

**AGENDA  
PLANNING COMMISSION  
CITY OF ROELAND PARK, KANSAS  
ROELAND PARK  
4600 W. 51ST STREET  
FEBRUARY 19, 2019 6:00 PM**

**I. Roll Call**

**II. Approval of Minutes**

1. Minutes from Joint Planning Commission/Council - 11-13-18

**III. Public Hearing**

**IV. Action Items**

**V. Discussion Items**

1. Building Design Standards Follow Up
2. Revisit In-Home Daycare Regulations

**VI. Other Matters Before the Planning Commission**

**VII. Adjournment**

Scheduled Meeting Dates

Item Number:      **Approval of Minutes- II.-1.**  
Committee            **2/19/2019**  
Meeting Date:



**City of Roeland Park**  
Action Item Summary

Date:  
Submitted By:  
Committee/Department:  
Title:                                    **Minutes from Joint Planning Commission/Council - 11-13-18**  
Item Type:

**Recommendation:**

**Details:**

Financial Impact

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

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

**ATTACHMENTS:**

Description  
☐ Minutes 11.13.2018

Type  
Cover Memo

**PLANNING COMMISSION MINUTES**  
CITY OF ROELAND PARK  
4600 W 51<sup>st</sup> Street, Roeland Park, KS 66205  
November 13, 2018, 6:00 P.M.

The Roeland Park Planning Commission met in a joint meeting with the Roeland Park City Council on November 13, 2018, in City Hall, 4600 West 51<sup>st</sup> Street.

Planning Commissioners Present:

Paula Gleason	Mark Kohles	Darren Nielsen	Bill Ahrens
Mike Hickey	Kyle Rogler	Pete Davis	

Governing Body Members Present:

Mayor Mike Kelly	Becky Fast	Jennifer Hill	Tim Janssen
Jim Kelly	Tom Madigan	Claudia McCormack	Michael Poppa
Erin Thompson			

Staff: John Jacobson, Building Official  
Keith Moody, City Administrator

**I. ROLL CALL**

The roll was called and all Planning Commissioners and Governing Body members were present.

**II. APPROVAL OF MINUTES**

*No minutes were submitted for approval.*

**III. PUBLIC HEARING**

*There was no public hearing held.*

**IV. ACTION ITEMS**

*There were no items discussed.*

**V. DISCUSSION ITEMS**

**1. Annual Joint Meeting Planning Commission and City Council**

Mr. Jacobson made a presentation on a variety of topics to be considered by the City as outlined in the packet.

**VI. OTHER MATTERS BEFORE THE PLANNING COMMISSION**

*There were no items discussed.*

**VII. ADJOURNMENT**

(Roeland Park Joint Planning Commission and City Council Meeting Adjourned)

**Item Number:** Discussion Items- V.-1.  
**Committee** 2/19/2019  
**Meeting Date:**



**City of Roeland Park**  
Action Item Summary

**Date:** 2/12/2019  
**Submitted By:** John Jacobson  
**Committee/Department:** Neighborhood Services  
**Title:** **Building Design Standards Follow Up**  
**Item Type:** Discussion

**Recommendation:**

**Further discuss topics from the Joint PC/CC Meeting in 2018**

**Details:**

Staff recommends that the planning commission discuss items discussed at the joint commission and council meeting in December. Staff has attached the power point presented that night and few bullet points from the meeting.

- Overall discussions
  - Mass/ Footprint/ Greenspace/ Balance new home construction were primary concerns
  - The consensus was that no Architectural Review Board should be formed.
  - Property rights should be protected. Both the property developer and the neighboring homeowners
  - Side property lines were discussed. RP currently has a minimum of 80% frontage and a minimum of 5" precluding much if any reduction
  - Materials of construction were discussed, and potential definitions of acceptable materials should be formed
  - Generally, a second higher density residential zoning district should be pursued
  - The RFP for policy formation will go out in 2019- Potential committee make up was discussed
  - The consensus was that additional joint meetings should be held prior to RFP formation.

**Financial Impact**

Amount of Request: 0

Budgeted Item?	Budgeted Amount: 0
Line Item Code/Description:	

### Additional Information

Further defining informational points from the joint meeting with an anticipated Comprehensive Plan Update RFP submittal in April.

How does item relate to Strategic Plan?

Part of the Comprehensive Plan Updating process.

How does item benefit Community for all Ages?

NA

### ATTACHMENTS:

Description	Type
<input type="checkbox"/> Joint Meeting Presentation	Cover Memo



# Annual Joint CC/PC Meeting

Governing Body and Planning Commission Initiative Meeting

# Topics



- ▶ Governing Body and Planning Commission Roles
- ▶ Residential Reconstruction Standards
- ▶ Classifications of Single Family Residential
- ▶ Current Zoning Ordinance Standards- Q&A
- ▶ Existing / New Sub Planning Areas / Overlays / Sustainable Construction
- ▶ Addition to Community Facilities Component of the Comprehensive Plan
- ▶ Citizen Complaints and Concerns

## Roeland Park Development History



In 1922 Frank Hodges purchased the land now described as Mission Ridge and Mission Grove. Mission Grove had been sub divided in 1921 by Charles Roe, a son of John Roe. Frank Hodges subdivided the Mission Ridge area in 1923 but no substantial development occurred in the area until after World War II.

In 1937, construction was started in the northwest part of the area. Between 1937 and 1940 six houses were constructed in the Pemland Heights area, north of 49th Street and east of Nall. By far the larger area in which development began was the construction by Charles E. Vawter in the areas he named Roe Manor Heights, Roeland Park and Roe Highlands. Initial construction was in the Roe Manor Heights area and along Nall and 51st Street. Construction was halted during World War II due to shortage of materials. Never-the-less, homes under construction were permitted to be completed when Mr. Vawter agreed to rent the houses to war workers.

Charles Vawter purchased the land he developed from Misses Isabella, Catherine, and Margaret Roe, and Mrs. Ellen Roe Bryant, daughters of John Roe. In naming his subdivision for the Roe family, Mr. Vawter established the name for the City of Roeland Park.





# Planning Process

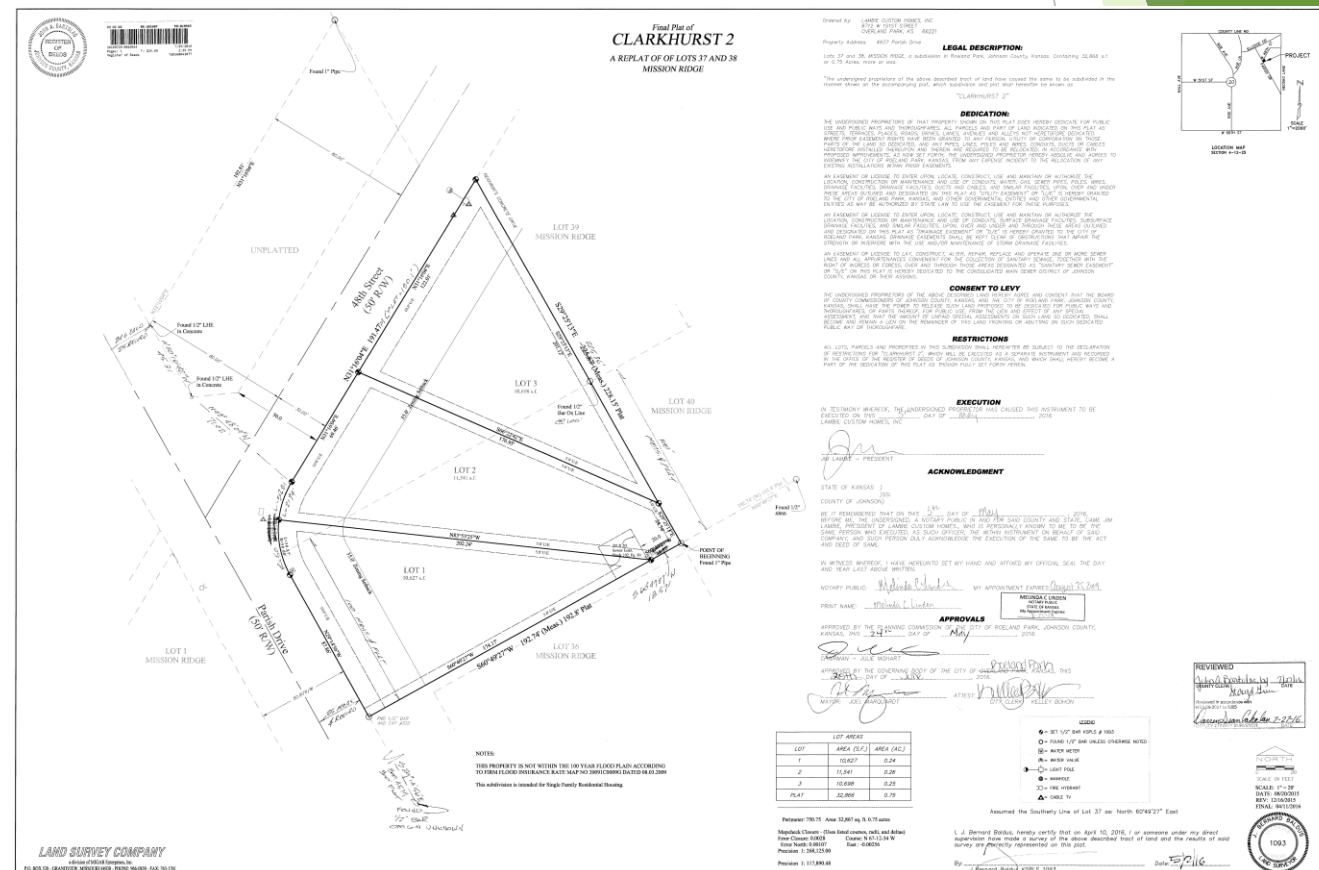
## Responsibility of each Body

### ►Planning Commission

- Annually reviews and is responsible for the Comprehensive Plan
- Reviews and submits recommendations to Governing Body and conducts public hearings on Zoning Amendments, Development Plans, Dedications of Public lands (Parks, ROW, etc), Reviews plats for compliance with the zoning ordinance and subdivision regulations
- Recommends policy changes to the Governing body and in some cases, reviews CIP submittals before city council review.

### ►City Council

- Accepts or denies public dedications in the platting process
- Reviews PC recommendations on development plan actions
- Acts as an appellate authority for any decision of staff and most decisions of PC
- Can send actions back to the Planning Commission for cause and/or overturn a recommendation by a 2/3 majority vote.



# Residential Standards



- ▶ Presentation was given at the request of the City Council concerning tear downs and reconstruction of new homes
- ▶ The consensus opinion was to adopt new standards when other policy changes occurred *Comp Plan, Zoning Ordinance, City Code* (2019)
- ▶ Massing, Drainage and continuity of construction materials were the primary concerns
  - ▶ What is the primary focus of any new policy formation?
  - ▶ What are the factors of continuity?
  - ▶ What defines the “character” of the community



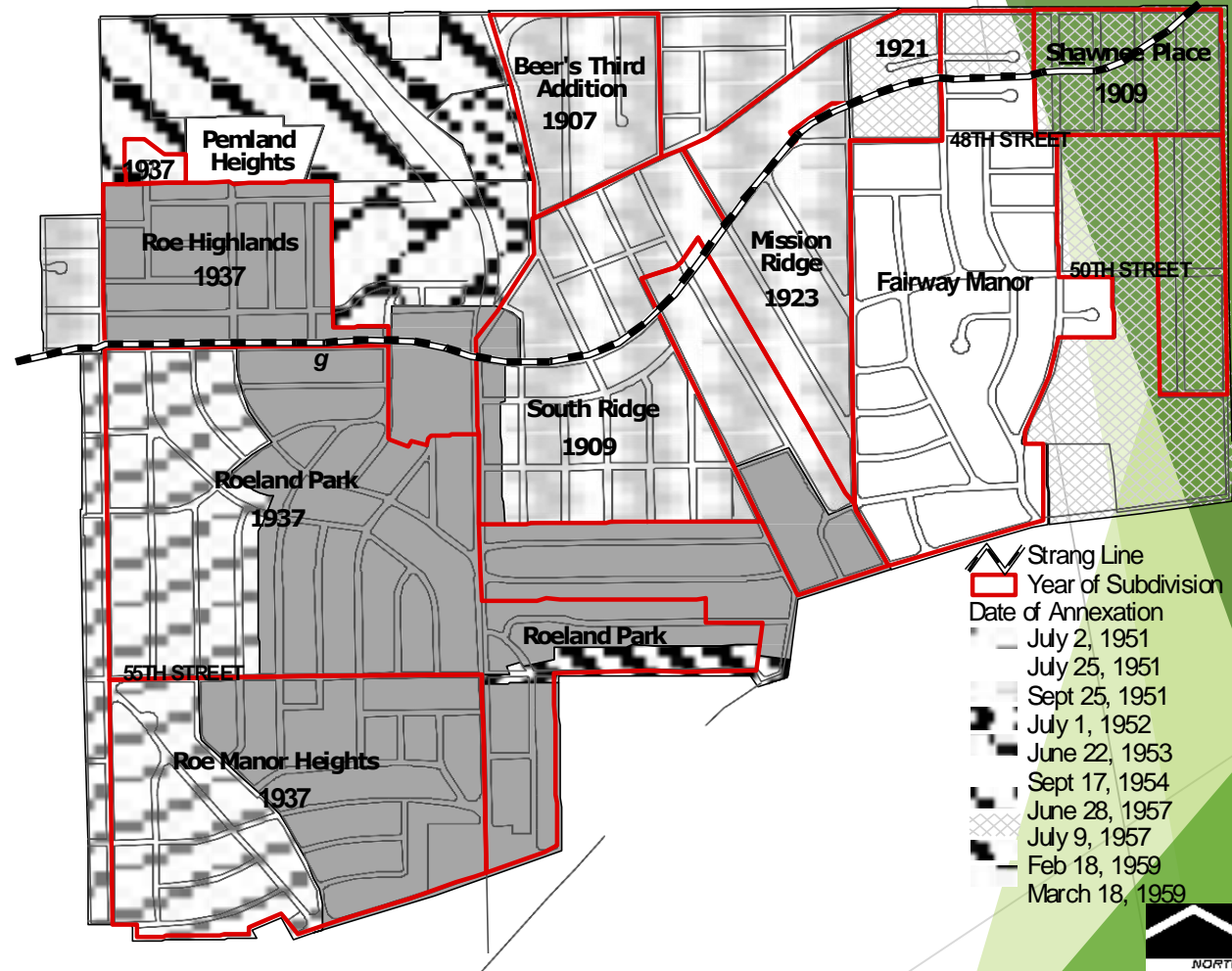
## Architectural Styles in Roeland Park

### *Single Family Residential Neighborhoods*

Today Roeland Park is primarily a single-family residential community. Other existing land uses include: parks, schools, neighborhood commercial, industry, utilities and a community recreation campus.

Most of Roeland Park's subdivisions were platted in the first half of the 20th Century, prior to incorporation. Records show the first subdivision was created in 1907.

### ► Subdivision Development by Year



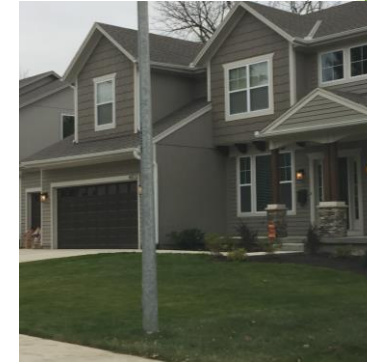
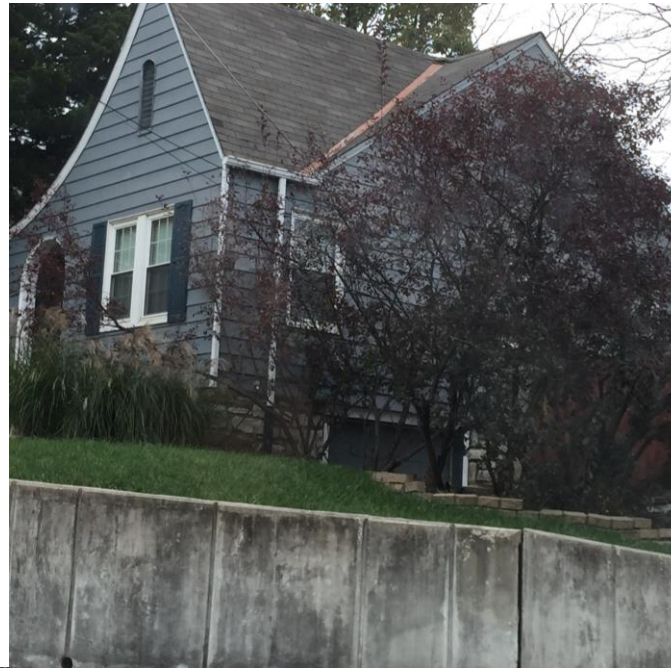




## Architectural Styles in Roeland Park

### Existing Homes

- ▶ Smaller Footprints
- ▶ 1 car or no garages
- ▶ 20%-25% Lot coverage
- ▶ Extreme diversity of design in existing construction driven by age of development and common construction practice at the time of build





# Prairie Village Guidelines

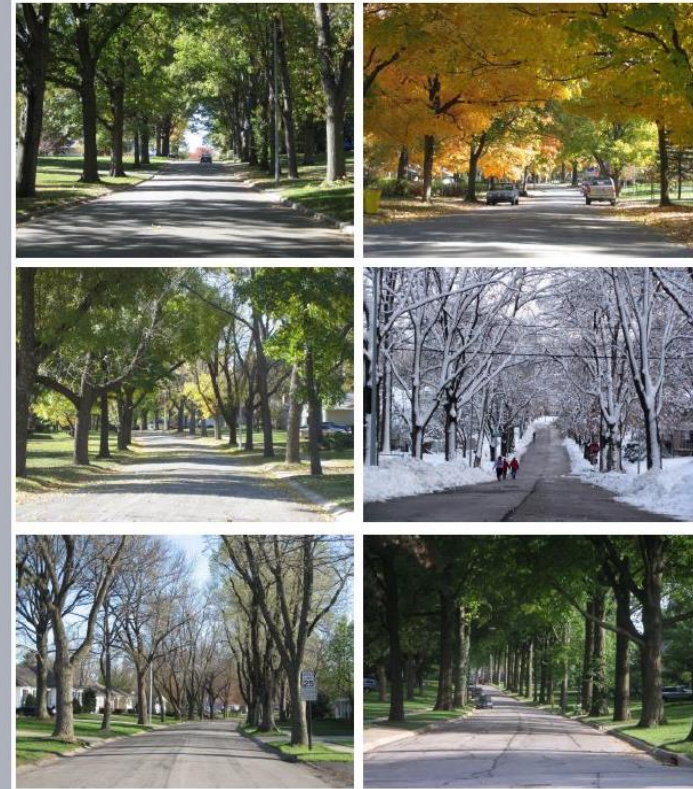
## Neighborhood Design Standards Phase II: Addressing Redevelopment in Prairie Village





## Phase II of Design Guidelines – Proposed Changes

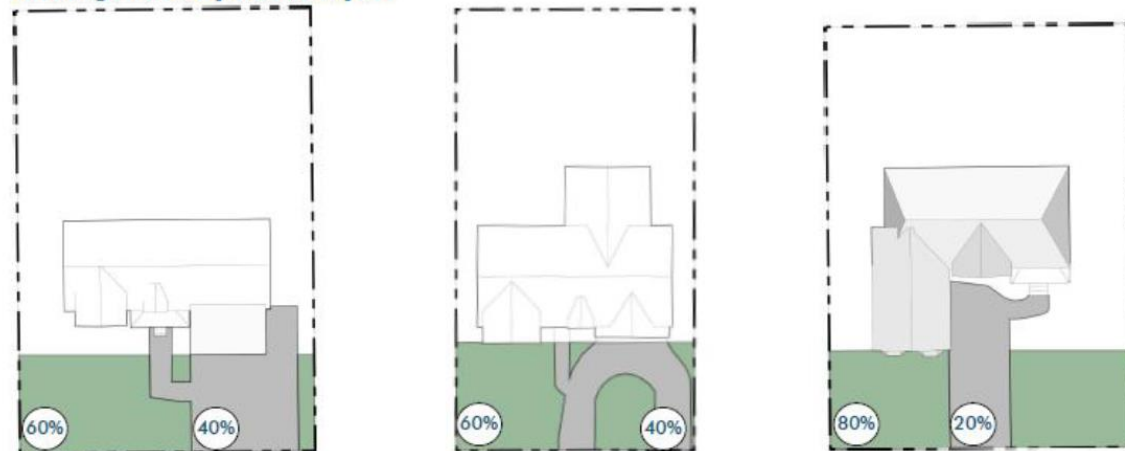
- **Greenspace & Streetscape**
  - Greenspace of Entire Lot
  - Greenspace of Lot Frontage
  - Street Trees
- **Lot Standards & Building Massing**
  - Keep lot coverage at 30%
  - Window requirements
  - Wall plane requirements
- **Garages & Curb Appeal**
  - Garage height and width requirements – no larger than 8' tall and 18' wide
  - Garage massing on front elevation – can't be more than 40% or 24'
  - Restrictions on garages in front of building line



## Proposed Changes: Frontage Greenspace Requirements

- Minimum 60% between front building line and front lot line
- Exception: Minimum 50% on lots less than 70' wide on collector or arterial streets (to allow for circular driveways)

**Frontage Greenspace Examples**



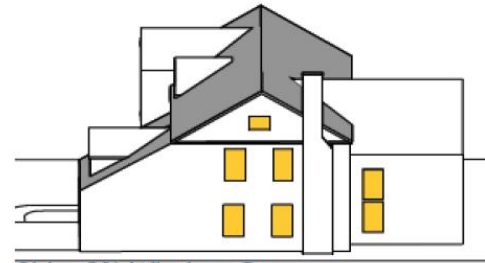


## Proposed Changes: Windows & Door Openings

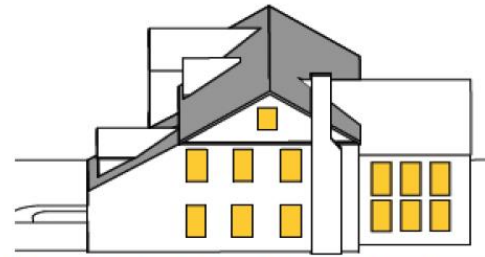
### Windows - Proposed Standards



Front Facade:  
15% Window Coverage

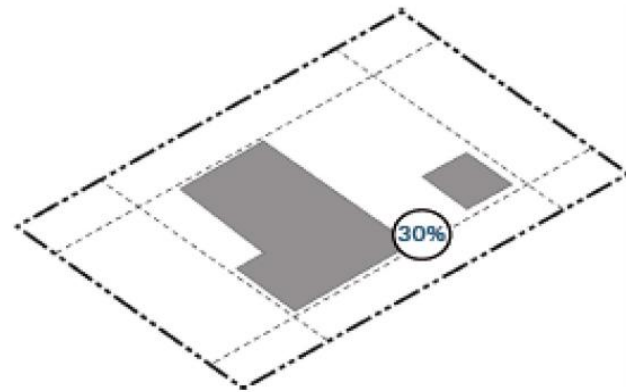


Side: 8% Window Coverage



Street-Facing Side: 15% Window Coverage

## Lot Coverage & Setbacks



Lot Coverage – 30%

Setbacks – Front: 30'

Rear: 25'

Side: 6' R-1B; 7' R-1A, and 20% of  
total lot width

Street side: 15'

## Applicability

- Any new structure
- Addition of more than 200 square feet of building footprint to existing structure
- Alterations to the form or massing of the front elevation or roof structure
- R-1A and R-1B districts only



# Zoning / Density / Policy

Why does density matter?

Continuity between planning and enforcement policy

# Why is Density a Key Element of Redevelopment?



## **Features and benefits of housing density:**

- Higher residential density close to local, neighborhood and district centers supports the local economy.
- Public transport linking areas of higher residential density forms a network of conveniently accessible destinations.
- Higher residential density near parks and other public open spaces encourages passive surveillance.
- Higher density housing located within walking distance of a retail center reduces traffic congestion.
- Aged-care accommodation co-located with mixed-use centers gives older residents easier access to services.

# Strategies

## Build Density

- ▶ Encourage density in the Town Center areas *if* and when redevelopment occurs through a mix of uses, housing variety, flexible and diverse living arrangements, and appropriate building type.
- ▶ Increasing density that still maintains the small town scale can be accomplished by using buildings that are of appropriate scale and mass. This increased density and variety can include apartments and lofts above stores (in multi-story mixed-use buildings), live / work buildings that provide the flexibility to small business owners to live in the same building that their business is in, and apartment buildings that fit into the context of the surrounding neighborhood.



Density done well is an important element of building a livable city. Increasing density will lead to more vibrancy (and more people living in the city) and increased economic development opportunities.

These images illustrate buildings that can increase density without disrupting the character of the City.

- A. Mixed-Use buildings provide for a variety of residential options above stores in the downtown.
- B. Live/Work buildings provide citizens the opportunity to live above their small business in a residentially scaled building.
- C. Apartment buildings can increase the density of a neighborhood while still "fitting into" the neighborhood.
- D. Rowhouses are great ways to infill at the edges of neighborhoods or within transitional areas. They are basically single-family attached homes.



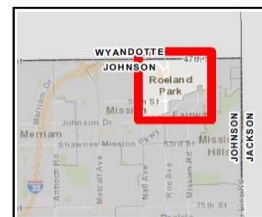
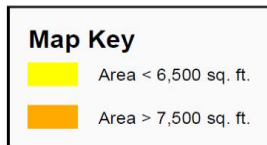


# Residential Zoning Districts



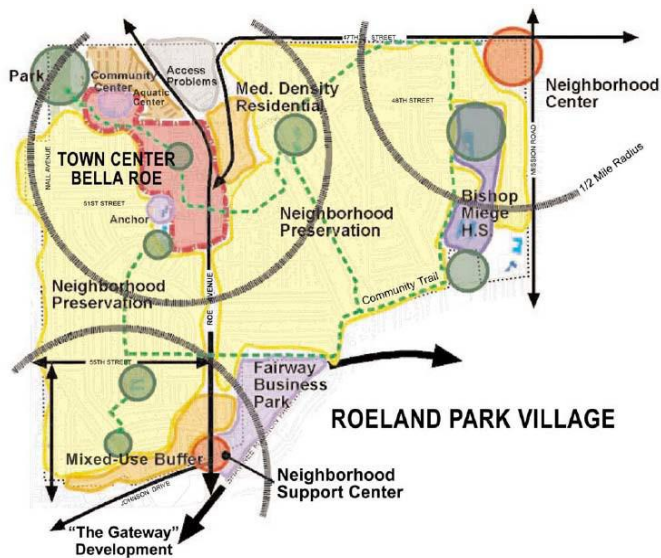
- ▶ Should a higher density SF residential zoning district be employed in some areas of the community?
- ▶ Currently only a single district exists with a minimum lot size of 7,500ft<sup>2</sup>
- ▶ Would a higher density designation allow redevelopment in similarly sized (smaller lot) subdivision configurations?
- ▶ Would higher density designations spur redevelopment and replatting? Further, would that impact public improvement allocation without capital investment by the City?
- ▶ Impacts on existing neighborhoods from higher density development?
- ▶ Lots in RP vary from 9,800ft<sup>2</sup> to 4,200 ft<sup>2</sup>
- ▶ Is it possible that redevelopment could occur in and around major retail centers? Should it?
- ▶ Affordable, diverse housing options are necessary for a vibrant community

JOHNSON COUNTY  
KANSAS  
AIMS GIS & Mapping  
Date: 9/5/2018

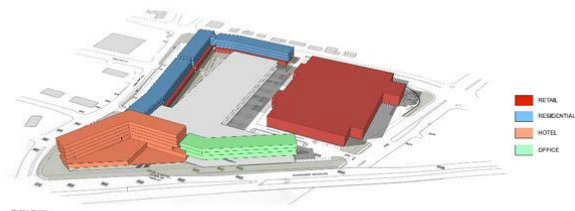




# Existing Sub Planning Areas / Overlays

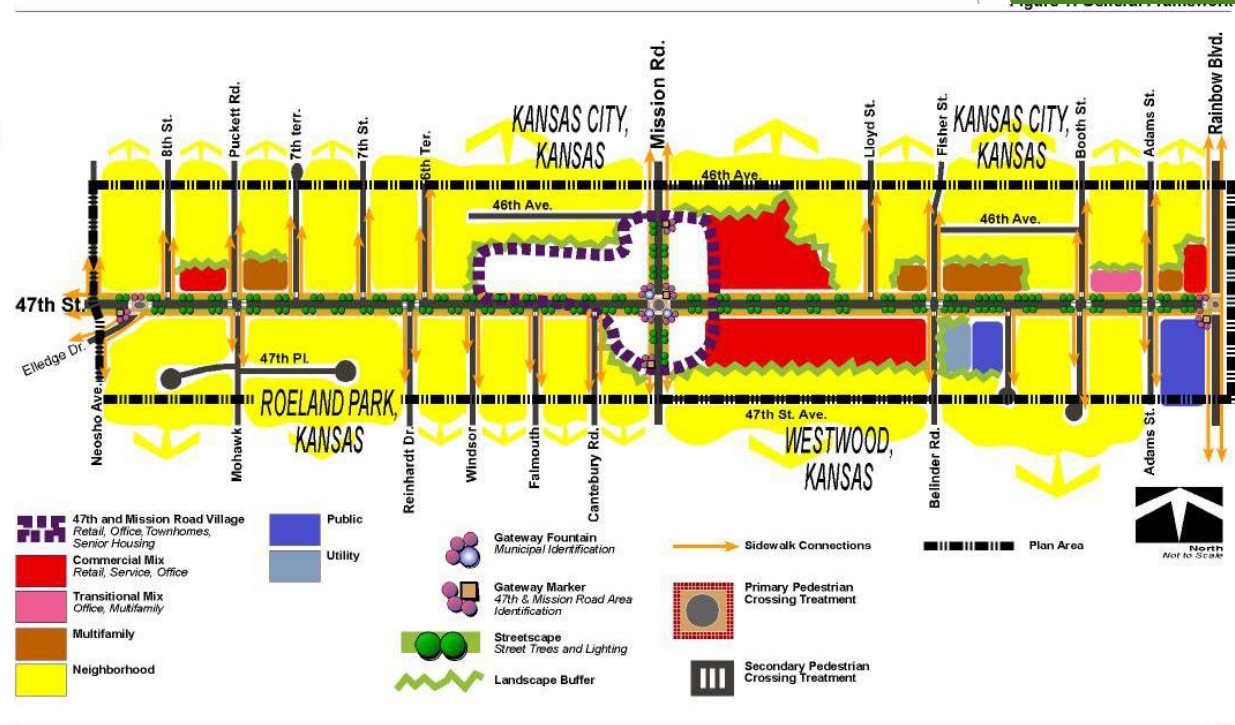
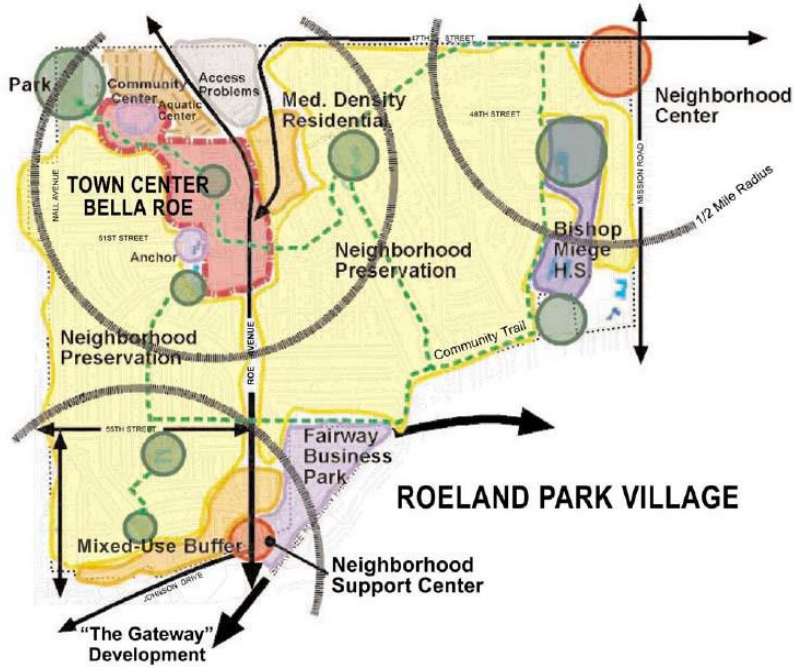


- ▶ 47<sup>th</sup> and Mission
- ▶ Areas located around the Walmart location
- ▶ Corridor of Johnson and Roe
- ▶ Mission Gateway Project Area



FDP-002





# 47<sup>th</sup> and Mission Neighborhood Center

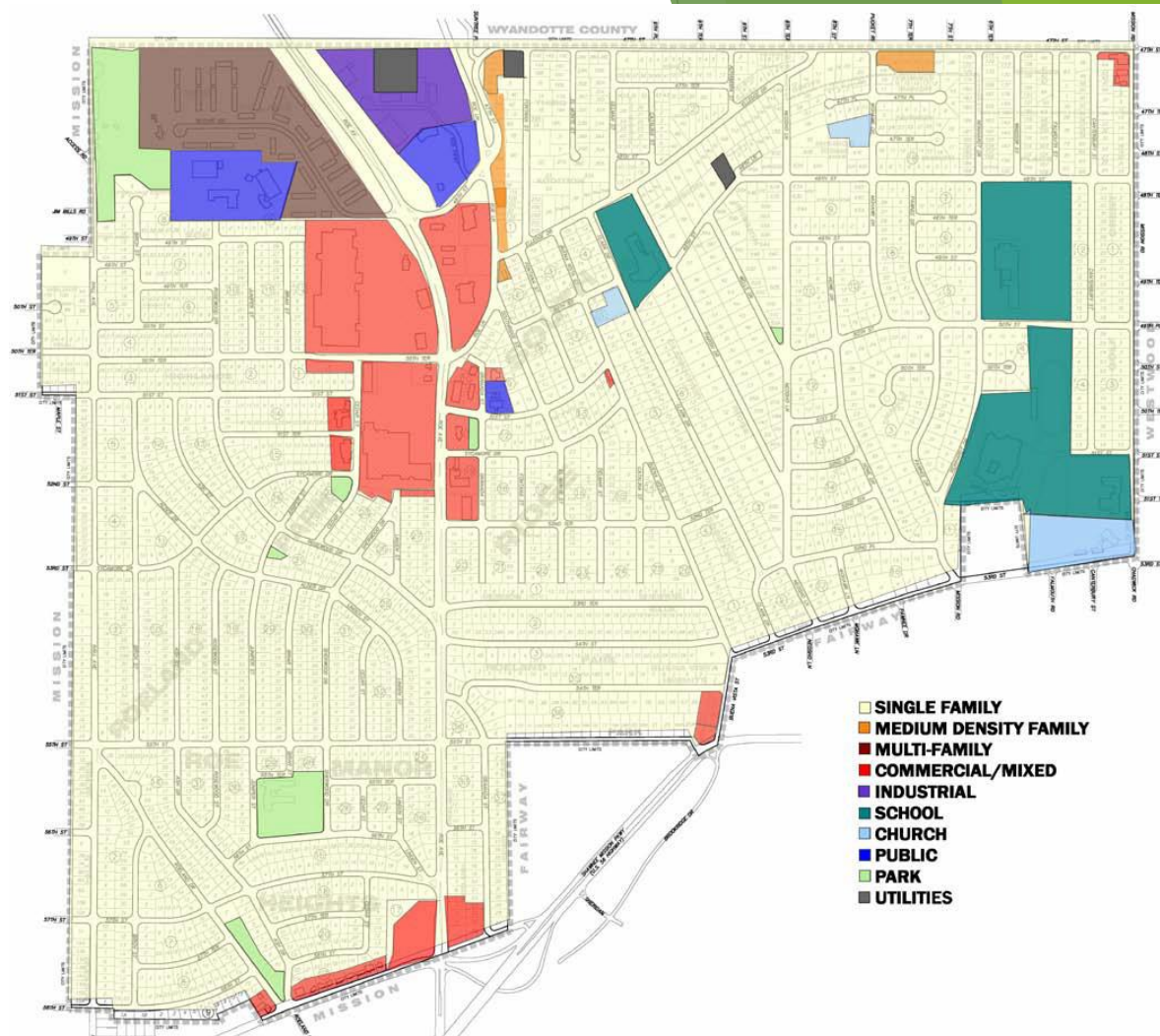
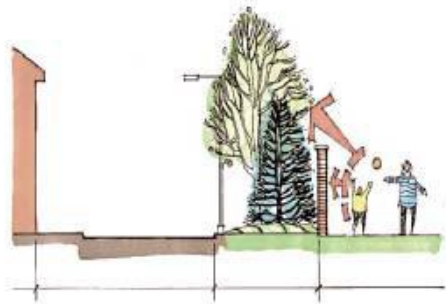




## Mixed Use & Residential Transition Zones

- The Roeland Park Development Framework contemplates three types of village centers:

- ❖ *Neighborhood center*
- ❖ *Town center*
- ❖ *Regional center*



# Zoning Ordinance Questions



Ordinance can be arbitrary  
and difficult to enforce

Many singular changes ( for  
specific situations) have  
been codified over the years  
without consideration to the  
body of the ordinance

Antiquated sections of the  
ordinance need to be  
adjusted or deleted

Zoning Ordinance should  
reflect the overall vision of  
the comprehensive plan

Are adequate protections in  
place to obtain or fund  
public improvements?

Are regional stormwater  
requirements or  
administrative BMPs in place  
in the subdivision regulations  
adequate for anticipated  
development trends?



# Community Facilities

Trails, Community Center, Parks etc.





## Probable Changes to This Section in 2019

Incorporate into Comp Plan both Sidewalk and Bike path plans

Results of specific intersections studies

Planning Sustainable Places Grant Findings

Community Center Study

Additional changes as a result of extensive public engagement Process

**Item Number:** Discussion Items- V.-2.  
**Committee** 2/19/2019  
**Meeting Date:**



## **City of Roeland Park**

Action Item Summary

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**Date:** 2/19/2019  
**Submitted By:** Jennifer Jones-Lacy  
**Committee/Department:**  
**Title:** Revisit In-Home Daycare Regulations  
**Item Type:** Discussion

### **Recommendation:**

**To review the regulations for in-home daycare Special Use Permits and hold a public hearing in March to make adjustments to the City Code.**

### **Details:**

In November 2017, the City Council approved Ordinance no. 961 which allowed for in-home daycares to operate in the City where previously they were banned for homes operations with more than three children. The new regulation allows for the in-home daycare to have up to the maximum number of children allowed by the state through a Special Use Permit granted exclusively through the Planning Commission. The code included several new requirements to obtain the SUP including:

- The home maintains 100 square feet (minimum) of open space per child outdoors
- A solid/semi-solid fence six-eight feet be erected to enclose the backyard
- A renewal every five years
- Include photos of the rooms in which the daycare will be held in the house

Among other requirements. Since the inception of these regulations, City staff has worked to publicize the requirements and enforce the regulations. To date, we have had 0% compliance despite being aware of several operating in-home daycares in the City. Upon further review and feedback from residents operating these businesses, staff has determined the regulations are too onerous to gain compliance. The cost of a privacy fence is thousands of dollars for those who do not have one in place. In addition, any SUP requires a public hearing and certified mailings to those within 200 feet of the property and this process would need to be completed every five years. After reviewing the code of other communities, we see that Roeland Park's regulations are the most restrictive in the metro area. Attached is a summary of regulations for neighboring cities.

Staff recommends the following changes:

1. Eliminate the requirement for a fence and the 100 sf of open space/child. This is not a requirement of the state unless children are going to be playing outside unsupervised, in which case they require a fence. State inspectors conduct assessments of these properties annually, so any significant issues would jeopardize their license.
2. Change the renewal period from five years to 10 years or possibly eliminate it entirely. The City provides for the Planning Commission to revoke the SUP of an in-home daycare already if they are in violation of the City Code. We can also enumerate additional reasons for revocation.
3. Remove the requirement to include photos of the rooms in which the daycare will be held. The state conducts inspections of all facilities prior to licensing and for ongoing renewal. In addition, Johnson County requires fire inspections of licensed daycares prior to opening.
4. Require annual fire inspections of in-home daycares. Most Johnson County communities already require this and the County, who is contracted through KDHE to conduct inspections, requests this information anyway.
5. Change the notification requirement from 200 feet surrounding the property to 100 feet.
6. Only allow in-home daycares to take place in single family homes or duplexes.

All other regulations would remain in place. While renewal of the SUP would only occur every 10 years, the operator would still be required to submit an annual business license and as part of that license, submit a copy of their state of Kansas Daycare license.

Attached is a draft redline of the proposed code changes as well as a comparison of neighboring communities and their in-home daycare regulations.

#### Financial Impact

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

#### Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

#### ATTACHMENTS:

Description	Type
<input type="checkbox"/> Draft Redline Code Changes	Exhibit
<input type="checkbox"/> Comparative Communities	Exhibit



Sec. 5-603. - Permitted Occupations.

The following are permitted home occupations providing they do not violate any of the provisions of Section 5-602:

- (a) Accountant;
- (b) Architect;
- (c) Artist, painter, sculptor;
- (d) In-home daycare facility, provided that there are no more than three children at any one time; requests for more children are subject to 5-604(d);
- (e) Chiropractor;
- (f) Clergyman;
- (g) Computer programmer;
- (h) Dentist;
- (i) Dressmaker, seamstress, tailor;
- (j) Engineer;
- (k) Firearms dealer, provided that gross sales do not exceed \$5,000.00 per year, that every person dealing firearms has a current valid federal firearms license and that not more than 12 transactions occur at the residence during any calendar year;
- (l) Home cooking and preserving;
- (m) Home crafts, model making, rug weaving, lapidary, woodwork, cabinet work;
- (n) Insurance agent;
- (o) Lawyer;
- (p) Osteopath;
- (q) Photographer;
- (r) Physician;
- (s) Psychologist;
- (t) Psychiatrist;
- (u) Real estate agent;
- (v) Telephone answering;
- (w) Typist;
- (x) Teacher—Tutor, with no more than three students taught at any one time;
- (y) Foster family care;
- (z) Beauty parlors, cosmetologists;
- (aa) Barber shops; and
- (bb) Short-term rentals.

(Ord. No. 639, § 1; Ord. No. 925, § 3, 1-4-2016; Ord. No. 961, § 1, 11-20-2017)

Sec. 5-604. - Prohibited Occupations.

The following are prohibited as home occupations:

- (a) Dance studios;
- (b) Veterinary clinics, animal hospitals, stables, kennels;
- (c) Funeral homes, mortuaries;
- (d) Nursery schools, in-home daycares are permitted as described in Section 16-318;
- (e) Private clubs;
- (f) Automotive repair or paint shops;
- (g) Appliance or equipment repair shops;
- (h) Boarding houses.

(Ord. No. 481, § 4; Ord. No. 925, § 4, 1-4-2016; Ord. No. 961, § 2, 11-20-2017)

Sec. 5-605. - Conditional Uses.

- (a) Any proposed home occupation which is neither specifically permitted by Section 5-603 or specifically prohibited by Section 5-604, shall be considered a conditional use, and be granted or denied by the Governing Body upon consideration of those standards contained in Section 5-602.
- (b) Any proposed in-home daycare operation with more than three children and up to the maximum allowed by the State of Kansas must seek a Special Use Permit as outlined in Chapter 16-318-16-319.

(Ord. No. 481, § 5; Ord. No. 961, § 3, 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 three (3) children or adults shall:

- i. Be licensed with the State pursuant to K.S.A. 65-501 et seq.;
  - ii. Obtain a Special Use Permit from the Planning Commission;
  - iii. Obtain an annual City business license;
- iv. Obtain and furnish an annual fire inspection from the Fire Marshal.
- iv.
  - v. A loading zone capable of accommodating at least two automobiles for picking-up or dropping-off passengers;
  - vi. Meet all requirements of the building code applying to day cares;
  - vii. That any special use permit issued shall be for a period of not more than 10 years from date of issuance, and that the rights granted in said special use permit shall extend to the owner or his agent or licensee of said owner requesting such permit and shall not run with the land.;
  - viii. 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;
  - ix. Landlord Consent. Any person applying for a business license and/or a special use permit for a daycare that will take place within a residential rental property shall submit written consent signed by the owner of the rental property to the City.
- x. In-home daycares will be permitted to operate in a single family detached home only.

(e) Public Notice

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

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

- (a) The following items shall be submitted in support of an application for a special use permit requested pursuant to Subsection 16-319(a).
  - (1) Legal description of the property that is covered by the application for a special use permit.
  - (2) A statement of the reasons why the special use permit is being requested.
  - (3) If the application is for a communication antenna, either a site plan or a preliminary development plan, whichever is, in the opinion of the Building Inspector, necessary in order for the City staff, Planning Commission and Governing Body to properly evaluate the application. If a preliminary development plan is not required, the Building Inspector shall specify in writing the information to be included on the required site plan. Notwithstanding a determination by the Building Inspector that only a site plan is required, the Planning Commission or Governing Body may require the submission of a preliminary development plan prior to taking action on the application.
  - (4) With respect to applications for special use permits for a communication antenna or a communication tower, a statement that alternative sites or communication towers within one-half mile radius of the subject site are not available due to one or more of the following reasons, when the reasons are applicable.
    - i. Unwillingness of the owners of the alternate sites, or owners of existing or approved communication towers or structures capable of accommodating applicant's planned equipment to entertain applicant's communication facility proposal.

- ii. Topographic limitations of alternate sites.
  - iii. Impediments adjacent to existing or approved communication towers that would obstruct adequate transmission.
  - iv. Physical site constraints that would preclude the construction of a communication tower.
  - v. Technical limitations of the communications transmission system.
  - vi. The applicant's planned equipment would exceed the structural capacity of existing and approved communication towers and facilities and structures generally capable of accommodating a communications transmission system, considering existing and planned use of communication towers and facilities and structures.
  - vii. The applicant's planned equipment would cause radio frequency interference with other existing or planned communication towers or facilities that cannot be reasonably prevented.
  - viii. Existing or approved communication towers or facilities do not have space on which applicant's planned equipment can be placed so it can function effectively and reasonably.
  - ix. The applicant demonstrates that there are other limiting factors that render existing communication towers and facilities and structures unsuitable.
  - x. The owner's facilities and transmission demands on structures.
- (5) If the Application is for an in-home daycare, the applicant must include:
- i. 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.
  - v. Parking plan;
  - vi. If staff outside the home are employed, the number of staff and where they will park;
  - vii. Proof of state licensure.
  - viii. 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)

#### **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 at least 100 feet of the property which is the subject of the application by certified mail, return receipt requested. All other provisions regarding notification as required by sections 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 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.

DRAFT

## Daycare Regulations for Neighboring Towns

City	Regulates In-Home Daycares?	Licensing Requirement (SUP, business license, etc)	# of children	Public Hearing Required?	Renewal Period?	License Fee?	Fence required?
<b>Mission</b>	Yes	Business License	max 10 under 14 and no more than 6 under 6 yo (kindergarten age)	No	Annually	Annual business license (\$25)	No
<b>Prairie Village</b>	Yes	Business License	max 10	No	Annually	Annual business license (\$40)	No
<b>Lenexa</b>	Yes	<6 kids, business license only; >6 kids, SUP	7-12 for SUP	Yes	10 years	\$350 for SUP + \$36 annual business license	No
<b>Shawnee</b>	Yes	SUP + Business License	10 under 14, no more than 6 under 6 yo	Yes	None	\$100 for SUP + annual business license (\$40)	No
<b>Roeland Park</b>	Yes	SUP + Business License	More than 3 require license, max not listed	Yes	5 years	\$250 for SUP + \$40 annual business license	Outside fence required
<b>Merriam</b>	Yes	Conditional Use Permit	Max 6	Yes, for more than 6 kids only	None	\$125 - Conditional Use Permit + \$50 annual business license	Outside fence required - 4'