

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: February 26, 1999

TO: Building Services Division Staff Land Use Services
Division Staff

Lynn Baugh
Chris Ricketts
Pam Dhanapal
Ken Dinsmore

Mark Carey
Lisa Pringle
Greg Borba
Lanny Henoch
Gordon Thomson

Greg Kipp, Deputy Director
Kevin Wright, Prosecuting Attorney's Office

FM: Sophia Byrd, Code Development Coordinator

Present: Sophia Byrd, Janene Collins (PA), Pam Dhanapal, Lanny Henoch,
Susan Marlin (Recorder)

Issue:

A code interpretation was requested on the following: (Sophia Byrd)

- **K.C.C. 21A.12.230 contains a prohibition on locating personal service and retail uses within one mile of another commercial establishment. Is the one-mile rule measured as the crow flies or by road travel distance?**
- **How does DDES reconcile the conflict between the 30 ft. setback requirement in K.C.C. 21A.12.220(B) and the provision in K.C.C. 21A.12.230(E) that requires at least one façade of a building to be located within five feet of the sidewalk?**

Discussion:

After much discussion, the group determined that distance is measured as the crow flies. The group's reasoning was two-fold: First, this method is consistent with how the Department measures other similar distances, such as the required distance between billboards. Second, to measure the distance by road travel could be fraught with

complications, such as the number of roads in the area and the potential for new road construction.

The group further agreed that there is no direct conflict between K.C.C. 21A.12.220.B and 21A.12.230.E.

Conclusion:

- **K.C.C. 21A.12.230** prohibits the placement of a personal service or retail use in an urban residential zone within one mile of another commercial establishment. The one mile is measured as "the crow flies."
- There is no direct conflict between **K.C.C. 21A.12.220.B** and **21A.12.230.E**. The first paragraph of K.C.C. 21A.12.220 states that the provisions of K.C.C. 21A.12.220 apply to non-residential uses in residential zones, *except for "...nonresidential uses regulated by 21A.12.230... ."* (Emphasis added.) Thus personal service/retail uses regulated by 21A.12.230 are subject to the setback provisions of 21A.12.230.E and are excepted from the setback provisions of 21A.12.220.B.

SB:sm