

GOVERNING BODY WORKSHOP AGENDA
ROELAND PARK
Roeland Park City Hall 4600 W 51st Street, Roeland Park, KS 66205
Monday, August 23, 2021 6:00 PM

- | | | |
|--|---|--|
| <ul style="list-style-type: none">• Mike Kelly, Mayor• Trisha Brauer, Council Member• Benjamin Dickens, Council Member• Jan Faidley, Council Member• Jennifer Hill, Council Member | <ul style="list-style-type: none">• Jim Kelly, Council Member• Tom Madigan, Council Member• Claudia McCormack, Council Member• Michael Rebne, Council Member | <ul style="list-style-type: none">• Keith Moody, City Administrator• Erin Winn, Asst. Admin.• Kelley Nielsen, City Clerk• John Morris, Police Chief• Donnie Scharff, Public Works Director |
|--|---|--|

Admin	Finance	Safety	Public Works
Hill	Madigan	Faidley	Dickens
McCormack	Rebne	Kelly	Brauer

I. APPROVAL OF MINUTES

A. August 2, 2021

II. DISCUSSION ITEMS:

1. Review Plat for Nall Park, Community Center and Pool Property
2. Review and Discuss Fireworks Regulations
3. Review and Discuss Tree Regulations

III. NON-ACTION ITEMS:

IV. ADJOURN

Welcome to this meeting of the Committee of the Whole of Roeland Park.

Below are the Procedural Rules of the Committee

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

A. **Audience Decorum.** Members of the audience shall not engage in

disorderly or boisterous conduct, including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language; clapping; cheering; whistling; stomping; or any other acts that disrupt, impede, or otherwise render the orderly conduct of the Committee of the Whole meeting unfeasible. Any member(s) of the audience engaging in such conduct shall, at the discretion of the City Council President (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or removal from that meeting. **Please turn all cellular telephones and other noise-making devices off or to "silent mode" before the meeting begins.**

- B. **Public Comment Request to Speak Form.** The request form's purpose is to have a record for the City Clerk. Members of the public may address the Committee of the Whole during Public Comments and/or before consideration of any agenda item; however, no person shall address the Committee of the Whole without first being recognized by the Chair or Committee Chair. Any person wishing to speak at the beginning of an agenda topic, shall first complete a Request to Speak form and submit this form to the City Clerk before discussion begins on that topic.
- C. **Purpose.** The purpose of addressing the Committee of the Whole is to communicate formally with the governing body with a question or comment regarding matters that are on the Committee's agenda.
- D. **Speaker Decorum.** Each person addressing the Committee of the Whole, shall do so in an orderly, respectful, dignified manner and shall not engage in conduct or language that disturbs, or otherwise impedes the orderly conduct of the committee meeting. Any person, who so disrupts the meeting shall, at the discretion of the City Council President (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or be subject to removal from that meeting.
- E. **Time Limit.** In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the Committee of the Whole, each speaker shall limit comments to two minutes per agenda item. If a large number of people wish to speak, this time may be shortened by the Chair so that the number of persons wishing to speak may be accommodated within the time available.
- F. **Speak Only Once Per Agenda Item.** Second opportunities for the public to speak on the same issue will not be permitted unless mandated by state or local law. No speaker will be allowed to yield part or all of his/her time to another, and no speaker will be credited with time requested but not used by another.

- G. **Addressing the Committee of the Whole.** Comment and testimony are to be directed to the Chair. Dialogue between and inquiries from citizens and individual Committee Members, members of staff, or the seated audience is not permitted. Only one speaker shall have the floor at one time. Before addressing Committee speakers shall state their full name, address and/or resident/non-resident group affiliation, if any, before delivering any remarks.
- H. **Agendas and minutes** can be accessed at www.roelandpark.org or by contacting the City Clerk

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

Item Number: **APPROVAL OF MINUTES- I.-A.**
Committee **8/23/2021**
Meeting Date:



City of Roeland Park
Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **August 2, 2021**
Item Type:

Recommendation:

Details:

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
▣ August 2, 2021	Cover Memo

GOVERNING BODY WORKSHOP MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, August 2, 2021, 6:00 P.M.

- | | | |
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| <ul style="list-style-type: none">○ Mike Kelly, Mayor○ Trisha Brauer, Council Member○ Benjamin Dickens, Council Member○ Jan Faidley, Council Member | <ul style="list-style-type: none">○ Jennifer Hill, Council Member○ Jim Kelly, Council Member○ Tom Madigan, Council Member○ Claudia McCormack, Council Member○ Michael Rebne, Council Member | <ul style="list-style-type: none">○ Keith Moody, City Administrator○ Erin Winn, Asst. Admin.○ Kelley Nielsen, City Clerk○ John Morris, Police Chief○ Donnie Scharff, Public Works Director |
|--|---|--|

Admin

Brauer
Hill

Finance

McCormack
Madigan

Safety

Rebne
Faidley

Public Works

Kelly
Dickens

(Governing Body Workshop Called to Order at 7:38 p.m.)

ROLL CALL

CMBR Faidley called the meeting to order. All Governing Body members were present with CMBRS Madigan, Dickens, and McCormack appearing virtually.

I. APPROVAL OF MINUTES

1. July 19, 2021

The minutes were approved as submitted.

II. DISCUSSION ITEMS

1. Review and Discuss Universal Design Incentive Policy

Asst. City Administrator Winn thanked CMBR McCormack for the thoughtful edits she provided on the language.

Mayor Kelly also thanked CMBR McCormack and said they were welcome additions and helped make the policy more positive instead of restrictive. He said he would recommend incorporating the changes suggested.

CMBR Kelly said he too echoed the Mayor's comments and appreciates those edits. He said once this comes before the Council, he would like to see specifics referenced from the international residential building guidelines so their building code can address that.

Ms. Winn said they want to make a page on the website as a one-stop shop for universal design that would include the remodeling for accessible homes handbook created by MARC and to make it a robust spot to support the effort.

CMBR Faidley asked about the updating of the codes. Ms. Winn said before the end of the year they hope to adopt new building codes and they are currently researching the process.

CMBR Madigan agrees with CMBR Kelly that he would like to see definitions and specifics.

Mayor Kelly said they want to promote universal design as an incentive program. They want to work to make it more prevalent in the community by providing incentives for redevelopment and new construction.

There was some discussion about the granting of waivers for those who want to make improvements but cannot meet the requirements for the incentives. The City's Board of Zoning Appeals would have the ability to evaluate individual applications and be able to issue a waiver so that a resident could receive the incentive.

Mayor Kelly noted there should be a language change in Number 4 that "Governing Body" should be used instead of City Council.

CMBR Madigan noted that once the BZA made its decision it was final. The only way to appeal a decision would be to appeal to the circuit court. CMBR Madigan said that need to be made clear in the process. City Administrator Moody said they would add and clarify language on a waiver appeal process.

Ms. Winn suggested they could add an exhibit or an appendix of definition of terms in the policy.

CMBR Rebne wanted to clarify that in Section A if an application is compliant, the City waives fee. He asked what does compliant means in this instance? Winn said compliance is the application meets accessibility and universal design standards.

CMBR Faidley said it should be reflected in the policy which version of the international building design codes they are using. Ms. Winn said she would make sure the language indicates the most recently adopted.

CMBR Rebne asked if it mattered that a kitchen was accessible if an entry was not. He didn't know if 25 percent of area was good enough and should they consider those things?

CMBR McCormack said in working with home health this policy is a good starting point and every person has different needs in their home. She said that entryways are usually wide enough, but bathroom doors tend to be smaller.

Mayor Kelly said this is an incredible first step, is an opportunity to educate and he hopes to have these components be more prevalent in Roeland Park. He would like to see this item on an agenda with the recommended changes at a future Council meeting.

2. Review and Discuss Complete Streets Draft Ordinance

Public Works Director Scharff attached the current draft to the packet and said that staff feels as though they are on the right track. After scoring, they received 49 out of 100 points. He emphasized that they need to remain flexible. He noted there are some elements in the City that they can use in Complete Streets, but some areas they can only do their best. It was noted that the question on the survey asking how the public felt about Complete Streets did show that it was important throughout the City and he asked for direction by the Governing Body on moving forward.

CMBR Faidley said that Judy Hyde mentioned the report in her Sustainability Committee report and that they as a group have not met to discuss it yet. CMBR Faidley would be in favor of waiting for feedback from Sustainability. She said that including their comments and adding in the community involvement aspect might help to improve their score.

Mayor Kelly said that obviously people care about Complete Streets as shown by the survey and would also like to hear from the Sustainability Committee. He asked Public Works Director Scharff if he felt he had the resources he needed to implement this ordinance and would they need anything to make it strong. Public Works Director Scharff said it could use more structure and maybe having someone within that realm to consult with them would be helpful. He noted that City staff is not an expert in this. They try to look through the Complete Streets lens the best they can when considering projects but that perhaps getting someone on board to help walk through it with them while remaining flexible would be a better way to incorporate this.

CMBR Rebne said the Community Forum is on the 16th and Michael Kelley from BikeWalkKC will be there to talk about Complete Streets.

CMBR Kelly said he appreciates them continuing to look at this. He expressed his disappointment in the scoring and said this doesn't meet the mark for him. He said they need to be more assertive. They need to focus on connections from neighborhoods to the City's assets and that is an area they are lacking. He said they seem hodgepodge with their projects and would like to see a grand plan.

CMBR Faidley said she can understand what residents want and they can come up with an ordinance, but it won't make a difference if something isn't doable. While the score from the National Complete Streets Coalition is a concern, she believes they can do better.

Mayor Kelly reiterated he would like to hear from Sustainability. He said they don't seem opposed to a consultant and asked staff to research who that might be. When the item comes back it might be helpful to get an idea of what the scoring looks like at other cities who have implemented Complete Streets.

CMBR Rebne agreed bringing in additional eyes to help Sustainability. He said they have a rubric and could gear their language towards that. CMBR Faidley agreed they do have a template to know what to do to score well. She said that some things they want just don't match for Roeland Park. She would like to see them get numbers in the 70s or 80s to show they put in the work to get there.

CMBR Madigan agreed with CMBR Kelly they need a game plan on how to get to the City's assets. They need to see how it benefits the whole and create a plan to achieve their walkable city. They need to look at all their plans and look at how to intermingle them.

City Administrator Moody said with the development of the CIP, they look at the roadway, at master planning and look through a lens on how to make the City more walkable and interconnected. They do try to complete those connections. He also said that it is more cost effective to do those connections in conjunction with a street project. They are cost conscious as they prioritize their projects. They do look for high priority sidewalks to do independently of a street project as well. They also cannot complete street projects without the partnership of adjoining property owners. Mr. Moody discussed concerns with new driveways, adding sidewalks, and residents losing part of their yards. He said he's sorry the projects seem haphazard but they put an emphasis on being frugal in their approach and

what oftentimes drives the order of things is their ability to leverage dollars through programs like CARS and STP. He said they are working on raising the bar of the City making it a better place and leaving it in a better place. By them using resources wisely, they are making a difference.

CMBR Faidley said she appreciated Mr. Moody's feedback.

CMBR Kelly said if they can't take the heat making decisions, then they don't need to be sitting up there. He doesn't feel the need to be flexible but does need to see things get done. He said to let him worry about his constituents. He said he feels like with all the different reports they have had, he does not think they are applying things they have learned with the money spent to have reports done. He does not see a cohesive direction of what they are doing. He also would like to see an east-west plan now that Roe is completed.

There was consensus to wait for feedback from the Sustainability Committee in regards to the Complete Streets report. CMBR Faidley will also reach out to MARC who has qualified people with Complete Streets to see if they can recommend help with the ordinance.

3. Review and Discuss Tree Regulations.

City Administrator Moody said Section 13-506 of the code regulate trees in the right-of-way or on public property. He said if the Governing Body wants to have regulations for trees on private property that can be incorporated into the code. Their goal is to protect trees that exist and require trees as land develops. He said this is how they maintain their unique character and tree canopy and ensure newly developed land will have that character. He reviewed this section with the Parks and Trees Committee and they were unanimous on applying regulations to public trees. Only one member was comfortable in applying regulations to private property trees.

CMBR Hill said would like the code applied to trees on private property as well. She said it is not to say they won't allow for removal of a tree if needed, but they need to remember they are a Tree City. She also pointed to a section in the code that addresses trees as a traffic hazard and asked whether they could include not only vehicle traffic but also pedestrian traffic.

CMBR Dickens said he is in support of protecting mature trees on City property but cannot support telling a homeowner what he can and cannot do on their own land. He likes a tree cover on his property but he understands that others wants to help homeowners maintain reasonable control over their own property.

CMBR Madigan agreed with CMBR Dickens in that he has a problem telling a homeowner if he can cut down tree and replant another one. He said homeowners have to have some control.

Mayor Kelly said that trees are the hallmark of Roeland Park in that they are "uniquely rooted." Mature trees are fundamental and the reason they live in Roeland Park. He said he understands the hazards of trees but said the benefits outweigh the hazards. They are green infrastructure. It is their duty to leave the community better than they found it and they need to make sure trees remain after they have left. He said they could help educate on the maintenance of trees and they need to look at what they can do to protect the infrastructure.

CMBR Brauer said she appreciates the discussion and the Mayor made points she hasn't thought of before. She said they need to find a balance between the removal of trees for home expansion and removal of a tree for improvement of the property.

CMBR Hill said that moving forward their goal is not to prohibit what a homeowner chooses to do on their property but that they need to be mindful of others. She said your tree affects your neighbor, their stormwater, their shade, and their quality of life. She said it is important to understand it's not just about you and the tree is meant to better Roeland Park.

CMBR Kelly said he appreciates what the Mayor said for trees but on his property, he wants it to be his own decision. He said he is against having City control of private property.

CMBR Faidley asked for update on where they were getting a city arborist. Public Works Director Scharff said that Daniel Vandebos is taking a class.

The Mayor mentioned a census of trees at City building. He said he appreciates all the points made but the City at some point does regulate private property through code to keep the community safe for the benefit of all. He recommended that they continue this conversation to another meeting.

CMBR Rebne said it is important to establish a clear vision and values of what the City wants. He said he would be for some regulation on private property trees.

CMBR Madigan said he was interested in the comment of needing trees to help with storm sewers and noted that only 30 percent of people participate in the leaf pickup program and a lot of leaves end up going down the storm drain. He noted there are City regulations on private property for setbacks and fence heights. He said if a tree is diseased or dead, he should not have to contact the City to remove it. He said he is happy to replace trees he takes down, but he doesn't want someone to tell him when and how to do it. He also spoke to the Emerald Ash Borer and the removal of trees by the City and they chose not to recommend to residents to remove their ash trees. He also spoke to the timing of this item with Prairie Village's tree regulations.

CMBR Hill said she had reached out to the Mayor about a tree protection ordinance for Roeland Park.

CMBR Faidley said they might want to address this proactively as a result of tear downs and rebuilds in the City.

Mayor Kelly said it is always a good idea to take positives from every municipality.

There was consensus to Workshop this item again. They were asked to think about an education component. CMBR Faidley also mentioned signs put under trees denoting carbon emissions that were sequestered based on the size and age and were geared to make people think what else the tree was doing other than being nice a place to sit and offer shade.

Mayor Kelly said the Heartland Tree Alliance, Bridging the Gap, Heartland Conservation Alliance and the Nature Conservancy are groups that can help with mathematical computations, emissions, cost, life cycle, and financial benefit.

CMBR Faidley said they have to recognize the value they add to the property.

III. COMMITTEE MINUTES:

IV. ADJOURN

MOTION: CMBR HILL MOVED AND MAYOR KELLY SECONDED TO ADJOURN. (THE MOTION CARRIED 8-0).

(Roeland Park Governing Body Workshop Adjourned at 8:47 p.m.)

Item Number: DISCUSSION ITEMS- II.-1.
Committee 8/23/2021
Meeting Date:



City of Roeland Park

Action Item Summary

Date: 8/17/2021
Submitted By: Erin Winn
Committee/Department: Administration
Title: **Review Plat for Nall Park, Community Center and Pool Property**
Item Type: Discussion

Recommendation:

The Planning Commission has reviewed and recommends approval of the Nall Park & Community Center Final Plat.

Details:

This plat has been proposed to clearly identify on a to scale map the numerous utility easements encumbering this site as well as showing on a to scale map the property boundaries. Both of these will aid the City in addressing future improvements at the site proposed by the City or land tenants (JCPRD and Cell Tower Owner). Currently the property is un-platted and the legal description is a lengthy meets and bounds description, which is not easily interpreted for the purpose of identifying ownership boundaries. The City's zoning regulations and subdivision regulations anticipate that all parcels requesting a building permit have been platted. This step will bring this land into compliance with the City's subdivision regulations.

The plat does not require creation or extension of public improvements (as would be the case if this were a plat for undeveloped land). The public infrastructure serving the site as well as adjacent land is already in place and therefore this is a very simple platting process.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Financial Impact

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

ATTACHMENTS:

Description		Type
<input type="checkbox"/>	Final Plat Application	Cover Memo
<input type="checkbox"/>	Notice of Public Hearing	Cover Memo
<input type="checkbox"/>	Community Center & Nall Park Final Plat	Cover Memo

Fee: _____
Rec'd By _____
Date Paid _____

**APPLICATION FOR
FINAL PLAT**
City of Roeland Park, Kansas
PLEASE PRINT

Case No.: _____
Planning Commission
Date _____

Applicant: Lamp Ryneerson, c/o Kellan Gregory, PLS
Owner: City of Roeland Park, KS
Address: 4600 W. 51st Street Phone: 913.722.2600
City: Roeland Park State: KS Zip: 66205

Subdivision

Subdivision Name: NALL PARK/COMMUNITY CENTER
Location: 4850 Rosewood Drive
Range 25E Township 12S Section: 4 Quadrant: NW
Size (in acres) 21.06 Number of Lots: 2

Current Zoning: PUB Proposed Use: PUB

Engineer/Surveyor/Architect: Lamp Ryneerson
Contact Name: Kellan Gregory, PLS
Address: 9001 State Line Rd., Ste. 200 Phone: 816.361.0440
City: Kansas City State: MO Zip: 64114

Applicant signature  Date 8/11/21

To be completed by the City:

Proof of ownership and/or authorization of agent affidavit(s) submitted. Date: _____
Preliminary Plat Approved. Date: _____
Technical studies required? Yes _____ No _____
If yes, what type and when submitted? _____
Assurances of adequate public facilities received. Date: _____
Date application deemed complete: _____
Surrounding property owners notified: _____ Date of publication: _____
Date notices sent: _____ Public Hearing date: _____
Planning Commission recommendation: _____ Date: _____
City Council Action: _____ Date: _____

Fee Schedule:

0 to 5 lots \$150.00 plus \$8.00 per lot
11 to 20 lots \$150.00 plus \$6.50 per lot

6 to 10 lots \$150.00 plus \$7.00 per lot
21 or more lots \$160.00 plus \$6.00 per lot



City of Roeland Park

4600 W. 51st Street
Roeland Park, KS 66205
(913) 722-2600

August 2, 2021

**Ref: Public Hearing Platting of Nall Park, Community Center, and Swimming Pool properties
4850 Rosewood Drive
Tax Prop. ID nos. PF251204-1003, PF251204-1007, & PF251204-1025**

Dear Property Owner:

A public hearing will be held by the Planning Commission and the City Council of the City of Roeland Park to receive comments from interested parties and citizens relative to the City's platting of the 21.06 +/- acres consisting of Nall Park, the Community Center, and the Swimming Pool properties generally located at 4850 Rosewood Drive (see attached).

You are receiving this notice because Johnson County records indicate that you own property within 200 feet of the boundary of the site in question. A general site location map is enclosed for your information.

The hearings will be held virtually via Zoom on the following dates:

Planning Commission Meeting – Tuesday, August 17, 2021 @ 6:00pm

City Council Meeting – Monday, August 23, 2021 @ 6:00pm

(please refer to the Calendar & Events page at www.roelandpark.net to join the Zoom meeting)

Your attendance and comments are welcome at these meetings. Questions concerning this matter may be directed to John Jacobson at jjacobson@roelandpark.org.



Johnson Co AIMS Map

LEGEND

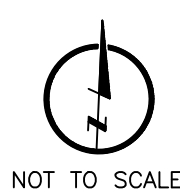
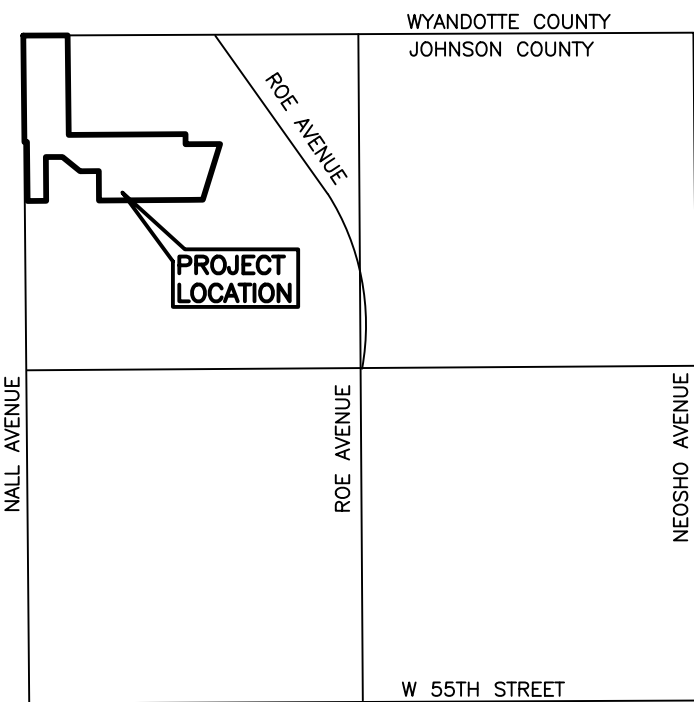
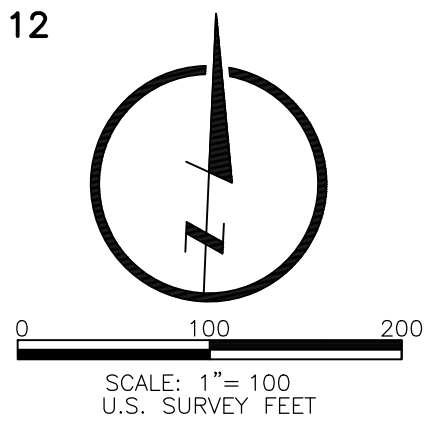
- + Address Point
- [Pink Box] Building/Structure
- Property
 - [White Box] Untaxed
 - [Pink Box] Vertical
 - [Green Box] Unplatted
 - [Purple Box] Mineral Rights
 - [Light Green Box] Common Interest
 - [Yellow Box] Platted
 - [White Box] Right-of-way
 - [Blue Box] Leased Land



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NALL PARK/COMMUNITY CENTER FINAL PLAT

PART OF THE NORTHWEST AND NORTHEAST QUARTERS OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 12
SOUTH, RANGE 25 EAST, SITUATE IN THE CITY OF ROELAND PARK, JOHNSON COUNTY, KANSAS



SECTION 4, T12S, R25E
VICINITY MAP

**LAMP
RYNEARSON**

LAMPRYNEARSON.COM

OMAHA, NEBRASKA
14710 W. DODGE RD., STE. 100 (402)496.2498
FORT COLLINS, COLORADO
4715 INNOVATION DR., STE. 100 (970)228.0342
KANSAS CITY, MISSOURI
9001 STATE LINE RD., STE. 200 (816)361.0440

LAND SURVEYOR'S CERTIFICATION

I, KELLAN M. GREGORY, HEREBY CERTIFY THAT THIS SURVEY IS BASED ON AN ACTUAL
GROUND SURVEY PERFORMED BY ME AND PERSONS UNDER MY DIRECT SUPERVISION ON
JUNE 11, 2021, AND THE SURVEY REPRESENTED HEREON WAS EXECUTED IN ACCORDANCE
WITH THE CURRENT KANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, AND
THE RESULTS OF SAID SURVEY ARE CORRECTLY REPRESENTED ON THIS PLAT.

KELLAN M. GREGORY, KS PLS. #1577 DATE _____
LAMP RYNEARSON, KS CLS. #350

DEDICATION

THE UNDERSIGNED PROPRIETORS OF THE ABOVE DESCRIBED TRACT OF LAND HAVE
CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE
ACCOMPANYING PLAT WHICH SHALL HEREAFTER BE KNOWN AS:

'NALL PARK/COMMUNITY CENTER FINAL PLAT'

IN TESTIMONY WHEREOF, WE THE UNDERSIGNED OWNER AND PROPRIETOR HAVE
CAUSED THIS INSTRUMENT TO BE EXECUTED THIS

____ DAY OF _____, 20____
CITY OF ROELAND PARK, KANSAS, OWNER

MAYOR, MIKE KELLY

ACKNOWLEDGEMENT OF NOTARY

STATE OF _____)

)SS

COUNTY OF _____)

BE IT REMEMBERED, THAT ON THIS
____ DAY OF _____, 20____

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE,
CAME MIKE KELLY, MAYOR OF THE CITY OF ROELAND PARK, KANSAS WHO IS PERSONALLY
KNOWN TO BE TO BE THE SAME PERSONS WHO EXECUTED THE WITHIN INSTRUMENT, AND
SUCH PERSONS DULY ACKNOWLEDGES THE EXECUTION OF THE SAME TO BE THE ACT AND
DEED OF SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL
THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC: _____ MY APPOINTMENT EXPIRES _____

PRINT NAME: _____

APPROVALS

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF ROELAND
PARK, JOHNSON COUNTY, KANSAS.

____ DAY OF _____, 20____

CHAIRMAN, PAULA GLEASON

APPROVED BY THE GOVERNING BODY OF THE CITY OF ROELAND
PARK, JOHNSON COUNTY, KANSAS

____ DAY OF _____, 20____

MAYOR, MIKE KELLY

ATTEST: _____
CITY CLERK, KELLEY NIELSEN

LEGAL DESCRIPTION

ALL THAT PART OF THE NORTHWEST AND NORTHEAST QUARTERS OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 12
SOUTH, RANGE 25 EAST, SITUATED IN THE CITY OF ROELAND PARK, JOHNSON COUNTY, KANSAS, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER, THENCE NORTH 87°36'23" EAST, ALONG THE NORTH LINE
OF SAID NORTHWEST QUARTER, A DISTANCE OF 355.01 FEET TO THE NORTHWEST CORNER OF "ROE VILLAGE", A SUBDIVISION OF
RECORD FILED WITH THE JOHNSON COUNTY, KANSAS REGISTER OF DEEDS IN BOOK 27 AT PAGE 40; THENCE ALONG THE WEST
LINE OF SAID "ROE VILLAGE" THE FOLLOWING FIVE (5) COURSES: 1) SOUTH 2°46'40" EAST, PARALLEL WITH THE WEST LINE OF SAID
NORTHWEST QUARTER, A DISTANCE OF 795.20 FEET; 2) NORTH 87°28'34" EAST, PARALLEL WITH THE SOUTH LINE OF SAID
NORTHWEST QUARTER OF SAID NORTHWEST QUARTER, A DISTANCE OF 932.05 FEET; 3) SOUTH 2°46'40" EAST, PARALLEL WITH THE
WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 80.00 FEET; 4) NORTH 87°28'34" EAST, PARALLEL WITH THE SOUTH
LINE OF THE NORTHWEST QUARTER OF SAID NORTHWEST QUARTER, A DISTANCE OF 275.00 FEET; 5) SOUTH 14°58'53" WEST A
DISTANCE OF 466.61 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST AND NORTHEAST QUARTERS OF SAID NORTHWEST
QUARTER AND ALSO BEING THE NORTH LINES OF THE PLATS OF "ROE HIGHLANDS, LOTS 1 AND 2, BLOCK 1, LOTS 1-16, BLOCK
2, BLOCKS 3, 4, 5, 6, 7, 8, 9, 10, 11, AND LOTS 1-14, BLOCK 12" AND "PEMLAND HEIGHTS", RECORDED WITH SAID REGISTER
OF DEEDS IN BOOK 12 AT PAGE 7 AND BOOK 10 AT PAGE 11, RESPECTIVELY; THENCE SOUTH 87°28'34" WEST, ALONG THE
SOUTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, A DISTANCE OF 100.00 FEET TO THE SOUTHEAST
CORNER OF THE NORTHWEST QUARTER OF SAID NORTHWEST QUARTER; THENCE CONTINUING SOUTH 87°28'34" WEST, ALONG THE
SOUTH LINE OF THE NORTHWEST QUARTER OF SAID NORTHWEST QUARTER, A DISTANCE OF 729.71 FEET TO THE SOUTHEAST
CORNER OF "PEMLAND ANNEX", A SUBDIVISION OF RECORD FILED WITH SAID REGISTER OF DEEDS IN BOOK 26 AT PAGE 2; THENCE
ALONG THE EAST, NORTH, AND WEST LINES OF SAID "PEMLAND ANNEX" THE FOLLOWING FIVE (5) COURSES: 1) NORTH 2°31'26"
WEST A DISTANCE OF 235.00 FEET; 2) SOUTH 87°21'30" WEST A DISTANCE OF 148.80 FEET; 3) NORTH 53°05'27" WEST A
DISTANCE OF 181.18 FEET; 4) SOUTH 87°30'31" WEST A DISTANCE OF 132.37 FEET; 5) SOUTH 2°31'11" EAST A DISTANCE OF
349.85 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID NORTHWEST QUARTER; THENCE SOUTH
87°28'34" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID NORTHWEST QUARTER, A DISTANCE OF 148.89
FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF NALL AVENUE, AS NOW ESTABLISHED; THENCE NORTH 2°46'40" WEST,
ALONG THE EAST RIGHT-OF-WAY LINE OF SAID NALL AVENUE, A DISTANCE OF 470.52 FEET TO A POINT ON THE SOUTH LINE OF
THE NORTH 850.45 FEET OF SAID NORTHWEST QUARTER; THENCE SOUTH 87°36'23" WEST, ALONG THE SOUTH LINE OF THE NORTH
850.45 FEET OF SAID NORTHWEST QUARTER, A DISTANCE OF 20.00 FEET TO A POINT ON THE WEST LINE THEREOF; THENCE NORTH
2°46'40" WEST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 850.45 FEET TO THE POINT OF BEGINNING.
CONTAINING 917,292 SQUARE FEET OR 21.06 ACRES, MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED ON THE KANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD83.

LEGEND

- BOUNDARY LINE
- LOT LINE
- EXISTING LOT LINE
- SECTION LINE
- EASEMENT

KCP&L EASEMENT
BK. 2944, PG. 731

- M MEASURED DIMENSIONS
- R RECORD DIMENSIONS
- C CALCULATED DIMENSIONS
- P ADJACENT PLAT DIMENSIONS
- RB REBAR
- R/W RIGHT-OF-WAY

- CORNER FOUND ACCEPTED
IN-PLACE FROM A PRIVATE
SURVEY BY ROBERT P. HURLEY,
KS LS #1050 OF KAW VALLEY
ENGINEERING DATED 6/8/2016.
(UNLESS NOTED OTHERWISE)

- CORNER SET (1/2" X 24"
REBAR W/ CAP STAMPED
"KANSAS CLS 350" (UNLESS
NOTED OTHERWISE)

- SECTION CORNER

NOTES

- ALL DISTANCES ARE SHOWN IN DECIMAL FEET.
- ALL EXISTING EASEMENTS ARE NOT BEING
REDEDICATED AND ARE SHOWN FOR REFERENCE ONLY.
- EASEMENTS SHOWN HEREON AS PER
COFFETT LAND TITLE, INC.
TITLE NUMBER: 210146856
EFFECTIVE DATE: APRIL 9, 2021 AT 8:00 A.M.
4801 NALL AVENUE
- EASEMENTS SHOWN HEREON AS PER
COFFETT LAND TITLE, INC.
TITLE NUMBER: 210146857
EFFECTIVE DATE: APRIL 9, 2021 AT 8:00 A.M.
4850 ROSEWOOD DRIVE
- EASEMENTS SHOWN HEREON AS PER
COFFETT LAND TITLE, INC.
TITLE NUMBER: 210146858
EFFECTIVE DATE: APRIL 9, 2021 AT 8:00 A.M.
4843 ROSEWOOD DRIVE
- NO NEW SETBACKS, EASEMENTS, STREETS, ALLEYS, OR
ACCESS CONTROL ARE TO BE DEDICATED WITH THIS
PLAT.
- NOT PLOTTED IS A LICENSE AGREEMENT FILED WITH
THE JOHNSON COUNTY, KS REGISTER OF DEEDS IN
BK. 5538 AT PG. 853, MADE BETWEEN THE CITY OF
ROELAND PARK, KANSAS AND THE OWNER OF LOT 4,
BLOCK 9, ROE HIGHLANDS, LOTS 1 AND 2, BLOCK 1,
LOTS 1-16, BLOCK 2, BLOCKS 3, 4, 5, 6, 7, 8, 9,
10, 11, AND LOTS 1-14, BLOCK 12', AS TO THE
USE OF THE ABUTTING CITY-OWNED PROPERTY OF
SAID LOT.

CLOSURE

PLAT BOUNDARY
PRECISION: 1:1577528.654
ERROR DISTANCE: 0.004'
ERROR DIRECTION: N34°08'19"W
AREA: 917,292 SQ. FT.
PERIMETER: 6,270.640'

LOT 1
PRECISION: 1:3979601.000
ERROR DISTANCE: 0.001'
ERROR DIRECTION: S24°53'57"E
AREA: 461,251 SQ. FT.
PERIMETER: 5,979.602'

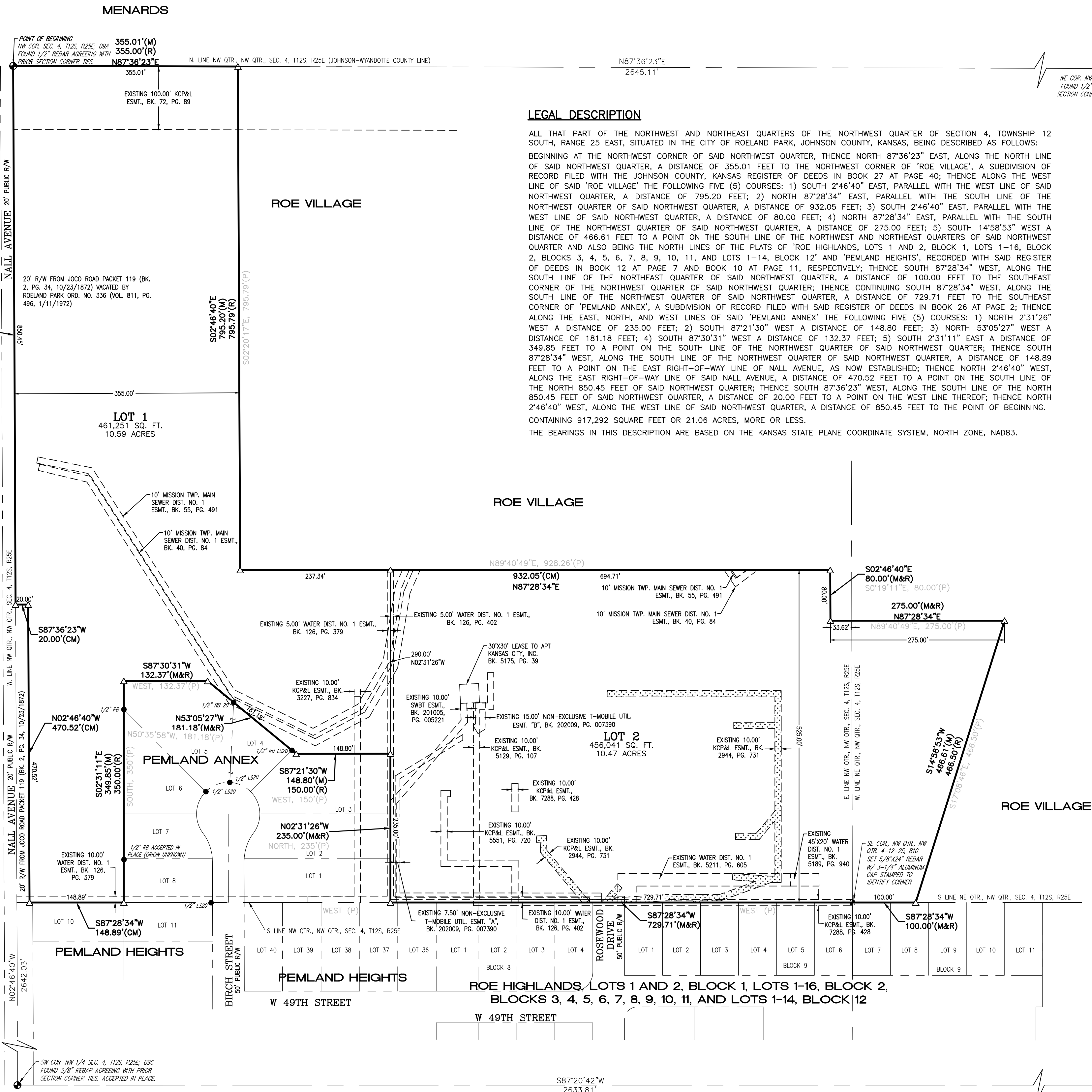
LOT 2
PRECISION: 1:14355150.000
ERROR DISTANCE: 0.000'
ERROR DIRECTION: N16°44'32"E
AREA: 456,041 SQ. FT.
PERIMETER: 2,871.030'

CLASS: URBAN

SE COR. NW 1/4 SEC. 4, T12S, R25E, 11A
MONUMENT BOX (D STICK) SHOT, USED FOUND
MATCHING TIES FROM PRIOR SECTION CORNER
REPORTS TO ESTABLISH POSITION OF A CALLED-
FOR COTTON SPINDLE TIES AND THEREFOR THE
ESTABLISHED POSITION, ARE ACCEPTED IN PLACE.

S02°31'58"E
2629.96'

S02°31'58"E
2629.96'



Item Number: **DISCUSSION ITEMS- II.-2.**
Committee **8/23/2021**
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 7/27/2021
Submitted By: Chief Morris
Committee/Department: Police Department
Title: **Review and Discuss Fireworks Regulations**
Item Type: Other

Recommendation:

Staff is looking for direction concerning any desired changes to fireworks regulations in Roeland Park.

Details:

The attached presentation provides information on current Roeland Park fireworks regulations as well as regulations in place for other JOCO cities. The challenges associated with enforcement are also reflected in the presentation.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
📎 Fireworks Presentation	Cover Memo



FIREWORKS DISCUSSION

City of Roeland Park

WHAT IS THE CURRENT LAW CONCERNING FIREWORKS IN THE CITY OF ROELAND PARK

- Article 4 of the Municipal Code:
- The use of the following fireworks is **allowed and permitted** in the City on the dates and times listed.
- Nonpoisonous snakes, smoke bombs and similar items of composition.
- Cone fountains and whistling fountains without report.
- Firecrackers as defined by the Consumer Product Safety Commission, (10C.F.R. 7 1500.7(a)(8) (ord.No. 732,& 3;Code2007)
- **December 31- Jan 1 11:45 pm-12:30 am & July 3-4 8am-11:30 pm**



Sec. 7-414. - Penalty.

Any person violating the provisions of this article shall, upon conviction thereof, be fined not less than \$25.00 nor more than \$500.00 for each and every offense.

Neighboring Communities Regulations On Fireworks

- **Mission:** Only novelty items such as party poppers, colored fire cones, sparklers, smoke bombs and similar items.
- **Merriam:** No fireworks allowed.
- **Prairie Village:** No fireworks allowed.
- **Westwood:** No fireworks allowed.
- **Fairway:** No fireworks allowed.
- **Overland Park:** Snappers, toy caps and similar items.
- **Shawnee:** Snakes & caps.
- **Mission Hills:** Sparklers, colored cones, snakes, caps.
- **Leawood:** No fireworks allowed.
- **KCK:** Fireworks allowed

When can I shoot consumer fireworks?

The Kansas State Fire Marshal's Office does not regulate when consumer fireworks can be discharged. This is left up to the local authority.

What fireworks are illegal?

Pursuant to K.S.A. 31-155, bottle rockets are illegal in the state of Kansas.

Can I make my own fireworks?

You will need to apply for a hobbyist manufacturer permit.

Can I shoot display fireworks?

You will need to apply for a display operator permit.

My city doesn't allow fireworks. Can they do that?

Yes. The local authority is allowed to be more restrictive than the state.

CONCERNS RELATED TO FIREWORKS

Citizens do NOT follow the law concerning the use of illegal fireworks in Roeland Park.

Fire hazards from use of illegal fireworks. (Bottle Rockets, items shot into the air)

Failure to follow the times allowed to use fireworks. (Late at night or too early)

Enforcement of illegal use of fireworks. (Educational or Strict Enforcement) Too many violators.

Other communities lack of enforcement / Proximity of fireworks sales .

ITEMS TO CONSIDER

- No change to current ordinance.
- Stricter enforcement, zero tolerance, Increase fines.
- Fines for violations attached to property tax.
- Prohibit fireworks in the City.
- Other ?

BRACE YOURSELVES



THE FIREWORKS ARE COMING



QUESTIONS ?



Item Number: DISCUSSION ITEMS- II.-3.
Committee 8/23/2021
Meeting Date:



City of Roeland Park
Action Item Summary

Date: 7/14/2021
Submitted By: Keith Moody
Committee/Department: Admin.
Title: **Review and Discuss Tree Regulations**
Item Type: Discussion

Recommendation:

Per direction from Council at the prior workshop, attached is a sample ordinance which would implement tree regulations to preserve trees on public property.

Details:

The sample ordinance would add section 13-506 to Article 5. Trees Shrubs and Growths in the City Code. This language is based upon an existing Fairway policy (see link below). Implementation of this new section by Council can be accomplished by approving an ordinance. This new section protects the existing trees on public property including right of way and easements. It could be changed to also cover trees on private property. It provides for a penalty for removing protected trees on “covered property”.

The Parks and Trees Committee reviewed these drafts at their meeting on 7/14/21. The Committee was supportive of a policy applying to trees on public property but most members expressed concerns with a policy that applies to trees on private property. It was suggested that public input be sought out through a community forum or some other such engagement method prior to action on a policy applied to private trees. A member suggested holding removal of invasive species exempt from the policy.

Changing section 13-506 to apply to trees on private property in addition to trees on public property would be similar to the approach taken by Prairie Village recently (see link below). Most of the trees in the community are located on private property and thus expanding the regulation so that trees on private property are also covered creates significant control by the City over the tree canopy. Such control will have supporters; those who find that trees make Roeland Park unique and enhance quality of life, those who recognize the environmental and ecological benefits of trees, and those who enjoy the appearance of trees. But will also have opponents; those who view the regulation as an infringement on property rights, those who want to expand solar energy generation, and those who view trees as a potential hazard to their safety and property (if they fall).

These differing views can create conflict in the administration/enforcement of the policy. It is important to weigh these views as you consider the scope of the policy.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Financial Impact

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

Additional Information

Link to Roeland Park's Current Tree Policies:

https://library.municode.com/ks/roeland_park/codes/code_of_ordinances?nodeId=CHXIIIISTSI_ART5TRSHGR

Link to Fairway Tree Policy:

https://library.municode.com/ks/fairway/codes/code_of_ordinances?nodeId=CH11TR

Link to Prairie Village Tree Policy:

https://library.municode.com/ks/prairie_village/codes/code_of_ordinances?nodeId=CHXIXZORE_CH19.47LAST

ATTACHMENTS:

Description	Type
 Sample Ordinance Protecting Trees on Public Property	Cover Memo

ORDINANCE NO. _____

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF ROELAND PARK,
KANSAS AMENDING MUNICIPAL CODE CHAPTER 13, ARTICLE 5 “TREES
SHRUBS AND GROWTH”**

WHEREAS, the City of Roeland Park desires to promote and preserve the general welfare of Roeland Park citizens and visitors by ensuring trees on the City’s property are protected.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF ROELAND PARK, KANSAS AS FOLLOWS:**

Section 1. Chapter 13, Article 5 of the Roeland Park Municipal Code is hereby amended to read as follows:

“Sec. 13-501. Maintenance.

The City shall have the right to plant, maintain, treat and remove trees and shrubbery within the right-of-way abutting streets, alleys, avenues and boulevards within the City. It shall be the duty of the owners of property abutting any sidewalk, street, avenue, alley or parking to cut and trim the branches and limits of any trees or shrubbery as provided in section 8-402 of this Code. It shall also be the duty of the owner or occupant of any property abutting any street, avenue, alley or parking to cut and remove any dead tree, dead branches, dead limbs or dead shrubbery upon their property which extends over any street, avenue or alley.

Sec. 13-502. Traffic Hazard.

If the Chief of Police, Public Works Director, or their designee, determines that any tree or shrubbery located on any private property abutting any sidewalk, street, avenue, alley or parking constitutes a traffic or pedestrian hazard, by dangerously obstructing the view of drivers of vehicles or traffic entering a street from an intersecting street, he or she shall notify the owner of such abutting property to remove the same, and it shall be the duty of the owner to remove the same.

Sec. 13-503. Trimming or Removal by City.

If the Governing Body determines that the owner of property abutting any sidewalk, street, avenue, alley or parking has failed to comply with the requirements of sections 13-501 and 13-502, the City may proceed to order abatement of the nuisance in accordance with Article 3 of Chapter 8 of the Code.

Sec. 13-504. Diseased or Infected Trees Upon Private Property.

It shall be unlawful to harbor any tree or plant or shrubs infected or infested with disease or insect pest or larvae. It shall also be unlawful to store or otherwise harbor on any property in the City, the material from any diseased or infected trees. Upon failure of the owner to remove such infected, infested and diseased trees, shrubs and other growth, the City may order abatement of the nuisance in accordance with Article 3 of Chapter 8 of the Code.

Sec. 13-505. Saving Clause.

Nothing contained in this chapter shall prevent the trimming, cutting or removal of any tree, shrub or growth which endangers persons or property and nothing herein contained shall interfere with the suppression of pests or disease, including the Dutch Elm disease.

Sec. 13-506. Public Tree Protection Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in Section 13-506 *et seq.*, except where the context clearly indicates a different meaning:

Tree Manager means the Director of Public Works or his designee.

Covered property means real property located within the incorporated boundaries of the City that is owned, leased, or rented by the City, including all parkland and green space; and all easements and rights-of-way within the incorporated boundaries of the City that are used, in whole or in part, for a public road, highway or sidewalk.

Diameter at breast height (DBH) means the diameter in inches of a tree as measured through the main trunk at a point four and one-half feet (4.5') above the natural grade level.

Drip line means a vertical line run through the outermost portion of the canopy of a tree and extending down to the ground.

Feature tree means any tree that has a DBH of greater than thirty inches (30"). Trees that have received special care provided by the City for the treatment or prevention of disease or infestation may also be considered a feature tree.

Owner means the person who has the legal title to the property or lessee, agent or other person acting on behalf of the titleholder with authorization to do so.

Protected tree means any tree that has a DBH of thirty inches (30") or less.

Protective/temporary fencing means a snow fence, chain-link fence, orange vinyl construction fence or other similar fencing with a minimum four foot (4') height.

Replacement tree means a tree from the replacement tree list with a preferred caliper size of two and one-half inches (2.5") but a minimum of two inches (2"), measured twelve inches (12") from the ground and height of not less than seven feet (7') when planted.

Tree removal authorization means permission granted by the City to remove a protected tree or a feature tree.

Sec. 13-507. Enforcement and Penalty.

The Public Works Director or their designee shall serve as Tree Manager and have the authority to enforce the terms and conditions of this article. Any person, firm, corporation, agent, or employee thereof who violates any provision of this article shall be assessed an administrative fine

of not more than five hundred dollars (\$500.00) for each incident. The unlawful injury, destruction or removal of each protected tree shall be considered a separate incident. In addition, all violations shall be required to meet the requirements outlined under tree replacement provisions of this Section, or the Roeland Park Tree Fund. If any administrative fine or assessment to the Roeland Park Tree Fund shall remain unpaid thirty (30) days after receipt of notice of the imposition or assessment, the City may use any and all reasonable means available to collect the funds, including, but limited to, imposing a lien on the property for the amount of the fine or assessment.

Sec. 13-508. Appeal Process.

Any person, firm, corporation, agent, or employee thereof may submit a written appeal of a decision of the Tree Manager or designee to the Roeland Park Municipal Judge via the City Administrator's Office within ten (10) days of receipt of notice of the imposition or assessment. The appellant shall appear at a hearing before the Roeland Park Municipal Judge at the next regularly scheduled meeting. Any imposition or assessment affirmed or amended shall be paid to the City within fourteen (14) days to prevent the City from taking any and all reasonable means available to collect the funds, including, but not limited to, stop work orders or imposing a lien on the property for the unpaid portion of the fine or assessment.

Sec. 13-509. Applicability of Section.

The terms and provisions of this Section shall apply to all Covered Property.

Sec. 13-510. Roeland Park Tree Fund.

There is established a Roeland Park Tree Fund, which shall be a special account administered by the City. The Roeland Park Tree Fund shall be used only for purchasing, planting and maintaining of trees on covered property. The amount of payment required shall be calculated based on the following: DBH removed minus DBH replaced multiplied by one hundred dollars (\$100.00). If approved by the Tree Manager, an applicant or owner may make a payment into the Roeland Park Tree Fund in lieu of planting replacement trees.

Sec. 13-511. Tree Protection.

Prior to demolition or construction, the following procedures shall be followed on all types of construction projects. It is the responsibility of the developer and/or contractor and his or her subcontractors to take appropriate action to preserve all protected trees and feature trees during all phases of construction.

(1) *Protective/temporary fencing.* Protective/temporary fencing shall be required for all protected trees and feature trees to prevent infringement on the root system from any construction-related activities. The protective fencing shall be installed according to tree diameter at breast height (DBH) as follows:

(a) Trees greater than twenty-eight inch (28") DBH must have a fence to encompass a perimeter twenty feet (20') from center or seventy-five percent (75%) of drip line (whichever is lesser);

(b) Trees between twenty inch (20") and twenty-eight inch (28") inch DBH must have a fence to encompass a perimeter fifteen feet (15') from center of tree or seventy-five percent (75%) of drip line (whichever is lesser);

(c) Trees less than twenty inch (20") DBH must have a fence to encompass a perimeter ten feet (10') from the center of the tree or seventy-five percent (75%) of the drip line (whichever is lesser).

Fencing shall exclude any preexisting structures, foundations, slabs, roadways, highways, and driveways. The fencing is to be installed along the edge of the driveways/roadways encompassing the tree to restrict access from the street side. All fencing must appear on construction documents and shall be installed prior to any other construction-related activity. The fencing shall remain in place at all times until all other construction-related activity has been completed or final grade achieved.

(2) *Prohibited activities.* Prohibited activities adjacent to trees shall include the following:

(a) *Material storage.* No materials for construction or waste accumulated due to excavation, demolition, or construction shall be placed under the canopy of any protected tree or feature tree.

(b) *Equipment cleaning/liquid disposal.* No equipment shall be cleaned or other materials or liquids deposited or allowed to flow over land within the limits of the canopy of a protected tree or a feature tree. This includes, without limitation, paint, old solvents, asphalt, concrete, mortar or similar materials.

(c) *Tree attachments.* No signs, wires or other attachments other than those of a protective nature shall be attached to any protected tree or feature tree.

(d) *Vehicular traffic.* No vehicular and/or construction equipment traffic or parking shall take place within the limits of the protective fencing.

(e) *Grade changes.* No grade changes in excess of two inches (2") (cut or fill) shall be allowed within the limits of the drip line of any protected tree or feature tree.

(f) *New impervious paving.* No new paving with asphalt, concrete or other impervious materials in a manner which may, in the reasonable discretion of the Tree Manager, reasonably be expected to severely damage or kill a tree shall be placed within the limits of the drip line of a protected tree or a feature tree.

(g) *Exceptions.* Notwithstanding anything contained in this Section shall not prohibit work that is necessary to install, maintain, repair, replace or remove utility lines or activity that merely disrupts the surface of the ground.

Sec. 13-512. Tree Removal.

Authorization. No person, directly or indirectly, shall cut down, destroy, move or remove, or effectively destroy, any protected tree or feature tree located on covered property without first obtaining tree removal authorization. Generally, if a tree removal authorization is granted, the applicant shall replace the protected trees being removed with replacement trees. A sufficient

number of replacement trees shall be planted so that the total caliper of the replacement trees is equal to the caliper of the tree removed as measured at DBH. If, for whatever reason, planting replacement trees is deemed infeasible, the owner shall make payment to the Roeland Park Tree Fund.

Process. Owners must request tree removal authorization in writing to the Tree Manager. If the removal is in conjunction with a construction project, the written request must be submitted at the same time as the building permit application.

Authority to review; approval. The Tree Manager shall be responsible for the review and approval of all requests for tree removal authorizations submitted in accordance with the requirements specified in this article. Upon receipt of a completed application, the Tree Manager may take one (1) of the following actions:

(1) *Deferral of decision.* The Tree Manager may defer the approval of a tree removal authorization to the Parks and Trees Committee for any reason. Any decision made by the Parks and Trees Committee may be appealed to the Board of Zoning Appeals. All decisions made by the Board of Zoning Appeals shall be final.

(2) *Approval.* The Tree Manager shall issue tree removal authorization provided the owner has agreed in writing to either meet the tree replacement criteria or make payment to the Roeland Park Tree Fund.

Authorization expiration. Tree removal authorization issued in connection with an approved building permit or site plan shall be valid for the period of that building permit's or site plan's validity. A tree removal authorization not issued in connection with an approved building permit or site plan shall become void after one hundred and eighty (180) days after the date of approval.

Authorization for removal of a feature tree. A feature tree may only be removed with approval from the City Council provided that one (1) of the following exceptions is met. The burden of qualifying the exceptions is upon the applicant to show that the following criteria have been met:

(1) The tree is dead.

(2) The tree is diseased or dying and constitutes a threat to healthy trees, to property, or to public safety.

(3) Removal of the tree is necessary for construction, development, or redevelopment, and:

(a) All reasonable efforts have been made to avoid removing the tree for construction/development and removal cannot be avoided.

(b) The presence of the tree places undue financial burden on the applicant.

(c) No other reasonable accommodations can be made to preserve the tree.”

Section 2. This Ordinance shall become effective upon publication in the City’s newspaper.

Passed by the Governing Body of the City of Roeland Park, Kansas this 23rd day of August 2021.

Mike Kelly, Mayor

ATTEST:

Kelley Nielsen, City Clerk

APPROVED AS TO FORM:

Steven E. Mauer, City Attorney