

REGULATORY REVIEW COMMITTEE

- MINUTES -

MEETING DATE: September 10, 1999

TO: Building Services Division Staff	Land Use Services Division Staff
Lynn Baugh	Mark Carey
Nathan Brown	Lisa Pringle
Pam Dhanapal	Greg Borba
Ken Dinsmore	Lanny Henoch
Chris Ricketts	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 establishments 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.;"

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"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