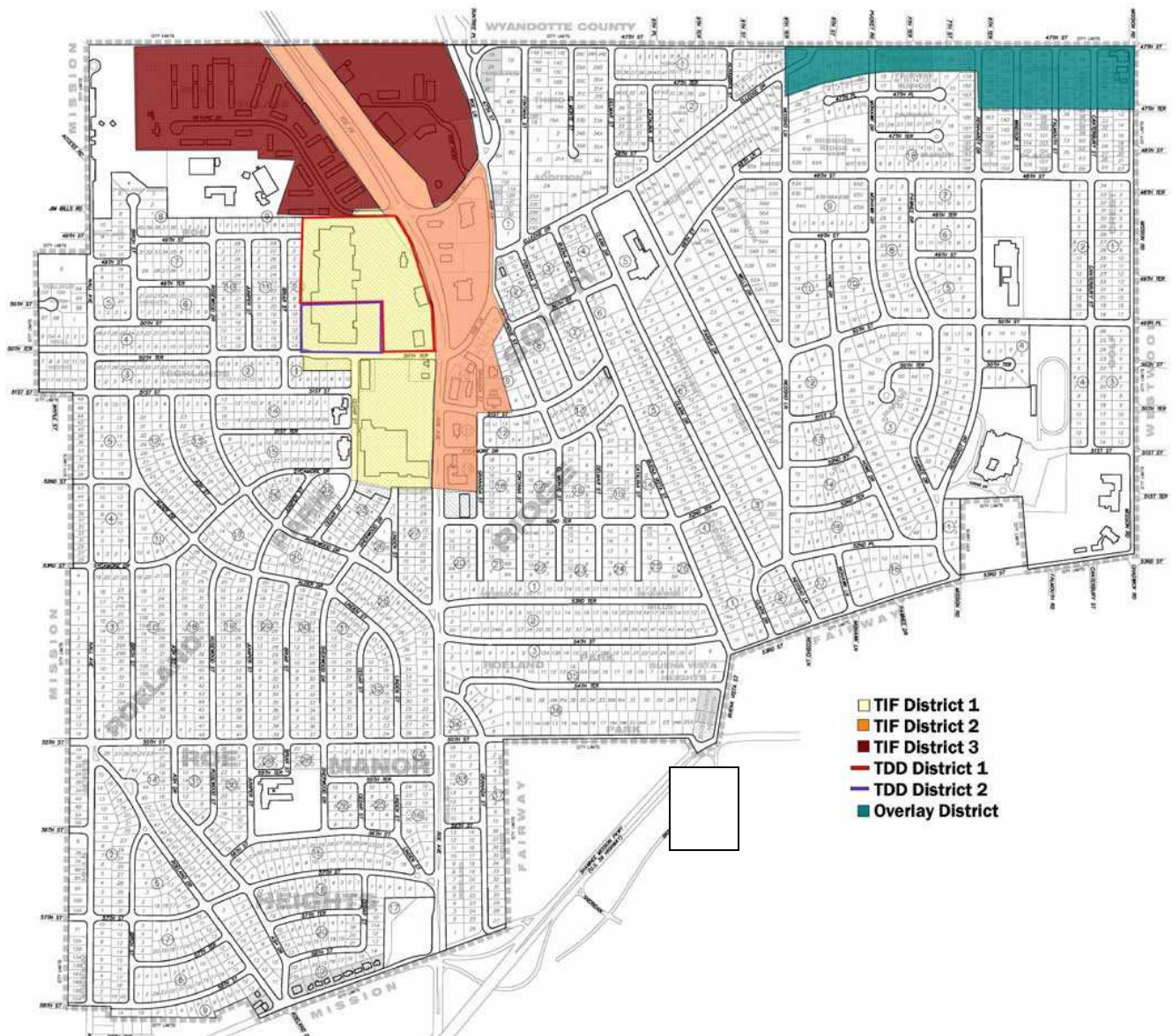
ZONING DISTRICTS

CITY OF ROELAND PARK

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Tax Increment Financing District (TIF), Transportation Development District (TDD) and Overlay District Map





SECTION 3 NEW AND NEIGHBORING DEVELOPMENTS

Introduction

Communities are impacted by factors that occur outside of their boundaries. These factors should be examined before any community plans a course for the future. Roeland Park's proximity to surrounding communities make these impacts likely to occur. Currently, a number of planning and construction projects are moving forward in and adjacent to Roeland Park.

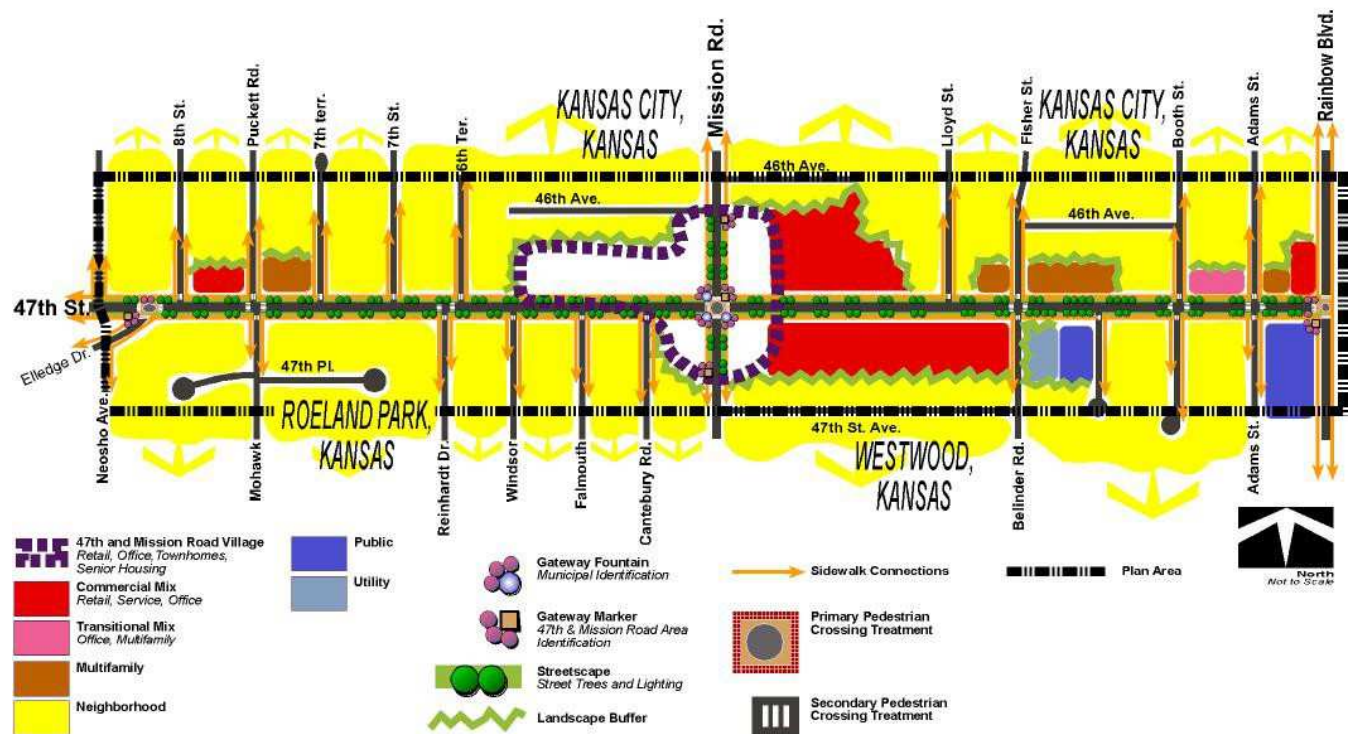
3.1 47th Street & Mission Road Area Concept Plan

A redevelopment plan for the 47th and Mission Road Neighborhood Center has continued to be a focus for the cities of Roeland Park, Westwood, and Kansas City, Kansas. An overlay district has been established as part of this redevelopment plan as shown on the Zoning Map and the Tax Increment Financing (TIF), Transportation Development District (TDD), and Overlay District Map.

[The land at the southwest corner of 47th and Mission in Roeland Park was purchased by private developers in 2015. The buildings were demolished with the goal of installing a permanent sit-down restaurant. The developer also purchased a single family lot adjacent to the property and hopes to rezone to a planned district.](#)

47th & Mission Road Concept Plan

Figure 1: General Framework

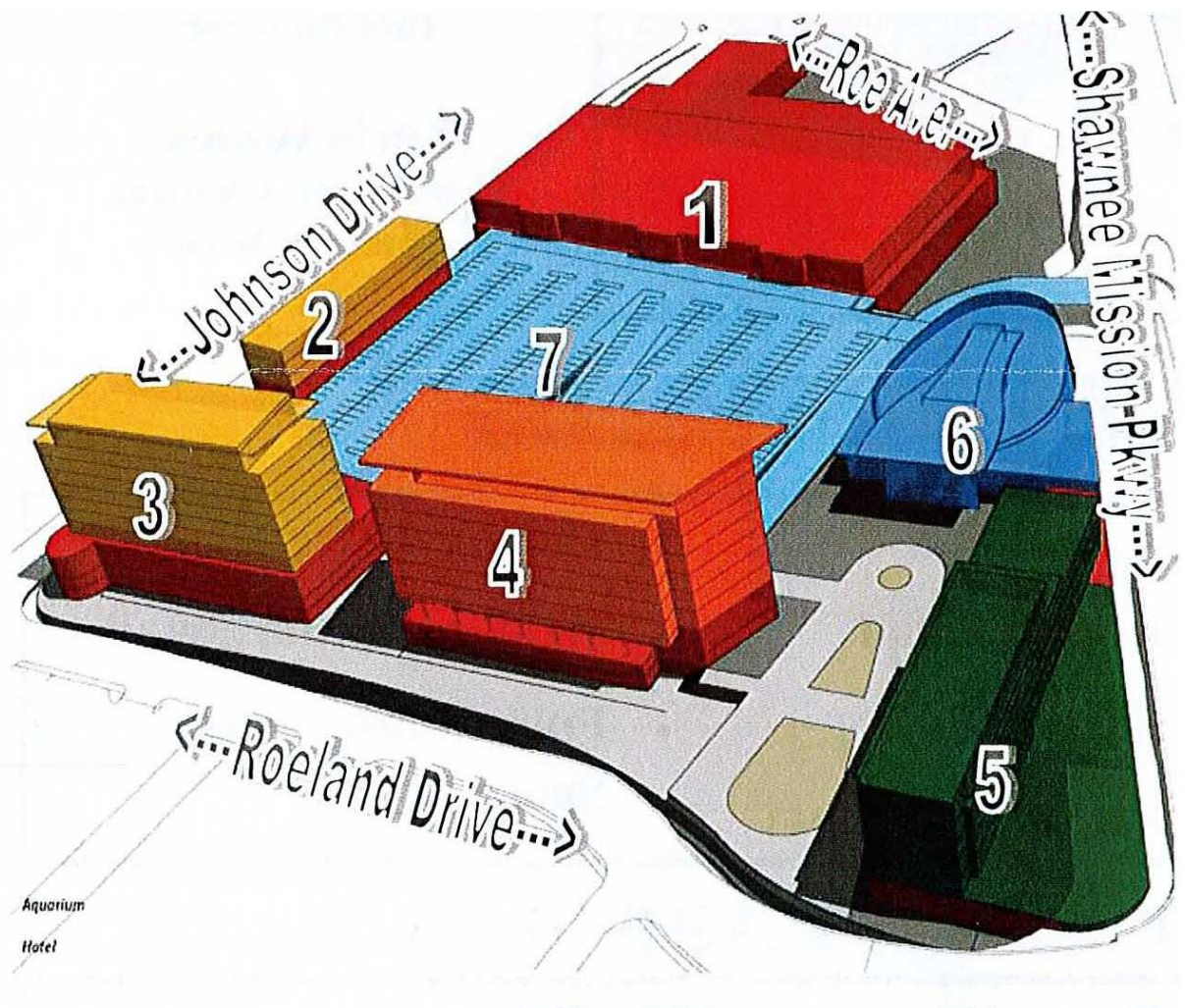


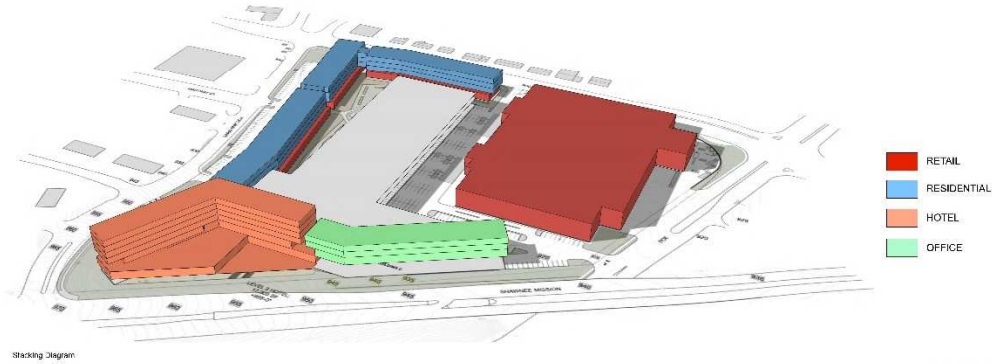
3.2 East Gateway Redevelopment Plan

In March of 2006, the cities of Mission, Roeland Park and Fairway, Kansas completed an unprecedented joint planning effort called the East Gateway Redevelopment Plan. This plan, with citizen input from all three cities recommends a mixed-use concept of residential/retail and office uses along the Johnson Drive corridor to correspond with and support the new redevelopment plan for the ~~former~~ Mission Mall Shopping center site. This 17 acre site on the southwest corner of Johnson Drive and Roe Boulevard was purchased in 2005 by The Cameron Group, a New York developer.

The Gateway development has received approval for mixed use of residential, office, retail, entertainment and public spaces compatible with each other. Features of the Gateway include, major anchor retail (1), office space (4), apartments (4), fitness center (3), boutique hotel (5), small store retail (2, 4), restaurants (4), The Kansas Aquarium (6), theater/entertainment, mid-size anchor retail, public park/green space.

The Mission City Council recently rejected a plan by the Gateway developer to install a mixed use development with a Wal-Mart Supercenter as the anchor tenant. Roeland Park's Wal-Mart was going to close upon the successful completion of the new Supercenter. Wal-Mart subsequently announced it was abandoning the Mission Gateway site and would redevelop the Roeland Park facility. The developer has pledged to return to the City Council with a new plan involving a mixed-use development.





FDP-002

FINAL DEVELOPMENT PLAN
OCTOBER 12, 2010

MISSION GATEWAY
el dorado OLSSON
COMMUNITY PLANNING & DESIGN

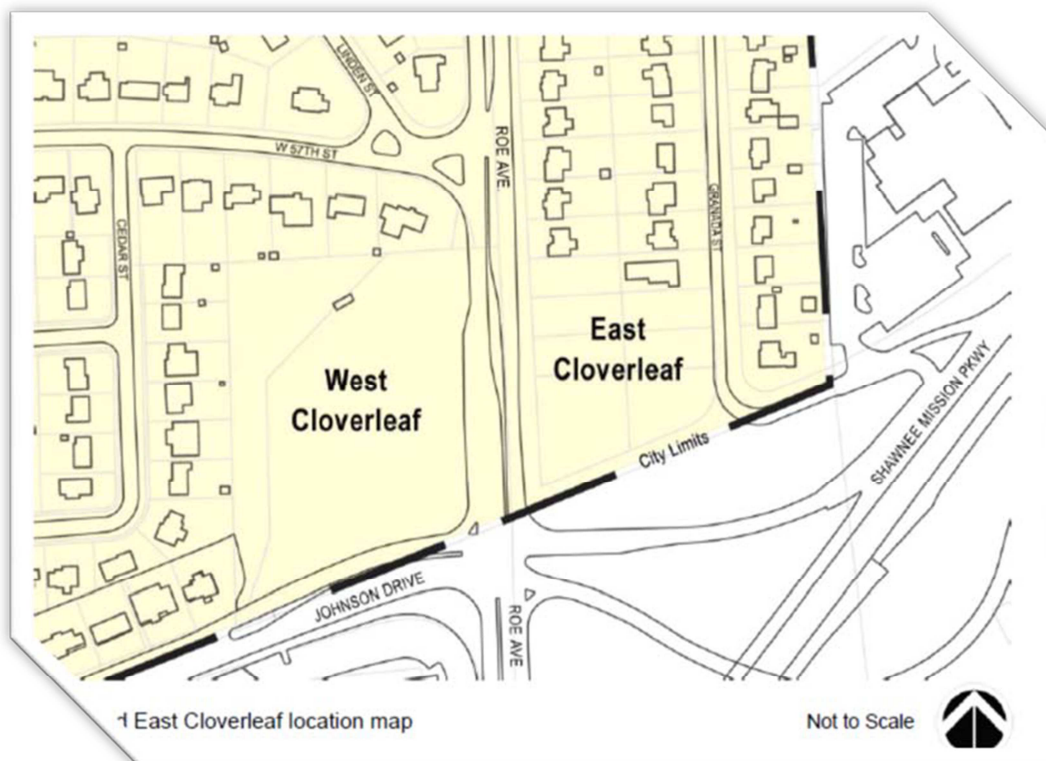
Stacking Diagrams

3.3 Johnson Drive/Roe Boulevard Interchange

In 2004, the cities of Roeland Park and Mission rebuilt the cloverleaf intersection at Roe Boulevard and Johnson Drive, leaving two potential sites for development north of the new intersection, ~~now almost solely owned by the City of Roeland Park.~~ These two sites are referred to in this plan as the East and West Cloverleaf sites.

Specific improvements for these redevelopment sites are described in Section 5.3. The West Cloverleaf site was included in the East Gateway Plan referenced above, which called for a 10-16 story residential tower for future land use to complement the proposed tower on the Gateway project across the street to the south.

Proposed development at the east and west cloverleaf sites would include commercial, mixed-use or residential with consideration to the abutting residential properties.



3.4 ~~Old Pool Site~~ Caves Site

This site is referred to in this plan as the Caves~~Old Pool~~ site. Specific improvement for this redevelopment is described in Section 5.3. Proposed development at this site would include planned restricted business~~commercial or~~, mixed-use ~~or residential~~.



SECTION 4 VISION AND GOAL

Introduction

The vision statement and goals have been revised to reflect changes that have taken place in Roeland Park since the last Comprehensive Plan was implemented. The revisions mainly affect civic development and housing revitalization issues. The revised goals are as follows:

4.1 Vision

Based on the Community Participation Process, a vision statement was formed. This vision is elaborated on further through the development of planning goals in four major categories.

To enhance the image, livability and long term sustainability of Roeland Park.

4.2 Planning Goals

- **Economic Development** - Actively promote quality redevelopment while maintaining a strong tax base. Pursue various scales of owner occupied housing ranging from single detached units to attached townhouses. Implement the visions and goals outlined for the 47th Street & Mission Road study area and the East Gateway Redevelopment Plan.
- **Infrastructure** – Plan, provide and maintain efficient and effective infrastructure that promotes sustained growth, connects neighborhoods and centers, is aesthetically pleasing, environmentally sound and meets the current and future needs of the community.
- **City Character/Image** - Strive to improve Roeland Park through quality civic and commercial development that creates a “sense of place” and promotes pedestrian traffic of appropriate scale and character. [Work toward rebranding to establish a clear identity for Roeland Park.](#) Work to preserve, rejuvenate and upgrade existing residential neighborhoods and encourage additional green space and trail linkages connecting neighborhoods and activity centers.
- **Implementation/Enforcement** - For the safety of all citizens, businesses and property owners in Roeland Park, equitably enforce all city property codes and regulations.

4.2.1 Economic Development

Objectives

1. Pursue redevelopment of existing retail centers that promote multi-use/pedestrian-friendly development and adheres to the plan and direction set forth in this comprehensive plan.
2. Actively pursue improvements to the current shopping districts. Continue implementation of streetscape and landscape amenities.
3. Work with area businesses and property managers on an ongoing basis to improve the appearance of building facades and parking lots. Encourage future expansion of the Town Center Area. Work with area businesses and property managers to improve ingress and egress, parking efficiency, façade design and pedestrian accommodations. Improve East/West traffic flow across the Town Center Area.

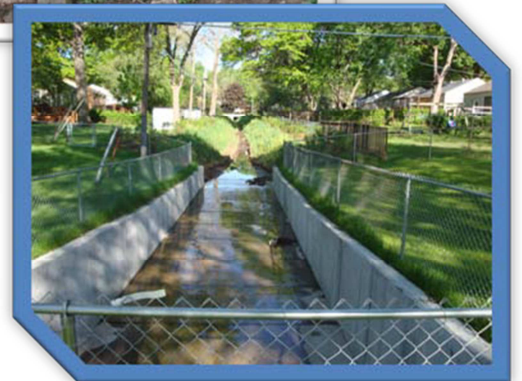
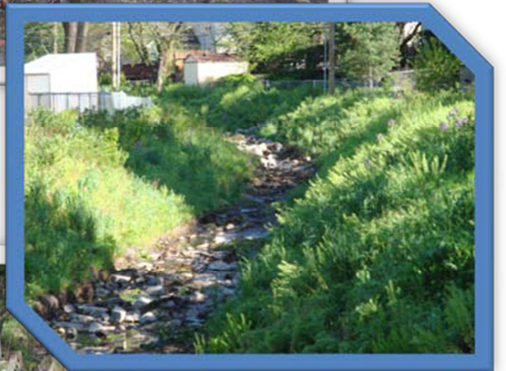
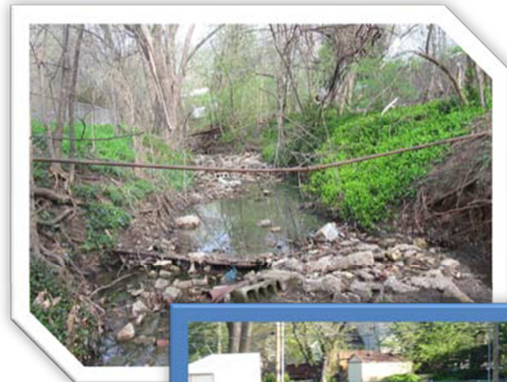
4. Consider enticements and tax/property incentives to attract developers to projects deemed appropriate.

5. Promote somewhat higher densities of owner occupied residential redevelopment that adhere to the plan and direction set forth in this comprehensive plan. Examples of higher densities include townhouses and senior citizen facilities.
6. Promote preservation and improvements in existing single family neighborhoods to upgrade conditions and/or expand facilities while adhering to existing character and scale.

4.2.2 Infrastructure

Objectives

1. Support the development of a comprehensive pedestrian and bicycle trail network with linkages to and between residential and commercial areas.
2. Provide efficient and effective infrastructure that will promote and attract redevelopment that adheres to the plan and direction set forth in this comprehensive plan.
3. Seek roadway upgrades that promote traffic calming and other pedestrian-friendly improvements.
4. Continue Roe Boulevard improvements and add streetscape elements as outlined in Section 6.1.
5. Add and upgrade infrastructure so that it is aesthetically pleasing to residents and visitors and helps to improve the overall quality of life.
6. City will continue to adequately and equitably address the issues of storm water.
7. Promote east/west pedestrian movement across Roe Boulevard at the Town Center area. (see Section 5.1 Map)



4.2.3 City Character/Image

Objectives

1. Seek quality multi-use centers/commercial development that incorporates amenities as focal points, encourages street & sidewalk connections, creates a unique look and feel and becomes a destination and source of pride for Roeland Park.
2. Enhance the civic presence of Roeland Park's public amenities such as the City Hall, Community Center, library, parks, public art, and gateways to the community.
3. Preserve integrity of existing neighborhoods by encouraging maintenance, upgrading, paint programs, tree planting and public art.

4. Consider creating design guidelines that serve as a framework for all new development and building additions and renovations. Consider the implementation of requirements for sustainable green building design components.
5. A trail system should be developed that is aesthetically pleasing, connects existing greenspace and schools, promotes development of future greenspace, brings neighborhoods together and connects residential to commercial destinations.
6. ~~Explore the idea of~~ Developing a consistent branding/marketing strategy for the City of Roeland Park and an implementation strategy for new development and redevelopment.
7. Continue to successfully participate in Tree City U.S.A. program.

4.2.4 Implementation / Enforcement

Objectives

1. Continue and maintain equitable enforcement of city codes and regulations.
2. Promote codes and regulations that encourage continuity and transition between commercial and single family neighborhoods.
3. Encourage codes and regulations that adhere to the vision, goals or objectives of the plan as developed in the community participation process.

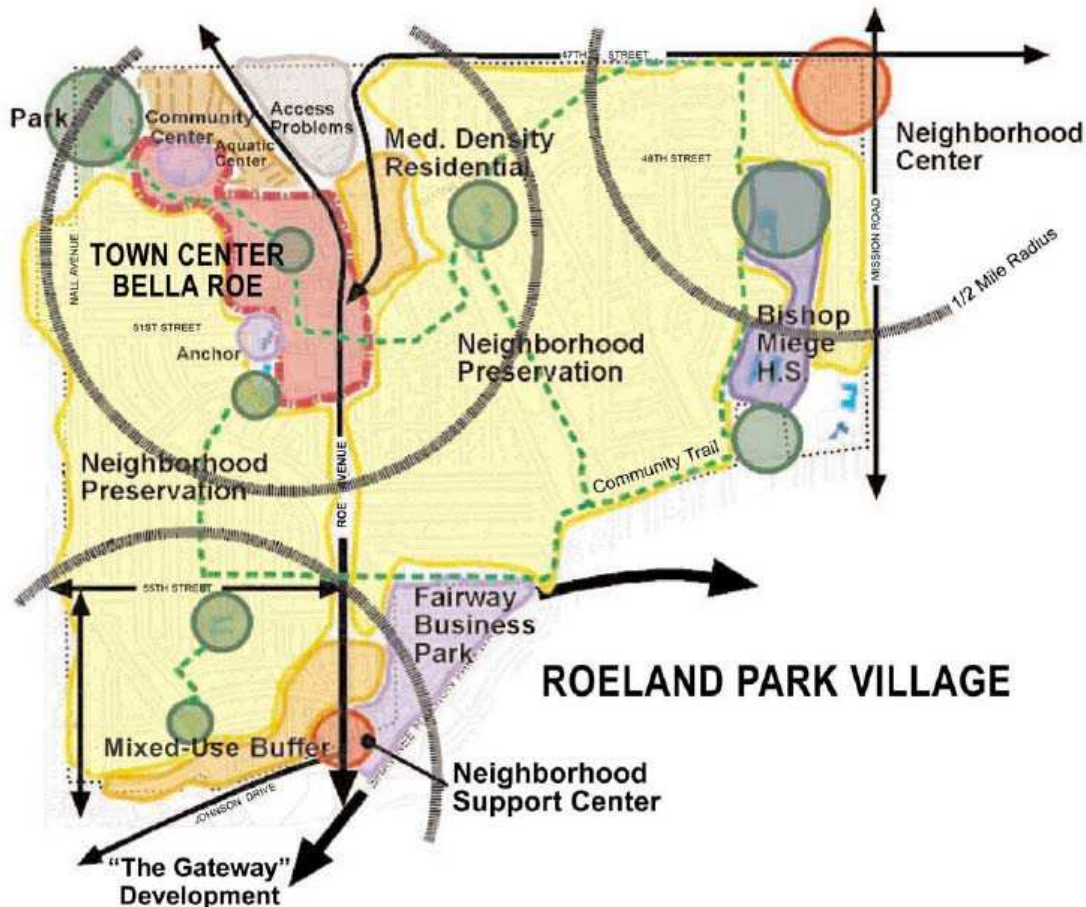
SECTION 5 LAND USE AND DEVELOPMENT PLAN

5.1 Roeland Park Village Center Concept

Roeland Park Village Centers concept envisions a series of walk-able villages. Each village would be centered around a mixed-use cluster consisting of parks and open spaces, a trail/bikeway connection, institutions, retail and residential. Although the exact nature of each village center would be market driven, a premium would be placed on the clustering, coordination and land use integration of these and other uses.

Three village centers of varying scale and character are envisioned for Roeland Park: Town Center, 47th & Mission Neighborhood Center and Gateway Development/Johnson Drive Regional Center. A small neighborhood support center, at Roe Boulevard and Johnson Drive, supportive of the Gateway Development/Johnson Drive Regional Center.

This concept was overwhelmingly favored by community participants in the 2002 planning process, although it was recognized that this was the most difficult of the concepts to implement.



The concept balances new development, redevelopment and open space on the critical city-owned properties within the scale, density and character of Roeland Park. It optimizes a new southern gateway to the city from Johnson Drive, enhances Roe Boulevard as the spine through the community, increases housing options within the city and acknowledges the city's single-family residential foundation of affordable housing.

5.2 Village Centers

The Roeland Park Development Framework contemplates three types of village centers: neighborhood center, town center and regional center. The three types of centers will be different in overall size, however, each village center will be designed to include or be linked to the following:

- Compact, walkable neighborhoods with approximately a one-half mile walking radius
- Public space, such as a square or an important intersection
- Pedestrian/bicycle trails and open spaces linking all villages
- A commercial and/or institutional core that responds to market-driven realities

Neighborhood Village Center

Description A Neighborhood Village Center is a mix of residential uses supporting a small commercial/retail development with locally focused services.

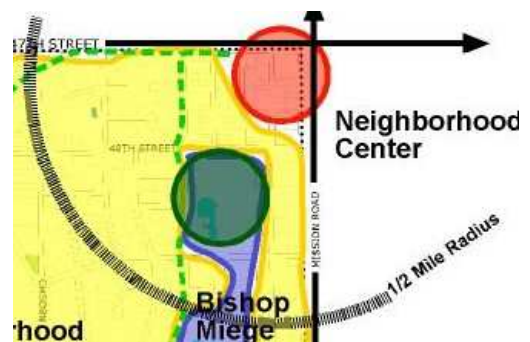
The Roeland Park Comprehensive Plan designates the 47th Street & Mission Road intersection as the neighborhood center. The Plan also designates a neighborhood village support center at the Roe Boulevard & Johnson County intersection.

~~Previously discussed in Section 3.1, the tri-community study produced the 47th and Mission Road Area Concept Plan. The plan already calls for a mixed use neighborhood center at the 47th St and Mission Road intersection. The detailed plan addresses many design and implementation issues such as desired uses, scale, character, public spaces, gateways and financing tools.~~

Service Area Neighborhood Village Centers are intended to provide convenience, goods and personal services with an approximate 1/2-mile service area radius. Residents of Roeland Park, Westwood and Kansas City, Kansas would be within walking distance to this village center.

Size This center is relatively small and focused on providing neighborhood-level services, for example: grocery store, personal services (dry cleaning, beauty salon, bank), restaurant and gas station. These convenience uses can be provided in an area of 60,000 to 150,000 square feet on approximately 8 to 15 acres.

Location Neighborhood Village Centers should be located adjacent to the intersection of arterial and either arterial or collector streets. Pedestrian accessibility, should be assured.

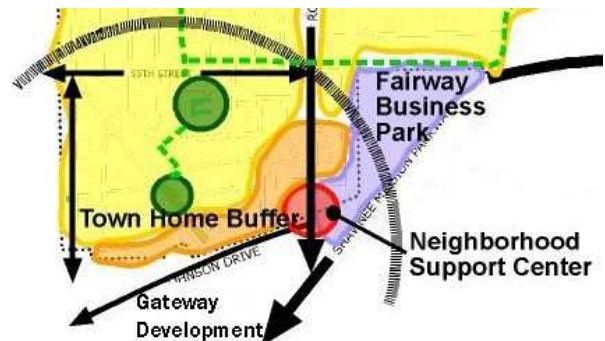


<i>Uses</i>	• Park, trails or public space • School(s) • Religious institution(s) • Local retail and personal services • Single family residential	• Recreation facility • Day care (children or adult) • Neighborhood market • Multi-family residential • Small professional offices and clinics
<i>Amenities</i>	• Public or private parks • Additional width of greenspace between sidewalk and curb • Selected roundabouts at four-way intersections • Greenspace and trails providing pedestrian and bicycle access • Reserved school/ institutional sites • Landscaping and streetscaping	• Tree lined streets
<i>Policies</i>	• Promote the inclusion of amenities as focal points • Protect existing neighborhoods from intrusion of incompatible land uses; ensure that neighborhood villages have identifiable centers and edges • Ensure pedestrian accessibility • Provide a public gathering place • Encourage street and sidewalk connections • Nonresidential buildings should provide space for multiple tenants and uses	

Neighborhood Village Support Center

The Neighborhood Village Support Center is called for at the intersection of Roe Boulevard and Johnson Drive.

The Support Center is envisioned as a mixed-use center; guided by the principles and policies that shape the larger Neighborhood Village at 47th Street and Mission Road. Smaller in size (roughly 7 acres) and in relatively close proximity to the Regional Center, the Support Center supports the Gateway Development and acts as the prominent southern gateway into Roeland Park.



Town Center

Description A Town Village Center is intended to be the focal point of Roeland Park. Within this village center, residents and visitors will find retail shopping, restaurants, entertainment, cultural institutions, workspace, governmental functions and a sense of place and destination.

Service Area The Town Village Center is intended to serve both Roeland Park and neighboring communities as well.

Size The Town Village Center should include 100,000 to 350,000 square feet of gross floor area on a total of 20 to 40 acres.

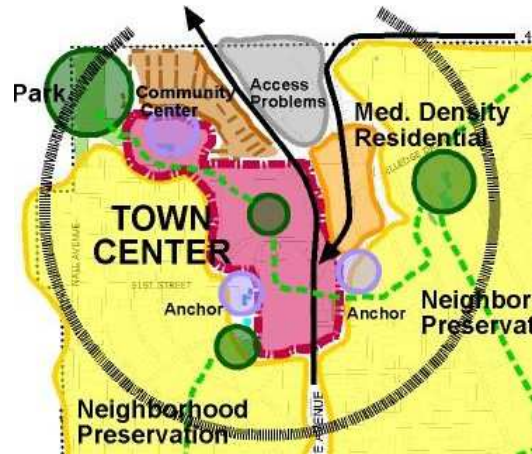
Location The Town Village Center should be located within the existing commercial district at the intersection of Roe Boulevard and 50th Street. The Town Village Center may incorporate existing or redevelop “big box” stores and/or strip malls.

Uses

- Retail sales and services
- Office and workspace
- Multi-family residences
- Mixed-use developments
- Public institutions
- Single family residences (detached and attached)
- Park, trails, open space

Policies

- Uses that generate high levels of pedestrian traffic are encouraged
- Residential uses should be considered as part of a mix of uses within a building
- Streets and public spaces should be designed to enhance pedestrian and bicycle activity, creating easy access to public library and community center
- Town Center should bring together east and west Roeland Park by creating a central destination.
- Small parks and open spaces are encouraged to link trails and higher traffic uses



Regional Center

As stated in Section 3.2, the East Gateway and businesses along Johnson Drive are located just south of Roeland Park. This retail area has a more regional pull attracting people from northeast Johnson County, Wyandotte County and western Kansas City, Missouri.

Roeland Park has minimal influence on decisions made involving this Regional Center. However, Roeland Park can take advantage of the neighboring center and the destination it creates. The Plan calls for the land within Roeland Park and adjacent to the retail center to be phased into townhouses over time and to connect the Regional Center to existing neighborhoods, the future Town Center and the nearby Neighborhood Support Center by extending a trail system south to Johnson Drive. This would be beneficial to Roeland Park for the following reasons:

- Townhouses would create a buffer between the single family residential and commercial uses, lowering noise and light pollution and stopping possible commercial expansions into Roeland Park neighborhoods.
- Higher density townhouses would attract people wanting to live on streets of higher traffic and commercial activity.

- Increased density would bring more disposable income to the Regional Center.
- Additional trails and green space both enhance the area and connect the Johnson Drive corridor to the rest of the community.

It would be beneficial for Roeland Park officials to work with the City of Mission on issues pertaining to the future growth and development of the Gateway Development/Johnson Drive Corridor. This cooperation should be similar to the tri-community effort that produced the *47th and Mission Road Area Concept Plan*. (Section 3.1)

Key Development Components

- The West Cloverleaf Site, owned by ~~a private developer~~ the City, is ~~recommended to be~~ being developed as a mixed ~~use and/or planned business~~ use district zoning category.
- An assessment of highest and best use should be completed on the East Cloverleaf Site to establish the best use of this site in light of its size, neighboring uses and accessibility. This assessment along with this comprehensive plan should then serve as the plan for redevelopment of the site. ~~The East Cloverleaf Site, currently owned by the City of Roeland Park (and about 1.1 acres owned by the City of Fairway and the City of Mission). This site was discussed as a good site for other residential uses or a new senior living facility.~~
- Johnson Drive, between Roe Boulevard and Ash contains commercial property along the northside within the City of Roeland Park. In the Johnson Drive Corridor Design Guidelines, this corridor was recommended to change from single-family home conversions of sparse retail and commercial uses to redeveloped two and three-story mixed use to complement the ~~new~~ planned retail and residential uses across the street. Existing houses would remain to the north.
- Development of the ~~Old Municipal Pool~~ Caves Site (Site 4) as a mix use that may include multi-story structures. The development should take into account the Former City Pool Site Design Guidelines.

Key Open Space Components:

The City should prioritize and implement the recommendations of the City's Park Master Plan.

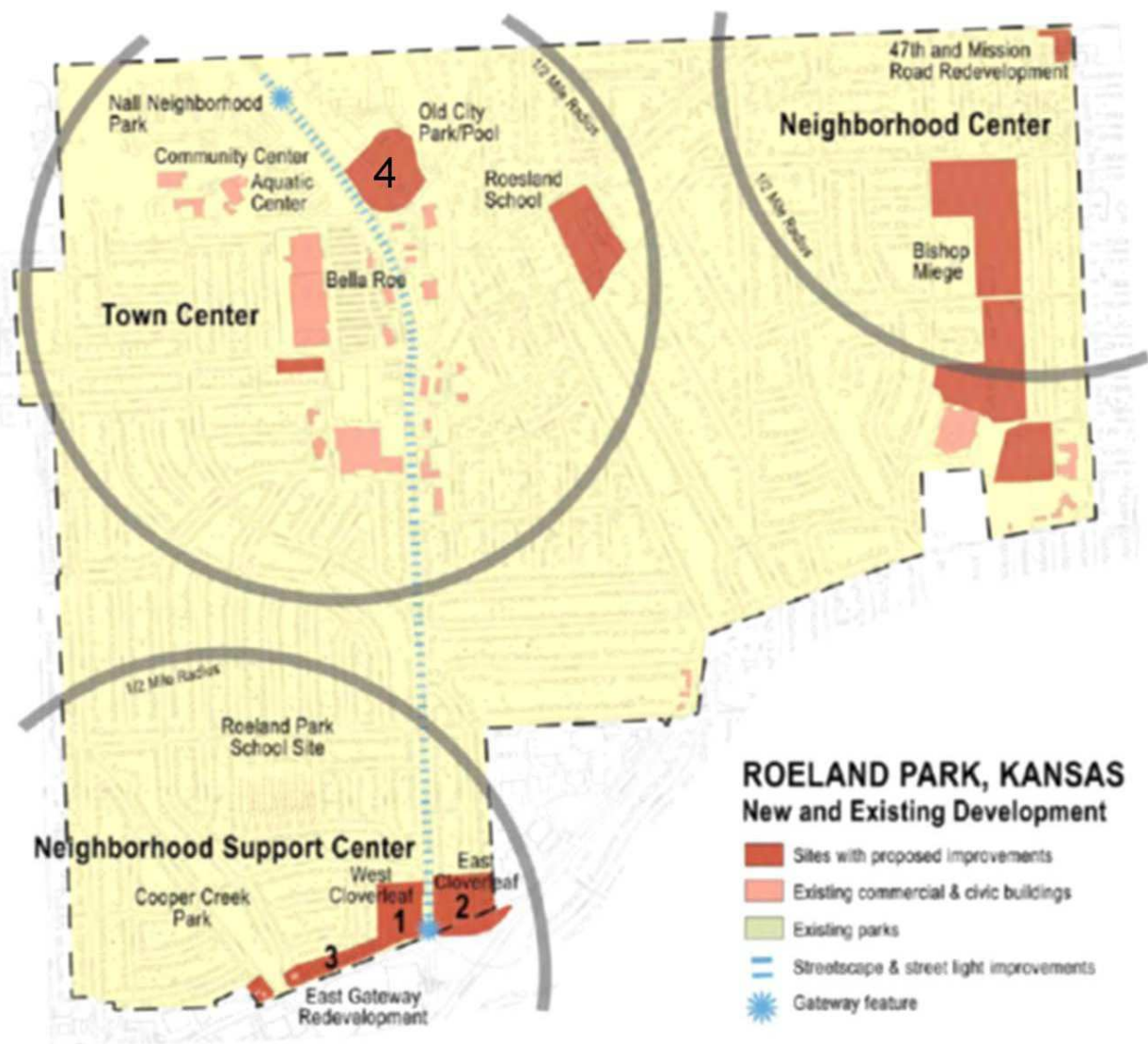
Key Neighborhood Components:

- The City must continue to enforce its property and maintenance codes to keep existing neighborhoods attractive and healthy.
- The City should maintain its involvement in the Mid-America Regional Council's First Suburbs Coalition, to capitalize on innovative loan programs and helpful information for residents on maintaining the marketability of post World War II era housing.

Key Streetscape Components:

- Decorative lighting
- Street trees
- Decorative pavement
- Crosswalks
- Plantings; and
- Other amenities, including formal gateway treatments.

5.3 Site Enlargements



SITES 1 & 2 - Cloverleaf Sites

The properties located north of Johnson Drive at Roe Boulevard, are the result of the interchange reconfiguration completed in 2004. Both sites provide prime development opportunities for the City. During the course of the 2007 Comprehensive Plan the development plans for both parcels were revisited because of additional public input.

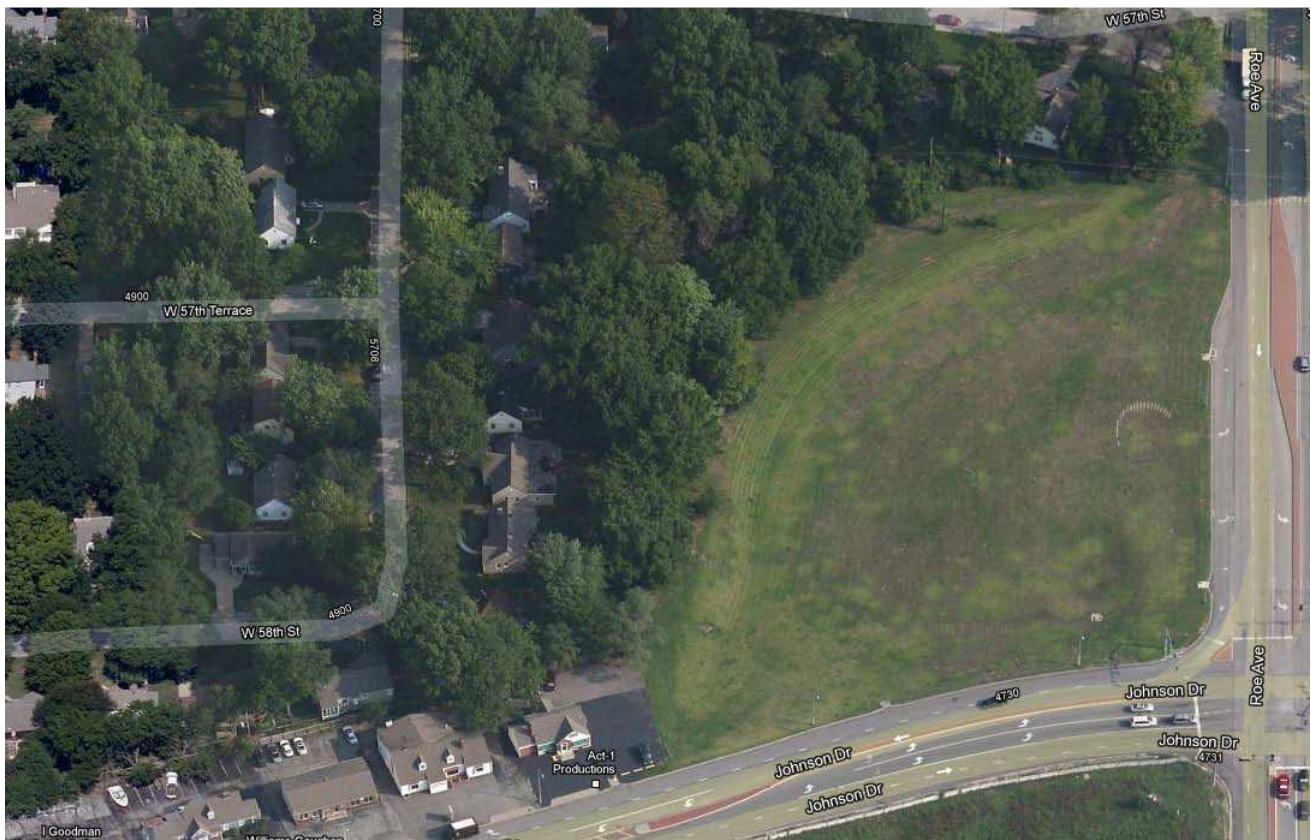
SITE 1 - West Cloverleaf

Goals and Objectives for consideration:

- Preserve adjacent single family residential neighborhoods
- Create a prominent south gateway entrance into Roeland Park

A mixed use and/or planned business district development should be explored on the City owned West Cloverleaf site.

The West Cloverleaf property was purchased by Commerce Bank in 2012 and subsequently rezoned to Mixed Use Development (MXD). Commerce Bank's original plans were to construct a new bank with drive through facility and sell a portion of the property for retail development. In 2016, the bank announced new plans to construct a 2,300 square foot bank with drive through and plans to sell the west section of the property to a small hospital facility which intends to build a 17,000 square foot building.



Proposed Development at the West Cloverleaf at Roe Boulevard and Johnson Drive

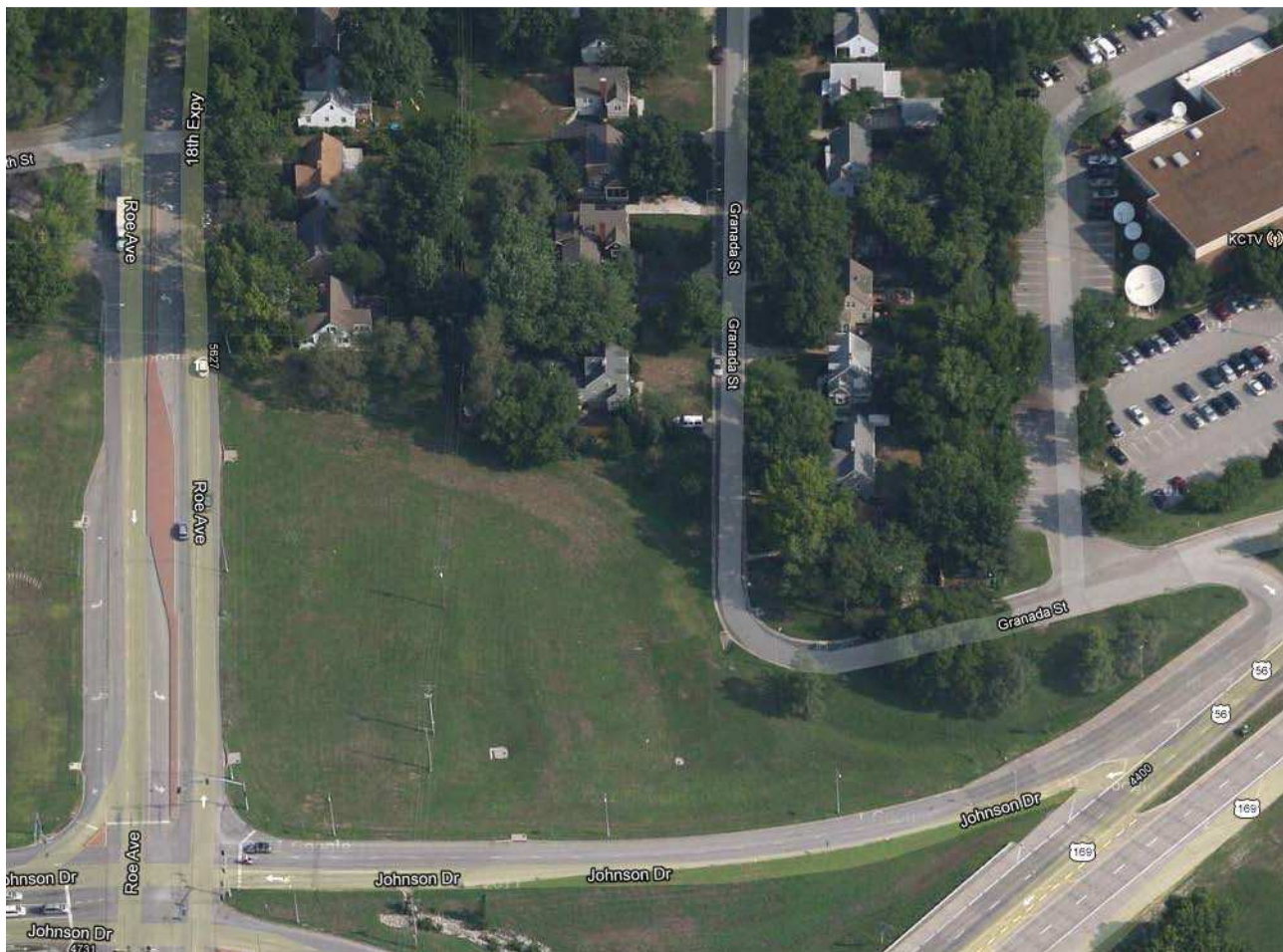


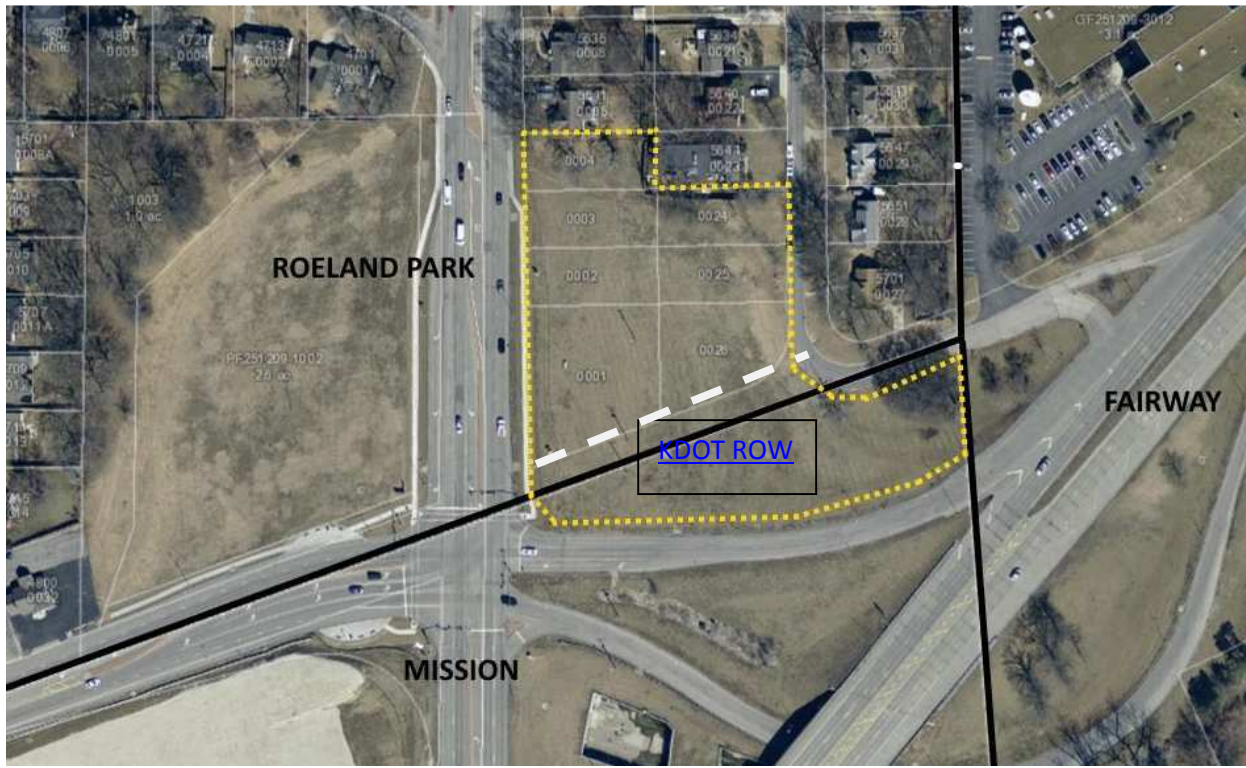
SITE 2 - East Cloverleaf

Goals and Objectives:

- Create a prominent south gateway entrance into Roeland Park
- Enhanced City beautification with trail connection and prominent green space

~~A medium density development should be explored on the City-owned East Cloverleaf site. This option may require the purchase of the small southern portion of the site currently within the limits of the cities of Fairway and Mission, Kansas.~~ Development that occurs on the east cloverleaf should be the result of an assessment of the highest and best use of the property taking into consideration its size, the neighboring homes and accessibility. Roeland Park and the City of Mission have partnered to work toward a development plan for this property largely owned by the City of Roeland Park. Staff is working with the Right-of-Way acquisitions team at the Kansas Department of Transportation to acquire that property for future development.





SITE 3 - North side of Johnson Drive Redevelopment

Goals and Objectives:

- **Promote the economic development**
- **Promote quality redevelopment with various mix of residential, office and/or retail**
- **Create a landmark to promote a positive image of Roeland Park.**

The privately-owned sites north of Johnson Drive between the West Cloverleaf and ½ block west of Roeland Drive were included in the East Gateway Redevelopment Plan study area.



The City has created Johnson Drive Corridor Design Guidelines, see Appendix 8.1.

SITE 4 - ~~Old Pool~~Caves Site Redevelopment

Goals and Objectives:

- Promote the development of single or multi-story buildings
- Promote quality redevelopment with various mix of residential, office and/or retail
- Create a landmark to promote a positive image of Roeland Park.

Though it occupies a prominent position in relation to the ~~new~~ Bella Roe commercial development, the City owned site definitely has its ~~challenging aspects~~ challenges. In 2014, the City combined TIF 3A and 3B into one development district. The TIF for the former pool/caves site is set to expire in February 2018. In response- Because of the drastic topographical change between the abandoned pool site to the south and the Public Works Facility anchoring the north portion, the redevelopment opportunities are focused on the lower south portion and the upward sloping portion on the east side of Roe Parkway. The site includes an abandoned underground mine/quarry, so the cost to develop it must incur the required mitigation work. It is also assumed that the foundations for buildings on this site will require more than the average amount of structural reinforcement which will add to the development costs, the City embarked on an intensive redevelopment effort in 2015 by forming an Ad-Hoc Development Committee consisting of three council members and the mayor. The City also hired a development consultant and enlisting the support of City engineers to determine the structural integrity of the caves. After a geotechnical review, experts determined the remaining caves were no longer structurally sound and must be filled or demolished. In 2016, the City entered into an agreement with a contractor to fill the caves and bring the property to grade. In addition, City officials are seeking to relocate the Public Works Department from the industrial park site to a new building off-site so the land will be available for further redevelopment. The City intends to use funds from the TIF District to prepare the site for development as much as possible before the 2018 TIF expiration date.

Site goals include creating a regional landmark with an anchor tenant, a mix of lodging and restaurants.

~~Actions to be taken for this site are to determine appropriate incentives for development, seek developers for the site.~~



The City has created Former City Pool Site Design Guidelines, see Appendix 8.2.

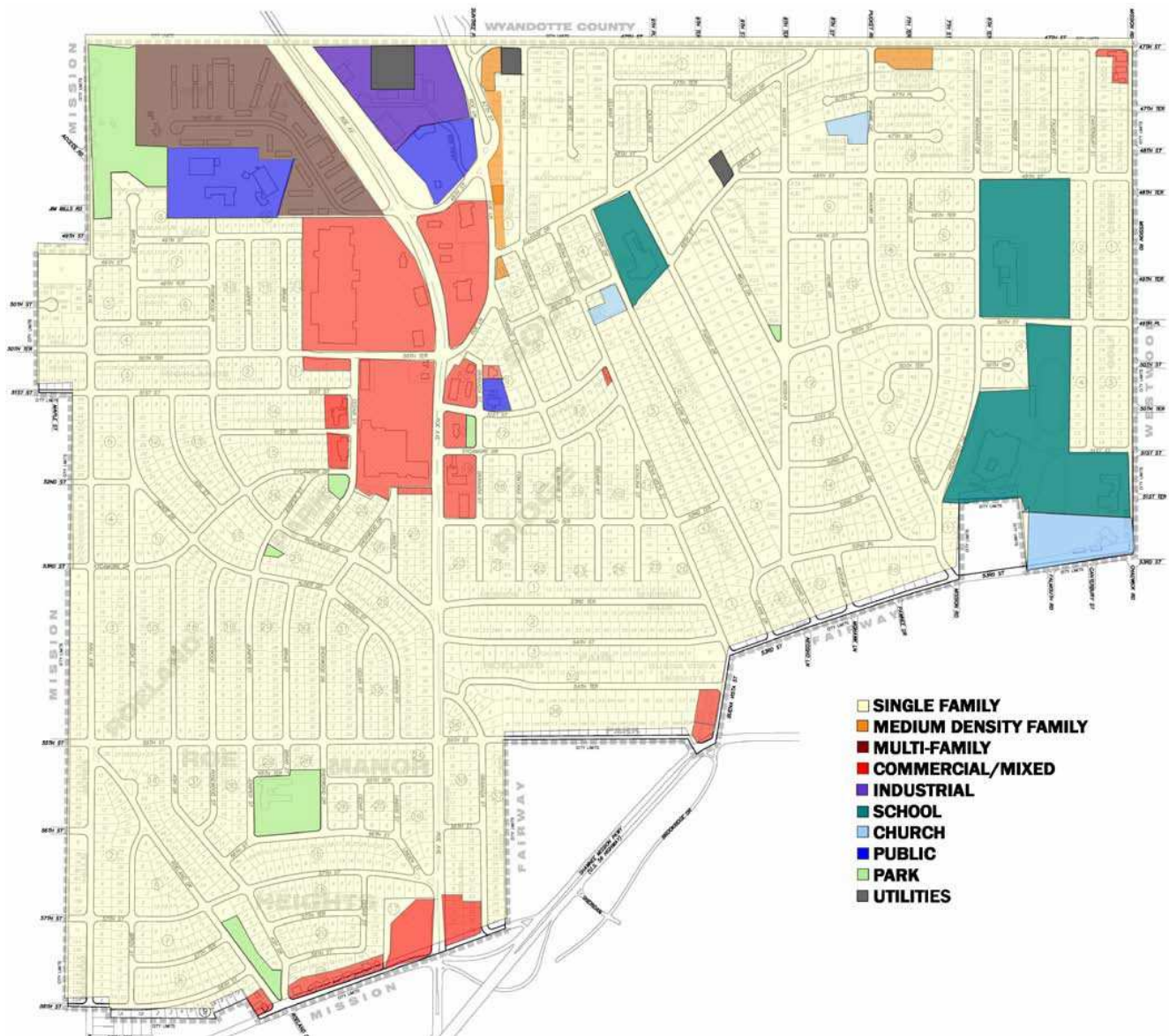
5.4 Future Land Use

The future Land Use Map has been updated to reflect recommendations of this Comprehensive Plan.

The vision for future land use in Roeland Park is guided by the ideas illustrated in the *Village Centers* concept plan shown in Section 5.2. The focus of the future land use should be to accomplish the following:

- Preserve and enhance the existing single family residential neighborhoods
- Create a quality retail destination by transforming existing commercial from auto-oriented to pedestrian friendly development
- Promote owner occupied higher density uses, such as townhouses and senior citizen facilities, within and adjacent to the village centers
- Use existing churches, government institutions and other semi-public uses as anchors for the centers
- Connect neighborhoods to other neighborhoods and to commercial activities through a pedestrian/bicycle trail system
- Minimize the physical and perceived divide that Roe Boulevard creates through such means as pedestrian crosswalks, landscaping and other traffic calming methods stated in this plan

Future Land Use Map



5.5 Housing & Neighborhoods

The residential neighborhoods of Roeland Park make up the cornerstone of the community. Through the “community survey” residents of Roeland Park stated that preservation of existing housing and neighborhoods is one of the most important future issues. This section discusses various ways in which citizens and city officials can preserve their present neighborhoods by planning for the future.

Residential Transition Zone - Townhouses

Townhouses is a type of medium-density residential that the comprehensive plan suggests, in certain areas, for the future Roeland Park. Townhouses can be incorporated into the mixed-use category used in the future land use map (Section 5.4). Located adjacent to the outer limits of the mixed-use centers, along busy roadways or adjacent to more intense land uses, this medium density housing type acts as a buffer between single family residential areas and more intense land uses. This protects and preserves the residential neighborhoods by limiting noise pollution, light pollution and by stopping commercial encroachment. Higher density, such as townhouses, must occur in designated areas with a minimum of eight units, or approximately 1/2 block. This is intended to maintain a sense of order and to discourage the use of higher density in small infill projects.

Residential Transition Zones are conceptual in nature. The intention of the zone is to preserve neighborhoods by protecting established residential areas from encroachment of adjacent uses of higher intensity. This plan deems appropriate the use of townhouses in transition zones, providing the proposed development fits the style and character of the adjacent neighborhood. Areas deemed as “Residential Transition Zones” may be subject to change as the community evolves and the extent of their application will be monitored and evaluated by the city on a case by case basis.



Senior Housing

Senior housing is another higher density residential use. Senior housing can be a solid anchor to a mixed-use center. The pedestrian scale of a mixed-use center is well suited for the elderly. The aesthetics and open space that often accompanies a mixed-use center is desirable to senior housing residents.

Building Codes/ Enforcement

Building codes and the fair and proper enforcement of existing building codes can be a great tool to maintain preservation and foster improvements. Roeland Park must continue to have equitable enforcement of existing codes and implement future codes that adhere to the vision and goals of the plan as developed in the community participation process.

Streets & Sidewalks

Proper upkeep and maintenance of existing streets and sidewalks is crucial to the continued preservation of residential neighborhoods. Additional sidewalks between neighborhoods and commercial centers will create a more walkable community and encourage pedestrian traffic.

Pedestrian Crossings - Roe Boulevard

In an attempt to minimize the divide created by Roe Boulevard, create better pedestrian access to neighborhoods and the proposed town center, and to create a safe and friendly environment for pedestrians the city should examine and identify key pedestrian crossings for Roe Boulevard. These future crossings should take advantage of existing signalization and should avoid adding additional traffic stops. Incorporation of the pedestrian-friendly crossings to a future trail system is encouraged.

Possible key pedestrian intersections are:

1. Roe Boulevard & Roe Lane
2. Roe Boulevard & 51st Street
3. Roe Boulevard & 55th Street
4. Roe Boulevard & Johnson Drive



These intersections should be evaluated further prior to determining the most appropriate crossings.

5.6 Transportation

Transportation planning needs to incorporate all forms of transportation. These forms of transportation can include automobile, pedestrian, bicycle and public transit. Roeland Park has been designed around the automobile. Strip commercial, large parking lots and multi-lane streets were all designed with the motorist in mind. The following suggests a future for Roeland Park designed with the pedestrian in mind. Through a multi-modal approach to transportation citizens of Roeland Park can enjoy a renewed quality of life while maintaining the convenience of the automobile.

Roe Boulevard

Roe Boulevard is a major north/south roadway that connects eastern Johnson County to I-35 and the 18th Street Expressway and Kansas City, Kansas. Thousands of cars travel daily on this 5-lane road which divides Roeland Park in half. Roeland Park has limited influence in changing the physical attributes of Roe Boulevard, such as vehicle capacity and number of lanes. However, Roeland Park can influence future growth and change in the land adjacent to Roe Boulevard. An effort should be made to promote and implement traffic calming techniques that are consistent with roadway characteristics. Such techniques as altered speed limits, additional landscaping and smaller building setbacks can go a long way in calming traffic. Calming traffic in turn will promote a more pedestrian friendly environment, create greater ease at ped-crossings, make motorists more prone to stop at the adjacent commercial center, and help bridge the community divide that was created by Roe Boulevard.

Road Network

Roeland Park has a road network that was formed from a compilation of neighboring subdivisions. As a result connecting streets are rare, making travel between neighborhoods somewhat difficult. East/west access is limited. Fifty-fifth Street is the only true east/west through street in Roeland Park. Both 50th Street & 51st Street are impeded by the existing commercial center. Improvement to east/west vehicular traffic movement should be encouraged in the redevelopment of the town center district. Since Roeland Park is a landlocked community built to its borders, future expansion of the road network is not likely. A focus should be made on continued upkeep and maintenance. Aesthetics and impact on adjacent neighborhoods should also be taken into account.

Trail System

The Preferred Plan discussed in Section 5.2 envisions a community wide pedestrian/bicycle trail system connecting existing parks and open space to surrounding neighborhoods and destinations such as: village centers, parks, local schools, the community center; and the public library. The trail system would bring continuity to Roeland Park by connecting neighborhoods. The trail system would be used as a form of recreation and as a means of getting to and from community activities. Trails may be associated with existing sidewalks and streets or, in some instances, build on those existing assets. Landscaping, vegetation and public art would be incorporated; taking into account the feasibility and availability of land and right-of-way.

Transit

Transit is an important component of any community. Currently Roeland Park is serviced ~~by Johnson County Transit~~ by the regional transit authority, KCATA, ~~a public transit bus line~~. Currently, Johnson County is exploring the possibility of commuter rail that connects Johnson County to downtown Kansas City, Missouri. The proposed route is planned to run parallel to neighboring I-35. KCATA added additional stops in Roeland Park in 2016 through a new transit line traveling through Kansas City, KS. Roeland Park should pursue their relationship with a potential train stop and/or a bus line connecting the City to the rail line.

Funded in part by the County Assistance Road System (CARS) program and the Surface Transportation Program (STP), Roeland Park intends to redesign Roe Boulevard starting in 2018. The project will include new streetscape to include lighting and landscaping, sidewalk extensions, street resurfacing, and new signals. The Pedestrian and Bicycle Safety Ad Hoc Committee report will help guide the redevelopment of Roe Boulevard. The project will help create an identity for Roeland Park and provide landmark elements for the City.

~~A Transportation Investment Generating Economic Recovery (TIGER) Grant will finance transit investments along Johnson Drive. The infrastructure improvements will make transit service more attractive to customers who currently use the bus; attract people who do not yet use transit; and, connect transit to where people work and shop.~~

~~This project is an investment in Johnson County Transits overall transportation system. In the future, it can help improve capacity, reduce travel delays, and ease congestion.~~



5.7 Public Facilities/ Infrastructure

Public facilities and infrastructure are general terms that refer to a broad array of services that communities provide their citizens. Safety, education, culture, government, recreation, transportation and water are just a few of the many services provided. These daily conveniences are often taken for granted. Citizens pay for these services, daily, through local property and sales tax. Many times families and individuals compare communities' public facilities before deciding to purchase a home or start up a business.

Library/ Community Recreation Campus/ City Hall

A library, community recreation campus and city hall are among the public buildings in Roeland Park. These local facilities provide Roeland Park with centers for learning, recreation, arts and culture. They also house important offices such as the local government and police. The library and community center are located in proximity to the new Bella Roe commercial center. The library and community center anchor the **Town Center** zone of the Land Use Plan, enhancing ongoing residential and retail growth of this area.

Stormwater

In the early 1990's the City created one of its first benefit districts to construct storm water improvements in the Elledge Drive / Fontana Drive (Turkey Creek Drainage areas). To date nine benefit districts have been created encompassing approximately 2260 properties or 80% of the City. The purpose of any storm water improvement project is to reduce flooding and potentially redefine certain properties that are no longer in designated flood zones.

Sidewalk & Park Master Plan

A well maintained park and trail system is important to the growth and preservation of any community. Parks and trails provide communities a place for recreation and relaxation. Parks and trails also create a central point, add to community aesthetics and encourage pedestrian traffic. When local parks and trails are planned in a comprehensive manner, the trail system links existing and future greenspaces together. Better pedestrian access between neighborhoods and to and from village centers is also attained. See Appendix 8.3, 8.4.



SECTION 6 FORM AND FUNCTION

Good design is paramount to the sustained development and longevity of any community. The identity of a community or neighborhood is often times determined by its aesthetics, scale and quality of design. Design is more than simply the face of buildings, but expands to include the quality of materials, the scale of public spaces and neighborhoods, pedestrian linkages between land uses, streetscapes, green spaces and the community's willingness to accept innovation. The following design concepts are intended to incorporate and further these ideas.

6.1 Commercial/Public Places

Site Design

- A defined system of streets should serve the needs of pedestrians and cars equitably, providing multiple routes where possible.
- New and infill development should include open spaces (plaza park, green space) for social activity and recreation.
- Exterior lighting should be provided at a pedestrian scale and should coordinate with building architecture and landscaping.
- Gateway features or monuments can be added to enhance the "sense of place" and creates a visual cue that the area is a distinct, special environment.
- Buildings should be located to front toward and relate to public streets, both functionally and visibly, to the greatest extent possible.
- Streets, sidewalks, neighborhoods and districts should be connected both physically and perceptually to the extent feasible. It is important that a continuous pedestrian link is implemented and maintained throughout the community.
- Schools, churches and/or government buildings shall be used to anchor neighborhood village centers and shall be designed to create visual anchors.
- Building orientation should respect the context of surrounding buildings, existing pedestrian ways and sidewalks, and surrounding streets.
- Landscaping can contribute to community's image and "sense of place". Landscaping provides color, highlights desirable spatial enclosures, framed entrances, and it provides a soft element in the hardscape environment.
- Streetscape improvements on Roe Boulevard within the Bella Roe commercial area should be considered for the length of the Roe Boulevard Corridor in Roeland Park. These improvements enhance both vehicular and pedestrian environments and identify Roe Boulevard as the major roadway linking the North/South Gateways to the City. The improvements include decorative lighting, street trees, decorative pavement, crosswalks, plantings and other amenities, including formal gateway treatments.

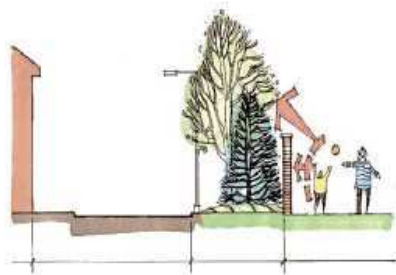
Building Design

- Parking should be located behind or at the side of buildings to the greatest extent possible, and shall be screened.
- Building entrances should be clearly identifiable and directly accessible from a sidewalk.
- Additions to existing significant buildings shall not destroy the materials or design that characterize the property and shall be compatible with the massing, size and architectural features of the existing structure.
- Compatible design need not be created through historic replication, but should reflect a consideration of the scale, material and massing of the adjacent and surrounding buildings.

- Encourage design (building materials, window size and placement, general facade composition) of all sides of buildings with consideration given to views from adjoining lots.
- Non-residential buildings should be designed and located to respect and provide an orderly transition to the scale of adjacent residential buildings.
- All rooftop air conditioning and heating equipment should be screened from view.

6.2 Residential Neighborhoods

- Encourage developments with mixtures of housing types, densities and land uses.
- Streets, sidewalks, neighborhoods and districts should be connected both physically and perceptually to the extent feasible.
- Pedestrian/bicycle links connecting east and west Roeland Park are essential to lessening the divide caused by Roe Boulevard.
- Pedestrian/bicycle links can be used to connect existing and future green spaces.
- Multi-family residential and landscaping can be used to buffer existing single family residential neighborhoods from noise and light pollution caused by surrounding commercial activity and high traffic counts.
- Establish and/or preserve a neighborhood's identity. Identity can be fostered by elements such as a central gathering point, school or interaction between neighbors.



Residential Buffering



Neighborhood Parks



Neighborhood Identity



Multi-family structures in the form of townhouses are envisioned in the Villages Scenario. The townhouses are to be located within proximity to a neighborhood/town center or along high traffic corridors such as Roe Boulevard and 47th Street buffering lower density residential from the arterials and commercial activity. Other types of multi-family encouraged would be senior housing developments that exhibit similar architectural character.

SECTION 7 IMPLEMENTATION

7.1 Development Toolbox

The residents of Roeland Park have a number of implementation tools available. These tools include the following:

<i>Zoning Regulations</i>	A city’s zoning ordinance (establishing use districts and regulating placement, spacing and size of land and buildings) is one of the most flexible, and therefore most important, tools of land development regulation and guidance. The zoning ordinance is a set of instructions for land development and it should include a mix of policy and site-specific layout direction.
<i>Subdivision Regulations</i>	Subdivision regulations address the layout and placement of a new or redeveloped development within a specific zone. Subdivision regulations are typically applicable to non-residential development as well, in the form of office and industrial parks. Subdivision regulations are an appropriate tool for analyzing the design of new development and its impact on existing public facilities and services.
<i>Impact Review</i>	Review of proposed developments at a subdivision or rezoning level should include an analysis of on-site/site design impacts and off-site impacts such as traffic generation, road maintenance, emergency services and open space/park/trail provisions. For projects of a pre-determined size or in specified locations, review could also include environmental, conservation and fiscal impacts.
<i>Landscaping and Buffering</i>	Landscaping and buffering serve a critical function of screening more intense uses from less intense uses as well as adding beauty and interest to individual building sites. With a plan that blends commercial and retail uses as well as density changes across the City, it is necessary to ensure that different categories of use are buffered from each other. It is equally important to ensure that landscaping is integrated into all site development to reflect Roeland Park’s character and provide for a blending of uses in the existing landscape.
<i>Community Aesthetics</i>	A unifying design concept can be an important element in reflecting a community’s character through its built environment. Design at a communitywide scale can be incorporated into site design of commercial centers and new residential site criteria
<i>Request for Proposal Process</i>	The request for development proposal process (RFP) allows the City to identify the specific design, quality and land use requirements for development it desires and to select a developer that is most qualified to meet those requirements. The process allows the City Council to pre-determine its priorities for development and to obligate the developers to meet those standards through agreements other than zoning. This process will be the first step for all city-owned development sites.

7.2 Strategies Matrix

The following strategies are intended to guide the City's implementation of the Roeland Park Comprehensive Plan. They are organized into five categories: physical image; economic development; community identity; infrastructure and public services; and residential preservation and redevelopment. Specific strategies are provided for each category within a phasing plan. There are four suggested phases; short term (0-2 years), medium term (2-5 years), long term (5+ years), and ongoing.

Physical Image Strategies

	Short Term 0-2 Years	Mid Term 2-5 Years	Long term 5 + Years	On going
Consider developing a master plan to improve, enhance and preserve aesthetic qualities in the public right-of-ways (lighting, sidewalks, street landscaping)	X			
Consider creating urban design guidelines (maximum setbacks, rear commercial parking, maximum building sq. footage, facade guidelines, building materials etc.) for the Town Center and Neighborhood Support Center for properties needing development or redevelopment.				X
Prepare a trail, parks, streetscape and landscape master plan to encourage additional green space				X
Identify, evaluate and build gateways at major entrances to the city and neighborhoods		X		
Implement streetscape master plan		X		
Continue to work to minimize the "Roe Boulevard Divide" through various traffic calming methods creating a better foot and bicycle east/west connection while incorporating the Town Center		X		
Create prominent gateway entrance into southern Roeland Park along Roe Boulevard at Johnson Drive and improve northern gateway			X	
Establish a tree planting and trimming program				X
Consider minimum setbacks for commercial/office structures and required parking spaces will need to be reviewed.				X

Economic Development Strategies

	Short Term 0-2 Years	Mid Term 2-5 Years	Long term 5 + Years	On Going
Work with multi-jurisdictional organization to expedite development of the 47th & Mission Road neighborhood center				X
Package incentives and regulatory strategies for Town Center Concept beyond Bella Roe				X
Modify zoning ordinances as required to promote sustainable, mixed-use quality developments	X			

Community Identity Strategies

	Short Term 0-2 Years	Mid Term 2-5 Years	Long Term 5 + Years	On Going
Consider developing specific design guidelines for each development area (caves Pool site, Johnson Drive, Cloverleaf, City Hall, and Roeland Park school site)	X			
Continue to reuse vacant publicly owned buildings to support surrounding uses and activities	X			
Use medium density residential housing as buffers, or transition zones between single family residential neighborhoods and more intense uses				X
Promote the history and significance of the Strang Line and Santa Fe Trail and cooperate with adjacent communities on historic sites				X
Encourage public art through local funds and grants and local public and private funds				X
Ensure that new development appropriately balances hardscape with natural landscaping and adopt measures to reduce off-site stormwater runoff in accordance with Best Management Practices (BMPs)				X
Create a community of destinations (town center, neighborhood center, open spaces, public spaces, etc)				X
Concentrate retail into the designated multi-use town center and neighborhood center				X

Infrastructure and Public Services Strategies

	Short Term 0-2 Years	Mid Term 2-5 Years	Long Term 5 + Years	On Going
Implement methods to ensure that new development shares financial responsibility for impact on City services and facilities				X
Promote pedestrian traffic through community-wide trail system and key Roe Boulevard street crossings				X
Investigate the potential for consolidating public services with adjacent communities for the purposes of economic or functional efficiencies				X
Consider “traffic calming” in neighborhoods and in areas where higher pedestrian concentrations may exist				X
Maintain a current master plan for current and future parks				X
Maintain a current five year Capital improvement Program				X
Continue to communicate with utility companies to reduce duplication of efforts and impact on neighboring uses				X
Assess existing community needs for all forms of public transit and plan for future demands by addressing possible changes in population density and commuter rail				X

Residential Preservation and Redevelopment Strategies

	Short Term 0-2 Years	Mid Term 2-5 Years	Long Term 5 + Years	On Going
Revise zoning ordinance to allow medium density housing to provide secure and appropriate interface between commercial/institutional and residential development, and reflect the unique nature, character and needs of individual subdivisions.		X		
Address “tear-downs” (redevelopment of single family home sites) in Design Guidelines & Zoning amendments	X			
Actively market the City of Roeland Park’s positive differentiators as a prime location for new residents and families	X			
Explore new development and redevelopment for the City of Roeland Park	X			
Explore the idea of developing a consistent branding/marketing strategy for the City of Roeland Park	X			
Ensure ongoing and equitable enforcement of building and property maintenance codes				X
Develop a community-wide educational program promoting residential expansion and renovation. Use the Mid-America Regional Council’s First Suburbs Coalition idea book as a reference				X

SECTION 8 APPENDIX

- 8.1 Johnson Drive Corridor Design Guidelines
- 8.2 Old Pool Site Design Guidelines
- 8.3 Park Master Plan
- 8.4 Sidewalk/Trail Map

ROELAND PARK, KANSAS COMPREHENSIVE PLAN



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2012 - Final
City Ordinance 874
2016 Update via Ordinance 945

Recommended for Approval by the Roeland
Park Planning Commission

April 17, 2012

Adopted by the Roeland Park City Council

June 4, 2012

ACKNOWLEDGEMENTS

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SECTION 1 INTRODUCTION

1.1 Background



The Roeland Park Comprehensive Plan is the City's official plan for the future. The Plan serves as the community's guideline for future development, changes to the City's zoning and subdivision regulations, and compliance with the Code of Kansas Statute No. 12-747 section b.

This comprehensive plan plays an additional role beyond compliance with state statute. It embodies the community's vision for the future of Roeland Park with specific goals, direction for current development opportunities and a community implementation plan.

The plan is based on the following key principles:

- Maintain stability of Roeland Park's single-family residential base.
- Accommodate new types of housing to attract new and maintain current residents.
- Balance the City's opportunity to control the type and quality of development possible with newly created market demand for city-owned property.
- Maximize the City's benefit from the Mission Gateway project.
- Enhance the image and character of Roeland Park.

1.2 History of Roeland Park

On July 2, 2011, Roeland Park celebrated its 60th anniversary as an incorporated city. Before Roeland Park was incorporated, archaeologists explored our region and determined that a group, known as the Hopewellian people, lived in the Kansas City area from 122 BC to AD 800. Around AD 1000 these people gave way to a culture based on hunting, fishing and rudimentary agriculture. The first people to be identified living in the general area that is now Roeland Park, were the Kansa Indians. The Kaw (Kansa) was one of five Dhegiha tribes that migrated west from the Ohio Valley. The Kaw were noted in the area in 1724. The Kansa Indians are believed to be members of a group of Siouan Indians that splintered off a main group and initially settled near the mouth of the Kaw River in Wyandotte County, probably before AD 1800. The tribe also established villages in other locations north of Leavenworth and west of Lawrence. Continued pressures on this group resulted in its moving westward until eventually it, along with other tribes, were relocated to Indian Territory.

In 1829 the United States government granted the Shawnee Indians a reservation that extended along the Kaw River from what is now the Kansas-Missouri state line, westward into Douglas County. The Shawnee Indians initially lived in bark huts or wigwams (Not the tepees of the Plains Indians). They arrived in Kansas in two groups. One group of about 100 arrived in 1829 and the balance of about 900 arrived in 1832. In 1830 the Rev Thomas Johnson attempted to establish a mission for the Shawnee Indians near what is now Turner, Kansas. This proved unsuitable and the mission was relocated and opened in 1839 at its present location. The Shawnees were moved to Indian Territory in 1862, although some individuals stayed on as part of the general population of Johnson County.

An interesting sidelight of "what might have been" is that Joseph Smith and a deputation of Mormons visited Johnson County in 1832. After a careful survey they selected Shawnee Township as the future home of Mormondom. This was not to be. For once, the government had some scruples and refused to break the treaty with the Shawnee. The Mormons then settled near Independence, Missouri.

The first owner of land that is now part of the City of Roeland Park was Sim-e-to, also known as John Denny. He received 160 acres of land on November 7, 1858. This tract was located in the area between what is now 51st Street to 55th Street and Nall Avenue to about Sherwood. The land was preempted and reissued to Mary Pinner, a widow of the War of 1812 soldier. She assigned the land to Alexander Johnson, the son of Rev. Thomas Johnson. Just why the land was taken from Sim-e-to is not known. One report suggests this may have happened because John Denny was part of a gang of horse thieves. He is reported to have been hanged for stealing horses. He is buried in an unmarked grave in an unmarked cemetery located at what is now 55th and Queal Streets in western Merriam, Kansas.



On April 16, 1865 the United States issued a land patent to the Reverend Thomas Johnson for about 1,800 acres of land. Generally this land consisted of all or parts of Sections 3 and 4, and the North half of Sections 9 and 10, Township 12 South, Range 25 East in Johnson County, Kansas. Reverend Johnson was murdered before the patent was completed and title to the land was vested in his widow and children, each of whom received a portion of the land or other assets. The area that is now the City of Roeland Park is all located on land granted to Reverend Johnson, or acquired from Mrs. Pinner.

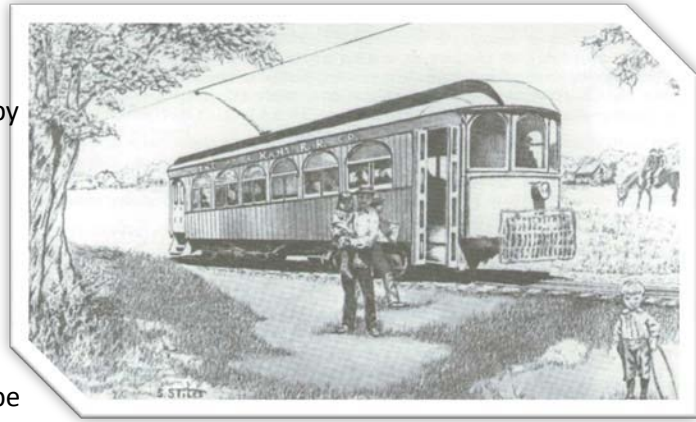
Between 1865 and 1875 various sales and transfers of the property were made. Property owners in 1875 were: Alexander S. Johnson, Andrew M. Johnson and Edna Johnson who were children of Rev. Thomas Johnson; F. A. Waterman, whose wife was the former Laura Johnson, daughter of Thomas Johnson; John B. Wornall whose wife was Eliza S. Johnson; Moses Greno, who owned the Indian Mission site; and J. Chandler, G. W. Fincke, H. Hall, and F. T. Scruggs.

By 1875 Johnson County had several incorporated towns including Shawnee Town, located about five miles west of the Shawnee Indian Mission; Campbellton, located in what is now Merriam, and Glenwood, located four miles southwest of the Mission. Other Johnson County towns included Olathe, Eudora and others. However, only a school, the Shawnee Indian Mission, and farmsteads were in the area in which the City of Roeland Park is now located.

Beginning in 1882, John Roe began to assemble his farm. The original farm was located in the area that is now 55th Street to 59th Street, Nall to Roe. In 1884 and 1893 John Roe expanded his holding northward to 51st Street and subsequently to the Johnson/Wyandotte county line. He also acquired land to the east between Neosho and Mission Road and 55th to what is now Elledge Drive.

In 1905, John Roe granted an easement to William Strang to construct a rail line for the Missouri-Kansas Railroad across the northern parts of his farm. The Missouri-Kansas Railroad, more commonly referred to as the Strang Line, ran from near Westport to Olathe. The line entered the City of Roeland Park area near 47th and Canterbury Streets, traveled southwesterly to near the site of the present City Hall, then across Roe Avenue where it went westerly on the north side of 51st Street.

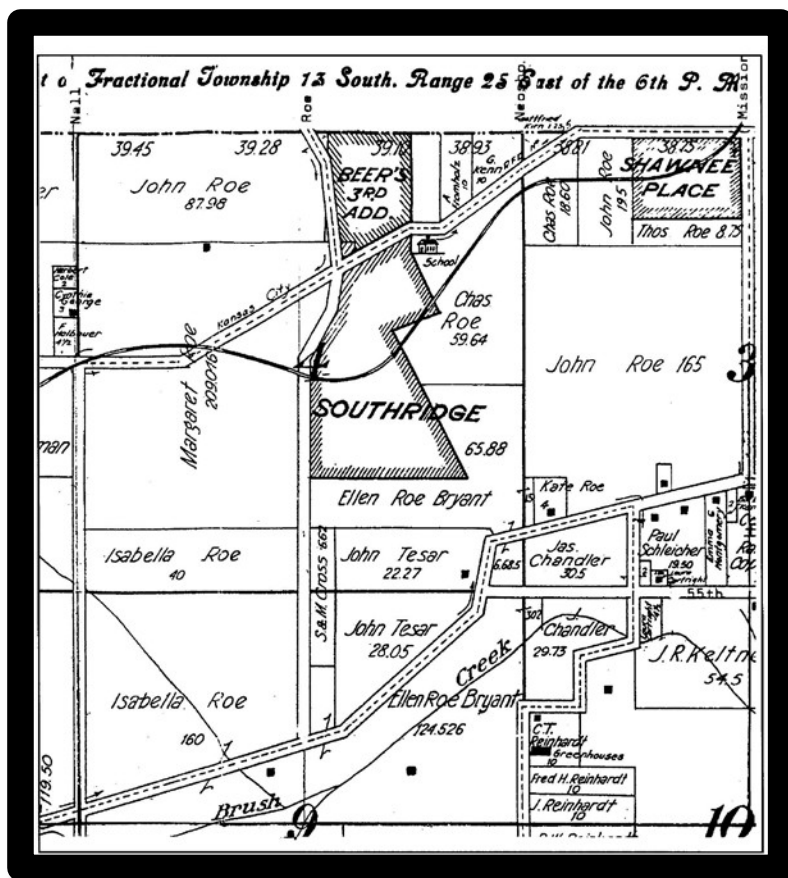
Prior to 1905 the Wornall farm was divided among the children of John B. Wornall. On August 7, 1905 the Wornall children sold this land to William Strang. Strang divided the land by selling the right-of-way for the Strang Line to the Missouri-Kansas Interurban Railway Company. The remaining land was sold to the Strang Land Company. Strang owned a substantial interest in both companies. In 1907 Herman Beers acquired the area between Roe and Delmar, Elledge to County Line. Beers subdivided the land into lots. This appears to be the earliest urbanization of land in what is now the City of Roland Park.



In 1909 the Strang Land Company subdivided the land that had been acquired from the Wornall family and called the area "Southridge." At about the same time, the area that is now between 47th and 48th Street, Mission Road to Reinhardt was platted and designated as "Shawnee Place."

In 1922 Frank Hodges purchased the land now described as Mission Ridge and Mission Grove. Mission Grove had been subdivided in 1921 by Charles Roe, a son of John Roe. Frank Hodges subdivided the Mission Ridge area in 1923 but no substantial development occurred in the area until after World War II.

In 1937, construction was started in the northwest part of the area. Between 1937 and 1940 six houses were constructed in the Pemland Heights area, north of 49th Street and east of Nall. By far the larger area in which development began was the construction by Charles E. Vawter in the areas he named Roe Manor Heights, Roeland Park and Roe Highlands. Initial construction was in the Roe Manor Heights area and along Nall and 51st Street. Construction was halted during World War II due to shortage of materials. Never-the-less, homes under construction were permitted to be completed when Mr. Vawter agreed to rent the houses to war workers.



Charles Vawter purchased the land he developed from Misses Isabella, Catherine, and Margaret Roe, and Mrs. Ellen Roe Bryant, daughters of John Roe. In naming his subdivision for the Roe family, Mr. Vawter established the name for the City of Roeland Park.

1922 Township Map of Roeland Park, Kansas

1.3 Planning Process

The Planning Commission during 2011-2012 spent several months reviewing the 2002/2007 Comprehensive Plan to update statistical information, including the goals and objectives set forth in that plan and to identify, based on updated data about Roeland Park, and the current and future key issues facing the community. The Plan was amended internally in 2016 to reflect updates to various development areas and changes in Roeland Park that affected the document.

- The Planning Commission provided a recommendation by resolution to the governing body after a public hearing process had been completed. The first Comprehensive Plan was created May 7, 1991
- In May, 2002 the City updated the Comprehensive Plan. Consideration was given to future land use and community development issues. The Plan was created by the citizens, City staff, shareholders and elected officials in Roeland Park and is intended to provide guidance on future community development issues. The Plan provided a future vision of the community, a set of common goals for which to strive and a pathway of steps to attain these goals.
- In 2007, the City held an extensive and lively community participation process, guided by a Community Steering Committee, to update the 2002 plan. The Steering Committee held three public town hall meetings and eight Committee meetings. Citizens discussed development pressures, neighborhood concerns, as well as the character and image of Roeland Park, City services and the role Roeland Park should play in the future of the metropolitan area.
- As a function of the Planning Commission, the commissioners are to review and provide updates and recommendations to the Plan. Their focus is on all existing and proposed developments within the City. Public Hearings will be held in April 2012 for public comments.

1.4 Key Issues

One of the primary reasons for replacing the 2002/2007 Comprehensive Plan is the recent development activity in the neighboring City of Mission, Kansas and the subsequent benefit and impact on Roeland Park residents.

This development activity springs from a combination of market forces and the foresight of northeast Johnson County cities to position themselves to not only take advantage of the opportunity presented, but to determine **what** they want and **how** to proceed in order to best serve their citizens.

Many of the action steps outlined in the plan have been completed or are ongoing, especially those related to municipal services and the recent development of the Bella Roe retail area. The city received high marks from citizens at public meetings held in June, 2006.

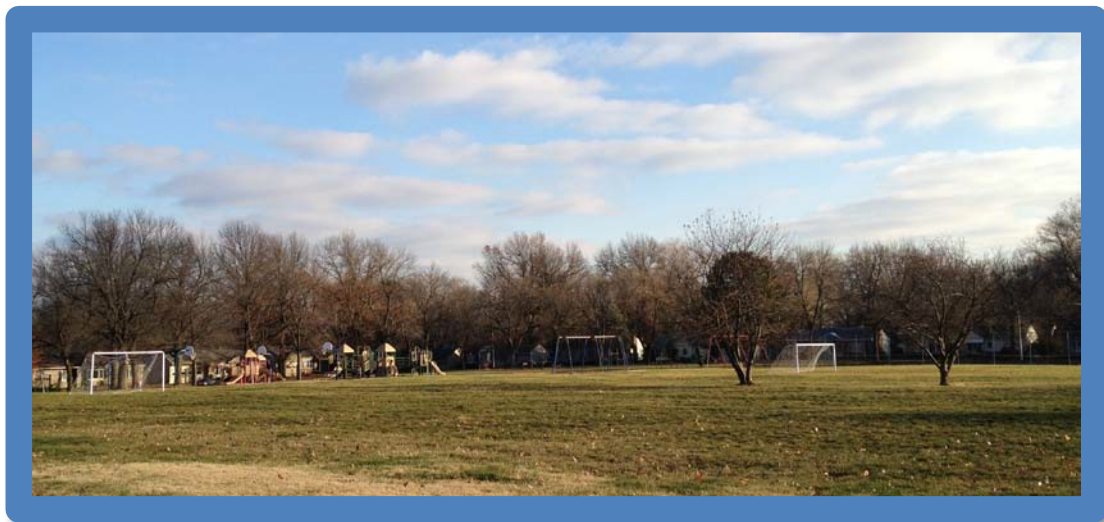
The Plan focuses on the city-owned sites that provide new development opportunities that the city can actually control through property ownership, land use and zoning, thereby leveraging a chance to change the character of Roeland Park.

The key issues are as follows:

- Support the redevelopment plans currently underway for the 47th and Mission Road Neighborhood Center. Refer to Section 3 (New & Neighboring Developments).
- Work in concert with the Cities of Mission and Fairway to promote the redevelopment of the former Mission Mall site into a mixed use development which enhances this highly visible gateway

for the three communities.

- Promote quality development at the two cloverleaf sites at Roe Boulevard and Johnson Drive.
- Utilize the development opportunity at Roe Boulevard and Johnson Drive as a formal southern gateway to the City and create a northern gateway to the City.
- Minimize the physical barriers for vehicles and pedestrians crossing Roe Boulevard.
- Promote higher density residential development where it compliments public uses and supports mixed use development. Higher density residential design should provide options attractive to all ages, affording young people to make memories, raise a family and enjoy their retirement years all within our community.”
- Redevelop the old City Pool site and Roe Lane corridor to be a more viable establishment within the Town Village Center.
- Implement the recommendations of the Park Master Plan on City park properties.
- Encourage upkeep and worth of the Bella Roe Plaza development at Town Center.
- Support quality development in the City.
- Encourage development that maximizes revenue for the City.
- Create and preserve revenue for the City in all development.



R Park- 5535 Juniper

SECTION 2 EXISTING CONDITIONS

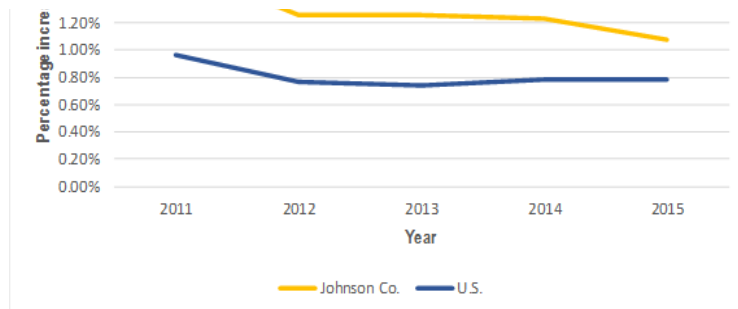
2.1 Demographics

Population

Roeland Park is located in Johnson County, the most populous of the counties in Kansas. Johnson County has experienced tremendous population growth over the last 50 years. The county has grown by over 400,000 residents since 1960. According to 2015 Census Bureau estimates there were approximately 580,000 residents in Johnson County.



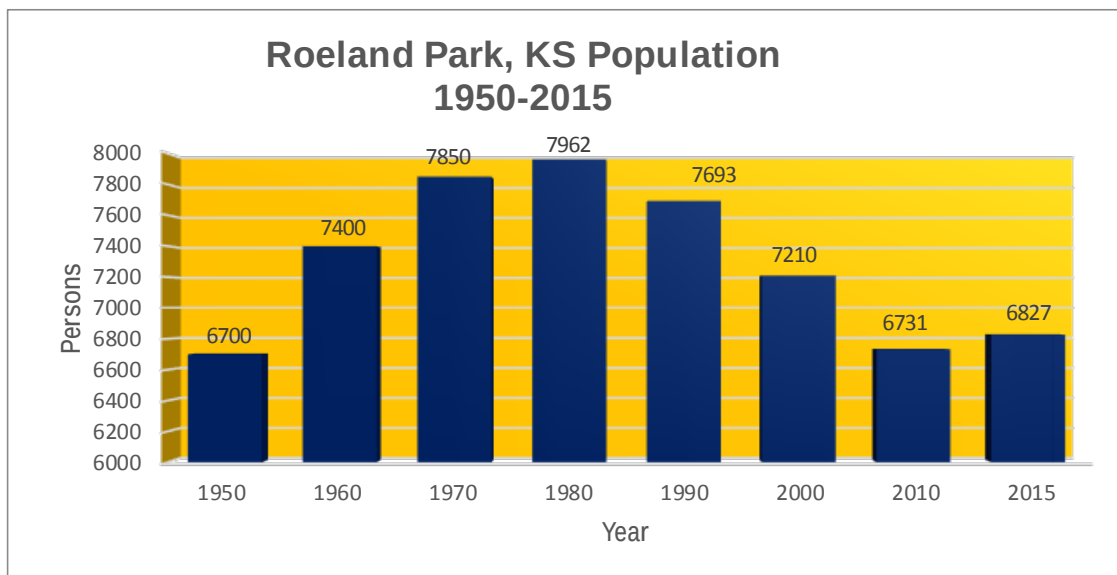
Percentage Change in Population 2011-2015



Population Growth – 2011-2015

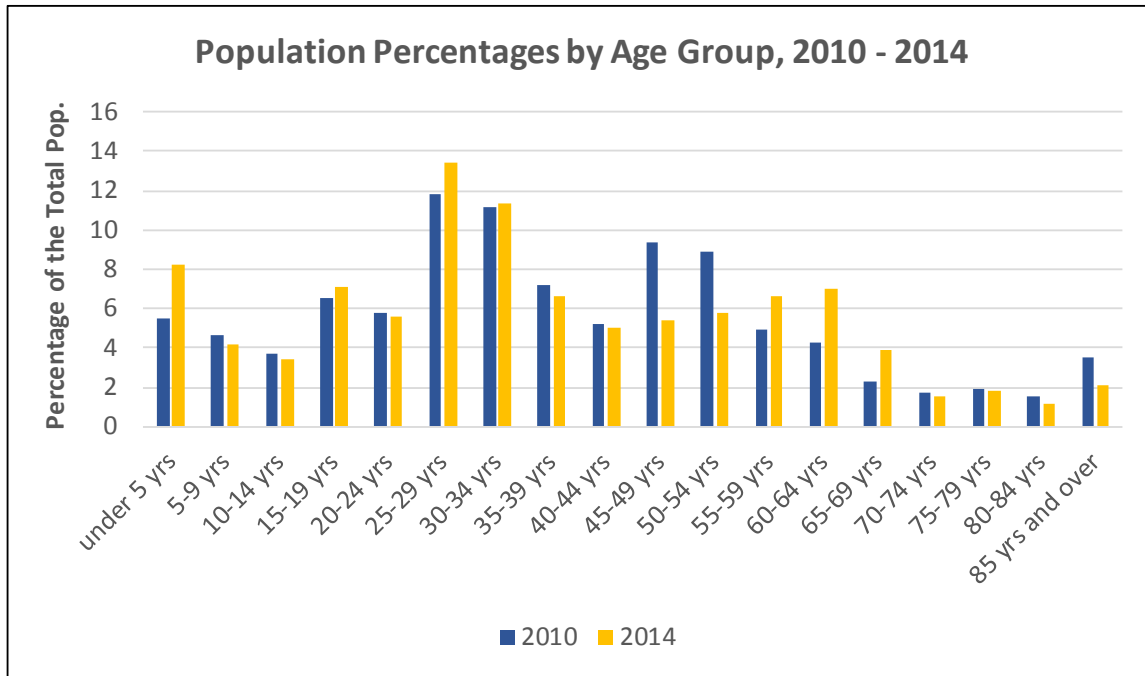
Johnson County	6.61%
United States	4.1%

Roeland Park has not shared in the county's growth. Much of this can be attributed to the lack of developable land within Roeland Park's boundaries, being landlocked by the neighboring communities, the single-family land use that occupies the vast majority of Roeland Park and the general national trend of smaller households. However, 2015 estimates indicate a slight rise in population since the 2010 Census.



Corrected 2000 population count from original 6817 based on Census Count Question Resolution Program.

The estimated population of Roeland Park in 2015 was 6,827 which represents a 1.4% increase from the official 2010 figure. According to the U.S. Census Bureau's American Community Survey (ACS) estimates, in 2014 the population was 47.3% male and 52.7% female. The median age was 33.6 which is a 6% younger than the median age in 2010. In comparison to the median age of residents in neighboring Fairway (40.7), Mission (34.0) and to the US (37.4), Roeland Park is a relatively younger community. The population density in the city is 4,212 people per square mile.



The census trend in Roeland Park is typical for communities of Northeast Johnson County. The level population trend is the result of established housing stock, aging population, lack of available developable land, and the growth and development taking place in southern Johnson County.

2014 US Census Bureau ACS	Roeland Park	Mission	Merriam	Lenexa	Fairway
Population	6,799	9,451	11,191	49,573	3,946
Population Density (persons/sq mi)	4,212	3,735.57	2,590.51	1,445.28	3,461.40
Households (2010 Census)	3,065	5,000	4,900	19,288	1,749
Median Household Income	\$64,394	\$51,080	\$55,103	\$75,400	\$104,916
Total Population Median Age	33.6	34.0	36.5	36.6	40.7

Employment

Roeland Park is primarily a residential community with three commercial anchor stores and an industrial center. Most people are employed by an entity outside the city limits. The primary exceptions to this are the BellaRoe center at Roe and 51st Street and an industrial park located off of Roe Lane on the north side of the community.

The majority of employment offered in Roeland Park can be classified as service. Fast food restaurants, retail stores and drug stores are examples of the types of service sector employment. The three largest employers in

Roeland Park are Wal-Mart, Price Chopper and Lowe's. Most non-service sector employment is provided through a small number of manufacturing businesses and banks.

In 2014, there were 4,336 people over the age of 16 in the labor force. Of City residents 97% were employed, 2.2% were unemployed and 22.7% were not in the labor force. In the same year, unemployment in this area was 3.5% and in 2010 it was estimated 3.6%.

In 2000, 86.7% of residents were employed in white-collar jobs in the management, service, sales and related fields. By 2014, the percentage of white collar workers increased to 89.7%, and those employed in blue collar occupations in the construction, maintenance, production and related fields made up 10.2% of employed Roeland Park residents.

Income

In 2014, estimated median household income in Roeland Park was \$64,394, compared to Fairway (\$104,916), Mission (\$51,080) and the US median which was \$53,482. In 2000 the median household income in Roeland Park was \$51,962. The change from 2000 to 2014 was nearly 24%.

In 2014, the per capita income in Roeland Park was \$33,645, compared to Merriam (\$27,986), Mission (\$33,362) and the \$US per capita, which was \$28,555. Most citizens receive income from salaries and wages, with some citizens deriving income from investments as well.

Households

Housing makes up the vast majority of Roeland Park. A household is defined as a family, group or individual residing in a housing unit. A housing unit is the actual physical structure. During the 10 years between the 1990 and 2000 U.S. Census surveys, total households decreased and total housing units have increased in Roeland Park. These reported trends reflect national trends of similar aging inner ringsuburbs.

As of the 2010 Census there were 3,065 households in Roeland Park. Although estimates of households are not available in ACS estimates, the total number has likely increased alongside the total population. According to the Tapestry Segmentation study conducted by Esri, an international GIS company, approximately 88% of Roeland Park residents belong to households comprised of singles in shared housing, married couples without children, and other nonfamily units. Most of these mainly younger residents are mobile and have some college education.

Housing Units

As of 2014 there were an estimated 3,215 housing units in the city, a 5.6% decrease from 3,405 in 2010. The median unit value in 2014 was \$155,300 which represents a slight 0.6% decrease from the 2010 median value of \$156,300. For comparison, the 2014 median unit value in Mission was \$153,800 and in Fairway was \$292,800. In 2014, 2,227 housing units were owner occupied and 752 were occupied by renters. The average monthly mortgage payment in 2014 was \$1,386 compared to \$866 for renters. The same figures for 2010 were \$1,377 for a mortgage and \$801 for rent.

Race and Ethnicity

In 2014 the racial makeup of the community was 91.1% white, 2.6% black, 0.3% Native American/Alaska Native, 2% Asian, and 3.5% identified as belonging to two or more races. Compare these to Fairway (96.1% white, 0.3% black, 0.1% Native American/Alaska Native, 1% Asian), Mission (85% white, 7.8% black, 0.1% Native American/Alaska Native, 2.9% Asian) and the U.S. (73.8% White, 12.6% Black, 0.8% Native American/Alaskan Native, 5% Asian).

The Census includes people who identify as Hispanic or Latino as "white" for survey purposes. In 2014 12.9% of

residents identified as Hispanic and Latino compared to 3.0% in Fairway 8.2% in Mission and 16.9% of the U.S. population.

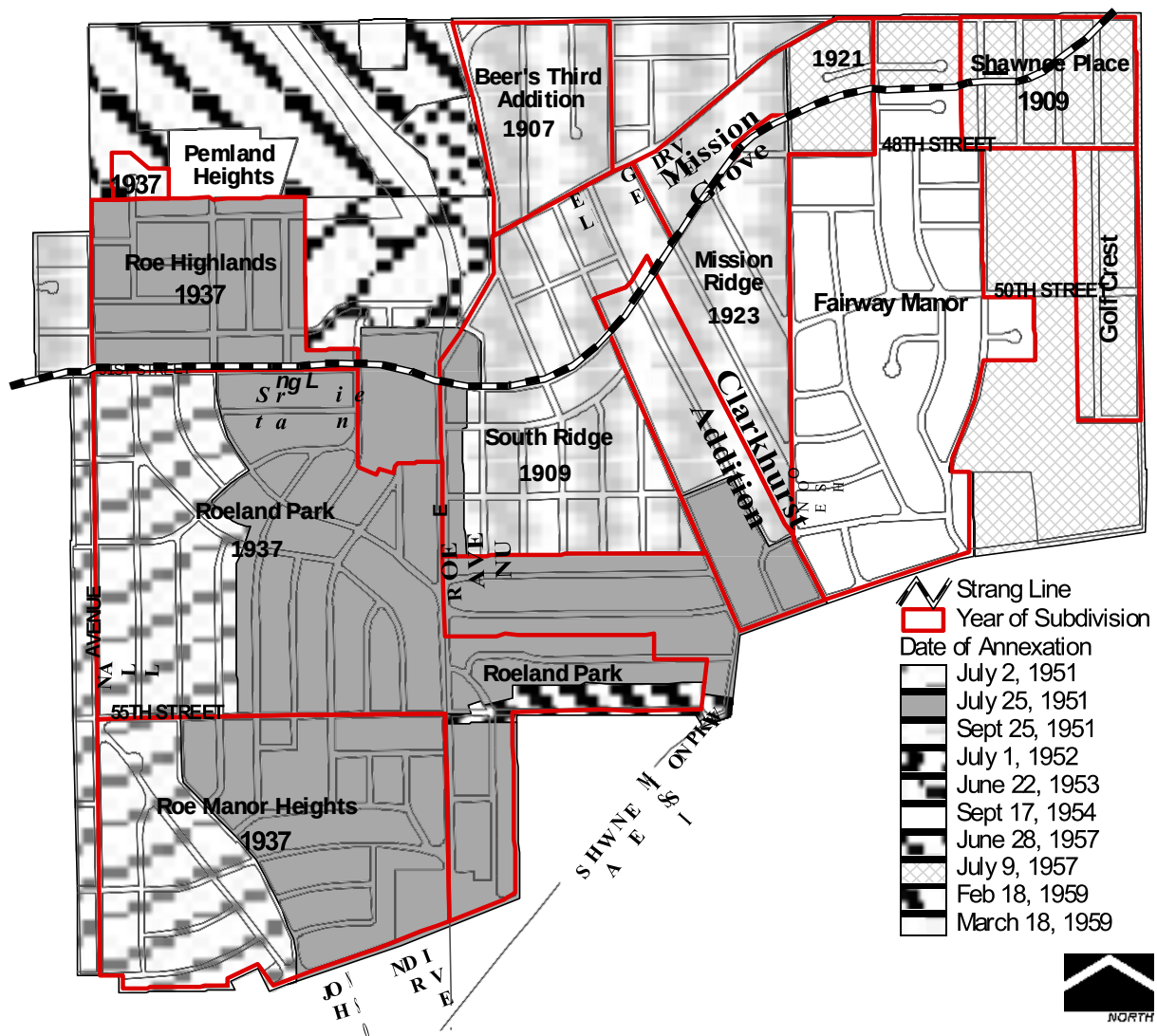
2.2 Existing Land Use

The City of Roeland Park was incorporated on July 2, 1951, soon after additional subdivisions were annexed into the community, creating present day Roeland Park. Throughout the years Roeland Park has been able to maintain its basic character and identity that existed at the City's inception.

Single Family Residential Neighborhoods

Today Roeland Park is primarily a single-family residential community. Other existing land uses include: parks, schools, neighborhood commercial, industry, utilities and a community recreation campus. Most of Roeland Park's subdivisions were platted in the first half of the 20th Century, prior to incorporation. Records show the first subdivision was created in 1907. The popular architectural styles of the time can be seen throughout the community in smaller one and one-half story homes. The residential neighborhoods are well established and maintained. Mature trees are common, providing shade and creating a quiet ambiance. Many homes are old enough to have had multiple owners.

City Subdivisions



Roeland Park is a community of neighborhoods which can be seen by the subdivision map. Traversing the community one can see distinct differences between adjacent neighborhoods. The differences are primarily in the styles of houses, the layout of the streets, the size of the parcels, and the flow between adjacent neighborhoods. These differences are the result of a variety of factors including different periods of development, different developers and land topography.

The subdivisions of Southridge and Shawnee Place are two of the oldest neighborhoods within Roeland Park. Both developed in 1909, these two neighborhoods share many similarities with each other. Both neighborhoods were developed along the historic Strang Line Trolley. This is evident when looking at the layout of the subdivision's parcels and streets. Southridge and Shawnee Place were developed using a grid-like pattern for their layout. Both developments also have comparatively smaller lot sizes than other Roeland Park neighborhoods. Newer homes constructed in these two areas have been built on two or three existing parcels.



During the 1930's, Charles Vawter developed the residential subdivisions of Roe Highlands, Roeland Park, and Roe Manor. A similar style and scale is shared by these neighborhoods. A more flowing, less grid-like, street layout was used. Slightly larger lots than the Southridge neighborhoods were common too. Most of these three neighborhoods don't have sidewalks but do have curbs and underground storm sewers. Landscaped islands, ornamental statues and lush vegetation are all common throughout Charles Vawter's Roeland neighborhoods.

The subdivision of Fairway Manor is located on the eastern side of Roeland Park. During the mid-1950's the Old Mission Golf Course was annexed into Roeland Park after it was subdivided into land for residential and educational uses. The Fairway Manor subdivision contains larger lots and more spacious houses than other Roeland Park neighborhoods. Landscaped medians and islands decorated with flowers and statues are found throughout the subdivision.



The Mission Ridge subdivision was created in 1923. While Fairway Manor has a suburban feel, Mission Ridge has a more rural feel. The lots are larger and the houses appear older and less uniform in their style and scale.

Medium Density Residential

Residential units that are occupied by more than one family, but have a lower density than multi-family residential uses, are classified as medium density. A common example of medium density structures are duplexes, triplexes and townhomes. Roeland Park has a small number of medium density uses in the north and northeast. They are located along 47th Street and Roe Lane. The medium density structures are in single family neighborhoods. They are designed to blend in with adjacent single family.

Multi-Family Residential

The vast majority of Roeland Park residents reside in single-family homes. Other types of housing are minimal in number and are dispersed. The major exception is the large multi-family complex called the Boulevard Apartments. Located west of Roe Boulevard and north of the community center, the Boulevard Apartments create a transition zone between the single-family residential to the south and the busy Interstate 35 to the north.

Commercial

In the 1950's, Roeland Park's only commercial center was created (Town Center). The commercial area is located along Roe Boulevard with the heart of the area located at the 51st Street intersection. Over the years a variety of changes have taken place with various tenants coming and going. Even with the many changes affecting the commercial area the basic layout has remained the same. The layout consists of large stores connected by large surface parking lots. Smaller commercial businesses such as restaurants, gas stations and drug stores have cropped up and are thriving around the larger anchor businesses.



Other businesses do exist within Roeland Park that are not located in the Town Center. They are small businesses, many in renovated residential homes, along Mission Road and the north side of Johnson Drive. Although there is only one major commercial center in Roeland Park, residents don't have to go far outside the city to find additional neighborhood and regional commercial areas.

Light Industry

The only major industrial park in Roeland Park is located in the north central part of the City. Just north of the city property on Roe Boulevard (the old swimming pool complex) sits the Roeland Business Park. There are manufacturing and warehousing businesses, as well as a large power sub-station located in the area.

Parks and Open Spaces

Parks and open spaces are important to any community. They provide a place for recreation and relaxation. Roeland Park is home to two community parks and three neighborhood parks. Nall Park, located at the intersection of Nall Avenue and 48th Street, and R Park, located along Juniper at 55th Terrace, are the two community parks. The five smaller neighborhood parks can be found at the intersections of Sycamore and Cedar Streets, Neosho and Wells Streets, on Juniper between Alder and Rosewood Drive, Johnson Drive and Roeland Drive and on 51st Street and Granada across from City Hall.



The Shawnee Indian Mission State Park is located on 53rd Street just south of the city limits. Roeland Park residents benefit from this state historic landmark. Roeland Park actively participates in the sustainability of this facility.

Schools

Many communities are judged by the quality of their schools. Roeland Park currently has four schools in the community. One public school is affiliated with the Shawnee Mission School District. Roesland Elementary School is located at the corner of Elledge Drive and Parish Drive. The school was established around 1873 but has undergone numerous renovations, and was rebuilt in 2008. Two other schools are private, the St. Agnes Elementary School and the Bishop Miege High School. Located in the southeastern corner of the city, these two schools are affiliated with the Catholic Archdiocese and were opened in 1947 and 1957 respectively. On the Bishop Miege North Campus, The Children's Garden Montessori School and Horizon Academy provide additional educational resources.



Community Center/ Library

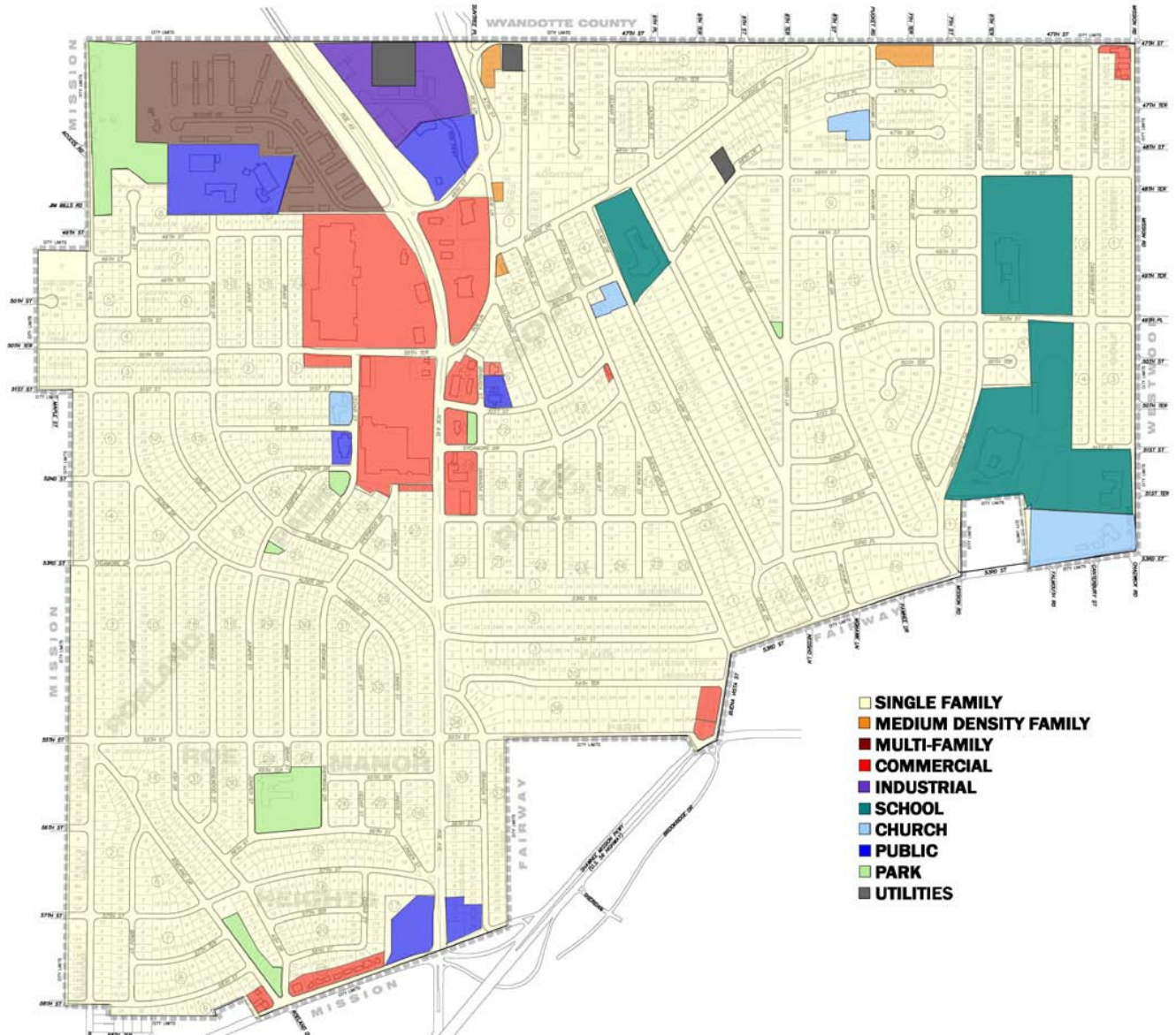
A strong community center is a source of pride for any community. Roeland Park's community center is located just south of Boulevard Apartments and east of Nall Park. The community center building, formally the Skyline Elementary School, was purchased by the city in the early 1980's. The city opened the Community Center's doors in early 1985. The center provides Roeland Park and the surrounding area with educational and recreation services.

A branch of the Johnson County Library sits at the corner of Cedar and 51st Terrace. The library provides local residents with an educational resource and access to the internet.

Land Use

Single family residential is the most prevalent land use in Roeland Park. Over 600 acres, or almost 80%, of the community can be classified as single family. Schools, with 53 acres, is the second most prevalent land use. Schools are followed by commercial (46 acres), multi-family residential (31 acres), open space (19 acres), semi-public (12 acres), industrial (11 acres), church (11 acres), utilities (4 acres), medium density (4 acres) and office (3 acres).

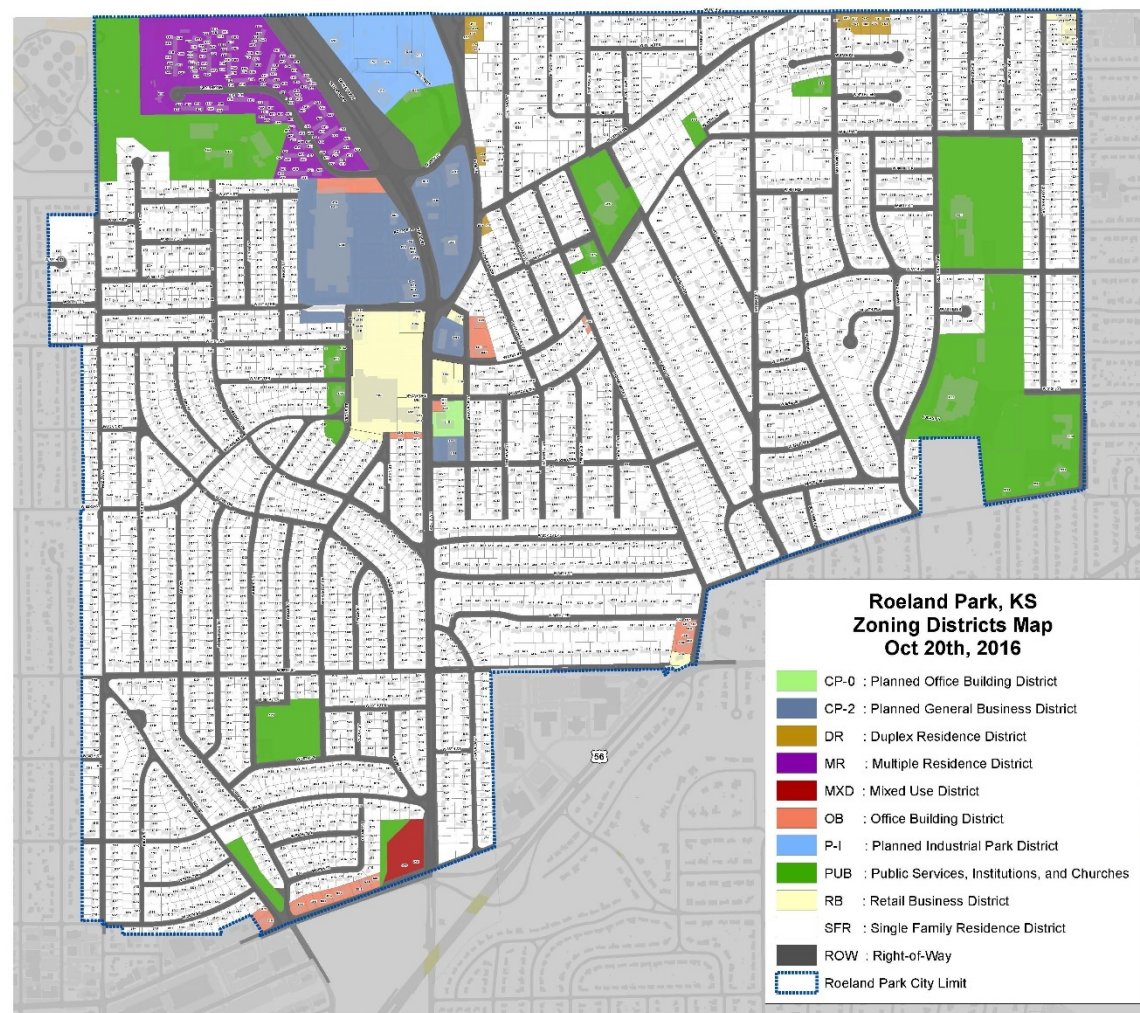
Existing Land Use Map



2.3 Zoning

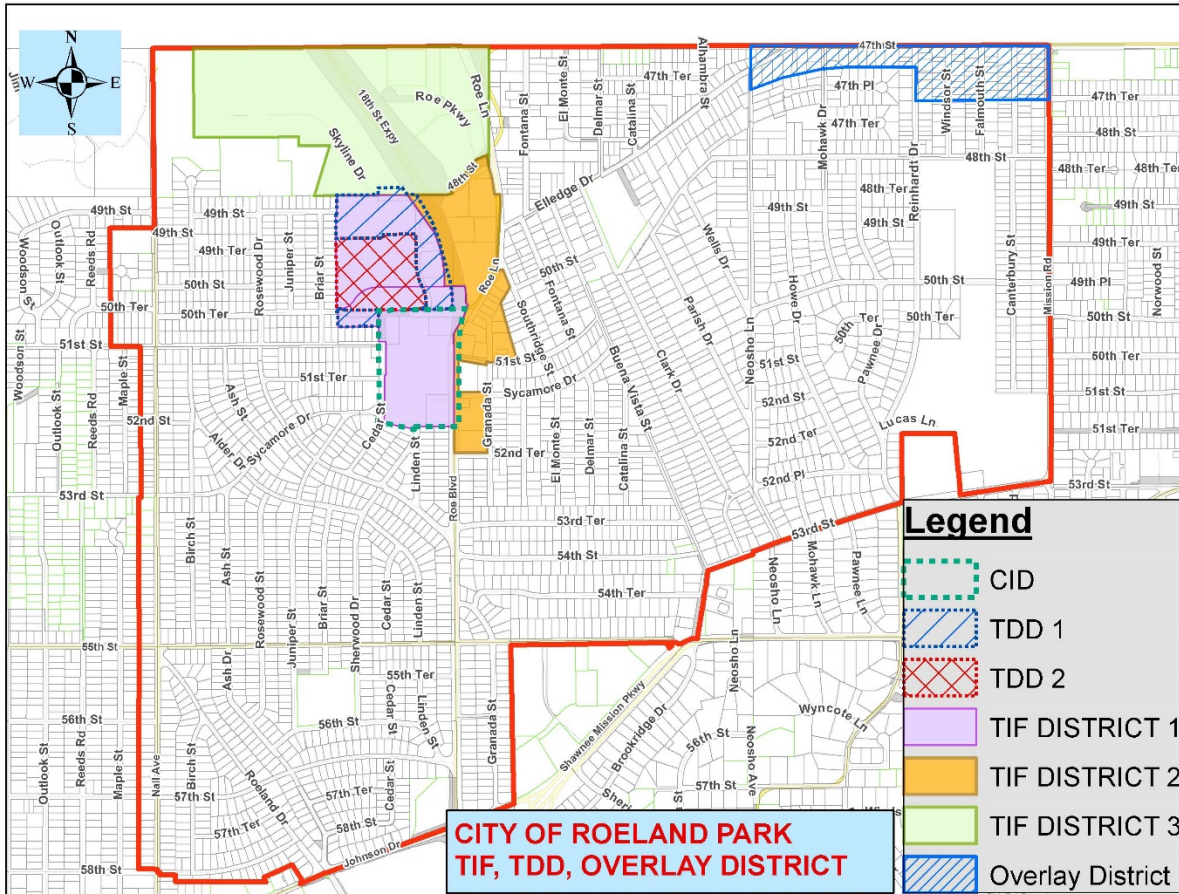
The Roeland Park Zoning Map designates the uses that are allowed on a given parcel. The Roeland Park Zoning Ordinances (Chapter XVI Zoning and Planning) are used to help shape the community’s future by enforcing an objective set of rules and regulations. In order to accomplish the vision and goals set forth in this comprehensive plan, ordinances may have to be created and/or modified. The proposed town and neighborhood centers will require a more multi-use orientated zoning district.

CITY OF ROELAND PARK, KANSAS
ZONING DISTRICTS



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Tax Increment Financing District (TIF), Transportation Development District (TDD) and Overlay District Map



SECTION 3 NEW AND NEIGHBORING DEVELOPMENTS

Introduction

Communities are impacted by factors that occur outside of their boundaries. These factors should be examined before any community plans a course for the future. Roeland Park's proximity to surrounding communities make these impacts likely to occur. Currently, a number of planning and construction projects are moving forward in and adjacent to Roeland Park.

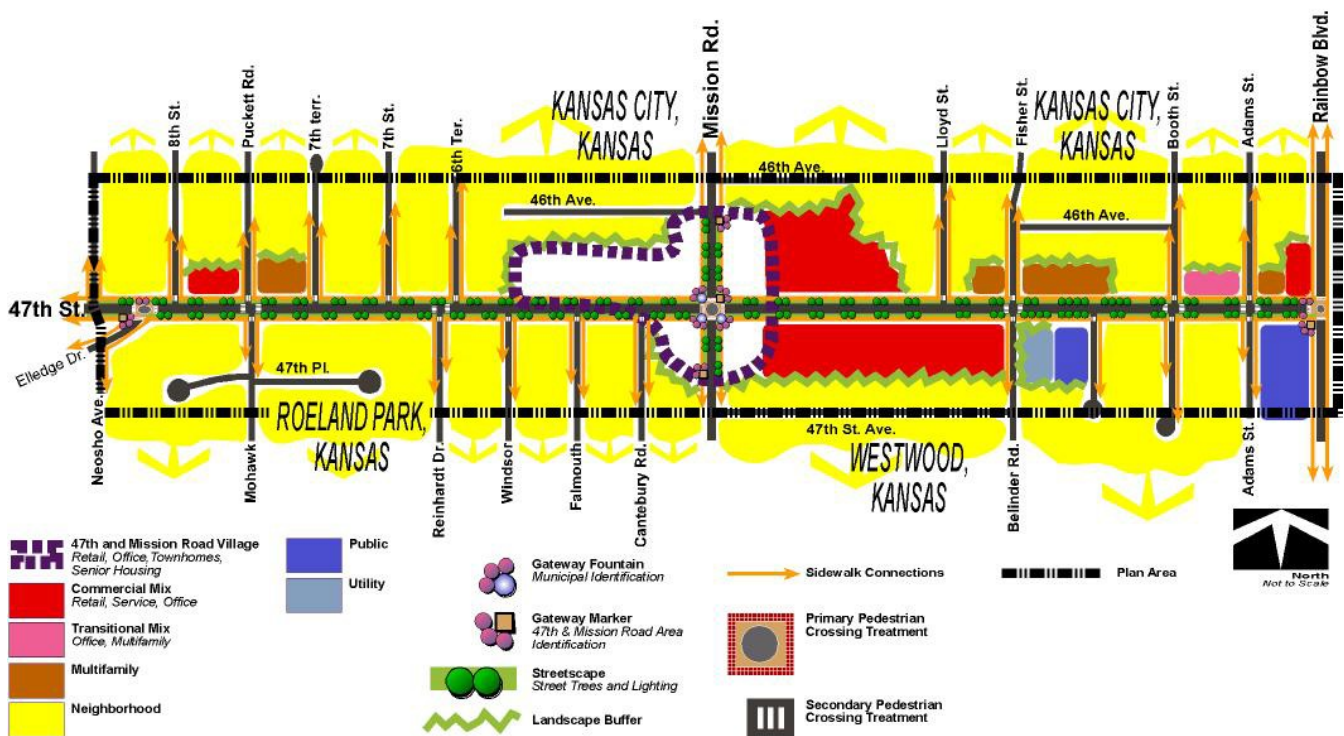
3.1 47th Street & Mission Road Area Concept Plan

A redevelopment plan for the 47th and Mission Road Neighborhood Center has continued to be a focus for the cities of Roeland Park, Westwood, and Kansas City, Kansas. An overlay district has been established as part of this redevelopment plan as shown on the Zoning Map and the Tax Increment Financing (TIF), Transportation Development District (TDD), and Overlay District Map.

The land at the southwest corner of 47th and Mission in Roeland Park was purchased by private developers in 2015. The buildings were demolished with the goal of installing a permanent sit-down restaurant. The developer also purchased a single family lot adjacent to the property and hopes to rezone to a planned district.

47th & Mission Road Concept Plan

Figure 1: General Framework

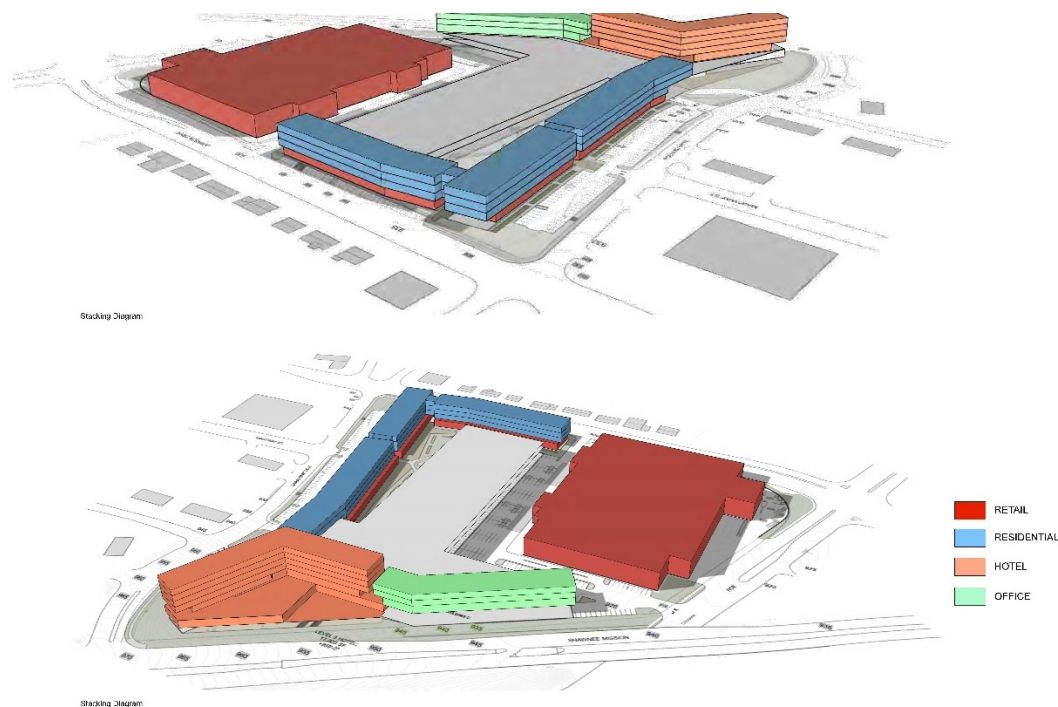


3.2 East Gateway Redevelopment Plan

In March of 2006, the cities of Mission, Roeland Park and Fairway, Kansas completed an unprecedented joint planning effort called the East Gateway Redevelopment Plan. This plan, with citizen input from all three cities recommends a mixed-use concept of residential/retail and office uses along the Johnson Drive corridor to correspond with and support the new redevelopment plan for the former Mission Mall Shopping center site. This 17 acre site on the southwest corner of Johnson Drive and Roe Boulevard was purchased in 2005 by The Cameron Group, a New York developer.

The Gateway development has received approval for mixed use of residential, office, retail, entertainment and public spaces compatible with each other. Features of the Gateway include, major anchor retail (1), office space (4), apartments (4), fitness center (3), boutique hotel (5), small store retail (2, 4), restaurants (4), The Kansas Aquarium (6), theater/entertainment, mid-size anchor retail, public park/green space.

The Mission City Council recently rejected a plan by the Gateway developer to install a mixed use development with a Wal-Mart Supercenter as the anchor tenant. Roeland Park's Wal-Mart was going to close upon the successful completion of the new Supercenter. Wal-Mart subsequently announced it was abandoning the Mission Gateway site and would redevelop the Roeland Park facility. The developer has pledged to return to the City Council with a new plan involving a mixed-use development.



FDP-002

FINAL DEVELOPMENT PLAN
OCTOBER 12, 2010

MISSION GATEWAY
eldorado OLSSON plmr EDC

MISSION GATEWAY
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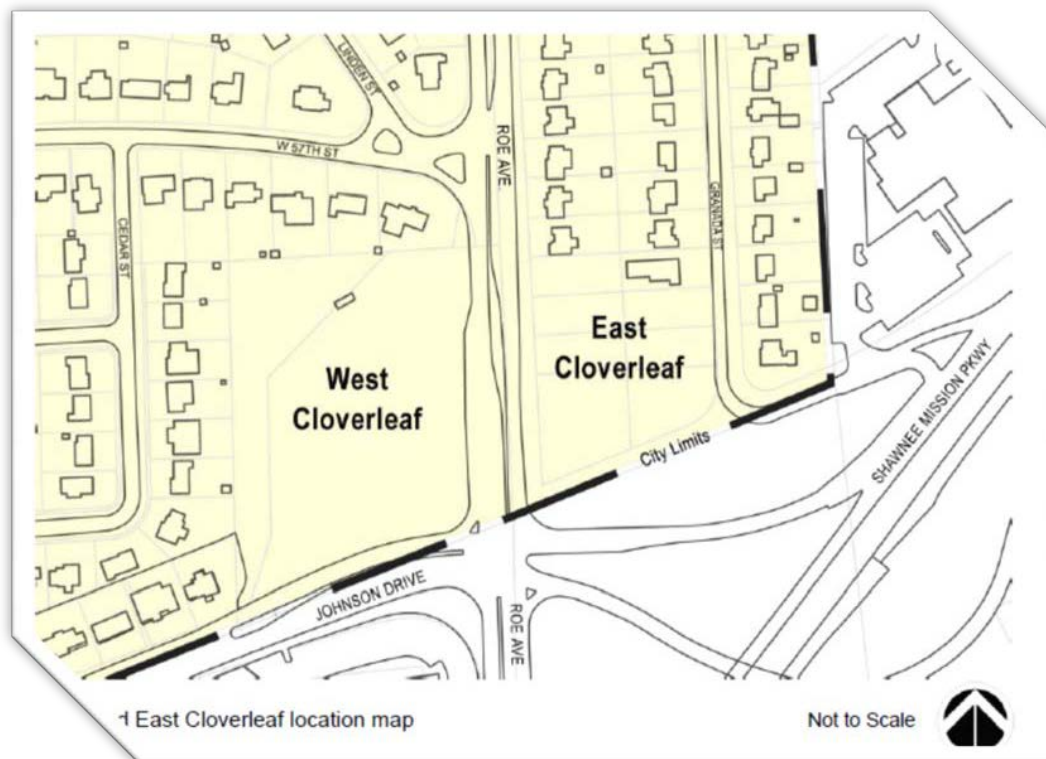
Stacking Diagrams

3.3 Johnson Drive/Roe Boulevard Interchange

In 2004, the cities of Roeland Park and Mission rebuilt the cloverleaf intersection at Roe Boulevard and Johnson Drive, leaving two potential sites for development north of the new intersection.. These two sites are referred to in this plan as the East and West Cloverleaf sites.

Specific improvements for these redevelopment sites are described in Section 5.3. The West Cloverleaf site was included in the East Gateway Plan referenced above, which called for a 10-16 story residential tower for future land use to complement the proposed tower on the Gateway project across the street to the south.

Proposed development at the east and west cloverleaf sites would include commercial, mixed-use or residential with consideration to the abutting residential properties.



3.4 Caves Site

This site is referred to in this plan as the Caves site. Specific improvement for this redevelopment is described in Section 5.3. Proposed development at this site would include planned restricted business or mixed-use.



SECTION 4 VISION AND GOAL

Introduction

The vision statement and goals have been revised to reflect changes that have taken place in Roeland Park since the last Comprehensive Plan was implemented. The revisions mainly affect civic development and housing revitalization issues. The revised goals are as follows:

4.1 Vision

Based on the Community Participation Process, a vision statement was formed. This vision is elaborated on further through the development of planning goals in four major categories.

To enhance the image, livability and long term sustainability of Roeland Park.

4.2 Planning Goals

- **Economic Development** - Actively promote quality redevelopment while maintaining a strong tax base. Pursue various scales of owner occupied housing ranging from single detached units to attached townhouses. Implement the visions and goals outlined for the 47th Street & Mission Road study area and the East Gateway Redevelopment Plan.
- **Infrastructure** – Plan, provide and maintain efficient and effective infrastructure that promotes sustained growth, connects neighborhoods and centers, is aesthetically pleasing, environmentally sound and meets the current and future needs of the community.
- **City Character/Image** - Strive to improve Roeland Park through quality civic and commercial development that creates a “sense of place” and promotes pedestrian traffic of appropriate scale and character. Work toward rebranding to establish a clear identity for Roeland Park. Work to preserve, rejuvenate and upgrade existing residential neighborhoods and encourage additional green space and trail linkages connecting neighborhoods and activity centers.
- **Implementation/Enforcement** - For the safety of all citizens, businesses and property owners in Roeland Park, equitably enforce all city property codes and regulations.

4.2.1 Economic Development

Objectives

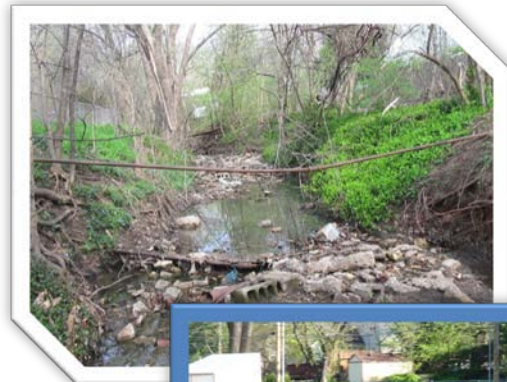
1. Pursue redevelopment of existing retail centers that promote multi-use/pedestrian-friendly development and adheres to the plan and direction set forth in this comprehensive plan.
2. Actively pursue improvements to the current shopping districts. Continue implementation of streetscape and landscape amenities.
3. Work with area businesses and property managers on an ongoing basis to improve the appearance of building facades and parking lots. Encourage future expansion of the Town Center Area. Work with area businesses and property managers to improve ingress and egress, parking efficiency, façade design and pedestrian accommodations. Improve East/West traffic flow across the Town Center Area.
4. Consider enticements and tax/property incentives to attract developers to projects deemed appropriate.

- Promote somewhat higher densities of owner occupied residential redevelopment that adhere to the plan and direction set forth in this comprehensive plan. Examples of higher densities include townhouses and senior citizen facilities.
- Promote preservation and improvements in existing single family neighborhoods to upgrade conditions and/or expand facilities while adhering to existing character and scale.

4.2.2 Infrastructure

Objectives

- Support the development of a comprehensive pedestrian and bicycle trail network with linkages to and between residential and commercial areas.
- Provide efficient and effective infrastructure that will promote and attract redevelopment that adheres to the plan and direction set forth in this comprehensive plan.
- Seek roadway upgrades that promote traffic calming and other pedestrian-friendly improvements.
- Continue Roe Boulevard improvements and add streetscape elements as outlined in Section 6.1.
- Add and upgrade infrastructure so that it is aesthetically pleasing to residents and visitors and helps to improve the overall quality of life.
- City will continue to adequately and equitably address the issues of storm water.
- Promote east/west pedestrian movement across Roe Boulevard at the Town Center area. (see Section 5.1 Map)



4.2.3 City Character/Image

Objectives

- Seek quality multi-use centers/commercial development that incorporates amenities as focal points, encourages street & sidewalk connections, creates a unique look and feel and becomes a destination and source of pride for Roeland Park.
- Enhance the civic presence of Roeland Park's public amenities such as the City Hall, Community Center, library, parks, public art, and gateways to the community.
- Preserve integrity of existing neighborhoods by encouraging maintenance, upgrading, paint programs, tree planting and public art.

4. Consider creating design guidelines that serve as a framework for all new development and building additions and renovations. Consider the implementation of requirements for sustainable green building design components.
5. A trail system should be developed that is aesthetically pleasing, connects existing greenspace and schools, promotes development of future greenspace, brings neighborhoods together and connects residential to commercial destinations.
6. Develop a consistent branding/marketing strategy for the City of Roeland Park and an implementation strategy for new development and redevelopment.
7. Continue to successfully participate in Tree City U.S.A. program.

4.2.4 Implementation / Enforcement

Objectives

1. Continue and maintain equitable enforcement of city codes and regulations.
2. Promote codes and regulations that encourage continuity and transition between commercial and single family neighborhoods.
3. Encourage codes and regulations that adhere to the vision, goals or objectives of the plan as developed in the community participation process.

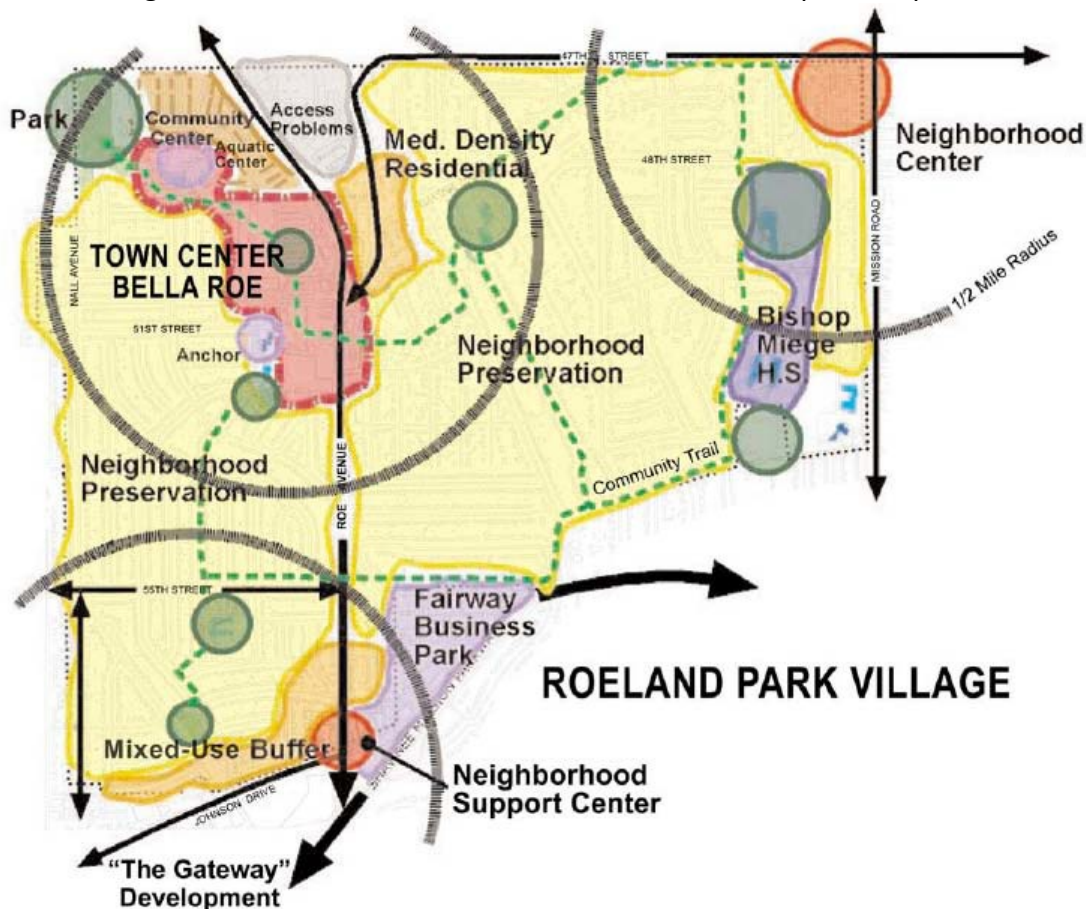
SECTION 5 LAND USE AND DEVELOPMENT PLAN

5.1 Roeland Park Village Center Concept

Roeland Park Village Centers concept envisions a series of walk-able villages. Each village would be centered around a mixed-use cluster consisting of parks and open spaces, a trail/bikeway connection, institutions, retail and residential. Although the exact nature of each village center would be market driven, a premium would be placed on the clustering, coordination and land use integration of these and other uses.

Three village centers of varying scale and character are envisioned for Roeland Park: Town Center, 47th & Mission Neighborhood Center and Gateway Development/Johnson Drive Regional Center. A small neighborhood support center, at Roe Boulevard and Johnson Drive, supportive of the Gateway Development/Johnson Drive Regional Center.

This concept was overwhelmingly favored by community participants in the 2002 planning process, although it was recognized that this was the most difficult of the concepts to implement.



The concept balances new development, redevelopment and open space on the critical city-owned properties within the scale, density and character of Roeland Park. It optimizes a new southern gateway to the city from Johnson Drive, enhances Roe Boulevard as the spine through the community, increases housing options within the city and acknowledges the city's single-family residential foundation of affordable housing.

5.2 Village Centers

The Roeland Park Development Framework contemplates three types of village centers: neighborhood center, town center and regional center. The three types of centers will be different in overall size, however, each village center will be designed to include or be linked to the following:

- Compact, walkable neighborhoods with approximately a one-half mile walking radius
- Public space, such as a square or an important intersection
- Pedestrian/bicycle trails and open spaces linking all villages
- A commercial and/or institutional core that responds to market-driven realities

Neighborhood Village Center

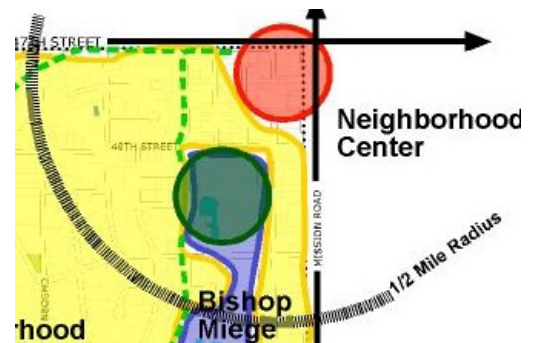
Description A Neighborhood Village Center is a mix of residential uses supporting a small commercial/retail development with locally focused services.

The Roeland Park Comprehensive Plan designates the 47th Street & Mission Road intersection as the neighborhood center. The Plan also designates a neighborhood village support center at the Roe Boulevard & Johnson County intersection.

Service Area Neighborhood Village Centers are intended to provide convenience, goods and personal services with an approximate 1/2-mile service area radius. Residents of Roeland Park, Westwood and Kansas City, Kansas would be within walking distance to this village center.

Size This center is relatively small and focused on providing neighborhood-level services, for example: grocery store, personal services (dry cleaning, beauty salon, bank), restaurant and gas station. These convenience uses can be provided in an area of 60,000 to 150,000 square feet on approximately 8 to 15 acres.

Location Neighborhood Village Centers should be located adjacent to the intersection of arterial and either arterial or collector streets. Pedestrian accessibility, should be assured.



<i>Uses</i>	• Park, trails or public space • School(s) • Religious institution(s) • Local retail and personal services • Single family residential	• Recreation facility • Day care (children or adult) • Neighborhood market • Multi-family residential • Small professional offices and clinics
<i>Amenities</i>	• Public or private parks • Additional width of greenspace between sidewalk and curb • Selected roundabouts at four-way intersections • Greenspace and trails providing pedestrian and bicycle access • Reserved school/ institutional sites • Landscaping and streetscaping	• Tree lined streets
<i>Policies</i>	• Promote the inclusion of amenities as focal points • Protect existing neighborhoods from intrusion of incompatible land uses; ensure that neighborhood villages have identifiable centers and edges • Ensure pedestrian accessibility • Provide a public gathering place • Encourage street and sidewalk connections • Nonresidential buildings should provide space for multiple tenants and uses	

Neighborhood Village Support Center

The Neighborhood Village Support Center is called for at the intersection of Roe Boulevard and Johnson Drive.

The Support Center is envisioned as a mixed-use center; guided by the principles and policies that shape the larger Neighborhood Village at 47th Street and Mission Road. Smaller in size (roughly 7 acres) and in relatively close proximity to the Regional Center, the Support Center supports the Gateway Development and acts as the prominent southern gateway into Roeland Park.



Town Center

Description A Town Village Center is intended to be the focal point of Roeland Park. Within this village center, residents and visitors will find retail shopping, restaurants, entertainment, cultural institutions, workspace, governmental functions and a sense of place and destination.

Service Area The Town Village Center is intended to serve both Roeland Park and neighboring communities as well.

Size The Town Village Center should include 100,000 to 350,000 square feet of gross floor area on a total of 20 to 40 acres.

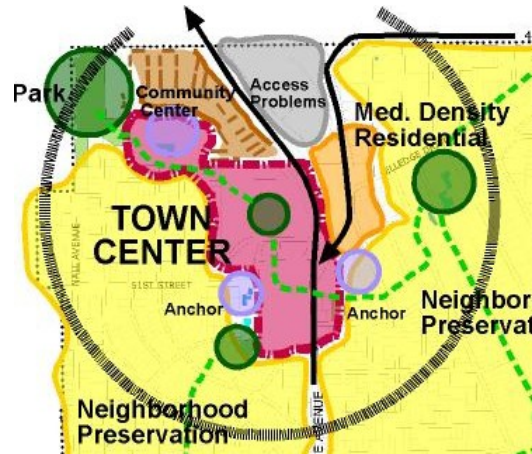
Location The Town Village Center should be located within the existing commercial district at the intersection of Roe Boulevard and 50th Street. The Town Village Center may incorporate existing or redevelop “big box” stores and/or strip malls.

Uses

- Retail sales and services
- Office and workspace
- Multi-family residences
- Mixed-use developments
- Public institutions
- Single family residences (detached and attached)
- Park, trails, open space

Policies

- Uses that generate high levels of pedestrian traffic are encouraged
- Residential uses should be considered as part of a mix of uses within a building
- Streets and public spaces should be designed to enhance pedestrian and bicycle activity, creating easy access to public library and community center
- Town Center should bring together east and west Roeland Park by creating a central destination.
- Small parks and open spaces are encouraged to link trails and higher traffic uses



Regional Center

As stated in Section 3.2, the East Gateway and businesses along Johnson Drive are located just south of Roeland Park. This retail area has a more regional pull attracting people from northeast Johnson County, Wyandotte County and western Kansas City, Missouri.

Roeland Park has minimal influence on decisions made involving this Regional Center. However, Roeland Park can take advantage of the neighboring center and the destination it creates. The Plan calls for the land within Roeland Park and adjacent to the retail center to be phased into townhouses over time and to connect the Regional Center to existing neighborhoods, the future Town Center and the nearby Neighborhood Support Center by extending a trail system south to Johnson Drive. This would be beneficial to Roeland Park for the following reasons:

- Townhouses would create a buffer between the single family residential and commercial uses, lowering noise and light pollution and stopping possible commercial expansions into Roeland Park neighborhoods.
- Higher density townhouses would attract people wanting to live on streets of higher traffic and commercial activity.

- Increased density would bring more disposable income to the Regional Center.
- Additional trails and green space both enhance the area and connect the Johnson Drive corridor to the rest of the community.

It would be beneficial for Roeland Park officials to work with the City of Mission on issues pertaining to the future growth and development of the Gateway Development/Johnson Drive Corridor. This cooperation should be similar to the tri-community effort that produced the *47th and Mission Road Area Concept Plan*. (Section 3.1)

Key Development Components

- The West Cloverleaf Site, owned by a private developer , is being developed as a mixed use district zoning category.
- An assessment of highest and best use should be completed on the East Cloverleaf Site to establish the best use of this site in light of its size, neighboring uses and accessibility. This assessment along with this comprehensive plan should then serve as the plan for redevelopment of the site..
- Johnson Drive, between Roe Boulevard and Ash contains commercial property along the northside within the City of Roeland Park. In the Johnson Drive Corridor Design Guidelines, this corridor was recommended to change from single-family home conversions of sparse retail and commercial uses to redeveloped two and three-story mixed use to complement the planned retail and residential uses across the street. Existing houses would remain to the north.
- Development of the Caves Site (Site 4) as a mix use that may include multi-story structures. The development should take into account the Former City Pool Site Design Guidelines.

Key Open Space Components:

The City should prioritize and implement the recommendations of the City's Park Master Plan.

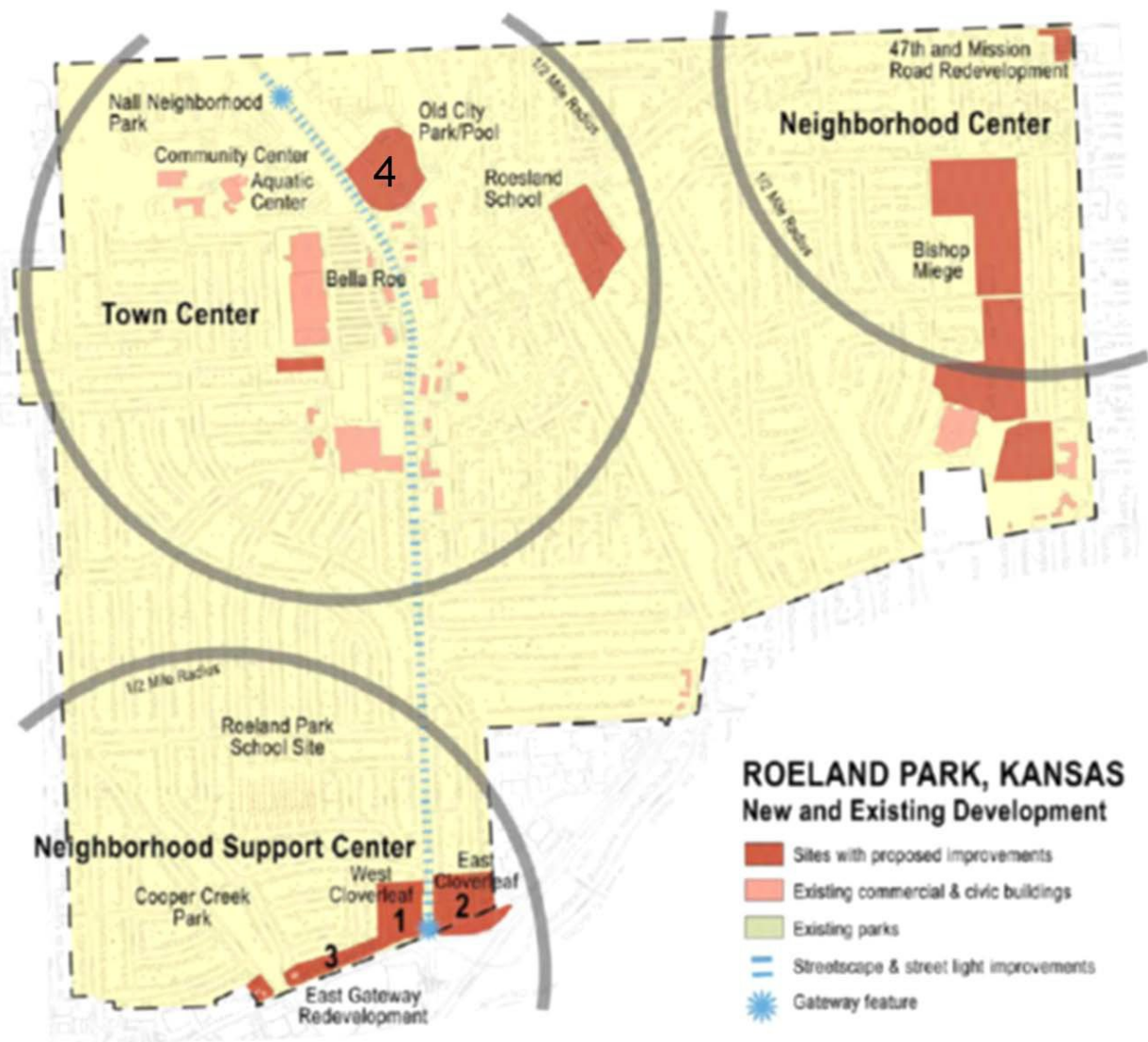
Key Neighborhood Components:

- The City must continue to enforce its property and maintenance codes to keep existing neighborhoods attractive and healthy.
- The City should maintain its involvement in the Mid-America Regional Council's First Suburbs Coalition, to capitalize on innovative loan programs and helpful information for residents on maintaining the marketability of post World War II era housing.

Key Streetscape Components:

- Decorative lighting
- Street trees
- Decorative pavement
- Crosswalks
- Plantings; and
- Other amenities, including formal gateway treatments.

5.3 Site Enlargements



SITES 1 & 2 - Cloverleaf Sites

The properties located north of Johnson Drive at Roe Boulevard, are the result of the interchange reconfiguration completed in 2004. Both sites provide prime development opportunities for the City. During the course of the 2007 Comprehensive Plan the development plans for both parcels were revisited because of additional public input.

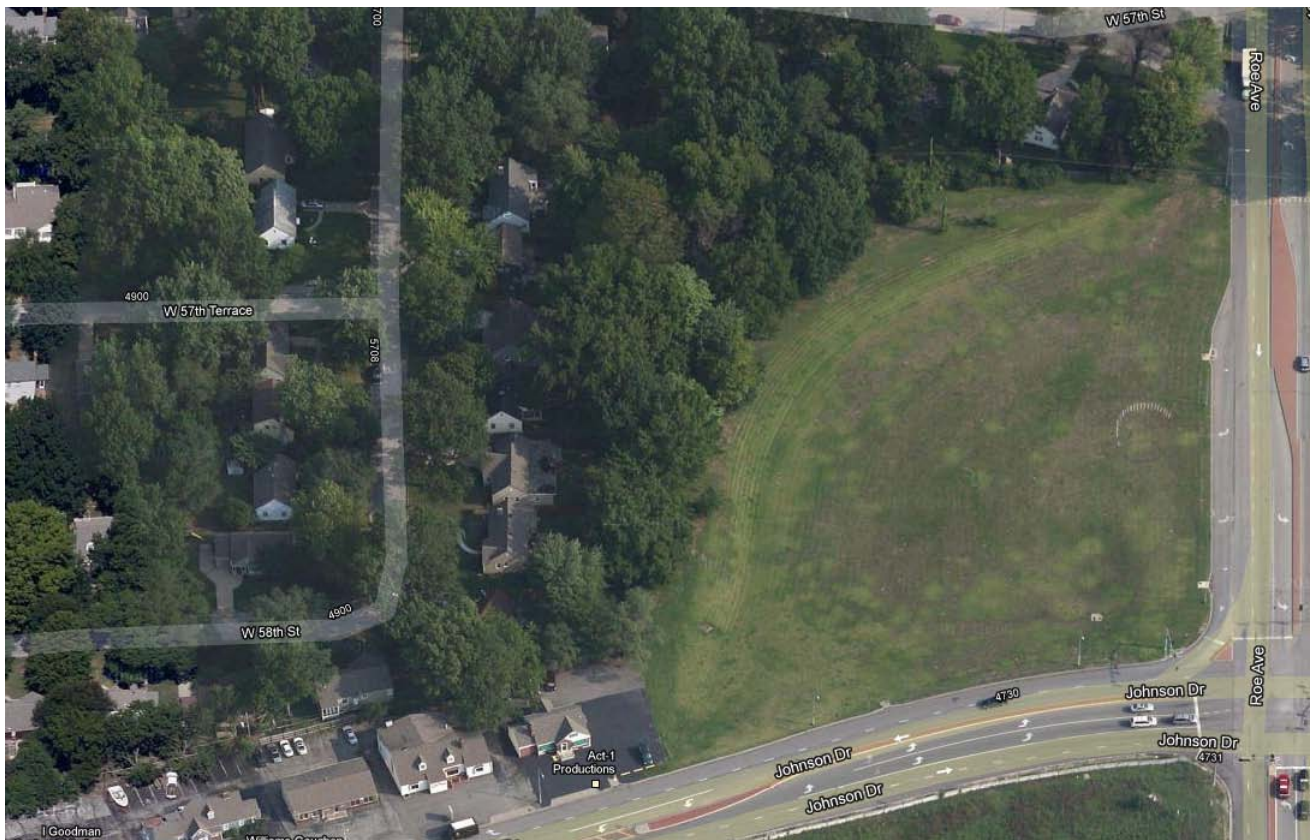
SITE 1 - West Cloverleaf

Goals and Objectives for consideration:

- **Preserve adjacent single family residential neighborhoods**
- **Create a prominent south gateway entrance into Roeland Park**

A mixed use and/or planned business district development should be explored on the City owned West Cloverleaf site.

The West Cloverleaf property was purchased by Commerce Bank in 2012 and subsequently rezoned to Mixed Use Development (MXD). Commerce Bank's original plans were to construct a new bank with drive through facility and sell a portion of the property for retail development. In 2016, the bank announced new plans to construct a 2,300 square foot bank with drive through and plans to sell the west section of the property to a small hospital facility which intends to build a 17,000 square foot building.



Proposed Development at the West Cloverleaf at Roe Boulevard and Johnson Drive

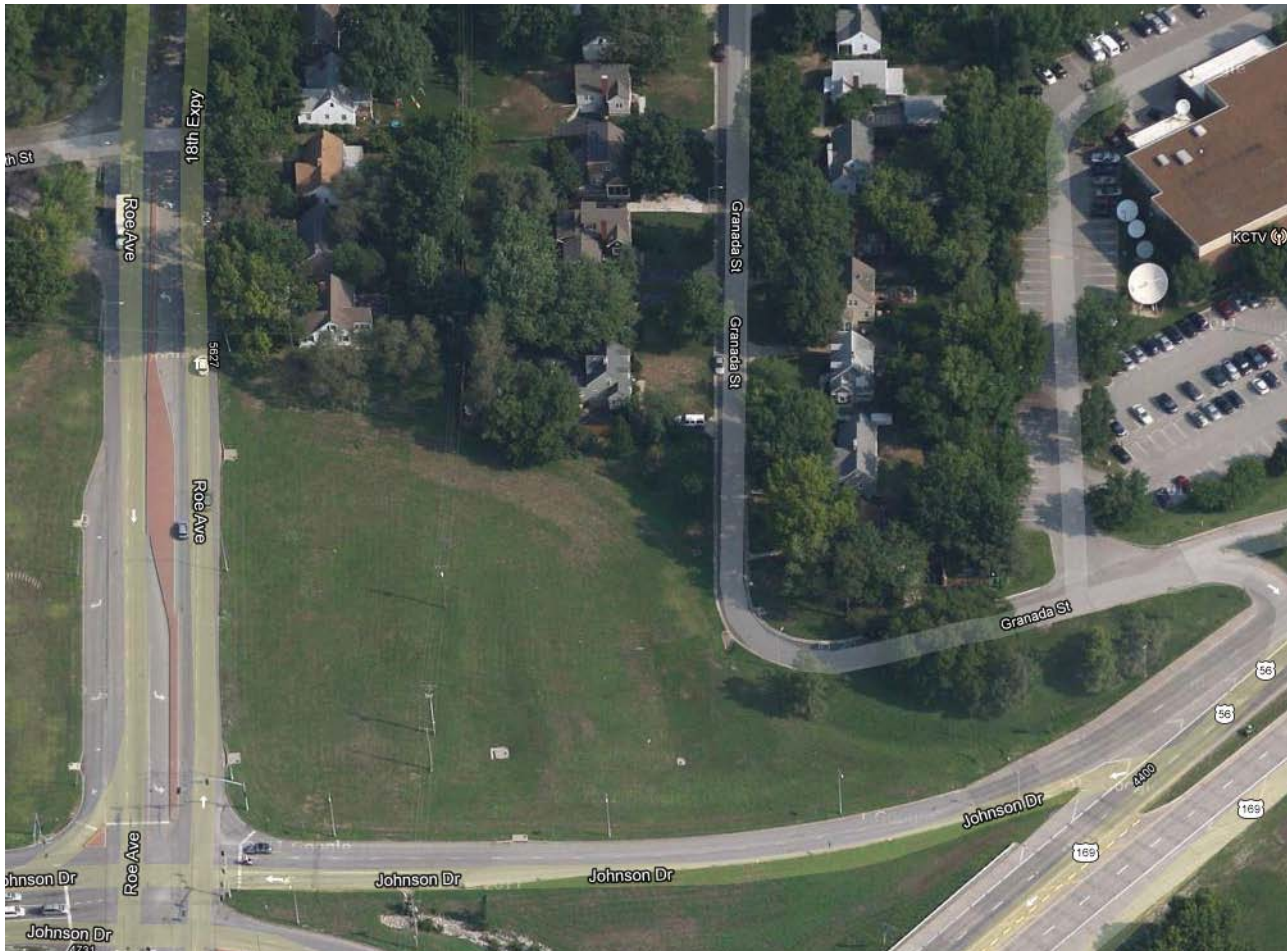


SITE 2 - East Cloverleaf

Goals and Objectives:

- **Create a prominent south gateway entrance into Roeland Park**
- **Enhanced City beautification with trail connection and prominent green space**

Development that occurs on the east cloverleaf should be the result of an assessment of the highest and best use of the property taking into consideration its size, the neighboring homes and accessibility. Roeland Park and the City of Mission have partnered to work toward a development plan for this property largely owned by the City of Roeland Park. Staff is working with the Right-of-Way acquisitions team at the Kansas Department of Transportation to acquire that property for future development.





SITE 3 - North side of Johnson Drive Redevelopment

Goals and Objectives:

- **Promote the economic development**
- **Promote quality redevelopment with various mix of residential, office and/or retail**
- **Create a landmark to promote a positive image of Roeland Park.**

The privately-owned sites north of Johnson Drive between the West Cloverleaf and ½ block west of Roeland Drive were included in the East Gateway Redevelopment Plan study area.



The City has created Johnson Drive Corridor Design Guidelines, see Appendix 8.1.

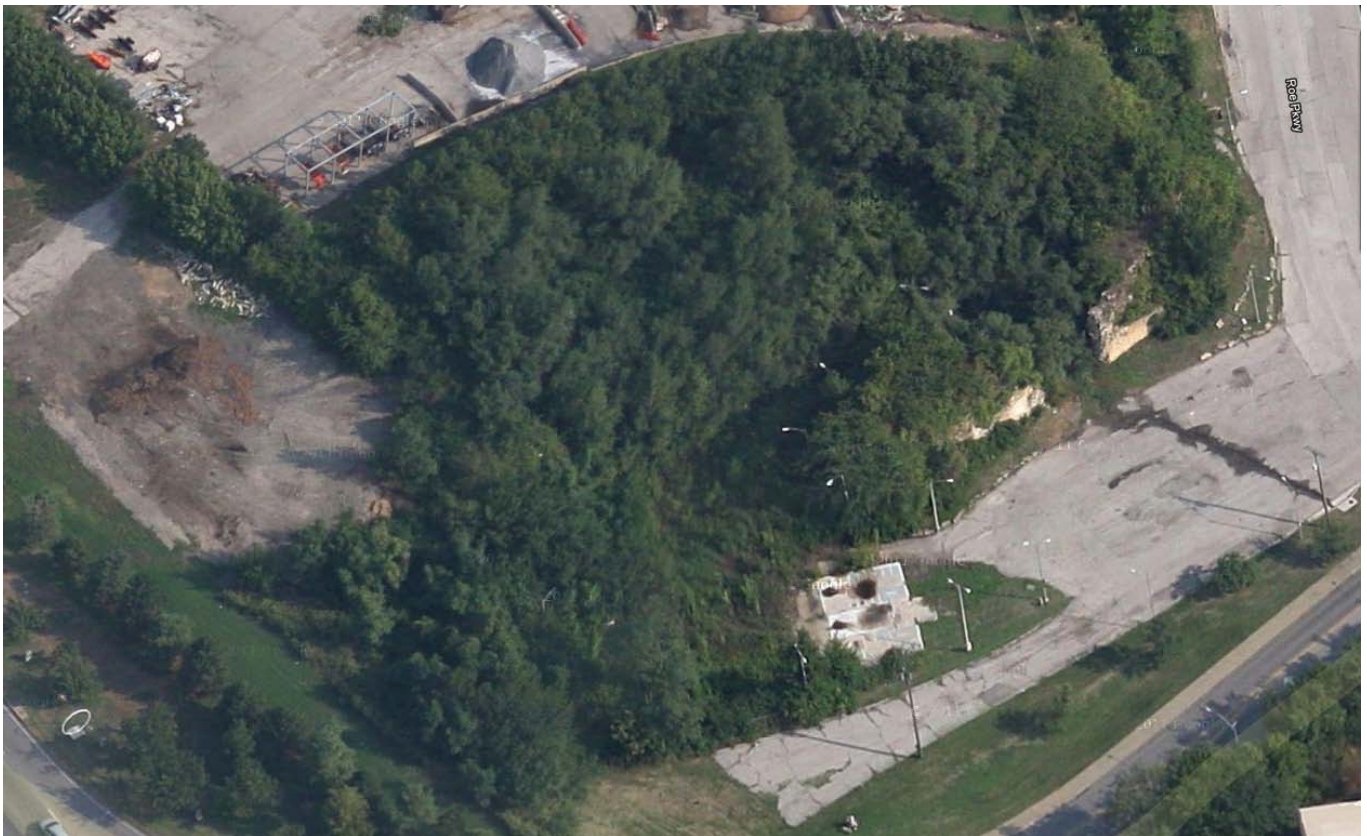
SITE 4 - Caves Site Redevelopment

Goals and Objectives:

- **Promote the development of single or multi-story buildings**
- **Promote quality redevelopment with various mix of residential, office and/or retail**
- **Create a landmark to promote a positive image of Roeland Park.**

Though it occupies a prominent position in relation to the Bella Roe commercial development, the City owned site definitely has its challenges. In 2014, the City combined TIF 3A and 3B into one development district. The TIF for the former pool/caves site is set to expire in February 2018. In response, the City embarked on an intensive redevelopment effort in 2015 by forming an Ad-Hoc Development Committee consisting of three council members and the mayor. The City also hired a development consultant and enlisting the support of City engineers to determine the structural integrity of the caves. After a geotechnical review, experts determined the remaining caves were no longer structurally sound and must be filled or demolished. In 2016, the City entered into an agreement with a contractor to fill the caves and bring the property to grade. In addition, City officials are seeking to relocate the Public Works Department from the industrial park site to a new building off-site so the land will be available for further redevelopment. The City intends to use funds from the TIF District to prepare the site for development as much as possible before the 2018 TIF expiration date.

Site goals include creating a regional landmark with an anchor tenant, a mix of lodging and restaurants.



The City has created Former City Pool Site Design Guidelines, see Appendix 8.2.

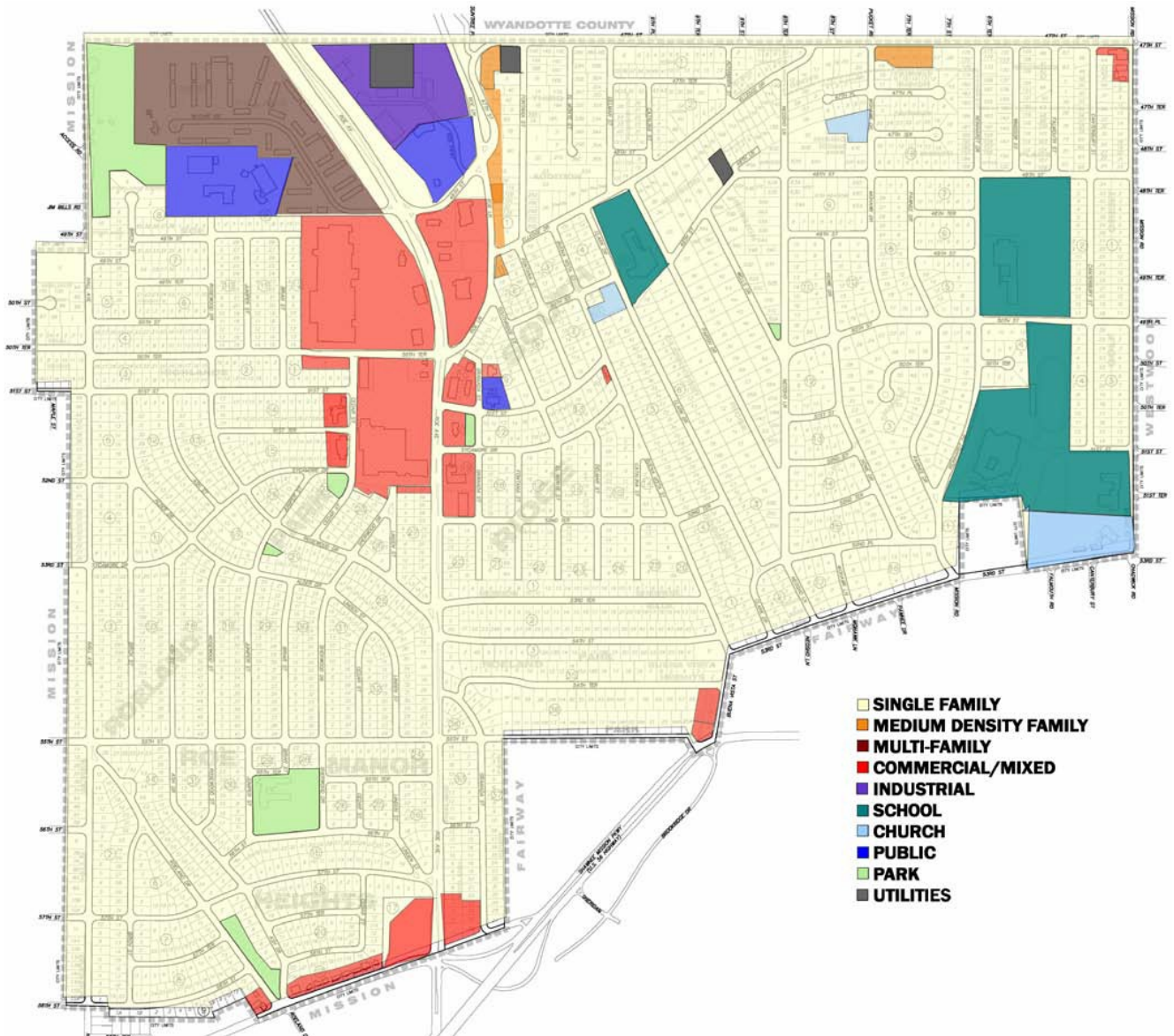
5.4 Future Land Use

The future Land Use Map has been updated to reflect recommendations of this Comprehensive Plan.

The vision for future land use in Roeland Park is guided by the ideas illustrated in the *Village Centers* concept plan shown in Section 5.2. The focus of the future land use should be to accomplish the following:

- Preserve and enhance the existing single family residential neighborhoods
- Create a quality retail destination by transforming existing commercial from auto-oriented to pedestrian friendly development
- Promote owner occupied higher density uses, such as townhouses and senior citizen facilities, within and adjacent to the village centers
- Use existing churches, government institutions and other semi-public uses as anchors for the centers
- Connect neighborhoods to other neighborhoods and to commercial activities through a pedestrian/bicycle trail system
- Minimize the physical and perceived divide that Roe Boulevard creates through such means as pedestrian crosswalks, landscaping and other traffic calming methods stated in this plan

Future Land Use Map



5.5 Housing & Neighborhoods

The residential neighborhoods of Roeland Park make up the cornerstone of the community. Through the “community survey” residents of Roeland Park stated that preservation of existing housing and neighborhoods is one of the most important future issues. This section discusses various ways in which citizens and city officials can preserve their present neighborhoods by planning for the future.

Residential Transition Zone - Townhouses

Townhouses is a type of medium-density residential that the comprehensive plan suggests, in certain areas, for the future Roeland Park. Townhouses can be incorporated into the mixed-use category used in the future land use map (Section 5.4). Located adjacent to the outer limits of the mixed-use centers, along busy roadways or adjacent to more intense land uses, this medium density housing type acts as a buffer between single family residential areas and more intense land uses. This protects and preserves the residential neighborhoods by limiting noise pollution, light pollution and by stopping commercial encroachment. Higher density, such as townhouses, must occur in designated areas with a minimum of eight units, or approximately 1/2 block. This is intended to maintain a sense of order and to discourage the use of higher density in small infill projects.

Residential Transition Zones are conceptual in nature. The intention of the zone is to preserve neighborhoods by protecting established residential areas from encroachment of adjacent uses of higher intensity. This plan deems appropriate the use of townhouses in transition zones, providing the proposed development fits the style and character of the adjacent neighborhood. Areas deemed as “Residential Transition Zones” may be subject to change as the community evolves and the extent of their application will be monitored and evaluated by the city on a case by case basis.



Senior Housing

Senior housing is another higher density residential use. Senior housing can be a solid anchor to a mixed-use center. The pedestrian scale of a mixed-use center is well suited for the elderly. The aesthetics and open space that often accompanies a mixed-use center is desirable to senior housing residents.

Building Codes/ Enforcement

Building codes and the fair and proper enforcement of existing building codes can be a great tool to maintain preservation and foster improvements. Roeland Park must continue to have equitable enforcement of existing codes and implement future codes that adhere to the vision and goals of the plan as developed in the community participation process.

Streets & Sidewalks

Proper upkeep and maintenance of existing streets and sidewalks is crucial to the continued preservation of residential neighborhoods. Additional sidewalks between neighborhoods and commercial centers will create a more walkable community and encourage pedestrian traffic.

Pedestrian Crossings - Roe Boulevard

In an attempt to minimize the divide created by Roe Boulevard, create better pedestrian access to neighborhoods and the proposed town center, and to create a safe and friendly environment for pedestrians the city should examine and identify key pedestrian crossings for Roe Boulevard. These future crossings should take advantage of existing signalization and should avoid adding additional traffic stops. Incorporation of the pedestrian-friendly crossings to a future trail system is encouraged.

Possible key pedestrian intersections are:

1. Roe Boulevard & Roe Lane
2. Roe Boulevard & 51st Street
3. Roe Boulevard & 55th Street
4. Roe Boulevard & Johnson Drive

These intersections should be evaluated further prior to determining the most appropriate crossings.



5.6 Transportation

Transportation planning needs to incorporate all forms of transportation. These forms of transportation can include automobile, pedestrian, bicycle and public transit. Roeland Park has been designed around the automobile. Strip commercial, large parking lots and multi-lane streets were all designed with the motorist in mind. The following suggests a future for Roeland Park designed with the pedestrian in mind. Through a multi-modal approach to transportation citizens of Roeland Park can enjoy a renewed quality of life while maintaining the convenience of the automobile.

Roe Boulevard

Roe Boulevard is a major north/south roadway that connects eastern Johnson County to I-35 and the 18th Street Expressway and Kansas City, Kansas. Thousands of cars travel daily on this 5-lane road which divides Roeland Park in half. Roeland Park has limited influence in changing the physical attributes of Roe Boulevard, such as vehicle capacity and number of lanes. However, Roeland Park can influence future growth and change in the land adjacent to Roe Boulevard. An effort should be made to promote and implement traffic calming techniques that are consistent with roadway characteristics. Such techniques as altered speed limits, additional landscaping and smaller building setbacks can go a long way in calming traffic. Calming traffic in turn will promote a more pedestrian friendly environment, create greater ease at ped-crossings, make motorists more prone to stop at the adjacent commercial center, and help bridge the community divide that was created by Roe Boulevard.

Road Network

Roeland Park has a road network that was formed from a compilation of neighboring subdivisions. As a result connecting streets are rare, making travel between neighborhoods somewhat difficult. East/west access is limited. Fifty-fifth Street is the only true east/west through street in Roeland Park. Both 50th Street & 51st Street are impeded by the existing commercial center. Improvement to east/west vehicular traffic movement should be encouraged in the redevelopment of the town center district. Since Roeland Park is a landlocked community built to its borders, future expansion of the road network is not likely. A focus should be made on continued upkeep and maintenance. Aesthetics and impact on adjacent neighborhoods should also be taken into account.

Trail System

The Preferred Plan discussed in Section 5.2 envisions a community wide pedestrian/bicycle trail system connecting existing parks and open space to surrounding neighborhoods and destinations such as: village centers, parks, local schools, the community center; and the public library. The trail system would bring continuity to Roeland Park by connecting neighborhoods. The trail system would be used as a form of recreation and as a means of getting to and from community activities. Trails may be associated with existing sidewalks and streets or, in some instances, build on those existing assets. Landscaping, vegetation and public art would be incorporated; taking into account the feasibility and availability of land and right-of-way.

Transit

Transit is an important component of any community. Currently Roeland Park is serviced by the regional transit authority, KCATA. Currently, Johnson County is exploring the possibility of commuter rail that connects Johnson County to downtown Kansas City, Missouri. The proposed route is planned to run parallel to neighboring I-35. KCATA added additional stops in Roeland Park in 2016 through a new transit line traveling through Kansas City, KS. Roeland Park should pursue their relationship with a potential train stop and/or a bus line connecting the City to the rail line.

Funded in part by the County Assistance Road System (CARS) program and the Surface Transportation Program (STP), Roeland Park intends to redesign Roe Boulevard starting in 2018. The project will include new streetscape to include lighting and landscaping, sidewalk extensions, street resurfacing, and new signals. The Pedestrian and Bicycle Safety Ad Hoc Committee report will help guide the redevelopment of Roe Boulevard. The project will help create an identity for Roeland Park and provide landmark elements for the City.

5.7 Public Facilities/ Infrastructure

Public facilities and infrastructure are general terms that refer to a broad array of services that communities provide their citizens. Safety, education, culture, government, recreation, transportation and water are just a few of the many services provided. These daily conveniences are often taken for granted. Citizens pay for these services, daily, through local property and sales tax. Many times families and individuals compare communities' public facilities before deciding to purchase a home or start up a business.



Library/ Community Recreation Campus/ City Hall

A library, community recreation campus and city hall are among the public buildings in Roeland Park. These local facilities provide Roeland Park with centers for learning, recreation, arts and culture. They also house important offices such as the local government and police. The library and community center are located in proximity to the new Bella Roe commercial center. The library and community center anchor the **Town Center** zone of the Land Use Plan, enhancing ongoing residential and retail growth of this area.



Stormwater

In the early 1990's the City created one of its first benefit districts to construct storm water improvements in the Elledge Drive / Fontana Drive (Turkey Creek Drainage areas). To date nine benefit districts have been created encompassing approximately 2260 properties or 80% of the City. The purpose of any storm water improvement project is to reduce flooding and potentially redefine certain properties that are no longer in designated flood zones.

Sidewalk & Park Master Plan

A well maintained park and trail system is important to the growth and preservation of any community. Parks and trails provide communities a place for recreation and relaxation. Parks and trails also create a central point, add to community aesthetics and encourage pedestrian traffic. When local parks and trails are planned in a comprehensive manner, the trail system links existing and future greenspaces together. Better pedestrian access between neighborhoods and to and from village centers is also attained. See Appendix 8.3, 8.4.

SECTION 6 FORM AND FUNCTION

Good design is paramount to the sustained development and longevity of any community. The identity of a community or neighborhood is often times determined by its aesthetics, scale and quality of design. Design is more than simply the face of buildings, but expands to include the quality of materials, the scale of public spaces and neighborhoods, pedestrian linkages between land uses, streetscapes, green spaces and the community's willingness to accept innovation. The following design concepts are intended to incorporate and further these ideas.

6.1 Commercial/Public Places

Site Design

- A defined system of streets should serve the needs of pedestrians and cars equitably, providing multiple routes where possible.
- New and infill development should include open spaces (plaza park, green space) for social activity and recreation.
- Exterior lighting should be provided at a pedestrian scale and should coordinate with building architecture and landscaping.
- Gateway features or monuments can be added to enhance the "sense of place" and creates a visual cue that the area is a distinct, special environment.
- Buildings should be located to front toward and relate to public streets, both functionally and visibly, to the greatest extent possible.
- Streets, sidewalks, neighborhoods and districts should be connected both physically and perceptually to the extent feasible. It is important that a continuous pedestrian link is implemented and maintained throughout the community.
- Schools, churches and/or government buildings shall be used to anchor neighborhood village centers and shall be designed to create visual anchors.
- Building orientation should respect the context of surrounding buildings, existing pedestrian ways and sidewalks, and surrounding streets.
- Landscaping can contribute to community's image and "sense of place". Landscaping provides color, highlights desirable spatial enclosures, framed entrances, and it provides a soft element in the hardscape environment.
- Streetscape improvements on Roe Boulevard within the Bella Roe commercial area should be considered for the length of the Roe Boulevard Corridor in Roeland Park. These improvements enhance both vehicular and pedestrian environments and identify Roe Boulevard as the major roadway linking the North/South Gateways to the City. The improvements include decorative lighting, street trees, decorative pavement, crosswalks, plantings and other amenities, including formal gateway treatments.

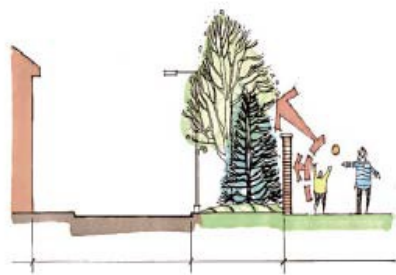
Building Design

- Parking should be located behind or at the side of buildings to the greatest extent possible, and shall be screened.
- Building entrances should be clearly identifiable and directly accessible from a sidewalk.
- Additions to existing significant buildings shall not destroy the materials or design that characterize the property and shall be compatible with the massing, size and architectural features of the existing structure.
- Compatible design need not be created through historic replication, but should reflect a consideration of the scale, material and massing of the adjacent and surrounding buildings.

- Encourage design (building materials, window size and placement, general facade composition) of all sides of buildings with consideration given to views from adjoining lots.
- Non-residential buildings should be designed and located to respect and provide an orderly transition to the scale of adjacent residential buildings.
- All rooftop air conditioning and heating equipment should be screened from view.

6.2 Residential Neighborhoods

- Encourage developments with mixtures of housing types, densities and land uses.
- Streets, sidewalks, neighborhoods and districts should be connected both physically and perceptually to the extent feasible.
- Pedestrian/bicycle links connecting east and west Roeland Park are essential to lessening the divide caused by Roe Boulevard.
- Pedestrian/bicycle links can be used to connect existing and future green spaces.
- Multi-family residential and landscaping can be used to buffer existing single family residential neighborhoods from noise and light pollution caused by surrounding commercial activity and high traffic counts.
- Establish and/or preserve a neighborhood's identity. Identity can be fostered by elements such as a central gathering point, school or interaction between neighbors.



Residential Buffering



Neighborhood Parks



Neighborhood Identity



Multi-family structures in the form of townhouses are envisioned in the Villages Scenario. The townhouses are to be located within proximity to a neighborhood/town center or along high traffic corridors such as Roe Boulevard and 47th Street buffering lower density residential from the arterials and commercial activity. Other types of multi-family encouraged would be senior housing developments that exhibit similar architectural character.

SECTION 7 IMPLEMENTATION

7.1 Development Toolbox

The residents of Roeland Park have a number of implementation tools available. These tools include the following:

<i>Zoning Regulations</i>	A city’s zoning ordinance (establishing use districts and regulating placement, spacing and size of land and buildings) is one of the most flexible, and therefore most important, tools of land development regulation and guidance. The zoning ordinance is a set of instructions for land development and it should include a mix of policy and site-specific layout direction.
<i>Subdivision Regulations</i>	Subdivision regulations address the layout and placement of a new or redeveloped development within a specific zone. Subdivision regulations are typically applicable to non-residential development as well, in the form of office and industrial parks. Subdivision regulations are an appropriate tool for analyzing the design of new development and its impact on existing public facilities and services.
<i>Impact Review</i>	Review of proposed developments at a subdivision or rezoning level should include an analysis of on-site/site design impacts and off-site impacts such as traffic generation, road maintenance, emergency services and open space/park/trail provisions. For projects of a pre-determined size or in specified locations, review could also include environmental, conservation and fiscal impacts.
<i>Landscaping and Buffering</i>	Landscaping and buffering serve a critical function of screening more intense uses from less intense uses as well as adding beauty and interest to individual building sites. With a plan that blends commercial and retail uses as well as density changes across the City, it is necessary to ensure that different categories of use are buffered from each other. It is equally important to ensure that landscaping is integrated into all site development to reflect Roeland Park’s character and provide for a blending of uses in the existing landscape.
<i>Community Aesthetics</i>	A unifying design concept can be an important element in reflecting a community’s character through its built environment. Design at a communitywide scale can be incorporated into site design of commercial centers and new residential site criteria
<i>Request for Proposal Process</i>	The request for development proposal process (RFP) allows the City to identify the specific design, quality and land use requirements for development it desires and to select a developer that is most qualified to meet those requirements. The process allows the City Council to pre-determine its priorities for development and to obligate the developers to meet those standards through agreements other than zoning. This process will be the first step for all city-owned development sites.

7.2 Strategies Matrix

The following strategies are intended to guide the City's implementation of the Roeland Park Comprehensive Plan. They are organized into five categories: physical image; economic development; community identity; infrastructure and public services; and residential preservation and redevelopment. Specific strategies are provided for each category within a phasing plan. There are four suggested phases; short term (0-2 years), medium term (2-5 years), long term (5+ years), and ongoing.

Physical Image Strategies

	Short Term 0-2 Years	Mid Term 2-5 Years	Long term 5 + Years	On going
Consider developing a master plan to improve, enhance and preserve aesthetic qualities in the public right-of-ways (lighting, sidewalks, street landscaping)	X			
Consider creating urban design guidelines (maximum setbacks, rear commercial parking, maximum building sq. footage, facade guidelines, building materials etc.) for the Town Center and Neighborhood Support Center for properties needing development or redevelopment.				X
Prepare a trail, parks, streetscape and landscape master plan to encourage additional green space				X
Identify, evaluate and build gateways at major entrances to the city and neighborhoods		X		
Implement streetscape master plan		X		
Continue to work to minimize the "Roe Boulevard Divide" through various traffic calming methods creating a better foot and bicycle east/west connection while incorporating the Town Center		X		
Create prominent gateway entrance into southern Roeland Park along Roe Boulevard at Johnson Drive and improve northern gateway			X	
Establish a tree planting and trimming program				X
Consider minimum setbacks for commercial/office structures and required parking spaces will need to be reviewed.				X

Economic Development Strategies

	Short Term 0-2 Years	Mid Term 2-5 Years	Long term 5 + Years	On Going
Work with multi-jurisdictional organization to expedite development of the 47th & Mission Road neighborhood center				X
Package incentives and regulatory strategies for Town Center Concept beyond Bella Roe				X
Modify zoning ordinances as required to promote sustainable, mixed-use quality developments	X			

Community Identity Strategies

	Short Term 0-2 Years	Mid Term 2-5 Years	Long Term 5 + Years	On Going
Consider developing specific design guidelines for each development area (caves site, Johnson Drive, Cloverleaf, City Hall, and Roeland Park school site)	X			
Continue to reuse vacant publicly owned buildings to support surrounding uses and activities	X			
Use medium density residential housing as buffers, or transition zones between single family residential neighborhoods and more intense uses				X
Promote the history and significance of the Strang Line and Santa Fe Trail and cooperate with adjacent communities on historic sites				X
Encourage public art through local funds and grants and local public and private funds				X
Ensure that new development appropriately balances hardscape with natural landscaping and adopt measures to reduce off-site stormwater runoff in accordance with Best Management Practices (BMPs)				X
Create a community of destinations (town center, neighborhood center, open spaces, public spaces, etc)				X
Concentrate retail into the designated multi-use town center and neighborhood center				X

Infrastructure and Public Services Strategies

	Short Term 0-2 Years	Mid Term 2-5 Years	Long Term 5 + Years	On Going
Implement methods to ensure that new development shares financial responsibility for impact on City services and facilities				X
Promote pedestrian traffic through community-wide trail system and key Roe Boulevard street crossings				X
Investigate the potential for consolidating public services with adjacent communities for the purposes of economic or functional efficiencies				X
Consider “traffic calming” in neighborhoods and in areas where higher pedestrian concentrations may exist				X
Maintain a current master plan for current and future parks				X
Maintain a current five year Capital improvement Program				X
Continue to communicate with utility companies to reduce duplication of efforts and impact on neighboring uses				X
Assess existing community needs for all forms of public transit and plan for future demands by addressing possible changes in population density and commuter rail				X

Residential Preservation and Redevelopment Strategies

	Short Term 0-2 Years	Mid Term 2-5 Years	Long Term 5 + Years	On Going
Revise zoning ordinance to allow medium density housing to provide secure and appropriate interface between commercial/institutional and residential development, and reflect the unique nature, character and needs of individual subdivisions.		X		
Address “tear-downs” (redevelopment of single family home sites) in Design Guidelines & Zoning amendments	X			
Actively market the City of Roeland Park’s positive differentiators as a prime location for new residents and families	X			
Explore new development and redevelopment for the City of Roeland Park	X			
Explore the idea of developing a consistent branding/marketing strategy for the City of Roeland Park	X			
Ensure ongoing and equitable enforcement of building and property maintenance codes				X
Develop a community-wide educational program promoting residential expansion and renovation. Use the Mid-America Regional Council’s First Suburbs Coalition idea book as a reference				X

SECTION 8 APPENDIX

- 8.1 Johnson Drive Corridor Design Guidelines
- 8.2 Old Pool Site Design Guidelines
- 8.3 Park Master Plan
- 8.4 Sidewalk/Trail Map