REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: February 26, 1999

TO: Building Services Division Staff Land Use Services Division Staff
    Lynn Baugh Mark Carey
    Chris Ricketts Lisa Pringle
    Pam Dhanapal Greg Borba
    Ken Dinsmore 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.”