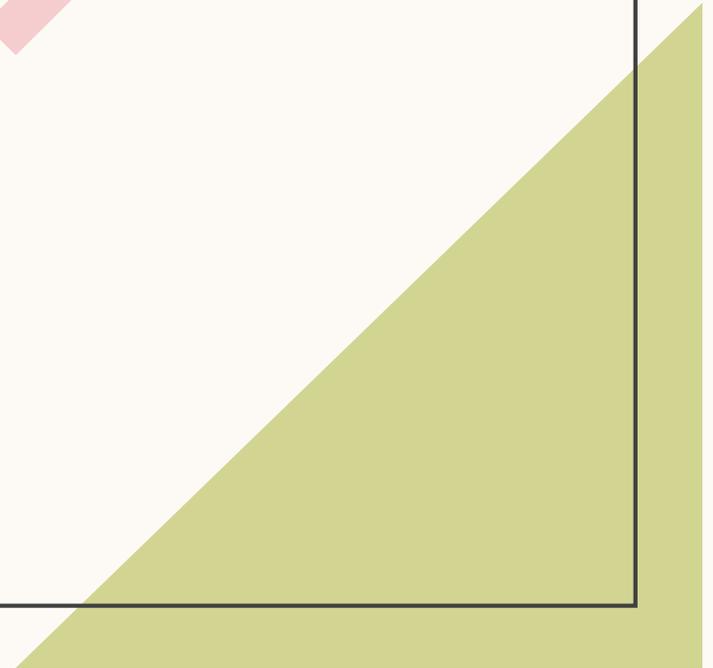
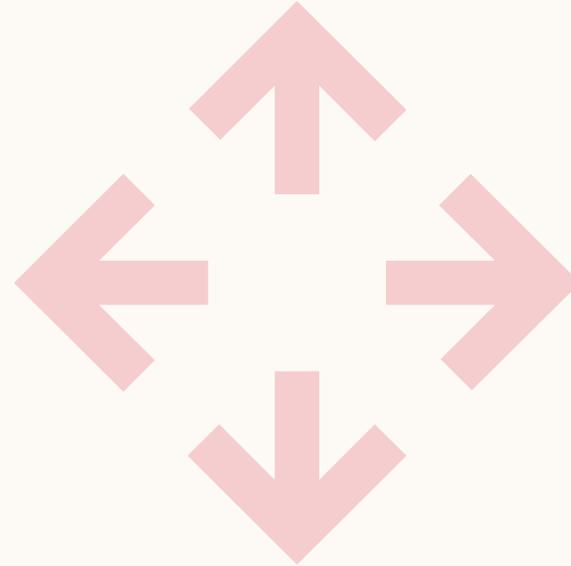


**POWERS OF THE
SUBDIVISION COMMITTEE**



GRANT OF POWERS

- K.S.A. 12-749 authorizes Kansas local governments who adopt comprehensive plans also to adopt subdivision regulations. These regulations include but are not limited to the efficient and orderly location of streets and reduction of vehicular congestion.

K.S.A. 12- 752(B):

The planning commission or the joint committee shall determine if the plat conforms to the provision of the subdivision regulations.

PURPOSE OF SUBDIVISION REGULATIONS

As with zoning ordinances, subdivision regulations are an expression of the local government's police power to enact laws protecting the public health, safety, and welfare. Therefore, they must be reasonable towards those ends.

WHAT IS REASONABLE

- An administrative action is unreasonable when (1) it is so arbitrary that it can be said it was taken without regard to the benefit or harm involved to the community at large, including all interested parties, and (2) was so wide of the mark that its unreasonableness lies outside the realm of fair debate. *Landau v. City of Overland Park*, 203 Kan. 389 (1969).

COMMUNITY INVESTMENTS PLAN

- The purpose of the Future Land Use Policies is to encourage orderly growth that meets the future market demand while considering impacts to taxpayers, developers, the environment and the community as a whole while protecting the individual property rights. This includes advancing community quality of life and safety.

SUBDIVISION REGULATIONS

- 7-101: Scope
- All subdivision of land subject to these Regulations shall conform to the design standards of this Article.

SUBDIVISION REGULATIONS

- Section 4-302 Action by the Subdivision Committee
- The Subdivision Committee “shall” approve a final plat if :
- A) It is substantially the same as the approved preliminary plat;
- B) There has been compliance with all the conditions, restrictions and requirements of these Regulations and of the other applicable regulations or laws; and
- C) There has been compliance with any conditions that may have been required at the time of preliminary plat approval.

SUBDIVISION REGULATIONS, CONT.

- Section 10-104c:
- The Subdivision Committee may recommend a modification of the design criteria in Article 7 of the Subdivision Regulations only if it finds that the strict application of the design criteria will create an unwarranted hardship, the proposed modifications is in harmony is with the intended purpose of the Subdivision Regulations and the public safety and welfare will be protected.

SECTION 7-201. STREETS- LAYOUT AND DESIGN

- (A) The arrangement, character, extent, width, grade and location of all streets shall conform to the comprehensive plan and shall be considered relative to existing and planned streets, topographical conditions, public convenience, public safety and the proposed uses of the land to be served by the streets.

SECTION 7- 101, CONTINUED

- (R) In order to provide for the development of residential areas characterized by streets with reduced traffic speeds, volumes and the absence of through traffic, the platting of streets with a single point of ingress and egress (cul-de-sac) is permitted. Streets that are designed to have a single point of ingress and egress shall not be longer than 800 feet for urban subdivisions, and 1,200 feet for suburban subdivisions. . . .

SECTION 10- 104. MODIFICATION OF DESIGN CRITERIA

- In cases where there is unwarranted hardship (the effective deprivation of use as distinguished from a mere inconvenience) in carrying out the literal provisions of these Regulations as to design criteria, e.g., lot width, lot depth, block length, etc., the Planning Commission may modify the design criteria.
- (C) The Planning Commission shall not grant the request for modification of design criteria unless the Commission finds that the strict application of the design criteria will create an unwarranted hardship, and unless the proposed modification is in harmony with the intended purpose of these Regulations and that the public safety and welfare will be protected.

CONCLUSION

- Denial of a plat for safety or any other reasons should best occur during the preliminary plat approval process. Very specific reasons for the basis of the denial must be stated to the MAPC. When our committee experts do not voice a concern during the preliminary plat, the Subdivision Committee should grant deference to that opinion unless it would be unreasonable to do so.