REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: September 10, 1999

TO: Building Services Division Staff
   Lynn Baugh
   Nathan Brown
   Pam Dhanapal
   Ken Dinsmore
   Chris Ricketts

   Land Use Services Division Staff
   Mark Carey
   Lisa Pringle
   Greg Borba
   Lanny Henoch
   Gordon Thomson

   Caroline Whalen, Deputy Director
   Kevin Wright, Prosecuting Attorney’s Office

FM: Sophia Byrd, Code Development Coordinator

Present: Tim Barnes (PA), Sophia Byrd, Ken Dinsmore, Karen Scharer,
Harold Vandergriff, Susan Marlin (Recorder)

Issue:
1. If a project complies with the criteria of K.C.C.
   21A.12.230 A. and is not contiguous to other
   establishments on nearby parcels, is the project required
   to be more than one mile from "other establishments" (as
   referenced in K.C.C. 21A.12.230)? Or, must "other
   establishments" not part of the project be contiguous to
   the project and be calculated as part of the total 15,000
   sq. ft. of gross floor area? (Karen Scharer)

Discussion:
The Committee agreed that the intent of the code is to keep
commercial establishments in residential zones from overtaking
the primary residential nature of the area. Thus, commercial
estABLishesments in residential zones are intended to be at least
one mile from other commercial establishments, as stated in
K.C.C. 21A.12.230 B.:

"B. Establishments shall not be located less than one
mile from another commercial establishment, unless
located with other establishments meeting the criteria in
paragraph A;"
"A. Each individual establishment shall not exceed 5,000 square feet of gross floor area and the combined total of all contiguous commercial establishments shall not exceed 15,000 square feet of gross floor area;"

The Committee also agreed that the code may be easier to interpret if the order of sections 21A.12.230 A and B were reversed. The Code Development Coordinator will schedule making the change when the section of code is amended.

Conclusion:
Even when the project complies with the criteria of K.C.C. 21A.12.230 A., it must also comply with K.C.C. 21A.12.230 B. and not be less than one mile from another establishment. The code requires that they either be located on the same property or on an adjoining (contiguous) property. Separated properties would not meet the criteria of contiguous.

SB:sm

cc: Tim Barnes, Prosecuting Attorney's Office
Karen Scharer, Land Use Services Division Planner