



**AGENDA
PLANNING COMMISSION
CITY OF ROELAND PARK, KANSAS
4600 W 51ST STREET
NOVEMBER 18, 2025 6:00 PM**

- I. Roll Call**
- II. Approval of Minutes**
 - A. Minutes from the August 19, 2025 Planning Commission Meeting
- III. Public Hearing**
- IV. Action Items**
- V. Discussion Items**
 - A. Review potential changes to Chapter 16 - City Zoning Code Articles 1, 3, 5, and 7
- VI. Other Matters Before the Planning Commission**
- VII. Adjournment**

Areas of focus for the Comprehensive Plan 2040 are:

- Growth and Development/Land Use
- Housing
- Parks & Recreation
- Connectivity & Mobility
- Natural Resources & Environment

Ms. Jones-Lacy noted that almost \$26 million has been budgeted for the 2025-2029 CIP.

It was noted that the Nall Park Master Plan encompasses a lot of the goals set out in the Comprehensive Plan. Ms. Jones-Lacy reviewed the heavy trail use and the planned improvements to the park.

Commissioner Nielsen clarified that the Commission was to discuss the projects in the plan and not the dollar amount that would be spent. He also asked what the acronym RSR stood for in Public Works. Ms. Jones-Lacy said it is for Residential Street Resurfacing.

Commissioner Kohles asked about the extensive stormwater improvements and drainage that goes under Roe Blvd and whether that area is being maintained to prevent its return to an overgrown state that would interfere with the improvements. He wanted to make sure that item did not get lost considering the investment.

Ms. Jones-Lacy said the City has a new stormwater special assessment. That funding is intended for maintenance and bigger projects. She said they always budget for maintenance but now it is designated in the stormwater special assessment. She will ask Management Analyst Carley to reach out to Commissioner Kohles to answer his questions as he is focusing on the stormwater items in the City.

Commissioner Abdouch also asked about the acronym of CARS. Ms. Jones-Lacy said the County Assistance Road System is a county program that pays up to 50 percent to cities for road improvements. She noted that the City also receives funding from SMAC (Stormwater Management Advisory Council) and STP (Surface Transportation Program).

Commissioner Kmetz said in reviewing the Comprehensive Plan, he noted the focus on the City center, walkability and reception and asked what portion of the \$26 million was allotted to maintain the infrastructure.

Ms. Jones-Lacy said the Comprehensive Plan has a short-, medium-, and long-term action plan that focuses on different goals. She said that going forward updates can be provided to the Planning Commission on what they have done as a city. She explained they use pay-as-you-go financing for all CIP projects, but the focus on maintenance of existing infrastructure is primary. They also use the citizen satisfaction survey to prioritize items in the CIP.

MOTION: COMMISSIONER KOHLES MOVED AND COMMISSIONER ABDOUCH SECONDED THE FINDING OF CONSISTENCY BETWEEN THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN WITH THE CITY'S ADOPTED LAND USE PLAN AND THE 2040 COMPREHENSIVE PLAN. (THE MOTION CARRIED 4-0.)

V. Discussion Items

Review Potential Changes to Chapter 16 - City Zoning Code Articles 1, 3, 5, and 7.

Ms. Jones-Lacy said she sent an e-mail to the Planning Commissioners that included Chapter 16 of the code for their review. She said the City Council is also going through the process of review. She said they will redline what is no longer applicable, does not make sense, or antiquated, and then implement best practices, and incorporate language that would best reflect the City's practices and reflect with what they are currently doing. The City Attorney also reviews the code to ensure it is aligned with state law. The DEI Committee is also reviewing City codes and submitting recommended changes.

Once they agree to the specific changes, a public hearing will be held, and the Planning Commission can then make their official recommendation to the City Council, which will be followed by an ordinance for their approval.

She asked the Commissioners to review the chapter and if they saw anything they would like to discuss, have questions about, or recommended changes to let her know and staff will research it and bring it back to the Commission.

Commissioner Kohles asked if an override to their recommendations by Council requires a simple or supermajority. Ms. Jones-Lacy said it would take a supermajority to override the recommendation from the Planning Commission, but a simple majority to approve the changes.

Commissioner Kmetz asked about the applications the Planning Commission would review. Ms. Jones-Lacy said they have made changes to the applications for special events, and the non-conforming applications could also see some updates.

VI. Other Matters Before the Planning Commission

Ms. Jones-Lacy said at their next meeting they would discuss a replat which will require a public hearing.

VII. Adjournment

MOTION: COMMISSIONER KOHLES MOVED AND COMMISSIONER ABDOUCH SECONDED TO ADJOURN THE MEETING. (THE MOTION CARRIED 4-0.)

(Roeland Park Planning Commission Meeting Adjourned at 6:41 p.m.)

Item Number: III. Public
Hearing



City of Roeland Park
Action Item Summary

Submitted By:

Wade Holtkamp, Building Inspector

Committee/Department: Administration

Title: Special use permit application for a home daycare

Item Type: Presentation

Recommendation:

Staff recommends approval of a Special Use Permit (SUP) at a single family home residence located at 5301 W 49th St, for use as a daycare. The applicant meets the home daycare City code requirements.

Details:

Staff received an application from Kylie Mootz for a special use permit to provide a general daycare at a home residence located at 5301 W 49th St, which is zoned R-1 single family residential. The applicant, Kylie Mootz, lives in the home and currently operates Stay and Play with Mama K, she would like to expand to up to eight children. She currently has two of her own children that will be included in the eight total. The children's age range is one to four. The current City code allows home day care providers to operate with up to 5 children without a special use permit. She is currently licensed with the State of Kansas for up to twelve children. The property owner, David Mootz signed the application and approved the daycare use.

The home daycare will operate from Monday–Friday 7:30am to 5:00 pm, and will have 2 staff members, including Ms. Mootz. Parents are able to pick up and drop off during these business hours. Inside the rooms used are a kitchen/living room and two bedrooms, 800 sq ft total use inside. The outside total area is 4,500 sq ft. The backyard is completely fenced with lockable gates. The fence is a combination of chain link (4 ft) and privacy (8 ft) surrounding the entire backyard. Both heights are approved by state licensing. The backyard has a mulched kids playground, a sandbox with lid, and various other child-related toys. All of which have been approved by state licensing. Attached is the state license, fire marshal inspection, parking plan, inside photos/description, parent handbook.

The required neighbor notices were sent to property owners within 200 feet. A notice of the day care application request with the planning commission meeting date was published. Staff did not receive any feedback.

Sec. 16-318. - Special Use Permit.

(d) Day Care Facilities: Day care facilities for more than five children or adults shall:

- (1) Be licensed with the State pursuant to K.S.A. 65-501 et seq.;
- (2) Obtain a Special Use Permit from the Planning Commission;
- (3) Obtain an annual City business license;
- (4) Obtain and furnish an annual fire inspection from the Fire Marshal or designee;
- (5) A loading zone capable of accommodating at least two automobiles for picking-up or dropping-off passengers;
- (6) Meet all requirements of the building code applying to day cares;
- (7) That any special use permit issued shall be for an indefinite period, 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;
- (8) The special use permit for the operation of a daycare may be revoked at any time by the Planning Commission upon a determination that it is in violation of the standards of this section or any other City Code requirement including City Code violations such as nuisance violations that endanger the life, health, property, safety, or welfare of the general public and property maintenance violations containing substandard or unsanitary conditions;

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

1. 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 an in-home daycare, the applicant must include:
 - i. Applicant's name;
 - ii. Description of the particular premises in or at which the in-home daycare will be carried on;
 - iii. Hours of operation;
 - iv. Parking plan;
 - v. If staff outside the home are employed, the number of staff and where they will park;
 - vi. Proof of state licensure; and
 - vii. Proof of a fire inspection.

- (4) All studies as may reasonably be required pursuant to Section 16-304.
- (5) Assurance of adequate public facilities as required by Section 16-305.

Fiscal Impact	
Amount of Request:	
Budgeted item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

Diversity Equity & Inclusion Lens

What are the implications to intersectionality?

Providing additional childcare in the community will fill a need for this service in the community. The daycare will help families with young children to have safe and suitable childcare in Roeland Park while guardians are at work.

ATTACHMENTS:

- 1. Mootz SUP application
- 2. Parent handbook



SPECIAL USE PERMIT
TO PROVIDE GENERAL HOME DAY CARE
 4600 W 51st Street Phone: 913-772-2600
 Roeland Park, KS Fax: 913-772-3713
 66205 www.roelandpark.net

New Application Renewal

Appl
Date:

Fee Paid: Case

No.: Meeting Date:

\$250.00

Please include documentation of state current state licenseure with application

Applicant Name: Kylie Mootz Phone: 913 515 7479

Address: 5301 W 49th St Roeland Park KS Zip Code: 66205

Day Care Name: Stay and Play with Cell: " " "
Mama K

E-Mail: Kmootz@protonmail.com

Property Zoning Designation: Residential (if not known, can be supplied by staff)

Name of Subdivision: _____

Do you own the home? Yes No

Note: If not, please provide written permission from the owner for the CUP request.

Total number of children which care will be provided: UP to 10

Note: I am licensed for 12 through KDHE but don't plan on having more than 8 kids. Two of which are mine.

Number of providers living in the home: 2 Number of Employees: 1

Note: The daycare provider shall reside on the premises

* To be hired

Hours of operation: Days of week: Mon - Friday Hours: 7:30 am - 5:00pm

Provide a plot plan or sketch of the home showing the following:

- Location and number of parking and/or drop-off spaces;
- Location and type of facilities/equipment for the required outdoor activity area;
- Location, type and height of fencing.
- Location of the 100ft²/per child open area

Provide a written narrative of the day to day operations / daily schedule to include the following:

- Describe the daily activities / schedule;
- Drop off/pick up times;
- # of all day participants and ages;
- # of before/after school participants and ages.
- Provide pictures of all rooms where daycare will be held

Have there been conversations with adjacent neighbors to determine whether or not they have objections to this business? Please describe: I have had conversations

with direct neighbors. They seemed to be
okay with the business.

Along with this application, a copy of the State of Kansas License or Application for License must be submitted.

Application information and accompanying site plans are reviewed by the City staff and/or the Fire District, which can include representatives from Neighborhood Services, Fire, and Police.

After reviewing the plans, the City staff prepares comments that are e-mailed to the contact person and that subsequently must be addressed and resubmitted by the applicant according to the required schedule. Resubmittals must include a letter addressing all staff comments and questions in writing.

Duration Of Permits:

The initial special use permit for general daycare centers that are located in residential zoning districts shall be valid for a maximum of 5 years from the date of approval.


A Special Use Permit may be revoked at any time by the Governing Body upon a determination that the business is in violation of the standards of the Section or any other City Code requirement.

I hereby affirm the above statements are true and correct. I have read Roeland Park's Home Business Regulations and agree to abide by them and any stipulations added below. I hereby certify that the location (address) of the proposed home business (as noted above) is used as my permanent and primary residence. I understand that false information or violation of any stipulation could result in revocation of the permit / license.

Date: 10-8-25

Applicant Signature: 

Date: 10-6-25

Property Owner : 
Signature (if different than applicant)

Revised 3/22/18

Written narrative of day to day provided in my attached parent handbook. Which also includes business plans and policies.

Currently enrolled children: two

Ages: one and two

Anticipated enrollment: six

Age ranges: one through four

My hours are 7:30am to 5:00pm Monday through Friday. Parents are able to pick up and drop off at any time during those hours.

I have two children of my own at home with me as well. Ages are two and four.

*I have been approved and licensed through KDHE for a total of 12 children but do not plan to be at full capacity. Copy of license provided.

I do not plan to accept before and after school care at this time.

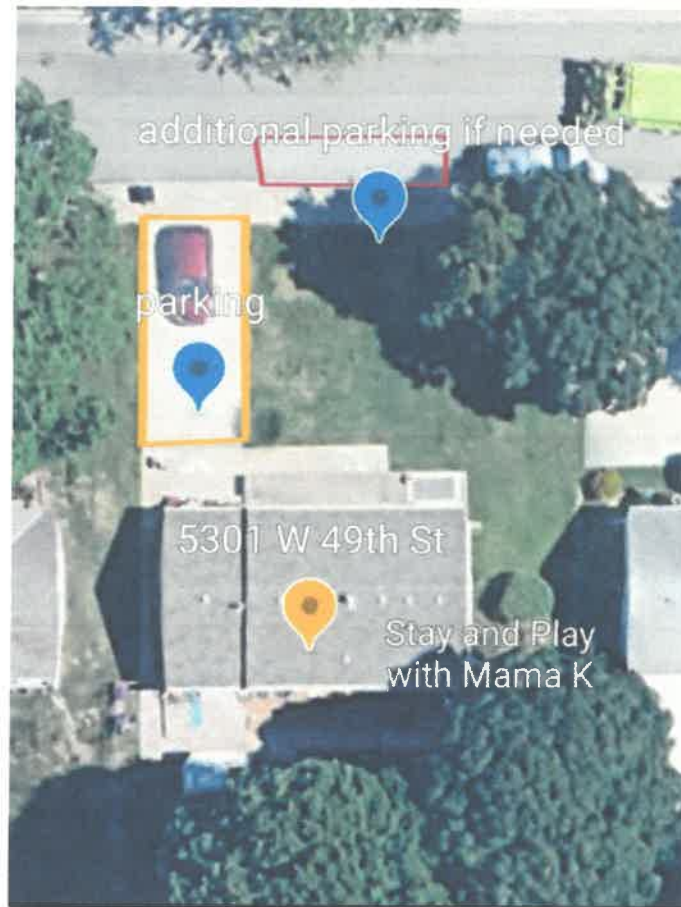
Location and type of facilities/equipment for the required outdoor activities area



Backyard is completely fenced with lockable gates on each side of the house. The fence is a combination of chain link (4ft) and privacy (8ft) surrounding the entirety of the backyard. Both heights were approved by state licensing.

Backyard has mulched kids playground, sandbox with lid, and various other child related toys. All of which have been approved by state licensing.

Location and number of parking spaces



One to two parking spaces in driveway highlighted in yellow.

Two parking spaces on street in front of house highlighted in red.

Total of parking spaces for pickup and drop off 4.

Rooms for use in daycare

Total sqft of used area indoors: 800 sqft

Total sqft of used area outdoors: 4500 sqft

Total sqft of used open area for children during daycare hours: 5300sqft

Kitchen/Living room:



Used for play and meals. The kitchen is sectioned off with a retractable baby gate outside of meals and art and craft activities.

Bedroom #1:



Used for play time, circle time, and nap time when properly stored pack and play and/or cots are pulled out for rest from 12:30 p.m.- 3:00 p.m.

Bedroom #2:



Used play time, circle time, and nap time when properly stored pack and plays and/or cots are pulled out for rest from 12:30 p.m.- 3:00 p.m.

Kansas Department of Health and Environment
License

Family Child Care Home
License No. 0084905-002

Licensee: Kylie R Mootz

Facility: Stay and Play with Mama K

Located at: 5301 W 49th St.
Roeland Park, KS 66205

Kansas
Department of Health
and Environment

License Expires

05/31/2026

In the county of: Johnson

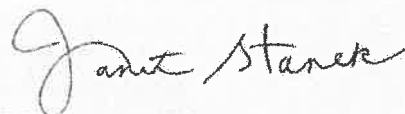
Having filed an application and having agreed to comply with the laws and regulations of the State of Kansas governing Family Child Care Homes, Kylie R Mootz is hereby authorized to care for

a maximum of 12 children under the capacities outlined in K.A.R. 28-4-114(e).

This License is effective 05/01/2025 and remains in effect until the expiration date noted by the above sticker unless invalidated by a change of owner, operator, location or it is administratively closed.

Smoking is prohibited inside the day care home during hours of operation.

** Local codes and ordinances may prescribe other requirements for the legal operation of this facility.



Janet Stanek, Secretary
Kansas Department of Health and Environment

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OFFICE OF THE STATE FIRE MARSHAL

800 SW JACKSON, STE 104, TOPEKA, KS 66612

PHONE: (785) 296-3401 FAX: (785) 296-0151

FIRE AND LIFE SAFETY AGREEMENT INITIAL APPLICATION AND ANNUAL RENEWAL FORM

Check One: Group Day Care Home Licensed Day Care Home

Check One: Initial License Annual Renewal 0084905 - 001
(License Number)

I, Kylie R Mootz have provided the following:
(Print your name as it is listed on your license)

I understand that I am responsible for meeting the fire and life safety codes to protect all persons in my home under my care from fire.

I have contacted my local fire department and building/zoning official and have met all local fire safety requirements. This year I notified the fire department closest to my home that I do child care in my home. The fire department I notified was: Fire Department Name Roeland Park Fire department FD Phone Number 913-432-1105

I understand that my basement or second floor can NOT be used for child care until I have written approval on file from the State/local fire officials. Once approved the basement may ONLY be used for child care if there are at least two separate and remote exits to the outside, only ONE exit can be an approved escape window.

I understand that I must be able to demonstrate that I can get everyone under my care, safely out of my home to a designated safe place within 4 minutes, and that I may be asked to demonstrate this ability in a fire exit drill. If children are located on the second floor, children must occasionally practice the use of the approved second floor fire escape window by going to the window and waiting for rescue.

I have working smoke detectors installed according to the manufacturer's instructions on every level of my home in the pathways leading directly to the outside and in each sleeping room used by children in my care. My smoke detectors are tested monthly and records are kept for review. My smoke detectors are powered by 10-year lithium batteries or are hard-wired with battery back-up.

I have a written emergency plan for use in case of fire. All persons responsible for the care of children in my home are familiar with my emergency plan and can get the children safely outside to the designated safe place.

I understand all areas of my home may be inspected at any time by State/local officials to determine compliance with this Agreement.

I understand that an on-site inspection conducted by State/local fire officials may only occur once in the lifetime of the license. I understand that it is my responsibility to conduct an annual review of all fire and life safety code requirements.

I agree to follow all fire and life safety codes and standards as outlined within the Fire and Life Safety Agreement and as directed by the State/local fire officials when an on-site inspection is conducted.

I understand that a copy of this Agreement must be posted next to my license at all times.

I understand by signing this Agreement I have met all the requirements stated in this document. I understand that if inspected and found to be in violation, I may be subject to criminal or administrative action.

FIRE AND LIFE SAFETY AGREEMENT

INITIAL AND/OR ANNUAL FIRE INSPECTION

GROUP AND LICENSED CHILD CARE HOMES

NAME:	KYLIE MOOTZ	PHONE:	913	515-7479
ADDRESS:	5301 W 49th St Ro			
CITY/STATE/ZIP:	Boeland Park KS 66205			

- | | MET | NOT MET | NA |
|---|-------------------------------------|-------------------------------------|-------------------------------------|
| - Child care provider is in a structure designed and/or used as one or two family dwelling. Day Care Center requirements <u>must</u> apply if in an apartment, church, commercial building, or other area. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| - Child care is on main level and has two remote compliant exits. (Secondary exit may be stairs a compliant Rescue/ventilation window or door leading directly to the outside) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| - Child care is in the basement area and has compliant exiting. (Secondary exit may be a compliant stairs leading to the main level, Rescue/ventilation window or door leading directly to the outside) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| - Child care is on the second floor and has compliant exiting. (Secondary exit may be a compliant stairs leading to the main level, Rescue/ventilation window or door leading directly to the outside) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| - Primary or Secondary means of escape does not exit through any hazard area. (Garage, storage, etc.) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| - Every required exit door can be easily opened from the inside at all times when the facility is operating. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| - Every ESCAPE PATH including all stairways is clear of obstacles and all doors are in proper working condition. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| - Working smoke detectors are located in every exit pathway, in each sleeping room used for child care Single-station smoke detection hardwired to the electrical system with battery back up or ten year lithium battery detectors shall be required for initial inspection (Licensed after January 1, 2003) Existing providers, previously licensed before January 1, 2003 may continue with battery detectors. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Install Date of Det: 7/2023 |
| - Smoke detectors are tested monthly and records are kept on file for review. | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Install Date of Det: |
| - Copy of the current FIRE/LIFE SAFETY AGREEMENT is posted next to license. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| - Children can open every closet door from the inside at all times. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| - Written emergency procedures for fire evacuation are provided and practiced monthly. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| - Monthly fire drills are documented. Drills shall be conducted and evacuation times shall be within 4 minutes. Inspector may ask the operator to demonstrate ability to conduct such a fire drill in his or her presence. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| - Written emergency procedures for tornadoes are provided and practiced monthly April through September. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| - Every bathroom door can be unlocked from the outside at all times. The unlocking key/device is readily accessible to the provider. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| - All unused electrical outlets (in licensed areas) have child-resistant protective covers. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| - All natural gas, kerosene, wood, propane heaters, etc., are properly vented to the outside of the home. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| - A barrier that prevents children from getting too close or burned protects all heating devices. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

DATE OF FIRE OFFICIAL INSPECTION: 04/18/25 FIRE OFFICIAL SIGNATURE: [Signature]

ANNUAL RENEWAL: I declare that the Fire and Life Safety Agreement has been examined by me and to the best of my knowledge and belief is a true, correct and complete attestation of my compliance with fire codes as required by Kansas law. I understand that failure to comply with Kansas fire codes may result in fines or a cease and desist order pursuant to K.S.A. 31-139 and K.S.A 31-159.

If you agree with the statement above please check the box, sign your name and provide the date that you reviewed the agreement.

I have read and understand the above declaration

DATE OF ANNUAL REVIEW: _____ PROVIDER SIGNATURE [Signature]

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Official Use

4600 W. 51st Street | Roeland Park, KS 66205

9589 0730 5270 2283 1050 33

Mary and Robert Reddy
5211 W 49th St
Roeland Park KS 66205

ROELAND PARK
4600 W. 51st Street | Roeland Park, KS 66205

CERTIFIED MAIL

9589 0730 5270 2283 1050 33

Mary and Robert Reddy
5211 W 49th St
Roeland Park KS 66205

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Official Use

4600 W. 51st Street | Roeland Park, KS 66205

9589 0730 5270 2283 1050 33

Nikolas Johannessen
5300 W 49th Ter
Roeland Park KS 66205

ROELAND PARK
4600 W. 51st Street | Roeland Park, KS 66205

CERTIFIED MAIL

9589 0730 5270 2283 1050 33

Nikolas Johannessen
5300 W 49th Ter
Roeland Park KS 66205

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Official Use

4600 W. 51st Street | Roeland Park, KS 66205

9589 0730 5270 2283 1050 33

49th St
5211 W 49th St
Roeland Park KS 66205

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Official Use

4600 W. 51st Street | Roeland Park, KS 66205

9589 0730 5270 2283 1009 86

Zach Loveall
5306 W 49th Ter
Roeland Park KS 66205

ROELAND PARK
4600 W. 51st Street | Roeland Park, KS 66205

CERTIFIED MAIL

9589 0730 5270 2283 1009 86

Zach Loveall
5306 W 49th Ter
Roeland Park KS 66205

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Official Use

4600 W. 51st Street | Roeland Park, KS 66205

9589 0730 5270 2283 1009 86

5306 W 49th Ter
Roeland Park KS 66205

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Official Use

4600 W. 51st Street | Roeland Park, KS 66205

9589 0730 5270 2283 1009 24

Deister Holdings LLC
PO Box 8053
Prairie Village KS 66209

ROELAND PARK
4600 W. 51st Street | Roeland Park, KS 66205

CERTIFIED MAIL

9589 0730 5270 2283 1009 24

DEISTER HOLDINGS LLC
PO Box 8053
Prairie Village KS 66209

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Official Use

4600 W. 51st Street | Roeland Park, KS 66205

9589 0730 5270 2283 1009 24

PO Box 8053
Prairie Village KS 66209

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Official Use

4600 W. 51st Street | Roeland Park, KS 66205

9589 0730 5270 2283 1009 55

Linda R. Heinen
5311 W 49th St
Roeland Park KS 66205

ROELAND PARK
4600 W. 51st Street | Roeland Park, KS 66205

CERTIFIED MAIL

9589 0730 5270 2283 1009 55

Linda R. Heinen
5311 W 49th St
Roeland Park KS 66205

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Official Use

4600 W. 51st Street | Roeland Park, KS 66205

9589 0730 5270 2283 1009 55

5311 W 49th St
Roeland Park KS 66205

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

OFFICIAL USE

9589 0730 5270 2283 1010 58

Return to: []
 Return to Sender
 Return to Addressee
 Return to Post Office
 Return to Post Office of Origin
 Return to Post Office of Destination
 Return to Post Office of Origin (if different from above)

Postage and Fees

Michael and Joan Moore
520 W 49th St
Roeland Park, KS 66205

ROELAND PARK
4600 W. 51st Street | Roeland Park, KS 66205

CERTIFIED MAIL

9589 0730 5270 2283 1010 58

J ROETH (ATTORNEY REVOCABLE TRUST)
1506 W 43rd Ter
Prairie Village, KS 66108

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

OFFICIAL USE

9589 0730 5270 2283 1010 58

Return to: []
 Return to Sender
 Return to Addressee
 Return to Post Office
 Return to Post Office of Origin
 Return to Post Office of Destination
 Return to Post Office of Origin (if different from above)

Postage and Fees

Michael and Joan Moore
520 W 49th St
Roeland Park, KS 66205

ROELAND PARK
4600 W. 51st Street | Roeland Park, KS 66205

CERTIFIED MAIL

9589 0730 5270 2283 1010 58

Michael and Joan Moore
520 W 49th St
Roeland Park, KS 66205

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

OFFICIAL USE

9589 0730 5270 2283 1009 79

Return to: []
 Return to Sender
 Return to Addressee
 Return to Post Office
 Return to Post Office of Origin
 Return to Post Office of Destination
 Return to Post Office of Origin (if different from above)

Postage and Fees

Timothy Brockman
5307 W 49th St

ROELAND PARK
4600 W. 51st Street | Roeland Park, KS 66205

CERTIFIED MAIL

9589 0730 5270 2283 1009 79

Timothy Brockman
5307 W 49th St
Roeland Park, KS 66205

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

OFFICIAL USE

9589 0730 5270 2283 1009 93

Return to: []
 Return to Sender
 Return to Addressee
 Return to Post Office
 Return to Post Office of Origin
 Return to Post Office of Destination
 Return to Post Office of Origin (if different from above)

Postage and Fees

Georgia A. Cloughley
5306 W 49th St

ROELAND PARK
4600 W. 51st Street | Roeland Park, KS 66205

CERTIFIED MAIL

9589 0730 5270 2283 1009 93

Georgia A. Cloughley
5306 W 49th St
Roeland Park, KS 66205

NOTICE TO AFFECTED PROPERTY OWNERS

Dear Property Owner:

Kylie Mootz (applicant)
has submitted an application for a Special Use Permit to allow a home
occupation consisting of a Child Daycare within the residence on the
following described property:

PEMLAND HEIGHTS LOT 35 RPC-0205
(lot number and subdivision) in the City of Roeland Park, Kansas
according to the recorded plat thereof, in Johnson County, Kansas
more commonly known as

5301 W 49th St (address).

A public hearing will be held by the Roeland Park Planning
Commission at City Hall, 4600 W 51st Street, in Roeland Park, Kansas
66205 on

November 18, 2025 6:00 pm (meeting time and date).

If you so desire, you may appear in support or opposition of this
application either in person or be represented by an agent or attorney.
The hearing of this Special Use Permit is not limited to those persons
receiving copies of this notice. If you know of any neighbor or other
affected property owner who has failed to receive a copy of this letter,
it would be greatly appreciated if you would inform them of this public
hearing.

Respectfully,

Kylie Mootz (printed name)

Kylie Mootz (signature)

Received by:

DAVID A. MOOTZ
(Printed name)

David A. Mootz
(Signature)

5210 W. 49TH STREET R.P., KS
(Address)

11-10-25
(Date)

NOTICE OF PUBLIC HEARING

THE PLANNING COMMISSION OF THE CITY OF ROELAND PARK, KANSAS

The Planning Commission of the City of Roeland Park will hold a public hearing on **November 18, 2025**. The hearing will take place at City Hall located at **4600 W 51st St at 6:00 p.m.** The purpose of the hearing is to consider an application for a residential in-home daycare for more than five children that requires a Special Use Permit located at 5301 W 49th St a single family detached home located in a R1 residential zoned district.

LEGAL DESCRIPTION: PEMLAND HEIGHTS LOT 35 RPC-0205



STAY AND PLAY
— WITH MAMA K —

Parent Handbook



Parents & Guardians Handbook

Welcome to Stay and Play with Mama K!

We are delighted to have you and your child as part of our community. This Parent Handbook is designed to provide you with essential information about our center's policies, procedures, and expectations. Please take the time to familiarize yourself with its contents and feel free to reach out to us with any questions or concerns.

CENTER OVERVIEW

At Stay and Play with Mama K, we believe in fostering a nurturing and stimulating environment where children can learn, grow, and develop to their full potential. We emphasize the importance of play-based learning, social interaction, and the holistic development of each child in our care.

HOURS OF OPERATION

The childcare facility will operate during the following hours:

Full-Time Care Facility:

Monday to Friday: 7:30 am to 5:30 pm

Closed on Saturdays, Sundays and major holidays

ABOUT ME

Hi, I'm Kylie Mootz, a devoted mother of two and an experienced childcare professional with over 10 years of experience in both childcare centers and in-home care. I am CPR-certified and have completed coursework in early childhood development, giving me the knowledge and skills to provide a safe, nurturing, and engaging environment for children to learn and grow.

At my in-home daycare, I strive to create a warm and welcoming space where children feel like part of the family. My goal is to foster curiosity, creativity, and independence through structured yet flexible routines that support social, emotional, and cognitive development. We loosely follow a daycare/preschool schedule, incorporating the Playing Preschool curriculum to introduce early learning concepts through hands-on activities, play-based learning, and age-appropriate lessons.

I am currently looking to welcome a few children into our daily routine, either full-time or part-time. This would be a contract position, and I am happy to work with families to fit their specific needs.

Located in Roeland Park, Kansas, I have also applied for licensing through KDHE to further enhance the quality of care I provide. If you're searching for a loving, reliable, and engaging childcare option for your little one, I'd love the opportunity to connect and discuss how my in-home daycare can be the perfect fit for your family!

ENROLLMENT INFORMATION

We welcome children between the ages of 6 months to School-Age to our center. To enroll your child, please complete the enrollment form and provide all necessary documents:

- Child's birth certificate
- Immunization records
- Emergency contact information
- Any necessary medical information

The enrollment process includes completing the necessary forms, providing up-to-date medical records, and paying the required fees.

We encourage parents to schedule a tour of our facility and meet our staff before enrolling their child.

ENROLLMENT ACKNOWLEDGMENT

This agreement is subject to change and evolve through the licensing process and we reserve the right to add policies to this handbook that we see fit or that may be required by the state licensing association. You will be notified and asked to revisit this agreement and sign again for any changes made to the handbook and or to the contract.

This Handbook applies to both part-time and full time clients.

DAILY SCHEDULE

I plan to roughly follow a schedule but every day and child are different. This will give you a rough idea of what a day with me might look like for your child. I have a developmental binder for each age group that will give you some ideas of the activities we may engage in for your child specifically!

- **7:30 AM - 8:30 AM:** Arrival and Free Play
- **8:30 AM - 9:00 AM:** Morning Snack/Breakfast
- **9:00 AM - 10:00 AM:** Group Activity / Learning Time
- **10:00 AM - 11:00 AM:** Outdoor Play (Weather permitting)
- **11:00 AM - 11:30 AM:** Handwashing and Prepare for Lunch
- **11:30 AM - 12:00 PM:** Lunch
- **12:00 PM - 12:30 PM:** Clean-up & Relaxation Time
- **12:30 PM - 2:30 PM:** Nap/Quiet Time
- **2:30 PM - 3:00 PM:** Wake-Up & Snack
- **3:00 PM - 4:00 PM:** Creative Play (Crafts, sensory play, or group games)
- **4:00 PM - 5:00 PM:** Outdoor Play / Free Play
- **5:00 PM - 5:30 PM:** Clean-Up & Departure

This schedule allows for balance between structured activities, play, and rest while ensuring a safe and engaging environment for the children.

CURRICULUM AND ACTIVITIES

Our curriculum is designed to promote holistic development in children. It includes activities that focus on cognitive, social, emotional, and physical development. Some

activities include:

Storytime

Arts and crafts

Outdoor play

Educational games

Sensory exploration

HEALTH AND SAFETY POLICIES

Our center maintains rigorous health and safety standards to ensure the well-being of all children in our care.

Please refer to our detailed Health and Safety Policies section for information on illness management, emergency procedures, hygiene practices, and our allergy-aware environment.

COMMUNICATION AND INVOLVEMENT

We value open communication and encourage parents to actively participate in their child's learning journey.

Our staff will provide regular updates on your child's progress, activities, and any important announcements through daily reports, or requested provider teacher meetings.

FEES AND PAYMENT POLICIES

Our fee structure is outlined in the Enrollment Package, which includes details on tuition, additional services, and any applicable discounts.

Payment is due in advance on Monday the week of care . Late payments may incur additional charges as per the Late Payment Policy.

PRICE SHEET FOR CHILDCARE

Part-Time Care:

- Daily Rate: \$75 per day
- (Part-time care is considered 1-3 days per week)

Full-Time Care:

- Weekly Rate: \$275 per week
- (Full-time care is considered 4-5 days per week)

Additional Notes:

- Payment is due at the beginning of each week for full and part time care.
- Holidays, vacations, and non-payment days are separate and follow our established policies.
- A spot is held once payment is made, and consistent care is provided throughout the week.

SAFE ARRIVAL AND DEPARTURE

Please ensure that your Home Child Care Provider is informed of who will drop off and pick up your child daily. Only those persons listed in the registration package as authorized persons are permitted to do so unless otherwise notified. If your child will be arriving late, or if a late pickup is necessary, please notify your Home Child Care Provider as soon as possible.

Thank you for choosing Stay and Play with Mama K! Feel free to reach out if you have any questions.

NON-PAYMENT DAYS POLICY

At Stay and Play with Mama K, we offer seven (7) non-payment days per calendar year, which can be used for sickness, personal matters, or vacations. These days are provided to accommodate occasional time off while maintaining our schedule.

Policy Details:

- Each family gets seven (7) non-payment days per year.
- Days can be used for illness, personal reasons, or vacation (must be full days, not partial).
- Please give at least two weeks' notice, if possible, when planning to use non-payment days.

Unused Days:

- Unused non-payment days do not roll over and expire at the end of the year.

Additional Days:

- If you exceed your seven (7) days, you'll be charged the standard daily rate for extra time off.

Payment:

- Regular payments are expected for any days not taken as non-payment days.
- In case of extended illness or emergency, please contact me to discuss flexibility.

HOLIDAY AND VACATION POLICY

To ensure clear expectations, here's an overview of my holiday and vacation policies for in-home daycare. I observe the following paid holidays:

New Year's Day
Martin Luther King, Jr. Day
Memorial Day
Juneteenth
Independence Day
Labor Day
Veterans Day
Thanksgiving Day
Friday after Thanksgiving
Christmas Eve
Christmas Day

If a holiday falls on the weekend, it may be observed on the nearest weekday. I will notify families in advance if I need to take an additional holiday not listed. There will also be a "Winter Break" from Christmas Eve to New Year's Day when the daycare will be closed, and no charges will apply. Please arrange alternative care during that time.

Vacation:

I take one week(7 days) of paid vacation annually and will provide 3-4 weeks' notice for planning purposes.

Additional Notes:

In case of emergency or illness, I'll notify families as quickly as possible.

No daycare will be provided on holidays or vacation days.

Thank you for your understanding. Please reach out if you have any questions!

LATE PICKUP FEE POLICY

At Stay and Play with Mama K, we understand that emergencies or unexpected delays can happen. However, it is important for us to maintain a schedule for the well-being of all children in our care. To ensure fairness and consistency for all families, we have implemented a late pickup fee policy.

Policy Details:

Pickup Time: The scheduled pick-up time for all children is no later than 5:30 pm.

Grace Period: We offer a 5 minute grace period after the scheduled pick-up time.

Late Fee: After the grace period, a late fee of \$5 will be applied for every minute that the child is left in care.

If family has not contacted us to let us know that they are running late we call emergency contacts after 15 minutes and DHS if needed at the 30 minute mark.

Three times 15 minutes+ in a semester is grounds for dismissal, but of course we can make exceptions for true emergencies.

Payment of Late Fees:

Late fees will be added to the next weekly or monthly payment and must be paid in full by the next payment date.

Exceptions:

We understand that occasionally, there may be unforeseen circumstances. Please notify us as soon as possible if you anticipate being late so we can plan accordingly. Thank you for your understanding and cooperation. This policy is in place to help us provide the best care for all children and maintain a smooth, predictable schedule for everyone.

LATE PAYMENT FEE POLICY

At Stay and Play with Mama K, we strive to provide high-quality care for all children, and timely payment is essential in maintaining the services and resources needed to do so. To ensure that payments are received on time and to help keep operations running smoothly, we have established the following Late Payment Fee Policy.

Policy Details:

- **Payment Due Date:** All payments are due in advance on the Monday of the week of care. (Advanced bi-weekly and monthly payments can be discussed)
- **Grace Period:** We offer a one day grace period after the due date before late fees will be applied.
- **Late Fee:** If payment is not received by the end of the grace period, a late fee of \$30 will be applied.
- **Additional Late Fees:** For each additional day payment is delayed, an additional fee of \$15 will be assessed.

Payment Methods:

We accept payments via cash, check or card through our enrollment app Brightwheel. Other forms of payment may be available upon request. Please ensure that all payments are made by the due date to avoid any late fees.

Communication:

If you are unable to make a payment on time due to extenuating circumstances, please contact us as soon as possible to discuss alternative arrangements. We are happy to work with families during times of difficulty, but communication is key.

Non-payment Policy:

If payment is not received after five days and there has been no communication from the parent or guardian, Stay and Play with Mama K reserves the right to suspend care services, and or terminate enrollment.

SICK CHILD POLICY

At Stay and Play with Mama K, the health and safety of all children are our top priority. To maintain a healthy environment, please keep your child home if they show any of the following symptoms:

- Fever (100°F/37.8°C or higher)
- Vomiting or diarrhea (within 24 hours)
- Cough, runny nose (with infection signs)
- Unexplained rash or skin infection
- Pink eye or other eye infections
- Sore throat or difficulty swallowing
- Fatigue, irritability (unusual for the child)
- Any contagious illness (e.g., flu, COVID-19)

Your child can return once they are:

- Fever-free for 24 hours without medication
- Vomit- and diarrhea-free for 24 hours
- Finished with prescribed treatment and cleared by a healthcare provider (if necessary)

Payment During Absences:

Payment is still required for scheduled days, even if your child is absent due to illness. Please reach out if you need to discuss options for extended illness.

PAID SICK DAYS POLICY

As the primary caregiver and owner of Stay and Play with Mama K, I am committed to providing the best care for all the children entrusted to me. I also understand that health can sometimes be unpredictable, and it's important to take time off when necessary to recover or prevent the spread of illness.

Sick Days Allocation:

I am entitled one week (seven days) each year. These days may be used for personal illness, medical appointments, or other health-related matters that require me to take time off from providing daycare services.

Notice of Absence:

I will provide as much notice as possible if I need to take a sick day. Ideally, notice will be given at least 24 hours in advance, except in the case of emergencies or sudden illness.

Payment During Sick Days:

For the paid sick days, I will continue to receive my regular payment, which will be covered by the sick days I've allocated.

Any time off beyond the allocated sick days will be unpaid, unless otherwise arranged.

Policy Review:

This policy will be reviewed annually to ensure it meets the needs of both the daycare and the families I serve.

Thank you for understanding and supporting this policy to ensure the best care and a healthy environment for all children.

GUIDELINES FOR DROP-OFF AND PICK-UP

To ensure the safety of all children, parents/guardians must sign in and sign out their child upon arrival and departure.

Please notify us in advance if someone other than the authorized person will be picking up your child.

GUIDELINES FOR PERSONAL BELONGINGS

Each child should bring a labeled bag containing a change of clothes, diapers, wipes, and any necessary comfort items.

Please refrain from bringing toys from home to prevent any potential conflicts or loss.

TERMINATION POLICY

Either party may terminate the agreement with a two week written notice to the other party.

Non-compliance with the center's policies and procedures may result in immediate termination.

We hope that this Parent Handbook provides you with all the necessary information about our center. We look forward to a meaningful and collaborative partnership in nurturing and supporting your child's growth and development.

Please sign the acknowledgment form at the end of this handbook to indicate that you have read, understood, and agreed to the policies and procedures outlined herein.

Sincerely, Stay and Play with Mama K Team





Health and Safety Policies

Health and Hygiene Practices:

All staff members will adhere to strict hygiene practices, including regular handwashing, sensitization of surfaces and toys, and the use of gloves when handling food or dealing with bodily fluids.

Children will be encouraged and assisted in maintaining good hygiene habits, such as handwashing before and after meals, after using the restroom, and after outdoor play activities.

Illness and Medical Care:

Any child displaying symptoms of illness, such as fever (100.4), vomiting, or contagious conditions, will be separated from other children and their parent/guardian will be contacted for immediate pick-up.

The child care facility will maintain updated records of each child's medical history, allergies, and any required medications, ensuring that all staff members are aware of and can respond appropriately to any medical needs.

Emergency Preparedness:

The child care facility will conduct regular emergency drills to prepare for various scenarios, including fire evacuations, lock down procedures, and natural disasters. Staff members will be trained in first aid and CPR, and first aid kits will be readily accessible and regularly checked to ensure they are well-stocked and up to date.

Safe Environment:

The child care facility will be equipped with age-appropriate furniture, toys, and play equipment, regularly inspected for any potential hazards, and maintained in safe working condition.

Outdoor play areas will be securely fenced, and all play equipment will meet safety standards set by relevant authorities.

Nutrition and Allergies:

The child care facility will provide nutritious meals and snacks, taking into account any dietary restrictions or food allergies that children may have. Menus will be shared with parents/guardians to ensure transparency.

Any known allergies of the children will be prominently displayed in the facility, and staff will be trained to recognize and respond to allergic reactions.

Medication Administration:

The administration of any required medication will follow strict protocols, including obtaining written consent from the parent/guardian, ensuring proper storage, and maintaining accurate records of administration.

Supervision and Child Safety:

Staff members will maintain constant supervision of children to prevent accidents and ensure their safety during indoor and outdoor activities.

A strict sign-in and sign-out policy will be implemented to ensure that only authorized individuals are allowed to pick up children from the facility.

Discipline Policy:

We believe in positive, respectful guidance to help children learn how to manage their behavior. Our discipline approach is based on reinforcing positive behaviors and redirecting negative behaviors in a gentle manner.

A calm down corner may be used as a way for children to calm down and reflect, but only for a brief period.

Verbal redirection is used to guide children towards appropriate behavior. Positive reinforcement through praise and rewards is used to encourage desirable behaviors.

Physical punishment, verbal abuse, or harsh treatment is never permitted.

Diapering/Toilet:

Diapering and toileting procedures are handled with care and respect for the child's privacy.

Diapers are changed regularly and promptly to prevent discomfort and health issues.

Diapering areas are clean, and hygiene practices are followed, including handwashing before and after each change.

For children learning to use the toilet, we offer positive reinforcement and encouragement.

Parents will be notified if a child has persistent diaper rashes or issues.

Item Number: V. Discussion
Items



City of Roeland Park
Action Item Summary

Submitted By:

Jennifer Jones-Lacy, Assistant City Administrator Director of Finance

Committee/Department: Administration

Title: Review potential changes to Chapter 16 - City Zoning Code Articles 1, 3, 5, and 7

Item Type: Presentation

Recommendation:

To review Chapter 16 of the City zoning code, articles 1, 3, 5, and 7 for recommended modifications.

Details:

In 2024, the City employed Chris Shires with Confluence to help with amending major sections of the City's Planning and Zoning Code. The Planning Commission and City Council reviewed:

- Article 2 - Definitions
- Article 4 - Zoning Districts
- Article 6 - Accessory Uses and Structures
- Article 9 - Sign Regulations
- Article 10 - Landscaping and Screening
- Article 14 - Subdivision Regulations and Lot Splits

The review lasted multiple months and yielded significant reformatting and content changes for those articles. The remaining articles have not been reviewed and we are hoping to do a less intensive review of the remaining sections. Today we will be reviewing:

- Article 1 - City Planning Commission
- Article 3 - Applications and Proedures
- Article 5 - Overlay Districts
- Article 7 - Special Events

Attached you will find the redlined code sections with comments for discussion. Staff will run through the document to share recommendations and points of conversation.

Fiscal Impact	
Amount of Request:	
Budgeted item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

Diversity Equity & Inclusion Lens

What are the implications to intersectionality?

- Does this item benefit all racial groups?
- Does this item benefit Community for All Ages?
- Does this item exclude or disproportionately impact any social identities? If yes, what populations and why?
- What (if any) social determinants of health are impacted by this item?
- What (if any) are the unintended economic and environmental impacts of this item?
- How has the impacted community been involved?
- How will the program be communicated to all stakeholders?

ATTACHMENTS:

1. Chapter 16 - sec 1-7

ARTICLE 1. CITY PLANNING COMMISSION

Sec. 16-101. Planning Commission Created.

There is hereby created a Planning Commission for the City of Roeland Park.

Sec. 16-102. Commission Membership; Appointment.

The City Planning Commission shall consist of seven members, one of whom may be a non-resident of the City who resides within ten miles of the City's boundaries. Three members of the commission shall be appointed by the Mayor with the consent of the City Council, and one member of the commission shall be jointly appointed by the two City Council members from each of the City's wards with the consent of the City Council. The four members appointed by City Council members each shall each be a resident of the ward from which the City Council members who made the joint appointment were elected. Commission members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired terms only. In the event that any commission member no longer resides in the ward from which the City Council members who jointly appointed the member were elected, the Governing Body shall declare a vacancy and appoint a new member to fill the vacancy. In the event any Planning Commission member fails to attend three or more regular meetings of the commission within any 12-month period of time, the Governing Body may declare a vacancy and appoint a new member who resides in that same ward to fill the vacancy. The Planning Commission shall appoint two of its members to serve as representatives from the commission to the City Council redevelopment committee. The commission shall elect one member as chairperson and one member as vice-chairperson who shall serve one year and until their successor has been elected. A secretary shall also be elected who may or may not be a member of the commission. A record of all proceedings of the commission shall be kept. Members of the commission shall serve without compensation for their service.

Sec. 16-103. Powers and Duties.

The City Planning Commission shall operate and have those powers and duties as set forth herein or in applicable provisions of the Kansas Statutes Annotated.

ARTICLE 3. APPLICATIONS AND PROCEDURES

DIVISION I. GENERAL APPLICATIONS AND PROCEDURES

Sec. 16-301. Who May Apply; Application Fees.

- (a) Application for a zoning text amendment may only be filed by the Governing Body or the Planning Commission.
- (b) An application for rezoning to a conventional or planned zoning district or for a preliminary development plan, revised preliminary development plan, final development plan or revised final development plan for a planned zoning district may be filed by either the Governing Body, the Planning Commission or the landowner or the landowner's agent. If an application for rezoning to a planned district is filed by the Governing Body or Planning Commission, the application may be filed and approved prior to the filing or

approval of a preliminary and/or a final development plan, provided that no building permit shall be issued for development in a planned zoning district until a final development plan has been approved as required by this article.

- (c) All other applications provided for in this chapter may only be filed by the landowner or the landowner's agent.
- (d) Fees for all applications provided for in this article shall be established by the Governing Body by resolution.
- (e) All applications shall be made on forms prescribed by the City and available at City Hall.
- (f) All landowners or landowner's agents who desire to make an application provided for in this article shall, at their request, be provided with a copy of Chapter XVI of Roeland Park City Code, the Zoning and Subdivision Regulations, or those portions of Chapter XVI which they may request. The landowners or the landowners' agent shall reimburse the City for the cost of providing the requested materials in an amount established by the City Clerk.

Sec. 16-302. Applications—Proof of Ownership and/or Authorization of Agent.

- (a) Where an application has been filed by, or on behalf of, a landowner, an affidavit of ownership shall be submitted to the City.
- (b) Where an application has been filed by an agent of, a landowner, an affidavit of the landowner establishing the agent's authorization to act on behalf of the landowner shall also be submitted.
- (c) The affidavits required by this section shall be on forms prescribed by the City or in a form as is acceptable to the City Attorney, and shall be submitted at the time of filing the application.

Sec. 16-303. Pre-Application Conference.

A pre-application conference with City officials is encouraged and may, in the discretion of the Building Inspector, be required prior to submission of any application for a rezoning, special use permit or preliminary development plan. The purpose of this conference is to: acquaint the applicant with the procedural requirements of this chapter; provide for an exchange of information regarding the proposed development plan and applicable elements of this chapter, the comprehensive plan and other development requirements; advise the applicant of any public sources of information that may aid the application; identify policies and regulations that create opportunities or pose significant restraints for the proposed development; review any proposed concept plans and consider opportunities to increase development benefits and mitigate undesirable project consequences and permit City input into the general design of the project.

Sec. 16-304. Submission of Technical Studies.

- (a) The City Engineer may require applicants for rezoning, special use permits, preliminary development plans, or preliminary plats to submit technical studies as may be subject to the approval of the City Engineer. The costs of all studies shall be borne by the applicant. Any decision of the City Engineer to require any study or to disapprove the person or firm selected by the applicant to perform the study may be appealed to the Planning Commission. The decision of the Planning Commission on any appeal shall be final.
- (b) Notwithstanding the fact that the City Engineer did not require submission of any technical study in support of the application, either the Planning Commission or the Governing Body may require the submission of a study prior to taking action on the application. In that case, the persons or firms selected to perform the studies shall be subject to the approval of the entity requesting that the study be performed. Any decision of the Planning Commission or the Governing Body to require that a study be performed or to disapprove the person or firm selected by the applicant to perform the study shall be final.

Sec. 16-305. Adequate Public Facilities and Services.

- (a) At the time of submittal of a rezoning or special use permit application, the applicant shall submit proof of having reviewed the development proposal with applicable water, sewer, fire, gas and electric utility officials. Proof of this review shall be provided on forms furnished by the department of public works. The forms shall provide an opportunity for applicable water, sewer, fire, gas and electric officials to provide comments on the existing and future availability and timing of services provided by their respective districts to the subject property.
- (b) At the time of submittal of a final development plan application, the applicant shall submit proof that adequate water, sewer, fire, gas and electric services are presently available to the subject property. If adequate public facilities and services are not presently available at the time of submittal of applications for final development plans, or are not planned for the near future to appropriately serve the proposed development, as determined by the affected utility company or agency, the final development plan may be denied.

Sec. 16-306. When Applications Deemed Complete.

No application shall be deemed complete until all items required to be submitted in support of the application have been submitted. Subject to the provisions of section 16-307, however, all items required to be submitted in support of an application need not be submitted at the same time that the application is filed.

Sec. 16-307. Application and Submission Deadline.

The Building Inspector or the Planning Commission may administratively provide for submission deadlines for materials required in support of any application provided for in this chapter. Compliance with these deadlines shall generally be required in order to have the application placed on an agenda to be heard by the Planning Commission. At the discretion of the chairperson of the Planning Commission, non-agenda items may be brought before the Planning Commission for hearing; provided that, the Planning Commission, in its sole discretion, may refuse to hear non-agenda items.

Sec. 16-308. Conditional Approvals.

In approving any application, the approving authority may stipulate that the approval is subject to compliance with certain specified conditions including, but not limited to, limitations on permitted uses, time of performance requirements, limitation on hours of operation, participation in transportation systems management programs, participation in improvement districts or other programs for financing public facilities, etc.

Sec. 16-309. Final Decision Where Ordinance Required.

In the case of approval of a zoning text amendment, rezoning, special use permit or other application where adoption of an ordinance is required, the decision approving the application shall not be deemed to be final until the ordinance has been published in an official City newspaper. In all other cases, the decision shall be deemed final as of the date that the approving authority votes to approve or deny the application.

Commented [JJ1]: These need to be adopted by ordinance??

Sec. 16-310. Appeals of Final Decision.

Except where this chapter provides for an appeal to another quasi judicial or administrative body, any person, official or agency aggrieved by a final decision on an application provided for in this chapter desiring to

appeal that decision shall file the appeal in the District Court of Johnson County within 30 days of the making of the decision.

Sec. 16-311. Compliance With Subdivision Regulations.

From and after the adoption of the ordinance from which this chapter derives, compliance with Article 14, Subdivision Regulations, shall be required as a condition of the issuance of a building or zoning permit, to the extent that those regulations are applicable to the proposed development.

DIVISION II. NOTICES AND HEARINGS

Sec. 16-312. Publication Notices.

Unless otherwise specifically provided for in this chapter, all publication notices for public hearings required by this chapter shall be published in one issue of the official City newspaper, and at least 20 clear days shall elapse between the date of the publication and the date set for hearing. For purposes of this section, in computing the time both the day of publication and the day of the public hearing shall be excluded. The publication notice shall fix the time and place for the public hearing. Where the hearing is for consideration of changes in the text of the ordinance, or a general revision of the boundaries of zoning districts, the notice shall contain a statement regarding the proposed changes in the ordinance or in the boundaries of the zone or district. If the hearing is on an application which concerns specific property, the property shall be designated by legal description and general street location, and the notice shall contain a general statement regarding the purpose of the application.

Commented [JJ2]: @Alex - do we have to do legal description or is just the address okay? Would like to remove this if it's legal

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.

(Ord. No. 961, § 4, 11-20-2017)

Sec. 16-314. Public Hearings.

Where the consideration of an application requires a public hearing, the following provisions shall apply:

- (a) The purpose of a public hearing is to allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application and to rebut evidence presented by others.
- (b) An accurate written summary of the proceedings shall be made for all public hearings.
- (c) The Governing Body, Planning Commission and Board of Zoning Appeals may adopt rules of procedure for public hearings by resolution or bylaws.
- (d) If an item which is subject to a public hearing is continued or otherwise carried over to a subsequent date and the public hearing has been opened, then the public hearing shall not be deemed concluded until the date on which the hearing is formally closed. No additional notices shall be required once the public hearing is opened.

Sec. 16-315. Continuances.

- (a) Any applicant or authorized agent shall have the right to one continuance of a public hearing before the Planning Commission or Board of Zoning Appeals; provided that, a written request therefor is filed with the secretary of the Planning Commission or Board of Zoning Appeals at least two business days prior to the date of the scheduled hearing. The applicant shall make every attempt to notify all persons previously notified of the continuance either by mail or telephone. In any event, the applicant shall cause written notice of the rescheduled public hearing date to be sent to surrounding property owners in the same manner and in accordance with the same time schedule as required for notice of the original hearing.
- (b) The Planning Commission, Board of Zoning Appeals or the Governing Body may grant a continuance of an application at any time for good cause shown. The record shall indicate the reason the continuance was made and any stipulations or conditions placed upon the continuance. If the Planning Commission or Board of Zoning Appeals continues a public hearing on its own motion, it may direct the secretary thereof to renotify property owners within 200 feet of the subject property, if notification was required in the first instance; if the continuance is made at the request of the applicant, the Planning Commission or Board of Zoning Appeals may direct the applicant to renotify property owners within 200 feet of the subject property. This renotification shall be by first class United States mail, postage prepaid. Where renotification is to be made by the applicant, an affidavit shall be submitted that the renotification has occurred.

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- (c) All motions to grant a continuance shall state the date on which the matter is to be heard. A majority vote of those members of the official body present at the meeting shall be required to grant a continuance.

DIVISION III. ZONING AMENDMENTS AND SPECIAL USE PERMITS

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.
 - (2) 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.
 - (3) 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.

(Ord. No. 961, § 5, 11-20-2017)

Sec. 16-317. Rezoning Applications—Submission Requirements.

The following items shall be submitted in support of any application for rezoning:

- (a) Legal description of the property.

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- (b) A statement of the reasons why rezoning is being requested.
 - (c) A preliminary development plan, except for rezonings to a single-family residence district and duplex residence district.
 - (d) All studies as may reasonably be required pursuant to Section 16-304.
 - (e) Assurances of adequate public facilities as required by Section 16-305.

(Ord. No. 960, § 1, 11-20-2017)

Sec. 16-318. Special Use Permit.

- (a) Definition: are 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.
- (b) 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.
- (c) 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 years.
 - (5) A denial of a Special Use Permit for Communications Facilities shall comply with the requirements of Section 16-1108.
- (d) Day Care Facilities: Day care facilities for more than five children or adults shall:
 - (1) Be licensed with the State pursuant to K.S.A. 65-501 et seq.;
 - (2) Obtain a Special Use Permit from the Planning Commission;
 - (3) Obtain an annual City business license;
 - (4) Obtain and furnish an annual fire inspection from the Fire Marshal or designee;
 - (5) A loading zone capable of accommodating at least two automobiles for picking-up or dropping-off passengers;
 - (6) Meet all requirements of the building code applying to day cares;
 - (7) That any special use permit issued shall be for an indefinite period, 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;
 - (8) The special use permit for the operation of a daycare may be revoked at any time by the Planning Commission upon a determination that it is in violation of the standards of this section or any other City Code requirement including City Code violations such as nuisance violations that endanger the life,

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health, property, safety, or welfare of the general public and property maintenance violations containing substandard or unsanitary conditions;

- (9) 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;
- (10) In-home daycares will be permitted to operate in a single family detached home only;
- (11) The in-home daycare provider must notify the City immediately if they are no longer operating the in-home daycare facility.

(Ord. No. 944, § 4, 11-21-2016; Ord. No. 961, § 6, 11-20-2017; Ord. No. 976, § 3, 4-15-2019)

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) A preliminary development plan, or a site plan as determined by the City Building Inspector
 - (46) All studies as may reasonably be required pursuant to Section 16-304.
 - (57) Assurance of adequate public facilities as required by Section 16-305.
- (63) 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.
- (74) 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.
 - 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

Commented [JJ3]: Should this be "Zoning administrator"?

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.

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

- i. Applicant's name;
- ii. Description of the particular premises in or at which the in-home daycare will be carried on;
- iii. Hours of operation;
- iv. Parking plan;
- v. If staff outside the home are employed, the number of staff and where they will park;
- vi. Proof of state licensure; and
- vii. Proof of a fire inspection.

~~(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.~~

(Ord. No. 960, § 2, 11-20-2017; Ord. No. 961, § 7, 11-20-2017; Ord. No. 976, § 4, 4-15-2019)

Sec. 16-320. Reserved.

Editor's note(s)—Ord. No. 960, § 3, adopted Nov. 20, 2017, repealed § 16-320, which pertained to concept plans— submission requirements, contents and meetings with redevelopment committee and derived from the original codification of this code.

Sec. 16-321. Consideration of Rezoning and Special Use Permits.

- (a) *Public hearing required.* Consideration of all applications for rezoning or a special use permit shall require a public hearing before the Planning Commission, with publication notice and notice to surrounding property owners as required by Sections 16-312 and 16-313, respectively, with the exception of special use permits for in-home daycares. In the case of in-home daycares, the applicant shall notify the owners of record of lands located within 100 feet of the property which is the subject of the application by certified mail, return receipt requested or by signed statement of all property owners as specified in Section 16-313(a). All other provisions regarding notification as required by Section 16-313 apply.
- (b) *Procedures.* Except as hereinafter provided, the procedures for Planning Commission and Governing Body consideration of rezoning or special use permit applications shall conform to the procedures set forth in Section 16-316 for zoning text amendments. If the Planning Commission fails to make a recommendation, the Planning Commission shall be deemed to have recommended denial of the application. The Governing Body shall not take action on an original recommendation of the Planning Commission unless 14 days have elapsed after the date of the conclusion of the Planning Commission's public hearing held pursuant to

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publication notice in order to allow the filing of a protest petition as provided in Subsection (c) provided, however, that where the right to file a protest petition has been waived in a verified statement signed by all property owners holding that right, the Governing Body may consider the recommendation at any time.

(Ord. No. 976, § 5, 4-15-2019)

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 in-home daycare facilities; and
 - (3) A building permit for a project, which involves the construction of buildings on undeveloped land, or the redevelopment of previously developed land, in all zoning districts, except the single-family and duplex residence districts.
- (b) A preliminary development plan shall be required as to Subsection (3) above only when a final development plan has not previously been approved for the project for which the building permit is being sought or if a final development plan has been approved and then abandoned, pursuant to Section 16-330.
- (c) The Governing Body may waive the requirement for submission of a preliminary development plan for Subsection (3) above if it determines, in its sole discretion, that the nature or the content of the redevelopment does not warrant plan review.

(Ord. No. 961, § 8, 11-20-2017)

Sec. 16-323. Preliminary Development Plans—Submission Requirements and Contents.

- (a) Eight copies of the preliminary development plan shall be submitted in support of the application. The preliminary development plan shall contain the following information:
 - (1) North arrow and scale.
 - (2) With regard to the subject property only:
 - (i) Existing topography with contours at five-foot intervals, and delineating any land areas within the 100-year flood plain.
 - (ii) Proposed location of buildings and other structures, parking areas, drives, walks, screening, drainage patterns, public streets and easements.
 - (iii) Sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the plan.
 - (iv) General extent and character of proposed landscaping.
 - (3) With regard to areas within 200 feet of the subject property:
 - (i) Any public streets which are of record;
 - (ii) Any drives which exist or which are proposed to the degree that they appear on plans on file with the City, except those serving single-family houses.

Commented [JJ4]: Do we need 8 copies now? You can never fit 7 copies at the dias anyway. I think we should put something in here about maybe 2-3 copies plus a digital file.

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- (iii) Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the City. Single- and two-family residential buildings may be shown in approximate location and general size and shape.
- (iv) The location and size of any drainage structures, such as culverts, paved or earthen ditches or storm water sewers and inlets.
- (4) Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. Where several building types are proposed on the plan, a separate sketch shall be prepared for each type. These sketches shall include elevation drawings, but detailed drawings and perspectives are not required.
- (5) A schedule shall be included indicating total floor area, land area, parking spaces and other quantities relative to the submitted plan in order that compliance with requirements of this chapter can be determined.
- (6) Name and address of landowner.
- (7) Name and address of architect, landscape architect, planner, engineer, surveyor, or other person involved in the preparation of the plan.
- (8) Date of preparation of the plan.
- (b) The following information shall be submitted in support of the application for the preliminary development plan approval:
 - (1) All studies as may reasonably be required pursuant to section 16-304.
 - (2) Assurances of adequate public facilities as required by section 16-305

Sec. 16-324. Consideration of Preliminary Development Plans—Change as to Preliminary Development Plans.

- (a) When property is rezoned to a zoning district other than the single-family residence district or the duplex residence district, including all planned zoning districts, the preliminary development plan shall be considered and approved as a part of the rezoning application.
- (b) When submission of a preliminary development plan is required pursuant to subsection (a), it shall be considered and approved in accordance with all provisions and factors set forth in subsection 16-321(e). In addition, the following factors also shall be considered:
 - (1) The capacity of the site to accommodate the building(s), parking and drives, with appropriate open space and safe and easy ingress and egress;
 - (2) The degree of harmony between the architectural quality of the proposed building(s) and the surrounding neighborhood;
 - (3) The appropriateness of the minimum dimensions, areas of lots and yards and setbacks contained in the applicable zoning district regulations;
 - (4) The consistency of the plan with good land planning and site engineering design principles; and
 - (5) Compliance with all other applicable provisions of this chapter.
- (c) The Planning Commission shall hold a public hearing on each preliminary development plan submitted within 30 days of the date it is deemed complete pursuant to section 16-306. If the Planning Commission fails to hold a public hearing within this period, the commission shall be deemed to have made a recommendation for denial and the preliminary development plan shall be considered by the Governing Body. The applicant

Commented [JJ5]: Can we change this? There could be reasons that we don't hold the public hearing within 30 days that are circumstantial -such as staff absences/vacancies, etc.

and the Mayor with the consent of the Council may jointly agree in writing that the Planning Commission public hearing on a preliminary development plan may occur later than 30 days from the date the preliminary development plan is deemed complete, provided that a date certain for the hearing is established which is not greater than 45 days from the date the preliminary development plan is deemed complete.

- (d) Once a preliminary development plan has been approved, changes in the preliminary development plan may be made only after approval of a revised preliminary development plan. Each member of the Governing Body shall be notified immediately upon submission of a revised preliminary development plan. Changes in the preliminary development plan which are not substantial or significant may be approved by the Planning Commission, and disapproval of these plans by the Planning Commission may be appealed to the Governing Body. Provided that, if any member of the Governing Body determines that the Governing Body should consider a revised preliminary development plan that contains changes that are not substantial or significant, as defined in subsection (e) of this section, the member of the Governing Body shall notify the Mayor who shall in turn notify the Planning Commission of this determination. In this instance, the revised preliminary development plan may only be approved after rehearing by the Planning Commission and Governing Body; the hearing shall be subject to the notice and protest provisions set forth in section 16-321. Substantial or significant changes in the preliminary development plan may only be approved after rehearing by the Planning Commission and Governing Body; the rehearing also shall be subject to the public hearing and protest provisions set forth in section 16-321.
- (e) For purposes of this section, "substantial or significant changes" in the preliminary development plan shall mean any of the following:
 - (1) Increases of more than ten percent in the total floor area of all buildings covered by the plan.
 - (2) Increases of lot coverage of more than five percent. "Lot coverage" means that portion of the net site area which is covered by the ground floor of any structure, parking lots, and private streets and drives. Pools, tennis courts, sidewalks and plazas are not counted toward lot coverage. "Net site area" means the land area of a lot or tract remaining after subtraction of all public street and alley rights-of-way as are required by this chapter.
 - (3) Increases of more than ten percent in the height of any building
 - (4) Changes of architectural style which will make the project less compatible with surrounding uses.
 - (5) Changes in ownership patterns or stages of construction that will lead to a different development concept.
 - (6) Changes in ownership patterns or stages of construction that will impose substantially greater loads on streets and other public facilities.
 - (7) Decreases of more than five percent of any peripheral setback.
 - (8) Decreases of areas devoted to open space of more than five percent or the substantial relocation of these areas.
 - (9) Changes of traffic circulation patterns that will affect traffic outside of the project boundaries.
 - (10) Modification or removal of conditions or stipulations to the preliminary development plan approval.
- (f) The determination of whether a proposed revised preliminary development plan contains "substantial or significant changes" shall be made by the Building Inspector within ten business days following the date he deems the application complete. The determination of the Building Inspector may be appealed to the Planning Commission, whose decision shall be final.
- (g) In the event that the application for the revised preliminary development plan is denied, the previously approved preliminary development plan will remain in effect.

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Sec. 16-325. Recording of Preliminary Development Plans.

Following the approval of a preliminary development plan, a statement shall be recorded with the register of deeds acknowledging that a preliminary development plan has been approved for the property. The statement shall be recorded in accordance with the forms and procedure established by the City and shall contain following information:

- (a) A legal description of the property;
- (b) A specification of the nature of the plan by identifying the zoning districts which apply to the property and the rezoning case number established by the rezoning ordinance, if applicable; and
- (c) A statement that the restrictions on development established by the preliminary development plan and the rezoning ordinance shall be binding upon all successors and assigns unless amended in conformance with the procedures set forth in the City's zoning regulations.

Sec. 16-326. Final Development Plans—When Required.

Submission and approval of final development plans are required in all instances in which preliminary development plans are required pursuant to the provisions of section 16-322.

Sec. 16-327. Final Development Plans—Contents and Submission Requirements.

- (a) Eight copies of the final development plan shall be submitted in support of the application. The final development plan shall contain the following information:
 - (1) A small key map indicating the location of the property within the City.
 - (2) A site plan including the following:
 - (i) Finished grades or contours for the entire site at two foot contour intervals.
 - (ii) All existing and proposed adjacent public street right-of-way with centerline location.
 - (iii) All existing and proposed adjacent public street and public drive locations, widths, curb cuts and radii.
 - (iv) Location, width and limits of all existing and proposed sidewalks.
 - (v) Location, size and radii of all existing and proposed median breaks and turning lanes.
 - (vi) Distance between all buildings, between buildings and property lines and between all parking areas and property lines.
 - (vii) Location of all required building and parking setbacks.
 - (viii) Location, dimensions, number of stories and area in square feet of all proposed buildings.
 - (ix) Area of land on site plan in square feet or acres.
 - (x) Limits, location, size and material to be used in all proposed retaining walls.
 - (xi) Location and dimensions of all driveways, parking lots, parking stalls, aisles, loading and service areas and docks.
 - (xii) Location, height, candle power and type of outside lighting fixtures for buildings and parking lots.
 - (xiii) Location, size, type of material and message of all proposed monument or detached signs.

Commented [JJ6]: Would like to reconsider this to make it maybe 2-3 paper copies and a digital copy.

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- (xiv) Pertinent peripheral information to include adjacent developments, alignment and location of public and private driveways and streets, medians, public and semi-public easements.
 - (xv) Preliminary drainage design and location and existing drainage facilities.
- (3) Building elevations including the following:
- (i) Elevations of all sides of proposed buildings including notation indicating building materials to be used on exteriors and roofs.
 - (ii) Size, location, color and materials of all signs to be attached to building exteriors, unless private sign criteria have previously been approved by the Planning Commission.
 - (iii) Location, size and materials to be used in all screening of rooftop mechanical equipment.
 - (iv) Building sections.
- (4) Floor plans indicating dimensions and areas of all floors within proposed buildings.
- (5) Landscaping and screening plans which include:
- (i) Size, species, location and number of all proposed landscape materials.
 - (ii) Notation of all areas to be seeded or sodded.
 - (iii) Location, size and materials to be used for all screening, including screening of outside trash enclosure areas.
- (b) All site plans are to be drawn to a standard engineer's scale. The actual scale used will depend on the development and shall be subject to the approval of the City Engineer.
- (c) One copy of the proposed site plan and one copy of the proposed building elevations shall be reduced onto 8½ inch by 11 inch bond paper.
- (d) The following shall be submitted in support of the application for final development plan approval:
- (1) Deeds of dedication for all rights-of-way or easements required as a result of preliminary development plan approval if conveyance thereof is not to be made by plat or by the filing of the final development plan pursuant to section 16-329.
 - (2) A copy of all covenants and restrictions applicable to the development, if required by the terms of the preliminary development plan.
 - (3) Evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurances of the financial and administrative ability of the agency required pursuant to approval of the preliminary development plan, if required by the terms of the approved preliminary development plan.
 - (4) Evidence of satisfaction of any stipulations of the preliminary development plan approval which were conditions precedent to consideration of the final development plan.
 - (5) Proof of filing of the statement required by section 16-329.
 - (6) Assurances of adequate public facilities as required by section 16-305.

Commented [JJ7]: Why?

Sec. 16-328. Consideration of Final Development Plans.

- (a) Each member of the Governing Body shall be notified immediately upon submission of a final development plan.

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- (b) Final development plans that contain no modifications or additions from the approved preliminary development plan shall be approved by the Planning Commission if the commission determines that the landscaping and screening plan complies with all applicable Code requirements and that the final development plan complies with the applicable factors referred to and set forth in subsection 16-320(e). Denial of final development plans by the Planning Commission may be appealed to the Governing Body by the applicant within 15 days of the denial.
 - (c) A final development plan that contains modifications from the approved preliminary development plan, but is in substantial compliance with the preliminary plan, may be approved by the Planning Commission without a public hearing, provided that the commission determines that the landscaping and screening plan complies with all applicable Code requirements and that the final development plan complies with all of the applicable factors referred to and set forth in subsection 16-321(e). Provided further that, if any member of the Governing Body determines that the Governing Body should consider a final development plan that contains changes that are not substantial or significant changes from the approved preliminary development plan as determined by subsection 16-324(e), that member shall notify the Mayor who shall notify the Planning Commission of the determination. In these instances, final development plans shall be considered by the Governing Body after the Planning Commission has recommended the approval or denial of the proposed final development plan to the Governing Body, specifying the reasons for its recommendation. If the Planning Commission fails to make a recommendation, the Planning Commission shall be deemed to have made a recommendation of denial. Any determination made by the Planning Commission under this subsection shall be appealable to the Governing Body by the applicant within 15 days of the date of the Planning Commission determination.
 - (d) In the event of a determination that the proposed final development plan is not in substantial compliance with the approved preliminary development plan, the application may not be considered except at a public hearing, following publication notice and notice to surrounding property owners as provided in sections 16-313 and 16-314, respectively. The provisions of section 16-324 relating to consideration of preliminary development plans shall apply to consideration of final development plans that are determined not to be in substantial compliance with the preliminary development plan. Following the public hearing, the Planning Commission shall recommend approval or denial of the proposed final development plan to the Governing Body, specifying the reasons for its recommendation. If the Planning Commission fails to make a recommendation on the proposed final development plan, the Planning Commission shall be deemed to have made a recommendation of denial. Following receipt of the Planning Commission recommendation, the Governing Body shall either approve or disapprove the proposed final development plan by a simple majority vote of those members present and voting; provided, however, that consideration of a proposed final development plan which has been determined to be not in substantial compliance with the approved preliminary development plan shall also be subject to the protest provisions set forth in subsection 16-321(c).
 - (e) Revisions to approved final development plans which are insignificant in nature may be approved administratively by the Building Inspector. Provided, however, that in no event may revisions to approved final development plans be approved administratively if the proposed revised final plan contains "substantial or significant changes" as defined in subsection 16-324(e).

Sec. 16-329. Recording of Final Development Plan.

Following the approval of a final development plan, a statement acknowledging that a final development plan has been approved for the property shall be filed with the register of deeds. The statement shall be recorded in accordance with the forms and procedures established by the City and shall contain the following information:

- (1) A legal description of the property.

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- (2) A statement that the restrictions on development and the responsibility for continuing maintenance and compliance with the final development plan shall be binding upon all successors and assigns unless the plan is amended in conformance with the procedures set forth in the City's zoning regulations.

Sec. 16-330. Abandonment of Final Development Plan.

In the event that a plan or a section thereof is given final approval and thereafter the landowner shall abandon the plan or section thereof and shall so notify the City in writing, or in the event the landowner shall fail to commence the planned development within 18 months after final approval has been granted, then in either event the final approval shall terminate and shall be deemed null and void unless the time period is extended by the application by the landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.

Sec. 16-331. Site Plans for Non-Residential Development in Residential Districts.

- (a) No permit for any construction or use of property for non-residential uses (parks, playgrounds, churches or schools) in a residential district shall be issued until a site plan for the development has been reviewed by the Planning Commission and approved by the Governing Body.
- (b) All site plans shall contain the following information:
 - (1) North arrow and scale.
 - (2) Location of existing rights-of-way, easements and infrastructure (streets, sewers, water lines, utilities, etc.).
 - (3) Size and location of existing and proposed structures and drives on the subject property, and existing structures and drives on surrounding properties.
 - (4) Location of flood plain.
 - (5) Location of proposed drives and parking areas.
 - (6) Platted setback lines.
 - (7) Elevations of proposed buildings.
 - (8) Final grades.
 - (9) Landscaping.
 - (10) Name and address of landowner.
 - (11) Name and address of architect, landscape architect, planner, engineer, surveyor or other person involved in the preparation of the plan.
 - (12) Date of preparation of the plan.
- (c) Prior to consideration of site plans by the Planning Commission, all site plans, and assurances of adequate public facilities as set forth in section 16-305, shall be submitted to the Building Inspector for review and determination that all submittal requirements are complete. The City Engineer may also require the submission of technical studies, and the provisions relating thereto set forth in section 16-304 shall be applicable, except that appeals of the determination of the Building Inspector shall go directly to the Planning Commission.
- (d) Following the determination of the Building Inspector that all submittals are complete, a public hearing on the site plan shall be scheduled before the Planning Commission, with publication notice and notice to surrounding property owners as required by sections 16-312 and 16-313.

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- (e) Following the close of the public hearing, the Planning Commission shall determine the appropriateness of the proposed site plan according to the following criteria:
- (1) The capability of the site to accommodate the building(s), parking and drives, with appropriate open space and safe and easy ingress and egress.
 - (2) The degree of harmony between the architectural quality of the proposed building(s) and the surrounding neighborhood.
 - (3) The appropriateness of the minimum dimensions and areas of lots and yards contained in the applicable zoning district regulations may be considered and increased.
 - (4) The consistency of the plan with good land planning and site engineering design principles.
 - (5) The extent to which the proposed use and associated site improvements ensure that on-site storm water is appropriately managed, control the discharge of pollutants into storm water runoff, create air pollution, noise pollution, other types of water pollution, or involves excessive removal of existing on-site vegetation or other environmental harm.
- (f) The decision of the Governing Body to approve, approve with conditions or deny the site plan shall be final.

ARTICLE 5. OVERLAY DISTRICTS

Sec. 16-501. 47th and Mission Road Area Design Review Overlay District.

Purpose and authority. The 47th and Mission Road Area Design Review Overlay District is established by this Zoning Ordinance, enacted to implement the goals and policies of the 47th and Mission Road Area Concept Plan, adopted by the cities of Westwood, Roeland Park, and the Unified Government of Wyandotte County and Kansas City, Kansas. The 47th and Mission Road Area Concept Plan was drafted pursuant to:

- i. The interlocal cooperation acts, Sections 12-2901 through 12-2909 of the Kansas Statutes Annotated;
- ii. Section 12-744(c) of the Kansas Statutes Annotated; and
- iii. The interlocal agreement between the Cities of Roeland Park, Westwood, and the Unified Government of Wyandotte County/Kansas City, Kansas (collectively "Jurisdictions").

This Ordinance translates the relevant portion of the plan within the boundaries of City into the Zoning Ordinance, in addition to all current regulations. This Ordinance will accompany a similar ordinance adopted by each jurisdiction to ensure consistent implementation of the 47th and Mission Road Area Concept Plan.

(a) *Applicability.*

(1) *Property.*

- a. This Ordinance shall apply to all property within the City and within the 47th and Mission Road Area Design Review Overlay District, as shown in Section 15-601(L) below as the "Suggested District Boundary", which hereby replaces the "Original District Boundary" as shown. The official zoning map of The City is hereby amended to reflect the updated 47th and Mission Road Area Design Review Overlay District.
- b. The standards in this Ordinance shall apply to all property currently or subsequently zoned for commercial or multi-family use within this overlay district.
- c. Any property zoned for single-family residential use is included within this overlay district to indicate neighborhood areas to be protected by buffers and design enhancements established in this Ordinance for commercial or multi-family use. In addition, to further protect existing

neighborhoods, any property currently zoned for single-family residential use within this overlay district which is subsequently rezoned to multi-family or commercial uses must satisfy all design standards in this Ordinance.

d. Any legal nonconforming structure or use cannot increase its level of nonconformity without complying with this Ordinance.

- (2) *Type of development.* These standards shall be applied to new development, redevelopment, or exterior modifications that alters the appearance of a building or site within the overlay district including, but not limited to, building additions, facade improvements, or landscaping improvements. Only those standards required by this Ordinance and directly related to proposed development, redevelopment, or exterior modification shall be applied.

Other regulations. Within the overlay district, all City Code ordinances, policies, regulations, and plans shall apply. Where conflicts occur regarding development standards in this Ordinance, the standards established in this Ordinance shall supersede those in the conflicting ordinance, policy, regulation, or plan.

- (b) *Definitions.* For the purposes of this overlay Ordinance, the following terms and phrases shall have the meaning given in this section. All other terms and phrases shall use definitions given in the City Code Zoning Ordinance or other codes, unless context indicates that a standard dictionary definition is more appropriate. Terms and phrases not defined in this section or by any provision of the City Code shall have the standard dictionary definition.

Adjacent lot: A lot having a common border or endpoint with subject lot, or lots that would have a common border or endpoint in the absence of an existing right-of-way.

Development: The construction of man-made site elements on an improved or unimproved parcel of land.

Distinctly different hours of operation: Uses with hours of operation where 50 percent or more of one use's hours of operation, including peak hours of operation based on a parking demand study, are mutually exclusive of the hours of operation of the other uses which it proposes to share parking.

Distinctly different peak hours of operation: The peak hours of operation, based on a parking demand study, of uses proposing to share parking are mutually exclusive.

Exterior modification: Any maintenance, improvement, construction, or reconstruction of a structure or site, or any portion of a structure or site, that will result in an apparent change visible from the right-of-way or adjacent property.

Redevelopment: The reconstruction, enlargement, conversion, relocation of a manmade structure.

- (c) *Uses.*

- (1) *Underlying zoning uses.* The uses allowed in the 47th and Mission Road Area Design Review Overlay District shall be those uses allowed by the current or any future underlying zoning classification, provided that all future development and redevelopment meets the standards established in this Ordinance. Any future rezoning shall be to a use district consistent with the 47th and Mission Road Area Concept Plan.

- (2) *Overlay uses.* In addition to those uses allowed by the underlying zoning, all property zoned for commercial use within the 47th Street and Mission Road, Area Design Review Overlay District shall be allowed residential uses as a supplemental use, subject to the following:

- a. No property with an underlying zone for Commercial use may have residential uses on the ground floor or at street level.
- b. No structures with supplemental residential uses may exceed 40 feet in height or 3½ stories, whichever is less.

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- c. All structures with supplemental residential uses, whether new or existing at the time of adoption of this Ordinance, must comply with all other standards established in this Ordinance in order to be eligible for supplemental residential uses.
- (d) *Commercial site design standards.* Commercial site design in the 47th and Mission Road Area Design Review Overlay District shall conform to the principles outlined in the 47th and Mission Road Concept Plan. The following design standards implement and shall be interpreted consistent with the Plan.
- (1) *Building placement.* Site design in the 47th and Mission Road Area shall conform to the following design standards. The provisions of this section shall apply to new development.
- a. *Front setback.* All new buildings shall be built to the right-of-way line unless an additional setback is required to meet the minimum sidewalk width and buffer requirements in the Pedestrian Access requirement in subsection (e) titled site access.
 - b. *Side setbacks.* The minimum side setbacks shall be:
 - 1. Property abutting residential districts shall have a side setback equivalent to that of the abutting residential district. In this case, the side setback area shall be used to provide a buffer according to subsection (i) of this article.
 - c. *Rear setback.* Minimum rear setbacks shall be as defined by the zoning regulations of the municipality that the property is located in, unless the property is abutting a residential zoned property on its rear yard property line. If abutting a residential zoned property, the setback shall be equal to the residential properties rear yard setback requirements.
 - d. *Continuous building frontage.* Building facades on the street frontage should be maximized to provide continuous corridors within the overlay district. All lot frontages should be occupied by building frontages except for entrance drives or alleys to rear parking, courtyards or patios, or any side parking. In the case of courtyards and patios, or side parking, the appearance of a continuous building frontage shall be maintained by a 2½- to four-foot fence or wall constructed out of the same material as the building facade, or by a continuous landscape element.
 - e. *Main entrance.* The main entrance of all buildings shall be oriented to the street. In the case of the corner lots, a building may have one entrance on each street or may have one corner entrance facing the intersection at a 45-degree angle.
- (e) *Site access.*
- (1) *Pedestrian access.* All buildings shall have a continuous sidewalk along the frontage of the lot. The sidewalk shall be seven feet wide. All sidewalks shall be buffered from vehicular traffic with a minimum three-foot buffer zone that includes landscaping, street trees, street furniture, pedestrian lighting, bicycle facilities, or other amenities that provide physical separation from vehicular traffic. *Alternative:* Sidewalks outside the Village Area (as identified as the "Suggested Village Boundary" in the 47th and Mission Road Area Design Review Overlay District) may be a minimum of five feet in width, but the three-foot buffer zone must be maintained. *Alternative:* Where unique site characteristics prevent a seven-foot sidewalk and three-foot buffer zone from being achievable in the Village Area, sidewalk widths shall be maximized on that site.
- a. *Vehicle access.* Curb cuts in the 47th and Mission Road Area should be minimized. Wherever possible, adjacent properties are encouraged to minimize curb cuts by use of shared parking or shared access to separate parking lots.
 - b. *Connections.* Continuous pedestrian connections shall be provided through all parking lots and between parking lots and store-front sidewalks. These pedestrian connections shall primarily be pedestrian-only sidewalks but may include crosswalks across parking lot drive aisles and

driveways where necessary. The following design elements shall be used to maintain pedestrian connections and minimize conflicts with vehicles:

1. Alleys, driveways, and parking lot drive aisles shall not exceed 24 feet for two-way access or 12 feet for one-way access.
2. "Bulb outs" for pedestrian-only travel should be used to minimize the distance of pedestrian walkways across driveways, alleys, parking lots, or other vehicle access ways.
3. All pedestrian walkways across driveway[s], alleys, parking lots, or other vehicle access ways shall be distinguished from the vehicle access way by a visually identifiable path or distinctly textured surface.

(f) *Parking.*

- (1) *Required parking.* The parking required for uses in the overlay district shall be established by the applicable standards for the underlying zoning district.
 - a. *Location.* Parking shall be provided primarily behind buildings in the Village Area. Parking on commercial lots outside the Village Area should be located primarily behind the building but may be located on the side of the building.
 - b. *Shared parking.* Parking requirements in the overlay district may be met through shared parking according to the following conditions and standards:
 1. A written agreement for the joint use of the parking facilities shall be executed by the parties, approved by the City and recorded with the register of deeds for any county in which property subject to the agreement is situated. The agreement shall include any necessary cross access easements among property owners. Must meet all other shared parking standards of the said jurisdiction.
 2. Parking requirements are cumulative except that parking may be shared based on uses either on the same site or on other sites that meet the requirements of this Section 16-501, at the sole discretion of City, according to the following standards:
 3. When two or more uses have distinctly different hours of operation (e.g., commercial office and residential, or church and school), 100 percent of the required parking may be shared. Required parking shall be based on the use that demands the greatest amount of parking per the underlying Ordinance requirement.
 4. When two or more uses have distinctly different peak hours of operation (e.g., office and restaurant/entertainment), 50 percent of the required parking spaces may be shared among the uses.
 5. Shared parking shall meet jurisdiction standards. If the parking spaces are more than 800 feet from the main entrance of the building.
- (2) Direct pedestrian access, meeting the requirements of Section 16-501, is required between any shared parking and the main entrance of any building proposing to share parking.
 - a. Applicants for shared parking shall submit a statement indicating the ability of the proposed shared parking arrangement to meet the demands of all uses involved. The statement shall include hours of operation, hours of peak operation, forecasted demand, and other data indicating the appropriateness of shared parking.
 - b. Any change of use or other change causing violation of the shared parking agreement or these standards shall invalidate the shared parking eligibility, and the parking requirements of the underlying Zoning Ordinance shall be met. A plan for meeting the parking requirements of this

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Ordinance if the shared agreement is invalidated must be submitted with the proposed agreement.

- c. On-street parking. Any on-street parking, authorized by City and within 300 feet of the lot, may be credited towards the on-site parking requirements. A maximum of ten percent of the required parking may be satisfied by on-street parking credits. On-street parking spaces may be counted by more than one user in meeting this requirement.
- d. Bicycle parking. Bicycle parking facilities are required at a rate of one bicycle for every 15 required vehicle parking spaces, with a minimum of two bicycle parking spaces. Bicycle parking facilities may be counted by more than one property in meeting this requirement, as long as the facility is within 150 feet of the entrance and the total required parking is met for each property.
- e. Landscape elements. Parking lots larger than 20 spaces shall incorporate at least one internal landscape island into the lot design. Landscape islands shall be at least ten percent of the parking lot area. Each required landscape island shall be a minimum of 20 square feet and a maximum of 500 square feet. Landscape islands shall maintain a minimum five-foot width at all times. Landscape islands shall be planted with landscape elements consistent with subsection (i) of this article. Landscape elements along the perimeter of a parking lot shall not count towards the landscape island requirement. Where a parking lot incorporates internal rows of parking, each row shall be terminated with a landscape element.
- f. Lighting. Exterior lighting on commercial properties shall be designed to have minimal light trespass onto adjacent residential properties.

(g) *Lighting.*

- (1) All exterior lighting on the building must be full cut-off with non-adjustable heads to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street.
- (2) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be full cut-off with non-adjustable heads to direct light 90 degrees downward. Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way.
- (3) Any light or combination of lights that casts light on a public street shall not exceed one foot-candle (meter reading) as measured from the centerline of the street. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed 0.5 foot-candles (meter reading) as measured from that property line.
- (4) Applicants shall be required to submit a base meter reading as part of their application materials.

(h) *Architecture features.*

- (1) *Enhanced entrances.* All main entrances shall be enhanced by architectural details. Such details may include, but are not limited to, slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments.
- (2) *Windows.* All buildings shall be predominantly transparent at the street level, with a minimum of 40 percent and a maximum of 80 percent of the facade occupied by windows. Upper levels may be less transparent, with a minimum of 25 percent of the facade occupied by windows.
- (3) *Awnings and canopies.* Awnings or canopies are encouraged on facades to provide weather protection and shade to pedestrians, and to add visual appeal to the 47th and Mission Road Area Design Review Overlay District. Awnings and canopies may project into the building setback or right-of-way provided they are a minimum of seven and one-half feet above grade. Any awnings provided shall be fabric and

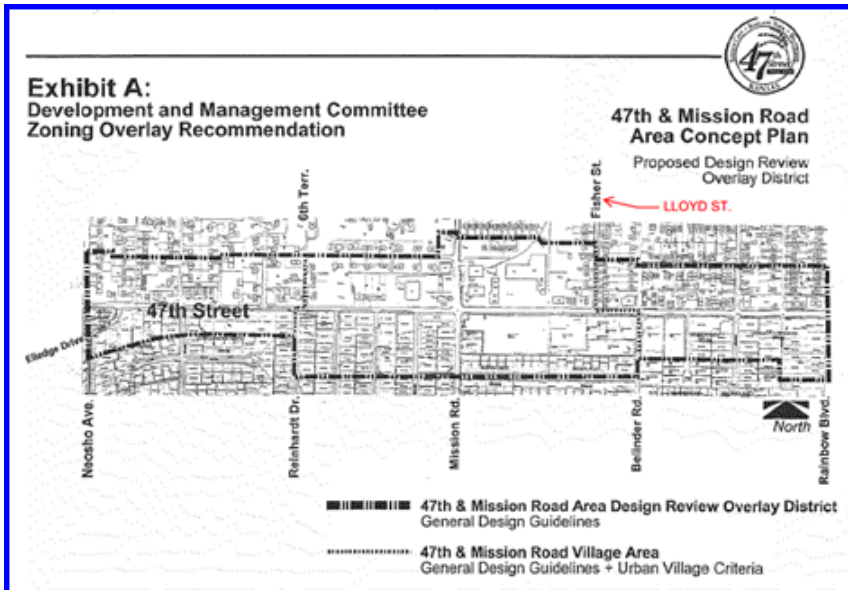
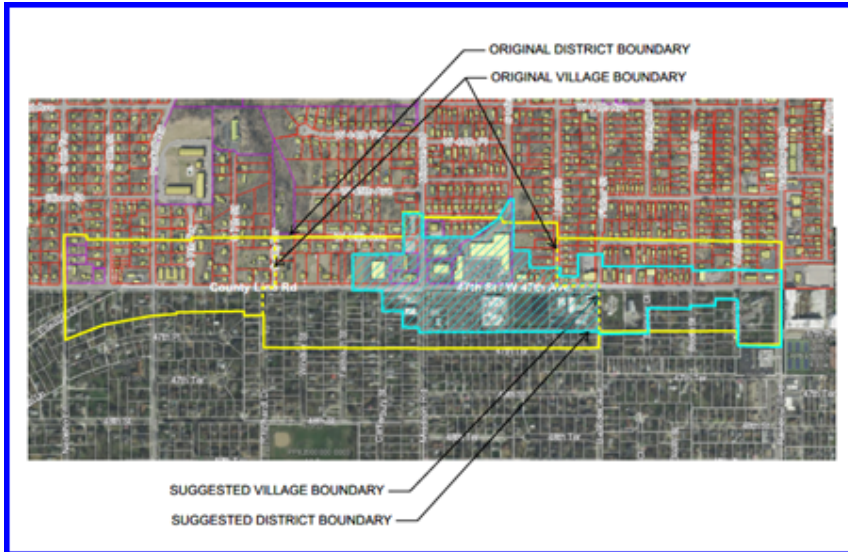
shall not be back-lit. Permanent canopies may be constructed if designed as an integral part of the structure. All awnings or canopies on a single block shall be hung at the same height above finished floor elevation of the building it is associated with.

- (4) *Facade lighting.* Facade lighting is encouraged within the overlay district. Facade lighting may be used to highlight architectural features of a building, provide secondary light to the pedestrian zone, or to enhance visibility of signs. Facade lighting shall be shielded so that the light source is applied to the building and does not provide any direct light or glare on sidewalks or streets.
 - (5) *Roof.* Flat and pitched roofs are allowed. Flat roofs shall incorporate a roof-screening element, such as a parapet or pediment, as part of the building design. Pitched roofs shall be complementary to the building design. All mechanical equipment shall be screened from view, preferably mounted to the roof and behind a parapet.
- (i) *Landscape requirements and screening.*
- (1) *Residential buffers.* All commercial uses and multi-family residential uses shall provide a landscape buffer from any single-family uses. The landscape buffer shall be of a density to provide an all-season visual screen from the single-family property. Treatments may include any combination of earth berms, walls or fences approved by the jurisdiction having authority, and tree, bush, and shrub plantings. The buffer zone shall be a minimum of ten feet in width.
 - (2) *Screening.* Specialty equipment, such as antennas, satellite dishes, trash and recycling containers, meter and utility boxes, and HVAC equipment, shall be screened from direct view from streets, sidewalks, and other areas of regular public access. Ground-mounted equipment and trash enclosures shall be screened from view with year-round landscape coverage or masonry wall enclosure consistent with the main building material. Roof-mounted equipment shall be placed far enough from the roof edge, or shall be screened with architectural elements, such as parapets, incorporated into the design of the building, so as not to be seen from the sidewalk across any adjacent street.
- (j) *Signs.* The following signs are allowed in the overlay district:
- (1) *Facade sign.* One facade sign shall be allowed per building tenant, identifying the business or tenant. A facade sign shall be allowed on each facade fronting a street utilized for pedestrian or vehicular access, except no such sign should face a local street.
 - (2) *Pedestrian signs.* One pedestrian sign shall be allowed per building tenant, identifying the business of the tenant. Pedestrian signs may be suspended from canopies or awnings, or affixed perpendicular to a building. Pedestrian signs shall not be lower than seven feet, six inches from grade level and shall not exceed ten square feet. Building-affixed pedestrian signs shall not protrude more than three feet from the building surface.
- (k) *Murals.* Murals are allowed in the overlay district.
- (1) *Definition.* A "mural" is a hand produced or machined graphic applied or affixed to the exterior of a building wall through the application of paint, canvas, tile, metal panels, applied sheet graphic or other medium generally so that the wall becomes the background surface or platform for the graphic, generally for the purpose of decoration or artistic expression, including, but not limited to, painting, fresco or mosaic.
 - (2) *Standards.*
 - a. Murals are not permitted on the primary facade. A primary facade is defined, for purposes of this section, as a building elevation that faces the adjacent street right-of-way and is the primary customer entrance. Buildings located on a block corner with the primary customer entrance located diagonally at the building corner to both intersecting streets has two primary facades.

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- b. On lots that share a property line with a residential zoning district, murals are not allowed on building walls that face a residential zoning district.
 - c. Up to 20 percent of a mural may include text or commercial copy. No more than five items of information may be included in the area used for text or commercial copy. However, murals should not include any textural reference to the associated business or shall be considered a sign.
 - d. The mural shall be kept in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the director and incorporated into the sign permit. A mural is in a state of disrepair when ten percent or more of the display surface area contains peeling, faded or flaking paint, or is otherwise not preserved in the manner in which it was originally created.
 - e. The display surface shall be kept clean, neatly painted, and free from corrosion.
 - f. Murals shall be subject to the jurisdiction ordinances and requirements.
- (l) *Public improvements and notification.* Prior to placement of any public improvements on the Capital Improvements Program, or construction of public improvements within the 47th and Mission Road Area Design Review Overlay District, the City shall send notice of the intent to construct public improvements to each jurisdiction. This notice shall provide the opportunity for the jurisdictions to coordinate for construction of public improvements consistent with the 47th and Mission Road Area Concept Plan and Streetscape Design Concept Plans.

For any proposed development, re-zoning, variance, or other action within the overlay district that would require a public hearing and notification to neighbors, notification will also be sent to the other jurisdictions.

- (1) *Depiction of 47th and Mission Road Area Design Review Overlay District and 47th and Mission Road Area Concept Plan.* The 47th and Mission Road Area Design Review Overlay District is hereby amended such that the overlay district shall consist of that area identified below as the "Suggested District Boundary." The Village Area, as used in this overlay district Ordinance, shall mean that area identified below as the "Suggested Village Boundary."



(Ord. No. 1031, § 1, 5-2-2022)

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ARTICLE 7. SPECIAL EVENTS

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Sec. 16-701. Special Events; Purpose and Intent.

The purpose and intent of this article is to provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. Furthermore, it is the intent of this article to protect nearby property owners, residents and businesses from special events that may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics and the nature of the proposed use. Finally, it is the intent of this article to preserve the public health, safety and convenience.

Sec. 16-702. Special Events; Defined.

The term "special event" shall mean a temporary, short-term use of land or structures, not otherwise included as permitted or accessory use by this chapter, for one or more of the following types of activities:

- (a) *Type 1.* Fund raising or non-commercial events held outside an enclosed permanent structure for non-profit religious, educational or community service organizations that periodically and routinely operate in the City; including any on-site signs and structures in conjunction with the event;
- (b) *Type 2.* Christmas tree sales;
- (c) *Type 3.* Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district such as banners as defined in section 16-903(e) hereof, and attention-attracting devices as defined in section 16-903(c) hereof;
- (d) *Type 4.* Significant commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as tent sales, trade shows, farmers' markets, seasonal merchandise sales or product demonstrations;
- (e) *Type 5.* Significant public events intended primarily for entertainment or amusement, such as carnivals, concerts or festivals.

The term "special events" should not include garage sales, transient merchants, or off-site promotional signs and sales.

Seasonal sales means sale of items that are placed outdoors outside of winter months such as lawn and garden materials, plants, mulch, residential play features, barbecue grills, outdoor furniture, etc.

(Ord. No. 991, § 1, 3-16-2020)

Sec. 16-703. Special Events; Permit Not Required.

- (a) Special events meeting the Type 1 definition are allowed without a special event permit provided all the following performance standards are met:
 - (1) The special event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility or with the written permission of the property owner or lessee.

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- (2) Any structure used in conjunction with the special event shall meet all applicable yard setbacks, shall be the subject of a valid building permit, and shall be promptly removed upon the cessation of the event.
 - (3) The special event shall be restricted to hours of operation between 8:00 a.m. and 11:00 p.m., to a maximum duration of four days, and to a maximum frequency for similar events of six non-consecutive times per calendar year.
- (b) Special events meeting the Type 1 definition that include on-site signs and/or displays in conjunction with the event are allowed without a permit provided the following conditions are met:
- (1) The special event does not involve outdoor activities (i.e. people congregating or participating in outdoor activities);
 - (2) The special event does not continue for more than 31 consecutive days and the property does not exceed a total of more than 60 special event days. At least 15 days must pass between each special event;
 - (3) Any/all special event display(s) area does not exceed 500 square feet per parcel, or, should a single parcel contain more than one address, per address.
 - (4) The special event shall not endanger or be materially detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the neighborhood special event.
 - (5) The special event shall not cause undue traffic congestion or accident potential.

(Ord. No. 949, § 1, 5-15-2017)

Sec. 16-704. Special Events; Administrative Permit Required.

Special events meeting the following standards shall be issued a special event permit administratively by the Building Inspector. In administering the provisions of this section, the Building Inspector shall be guided by applicable City policies as adopted by the Governing Body. Any applicant denied a special event permit shall be notified in writing of the reasons for the denial and have the opportunity to appeal the denial to the Governing Body. No more than two special event permits per calendar year shall be issued administratively at any location.

- (a) Special events meeting the Type 2 definition may be permitted administratively by the Building Inspector, subject to prior review and approval by the public works and police departments for traffic control and fire safety; provided that, all of the following performance standard are met:
 - (1) An application is made and a fee paid in accordance with section 16-706;
 - (2) A site plan indicating the location of the merchandise being sold, aisles, parking and sales trailers;
 - (3) A lighting plan to be approved by the fire department and Building Inspector;
 - (4) The permit may be valid from Friday after Thanksgiving until December 26th, with hours of operation from 8:00 a.m. to 10:00 p.m.;
 - (5) Any structure used in accordance with the special event shall meet all site distance (see section 16-426) and set-back requirements, shall be subject to a valid building permit, and shall be promptly removed upon cessation of tree sales; the tree sales shall be conducted only on private property in a commercial or industrial zoning district, and shall submit evidence that the property owner has granted appropriate permission for tree sales.
- (b) Special events meeting the Type 3 or Type 4 definition, and Type 1 events not meeting the standards of section 16-703, may be permitted administratively by the Building Inspector subject to the prior review

and approval of the police and fire departments. No administrative permit shall be issued unless all the following performance standards are met:

- (1) An application is made and a fee paid in accordance with section 16-706;
- (2) The special event shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls;
- (3) If involving a banner, no more than one banner is displayed, and the size and design of the banner is appropriate given the size of the building to which it is attached, and within the character of the surrounding neighborhood and the banner shall be displayed for a maximum duration of 15 days per permit;
- (4) The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself;
- (5) The special event shall not endanger the public health, safety, or general welfare given the nature of the activity, its location on the site, and its relationship to parking and access points;
- (6) The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise that would violate Article 8 of Chapter 8 of the municipal code, smoke, odor, glare, litter, or visual pollution;
- (7) Any structure used in conjunction with the special event shall meet all site distance requirements (see section 16-426), shall be the subject of a valid building permit, and shall be promptly removed upon the cessation of the event;
- (8) The special event shall be conducted on private property in a commercial or industrial zoning district, except that non-profit organizations may conduct events on any property where the property owner has granted the appropriate permission;
- (9) The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land uses, but in no case shall the duration exceed ten days except as otherwise outlined in section 16-704(b)(11); and
- (10) The special event shall comply with all applicable state and federal health, safety, environmental and other applicable requirements.
- (11) Seasonal sales may be displayed in approved areas for up to six calendar months of the year. Outside storage and sales are limited to typical spring, summer and fall seasons.

(Ord. No. 991, § 1, 3-16-2020)

Sec. 16-705. Special Events; Governing Body Approval Required.

All Type 5 events and any other event not meeting the criteria of sections 16-703 or 16-704 may be granted a special event permit by the Governing Body after review and report by the Building Inspector. The permit may be subject to conditions and safeguards as the Governing Body may deem reasonably necessary to protect the public health, safety, and general welfare. These conditions may include but shall not be limited to:

- (a) Restrictions on the hours of operation, duration of the event, size of the activity, or other operation or characteristic;
- (b) The posting of performance bonds to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to Governing Body expectations;
- (c) The provision of traffic control or security personnel to increase the public safety and convenience; and

Commented [JJ9]: I don't understand the second part of this section "possible reduction in the number of available spaces caused by the event itself". Of course, it would reduce the no of spaces available.

Commented [JJ10]: What if there is a band? That would create noise but it would be temporary

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- (d) Obtaining liability and personal injury insurance in forms and amounts as the Governing Body may find necessary to protect the safety and general welfare of the community.

Sec. 16-706. Application and Fee.

- (a) No special event permit shall be issued until an application has been submitted to the Building Inspector and the appropriate fee paid. The application will be made on forms provided by the City, and shall be accompanied by the following items as applicable:
 - (1) A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures, signs, banners or attention-attracting devices used in conjunction with the event;
 - (2) A sketch plan showing the location of the proposed activities, structures and/or signs in relation to existing buildings, parking areas, streets and property lines; and
 - (3) A letter from the property owner or manager, if different from the applicant, agreeing to the special event.
- (b) Each application for a special event permit shall be accompanied by an application fee, except that the fee may be waived for any applicant registered with the State of Kansas as a non-profit organization. ~~The fee for Type 2 applications shall be \$25.00 and the fee for all other types of applications shall be \$50.00. Fees for special event permits will be outlined in the City's schedule of fees and charges as adopted by resolution.~~
- (c) The special event permit shall be posted on the site for the duration of the event.