

City of Mission

CITY COUNCIL WORKSESSION

JANUARY 31, 2018

7:00 P.M.

MISSION CITY HALL, 6090 WOODSON

AGENDA

- 1. Planning & Zoning Overview**
- 2. Questions and Answers**
- 3. Adjournment**

Mission City Hall
6090 Woodson, Mission, Kansas
913-676-8350



Mission City Council Work Session Planning and Zoning Issues

January 31, 2018



The Process

Zoning Code is adopted by Council

Staff and Planning Commission apply the Code and recommend to Council

Rezoning and Special Use Permits – Planning Commission recommends and Council approves

Plats – Planning Commission approves; Council accepts dedications

Preliminary Development Plans – Planning Commission recommends and Council approves

Final Development Plans – Planning Commission approves

Voting

Rezoning and Special Use Permits*

Approval – simple majority

(with Protest Petition – $\frac{3}{4}$ majority of Governing Body)

Denial – $\frac{2}{3}$ majority

Remand – simple majority

Plats, Development Plans – simple majority to approve, deny or remand

* The vote is to approve or deny the recommendation of the Planning Commission



The Basics

1. Wearing the Robe
2. Impartiality
3. Attending Planning Commission meetings
4. The press and social media
5. Recusal

The Hearing

- Set reasonable limits on speaker's time
- Gently enforce the time limits
- Encourage use of a spokesperson for a group
- Discourage repetition
- Practice civility
- Give reasons for decisions - make a record – wear the robe
- Never vote "no" without a reasoned explanation
- Apply the Golden criteria
- Never count noses
- Never argue with a presenter



THE "GOLDEN" FACTORS

In 1978, the Kansas Supreme Court handed down the landmark case of *Golden vs. City of Overland Park*, and for the first time addressed criteria to be considered by cities and counties when rezoning property. If the following factors, although not exhaustive, are considered by the governing body in connection with a rezoning, the decision will likely be determined “reasonable” by the courts:

1. CHARACTER OF THE NEIGHBORHOOD
2. NEARBY ZONING AND USES
3. SUITABILITY OF PROPERTY FOR CURRENT ZONING
4. EXTENT TO WHICH REQUESTED ZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTY
5. LENGTH OF TIME PROPERTY HAS BEEN VACANT AS ZONED
6. HARDSHIP ON THE OWNER COMPARED TO THE RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE
7. STAFF RECOMMENDATIONS
8. CONFORMANCE WITH THE MASTER PLAN

And, of course, the recommendation of your Planning Commission.



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Kansas Open Meetings Act

By law, City Council meetings must be “public meetings”

1. Definition of “meeting”
2. “Majority”
3. Simple or social gatherings
4. Exceptions
5. Executive sessions
6. Calling trees, email and SM



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Ex Parte Communications

1. Disclosure of communication
2. Disclosure of communicator
3. Disclosure of content
4. Disclosure of impact on your decision



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Questions and Discussion



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