

**AGENDA
PLANNING COMMISSION
CITY OF ROELAND PARK, KANSAS
ROELAND PARK
COUNCIL CHAMBERS
SEPTEMBER 19, 2017 6:00 PM**

- I. Roll Call**
- II. Approval of Minutes**
 - 1. Minutes - 8-22-2017
- III. Action Items**
- IV. Discussion Items**
 - 1. Discussion of In-Home Daycare Regulations and Potential Elimination of Redevelopment Committee
 - 2. Modification from Final Development Plan for Redevelopment Area 1B - Signage
 - 3. Sustainable Code Audit Discussion
- V. Other Matters Before the Planning Commission**
- VI. Adjournment**

Scheduled Meeting Dates

Item Number: Approval of Minutes- II.-1.
Committee 9/19/2017
Meeting Date:



City of Roeland Park
Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **Minutes - 8-22-2017**
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



Minutes

Type

Cover Memo

PLANNING COMMISSION MINUTES
CITY OF ROELAND PARK, KANSAS
ROELAND PARK CITY HALL
4600 WEST 51ST STREET, ROELAND PARK, KS 66205
AUGUST 22, 2017 6:00 P.M.

The Roeland Park Planning Commission met on August 22, 2017, in City Hall, 4600 West 51st Street.

Chair Darren Nielsen started the meeting

Present: Mike Hickey, Bill Ahrens, Paula Gleason, Darren Nielsen and Kyle Rogler

Absent: Mark Kohles

Staff: Jennifer Jones-Lacy, Assistant City Administrator and John Jacobson, Building Official

1. Minutes:

A. April 18, 2017

MOTION: COMMISSIONER GLEASON MOVED AND COMMISSIONER ROGLER SECONDED TO APPROVE THE APRIL 18, 2017 PLANNING COMMISSION MINUTES. (MOTION PASSED 5-0)

2. Discussion Items

A. Sustainable Code Audit Discussion –

Ms. Jones-Lacy reintroduced the topic that had sat dormant for a period of time. The Sustainable Code Audit results were first discussed with the Planning Commission in 2014 and were reviewed in 2015. Commissioner Rogler had suggested revisiting the topic to determine if there was still interest in moving forward on some of the recommendations the audit uncovered.

After reviewing the audit results, Commissioner Nielsen suggested focusing on the items that were identified as items that either directly or indirectly conflict with sustainable practices, which were those that were labeled as a “1” or “2”.

Ms. Jones-Lacy stated that since the City has included a revised Comprehensive Plan in the budget for 2019, that we may be able to apply for the Sustainable Places grant through MARC and incorporate some of the recommendations suggested by the audit. The Commission said they would be interested in pursuing that and Ms. Jones-Lacy said she would ask about it. She said the grant appears to only be awarded every two years.

Commissioner Gleason said she would be interested in reviewing housing choice options keeping in mind the Communities of All Ages plan and helping folks to age in place through policies. Mr. Jacobson suggested looking at subdivision regulations as a starting point.

B. Update on City-Wide Development

Ms. Jones-Lacy provided a review of four ongoing development sites: northwest Johnson and Roe, northeast Johnson and Roe, The Rocks and 47th and Mission. Details are available in the packet.

3. **Adjournment**

MOTION: COMMISSIONER GLEASON MOVED AND COMMISSIONER ROGLER SECONDED TO ADJOURN. (MOTION PASSED 5-0).

Item Number: Discussion Items- IV.-1.
Committee 9/19/2017
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 9/18/2017
Submitted By: Jennifer Jones-Lacy
Committee/Department:
Title: Discussion of In-Home Daycare Regulations and Potential Elimination of Redevelopment Committee
Item Type: Discussion

Recommendation:

To review the attached suggested changes regarding approvals of in-home day cares by Planning Commission.

To consider the elimination of the Redevelopment Committee as a step in the Rezoning/Special Use Permit process

Details:

A resident who wishes to have an in-home daycare reached out to Council to change the City's business license code regarding in-home daycares. The code under Chapter 5 currently only allows up to a maximum of three children at any given time. The state of Kansas allows up to 10 children depending on the ages. John Jacobson, Building Official, suggested implementing a Conditional Use Permitting process whereby the applicant would go through a public hearing and notification of their neighbors for the daycare. Because Roeland Park uses a Special Use Permitting process within the Zoning Code, the suggested code changes are in 16-318 of the City Code. These suggestions are in the attached document. The approval of in-home daycare SUPs would be at the Planning Commission's discretion and would not go before Council for final approval.

The changes described above would require code changes in both Chapters 5 and 16. Chapter 5 regulates businesses including in-home businesses. While the suggested changes to this chapter are included in the attached document, they are only there for reference as the Planning

Commission only focuses on Chapter 16 regarding Planning and Zoning.

The City also has a Redevelopment Committee which consists of two Council members and two members of the Planning Commission. The purpose of the Committee is to review redevelopment concepts prior to going before the Planning Commission at the Preliminary Development stage. Meeting with the committee generally takes place after the applicant meets with staff to discuss the project and answer questions. Meeting with the Redevelopment Committee appears to be an unnecessary step in the development process. Any feedback the developer needs prior to submitting a preliminary or final development plan can be achieved by the initial meeting with staff which can also include the Chair of the Planning Commission and a Council member. The City currently has a Redevelopment Ad Hoc Committee. If the Council were to make that more of a permanent committee, I would recommend the chair of that committee be invited to the informal meeting with staff and the developer. By inviting a representative from Planning Commission and City Council, the Redevelopment Committee becomes redundant and unnecessary.

These two items were combined because in making changes to the Special Use Permitting process to include in-home daycares, the Redevelopment Committee process needed to be addressed as well. Because this was a conversation staff has previously had with the Planning Commission and Council, it made sense to address it while we were already making changes to the code.

This serves as an initial conversation on this topic. The plan is to obtain thoughts and edits from the Planning Commission and hold a public hearing on the changes for the PC meeting in October.

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
☐ Recommended changes to Chapters 5 and 16	Cover Memo

• Sec. 5-603. - Permitted Occupations.

The following are permitted home occupations providing they do not violate any of the provisions of [section 5-602](#):

- (a) Accountant;
- (b) Architect;
- (c) Artist, painter, sculptor;
- (d) Babysitting, no more than three children at any one time, requests for more children are subject to 5-605(b)
- (e) Chiropractor;
- (f) Clergyman;
- (g) Computer programmer;
- (h) Dentist;
- (i) Dressmaker, seamstress, tailor;
- (j) Engineer;
- (k) Firearms dealer, provided that gross sales do not exceed \$5,000.00 per year, that every person dealing firearms has a current valid federal firearms license and that not more than 12 transactions occur at the residence during any calendar year;
- (l) Home cooking and preserving;
- (m) Home crafts, model making, rug weaving, lapidary, woodwork, cabinet work;
- (n) Insurance agent;
- (o) Lawyer;
- (p) Osteopath;
- (q) Photographer;
- (r) Physician;
- (s) Psychologist;
- (t) Psychiatrist;
- (u) Real estate agent;
- (v) Telephone answering;
- (w) Typist;
- (x) Teacher—Tutor, with no more than three students taught at any one time;
- (y) Foster family care;
- (z) Beauty parlors, cosmetologists;
- (aa) Barber shops; and
- (bb) Short-term rentals.

(Ord. No. 639, § 1; Ord. No. 925, § 3, 1-4-2016)

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• Sec. 5-604. - Prohibited Occupations.

The following are prohibited as home occupations:

- (a) ~~Dance studios;~~
- (b) ~~Veterinary clinics, animal hospitals, stables, kennels;~~
- (c) ~~Funeral homes, mortuaries;~~
- (d) ~~Nursery schools;~~

(e) ~~Private clubs;~~

(f)

Automotive repair or paint shops;

(g)

Appliance or equipment repair shops;

(h)

Boarding houses.

(Ord. No. 481, § 4; Ord. No. 925, § 4, 1-4-2016)

• Sec. 5-605. - Conditional Uses.

(a) ~~Any proposed home occupation which is neither specifically permitted by [section 5-603](#) or specifically prohibited by [section 5-604](#), shall be considered a conditional use, and be granted or denied by the Governing Body upon consideration of those standards contained in [section 5-602](#).~~

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

(Ord. No. 481, § 5)

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Sec. 16-313. - Notices to Surrounding Property Owners.

(a)

Unless otherwise specifically provided in this chapter, whenever notice to surrounding property owners is required for consideration of an application, the notice shall be given as follows. The applicant shall mail notices at least 20 days prior to the hearing to all owners of record of lands located within at least 200 feet of the property which is the subject of the application, thus notifying the property owner of the opportunity to be heard. The mailed notice shall be given by certified mail, return receipt requested, and shall be in letter form stating the time and place of the hearing, a general description of the proposal, the general street location of the property subject to the proposed change, a statement that a complete legal description of the property is available for public inspection at City Hall, and a statement explaining that the public may be heard at the public hearing. Newspaper clippings of the publication notices shall not be used for the mailed notice. Mailed notices shall be addressed to the owners of record of the property. When the notice has been properly addressed and deposited in the mail, failure of any party to receive mailed notice shall not invalidate any action taken on the application. Mailed notice may be waived provided that a verified statement specifically indicating the waiver is signed by all property owners within the notification area and filed with the secretary of the Planning Commission, or the Board of Zoning Appeals, as the case may be, at least two business days prior to the hearing. Prior to the public hearing, the applicant shall file with the secretary of the Planning Commission, or the Board of Zoning Appeals, as the case may be, the returned receipts from the certified mailings and an affidavit stating the names and addresses of the persons to whom notice was sent; failure to submit the affidavit prior to the hearing may result in a continuance of the hearing.

(b)

In the case of rezonings and **special use** permits, with the exception of in-home daycares, the applicant shall place a sign on the property informing the general public that a public hearing will be held at a specific time and place concerning proposed changes in use. The sign shall be furnished by the City to the applicant, and the applicant shall maintain the sign for at least 20 clear days between the date of posting and the date set for the public hearing. The sign shall be firmly affixed and attached to a wood or metal backing or frame and placed within five feet of the street right-of-way line in a central position on the lot, tract or parcel of land so that the sign is free of any visual obstructions surrounding the sign. If a lot, tract or parcel of land is larger than five acres, a sign as required herein shall be placed so as to face each of the streets abutting thereto. The size, style, coloring and wording of signs for rezonings and **special use** permits may be determined by the Governing Body by resolution. The applicant shall file an affidavit with the Planning Commission at the time of the public hearing verifying that the sign has been maintained and posted as required by this chapter and applicable resolutions; failure to submit the affidavit prior to the hearing may result in a continuance of the hearing. The sign may be removed at the conclusion of the public hearing and must be removed at the end of all proceedings on the application or upon withdrawal of the application. It shall be a public offense for any person to remove, deface or destroy any sign provided for in this subsection, except in compliance with this subsection.

Sec. 16-316. - Consideration of Zoning Text Amendments.

(a)

Public hearing required. Consideration of zoning text amendments shall require a public hearing before the Planning Commission following publication notice as provided in [section 16-312](#).

(b)

Action by Planning Commission. A majority of the members of the Planning Commission present and voting at the hearing shall be required to recommend approval, approval with conditions or denial of the zoning text amendment to the Governing Body. The Planning Commission's recommendation shall include a statement of the reasons for the recommendation.

(c)

Governing Body action upon Planning Commission recommendation .

(1) In the case of a special use permit for in-home daycares, Governing Body approval is not required. Final approval will be by the Planning Commission with the Governing Body operating as the appeal board.

(1)

When the Planning Commission submits a recommendation to approve a zoning text amendment and the Governing Body approves that recommendation, then the Governing Body shall adopt the submitted ordinance. When the Planning Commission submits a recommendation to disapprove a zoning text amendment and the Governing Body approves that recommendation, no further action need be taken by the Governing Body and the application shall be deemed terminated.

(2)

Upon receipt of a recommendation of the Planning Commission which the Governing Body disapproves, the Governing Body may either return the recommendation to the Planning Commission for further consideration, together with a statement specifying the basis for disapproval, or may override the Planning Commission's recommendation by a two-thirds majority vote of the membership of the Governing Body. A failure to obtain a vote necessary to approve the Planning Commission's first recommendation shall constitute a disapproval. Requests, for amendments or modifications which constitute substantial changes, or requests for clarification by the Planning Commission, shall be treated as disapprovals for purposes of these procedures.

(d)

Applications returned to Planning Commission. Upon receipt of an application returned by the Governing Body, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefor or submit a new or amended recommendation. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's statement specifying disapproval, the Governing Body may consider the course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly. Reconsideration by Governing Body. Upon receipt of the Planning Commission's recommendation after reconsideration, the Governing Body, by

a simple majority thereof, may adopt or may revise or amend and adopt the recommendation by ordinance, or it need take no further action thereon.

• Sec. 16-318. – Special Use Permit

(a) Definition: are those types of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where product, process, mode of operation, or nature of business may prove detrimental to the health, safety, welfare or property values of the immediate neighborhood and its environs. Within the various zoning districts specific uses may be permitted only after additional requirements are complied with as established within this section.

(d) Day Care Centers: Day care centers for more than ~~three~~ (3) children or adults shall provide:

i. Be licensed with the State;

ii. Obtain a Special Use Permit from the Planning Commission

iii. Obtain a City business license.

iv. At least one hundred (100) square feet of open space per child. This open space shall be enclosed by a solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet high, and having a density of not less than eighty percent (80%) per square foot.

v. A loading zone capable of accommodating at least two (2) automobiles for picking-up or dropping-off passengers.

vi. Meet all requirements of the building code applying to day cares.

vii. That any special use permit issued shall be for a period of not more than five (5) years from date of issuance, and that the rights granted in said special use permit shall extend to the owner or his agent or licensee of said owner requesting such permit and shall not run with the land; but if the owner, agent or licensee requesting said special use permit shall thereafter transfer title to the property subject to the special use permit to a subsequent owner through the transfer of a fee simple title, then such special use permit shall extend to such subsequent owner for a period of 120 days after the effective date of the said transfer, being defined as the date of execution and delivery of a deed attesting to the ownership of said property.

viii. The special use permit for the operation of a daycare may be revoked at any time by the Governing Body upon a determination that it is in violation of the standards of this Section or any other City Code requirement.

ix. Landlord Consent. Any person applying for a business license and/or a special use permit for a daycare that will take place within a residential rental property shall submit written consent signed by the owner of the rental property to the City.

Deleted: HOME OCCUPATIONS: Home occupations shall be permitted in the () Districts¶

¶
a. Restrictions and Limitations: ¶

(1) The home occupation shall be incidental and subordinate to the principal use of the premises and **not more than twenty-five percent (25%) of the floor area of any one floor of the dwelling unit shall be utilized for a home occupation.** ¶

(2) All materials or equipment used in the home occupation shall be stored within an enclosed structure. ¶

(3) No alteration of the exterior of the principal residential building shall be made which changes the character thereof as residence. ¶

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Sec. 16-319. - **Special Use** Permit Applications—Submission Requirements.

(a)

The following items shall be submitted in support of an application for a **special** use permit requested pursuant to subsection 16-319(a).

- (1) Legal description of the property that is covered by the application for a **special** use permit.
- (2) A statement of the reasons why the **special use** permit is being requested.

~~(3)~~

If the application is for a communication antenna, either a site plan or a preliminary development plan, whichever is, in the opinion of the Building Inspector, necessary in order for the City staff, Planning Commission and Governing Body to properly evaluate the application. If a preliminary development plan is not required, the Building Inspector shall specify in writing the information to be included on the required site plan. Notwithstanding a determination by the Building Inspector that only a site plan is required, the Planning Commission or Governing Body may require the submission of a preliminary development plan prior to taking action on the application.

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The written comments of the redevelopment committee on the concept plan required pursuant to [Section 16-319](#).¶

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~~(4)~~

With respect to applications for special use permits for a communication antenna or a communication tower, a statement that alternative sites or communication towers within one-half mile radius of the subject site are not available due to one or more of the following reasons, when the reasons are applicable.

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(i)

Unwillingness of the owners of the alternate sites, or owners of existing or approved communication towers or structures capable of accommodating applicant's planned equipment to entertain applicant's communication facility proposal.

(ii)

Topographic limitations of alternate sites.

(iii)

Impediments adjacent to existing or approved communication towers that would obstruct adequate transmission.

(iv)

Physical site constraints that would preclude the construction of a communication tower.

(v)

Technical limitations of the communications transmission system.

(vi)

The applicant's planned equipment would exceed the structural capacity of existing and approved communication towers and facilities and structures generally capable of accommodating a communications transmission system, considering existing and planned use of communication towers and facilities and structures.

(vii)

The applicant's planned equipment would cause radio frequency interference with other existing or planned communication towers or facilities that cannot be reasonably prevented.

(viii)

Existing or approved communication towers or facilities do not have space on which applicant's planned equipment can be placed so it can function effectively and reasonably.

(ix)

The applicant demonstrates that there are other limiting factors that render existing communication towers and facilities and structures unsuitable.

(x)

The owner's facilities and transmission demands on structures.

(5) If the Application is for an in-home daycare, the applicant must include:

i. Hours of operation;

ii. Photos of the rooms where the daycare will be held;

iii. Parking plan;

iv. If staff outside the home are employed, the number and where they will park;

v. proof of state licensure

(6)

All studies as may reasonably be required pursuant to [section 16-304](#).

(7)

Assurance of adequate public facilities as required by [section 16-305](#).

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Sec. 16-322. - Preliminary Development Plans—When Required.

(a)

A preliminary development plan which meets the requirements of section 16-322 shall be submitted in support of all applications for:

(1)

Rezoning, pursuant to section 16-317, except applications for rezoning to a single-family residence district and a duplex residence district;

(2)

A **special use** permit, pursuant to section 16-318, with the exception of applications for home-based daycare centers; and

Deleted: (3) The written comments of the redevelopment committee on the concept plan required pursuant to [Section 16-319](#).¹

Item Number: Discussion Items- IV.-2.
Committee 9/19/2017
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 9/19/2017
Submitted By: Jennifer Jones-Lacy
Committee/Department:
Title: **Modification from Final Development Plan for Redevelopment Area 1B - Signage**
Item Type: Discussion

Recommendation:

To approve the request to install a Starbucks Sign on the exterior of Price Chopper, in the planned zoning district (CP-2) and Redevelopment District no. 2.

Details:

Acme Signs, on behalf of Price Chopper is requesting to place an additional sign on the exterior of the building to add a Starbucks inside the Price Chopper on Roe. As the building is in a planned zoning district (CP-2), any substantial modifications to exterior signage must be approved first by the Planning Commission before a permit may be issued.

Below is the section of the City code explaining the requirement for Planning Commission approval to the changes in the Final Development Plan.

Sec. 16-911. - Signs Permitted In Commercial and Industrial **Districts.**

(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.

Staff feel this change is appropriate considering a feature is being added to the district and we recommend approval.

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
☐ Application and site plan	Exhibit



The City of Roeland Park, Kansas

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

Sign Permit Application (Chapter 4, Article 9)

PERMIT FEE: New, rebuilt or altered signs- \$100 for the first 100 sq. ft. and \$10 for each additional 100 sq. ft. or portion in excess of 100 sq. ft.
Renovation of an existing sign - \$50

(The above fees shall be doubled if the required permit is not obtained prior to the erection of the sign.)

Applicant Acme Sign Phone 816 842 8980

Address 1313 VARNON

NKC MO 64116

If different from above:

Property Owner Price Chopper

Phone 913-286-1879

Address 4950 Rte

Roeland Park, KS

Business name to appear on sign: Starbucks

Address where sign will be placed: 4950 Rte

(attach copy of sign design)

Existing zoning

Type of Sign: ☒ Façade ☐ Detached ☐ Monument ☐ other

Size of Sign:

Length: 5

Width: 5

Free-standing Sign Height

(from avg. grade):

Total Area of Sign (sq. ft.): 25

Size of Building Façade:

Building (unit) Width: 210

Building (unit) Height: 27

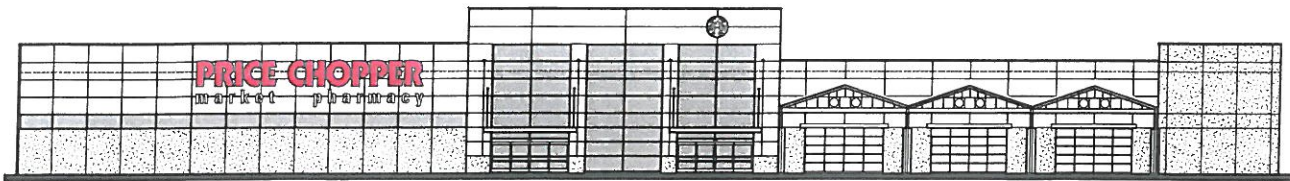
Total Façade Area (sq. ft.): 5670

Lessee signature: David Hyslop Date 08/28/17

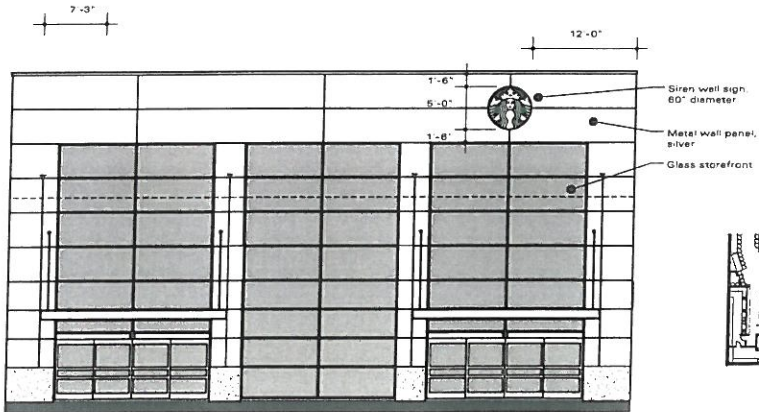
Applicant signature: Pat Jensen Date: 8-14-17

FEES FOR INSPECTION: There shall be no fee other than the fee for the issuance of the permit for the initial inspection. In the event it is not necessary, in the opinion of the building inspector, to determine the structural adequacy of any sign for a place of business, there shall be a fee of \$25 for the annual inspection required pursuant to this article for each place of business maintaining one or more signs. In the event it is necessary, in the opinion of the building inspector, to determine the structural adequacy of one or more signs for a place of business, there shall be a fee of \$25 for the annual inspection required pursuant to this article and, in addition thereto, the business for which the inspection is required shall either (1) provide the city with a certificate from a qualified inspector certifying that all signs located on the business premises are structurally safe and conform to the structural requirements of this article, or (2) pay the cost incurred by the city to properly inspect all signs located on the business premises requiring an inspection to determine structural adequacy. (Ord. 627, Sec. 8)

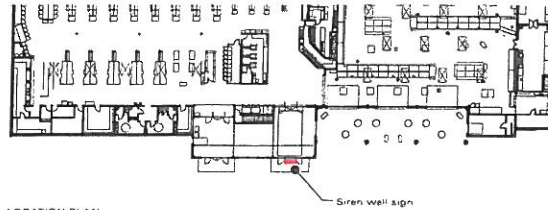
Fee Paid \$ Date Received by:
Permit: Approved: Denied: by Date:



EAST ELEVATION
 3/8" = 1'-0"



ENLARGED LOCATION ELEVATION
 3/32" = 1'-0"



LOCATION PLAN
 nts

Item Number: Discussion Items- IV.-3.
Committee 9/19/2017
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 8/22/2017
Submitted By: Jennifer Jones-Lacy
Committee/Department:
Title: **Sustainable Code Audit Discussion**
Item Type: Discussion

Recommendation:

For discussion purposes only.

Details:

The Planning Commission discussed this item at the last meeting on 8/22 and suggested focusing on items that directly or indirectly conflict with sustainable practices. The Commission also suggested focusing on sustainable housing choices and policies that positively impact the ability for folks to age in place in Roeland Park.

Considering Housing Choice, the areas of focus should be addressing one of the three audit findings:

1. *Multiple Residence District; Dimensions.* The ordinance treats all “multi-family” uses the same with a single standard and set of dimensional parameters. This ignores that dwellings come in a wide variety of building types and development patterns – some more compatible with neighborhoods settings than others, and thus relegates non-single family housing to more isolated or buffered projects or locations. Although this district does allow different types of dwellings by including all uses permitted in previous districts, it is not promoted as an objective and it does not provide standards for a well-integrated neighborhood pattern, increasing the likelihood that this district will be used more for isolated “multi-family” development projects. Further, the dimensional standards reinforce this by assuming buffers and setbacks must accompany any increase in density, forcing less explicit relationships with the streetscape.

2. In general the three residential districts take a basic approach to regulating residential uses. However there seems to be a “1 size fits all” approach to only 3 different types of housing – single family, duplex, or multi-family. This ignores wide ranges of scale, design and types within these broad categories. The lack of distinctions could present some challenges for infill situations that do not specifically comply (i.e greater variations of types and sub-types may help target some areas) and it does not clearly identify how the different districts can be assembled into neighborhood settings.

3. Single-Family Residence District; Dimensions. The height standards [subsection (e)] could be interpreted to prohibit or limit the effectiveness of some on-site renewable energy systems. The landscape standards are merely space for the sake of space; they do not provide any functional or aesthetic design objectives, nor do they suggest the ecological performance of any unbuilt portions of the site through better landscape design. Further this district is exclusive to one dwelling type geared specifically to lot size and does not allow accessory dwelling units or small lot detached dwellings that can add diversity even within single-family areas. This may be appropriate in many applications, but this district will not contribute to housing choices and the relationship of housing to walkable areas; the City will need to rely on other districts for this.

I recommend focusing on #2 or #3 as I believe item #1 will be a difficult sell to both the Governing Body and the Community.

At the last meeting, I said I would inquire with MARC regarding the Building Sustainable Places grant. Beth Dawson said the next application process will be next year but that they do not fund comprehensive plans but, rather, smaller corridor plans and the like.

From prior meeting.

Attached you will find the Sustainable Code Audit and the audit log with suggested priorities for which the City should focus it's attention. This item was originally brought to the Planning Commission in 2014 and was discussed intermittently in 2015 and 2016. This is an effort to bring it back to determine the Planning Commission's commitment and interest in pursuing this further.

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
	Sustainable Code Audit Log	Exhibit
	Sustainable Code Framework and Audit	Exhibit

Appendix A: Detailed Comment Log

The following are the section-by-section comments on the evaluation of the Roeland Park, KS Zoning and Subdivision Regulations, weighed against selected sustainability criteria. These are objective, un-edited comments and notes, used to arrive at the rating, commentary and observations in the main report. They can be used to gain further insight into the report or further evaluate any recommendations or action strategy from the City's perspective. These comments **are not** necessarily reflective of any official policy of the City, and actions based on these comments may benefit from more detailed and specific planning and greater discussion in the context of the City's overall development policies.

Sections that remain blank were determined to not have a significant relationship to or impact on the sustainability principle, which is distinct from a “3”, which may impact or relate to it, but the standard neither directly supports nor directly conflicts with the principle.

[illegible]

SECTION #	Rating Key: 5 Directly supports the best practices and prohibits other practices that could undermine sustainable development concepts and principles. 4 Somewhat supports best practices and/or limits other practices that could indirectly undermine sustainable development concepts and principles. 3 Neither directly supports nor directly conflicts with sustainable development concepts and principles, but may miss an opportunity where these topics typically would be regulated. 2 Creates indirect conflicts, somewhat undermines sustainable development concepts and principles. 1 Creates direct conflicts that likely prohibit best practices that meet sustainable development concepts and principles.	REINVESTMENT			TRANSPORTATION CHOICE				HOUSING CHOICE			CORRIDORS & ACTIVITY CENTERS			DESIGN FOR HEALTHY LIFESTYLES			UNIQUE COMMUNITY CHARACTERISTICS			RESOURCE CONSERVATION & ENERGY EFFICIENCY		
		Infill / Rehab Housing	Strong Suburban Downtown	Repair Strip Corridors	Connected Street Networks	Complete Street Design	Context Appropriate Streets	Optimized Parking	Diverse Housing Types	Age In Place	Mixed-Density Neighborhoods	Compact Walkable Centers	Transit-Ready Corridors	Retail / Rooftop Relationships	Active Transportation / Living	Access to Healthy Food	Integrated Trail System	Pedestrian Oriented Public Realm	Natural Resource Protection	Tree Preservation	Green Infrastructure	Energy Efficient Buildings & Sites	Renewable Energy
16-439	<i>Planned Office Building District; Development and Performance Standards.</i> None of the development and performance standards deal with urban design strategies that can integrate development better with the surroundings and with the street/public realm.			3													3	2	3	3	3	3	
16-440	<i>Planned Restricted Business District; Statement of Intent.</i> When read in conjunction with the Planned General Business district (CP-2), it can be reasonably interpreted that this district is intended for more small-scale, less intense retail – better integrated with neighborhoods. However the intent statement does not make that clear, and many of the standards could be open to interpretation on if that will be the result of development plans under this district. Limits on smaller scale buildings and uses, standards to establish a relationship between buildings and sites and the public realm, and effective transitions with neighborhoods could improve on this intent.											3	3	3									
16-441	<i>Planned Restricted Business District; Permitted Uses.</i> Similar to the above comment, and approach to uses based on scale or building types may be more appropriate for a planned district. The list of specific types of uses can at once be too specific making distinctions without differences (i.e. a block store vs. a bakery) and too generic, ignoring large important distinctions (i.e. a 2K square foot hardware store and a 200K square foot hardware/home improvement store.)											2	2	2									
16-442	<i>Planned Restricted Business District; Height and Area Regulations.</i> Planned districts are often most attractive when they offer flexibility and innovation for more integrated planning and urban design that is unique to the context and can implement places and more efficient development practices. The height and area regulations are repeats of assumed car-oriented (setbacks) and low intensity (area requirements, low FAR and heights) patterns.			1								1	1	1				1	1			1	
16-443	<i>Planned Restricted Business District; Parking Regulations.</i> These are parking minimums for conventional and car-oriented places, and do not offer any opportunities for reductions based on context and planning.							1															
16-444	<i>Planned Restricted Business District; Development and Performance Standards.</i> None of the development and performance standards deal with urban design strategies that can integrate development better with the surroundings and with the street/public realm. Although sub-section (g) does anticipate some outside space to enhance the public realm (i.e. outdoor eating) – it still relegates it to a sectioned off area eliminating more informal gathering places associated with businesses and it also adds extra parking requirements for any of this additional / complimentary seating.			3				1									3	4	3	3	3	3	
16-445 & 446	<i>Planned General Business District; Statement of Intent and Permitted Uses.</i> Similar to the above comment above on 16-440 for CP-1, these sections could be used to make a more clear distinction on the different types of places that are intended for these two planned commercial districts. This could end up giving better guidance and decision making criteria on how the flexibility through development plans is intended to be used, and what outcomes are desired.											3	3	3									
16-447	<i>Planned General Business District; Height and Area Regulations.</i> Planned districts are often most attractive when the offer flexibility and innovation for more integrated planning and urban design that is unique to the context and can implement places and more efficient development practices. The height and area regulations are repeats of assumed car-oriented (setbacks) and low intensity (area requirements, low FAR and heights) patterns.			1								1	1	1				1	1			1	
16-448	<i>Planned General Business District; Parking Regulations.</i> These are parking minimums for conventional and car-oriented places, and do not offer any opportunities for reductions based on context and planning.							1															
16-449	<i>Planned General Business District; Development and Performance Standards.</i> None of the development and performance standards deal with urban design strategies that can integrate development better with the surroundings and with the street/public realm.			3													3	2	3	3	3	3	

[illegible]

[illegible]

SECTION #	COMMENT	REINVESTMENT			TRANSPORTATION CHOICE				HOUSING CHOICE			CORRIDORS & ACTIVITY CENTERS			DESIGN FOR HEALTHY LIFESTYLES			UNIQUE COMMUNITY CHARACTERISTICS			RESOURCE CONSERVATION & ENERGY EFFICIENCY		
		Infill / Rehab Housing	Strong Suburban Downtown	Repair Strip Corridors	Connected Street Networks	Complete Street Design	Context Appropriate Streets	Optimized Parking	Diverse Housing Types	Age In Place	Mixed-Density Neighborhoods	Compact Walkable Centers	Transit-Ready Corridors	Retail / Rooftop Relationships	Active Transportation / Living	Access to Healthy Food	Integrated Trail System	Pedestrian Oriented Public Realm	Natural Resource Protection	Tree Preservation	Green Infrastructure	Energy Efficient Buildings & Sites	Renewable Energy
	Rating Key: 5 Directly supports the best practices and prohibits other practices that could undermine sustainable development concepts and principles. 4 Somewhat supports best practices and/or limits other practices that could indirectly undermine sustainable development concepts and principles. 3 Neither directly supports nor directly conflicts with sustainable development concepts and principles, but may miss an opportunity where these topics typically would be regulated. 2 Creates indirect conflicts, somewhat undermines sustainable development concepts and principles. 1 Creates direct conflicts that likely prohibit best practices that meet sustainable development concepts and principles.																						
16-1410	<i>Regulation of Streets to Adjoining Streets and Land.</i> A good generic policy statement for connecting streets. However it provides no standards for which networks should connect and generally subdivision regulations are one of the primary means through which cities can require better transportation networks as property develops incrementally.				3																		
16-1413	<i>Street Design Standards.</i> The street design standards do not include any urban design or transportation planning standards that can integrate public realm with the development context. The referred to standards in 13-107 are primarily technical engineering and construction standards and will provide little guidance or criteria for planning multi-modal transportation options, integrating transportation or land use, or using ROW as the essential element of public realm design.				2	2	2							2		2	2						
16-1415	<i>Block Lengths.</i> These block lengths are quite large, even for car-oriented contexts. For more compact and walkable patterns they are 3x to 4x what would be typical (600' to 700' in neighborhoods; 250 to 400' in commercial or mixed use areas). While they don't preclude these shorter lengths, the allow many things that would be counter to transportation choices, and more connected centers and corridors in certain contexts.				2						2	2											
16-1416	<i>Pedestrian Walkways.</i> This is a good general requirement to improve upon networks in disconnected areas. However there are no standards to ensure that the context in which these connections are made (i.e. the streets that the walkways connect) are good walking areas.				4												3						
16-1417 & 1420	<i>Lots on Collector Streets; Residential Lots on Arterials.</i> Generally requiring residential lots to back to streets is an inefficient development practice (building roads with no developable lots). Further it assumes that the road will be a car oriented street rather than an important neighborhood streetscape in an overall system, and that homes should not front on it. Often, with appropriate network planning and good urban design strategies for the streetscapes, these can become some of the more important and valuable/desirable street locations in a neighborhood				2	2	2		2		2						2				2		
16-1440	<i>Required Improvements; Sidewalks.</i> In general, 4' minimum is not sufficient for walkable streetscapes. 5' is usually considered the bare minimum (two people can walk side by side only at 5'+), and in many more walkable contexts 12'+ should be a minimum. Consider developing street cross sections and street types for all of the variety of contexts that may warrant different minimum standards					2	2							2			2						
	OVERALL RATING	3.1	3.2	2.6	2.8	2.6	2.5	2.4	2.7	2.7	2.3	2.3	2	2.4	3	--	3	2.6	2.7	3.2	3.3	2.7	2.5
	Relative Priority ● High Priority. This is currently in our existing policies. ● Moderate Priority. This is not currently in our policies, but is a direction our community is interested in; or It is currently in our policies, but other items are more important currently. ● Low Priority. This is currently not in our policies, and our community has not discussed this; or Our community is interested in this direction but it is a long-term aspiration due to physical, political or practical hurdles that must be addressed. ● Not a Priority. This is not in our current policies – it has either been discussed and decided against, or it is not applicable to our context within the region.	●/●	●	●	●/●	●	●	●	●/●	●	●	●/●	●	●	●	●	●	●	●	●/●	●/●	●	●/●

The "relative priority" is based on a rough ranking of strategies that are of immediate or interim importance to the City. Those with low priority are not necessarily unimportant, but rather may take longer and more involved policy discussions before they become a key part of the city's planning program and regulatory strategies.



SUSTAINABLE CODE FRAMEWORK AND COMMUNITY AUDIT

FINAL REPORT - November 2014

TABLE OF CONTENTS

Introduction	1
Approach	1
Model Sustainable Code Website	2
Code Audits	3
Typical “Quick Fixes”	5
Common Impediments	8
Street Design	8
Placemaking	9
Housing Choices	11
Summary	13

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Mid-America Regional Council (MARC)

Partner Jurisdictions: Participation from staff and stakeholders from the following partner jurisdictions contributed to the Model Sustainable Development Code Website and individual jurisdiction development code audits:

- Fairway, KS
- Gladstone, MO
- Grandview, MO
- Independence, MO
- Mission, KS
- Prairie Village, KS
- Raytown, MO
- Roeland Park, KS



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SUSTAINABLE CODE FRAMEWORK AND COMMUNITY AUDIT



REINVESTMENT

Reinvesting in existing communities and neighborhoods ensures they remain or become vibrant, connected, green places.



TRANSPORTATION CHOICE

Varied transportation options help reduce family travel costs, reduce air pollution, and connect families to jobs and services.



HOUSING CHOICE

Housing choices for all ages, lifestyles, and income levels help support diverse communities and a healthy housing industry.



CORRIDORS & ACTIVITY CENTERS

Vibrant corridors connecting activity centers encourage new developments and public transportation while making efficient use of public and private assets.



DESIGN FOR HEALTHIER LIFESTYLES

Places designed for active lifestyles with access to healthy foods can improve the health of residents, reduce health-care costs and contribute to vibrant neighborhoods.



UNIQUE COMMUNITY CHARACTERISTICS

Distinctive communities and historical, cultural and natural assets increase the vibrancy of a region and contribute to its overall economic health.



RESOURCE CONSERVATION & ENERGY EFFICIENCY

Sustainable places conserve resources for future generations while simultaneously reducing costs and increasing economic and fiscal efficiency.

INTRODUCTION

This report provides a final summary of the Mid America Regional Council Model Sustainable Development Code and Community Code Audits project. It was made possible by a Sustainable Communities Planning Grant from the U.S. Department of Housing and Urban Development, Office of Sustainable Housing and Communities. The Model Sustainable Development Code project is part of MARC's Creating Sustainable Places initiative. For more information on the entire initiative, see <http://www.marc.org/Regional-Planning/Creating-Sustainable-Places>.

Approach

The Creating Sustainable Places initiative promotes a vision for VIBRANT, CONNECTED, and GREEN communities throughout the Kansas City Region. This 3-year program began in 2010 and involved more than 60 regional partners of local governments, state agencies, and civic, business and development organizations. A 40-member coordinating committee developed the 7 key principles for sustainable development in our metropolitan area.

The Model Sustainable Development Code project builds off of this vision and these principles. There are many broad and complex policy, program and design issues associated with these principles, and they may mean different things in the vastly different contexts within our region. However this effort aimed to narrow in on only those issues that are most impacted by development codes. Through facilitated discussions with our stakeholder jurisdictions, 22 "Sustainable Development Concepts" were identified under these principles. With emphasis on these 22 concepts, the model sustainable development code website and development code audits are focused on the most pressing regulatory issues that are important to our region.

This project involves 2 main components – a model sustainable development code website and code audits of eight local jurisdictions.

Model Sustainable Development Code Website

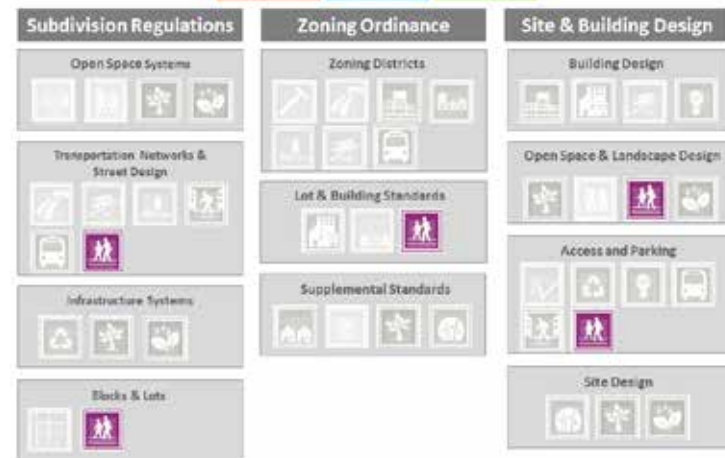
The model code website is established as a resource for code examples from other jurisdictions – most outside of our region – that address the sustainable development concepts identified by our stakeholder jurisdictions. Rather than jump directly to regulatory language, the website first establishes the policy supporting each concept, lists benefits and outcomes from the policy, and identifies a range of regulatory strategies that implement each concept. Example codes are then provided as a resource for jurisdictions that support those policies. <http://codes.sustainable-kc.org/>

The model code website is organized under 3 main frameworks:

- LEARN – organizing the development code strategies and code examples around the 7 main principles and 22 sustainable development concepts.
- CODE – organizing the development code strategies around the table of contents of a model development code.
- EXPLORE – demonstrating the types of projects and project metrics that support the principles and concepts from the model sustainable development code. This portion of the website will grow and become better coordinated with the 7 CSP principles and 22 sustainable development concepts as the data base of projects grow, and our experience implementing these projects in our region increases.



The 22 Sustainable Development Concepts, and the policies, strategies and codes that impact those concepts are arranged on the website under the 7 main CSP principles for those that want to learn and research particular topics.

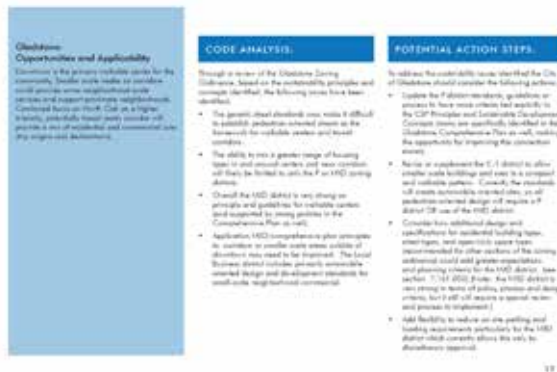


The “Code Framework” arranges the same 22 Sustainable Development Concepts like a typical table of contents for a development code. This enables identifying interrelated – and possibly competing – sustainability principles within sections of development codes. For example, this image demonstrates how someone concerned about the “Pedestrian Oriented Public Realm” concept, may need to check several code sections that may impact that concept.

SUSTAINABLE CODE FRAMEWORK AND COMMUNITY AUDIT



Community Code Audit Example



Community Code Audit Example

The model code website is also part of a larger suite of on-line resources, including the Regional Indicators that help track our progress towards a more sustainable region with real time access to important data; a Natural Resources Inventory which includes highly refined data at various scales documenting existing resources and restoration opportunities that can allow natural systems to support development in our communities; and Envision Tomorrow and Visualization Tools that can help program and implement concepts within specific contexts. This suite of resources is intended to promote LOCAL ACTIONS, with IMPACTS ON PLACES, that produce REGIONAL OUTCOMES.

Code Audits

Eight of our stakeholder jurisdictions also participated in a code audit – evaluating their development code against the 22 sustainable development concepts. To initiate this process, each prepared a “policy profile”, ranking the sustainable development concepts from a 1 – high priority, to a 4 – lowest priority. This profile gives an order of magnitude gauge on which issues are most relevant to each community’s context and current planning priorities, and it helps tailor an action plan for code updates to each jurisdiction’s needs.

Evaluating how development regulations impact sustainability goals requires a two-part analysis. First, consider whether the regulations present barriers – provisions that prohibit or limit the application of “best practices” towards any specific sustainability objective. Second, and perhaps most importantly, consider how effectively the regulations limit, close loopholes or prohibit other competing practices that undermine broader sustainability issues. This two-

part analysis can result in a more integrated code by identifying where the development code is strong, silent, or weak on certain principles, and identifying where some sections may undermine other related principles and concepts.

Each community code audit is organized under the 7 key principles for sustainable development: Reinvestment; Transportation Choice; Housing Choices; Corridors and Activity Centers; Design for Healthy Lifestyles; Unique Community Characteristics; and Resource Conservation and Energy Efficiency. Under each topic, the reports contain:

- **Principles & Concepts**- a summary of each Principle and how the Sustainable Development Concepts impact common sustainability metrics for comprehensive planning and development;
- **Opportunities and Applicability** – a quick observation of how the each Principle and the supporting Concepts could apply to the jurisdictions’ physical and planning context.
- **Code Analysis** - Analysis of how well the development code relates to each concept and typical regulatory objectives, including identification of barriers or loopholes.
- **Potential Action Steps** – Options to consider for future updates to the regulations (note: more information and examples of these action steps can be found on the Model Sustainable Development Code website.)

An action plan is provided to each jurisdiction that prioritizes some of the potential action steps based on those that are most easily achievable under the cities current plans and policies (as opposed to those that need broader programs and community input to support them) and those that are most aligned with the cities “policy profile” filled out at the beginning of the audit process. A section by section list of raw comments used to evaluate the code, guide the analysis and determine the rating is included as an appendix to this report. These sections can be used by staff to help prioritize potential action steps, address emerging issues, and improve the Codes performance on certain sustainability concepts.

This Final Report is a summary of trends reflected across the 8 jurisdictions, including common impediments, typical “quick fixes” and the major significant code and policy issues that our region needs to address more effectively.



Grey = Concepts development codes were typically silent on.

Green = Concepts development codes were typically stronger on (indirectly supported or directly supported).

Yellow = Concepts development codes were typically neutral on (both indirectly supported and indirectly conflicted).

Red = Concepts development codes were typically weak on (indirectly or directly conflicted).

Summary of Community Code Audits - By Topic

TYPICAL QUICK FIXES

The action plans of the code audits organized each jurisdiction's priority issues into short-term and long-term actions. The short-term actions or "quick fixes" were things the jurisdiction could accomplish with very little additional policy reform or community discussion and which did not need significant code restructuring. These involved policies and strategies that were already broadly supported by the community, things that added new options already reflected in the market place, or things that simply coordinated conflicting provisions in the current regulations to remove impediments.

Flexible Parking(Optimized Parking)

Flexibility in parking was often needed and can typically be very easily incorporated into regulations through a broad range of strategies, which included:

- Count on-street parking, and design streets for it.
- Give credits or reductions for development patterns that support walking, biking or transit.
- Improve the context, criteria and procedures where shared parking is permitted or required.
- Reduce the parking minimum (or eliminate it), implement a parking maximum, or have a cap that requires design mitigation.
- Give more administrative discretion for "optimal parking" through waivers.

Street Trees / Landscape Standards (Pedestrian Oriented Public Realm & Tree Preservation)

Although Pedestrian Oriented Public Realm scored particularly low among jurisdictions, most codes at least demonstrated intent to value and preserve trees, and a willingness to promote "street trees." However, the intent was frequently undermined by conflicting provisions in landscape, streetscape or street design sections. Often this involved improper identification of species or improper location – particularly regarding street trees, and lack of specifications for survival of landscape investments. Trees – and particularly street trees in strategic locations, can be a low-investment / high return strategy that can improve even the most car-oriented or pedestrian-hostile areas in the short term. (See "Street Design" under the Common Impediments section for more details.)

Accessory Dwelling Units (Diverse Housing Types)

Enabling accessory dwelling units (detached or attached) – whether in specific or limited locations, or through conditional or administrative permits is a simple way to increase the density with very little impact on the scale and character of existing neighborhoods. While any housing policy and code strategy must be very specifically tailored to the jurisdiction and neighborhoods where they would be implemented, codes that enable this housing option are quite simple. Most jurisdictions had areas where this approach is a viable strategy to provide housing options to meet market and demographic shifts.



Pedestrian Oriented Public Realm



Mixed-use



Integrated Uses

Planned Districts (Compact, Walkable Centers)

Over-reliance on planned districts to create sustainable development practices is part of our larger and more significant code issue discussed later. However some easy updates where often recommended to improve the current use of planned districts. Too often these districts reflected “standard-less districts”, where the absence of standards and the reliance on an applicant-supplied development plan is perceived as permitting flexibility and at least enabling the sustainable development concepts to be executed. However, these districts are as likely or more likely to lead to development that conflicts with sustainable development concepts, than further them. Unguided use of planned districts often results in narrowly-focused projects, internal orientation with little broader public benefit, or simply get used as an “end run” around the otherwise applicable regulations. An easy fix to this is to better tie the use of planned districts more specifically to the cities specific planning policies, then introduce sustainable development concepts as a prerequisite to using the district, and/or set some basic default standards that the flexibility in the plan must equally or better meet. Not only will this improve the results from a “sustainable development” perspective, but it increases the expectations for applicants and decision-makers in this sometimes too-vague process. A further level of improvement is to tie the use of planned districts to a more refined neighborhood, area, or specific plan scale that can provide better context-specific guidance and serve as a better bridge between the broader public benefits and the privately driven development plan.

Food Production (Access to Healthy Foods)

Most codes addressed “agriculture” uses in some manner, even if it was simply a holding zone for larger lot or rural but urbanizing areas that are a remnant of past growth scenarios. Yet somewhere between the scale of agriculture on a farm, and the accessory use of growing tomatoes in the back yard (which needs no regulatory approach), lies a wide range of small- to intermediate-scale food production activities. At least acknowledging in use tables that food production can occur at a variety of scales and in a variety of contexts (some even indoors), can allow these emerging uses to be more explicitly enabled in a variety of appropriate contexts.

Site-scale Energy Systems (Renewable Energy)

Site-scaled renewable energy systems are beginning to hit the market at increasingly affordable and productive methods. Some jurisdictions already have provisions that address these topics, and others were silent to it (perhaps in a way that implies these uses could simply be “accessory” uses when implemented at the smallest scale). Further, for those that have included ordinances that address these strategies, emerging techniques may require that we continue to revisit codes and there are many models and examples available (see Model Code website and MARCs broader initiative on renewable energy).

Sidewalks (Pedestrian Oriented Public Realm & Complete Streets)

Many development codes included city-wide sidewalk standards, often with a minimum of 4' in neighborhoods or 5' generally. While this is an improvement over having no standard or building streets without sidewalks, the appropriate sidewalk design can often not be expressed as a city wide standard. Typically, 5' is the bare minimum to allow people to walk side-by-side. Further, it may be completely insufficient in areas where more walking is encouraged (8' or 12' minimum will be necessary here), or areas where more social activity is desired (20' or more is necessary here). In addition, many of the city-wide standards would say nothing to the actual design and location of the sidewalks, whether it was buffered from moving lanes of traffic by on-street parking or landscape strips, or whether street trees are part of creating a pleasant place to walk. Adjusting these requirements for (a) the planning context; and (b) the street-type, can be an important improvement on city-wide sidewalk design standards.



Active Public Realm

COMMON IMPEDIMENTS

The jurisdictions as a whole score particularly low with respect to code provisions addressing street design, creating compact, walkable centers and housing choices. These scores reflect a more complex regulatory issue that may require further scales of planning, deeper policy discussions, or more comprehensive restructuring of our codes. However, these are perhaps the most significant sustainable development issues for our region and deserve more focused attention.

COMMON IMPEDIMENTS – STREET DESIGN

Although many jurisdictions plans, policies and even intent statements in the regulations speak to “complete streets” or “multi-modal” transportation goals, the design standards in the regulations typically do not reflect best practices. There is certainly a question of how great an impact the development regulations have on street design (i.e. a built-out community may not build or replace streets through the development code and development review process, but use other design standards outside the code); however, street design standards in development regulations are a common impediments to the Transportation Choice principle of the Creating Sustainable Places program. The typical impediments include:

- Lane Widths – 12’ wide standard
- Focus on Functional Classification
- Prioritizing vehicle flow (corner turn radius, turn lanes, site access lanes)
- Prohibition on street trees

Lane Widths – 12’ wide standard

Most development codes start with the assumption that 12’ wide lanes are “standard,” and they apply this to all kinds of streets in a variety of contexts as a minimum. The reality is that 12’ wide lanes are appropriate only on higher-speed, free-flowing, principal arterials streets where speeds over 45 mph are expected; they are not appropriate for a most city contexts – especially neighborhoods or walkable activity centers where slower speeds of vehicles are essential to allow cars to mix safely with pedestrians and bicycles. 12’ wide lanes undermine this fundamental principle of multi-modal street design. In our limited right-of-way space, a foot or two matters when we are trying to find space for wider sidewalks, on-street parking and street trees. Lanes as narrow as 9’ and 10’ work perfectly well in these contexts (as is even acknowledged by the American Association of State Highway and Transportation Official (AASHTO) design manual, a guide for state highways often used by cities for designing city streets). When 9’ or 10’ lanes are applied to multiple lanes, this can help us capture coveted space for things that make people comfortable, while also taming the speed of cars. Any environment where we want vehicle speeds operating below 45 mph (i.e. especially all neighborhoods and walkable centers where speeds below 25 mph are desired and posted), should have 9’ – 11’ lanes instead of 12’ lanes, even according the AASHTO design guidance.

Focus on Functional Classifications

Simple approaches to traffic engineering (moving more cars quickly) organize our streets based on “functional classifications” – Arterial, Collector and Local streets. While this works as a logical concept for organizing the function of our street network,



Lack of Street Design



Complete Street Design

it is a poor tool to guide the actual design of our streets on specific segments. Most development regulations simply base standards on functional classifications. This misses a significant opportunity to coordinate transportation investments with the abutting land use and development patterns, and to promote the essential urban design role that streets play in building valuable places and neighborhoods. Rights-of-way – the spaces between buildings and sites – are the largest component of our public realm and the design of this space has a significant role in creating the character of places. The model code examples collected for this project demonstrate a better way to use the “functional classification” system to plan networks, but then apply a wider variety of “street design types” to actually invest in streets appropriate to the context.

Prioritizing Vehicle Flow

Related to the above two significant impediments, all of the development codes that were reviewed reflect a priority for vehicle flow in street design and site design standards, often above all other interests. This priority needs to be questioned – particularly within neighborhoods and walkable centers where our planning policies and development investments are based on a different priority. Things like required turn lanes, larger curb-return radius, driveway access standards, and internal driveway, circulation, and parking lanes standards reflect prioritizing vehicle flow. All of these standards will compromise the interests of people on foot and on bikes, result in more space dedicated to cars and leave less space dedicated to civic spaces for people.

Prohibiting Street Trees

Many development codes are either silent to or prohibit street trees in the interests of efficient street design (perceived lower maintenance) or reducing conflicts with utilities. This is misguided. Not only are these interests not clearly served by such a policy, it misses the significant role that street trees play in sustainable development – everything from filtering and infiltrating stormwater, increasing comfort for pedestrians, and increasing property values. (see “Typical Quick Fixes” discussion on street trees). Further, some codes that promote street trees require them to be out of the right-of-way, or prioritize utility placement over street tree locations. This undermines the performance and impact of street trees. Trees and utilities need to be carefully planned to peacefully co-exist and our most resilient, sustainable places demonstrate how to do this. Street trees are one of the lowest cost – highest return urban design investments a city can make. (See Focus on Functional Classification discussion; a variety of street design types also enables a more specific standard for different street tree types and locations for different streets.)

COMMON IMPEDIMENTS – “PLACE-MAKING”

Over many years, and the last decade in particular, the planning profession has awakened to the fact that our historic “use-based” focus to regulating development is not always appropriate for our increasingly complex development environment (emphasizing the use of land and assuming districts of the same or similar uses). When “place-making” is the focus of our planning policies, the integration of neighborhoods and walkable centers to create more valuable places should be the goal. Most of the development codes reviewed reflected at least



Impact of No Street Trees



Impact of Street Trees



Hardware Store - Large Scale



Hardware Store - Small Scale

some acknowledgment of this fact, but they were weak on the nuances of making places or prohibiting practices that undermine “place making”. The typical impediments to the Corridors and Activity Centers principles of the Creating Sustainable Places program include:

- Focus on use / Silence on scale
- “Mixed-use” vs. well-integrated uses
- Over-reliance on planned districts.
- Lack of public realm and streetscape standards (placed for people, prohibit or administrative burdens on sidewalk activities.)

Focus on Use / Silence on Scale

Even when regulations encouraged a more integrated approach to permitted uses, they often did not acknowledge where the true impacts of different land use scales result from – the scale of the use. Use-based standards are famous for at once being too specific (drawing distinctions between similar uses where there is no difference) and too vague (ignoring distinctions between the same use where there are significantly different impacts.) To make up for this, development codes often layer on design standards aimed to mitigate assumed impacts in a variety of contexts, which run the risk of working well in few contexts. An alternative strategy is to become more general with the types of uses (i.e. “retail” instead of “hardware store”), but more specific with the scale of use (i.e. “neighborhood retail” vs. “warehouse retail”) With this approach, eligible land uses can be more appropriately keyed to different zoning districts and contexts.

“Mixed-use” vs. Well-integrated Uses

Most codes did reflect at least a basic understanding the benefits that a less use-focused approach can bring, and enabled a “mixed-use” district. However, most of these seemed to assume that simply mixing uses was the end goal. Codes may have enabled multiple uses, but frequently did not express even policy guidance for an appropriate range of uses – a list of ingredients rather than a recipe which can lead to lower expectations during implementation. Further, related to the “scale” issue, it is not simply mixing uses that is the planning goal to begin with, but rather a compatible integration of complimentary uses where each one contributes more to the vitality of a place, than were the use in isolation. Many of the historic models that we are trying to emulate with mixed-use regulations, are actually a compilation of many single-use districts – just applied at a much more refined block scale and with a focus on how well the multiple zoning districts relate and support each other. The model code examples collected for this project demonstrate how mixed-use districts can better prescribe outcomes and/or how multiple compatible zoning districts can better relate and support each other through policy guidance and intent statements.

Over-reliance on “Planned Districts”

Related to the two previous issues, most codes rely on “planned” or flexible zoning districts to make up for these deficiencies. Most often these planned district applications come through discretionary review processes. While this technically makes up for any deficiencies in specifying better “place-making” standards in our development regulations and at least enables projects, it does not necessarily raise expectations. These processes can be time-

SUSTAINABLE CODE FRAMEWORK AND COMMUNITY AUDIT



Designed Street & Public Realm

consuming and costly, reflecting another separate impediment to sustainable development – particularly when the outcome is not assured. Beyond this uncertainty, many of the planned districts lack default standards or clear planning criteria on how this flexibility is to be used for greater public benefit. The outcomes are just as likely not to support the planning policies of the jurisdiction or specific context as they are to support it. Ultimately, rather than doing broader community or area planning to support innovative development for a particular context, the planned districts are at risk of being an “end run” around the development standards through site designs posing as “plans.”

Lack of Public Realm and Street Design Standards

As mentioned in the Street Design discussion, most regulations lacked the variety of street design types necessary to build valuable places. This is particularly crucial where “place-making” is a goal, as these streets serve as the social and civic heart of these places first, and a means to get to that place secondarily. Having standards for this special type of street and social place – even if it only applies to a block or two in the community, is a critical place-making and economic development tool. Further, many codes also reflected impediments to capitalizing on this space – either prohibiting, or limiting through cumbersome administrative procedures, the use of this space for leisurely or business activities such as sidewalk sales or sidewalk cafes.

COMMON IMPEDIMENTS – HOUSING CHOICES

There has been much discussion in the planning profession regarding our changing demographics. The twin tides of aging populations and Generation Y coming of age impacts planning and development – particularly in terms of their housing needs and where they prefer to invest in housing. Although it is impossible to predict exactly where the market will go on this topic, and most agree that more options is at least the first strategy to deal with this uncertainty. However for years our housing industry and our development codes have reflected the market bias that housing most often meant “single family homes” – whether in a neighborhood or a subdivision, and anything else was an alternative. This history lingers strongly in our development regulations, and presents many impediments to the Housing Choices principle of the Creating Sustainable Places program. The typical impediments include:

- Over-reliance on Density
- Silence on small-scale, multi-unit housing
- Lack of neighborhood design / streetscape standards.

Over-reliance on Density

Most zoning districts use “density” as the most significant regulation for housing. The assumption is that common densities will deliver compatibility. While this may have been true during recent home-building era, it belies the physical patterns of most of our older neighborhoods. This strategy may not be well suited to meet the housing needs of the coming demographic shifts. Further, over-reliance on density gives false comfort that it will yield the sought-after “compatibility.” Density is an abstraction – it is



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calculated in “dwelling units per acre, and gives no indication to the size of the dwelling unit, the type of dwelling unit, the character or design of the dwelling unit, or the number of people (impact) of the dwelling unit. While other standards in development codes may answer some of those questions, for areas where housing choices are desired, these are answers to all of the wrong questions. Rather “housing choice” is the compatible flip-side to walkable places. Sustainable development practices need to put more people in close proximity to walkable places or transit stops, and do so with a neighborhood design approach that mixes a wider range of housing types into a compatible and valuable neighborhood pattern. Development regulations relying too heavily on density eliminates many potential projects even before some of these more important questions can be answered.

Silence on Small-scale, Multi-unit Housing

Related to the above issue of over-reliance on density, most development codes were silent on the smaller-scale multi-unit housing options. By relying solely on density there is a built-in but hidden bias against these smaller scale housing options that fit well in neighborhoods and are reflected in our traditional neighborhood building patterns. By eliminating this option by code, we have erased these types of projects from our portfolio of housing. This stems from two built-in biases: (1) anything that is not “single-family” is “multi-family” (except for “duplex”) and (2) multi-family is regulated by density and buffers. As a result, in order to get a critical mass to make a project work, any housing alternative needs a larger land area, yet is constrained by artificially low densities (again in the name of compatibility). The end result is that project aiming to give a

housing alternative become very large in scale (“apartment complexes”), reinforcing the justification that they need to be buffered from adjacent areas. Meanwhile, one of the greatest benefits of density – placing people closer to amenities and transit, in walkable patterns, is eliminated, and an entire group of smaller-scale, multi-unit building types that are quite compatible with neighborhoods are eliminated. The model code examples collected for this project demonstrate how returning to a “housing type” approach can balance the interests of compatible density and compatible neighborhood design.

Lack of Neighborhood Design / Streetscape Standards

One way to increase housing choices is to create “mixed-density” neighborhoods – an area where a variety of housing types can be found in the same neighborhood, sometimes even on the same block. The “building type” approach to regulations above is part of the strategy to implement such a policy. However, the most effective way to allow a range of compatible (or even incompatible) building types to mix is to improve the public realm. That is the reason people are attracted to a neighborhood, and the benefit of a quality public realm often allows people to ignore or not even notice other smaller or perceived issues brought on with more choices. The neighborhood design and streetscape design standards are an essential part of presenting broader housing options – whether along a block, within a neighborhood, or simply expanding options throughout a community. Standards for neighborhood streetscapes, open spaces (whether public or common) and how buildings relate to these spaces will help introduce a broader range of choices into the community.



Small Scale / Multi-unit Housing - 8 DUs per Acre



Small Scale / Multi-unit Housing - 35 DUs per Acre



Small Scale / Multi-unit Housing - 60 DUs per Acre

SUSTAINABLE CODE FRAMEWORK AND COMMUNITY AUDIT

SUMMARY

The Creating Sustainable Places initiative is based on 7 well-established, and widely endorsed principle on how to build “Vibrant, Connected, and Green” communities. The regional sustainable development plan also presents options that can lead us to better economic development, increased return on public investments, and better environmental performance if we invest collectively under these principles. However, our region is wide and diverse, and each jurisdiction serves a different role in this vision.

The Model Sustainable Development Code and Community Code Audits are part of our evolving discussion on these critical issues. The model code website provides examples to help jurisdictions consider what is right for them. This resource should continue to evolve and grow as our discussion and experience with these issues grow.

Further, the code audits and this summary report provide an objective critique of our development regulations. There are many common impediments that reflect our tendency to borrow regulatory approaches over time – even when they don’t work or don’t achieve our planning goals. These impediments need to be removed for us to progress as a region.

However each jurisdictions’ response needs to be based on their own policies and their unique context – and strategies will likely differ based on their many different contexts and many different types of places they are planning for, even within their jurisdiction. The observations and recommendations in this report and project are not silver-bullet solutions, but are part of our growing awareness of the impact of development regulations on the types of projects we build, and their impact on our sustainability goals.

TYPICAL QUICK FIXES:

- Flexible parking standards
- Accessory dwelling units
- Street trees
- Improve planned districts
- Small-scale food production
- Site-scale renewable energy systems
- Improved sidewalk standards

COMMON IMPEDIMENTS:

- Transportation Choice: Street design
- Compact, Walkable Centers: mixed-use development
- Housing Choices: density standards and housing types

Completed as part of the
Creating Sustainable Places initiative for MARC:

