

EXCERPT OF THE NOVEMBER 6, 2008 MAPC HEARING

Case No.: DER2008-07 - Request Review of Metropolitan Area Planning Commission policy statements, numbers 1-20.

Generally located N/A

In early 2008, the MAPC reviewed the MAPC's inventory of Policy Statements. The Policy Statements formalize certain practices used by the MAPC and/or staff in administering the jurisdiction's land use regulations (e.g. posting of signs 13 days prior to the MAPC meeting or procedure to extend the deadline to complete platting in order to perfect a zoning approval). At the end of the review session, the commission directed that the Advance Plans Committee review the policies and make recommendations on which ones should be retained. Listed below are the March 27, 2008, recommendations made by the Advance Plans Committee's that were approved by a vote of 6-0.

METROPOLITAN AREA PLANNING COMMISSION POLICY STATEMENTS

The subject of each policy statement is identified below with the adoption date. The full statement for each policy is attached.

Policy Statement No. 1 (DELETE)

Requests for a change in zoning district classification (except conditional use and community unit plans) shall not include reference to proposed uses. (Adopted: MAPC, August 1, 1965)

It is staff's opinion this policy should be rescinded now that the code provides for Protective Overlays.

Policy Statement No. 2 (DELETE)

Cul-de-sacs and dead-end streets shall be designated as courts and shall bear the name of the street from which they emanate. (Adopted: MAPC, June 16, 1966)

This policy has been incorporated into the Subdivision Regulations at 7-201(T), and is no longer necessary.

Policy No. 3 (DELETE)

Policy No. 3 is a table of comparability for city zoning districts in effect in between 1967 and 1982; listing the district from the most restrictive to the least restrictive. This policy also contains the provision that allows applicants to substitute requests for the same application area without additional notice requirements so long as the amended request is more restrictive than the original request. (Adopted: MAPC, 1967-1982)

The table of intensity can be rescinded as a similar table was incorporated into the adopted Unified Zoning Code. The substitution of requests should be incorporated into the Unified Zoning Code so that this policy could be rescinded.

Policy No. 4

Policy No. 4 established the notification procedures for vacation cases. (Adopted: MAPC, July 1, 1969)

The standards established by this policy are in use today, and this policy should be retained.

Policy No. 5

Policy No. 5 established the procedure for obtaining an extension of time allowed to complete a plat when platting is a condition of rezoning. (Adopted: MAPC, May 13, 1971; CC, June 1, 1971; BoCC, June 9, 1971)

The standards established by this policy are in use today, and this policy should be retained.

Policy No. 6, dealing with zoning on 55th Street South and South Seneca was not adopted.

Policy No. 7

Policy No. 7 established the time limit on completing vacation cases. (Adopted: MAPC, November 13, 1975; CC, December 16, 1975; BoCC December 31, 1975)

The standards established by this policy are in use today, and this policy should be retained.

Policy No. 8

Policy No. 8 established the process by which zoning cases that did not have a time for completion of conditions established at the time of zoning approval and which remain open for over three years can be denied and closed. (Adopted: MAPC, February 2, 1978)

The standards established by this policy are in use today, and this policy should be retained.

Policy No. 9 (DELETE)

Policy No. 9 states that deferral of zone change requests are to be done seven days prior to the scheduled meeting. Deferral request are to be in writing and are subject to a deferral fee. (Adopted: MAPC, September 28, 1978)

Staff does not currently require seven days notification; however staff requires requests for deferral to be in writing and charges a deferral fee.

Policy No. 10

Policy No. 10 established the use of the Kansas State Supreme Court's seven "Golden rules" plus local criteria as the basis for the MAPCs findings for zone cases. (Adopted: MAPC, April 12, 1979; CC, May 5, 1979)

This policy is being followed, and should be retained.

Policy No. 11

Policy No. 11 established the five minutes per speaker limitation at the public hearing. (Adopted: MAPC, August 2, 1979)

In the 1990s the current practice of 10 minutes of speaking time for the applicant and five minutes for other interested parties was instituted.

Policy No. 12 (DELETE)

Policy No. 12 established the requirement that all properties within the Echo Hills Drainage Basin shall be required, at the time of platting, to provide for the detention of surface drainage in excess of the peak undeveloped 100 year storm runoff from properties. (Adopted: MAPC, January 17, 1980; CC, February 12, 1980; BoCC February 27, 1980)

This area is nearly all developed, and detention requirements are now established on a case by case basis with each plat. This policy could be rescinded.

Policy No. 13 (DELETE)

Policy No. 13 established the MAPC's position regarding "back out parking in residential areas." (Adopted: MAPC, November 13, 1986)

This policy can be rescinded as it has been incorporated into the Subdivision Regulations.

Policy No. 14 (DELETE)

Policy No. 14 established criteria where new manufactured and mobile homes are best located. (Adopted: MAPC, January 18, 1990)

Policy Statements 15, 16, 17 and 18, to staff's knowledge, does not exist.

Policy No. 19 (DELETE)

Beginning in 1960 through January 1991, Policy No. 19 identified various street segments or intersections, and then indicated what zoning the commission felt was appropriate for those street segments or intersections. (Adopted at various times by both the MAPC and the CC)

This policy can be rescinded as it had been replaced with the adoption of the 1993 comprehensive plan, as amended, and the plan's location guidelines and the land use map depicting recommended future land uses. (Due to the large number of pages describing this policy, only an example page has been supplied with this report.)

Policy No. 20

Policy No. 20 is the instructions for the posting of zoning signs that are still in place today, and should remain in place. (Adopted: MAPC, July 14, 1983 and May 3, 1984 and CC, August 3, 1983 and May 29, 1984)

Again, by a vote of 6-0, the Advance Plans Committee recommended that Policy Statements 1, 2, 3, 9, 12, 13, 14 and 19 be deleted.

DALE MILLER, Planning Staff presented the staff report.

FOSTER asked about the precedent of deleting policies.

MILLER commented that the deferral policy is covered in the fees ordinance, so this is really duplication. He also mentioned that Planning Staff does not require people to notify them 7 days in advance if they want to defer an item.

HILLMAN asked how much flexibility staff has on deferral items.

MILLER commented that an item was deferred today and staff found out about the request yesterday afternoon. He said Planning is a very “customer oriented” department.

MARNELL commented that the Advance Plans Committee went through these items extensively, reviewing why each item was deleted. He said he was in favor of adopting the policy statements as presented.

MOTION: To approve subject to staff recommendation.

MARNELL moved, **JOHNSON** seconded the motion, and it carried (10-0).