

PLANNING COMMISSION MINUTES
CITY OF ROELAND PARK
4600 W 51st Street, Roeland Park, KS 66205
January 26, 2016, 7:00 P.M.

The Roeland Park Planning Commission met on January 26, 2016, in City Hall, 4600 West 51st Street.

Chair Mohart declared a quorum and called the meeting to order.

Present: Julie Mohart Mike Hickey Darren Nielsen Bill Ahrens
 Paula Gleason Kyle Rogler Mark Kohles

Staff: Mike Flickinger, Building Official
 Jennifer Jones-Lacy, Assistant City Administrator
 Neil Shortlidge, City Attorney

I. Roll Call

Mike Flickinger called the roll; all members were present.

II. Approval of Minutes

City Attorney Shortlidge noted that on page 3, line 1, and the last two words “code sections” should be amended to read “article titles.”

MOTION: COMMISSIONER MOHART MOVED, SECONDED BY COMMISSIONER GLEASON TO APPROVE THE OCTOBER 20, 2015 PLANNING COMMISSION MEETING MINUTES. (MOTION PASSED 7-0)

III. New Business

1. Public Hearing

a) The Planning Commission of the City of Roeland Park, Kansas will meet on Tuesday, January 26th, 2016, at 7 p.m. at the Roeland Park City Hall located at 4600 W. 51st St. The purpose of the meeting is to consider the removal of the definition for “Boarding House” from Chapter XVI of the City’s Municipal Code in Article 2.

Ms. Jones-Lacy said the reason for the public hearing is a result of the short-term rental discussions by the City Council. Part of the language clean-up is to remove the definition for a boarding house from the regulations in Chapter XVI as a recommendation from City Attorney Shortlidge that it does not serve any purpose since they are not permitted in the City. Any changes to the City Code requires a public hearing.

Commissioner Mohart questioned the difference between a boarding house and a short-term rental. Ms. Jones-Lacy said short-term rental is defined in Chapter V, Business Licensing and boarding house is listed as a different definition.

City Attorney Shortlidge said if someone wanted to operate a boarding house, they would have to get a special use permit under the zoning regulations. Currently not listed as a permitted use.

Commissioner Ahrens* inquired about a use variance for a property. City Attorney Shortlidge explained that there is no use variance in the state of Kansas. The City Council also does not grant zoning variances as that is the job of the Board of Zoning Appeals.

Commissioner Rogler researched the code and read into the record:

Boarding house, Chapter XVI, §201(e)

Boarding house is a building other than a hotel, where, for compensation and by pre-arrangement for definite periods, if meals or lodging are provided for three or more persons.

Lodging house, Chapter XVI, §201(r)

Lodging house is a building where lodging only is provided for compensation to three or more, in contradistinction to hotels open to transients.

MOTION: COMMISSIONER MOHART MOVED, COMMISSIONER HICKEY SECONDED, TO OPEN THE PUBLIC HEARING. (Vote not taken)

Ms. Jones-Lacy read into the record the proposed definition of boarding house.

Boarding house shall mean every building or other structure which is kept, used, maintained, advertised or held out to the public to be a place for sleeping accommodations and furnished to paid, transient, or permanent guests other than a short-term rental.

Short-term rental means any dwelling, dwelling unit, rooming unit, room, or portion of any dwelling unit, dwelling, rooming unit, room, rented or leased for valuable consideration for periods of time less than 30 days, with less than six guests where the rental may only serve as an accessory use.

City Attorney Shortlidge recommended the change in language to be the same as the rental ordinance.

Boarding house was further defined as a building other than a hotel wherefore compensation, and by pre-arrangement, for definite periods if meals or lodging are provided for three or more persons.

There was general discussion between the Commission, Ms. Jones-Lacy and City Attorney Shortlidge on making boarding house definition consistent between Chapters XVI and Chapter V.

(There was no motion to close the public hearing)

MOTION: COMMISSIONER AHRENS MOVED, COMMISSIONER GLEASON SECONDED, TO KEEP THE DEFINITION OF BOARDING HOUSE IN CHAPTER XVI, UTILIZING LANGUAGE TO MATCH THE DEFINITION THAT IS LISTED IN CHAPTER V, ARTICLE 6. (MOTION PASSES 7-0)

IV. Discussion Items

a) Discuss potential changes to property maintenance code – Stephanie Lindquist, Roeland Park Resident

Stephanie Lindquist - Ms. Lindquist said she and her husband have done extensive work on their home and said that due to the number of rentals on her street and lack of involvement from the property manager it is affecting home values. She provided photographs to the Planning Commission of rental homes on her street that she said lacked curb appeal, are in a state of disarray with unlicensed vehicles and trash outside. These properties are cosmetically unattractive and is concerned they will affect her efforts to sell her home.

Ms. Jones-Lacy said the issue has been brought before the Commission to help determine what violations exist or if there is anything in the code that would help to improve the neighborhood.

Commissioner Ahrens inquired about letters sent by the City. Mr. Flickinger said an initial letter is sent with ten days to rectify the issue or notify the City. If no action is taken, then a second certified letter will be sent with a ten-day response. If no action continues, the next step is an invitation to court.

The Commissioners and staff discussed "people who play the game." This is a reason why grass cutting regulations have changed. After one letter and no response, the City will mow the grass and charge the resident.

Mr. Flickinger stressed the last thing they want to do is take people to court. He added if a resident will contact the City, there are programs available for certain people. He said there are also volunteer groups they can refer someone to, but first the homeowner must contact them and start the conversation, so they can find out to help. He concluded by saying that court does not solve the issues.

There was some discussion if the code allows the City to have the problems addressed.

Mr. Flickinger then addressed Ms. Lindquist's concerns saying he has spoken with leasing agency who has the houses on her street and that he is getting better cooperation from the property manager. They try to work first with the property manager. If they cannot reach a resolution, then they contact the property owner. Mr. Flickinger said he can only address issues that are visible from the street. Internal issues can only be addressed if he is invited into the property or when a tenant leaves and the property is inspected.

Ms. Jones-Lacy said she and Shiloh have reviewed Ms. Lindquist's photographs and said that while some may be unattractive, they may not be code violations.

The Planning Commission and Mr. Flickinger commented on the photographs that depicted instances of peeling paint, broken porch lattice, siding issues, windows and a tree stump, and a potential tree problem. There was agreement that the tree was a hazard.

Mr. Flickinger said it is not required to remove tree stumps, but encouraged their removal as they encourage termites and other pests.

Ms. Jones-Lacy said the Planning Commission could make recommendations to Council on these issues and also noted that Ms. Lindquist will be meeting with councilmembers from Ward I and the City Administrator.

Mr. Flickinger said that Roeland Park is garnering a lot of attention from perspective buyers as they don't like the prices of Mission and Fairway.

Commissioner Ahrens would like to see a three strike rule for a code violation on the same issue.

Following the discussion, it was decided Ms. Jones-Lacy would research the three strikes for code violations. Mr. Flickinger will meet with Shiloh regarding the peeling paint and tree concerns, as well as the siding, porch issues on the properties brought to the Commission's attention.

b) Sustainable Code Review - Mother-in-law quarters in Roeland Park

Mr. Flickinger opened the discussion about whether to consider allowing an accessory living quarter on a property to allow residents to age in place. He said the original discussion was to section off part of a house with a kitchenette, bathroom, and living quarters independent from the rest of the house, but adjoining the main house. He has spoken with other cities, who generally say it is a family unit, so there is no problem. He brought up the possibility of accessory dwelling units. City code said that typically one accessory structure on a property is permitted. If a structure is used as a dwelling, it must have utilities, meet setbacks, and allow at least a 55 percent permeable surface. The question then arises what happens when the structure is no longer occupied. By code, it cannot become an office as in-home business must be within the main house. Mr. Flickinger read one article that once it ceases to be occupied, the plumbing and the kitchen must be removed and then turned into a storage shell. City code has also has minimum room size requirements.

Mr. Flickinger said that currently he has two requests, but they are both for within the main house structure.

After a brief discussion, the Commissioners said that currently isn't a need to discuss this topic and agreed to table it. They would handle any issues, if any, as they arose.

V. **Other Matters before the Planning Commission**

Ms. Jones-Lacy said she needed signatures on the updated ethics ordinance as well as updated contact information.

a) Update on 47th and Mission property

Tony Krsnich has sold the 47th and Mission property to Colby Capital who has put up a sign looking for a restaurant tenant. Ms. Jones-Lacy said the rezoning and re-platting still needs to be completed. Flint Hills Holding initiated that process, but sold the property before it was complete. She also noted that Colby Capital also own Taco Republic. They have also opened a lot of Dollar General Stores. The Council has tried to circumvent that from happening on the site by limiting the number of dollar stores within a certain distance of each other as there is one next to Taco Republic. Ms. Jones-Lacy noted that the City has not had any contact with the new owners, but they will reach out to them to make sure they are aware of the special use permit, the work that needs to be completed and the time frames outlined in the permit.

VI. **Adjournment**

MOTION: COMMISSIONER MOHART MOVED, SECONDED BY COMMISSIONER GLEASON, TO ADJOURN. (MOTION PASSES 7-0)

(Roeland Park Planning Commission Meeting Adjourned)