Unified Government of Wyandotte County and Kansas City, Kansas

Planning & Zoning / Board of Commissioners

Commission Chambers
701 N. 7th Street Trafficway, Kansas City, KS 66101

Mayor Tyrone Garner
Commissioner At-Large Dist. 1 Melissa Bynum – Commissioner At-Large Dist. 2 Tom Burroughs
Commissioner Dist. 1 Gayle E. Townsend – Commissioner Dist. 2 Bill Burns
Commissioner Dist. 3 Christian Ramirez – Commissioner Dist. 4 Dr. Evelyn Hill
Commissioner Dist. 5 Mike Kane – Commissioner Dist. 6 Phil Lopez
Commissioner Dist. 7 Chuck Stites – Commissioner Dist. 8 Andrew Davis

AGENDA
Thursday, December 5, 2024
7:00 PM

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE**
5. **REVISIONS TO DECEMBER 5, 2024 AGENDA**
6. **MAYOR'S AGENDA**

   6.1 **PRESENTATION: DOTTE PROUD RECOGNITION**
   Synopsis: Mayor's Dotte Proud Initiative to recognize acts of volunteerism by citizens or businesses within Wyandotte County. Commissioner Hill will recognize the following: Evelyn McKinney, Director of Sue's Safe Haven transitional living.

   For Information Only
   Tracking #: 21609

6.2 **PRESENTATION: GINGERBREAD CONTEST WINNER**

Synopsis: The annual Gingerbread Contest takes place every year in conjunction with the Mayor's Christmas Tree Lighting Festival. This year, 14 Unified Government departments competed for the coveted Gingerbread trophy. Thanks to all who participated. This year the winning department was our Legal Department. The mayor will honor the winners of this year's contest.

For information only

Tracking #: 21617

6.3 **PRESENTATION: MAYOR'S YOUTH COUNCIL**

Synopsis: Dr. Diana Clemens, Jerome Bobbitt and Monica Portley, of Future Leaders Outreach Network (FLON), will be joined by members of the Mayor's Youth Council: Chau Tran, Torrance Portley, Makayla Clark, Caleb Harris. and Anjel Robinson to share an update.

For information only

Tracking #: 21612

6.4 **RESOLUTION: NAMING BASKETBALL COURT AT JERSEY CREEK PARK TO BRODERICK CRAWFORD COMMUNITY COURT**

Synopsis: Resolution renaming the renovated basketball courts at 750 Walker Avenue to the Broderick Crawford Community Court.

Tracking #: 21618

6.5 **REQUEST: HONORARY STREET NAME TO HONOR BRODERICK CRAWFORD**

Synopsis: A memorandum of request pursuant for honorary signs, to establish an honorary street name sign(s) for a portion of Walker Avenue from 7th Street to 8th Street, a distance of one block.

Tracking #: 21619

6.6 **PRESENTATION: QUINDARO RUINS**

Synopsis: Chief Judge of Kansas Court of Appeals, Karen Arnold-Burger will share information on the Quindaro Ruins, with a short film from Mark Meisenheimer. The short film can be accessed at:
https://youtu.be/qrS5hTVvUUA?si=yCIIJQpPpPkV-9C1

For information only

Tracking #: 21613

7. CLERK'S-STATEMENT

(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)

8. PLANNING AND ZONING CONSENT AGENDA

A. Change of Zone Application(s)

8.A1 **COZ2024-025 - STAN RICHARDS WITH RAMAR LAND CORPORATION**

Synopsis: Change of Zone from A-G Agriculture and MP-2 Planned General Industrial Districts to MP-2 Planned General Industrial District for a parking lot for an existing truck terminal at 9711 State Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 5 TO 0.

Tracking #: 21593

8.A2 **COZ2024-026 - AUSTIN THOMPSON**

Synopsis: Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District to convert a school building into apartments at 313 North 10th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 5 TO 0.

Tracking #: 21596

8.A3 **COZ2024-029 - REID KHALIL**

Synopsis: Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District for a used automotive sales lot with light repair at 7521 Nebraska Avenue, RECOMMENDED FOR DENIAL BY A VOTE OF 5 TO 0.

Tracking #: 21597

8.A4 **COZ2024-030 - ALICIA TOMLIN**

Synopsis: Change of Zone from C-1 Limited Business and R-1 Single Family Districts to CP-1 Planned Limited Business District for a drive-through restaurant at 7957 State Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 5 TO 0.

Tracking #: 21599

B. Special Use Permit Application(s)

8.B1 **SP2024-085 - ERICK MEDINA**

Synopsis: Special Use Permit for used automobile sales at 49 South 7th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 5 TO 0 FOR 2 YEARS.

Tracking #: 21602

8.B2 **SP2024-090 - WINGFU AARON LAU**

Synopsis: Special Use Permit for a Short-Term Rental at 4110 South Minnie Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 6 to 0 for 1 year.

Tracking #: 21586

8.B3 **SP2024-091 - DAVID DICKEY WITH DICKEY LLC**

Synopsis: Special Use Permit for a Short-Term Rental at 4516 Eaton Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 5 TO 0 FOR 1 YEAR.

Tracking #: 21603

8.B4 **SP2024-092 - KATRINA BADOWSKI**

Synopsis: Special Use Permit for a Short-Term Rental at 2918 West 46th Avenue, RECOMMENDED FOR APPROVAL BY A VOTE OF 5 to 0 for 1 year.

Tracking #: 21588

8.B5 **SP2024-093 KARISSA HALLMAN**

Synopsis: Special Use Permit for a Short-Term Rental at 7146 Parallel Parkway, RECOMMENDED FOR APPROVAL BY A VOTE OF 5 to 0 for 1 year.

Tracking #: 21589

8.B6 **SP2024-094 TAMARA MCCONNELL WITH BREATHE BEVERAGE**

Synopsis: Special Use Permit for a drinking establishment with events at 2724 North 13th Street, RECOMMENDED FOR APPROVAL BY A VOTE OF 5 to 0 for 2 years.

Tracking #: 21590

8.B7 **SP2024-096 REID KHALIL**

Synopsis: Special Use Permit for a used automotive sales lot with light repair at 7521 Nebraska, RECOMMENDED FOR APPROVAL BY A VOTE OF 5 to 0 for 2 years.

Tracking #: 21591

C. Plan Review Application(s)

8.C1 **PR2024-032 MARK HENRICHS WITH CONTINENTAL CONSULTING ENGINEERS**

Synopsis: Preliminary Development Plan (PR2024-032) for a new hotel at 1709 North 98th Street.

Tracking #: 21592

D. Miscellaneous

8.D1 AN ORDINANCE rezoning property at 4116 Strong Avenue (COZ2024-027) from R-1(B) Single Family District to CP-O Planned Non-Retail Business District, RECOMMENDED FOR APPROVAL.

Synopsis:

Tracking #: 21567

8.D2 AN ORDINANCE rezoning property at 2404 South 51st Street (COZ2023-028) from CP-1 Planned Limited Business District to CP-2 Planned General Business District, RECOMMENDED FOR APPROVAL

Tracking #: 21568

8.D3 AN ORDINANCE authorizing a Special Use Permit (SP2024-018) for operation of an event center with live entertainment at 711, 713, and 715 Osage Avenue, RECOMMENDED FOR APPROVAL

Tracking #: 21585

8.D4 AN ORDINANCE authorizing a Special Use Permit (SP2024-040) for a non-owner-occupied Short-Term Rental at 2100 North 70th Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21569

8.D5 AN ORDINANCE authorizing a Special Use Permit (SP2024-047) for the operation of an event center with live entertainment at 6000 Leavenworth Road, Suite N, RECOMMENDED FOR APPROVAL.
Tracking #: 21570

8.D6 AN ORDINANCE authorizing a Special Use Permit (SP2024-059) for a car dealership with automotive repair, auto detailing, and auto stereo installation at 1830 Quindaro Boulevard, RECOMMENDED FOR APPROVAL.
Tracking #: 21566

8.D7 AN ORDINANCE authorizing a Special Use Permit (SP2024-062) for a Short-Term Rental at 10000 Hollingsworth Road, RECOMMENDED FOR APPROVAL
Tracking #: 21571

8.D8 AN ORDINANCE authorizing a Special Use Permit (SP2024-068) for operation of a before and after school daycare for school attendees at 4420 North 107th Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21572

8.D9 AN ORDINANCE authorizing a Special Use Permit (SP2024-069) for operation of a before and after school daycare for school attendees at 4410 North 107th Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21573

8.D10 AN ORDINANCE authorizing a Special Use Permit (SP2024-073) for continuation of a Short-Term Rental at 625 Northrup Avenue, RECOMMENDED FOR APPROVAL.
Tracking #: 21574

8.D11 AN ORDINANCE authorizing a Special Use Permit (SP2024-075) for continuation of a Short-Term Rental at 4436 Cambridge Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21575

8.D12 AN ORDINANCE authorizing a Special Use Permit (SP2024-076) for continuation of a Short-Term Rental at 2822 West 43rd Avenue, RECOMMENDED FOR APPROVAL.
Tracking #: 21576

8.D13 AN ORDINANCE authorizing a Special Use Permit (SP2024-077) for a Short-Term Rental at 819 Southwest Boulevard, RECOMMENDED FOR APPROVAL.
Tracking #: 21577

8.D14 AN ORDINANCE authorizing a Special Use Permit (SP2024-078) for continuation of a Short-Term Rental at 4206 Mission Road, RECOMMENDED FOR APPROVAL.
Tracking #: 21578

8.D15 AN ORDINANCE authorizing a Special Use Permit (SP2024-086) for a drinking establishment with live entertainment at 612 North 5th Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21579

8.D16 AN ORDINANCE vacating property (A-2018-7) at 813 Barnett Avenue, RECOMMENDED FOR APPROVAL.
Synopsis:
Tracking #: 21580

8.D17 AN ORDINANCE vacating property (U/E-2019-4) at 11330 Webster Avenue, RECOMMENDED FOR APPROVAL.
Tracking #: 21581

8.D18 AN ORDINANCE vacating property (U/E 2019-14) at 5125 and 5205 North 130th Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21582

8.D19 AN ORDINANCE vacating property (U/E-2020-007) at 2600 North 44th Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21583

8.D20 AN ORDINANCE vacating property (VAC2024-008) at 1621 North 25th Street, RECOMMENDED FOR APPROVAL.
Tracking #: 21584

9. PLANNING AND ZONING NON-CONSENT AGENDA

A. Special Use Permit Application(s)

9.A1 SP2024-082 - CESAR VILLALVA
Synopsis: Special Use Permit for a Short-Term Rental at 2801 South 9th Street, SENT FORWARD WITH NO RECOMMENDATION.
Tracking #: 21600

10. REGULAR CONSENT AGENDA

10.1 **ORDINANCE: ETHICS CODE AMENDMENTS**
Synopsis: An ordinance amendment to certain sections of the Ethics Code of the Unified Government of Wyandotte County/Kansas City, Kansas; and repealing such original sections.
Tracking #: 21614

10.2 **RESOLUTION: KANSAS CITY KANSAS POLICE DEPARTMENT VICTIM SERVICES FISCAL YEAR 2025 VIOLENCE AGAINST WOMEN'S ACT GRANT**

Synopsis: Adoption of a resolution to submit an application for Victim Services FY25 VAWA grant. 25% match comprised of already existing budgets.

*On November 18, 2024, the **Public Works and Safety Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 21443

10.3 **RESOLUTION: APPROVAL OF REGION L 2024 HAZARD MITIGATION PLAN**

Synopsis: Adoption of a resolution approving proposed Region L 2019 Hazard Mitigation Plan.
Documents can be accessed at the link below.
Plans – Unified Government of Wyandotte County and Kansas City

*On November 18, 2024, the **Public Works and Safety Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 21538

10.4 **RESOLUTION: APPROVING REVISIONS TO COUNTY EMERGENCY OPERATIONS PLAN**

Synopsis: Adoption of a resolution approving the proposed revisions to the County Emergency Operations Plan (CEOP). Documents can be accessed at the link below.

Plans – Unified Government of Wyandotte County and Kansas City

*On November 18, 2024, the **Public Works and Safety Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 21415

10.5 **PLAT: EICHOFF LOTS OF AMOURDALE**

Synopsis: Plat of Eichoff Lots of Amourdale plat, located at Osage and Pyle Streets, and being developed by Terri Eichoff.

Tracking #: 21610

10.6 **PLAT: WHITCRAFT ESTATES**

Synopsis: Plat of Whitcraft Estates, located at N 86th Street and Riverview Avenue, and being developed by David Whitcroft.

Tracking #: 21611

10.7 **APPOINTMENT: BOARDS AND COMMISSIONS**

Synopsis: **Advisory Commission on Human Relations and Disability**
Issues: Appointment of Christina VanCleave - Term 12/5/24 to 12/15/25, submitted by Commissioner Stites.

Tracking #: 21615

10.8 **MINUTES**

Synopsis: Minutes from the Planning & Zoning and Regular Session meeting on April 27, 2023.

Tracking #: MINUTES

10.9 **WEEKLY BUSINESS**

Synopsis: Weekly business materials dated November 7, 14, and 21, 2024.

Tracking #: WEEKLY BUSINESS

11. PUBLIC HEARING AGENDA

12. STANDING COMMITTEES' AGENDA

13. ADMINISTRATOR'S AGENDA

13.1 **RESOLUTION: 2025 STATE LEGISLATIVE PROGRAM**

Synopsis: Resolution adopting the 2025 State Legislative Program.

Tracking #: 21537

13.2 **ORDINANCE: AUTHORIZING ISSUANCE OF INDUSTRIAL REVENUE BONDS (EXOVYST CATALYST TECHNOLOGIES, LLC PROJECT)**

Synopsis: An ordinance authorizing the issuance of taxable Industrial Revenue Bonds (Ecovyst Catalyst Technologies, LLC Project), Series 2024B in a principal amount not to exceed $5,822,074.

Previously, the Board of Commissioners approved Ordinance No. O-158-23 on 12/7/2023 authorizing the issuance of taxable Industrial Revenue Bonds.

Tracking #: 21604

14. COMMISSIONERS' AGENDA

15. ADJOURN

The Unified Government of Wyandotte County and Kansas City, Kansas will provide necessary, reasonable auxiliary aids and services, such as ASL translators, machine-readable copies of meeting materials, or on-site language interpretation. Individuals requiring any auxiliary aids or services should contact the Unified Government.

Please click this URL to join. https://us02web.zoom.us/s/83082619429
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International numbers available: https://us02web.zoom.us/u/kc3xRTBAg

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Tracking ID: 21609

Report to
Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Irene Caudillo, Chief of Staff icaudillo@wycokck.org x5010	Mayor's Office

AGENDA ITEM #6.1.

PRESENTATION: DOTTE PROUD RECOGNITION

BACKGROUND

Mayor's Dotte Proud Initiative to recognize acts of volunteerism by citizens or businesses within Wyandotte County. Commissioner Hill will recognize the following: Evelyn McKinney, Director of Sue's Safe Haven transitional living.

For Information Only

RECOMMENDATION

For information only

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

IT/POLICY CONSIDERATIONS

PROCUREMENT CONSIDERATIONS

LEGAL CONSIDERATIONS

ATTACHMENTS

Mayor's Dotte Proud Recognition 12-5-2024

Approved by Mayor and/or Chair and Administrator to add to agenda.

Dotte Proud Recognition

December 5, 2024

Honoring Evelyn

Sue's Safe Haven

A PLACE FOR GRACE

Tracking ID: 21617

Report to
Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Ana Marin, Executive Assistant Irene Caudillo, Chief of Staff amarin@wycokck.org, icaudillo@wycokck.org x5010, x5010	Mayor's Office

AGENDA ITEM #6.2.

PRESENTATION: GINGERBREAD CONTEST WINNER

BACKGROUND

The annual Gingerbread Contest takes place every year in conjunction with the Mayor's Christmas Tree Lighting Festival. This year, 14 Unified Government departments competed for the coveted Gingerbread trophy. Thanks to all who participated. This year the winning department was our Legal Department. The mayor will honor the winners of this year's contest.

For information only

RECOMMENDATION

For information only

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

IT/POLICY CONSIDERATIONS

PROCUREMENT CONSIDERATIONS

LEGAL CONSIDERATIONS

ATTACHMENTS

Approved by Mayor and/or Chair and Administrator to add to agenda.

Tracking ID: 21612

Report to
Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Irene Caudillo, Chief of Staff icaudillo@wycokck.org x5010	Mayor's Office

AGENDA ITEM #6.3.

PRESENTATION: MAYOR'S YOUTH COUNCIL

BACKGROUND

Dr. Diana Clemens, Jerome Bobbitt and Monica Portley, of Future Leaders Outreach Network (FLON), will be joined by members of the Mayor's Youth Council: Chau Tran, Torrance Portley, Makayla Clark, Caleb Harris. and Anjel Robinson to share an update.

For information only

RECOMMENDATION

For information only

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

IT/POLICY CONSIDERATIONS

PROCUREMENT CONSIDERATIONS

LEGAL CONSIDERATIONS

ATTACHMENTS

MYLC Presenation - December 5, 2024

Approved by Mayor and/or Chair and Administrator to add to agenda.

Mayor’s Youth Leadership Council (MYLC)

MYLC Mission Statement

The Mayor's Youth Leadership Council empowers young people in Wyandotte County to tackle community challenges, celebrate WYCO’s beauty, and support neighborhood revitalization. By amplifying youth voices, we aim to create a safer, more vibrant, and inclusive future for all.

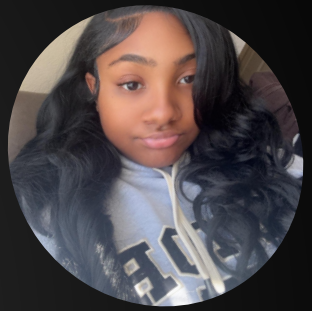
Meet The Mayor's Youth Leadership Council:

Chau Tran
Piper H.S.
MYLC President
District 5

Torrance Portley
Washington H.S.
MYLC Media Coordinator
District 8

Makayla Clark
Washington H.S.
MYLC Secretary
District 8

Caleb Harris
Wyandotte H.S.
MYLC Public Relations Officer
District 4



Anjel Robinson
Schlagle H.S.
General Member
District 1

Meet our sponsors:

Future Leaders Outreach Network

Dr. Diana E. Clemons
Founding Executive Director

Monica Portley, M.S.Ed.L
Associate Director

Jerome Bobbitt, M.Ed.L
Assistant Associate Director

Identified Problems

Observations:

- Homeless population
- Families in need
- Food scarcity
- Lack of mental health help
- Medical needs
- Many abandoned buildings

Pinpoint/Pressing Question:

How can we limit the amount of abandoned buildings in Wyandotte County in a positive way?

What are the current challenges facing Wyandotte County?

- Homelessness- according to Data USA “18% of the population was living with severe housing problems in Wyandotte County, KS”
- Abandoned buildings - according to Unified Government Of Kansas City Kansas “The Wyandotte County Land Bank is a unit of the Economic Development Department. The Land Bank contains more than 4,000 vacant lots”
- Low Income- According to Data USA “16.8% of the population in Wyandotte County, Kansas live below the poverty line”
- Mental Health- According to national and state data, “1 in 5 adults in the U.S. experience mental illness in any given year, which would suggest that about 20% of the adult population.”

How do we do this?

Repurpose Abandoned Commercial Buildings for Community Support- Helping Hubs

1. Identify abandoned buildings

Find vacant properties with no plans for redevelopment, like the old Kmart on State.

2. Clean and renovate the space

Clear out debris and update the building to make it safe and functional.

3. Add essential resources

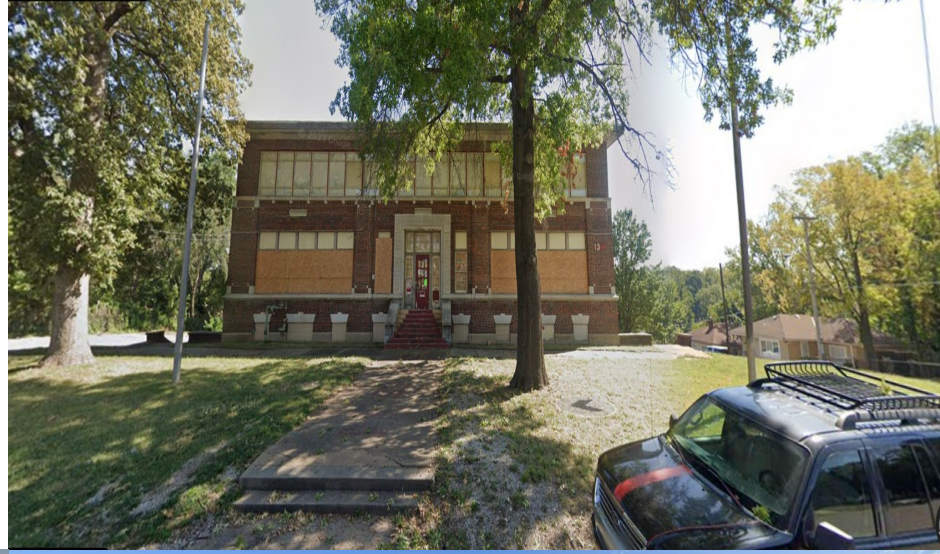
- Include:
- Washers & dryers
- Clothing for those in need
- Access to social workers
- Food pantry
- First aid supplies

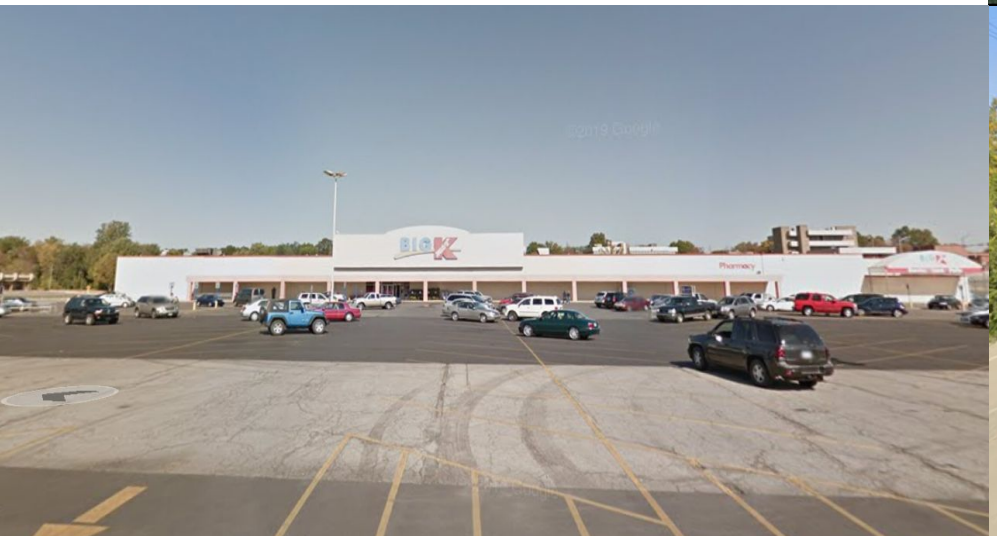
4. Create a positive, supportive environment

Transform these buildings into community hubs where everyone can access resources and get the support they need called Helping Hubs.

Commercial Abandoned Buildings

- 2272 Quindaro Blvd (Old Dollar General)
- 7836 State Ave (Old K-Mart)
- 1303 N 36th St (Old School)
- Piper New Construction
- Turner New Construction





Homeless Population

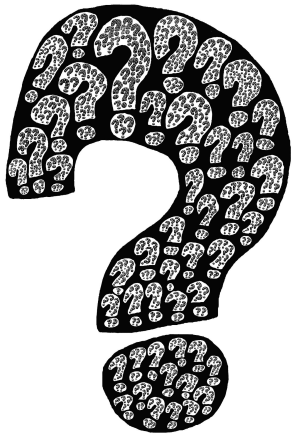
- As of January 24, 2024, 2,815 Kansans were reported homeless.
- Analysis believe this number is tripled, due to the data being recorded during the winter.
- Out of the 2,815 reported, 248 were from Wyandotte County.

According to data released by the Kansas Statewide Homeless Coalition, there was a total of 2,815 people experiencing homelessness on the night of January 24 — an almost 7% increase from 2023

Closing Remarks

We sincerely thank everyone for listening to us and trusting us as your Mayor's Youth Council to present and share our thoughts

Any Questions?



Tracking ID: 21618

Report to
Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Irene Caudillo, Chief of Staff icaudillo@wycokck.org x5010	Mayor's Office

AGENDA ITEM #6.4.

RESOLUTION: NAMING BASKETBALL COURT AT JERSEY CREEK PARK TO BRODERICK CRAWFORD COMMUNITY COURT

BACKGROUND

Resolution renaming the renovated basketball courts at 750 Walker Avenue to the Broderick Crawford Community Court.

RECOMMENDATION

Approve

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

IT/POLICY CONSIDERATIONS

PROCUREMENT CONSIDERATIONS

LEGAL CONSIDERATIONS

ATTACHMENTS

Resolution naming Broderick Crawford Basketball Courts, Broderick Crawford Basketball Court Renaming

Approved by Mayor and/or Chair and Administrator to add to agenda.

RESOLUTION NO. R-__-24

A RESOLUTION TO NAME THE BASKETBALL COURT IN JERSEY CREEK PARK IN KANSAS CITY, KANSAS AS THE BRODERICK CRAWFORD COMMUNITY COURT

WHEREAS, Broderick Crawford's dedication to service spanned more than four decades as he built a distinguished career in healthcare while serving on numerous community boards and committees, including Wyandotte County Community Health Assessment Steering Committee, WyCo Community Health Improvement Plan Health Access, Education/Jobs & Violence Prevention Workgroups, Latino Health for All, WYCO Sexual Assault Prevention Fetal Infant Mortality Review Action Team, Jersey Creek Trail Renovation and Expansion Team, just to name o few; and

WHEREAS, Broderick Crawford has distinguished himself in the community through his service on boards several and committees related to research including; University of Kansas Center for Community Health and Development Youth Violence Prevention, Every Baby to 1, Children's Mercy Hospital Infectious Disease, Genetics and Antibiotics Community Advisory Boards; and

WHEREAS, Broderick Crawford has been a lifelong resident of Kansas City, Kansas and one of his final projects was renovating the basketball courts at 750 Walker Avenue, near the NBC CDC and along the Jersey Creek Trail.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the basketball court located in Jersey Creek Park be named the Broderick Rayfel Crawford Community Court.

Section 2. This resolution shall take effect and be in full force upon passage.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF DECEMBER, 2024.

[Balance of this page left intentionally blank. Signature page to follow.]

Approved:

_____

Tyrone A. Garner, Mayor/CEO

Attest:

_____

Unified Government Clerk

Approved as to Form:

_____

Unified Government Acting Chief Counsel

The Broderick Crawford Basketball Court Renaming

Broderick Rayfel Crawford (June 20, 1961 – November 27, 2022) was an extraordinary community leader and beloved advocate for Kansas City, Kansas. Born to Luther and Beverly Crawford, he was the eldest of seven siblings and affectionately known as "Number One." From an early age, Broderick showed a remarkable passion for community, excelling academically, socially, and spiritually, with his faith serving as the foundation of his life.

Broderick's dedication to service spanned more than four decades. He built a distinguished career in healthcare, including roles at KU Medical Center and St. Luke's Medical System. He became a champion for health equity as Executive Director and later President of the New Bethel Church Community Development Corporation (NBC CDC). Under his leadership, the NBC CDC launched initiatives addressing housing, food security, transportation, and healthcare disparities, including organizing COVID-19 vaccination efforts and improving access to essential health services across Wyandotte County. Broderick's advocacy extended to over 25 committees and task forces, where his leadership shaped policies and programs that improved countless lives.

Broderick was a nationally recognized leader celebrated for his expertise and compassion. He received numerous accolades, including the 2018 U.S. News and World Report Community Health Leadership Award and the LISC Kansas City Award. He was a sought-after speaker on community-driven health solutions. His impact was felt deeply by those who worked alongside him and those he served.

One of Broderick's final projects was renovating the basketball court at 750 Walker Avenue, near the NBC CDC and along the Jersey Creek Trail. This court, now a new gathering and recreation space within the community, reflects Broderick's unwavering commitment to fostering health, connection, and vitality in his community. Renaming this court in his honor would be a fitting tribute to his legacy of service, as it embodies his vision for a healthier, more united Wyandotte County. This space will stand as a lasting reminder of his contributions and inspire future generations to follow his example of compassion, dedication, and service.

Broderick is survived by his sons, Broderick Jr. and Kaleb, his mother, Beverly, six siblings, and a vast network of family, friends, and community members who hold his memory close. His life was one of faith, leadership, and an unyielding dedication to improving his community. Renaming the court as The Broderick Crawford Basketball Court is a tribute to his remarkable impact and a celebration of a life dedicated to making Kansas City, Kansas, a better place for all.

Reflecting on his legacy, Broderick's own words ring true: "It's A Beautiful Thing."

The Broderick Crawford Basketball Court Renaming

Broderick Crawford

A consummate community volunteer, dedicated to assisting and improving the lives of those who are less fortunate, Broderick has been a champion for organizing groups to restore the built environment in Northeast Kansas City, KS including the Jersey Creek Trail Renovation and Expansion Project.

The Jersey Creek Court Renovation Project, In Honor of Broderick Crawford
https://www.vibranthealthkc.community/projects-and-programs/the-broderick-crawford-court

Tracking ID: 21619

Report to
Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Irene Caudillo, Chief of Staff icaudillo@wycokck.org x5010	Mayor's Office

AGENDA ITEM #6.5.

REQUEST: HONORARY STREET NAME TO HONOR BRODERICK CRAWFORD

BACKGROUND

A memorandum of request pursuant for honorary signs, to establish an honorary street name sign(s) for a portion of Walker Avenue from 7th Street to 8th Street, a distance of one block.

RECOMMENDATION

Approve

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

IT/POLICY CONSIDERATIONS

PROCUREMENT CONSIDERATIONS

LEGAL CONSIDERATIONS

ATTACHMENTS

broderick crawford memo

Approved by Mayor and/or Chair and Administrator to add to agenda.

Unified Government of
Wyandotte County/Kansas City, Kansas
Tyrone A. Garner, Mayor/CEO

Memorandum

To: Troy Shaw, Interim Public Works Director
Devin Tiebout, Kristopher Finger, Public Works Department

From: LaVert A. Murray, Chief Economic Development Advisor

Date: November 25th, 2024

Subject: Letter of Request to rename the section of Walker Avenue from 7th to 8th Street as Broderick Crowford Lane

This memorandum represents a formal letter of request pursuant to the guidelines presented to this office governing request for honorary signs. I submit this request at the directive of Mayor Tyrone Garner. This request is to establish an honorary street name sign(s) for that portion of Walker Avenue from 7th Street to 8th Street, a distance of one block. The honorary name change is intended to honor Mr. Broderick Crawford.

Mr. Broderick Crawford's vita is attached hereto for your review.

Subject to your review of this request, the mayor will take the necessary steps to place this matter on December 5th, 2024, full Commission agenda. We have given a critical review to your administrative guidelines and believe that this request and subsequent actions meets all of your requirements. We are in communication with the in-district commissioner (4th District) and will continue to work with her as this matter works its way to the full commission meeting.

Please advise if you have additional concerns or questions.

C. David Johnston, County Administrator
Mayor/CEO Tyrone Garner
Dr. Evelyn Hill, 4th District Commissioner

701 North 7th Street, Suite 926
Kansas City, Kansas 66101
Phone: (913) 573-5010
Email: mayorgarner@wycokck.org

Tracking ID: 21613

Report to
Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Irene Caudillo, Chief of Staff icaudillo@wycokck.org x5010	Mayor's Office

AGENDA ITEM #6.6.

PRESENTATION: QUINDARO RUINS

BACKGROUND

Chief Judge of Kansas Court of Appeals, Karen Arnold-Burger will share information on the Quindaro Ruins, with a short film from Mark Meisenheimer. The short film can be accessed at:
https://youtu.be/qrS5hTVvUUA?si=yCIIJQpPpPkV-9C1

For information only

RECOMMENDATION

For information only

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

IT/POLICY CONSIDERATIONS

PROCUREMENT CONSIDERATIONS

LEGAL CONSIDERATIONS

ATTACHMENTS

quindaro runis pp

Approved by Mayor and/or Chair and Administrator to add to agenda.

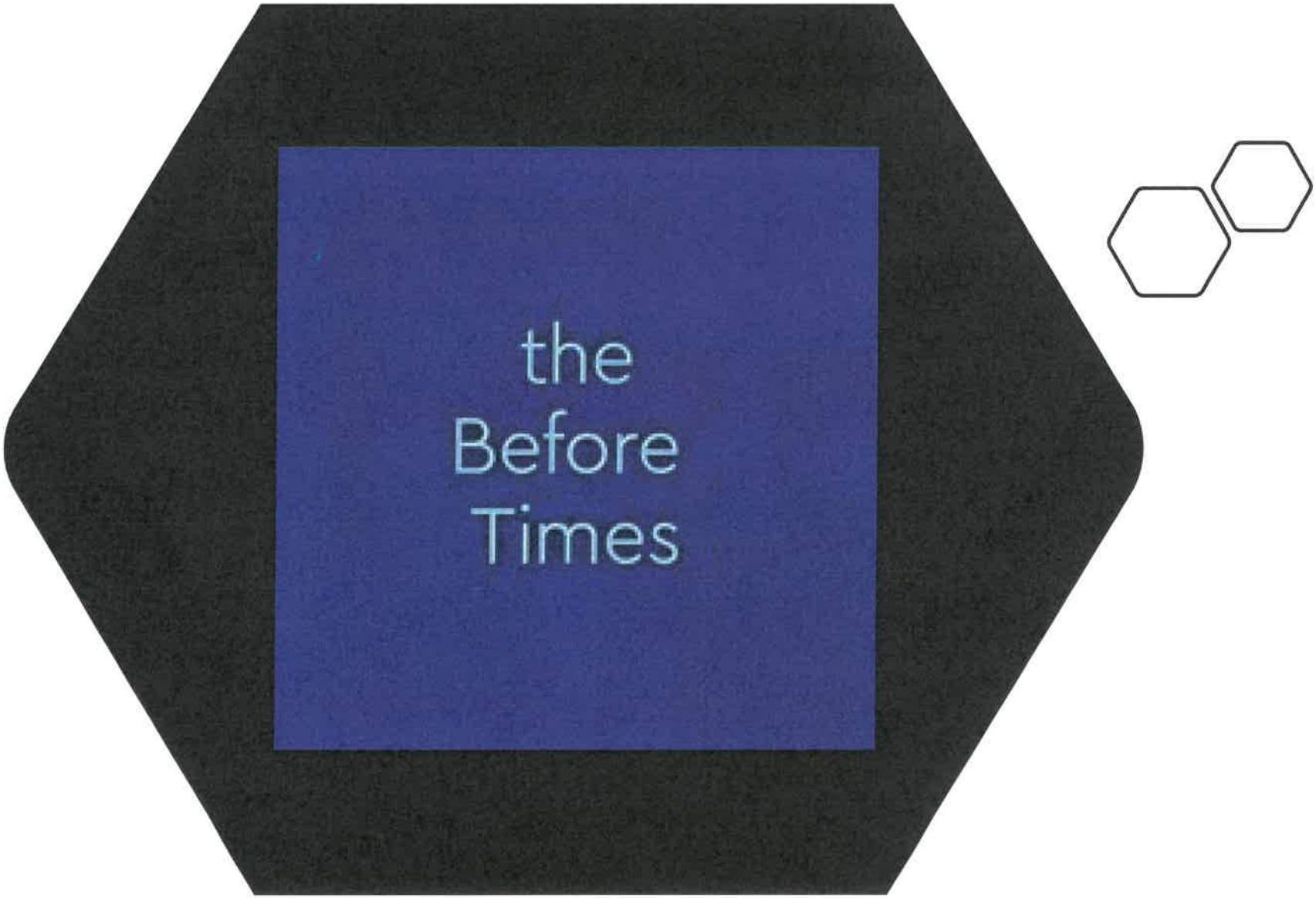
QUINDARO IS

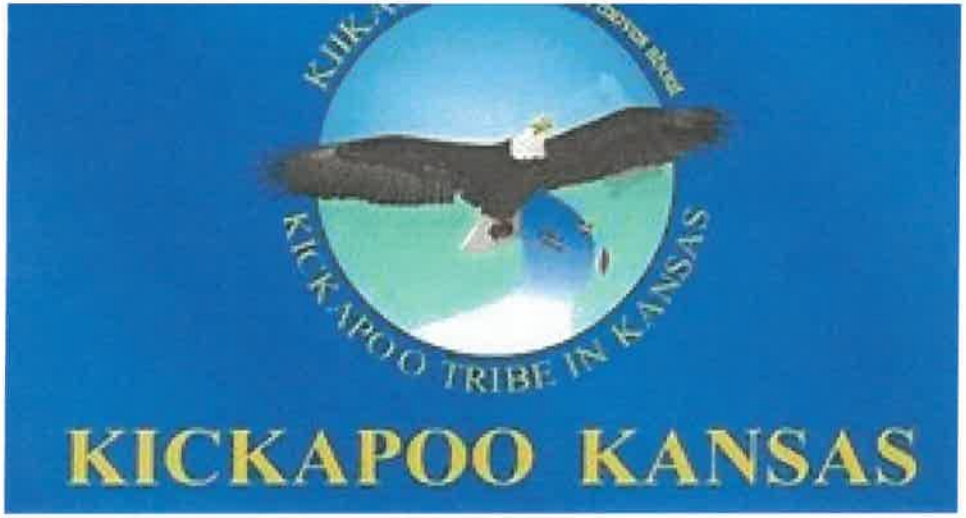
The Vernon Colored School	The John Brown Statue	Western University	The First Kansas Colored Infantry	The Stories of Quindaro	The Signal Tree and Fugitive Slave Hunters
The Walker House	The Nancy Quindaro Brown House	The Ruins	The Exoduster History	The AME Allen Chapel	The Birth of Gospel
The Overlook	Only Free Port on Missouri	The Steamboat Ferry	The Wyandot Tribe	The Underground Railroad	Douglass Hospital and Nursing School
The Cemetery	White Settlers	Universal Voting	Abolitionists	Old Quindaro Museum	World Famous Composers and Conductors

The History of Quindaro

KAREN ARNOLD-BURGER, VICE-CHAIR
FREEDOM'S FRONTIER NATIONAL HERITAGE AREA

Freedom's Frontier
NATIONAL HERITAGE AREA


the
Before
Times


KICKAPOO TRIBE IN KANSAS
KICKAPOO KANSAS

SEAL OF THE SHAWNEE TRIBE
February 8, 1854

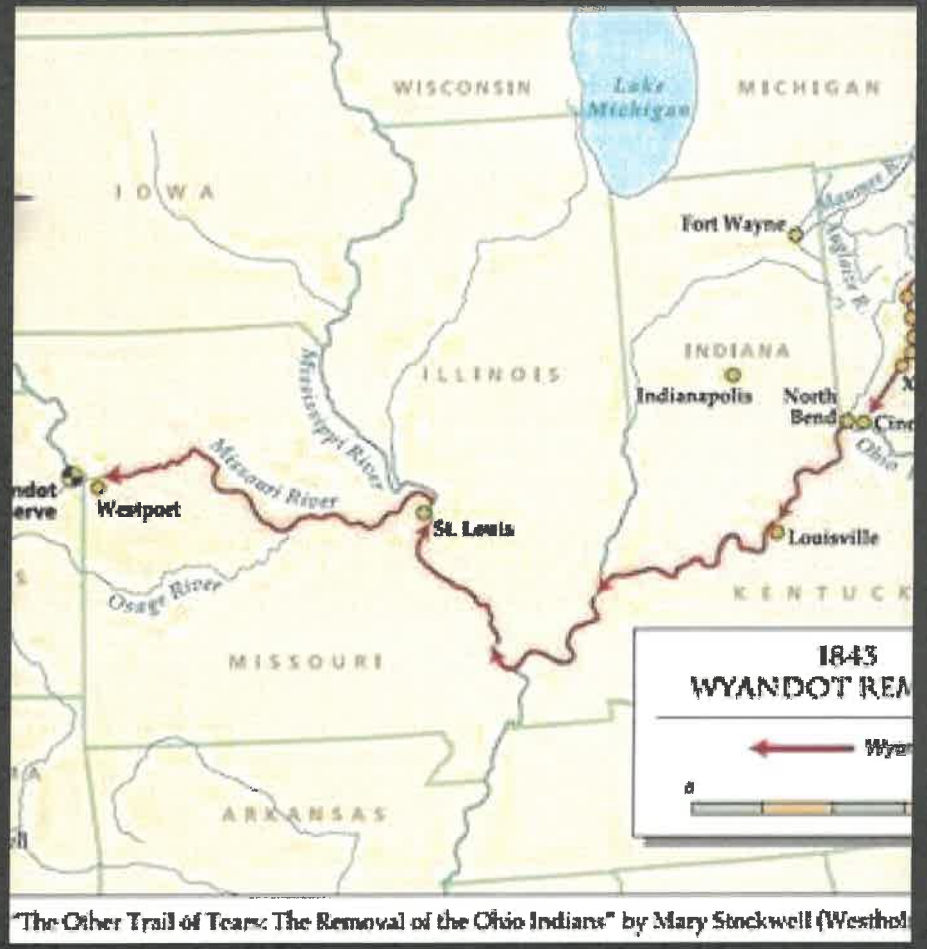
Prairie Band Potawatomi

SEAL OF
OSAGE NATION

Lenape-Delaware
Forced M

WYANDOT NATION OF KANSAS

KEEPERS OF THE COUNCIL FIRE



"The Other Trail of Tears: The Removal of the Ohio Indians" by Mary Stockwell (Westhol

MISSIONARIES 1822-1860

PRESBYTERIAN

Osage, Iowas, Sacs and Fox, Wyandot

METHODIST

Delaware, Kickapoo, Kanza (Kaw)

BAPTIST

Shawnee, Ottawas, Pottawatomies, Miamis

FRIENDS

Shawnee

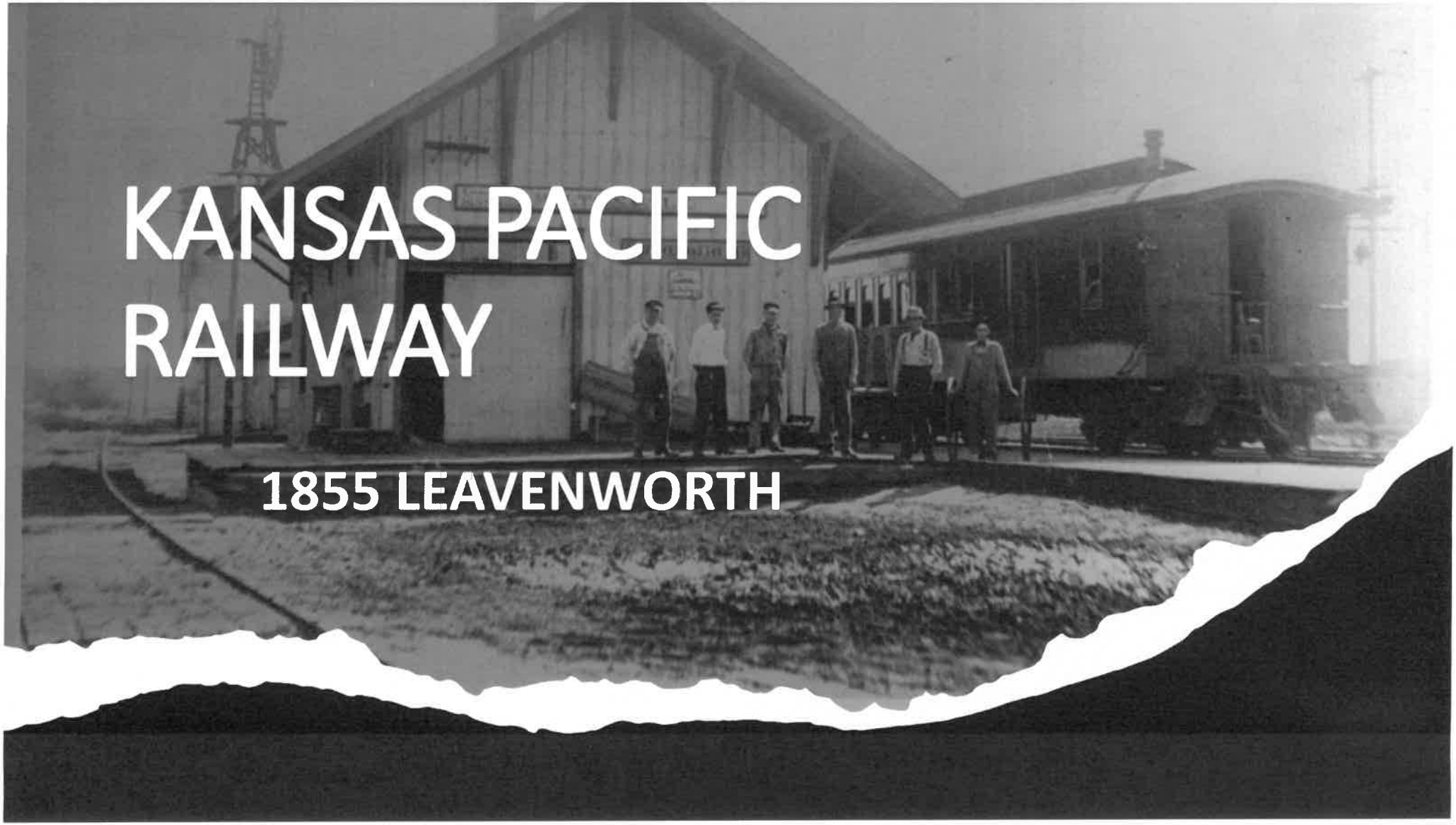
CATHOLIC

Osage, Kickapoo

FORT LEAVENWORTH
ACTIVE SINCE 1827

THE INTERCONTINENTAL RAILROAD

KANSAS-NEBRASKA ACT OF 1854

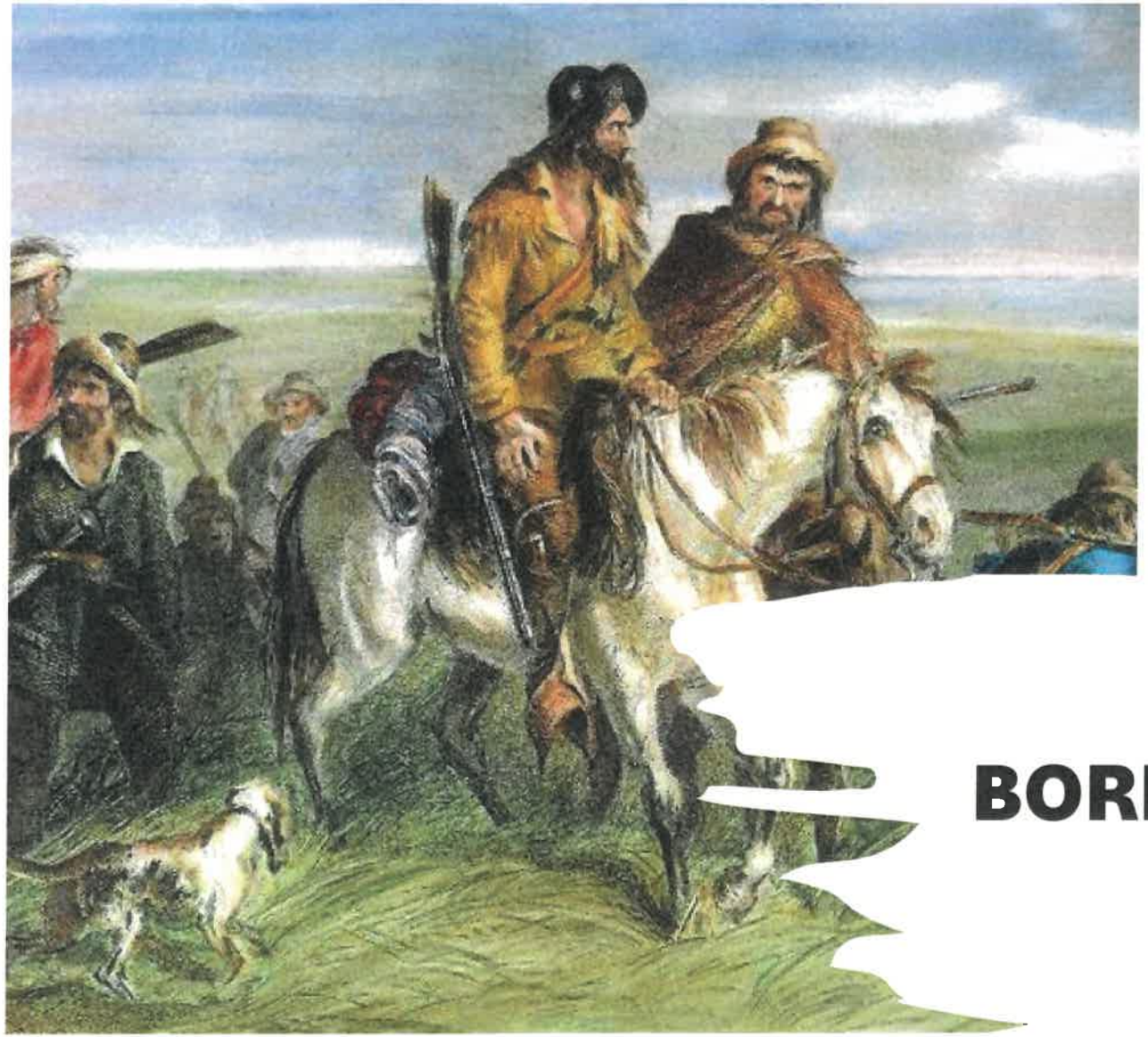

KANSAS PACIFIC
RAILWAY
1855 LEAVENWORTH

THE KANSAS-NEBRASKA ACT DID MORE THAN OPEN UP LAND FOR WHITE SETTELEMENT

All questions pertaining to slavery in the territories and in the new states to be formed therefore, are to be left to the decision of the people residing therein through their appropriate representatives.

New England Emigrant Aid Company

Eli Thayer



BORDER RUFFIANS

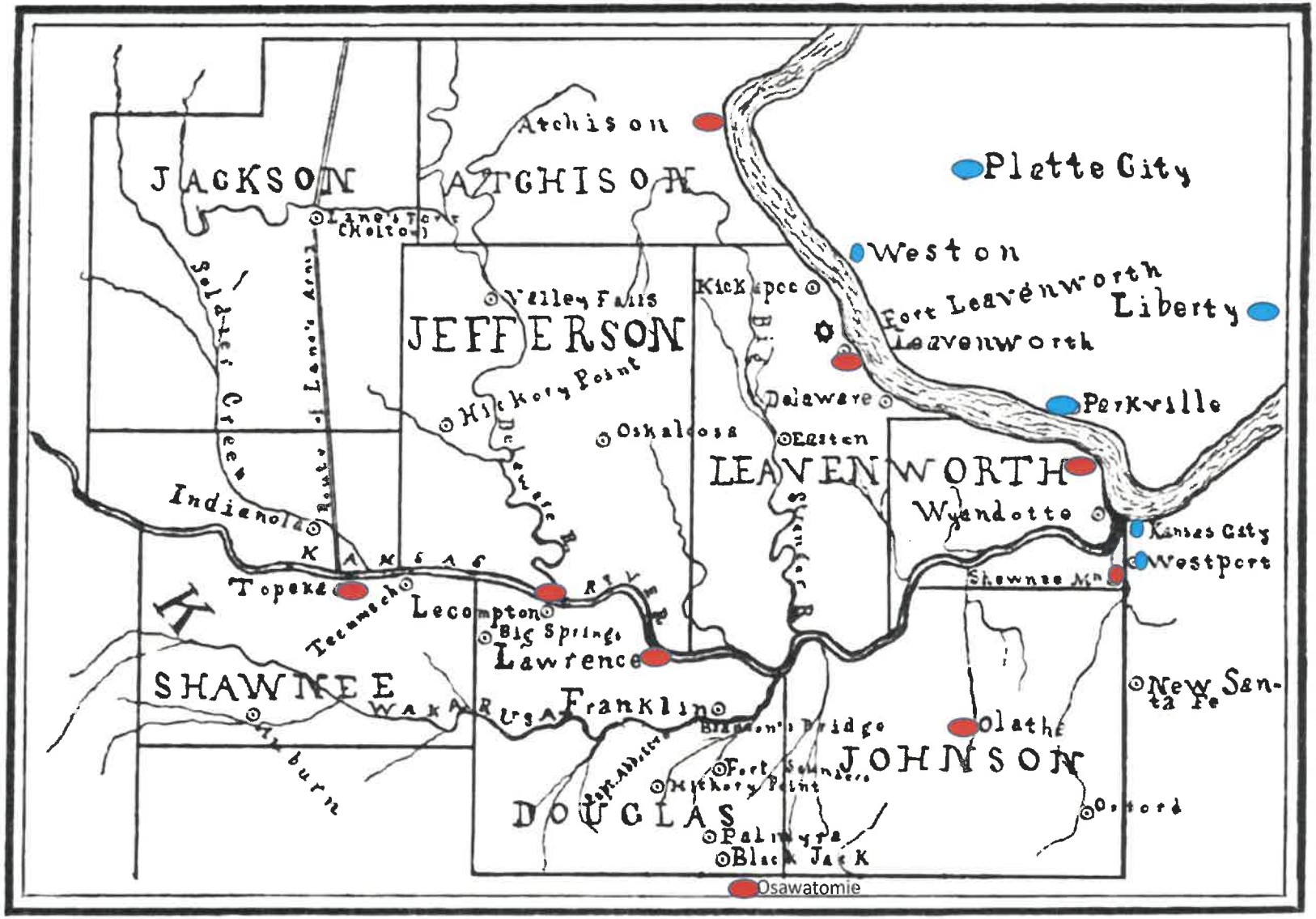
"We are playing for a mighty stake, the game must be played boldly, we are organizing, we will be compelled to shoot, burn or hang, but the battle will soon be over. If we win, we can carry slavery to the Pacific Ocean."

Sen.
David Rice Atchison
Missouri

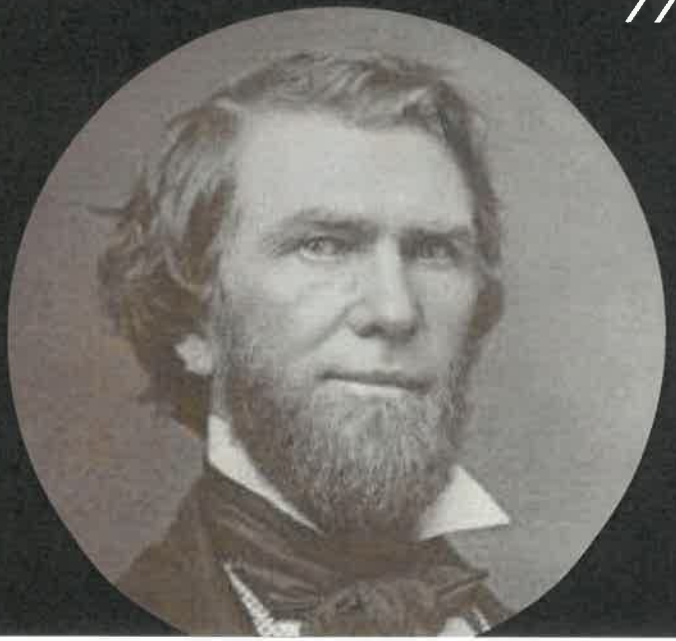
BLEEDING KANSAS

UNDERGROUND RAILROAD

- Believed to be one of the largest underground railroad sites in the country
- Wyandot abolitionists
- Freedman's School
- Home to Clarina Nichols and her newspaper the Chin-do-wan …a close friend of John Brown and major player in women's suffrage and temperance.

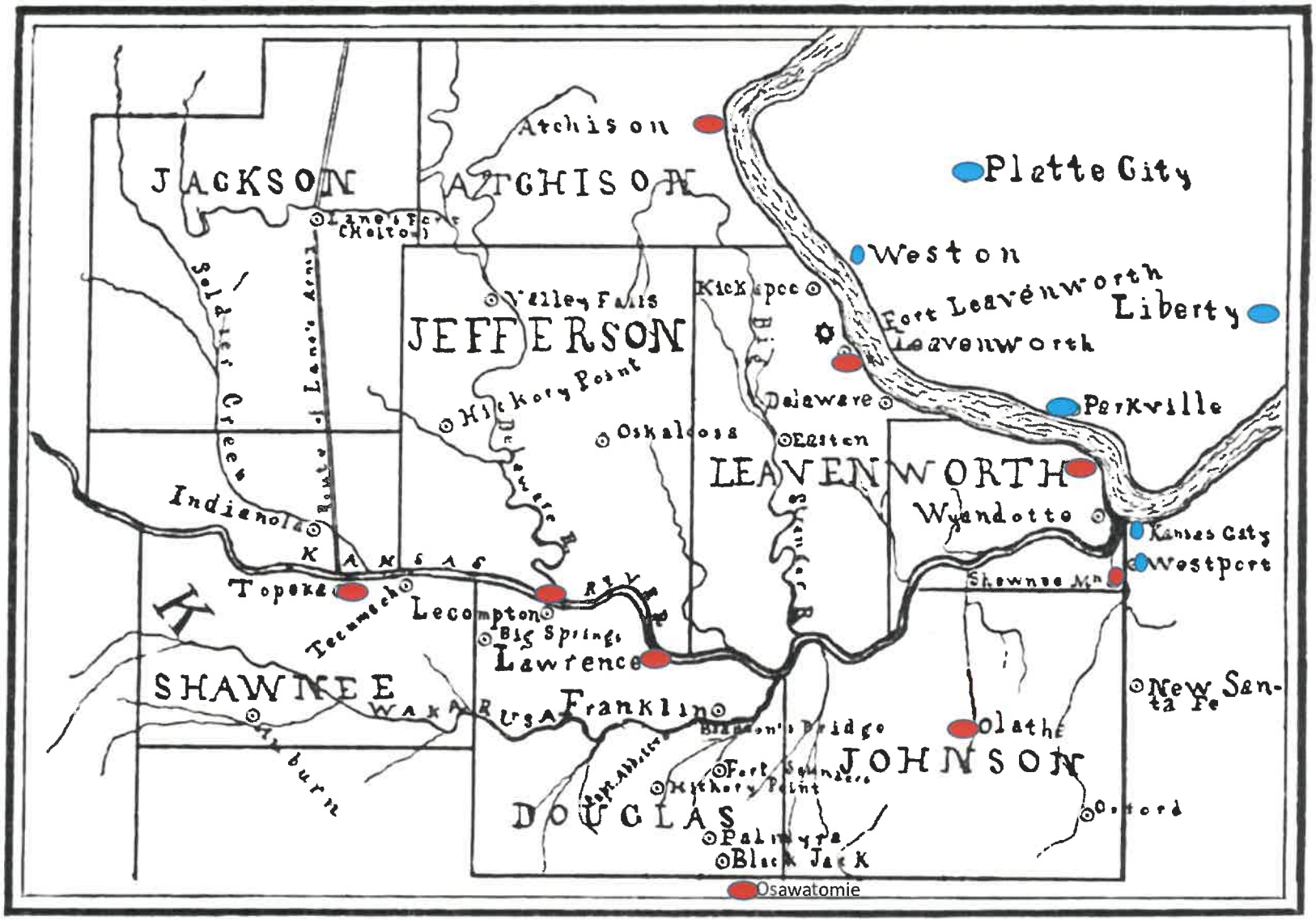

JACKSON
ATCHISON
JEFFERSON
LEAVENWORTH
SHAWNEE
DOUGLAS
JOHNSON
Atchison
Platte City
Weston
Fort Leavenworth
Liberty
Perkville
Delaware
Oskaloosa
Easton
Wyandotte
Kansas City
Westport
Shawnee Mn
Topeka
Tecumseh
Lecompton
Big Springs
Lawrence
Franklin
Olathe
New Santa Fe
Oxford
Palmyra
Black Jack
Osawatomie
Soldier Creek
Indianola
Hickory Point
Valley Falls
Kickapoo
Fort Leavenworth
Shawnee Mn

CHARLES ROBINSON AND ABELARD GUTHRIE



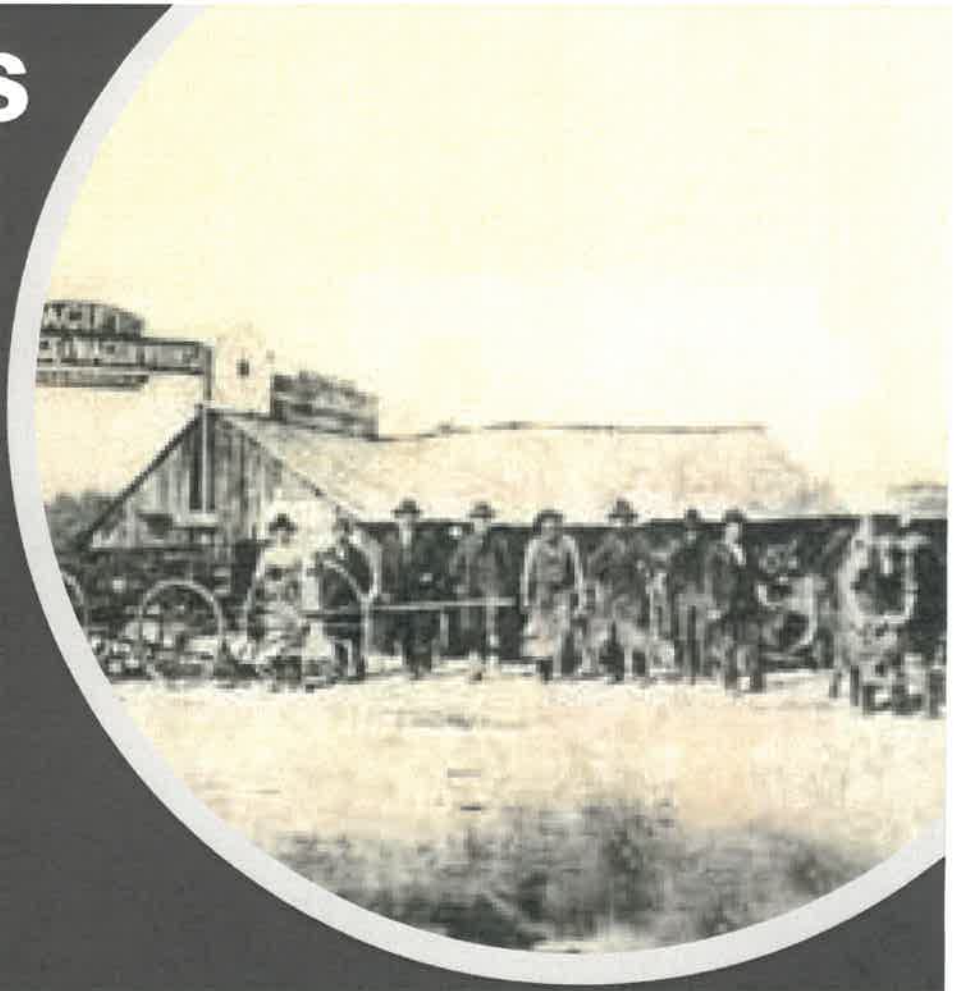
NANCY QUINDARO BROWN

NANCY QUINDARO BROWN HOME


JACKSON
ATCHISON
JEFFERSON
LEAVENWORTH
SHAWNEE
DOUGLAS
JOHNSON
Atchison
Platte City
Weston
Liberty
Fort Leavenworth
Leavenworth
Kickapoo
Valley Falls
Hickory Point
Oskaloosa
Easton
Delaware
Parkville
Wyandotte
Kansas City
Westport
Shawnee Mn
Indianola
Topeka
Tecumseh
Lecompton
Big Springs
Lawrence
Franklin
Wakarusa
Bloomington's Bridge
Olathe
New Santa Fe
Oxford
Fort Saunders
Hickory Point
Palmyra
Black Jack
Osawatomie
Soldier Creek
Lane's Army Route
Delaware River
Stranger Creek
Kansas River
Shunganunga Creek
Wakarusa River
Blue River

QUINDARO, KANSAS 1857

- 1857-1862
- Land belonged to several tribes, originally the Delaware and last were the Wyandots.
- At its peak there were over 100 buildings and about 1200 residents.
- Only freeman port in area.
- All could vote, intermarriage among races
- Largely abandoned after Civil War when men went to fight and sent their families to safety elsewhere.
- In 1862 the Kansas legislature repealed its incorporation-but not end to "Quindaro area"



QUINDARO/ PARKVILLE FERRY

the current that it was impossible to land on the Missouri side." Photo courtesy Bob Gieseke.

FOUR CONSTITUTIONS

Topeka – 1855 excludes all Blacks free and slave from Kansas "Bogus"

LeCompton – 1866 allowed slavery

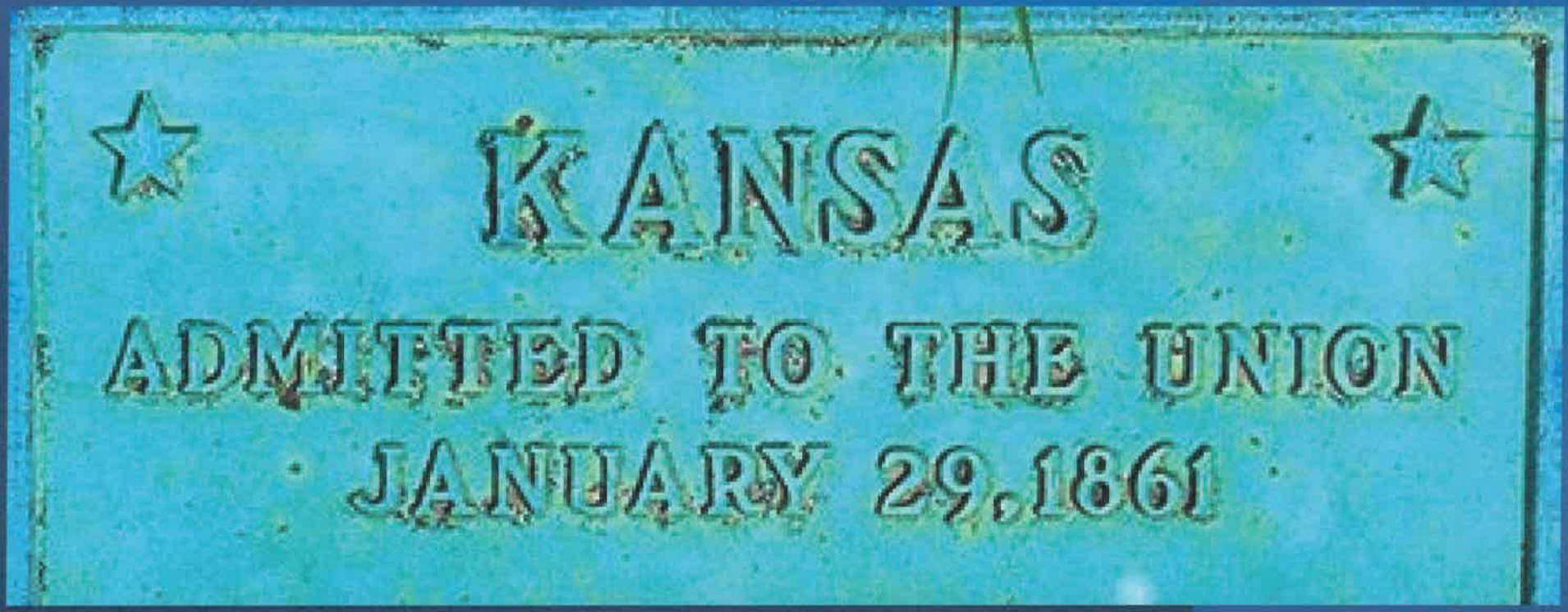
Leavenworth – 1858 prohibited slavery and gave all males right to vote

Wyandotte – 1859 prohibited slavery and allowed Kansas to enter the Union as a free state after states seceded

INDEPENDENCE DECLARED

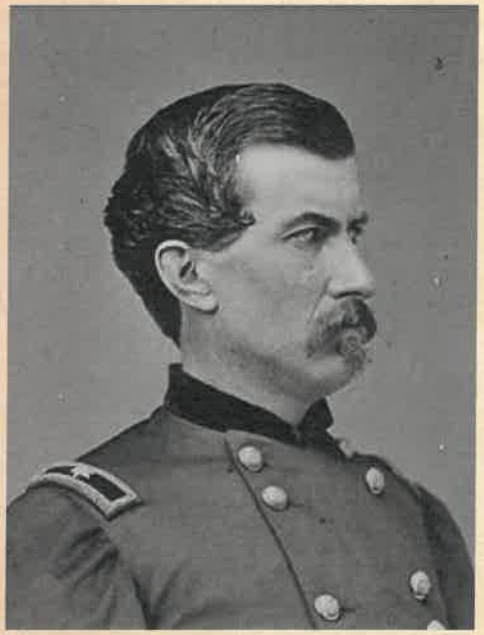
South Carolina

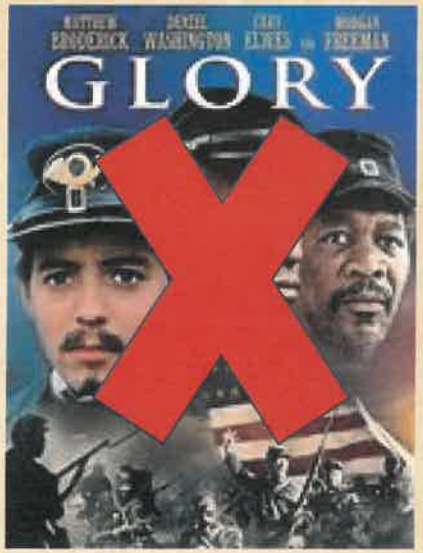
DECEMBER 20th, 1860.


KANSAS
ADMITTED TO THE UNION
JANUARY 29, 1861

1861
CIVIL WAR BEGINS

James Monroe Williams (1833-1907)





1ST KANSAS COLORED
VOLUNTEER INFANTRY
79TH U.S.C.T.
The 1st Kansas Colored Volunteer Infantry was the first black unit to engage in battle during the Civil War. On July 2, 1863, while escorting a wagon train bound for Fort Gibson, the 1st Kansas Colored was attacked here by Stand Watie's Confederates where the Texas Road crossed Cabin Creek. After a Union artillery barrage the 1st Kansas Colored, supported by the 3rd Indian Home Guard, forded waist deep Cabin Creek under heavy small arms fire. Emerging with bayonets fixed, the 1st Kansas Colored secured the ford, forcing the Confederates to retreat.

OLD QUINDARO CEMETARY

Phillips 66
Pipeline LLC
WARNING
Petroleum Pipeline
877-267-2290

1865
THE END

THE ALLEN AME CHAPEL

- Oldest Black Church in Quindaro Area
- Established in 1863
- Current Building Built in 1914

FREEDMAN'S SCHOOL

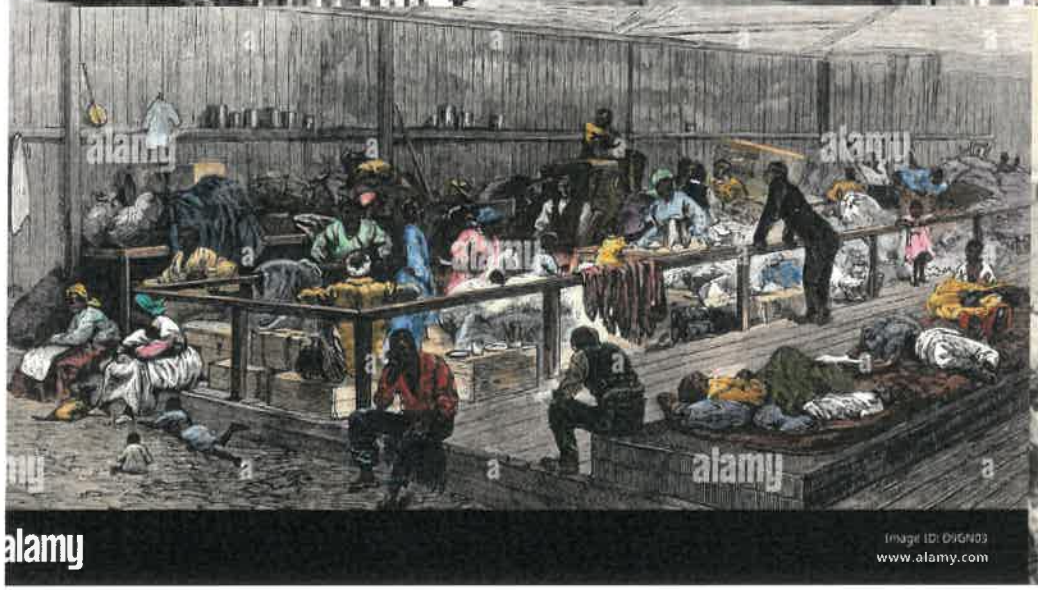
- Opened by Presbyterian minister before 1862 to educate escaped slaves and their children
- The town declined, but in 1870 the first actual school building was built.
- The founding Presbyterian minister who owned the land deeded it to the AME Church around 1872.
- The church renamed it Western University and within 10 years moved it to the top of the bluff. It had six brick buildings. Largest HBC west of Mississippi, and second largest in country next to Tuskegee.

60,000

Blacks Fleeing the South to Kansas Establish Nicodemus, Baxter Springs, Morton City, Singleton, Little Caney, Juniper

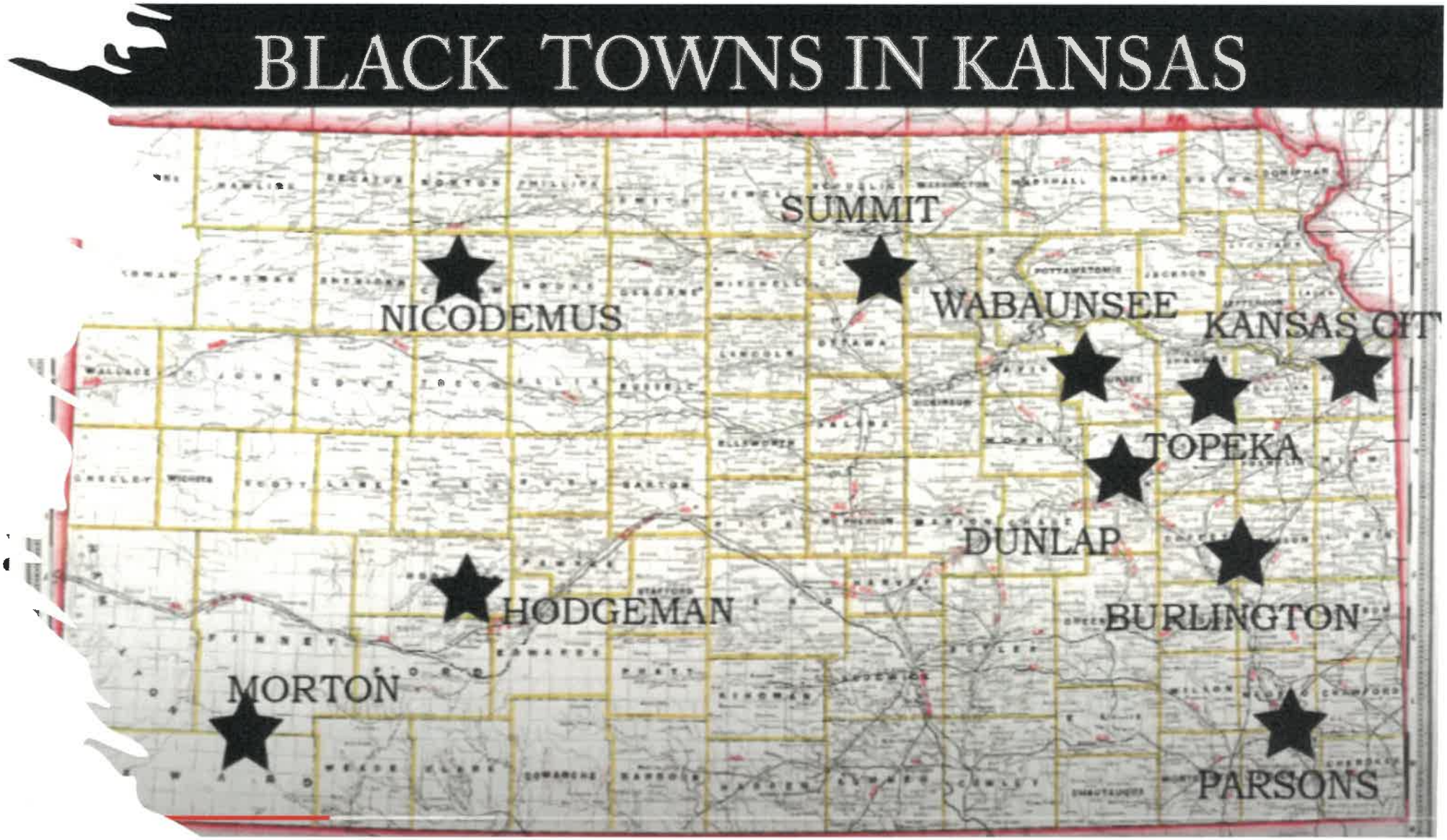
REFUGEE CRISIS IN KANSAS

1879


alamy
Image ID: DXGN03
www.alamy.com

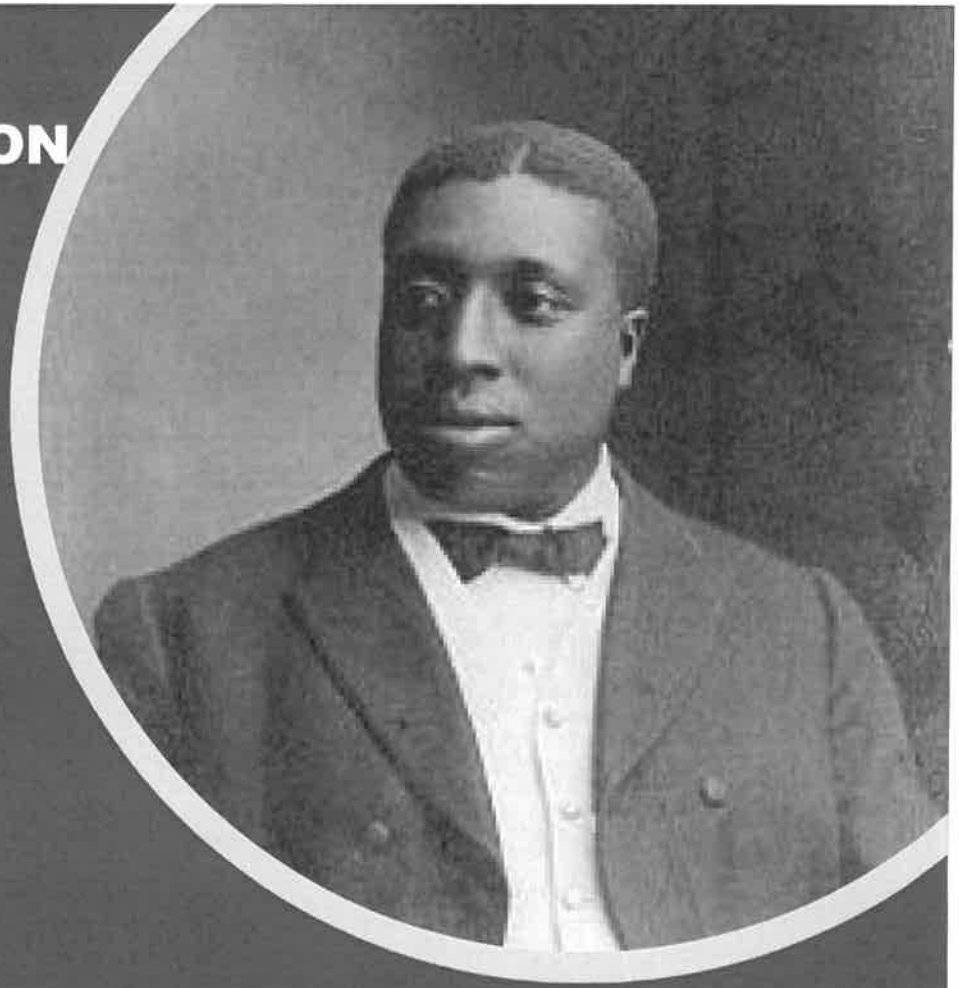
WILLIAMS
GENERAL

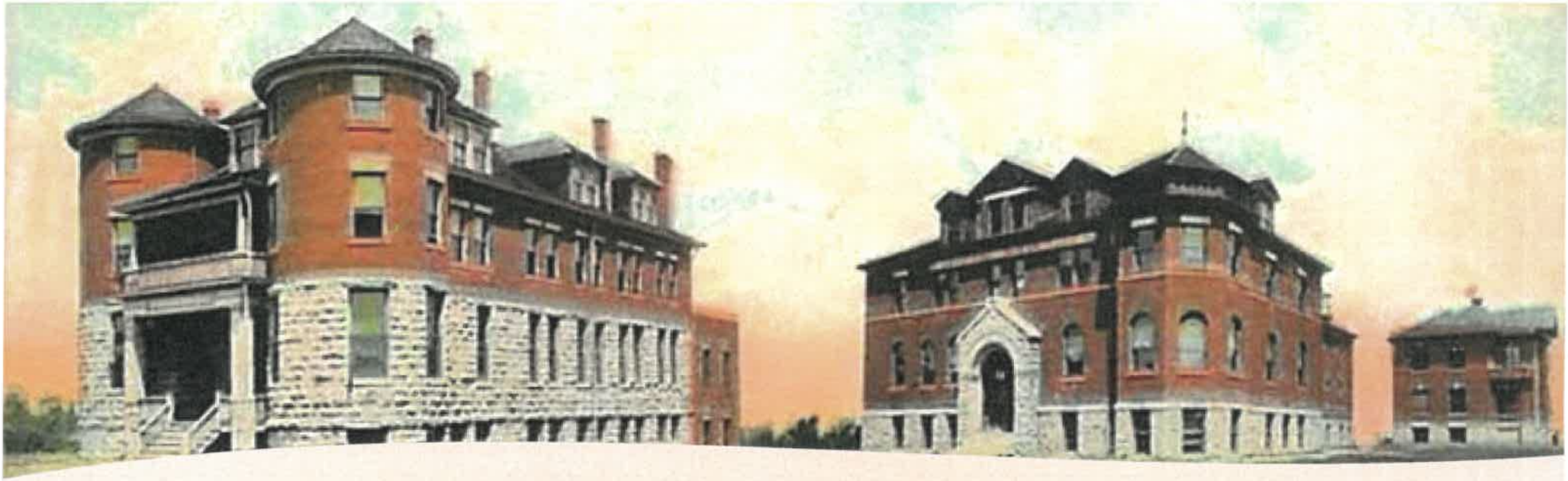
BLACK TOWNS IN KANSAS



Rev. William Tecumseh Vernon

- AME Minister in 1896
- President of Western University at 25
- School grew to 6,000 graduates
- Registrar of US Treasury in 1906
- Wrote extensively on race
- Retired in 1933 as an AME Bishop and returned to try to help revive Western University which was failing

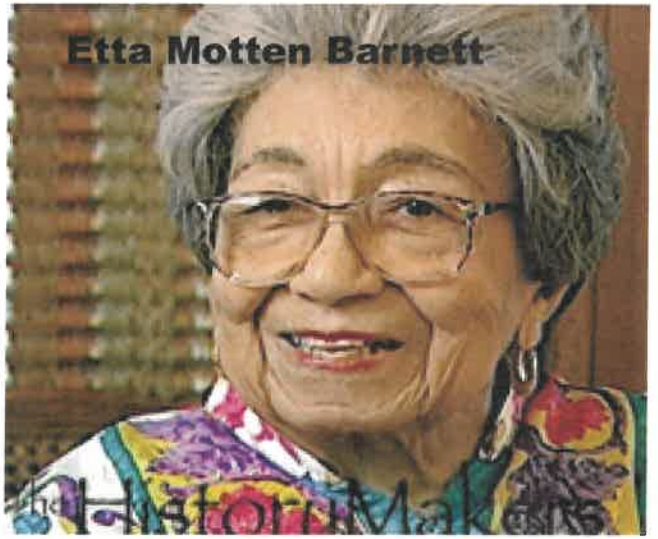


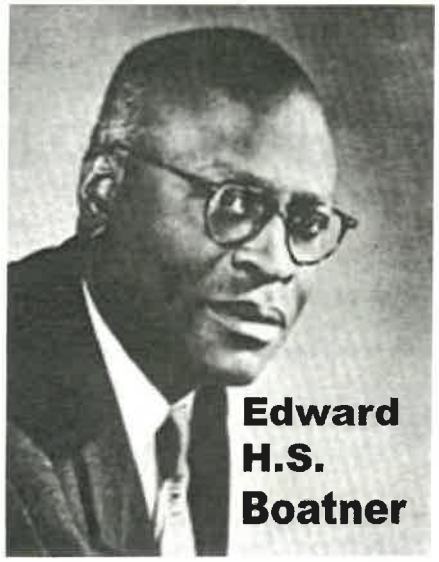


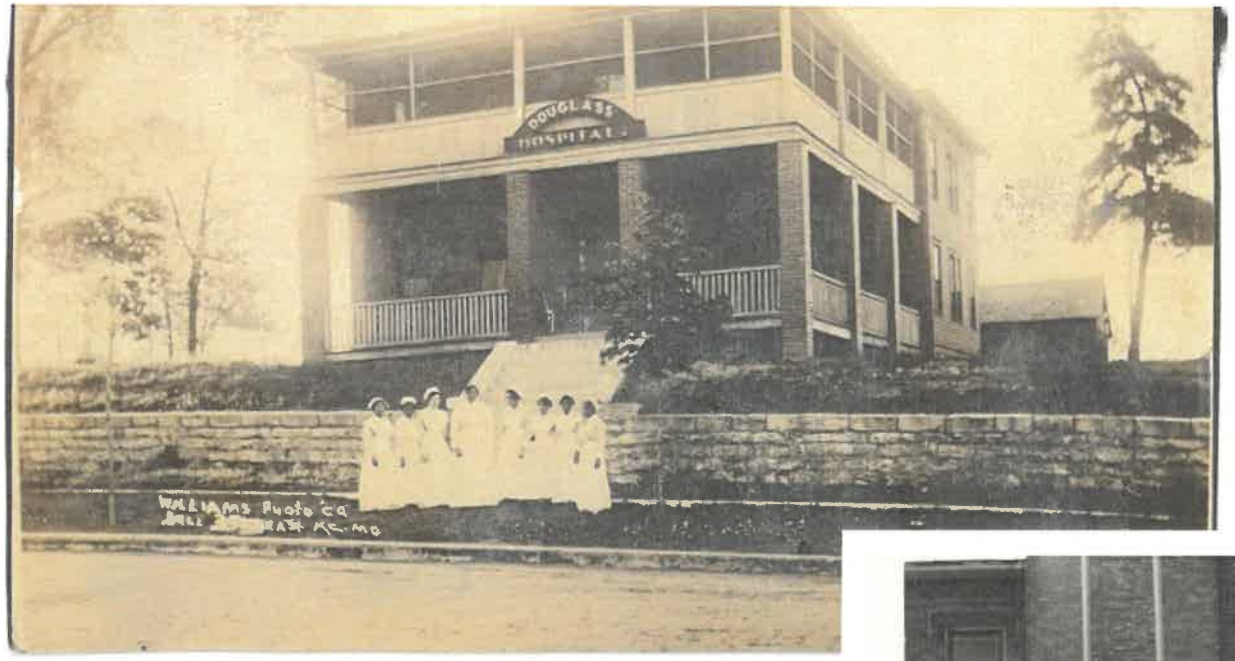
WESTERN UNIVERSITY

- Had sports team and marching band
- Internationally acclaimed choir
- Nursing school
- First Black military training school
- Second Black Hospital in the nation on site
- Seminary
- Teacher's college

Nathaniel Clark Smith






DOUGLAS
HOSPITAL

U.S.MAIL

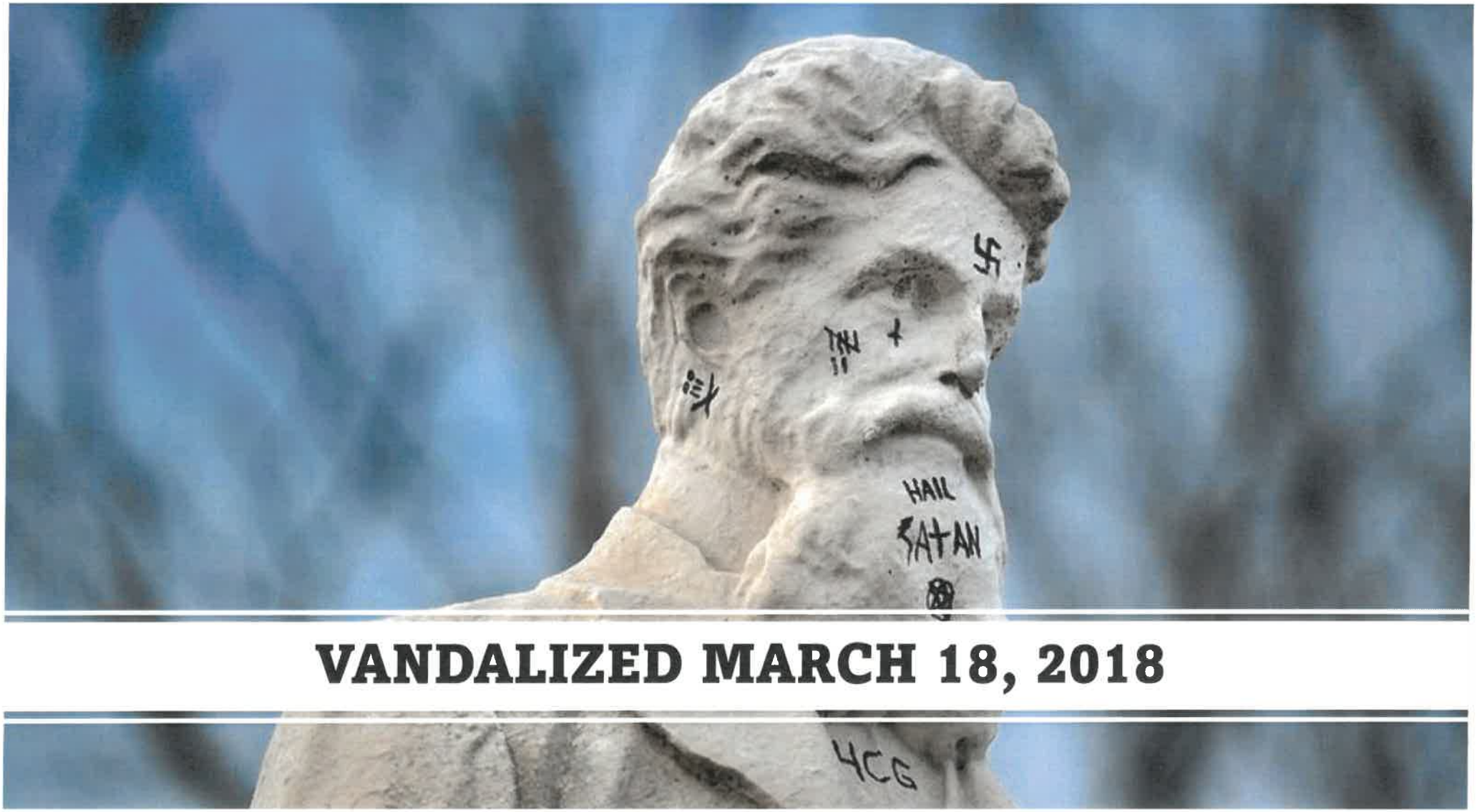
OLD QUINDARO MUSEUM

- Established by the Hope family who bought the house that was built by the caretaker at Western University.
- Uninhabitable and has been closed for some time.

A PROJECT OF THE CARPENTRY DIVISION

The John Brown Statue

- Called the Washer Woman Project because female members of the AME church raised a lot of the money for it
- It was meant as a message to social justice fighters who remained in the area, because brutal treatment had become the norm
- Italian marble with the Emancipation Proclamation in his right hand
- Placed in front of Western University for Commencement 1911.



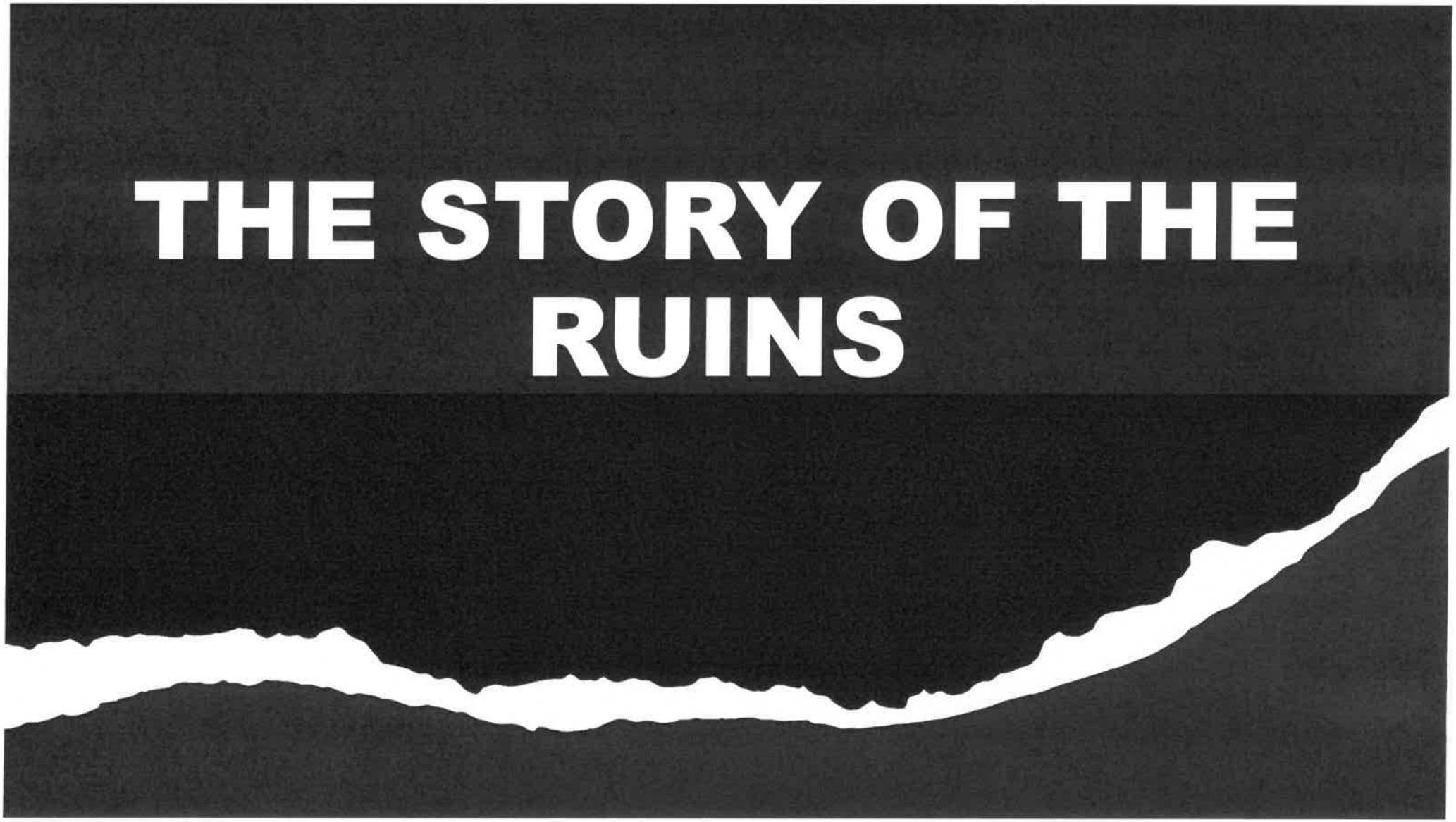
VANDALIZED MARCH 18, 2018

THE VERNON COLORED SCHOOL

- Established as the Colored School of Quindaro but by 1915 had taken on name of Rev. William Vernon.
- By 1933 the school was dilapidated and when Bishop Vernon returned to town, he used his clout to get a new school built in its place with WPA money. It opened in 1936.

VERNON SCHOOL AND UNDER GROUND RAILROAD MUSEUM

THE STORY OF THE RUINS

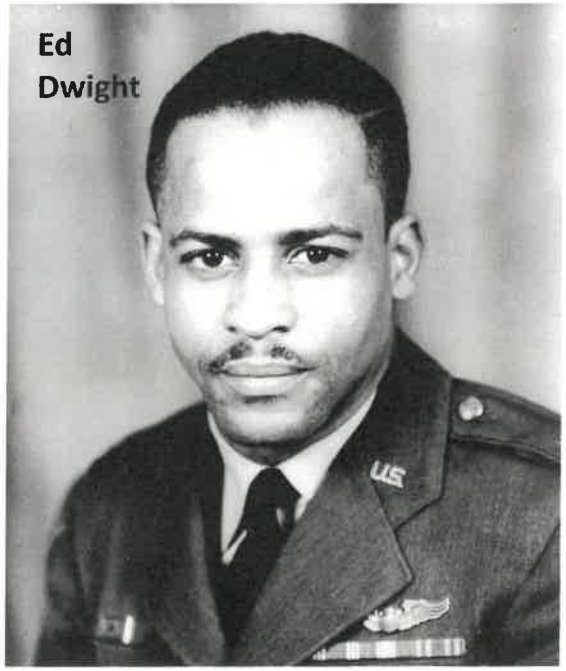


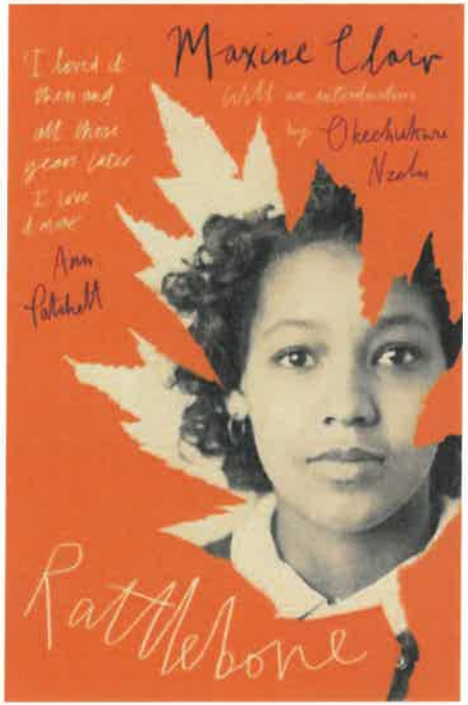
1972 RATTLEBONE HOLLOW

Marva Whitney

Soul Sister #1 with James Brown

Ed Dwight



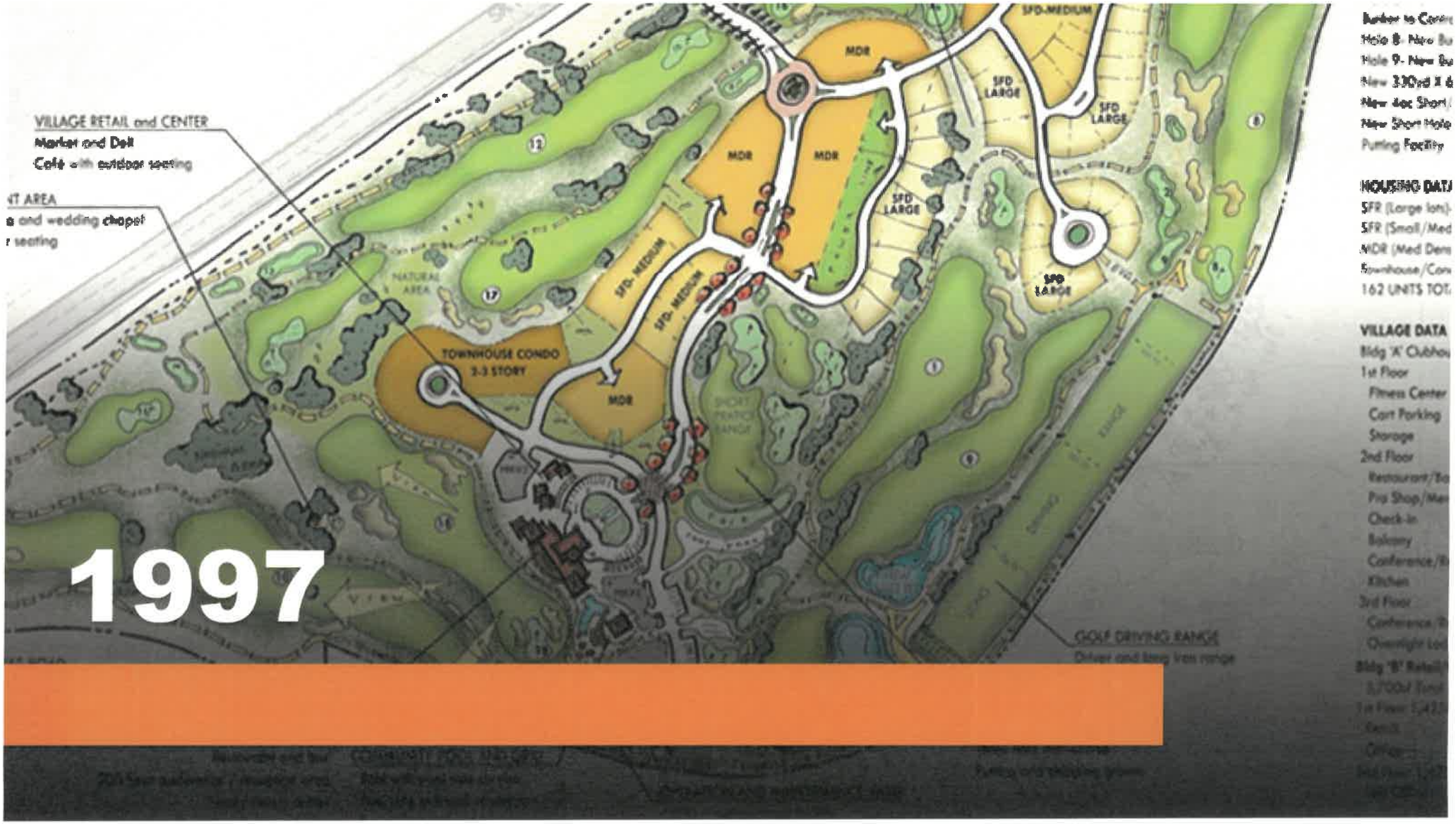


1982

THE TOWNSITE RUINS

Public outcry – company withdrew and Wyandotte County had to pay them $4 million in damages. Artifacts given to Kansas Historical Society for safekeeping.

Rift developed between AME Church and the community remains today forestalling progress.

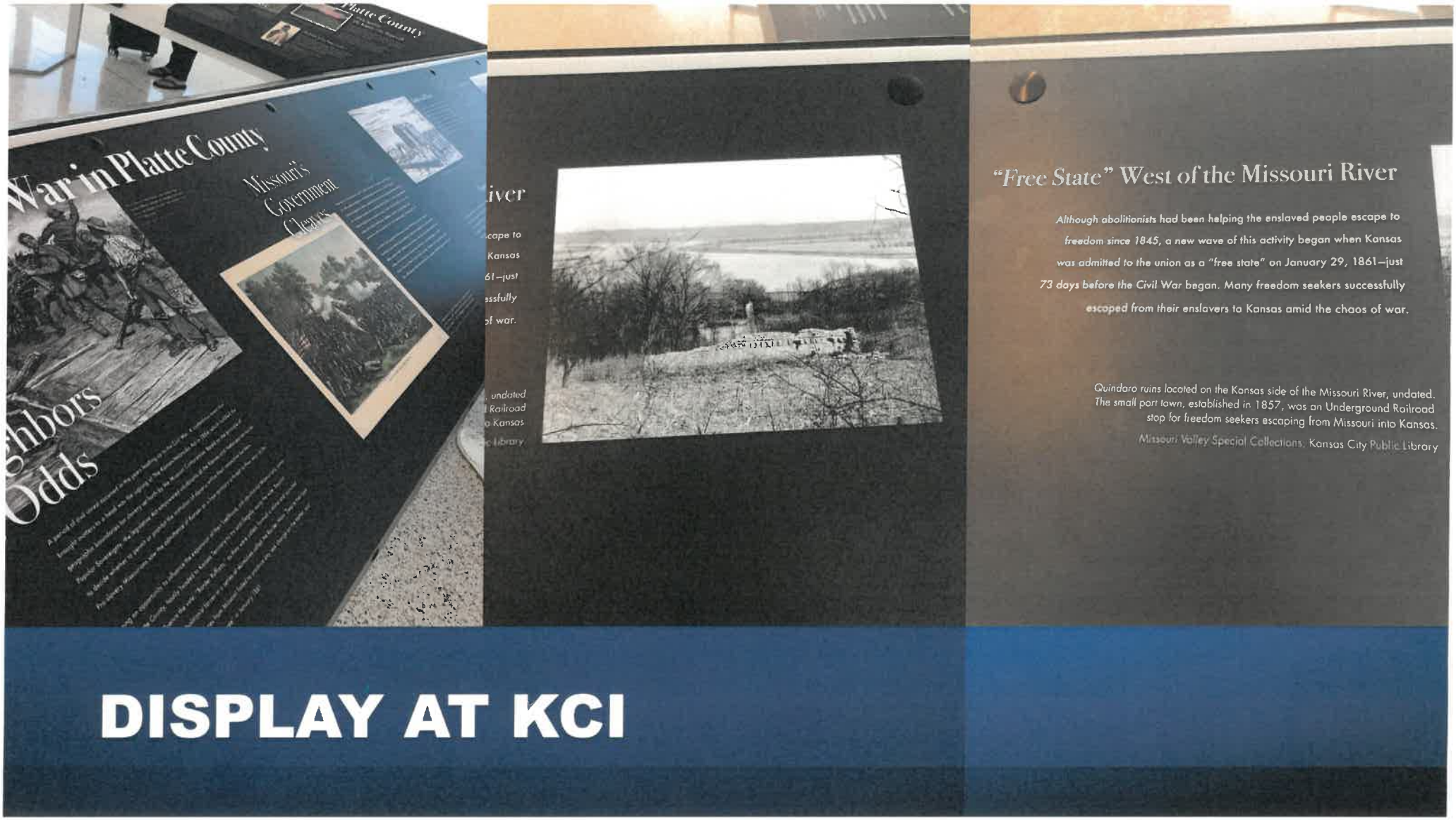

VILLAGE RETAIL and CENTER
Market and Deli
Café with outdoor seating
NT AREA
e and wedding chapel
r seating
MDR
MDR
MDR
MDR
SFD-MEDIUM
SFD-MEDIUM
SFD-MEDIUM
SFD LARGE
SFD LARGE
SFD LARGE
TOWNHOUSE CONDO
2-3 STORY
NATURAL AREA
VIEW
VIEW
GOLF DRIVING RANGE
Driver and long iron range
Bunker to Green
Hole 8- New Bu
Hole 9- New Bu
New 330yd x 6
New 4oo Short
New Short Hole
Pumping Facility
HOUSING DATA
SFR (Large lot)-
SFR (Small/Med
MDR (Med Dens
Townhouse/Con
162 UNITS TOT
VILLAGE DATA
Bldg 'A' Clubhou
1st Floor
Fitness Center
Cart Parking
Storage
2nd Floor
Restaurant/Ba
Pro Shop/Me
Check-in
Balcony
Conference/B
Kitchen
3rd Floor
Conference R
Overnight Lo
Bldg 'B' Retail/
5,700sf Total
1st Floor 5,42
Kitchen
Office

1997

CURRENT CONDITION OF THE RUINS

OVERLOOK

- 2019 Dedication
- $500,000 Community Development Block Grants
- National Park Service Fund
- Commemorative Status



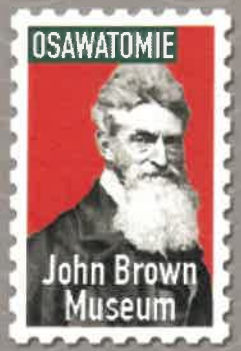
DISPLAY AT KCI

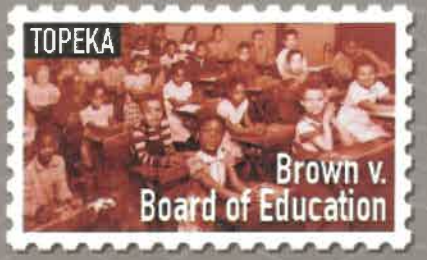
The KANSAS
African American
HISTORY Trail
1
2
3
4
5
6
7
8

Trail Stamps

The KANSAS African American HISTORY Trail

Visit each site to collect stamps and learn about Kansas history, it's all ... *About the Journey*





KANSAS AFRICAN AMERICAN MUSEUM WICHITA

1

NICODEMUS NATIONAL HISTORIC SITE

BROWN V. BOARD OF EDUCATION: MONROE SCHOOL

TOPEKA

3

JOHN RITCHIE HOUSE

TOPEKA

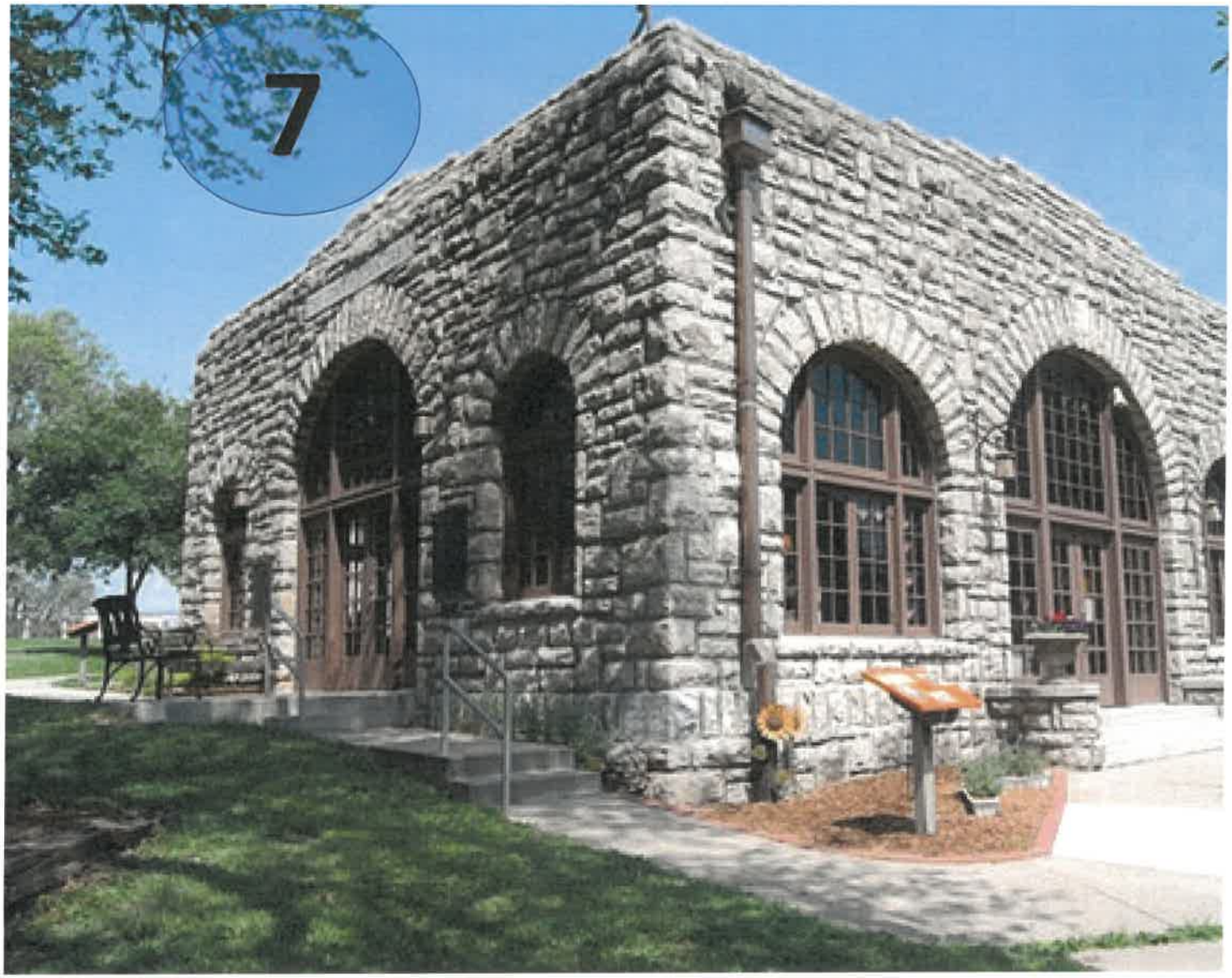
4

5

FREEDOM'S FRONTIER NATIONAL HERITAGE AREA LAWRENCE

6
RICHARD ALLEN
CULTURAL
CENTER
& MUSEUM
ANNUAL
GOLF
TOURNAMENT
RESERVED
PARKING
CENTER & MUSEUM | LEAVENWORTH

JOHN BROWN MUSEUM OSAWATOMIE



GORDON PARKS MUSEUM FORT SCOTT

8

TOGETHER LET'S MAKE SURE QUINDARO IS ADDED TO THE TOUR!

Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 5, 2024

Re: **Change of Zone Petition COZ2024-025**

GENERAL INFORMATION

Applicant Information:
Stan Richards
RAMAR Land Corporation
600 Gillam Road
Wilmington, OH 45177

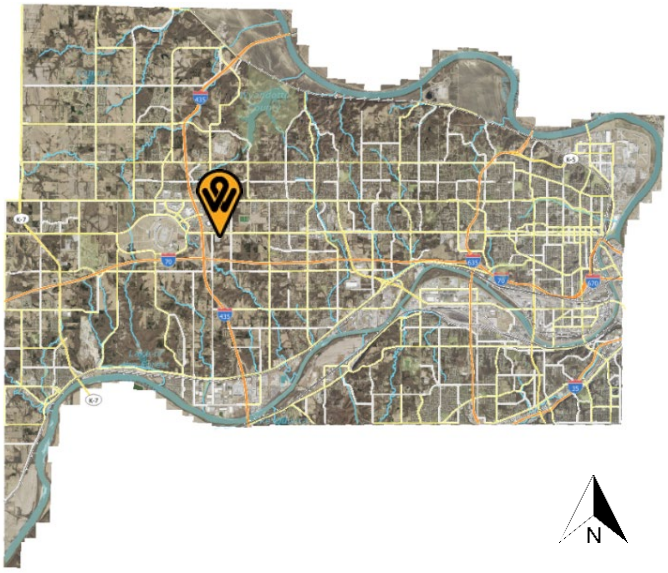
Subject Property:
9711 State Avenue
Kansas City, KS 66111

Requested Action and Purpose:
Approval of a Change of Zone from A-G Agriculture District to MP-2 Planned General Industrial District.

Commission Districts:
Commissioner At-Large, District #2: Tom Burroughs
District #7 Commissioner: Chuck Stites

Existing Zoning District(s):
A-G Agriculture and MP-2 Planned General Industrial Districts

Proposed Zoning District(s):
MP-2 Planned General Industrial District



	Adjacent Zoning	Adjacent Uses
North	**A-G Agriculture and CP-2 Planned General Business Districts**	**Vacant land and Atlas9 Immersive Art Museum**
South	**A-G Agriculture District**	**Undeveloped land**
East	**A-G Agriculture District**	**Wooded, undeveloped land**
West	**A-G Agriculture District**	**Wooded, undeveloped land**

Total Tract Size: 22.67 Acres

Comprehensive Plan Area: Prairie Delaware Piper Area Plan

Comprehensive Plan Designation: The Prairie Delaware Piper Area Plan designates this property as Planned Mixed Business Park/Office District, which allows business parks, manufacturing, light industrial uses, distribution-warehouse, truck and other employment activity.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates State Avenue as a Major Arterial.

Parking Requirement: Sec. 27-469(e) In no case, however, shall less than one (1) space for each 500 square feet of building floor area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 square feet and 50,000 square feet.

Landscaping Requirement: Sec. 27-469(g) Trees are required to be provided at not less than one (1) tree per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a buffer area is to be provided along side and rear property lines common to or across from residentially zoned property.

Sec. 27-700(b)(3) A buffer area shall be provided along side and rear property lines common to or across an alley from residentially zoned property and shall consist of an area 15 feet in width improved with a six (6) foot architectural screen adjacent to the property line and one (1) row of shade trees spaced not more than 40 feet on center

	and one (1) row of large shrubs spaced not more than 8 feet on center.
Advertisement:	The Wyandotte Echo – August 15, 2024 Letters to Property Owners – August 16, 2024, September 17, 2024 and October 8, 2024
Public Hearings:	November 12, 2024 and December 5, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Stan Richards with R+L Carriers wants to rezone a portion of 9711 State Avenue from A-G Agriculture District to MP-2 Planned General Business District for an existing parking lot for an existing truck terminal.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-210 through 212 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There are no notices of violation on the subject property.

Outstanding or Related Permit and Cases:

1. There are no outstanding or related permit and cases on the subject property.

Previous Planning Actions:

1. SP-1995-14 – An indefinite Special Use Permit for a parking lot – approved on March 30, 1995.

FACTORS TO BE CONSIDERED

1. ***The Character of the Neighborhood.***

   This area along State Avenue is in transition, as the primary east-west commercial corridor in the City, the north side of State Avenue, formerly Schlitterbahn Vacation Village is being redeveloped with various commercial uses and the south and west side as vacant, undeveloped land and a single-family home to the east. East of 94th Street, south on State Avenue remains residential whereas north on State Avenue is Homefield Training Center and championship baseball and softball fields.

2. ***The zoning and uses of properties nearby and the proposed use's expected compatibility with them.***

   The zoning and uses of properties nearby are set out above. The proposed use, an existing parking lot will provide parking for employees of the trucking business. This north side of State Avenue is a commercial corridor as you exit the Village West area from the west and is compatible with surrounding uses.

3. ***The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions detrimentally affect nearby property?***

   Removal of the restrictions could detrimentally affect nearby property because of the proximity of industrial zoning along a highly trafficked commercial corridor. Substantial landscaping, screening and buffering is required to be planted along State Avenue to shield the parking lot from public view.

   Keeping the existing parking lot, a parking lot and not a future building pad site by recording a restrictive covenant will ensure that future uses will not detrimentally affect nearby property.

4. ***The length of time the property has remained vacant as zoned and/or the length of time the property has been actively marketed.***

   The A-G Agriculture District zoned portion of the property has been vacant for the past two (2) years, however, there is now a new trucking business operating on the property, but the proposed parking lot is cordoned off for access.

5. ***The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.***

   The proposed use is necessary for employee and guest passenger vehicles. The parking lot is not for truck cabs or trailers. Extensive landscaping and screening is necessary along State Avene as not to substantially injure the

visual quality or marketability of nearby property.

6. ***The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.***

   The proposed use will not increase traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems because the parking lot is existing and was constructed in 1995 via a Special Use Permit. Additionally, the trucking business will operate in a similar manner as the previous business that vacated the property in 2022.

7. ***The degree of conformance of the proposed use to the Master Plan.***

   The proposed use conforms to the Prairie Delaware Piper Area Plan designates this property as Planned Mixed Business Park/Office District, which allows business parks, manufacturing, light industrial uses, distribution-warehouse, truck and other employment activity.

8. ***The extent to which the proposed use could cause environmental harm or enhance the environment.***

   If the site is properly managed and maintained, the proposed use will not cause environmental harm. There will be significant landscaping planted around the perimeter of the site that will enhance the environment and buffer from the adjacent street.

9. ***The extent to which utilities and public services are available and adequate to serve the proposed use.***

   a. ***Electric and Water Service***

      To be provided by BPU Electric and Water Divisions.

   b. ***Sanitary Sewer Service***

      UG provides sanitary sewer service.

   c. ***Storm Water Control***

      To be designed to meet City Code.

   d. ***Police***

      Police service is provided by West Patrol, District 221.

e. Fire

Fire service is provided by Station #6, located at North 98th Street and State Avene, which is 900 feet from the subject property.

f. Transit

There is no public transit provided to or near the subject property.

g. Schools

Public Education is provided by Arrowhead Elementary School, Claude Huyck Middle School, and Washington High School, under Kansas City, Kansas USD 500.

h. Streets

See item #6 above.

10. The economic impact of the proposed use on the community.

The proposed use will have a minimal economic impact on the community. The property owner will generate property tax for the Unified Government due to the trucking business/terminal rather than the ancillary parking lot.

11. The capability of the proposed use to meet applicable ordinance requirements.

The project, which requires revisions can meet all ordinance requirements.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owner will need a Special Use Permit to be approved in order to use the area for a parking lot.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 9711 State Avenue on October 16, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Future
Landscaping, Screening and Buffering

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2024-025**, subject to:

1. **To prevent industrial creep along the State Avenue corridor, subject to approval, file a restrictive covenant with the Register of Deeds restricting the employee parking lot from turning into a future building site. There is a similar green space fronting State Avenue on the east side of the entrance ranging in depth between 197 – 213 feet. Again, this will protect the State Avenue frontage from intrusion of future industrial development;**
2. **The trees around the perimeter of the parking lot do not reflect what has been constructed in the field going back to 1995. Extensive landscaping of street trees and shrubs shall be planted along State Avenue;**
3. **Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;**
4. **Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:**
    a. **One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every 30 feet of street easement or frontage.**
    b. **Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;**
5. **Per the original landscape plan, landscaping shall be irrigated;**
6. **All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;**
7. **All landscaping shall be irrigated;**
8. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
9. **All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Lighting cannot exceed one (1) footcandle at the property line;**

10. **If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
11. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
12. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
13. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
14. **Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,**
15. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2024-025** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Survey
Site Plan
Landscape Plan
Floor Plan

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	November 12, 2024 - Approval	December 5, 2024

STAFF CONTACT: **Byron Toy, AICP**
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-025** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2024-025,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2024, City Planning Commission Minutes:

Hearing starts at 1:24:00:

CHANGE OF ZONE APPLICATION COZ2024-025 – STAN RICHARDS WITH RAMAR LAND CORPORATION – SYNOPSIS: Change of Zone from A-G Agriculture and MP-2 Planned General Industrial Districts to MP-2 Planned General Industrial District for a parking lot for an existing truck terminal at 9711 State Avenue. *Detailed Outline of Requested Action:* The applicant, Stan Richards with R+L Carriers wants to rezone a portion of 9711 State Avenue from A-G Agriculture District to MP-2 Planned General Business District for an existing parking lot for an existing truck terminal.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Stan Richards, applicant, RAMA Land Corporation, 600 Gillam Road, Wilmington, OH 45177

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:27:18: Planning Director Hand stated that this is currently a split zoned property, A-G and MP-2 that is proposed to be rezoned completely to MP-2 Planned General Industrial District. The property is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support or opposition. There are no Notices of Violation. Director Hand showed the Commission the split zoning on the property. This property received an indefinite Special Use Permit for a parking lot originally. To keep the original intent of the Special Use Permit, to keep an undeveloped buffer from State Avenue, which would be usurped by the Change of Zone if it all goes to MP-2 zoning is to have a deed restriction that this would be retained as a parking lot in perpetuity. There is no proposal for the back of the property and if there were any proposals in the future, as it is a planned district, it would come back for review by Staff and the Planning Commission. There were some original conditions of approval on the Special Use Permit regarding landscaping and buffering that have deteriorated over the

years as it has been vacant, and replanting this landscaping is one of the conditions of approval.

Motion starts at 1:29:13:

On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2024-025:**

Carson	**Chairman**
Schwartz	**Not Present (left during this application).**
Straws	**Aye**
Ward	**Aye**
Armstrong	**Not Present**
Beth	**Aye**
Easterwood	**Not Present**
Ernst	**Aye**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**Aye**

Motion to recommend APPROVAL Passed: 5 to 0
Subject to:

1. **To prevent industrial creep along the State Avenue corridor, subject to approval, file a restrictive covenant with the Register of Deeds restricting the employee parking lot from turning into a future building site. There is a similar green space fronting State Avenue on the east side of the entrance ranging in depth between 197 – 213 feet. Again, this will protect the State Avenue frontage from intrusion of future industrial development;**
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14. **Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,**
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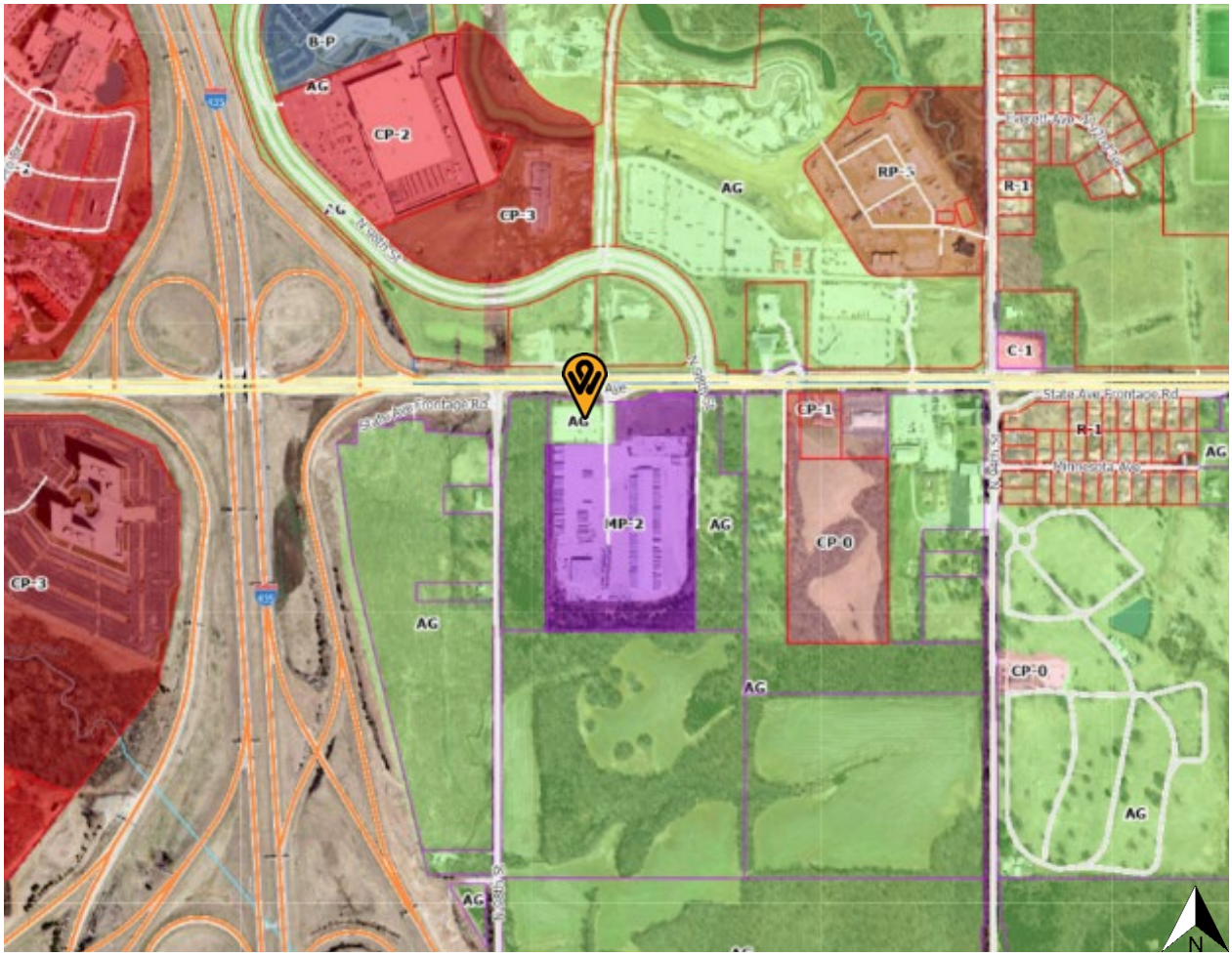
ATTACHMENTS

AERIAL IMAGERY

ZONING MAP


B-P
AG
CP-2
CP-3
AG
RP-3
R-1
C-1
State Ave Frontage Rd
CP-1
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MP-2
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CP-0
CP-3
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CP-0
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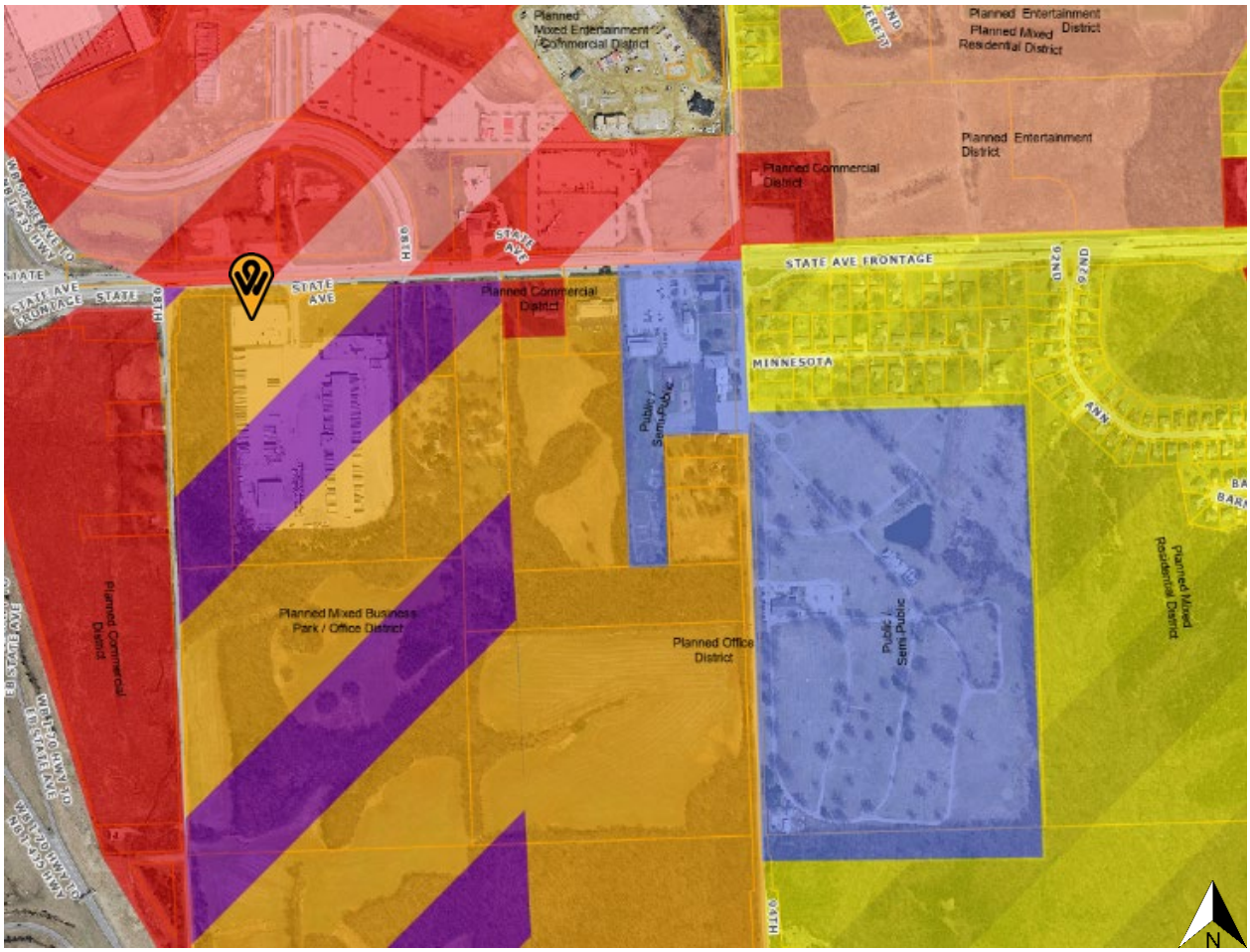
AG
N

LAND USE MAP


Planned Mixed Entertainment / Commercial District
Planned Entertainment District
Planned Mixed Residential District
Planned Entertainment District
Planned Commercial District
STATE AVE FRONTAGE
STATE AVE
Planned Commercial District
MINNESOTA
Public / Semi-Public
Planned Mixed Business Park / Office District
Planned Office District
Public / Semi-Public
Planned Mixed Residential District
Planned Commercial District
N

ADDITIONAL ATTACHMENTS

R+L CARRIERS
R.L.R. INVESTMENTS L.L.C.
A REAL ESTATE INVESTMENT COMPANY
RAMAR LAND CORPORATION

Date: October 30, 2024

Department of Planning + Urban Design
Kansas City, KS

Mr. Toy,

In response to the draft staff report, as per your directions, our corresponding responses are as follows:

Planning and Urban Design Comments:

1. Acknowledged
2. This is being addressed.
3. Acknowledged
4. Acknowledged
5. Acknowledged

Standard Conditions:

1. Acknowledged
2. Acknowledged
3. Acknowledged
4. Acknowledged
5. Acknowledged
6. Acknowledged
7. Acknowledged
8. Acknowledged
9. Acknowledged

Thank you,

Stan Richards
R+L CARRIERS
VP Construction/Facility Services
Office 800-543-5589
Cell 937-603-3900

Minutes

Kansas City Neighborhood Meeting

Application Number: **COZ2024-025**
Date: October 16, 2024
Location: Residence Inn by Marriott, 1875 Village West Parkway, Kansas City, KS 66111

Meeting called to order at 6:30 p.m.

Names of people in attendance:

N/A

Introductions:

N/A

List any questions asked, what the answer provided was, as well as any comments:

N/A

Meeting adjourned at: 7:15 p.m.
Minutes taken by Stan Richards

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas
) SS:
COUNTY OF Wyandotte)

Comes now Stan Richards, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #COZ2024-025.
2. That I conducted a neighborhood meeting on 10/16/2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

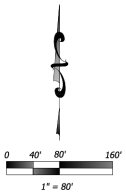
Affiant

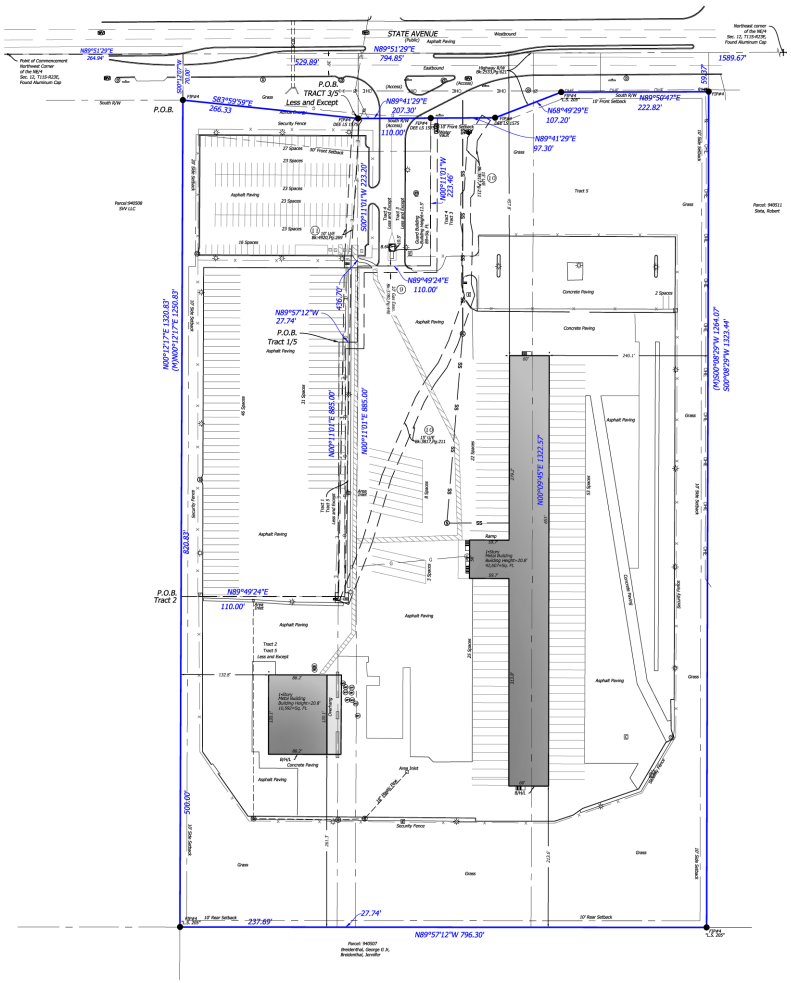
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 18 day of October, 2024.

My commission expires 27 of April, 2026

MONETTE C RANDALL
Notary Public
State of Ohio
My Comm. Expires
April 27, 2026

Monette C Randall
Notary Public





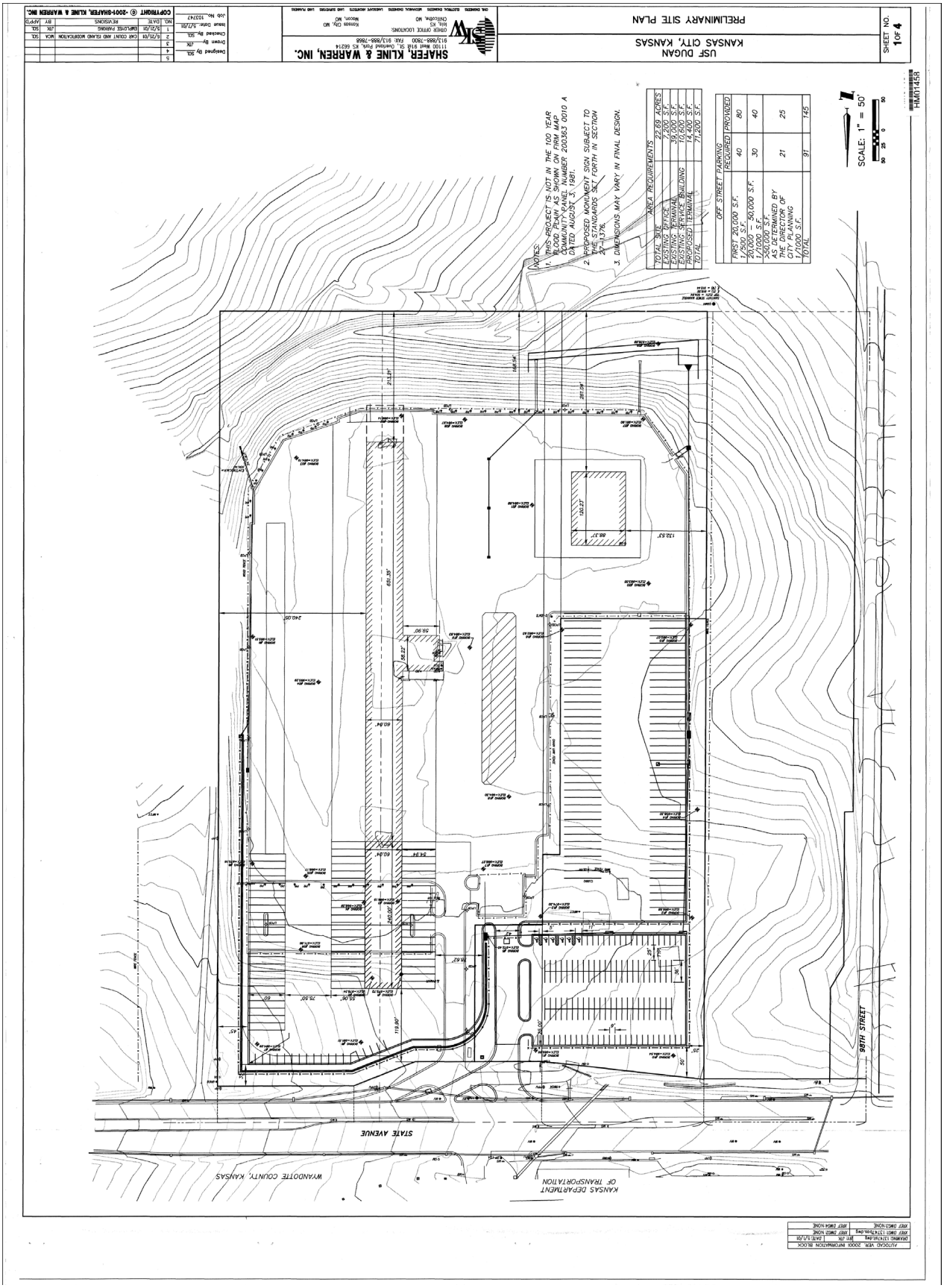
N V 5
SURVEY • ZONING • ENVIRONMENTAL • ASSESSMENT

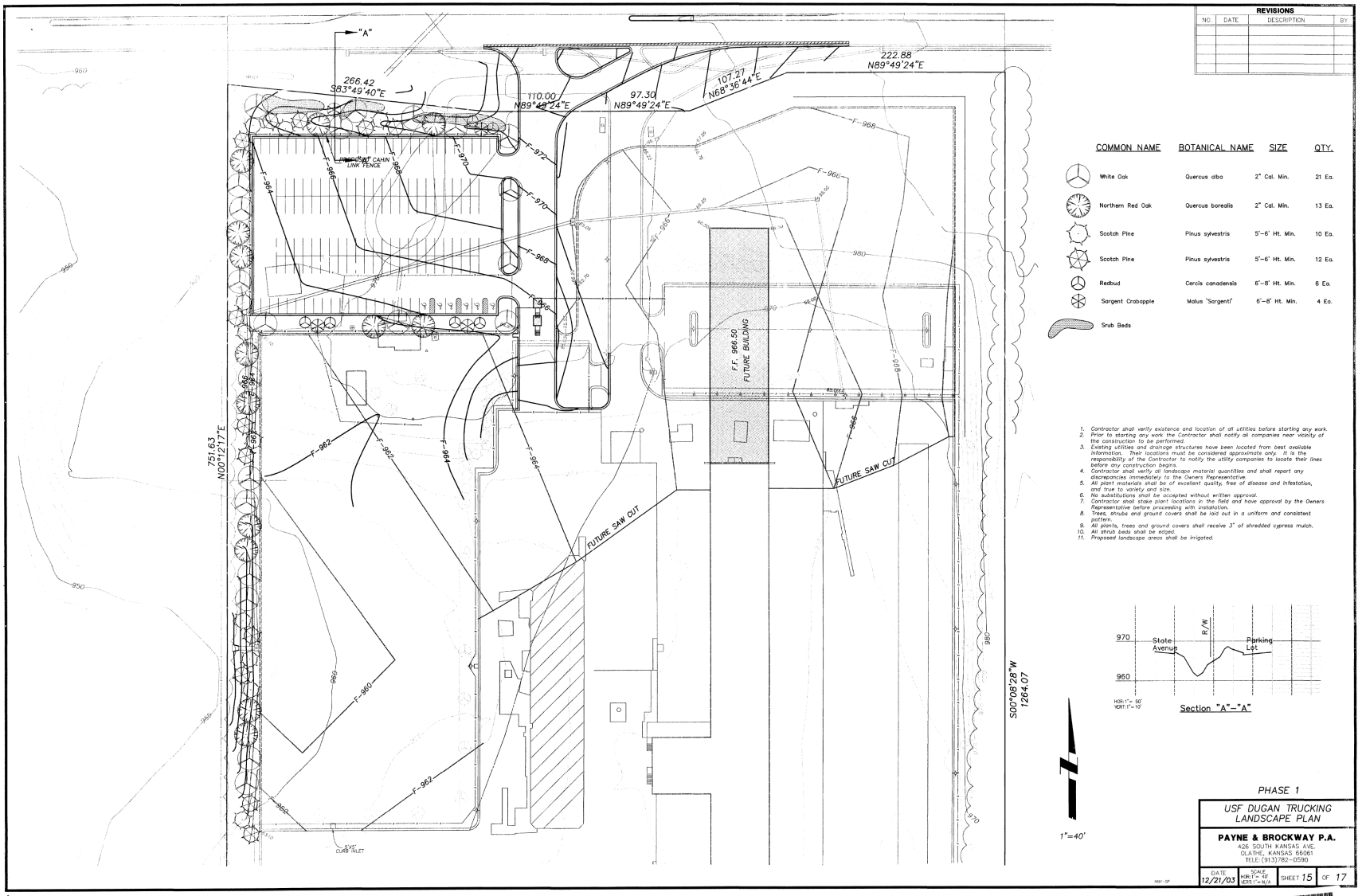
ALTA/NSPS LAND TITLE SURVEY

PREPARED FOR
RLR-YRC

DATE OF FIELD SURVEY: 12/20/2023
NETWORK PROJECT NUMBER: 20230473S-003

1-(800)-SURVEYS (787-8397)
TRANSACTION SERVICES
www.bockanddark.com mayiwehelpyou@bockanddark.com www.NV5.com


USF DUGAN
KANSAS CITY, KANSAS
PRELIMINARY SITE PLAN
SHEET NO. 1 OF 4
SHAFER, KLINE & WARREN, INC.
11100 Mill 91st St. Overland Park, KS 66214
913/888-7800 FAX: 913/888-7866
OTHER OFFICE LOCATIONS
Kansas City, MO
Boonville, MO
Chillicothe, MO
Moon, MO
CIVIL ENGINEERS ELECTRICAL ENGINEERS MECHANICAL ENGINEERS LANDSCAPE ARCHITECTS LAND SURVEYORS LAND PLANNERS
Designed by JGL
Drawn by JTK
Checked by JGL
Issue Date 5/7/01
Job No. 103747
COPYRIGHT © -2001-SHAFER, KLINE & WARREN INC.
NO. DATE REVISIONS BY APP'D
1 5/25/01 EMPLOYEE PARKING JTK SGL
2 5/25/01 CHG COUNT AND ELIMD WORDTICATION MCK SGL
3
4
5
NOTES:
1. THIS PROJECT IS NOT IN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FIRM MAP. COMMUNITY PANEL NUMBER 200363 0010 A DATED AUGUST 3, 1981.
2. PROPOSED MONUMENT SIGN SUBJECT TO THE STANDARDS SET FORTH IN SECTION 27-1378.
3. DIMENSIONS MAY VARY IN FINAL DESIGN.
AREA REQUIREMENTS
TOTAL SITE 22.69 ACRES
EXISTING OFFICE 7,200 S.F.
EXISTING RETAIL 19,800 S.F.
EXISTING SERVICE BUILDING 30,600 S.F.
PROPOSED TERMINAL 14,400 S.F.
TOTAL 71,200 S.F.
OFF STREET PARKING
REQUIRED PROVIDED
FIRST 20,000 S.F. 1,500 S.F. 40 80
20,000 – 50,000 S.F. 1/1,000 S.F. 30 40
50,000 S.F. AS DETERMINED BY THE DIRECTOR OF CITY PLANNING 1/1,000 S.F. 21 25
TOTAL 91 145
SCALE: 1" = 50'
98TH STREET
STATE AVENUE
WYANDOTTE COUNTY, KANSAS
KANSAS DEPARTMENT OF TRANSPORTATION
HM11458



REVISIONS			
NO.	DATE	DESCRIPTION	BY

COMMON NAME	BOTANICAL NAME	SIZE	QTY.
White Oak	Quercus alba	2" Cal. Min.	21 Ea.
Northern Red Oak	Quercus borealis	2" Cal. Min.	13 Ea.
Scotch Pine	Pinus sylvestris	5'–6' Ht. Min.	10 Ea.
Scotch Pine	Pinus sylvestris	5'–6' Ht. Min.	12 Ea.
Redbud	Cercis canadensis	6'–8' Ht. Min.	6 Ea.
Sargent Crabapple	Malus 'Sargenti'	6'–8' Ht. Min.	4 Ea.
Srub Beds			

1. Contractor shall verify existence and location of all utilities before starting any work.
2. Prior to starting any work the Contractor shall notify all companies near vicinity of the construction to be performed.
3. Existing utilities and drainage structures have been located from best available information. Their locations must be considered approximate only. It is the responsibility of the Contractor to notify the utility companies to locate their lines before any construction begins.
4. Contractor shall verify all landscape material quantities and shall report any discrepancies immediately to the Owners Representative.
5. All plant materials shall be of excellent quality, free of disease and infestation, and true to variety and size.
6. No substitutions shall be accepted without written approval.
7. Contractor shall stake plant locations in the field and have approval by the Owners Representative before proceeding with installation.
8. Trees, shrubs and ground covers shall be laid out in a uniform and consistent pattern.
9. All plants, trees and ground covers shall receive 3" of shredded cypress mulch.
10. All shrub beds shall be edged.
11. Proposed landscape areas shall be irrigated.

Section "A"–"A"

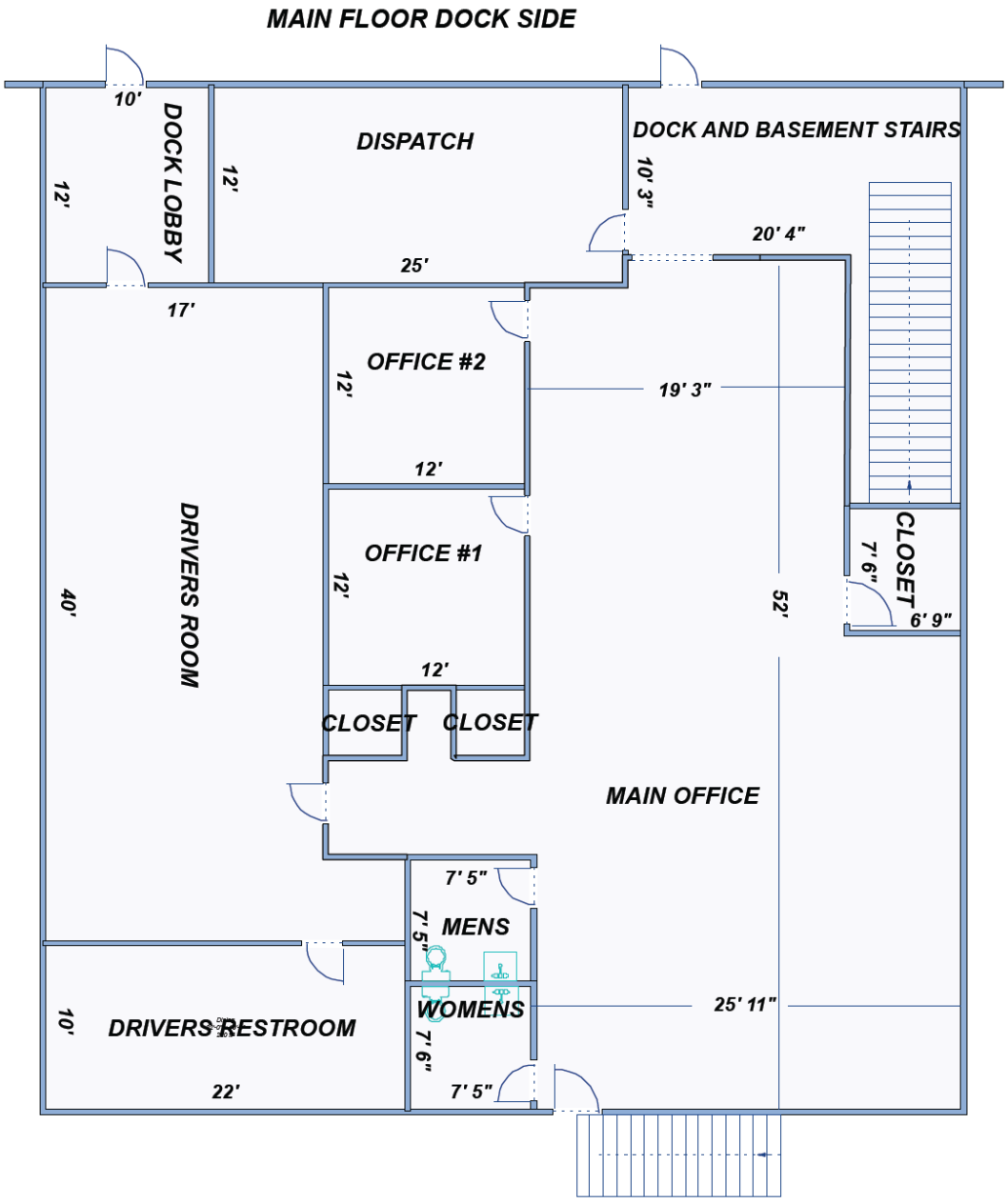
PHASE 1

USF DUGAN TRUCKING
LANDSCAPE PLAN

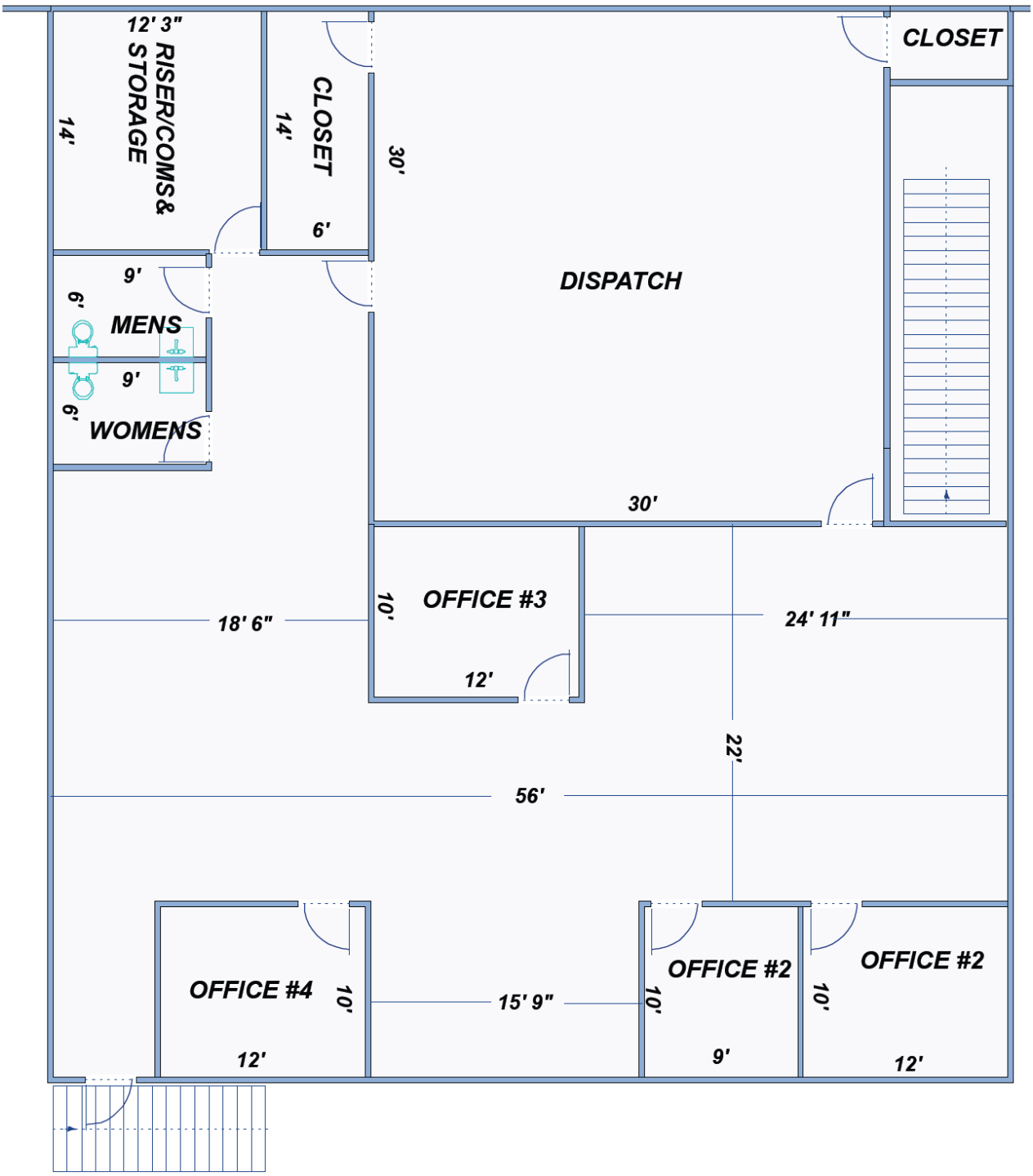
PAYNE & BROCKWAY P.A.
426 SOUTH KANSAS AVE.
OLATHE, KANSAS 66061
TELE: (913) 782-0590

DATE	SCALE	SHEET	OF
12/21/03	HOR:1"= 40' VERT:1"= N/A	15	17

HM01441


MAIN FLOOR DOCK SIDE
10'
DOCK LOBBY
12'
12'
DISPATCH
DOCK AND BASEMENT STAIRS
10' 3"
20' 4"
25'
17'
OFFICE #2
12'
19' 3"
12'
DRIVERS ROOM
40'
OFFICE #1
12'
12'
CLOSET
7' 6"
6' 9"
52'
CLOSET
CLOSET
MAIN OFFICE
7' 5"
7' 5"
MENS
10'
DRIVERS RESTROOM
WOMENS
25' 11"
7' 6"
22'
7' 5"

BASEMENT DOCK SIDE



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 5, 2024

Re: **Change of Zone Petition COZ2024-026**

GENERAL INFORMATION

Applicant Information:
Austin Thompson
Atlas Land Consulting
14500 Parallel Road Unit R
Basehor, Kansas 66007

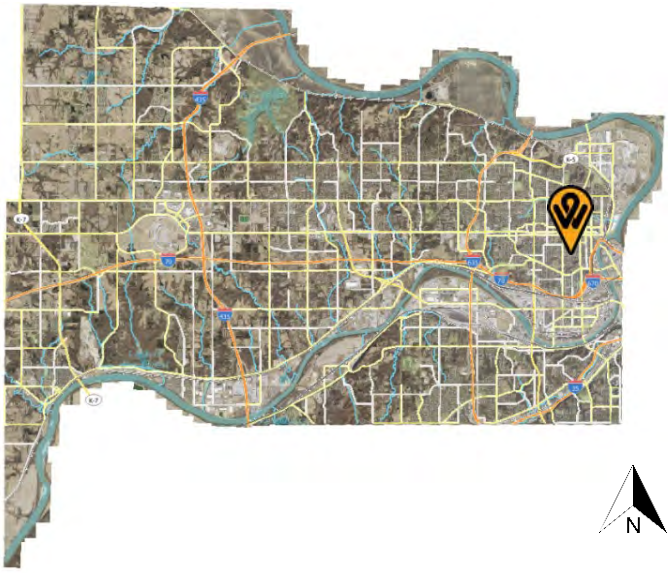
Subject Property:
313 North 10th Street
Kansas City, Kansas 66102

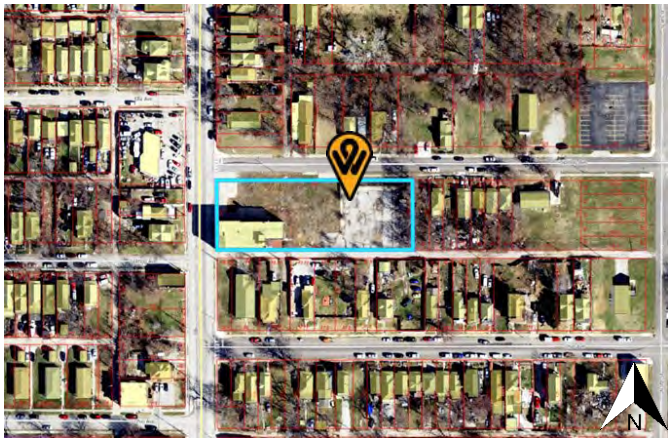
Requested Action and Purpose:
Approval of a Change of Zone from R-1(B) Single-Family District to RP-5 Planned Apartment District to convert a school building to apartments, and a Preliminary and Final Plat for one (1) lot.

Commission Districts:
At-Large District #2:
Tom Burroughs
District #2 Commissioner:
William (Bill) Burns

Existing Zoning District(s):
R-1(B) Single-Family District

Proposed Zoning District(s):
RP-5 Planned Apartment District





	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family and C-3 Commercial Districts	Vacant Residential Land and Single-Family Residences
South	R-1(B) Single Family and C-3 Commercial Districts	Vacant Residential Land, Commercial Property and Single-Family Residences
East	R-1(B) Single Family District	Single-Family Residences
West	R-1(B) Single Family and C-3 Commercial Districts	Commercial Property and Single-Family Residences

Total Tract Size: 1.03 Acres

Comprehensive Plan Area: Central Area Plan

Comprehensive Plan Designation: The Central Area Plan designates the subject property as Public/Semi-Public, which allows publicly owned or non-profit property. When these uses are sold, the city should carefully consider alternative uses for redevelopment.

Major Street Plan: The goDotte Mobility Plan designates North 10th Street as a Major Collector.

Parking Requirement: Section 27-460(d) states “One and one-half parking spaces shall be provided for each dwelling unit that has one bedroom or less. Two parking spaces shall be provided for each dwelling unit that has two bedrooms or more.

A breakdown of units/bedrooms was not provided; however, the site provides 37 parking spaces. Staff will determine if more spaces are needed.

Landscaping Requirement: Section 27-460(f) states “A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one per 4,500 square feet of site area.

Section 27-700(b)(1) states “Buffer plantings, which shall include the equivalent of a

	minimum of one evergreen tree or one shade tree and three large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property" and "All multifamily residential projects shall include at least one shade tree per eight dwelling units and one shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required".
Advertisement:	The Wyandotte Echo – August 15, 2024 Letters to Property Owners – August 16, 2024
Public Hearings:	November 12, 2024 and December 5, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consulting, is requesting a Change of Zone from R-1(B) Single-Family District to RP-5 Planned Apartment District, and a Preliminary and Final Plat for 7 lots (Splitlog Estates), to convert an abandoned school building into a 25-unit apartment building at 313 North 10th Street.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-210 through 212 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no calls for police services in the past five (5) years.

Building, Zoning, or Code Enforcement Complaints:

1. There have been numerous Notices of Violation on the property between 2020 and present day.
    a. 2022 – BSR22-0115 – Stop Work Order – Windows replaced without permits
    b. 2022 – STR22-0649 – Structural – Work without permits
    c. 2021 – PMT21-0046 – Boarding Permit
    d. 2021 – ABT21-3013 – Abatement – Weeds and Trash
    e. 2021 – UNF21-0090 – Unfit – No utilities and boarded windows

f. 2021 – VPR21-0078 – Vacant Property Registration
g. 2021 – ABT21-2075 – Abatement – Grass and Weeds
h. 2021 – CAC21-0854 – Administrative Citation – Environmental Violations
i. 2021 – CAC21-0713 - Administrative Citation – Failure to register a vacant building
j. 2021 – CAC21-0069 - Administrative Citation – Environmental Violations
k. 2021 – CAC21-0070 – Administrative Citation – Structural Violations
l. 2020 – UNS20-0018 – Unsecure Structure – Fire Damage Found

Outstanding or Related Permit and Cases:

1. There are no additional related permits or cases on the subject property.

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

Change of Zone

1. The Character of the Neighborhood.

The subject property is located within the Riverview Statistical Neighborhood, the Central Area Betterment Association (CABA) and Riverview Neighborhood Group. The neighborhood consists of a mix of residential uses, including single-family residences on small lots, duplexes, and fourplexes, as well as smaller scale commercial uses. The property is along 10th Street, a Major Collector, which runs north to Quindaro and South to Armourdale.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of property is set out above. The proposed use is surrounded by the R-1(B) Single-Family and C-3 Commercial Districts, however, several of the residences in close proximity are duplexes or fourplexes that are legal non-conforming, after neighborhood downzoning from R-5 in 2001. The proposed use for apartments is compatible with nearby property.

3. The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions detrimentally affect nearby property?

The property is suitable to be utilized as an apartment building, as it is located along a major collector street with multi-modal transportation available, with a mix of residential and commercial uses. Steps to mitigate any impact will include screening from nearby residential uses.

4. The length of time the property has remained vacant as zoned and/or the length of time the property has been actively marketed.

The property appears to have been vacant since 2019, when it was attempted to be utilized as an apartment. The building was previously a school and a warehouse.

5. ***The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.***

   The proposed development is reasonably necessary for individuals and young business professionals who want to live in the area, but do not want to purchase a single-family detached home or townhome or condo. The use is also reasonably necessary to provide another housing option type within the city.

6. ***The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.***

   The proposed development with 25 units will increase traffic along North 10th Street, as that is the only access to the property. The Traffic Impact Study is being analyzed by Public Works regarding road capacity, specifically looking at improvements to these intersections and sidewalk connections on both streets.

7. ***The degree of conformance of the proposed use to the Master Plan.***

   The proposed use does not conform to the Public/Semi-Public land use designation within the Central Area Plan; therefore, a Master Plan Amendment is required from Public/Semi-Public to High-Density Residential, which allows mid-rise and high-rise apartment buildings, condominiums, institutional uses such as schools, churches and libraries. This amendment shall be sought in tandem with a Final Development Plan.

8. ***The extent to which the proposed use could cause environmental harm or enhance the environment.***

   The proposed use should not cause environmental harm through runoff because the proposed development will capture storm water runoff by removing large areas of impervious surface and restoring these areas with grass and vegetation.

   The proposed use can enhance the environment or mitigate the intensity of use through enhanced landscaping throughout the development, internal and along the perimeter of the property and maintaining existing topography and vegetation along the west and north property lines. Landscaping and screening are imperative.

9. The extent to which utilities and public services are available and adequate to serve the proposed use.

a. Electric and Water Service

BPU provides electric and water service.

b. Sanitary Sewer Service

The UG provides sanitary sewer service.

c. Storm Water Control

To be designed to City Code.

d. Police

Police service is provided by East Patrol, District #111.

e. Fire

Fire service is provided by Station #9, which is one (1) mile away from the subject property.

f. Transit

Public Transit is provided by KCATA Route #104 – Argentine, with a stop directly in front of the building.

g. Schools

Public Education is provided by Douglas Elementary School, Carl Bruce Middle School, and Wyandotte High School, under Kansas City, Kansas USD 500.

10. The economic impact of the proposed use on the community.

The proposed use will have a beneficial economic impact on the community with the applicant converting a vacant and decaying building to an active use, increasing available housing stock and increasing the tax base. The multiple housing unit types within the complex will promote a diverse population to make use of the nearby employment, transit and retail centers.

11. The capability of the proposed use to meet applicable ordinance requirements.

The proposed use will need revisions to the site plan/design and building elevations to comply with the applicable ordinance requirements.

12. ***The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.***

    The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner is minimal. If this application is denied, the owner will still have property that is able to be developed, however, not in the way they originally sought to redevelop it as.

Preliminary and Final Plat

1. ***Whether the plat is consistent with the comprehensive plan, the major street plan and any other adopted plans.***

   The Central Area Plan designates the subject property as Public/Semi-Public, which allows publicly owned or non-profit property. The plat currently is not consistent with the area plan, as the area plan designates this property for public use; however, as the building used to be a public facility, with a Master Plan Amendment, the plat would conform.

2. ***Whether the plat is in compliance with the standards and requirements of the zoning ordinance, subdivision regulations and other applicable unified government policies and regulations.***

   The plat currently does not conform to the subdivision standards. Lots 2-7 do not meet the 3:1 lot depth to width ratio as platted. These lots, however, match the previously existing lots as well as lots surrounding the property. A variance, or a revision in the plat, however, is still necessary, as this is a new plat, rather than reverting to the previously existing lots.

3. ***Whether the subdivision is compatible in lot size, lot-to-structure proportion, building size, and architectural design with existing and proposed development on adjacent properties.***

   Development will be of such character that is can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise, or other adversity as there is access through the development for EMS and the proposed duplexes will comply with the RP-5 Planned Apartment District regulations. These lots have been designed in a manner that conforms with and compliments surrounding lots and development.

4. ***Whether the proposed subdivision will cause adverse or negative impacts on the natural or social environment.***

   The development is being designed with regard to topography, as no additional land is being disturbed, aside from land that had been previously developed on. A detention area is being added on site. The subdivision would have a positive impact on the social environment, as it is an infill development within an established residential neighborhood.

5. ***Whether the subdivision will not cause an undue burden on the unified government for maintenance of land and/or facilities.***

   The proposed subdivision will not cause an undue burden on the Unified Government for maintenance. The proposed subdivision will connect into existing utility connections and is developed within an existing, built out neighborhood.

6. ***Whether the subdivision does not encourage premature extension of public services, piece-meal or premature development based upon the location of surrounding development and the availability of public facilities and services.***

   The proposed subdivision is an infill housing development in an otherwise, previously built-out mixed-use neighborhood, and will not encourage piece-meal or premature development.

7. ***The submitted final plat does not contain any significant changes from the previously approved Preliminary Plat.***

   There are no significant changes between the Preliminary Plat and the Final Plat.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on August 23, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Sidewalk Repairs
Lots Configuration
Additional Entrances
Parking
Unit Count
Landscape Plan
Trash Enclosure

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2024-026**, subject to:

1. **The sidewalks on North 10th Street and Splitlog shall be repaired and/or replaced.**
2. **Per the applicant's submittal, the landscaping shall consist of the following:**
   - **10 trees as required by Section 27-460(f); These should be installed**

along the street on North 10th Street and Splitlog Avenue

- **16 shade trees and 48 shrubs as required for buffering by Section 27-700(b)(1) or Three (3) trees and 24 shrubs.**
- **Additional hedges shall be added along the length of the parking lot to screen any headlights from shining onto nearby property.**

3. **A final development plan shall be submitted.**
4. **A privacy fence shall be provided along the eastern property line of new lot 1.**
5. **A trash enclosure shall be provided for the waste receptacle.**
6. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.**
7. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
8. **All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street.**
9. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.**
10. **If approved, the applicant must file and maintain a current business occupation tax application with this office.**
11. **All existing and future driveways must feature curb cuts that are constructed to UG standards.**
12. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.**
13. **Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue,**

Kansas City, KS 66102, (913) 573-8620.

14. **Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat.**
15. **A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.**
16. **Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided.**
17. **All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines.**
18. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.**
19. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**
20. **In the event the a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the unified government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each shall be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such final approval shall terminate and shall be deemed null and void unless such time period is extended by the planning commission upon written application by the**

landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2024-026** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 12, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Preliminary Plat
Final Plat
Site Photos, Taken by Staff, Dated August 15, 2024

PUBLIC HEARING SCHEDULE

Action(s)	**City Planning Commission**	**Unified Government Board of Commissioners**
Change of Zone	November 12, 2024 - Approval	December 5, 2024
Preliminary and Final Plat	November 12, 2024 - Approved	Not Applicable

STAFF CONTACT: **James Molloy**
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-026** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2024-026,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2024, City Planning Commission Minutes:

Hearing starts at 1:30:15:

CHANGE OF ZONE APPLICATION COZ2024-026 – AUSTIN THOMPSON – SYNOPSIS: Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District to convert a school building into apartments at 313 North 10th Street.

PLAT2024-029 – AUSTIN THOMPSON – SYNOPSIS: Preliminary and Final Plat (Splitlog Estates) for seven (7) lots at 313 North 10th Street.

Detailed Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consulting, is requesting a Change of Zone from R-1(B) Single-Family District to RP-5 Planned Apartment District, and a Preliminary and Final Plat for 7 lots (Splitlog Estates), to convert an abandoned school building into a 25-unit apartment building at 313 North 10th Street.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Austin Thompson, Applicant, Atlas Land Consulting, 14500 Parallel Avenue, Unit R, Basehor, Kansas

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 1:33:28: Planning Director Hand stated that the request is for a change of zone and plat. The property is in the Central Area Plan. Staff received no letters in support or opposition. There is a history of Notices of Violation on this property as it has been vacant for a long time, which would be addressed by the proposed redevelopment. Staff recommends approval subject to the conditions in the staff report. Regarding Condition #1 that was from a comment from the Public Works Department to move the entrance further away from the intersection. Director Hand stated that the condition could be removed and addressed when the final development plan is subsequently submitted.

Motion starts at 1:35:05:

On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-026, striking Condition #1:**

Carson	**Chairman**
Schwartz	**Not Present**
Straws	**Aye**
Ward	**Aye**
Armstrong	**Not Present**
Beth	**Aye**
Easterwood	**Not Present**
Ernst	**Aye**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**Aye**

Motion to recommend APPROVAL Passed: 5 to 0
Subject to:

1. **The sidewalks on North 10th Street and Splitlog shall be repaired and/or replaced.**
2. **Per the applicant's submittal, the landscaping shall consist of the following:**
   - **10 trees as required by Section 27-460(f); These should be installed along the street on North 10th Street and Splitlog Avenue**
   - **16 shade trees and 48 shrubs as required for buffering by Section 27-700(b)(1) or Three (3) trees and 24 shrubs.**
   - **Additional hedges shall be added along the length of the parking lot to screen any headlights from shining onto nearby property.**
3. **A final development plan shall be submitted.**
4. **A privacy fence shall be provided along the eastern property line of new lot 1.**
5. **A trash enclosure shall be provided for the waste receptacle.**
6. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.**
7. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
8. **All exterior lighting, whether mounted on a building or within a parking lot**

must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street.

9. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.**
10. **If approved, the applicant must file and maintain a current business occupation tax application with this office.**
11. **All existing and future driveways must feature curb cuts that are constructed to UG standards.**
12. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.**
13. **Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.**
14. **Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat.**
15. **A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.**
16. **Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided.**
17. **All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines.**
18. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all**

covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

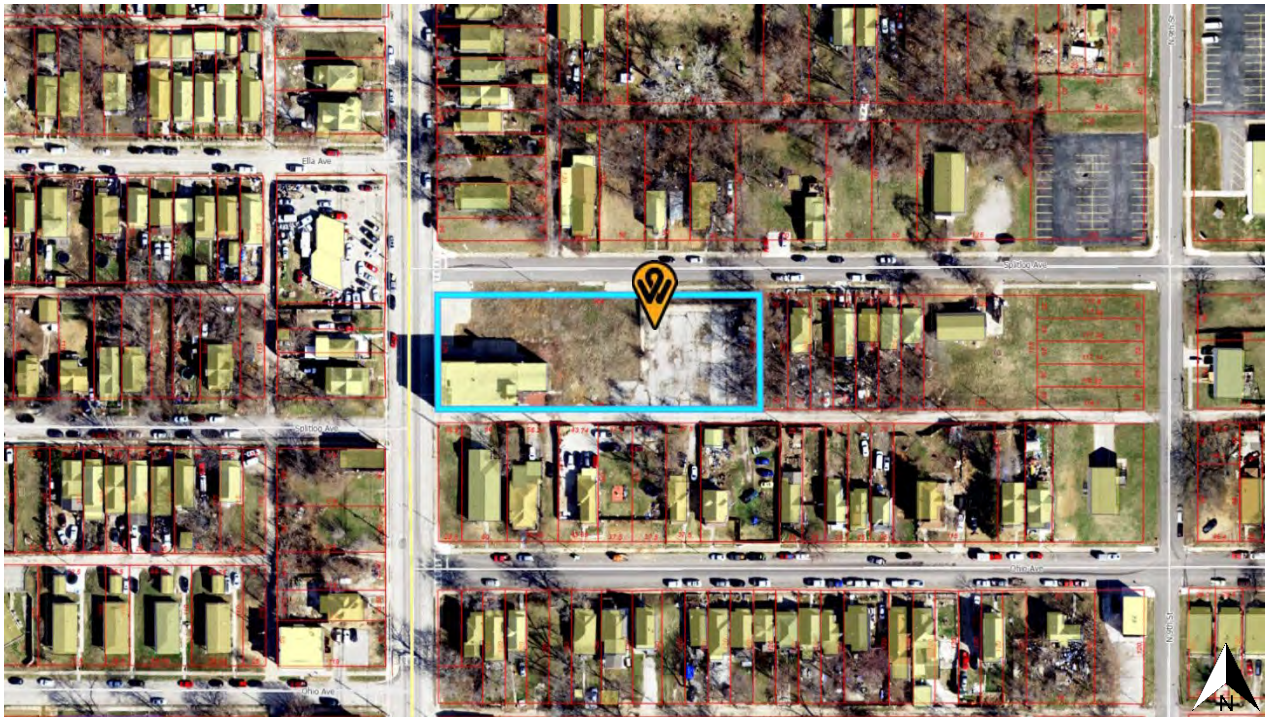
19. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**
20. **In the event the a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the unified government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each shall be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such final approval shall terminate and shall be deemed null and void unless such time period is extended by the planning commission upon written application by the landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.**

On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE Plat Application PLAT2024-029:**

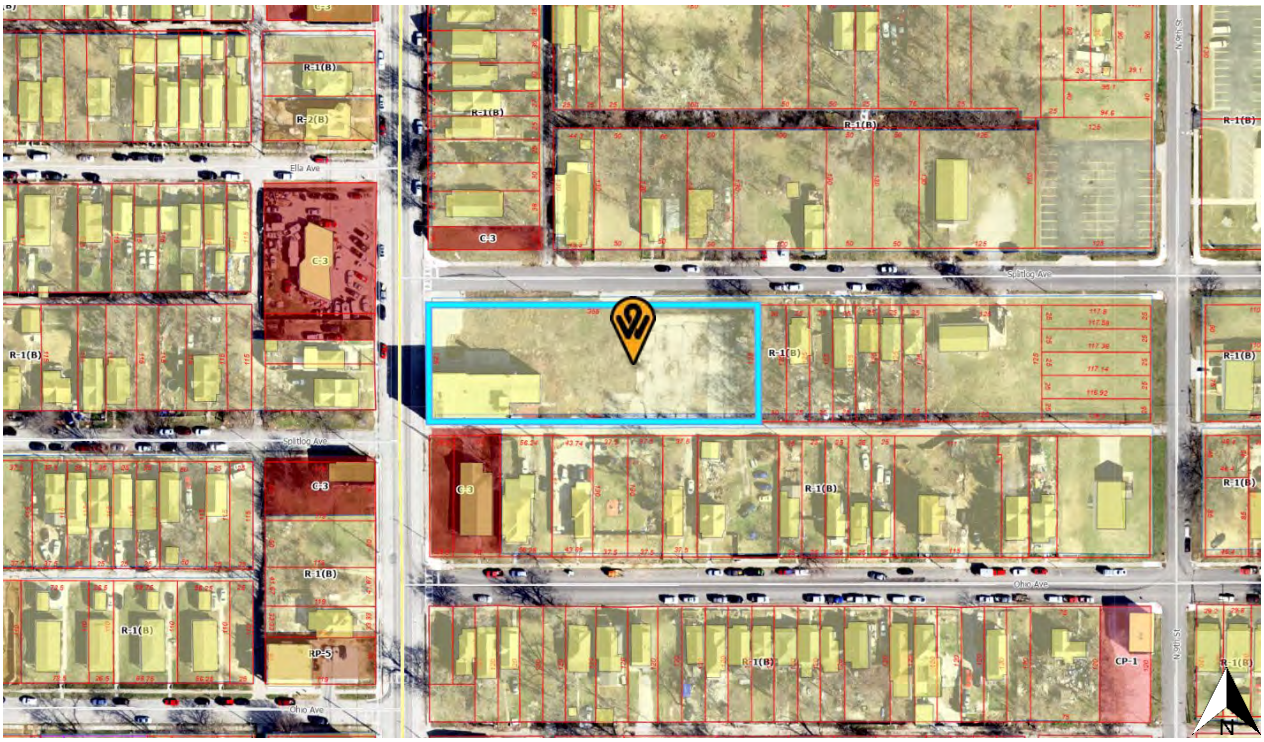
Carson	**Chairman**
Schwartz	**Not Present**
Straws	**Aye**
Ward	**Aye**
Armstrong	**Not Present**
Beth	**Aye**
Easterwood	**Not Present**
Ernst	**Aye**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**Aye**

Motion to APPROVE Passed: 5 to 0
Subject to the above conditions.

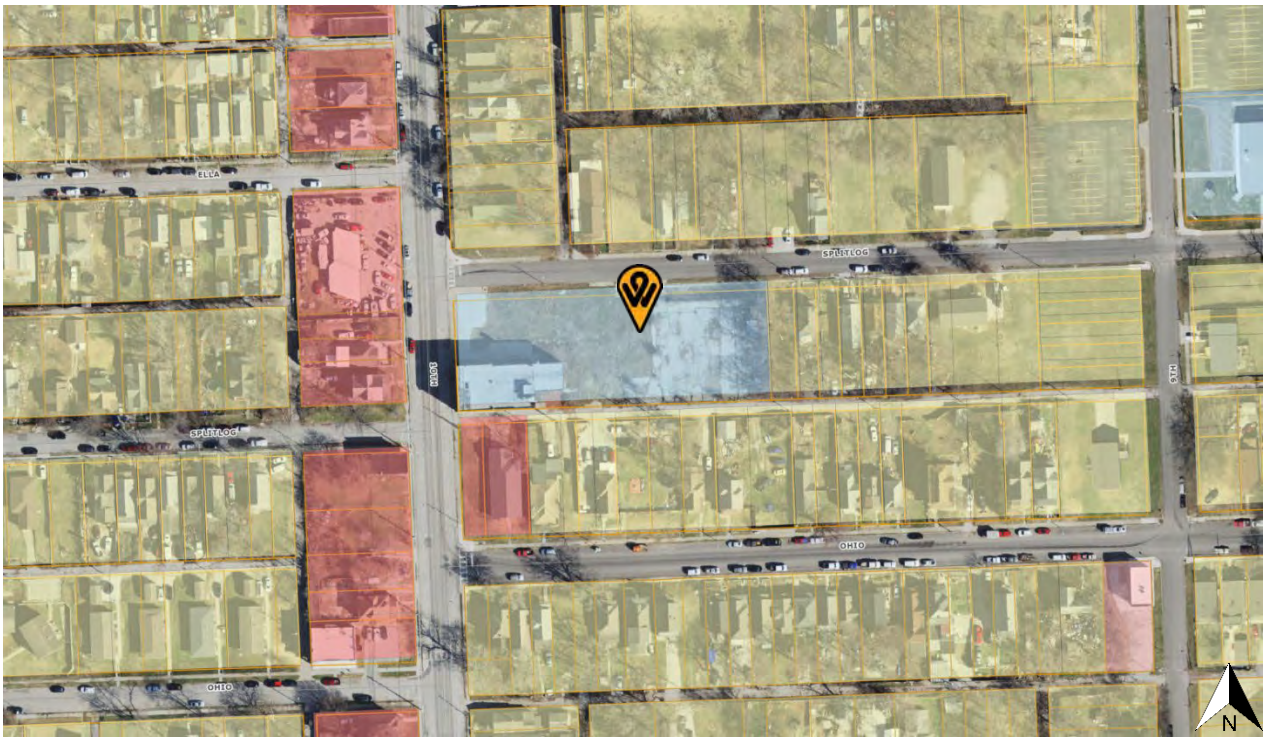
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



KS ENG COA: #3315
KS SUR COA: #363
MO ENG COA: #2022014084
MO SUR COA: #2022014231

ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073
14500 Parallel Road, Unit R, Basehor KS 66007
ANDREA@ALCONSULT-LLC.COM

Application Number: COZ2024-026 + PLAT2024-029

Date and Location: August 23, 2024 @ 6pm via Microsoft Teams

Meeting called to order at: 6pm

Names of People in attendance:

- Austin Thompson – Atlas Land Consulting 14500 Parallel Rd Unit R Basehor, Ks 66007

Meeting adjourned at: 630pm

Minutes taken by: Austin Thompson with Atlas Land Consulting

14500 Parallel Road, Unit R, Basehor Kansas 66007

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)

) SS:

COUNTY OF Leavenworth)

Comes now Austin Thompson, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # COZ 2024-026 & PLAT 2024-029
2. That I conducted a neighborhood meeting on August 23, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of August, ~~200~~ 2024

My commission expires 17th of November, ~~200~~ 2027

NOTARY PUBLIC - State of Kansas
MORGAN RUBBO
MY APPT. EXPIRES 11.17.2027

Morgan Rubbo

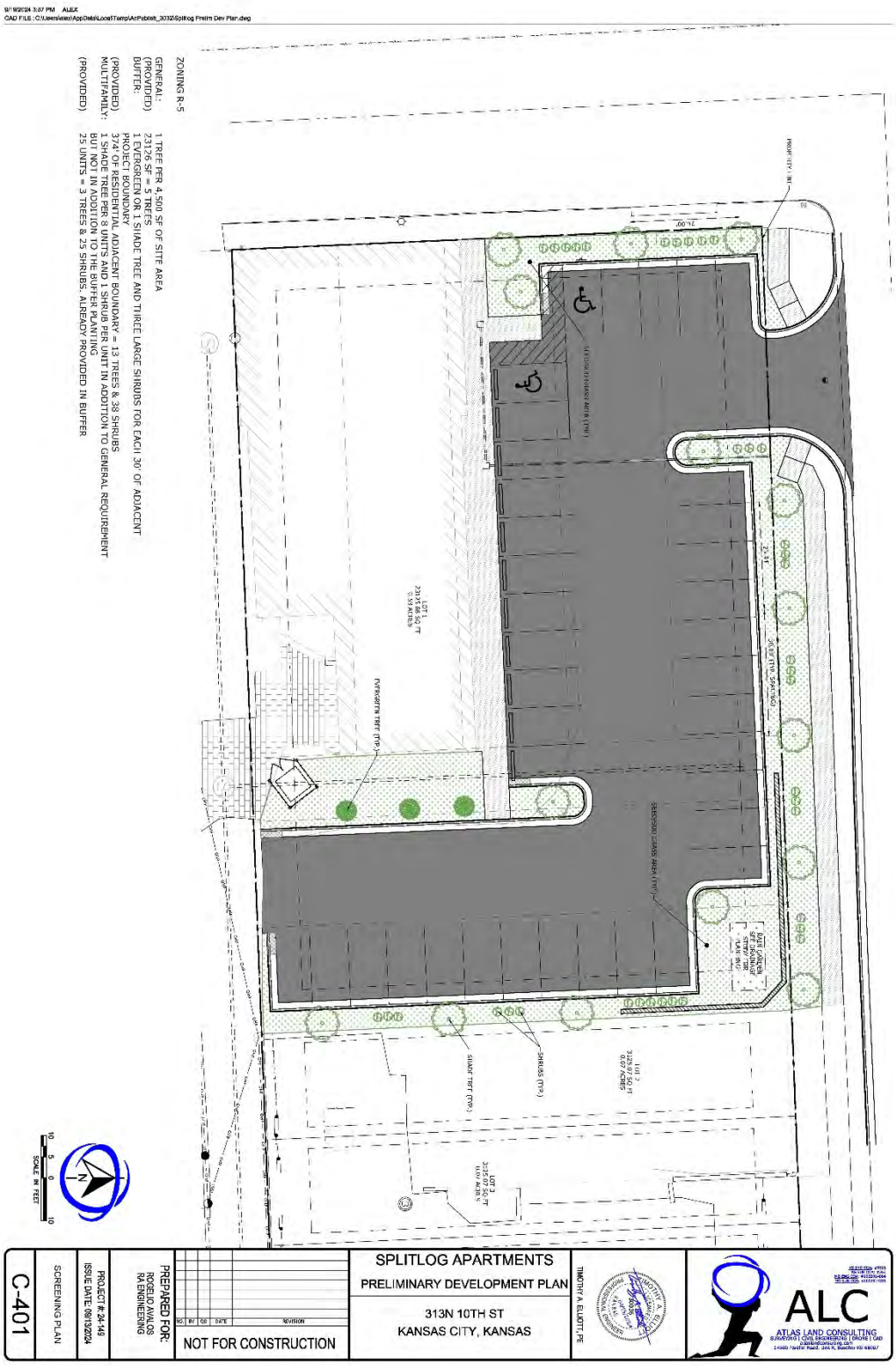
Notary Public

14500 Parallel Road, Unit R, Basehor Kansas 66007

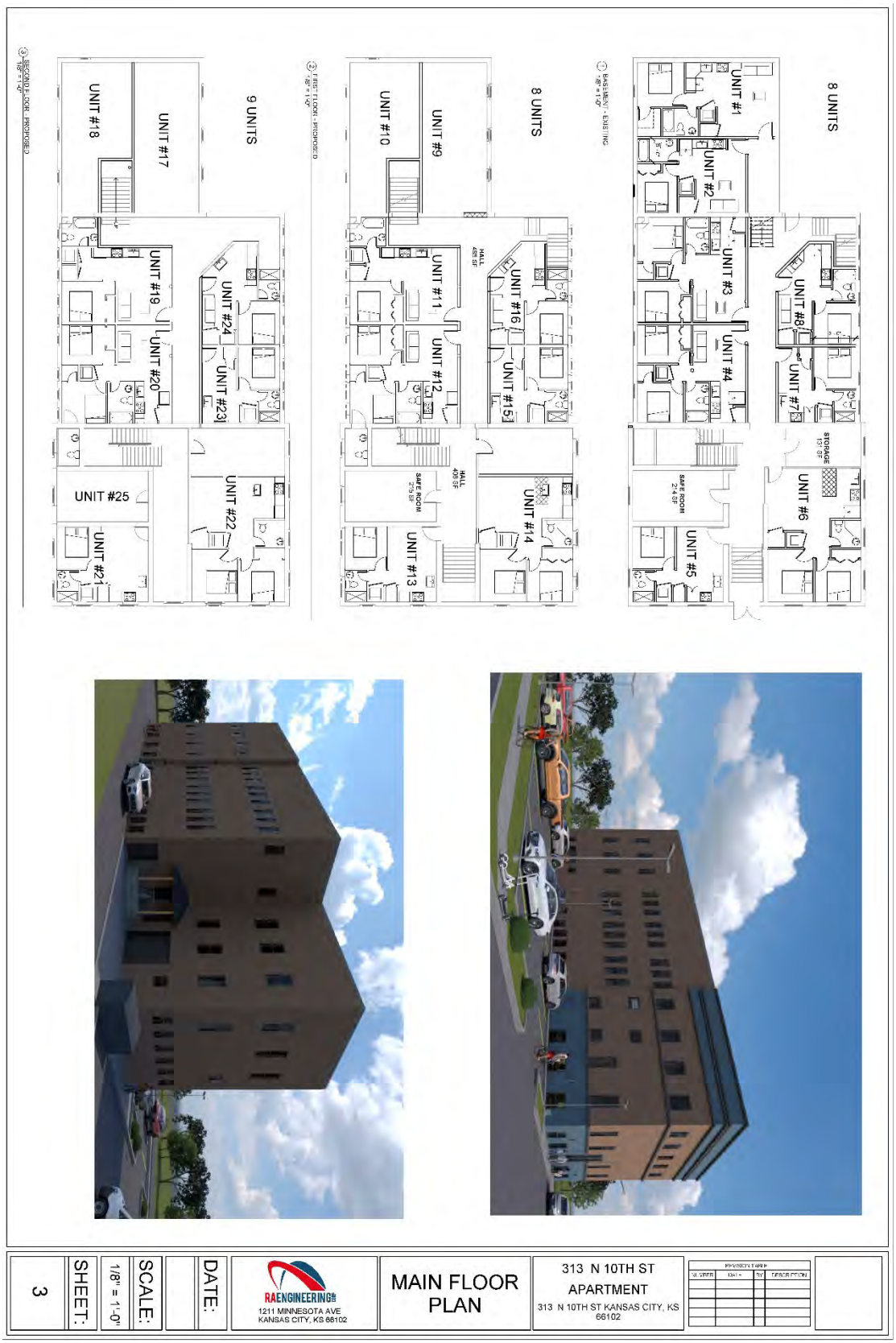
SITE PLAN

N 10TH STREET (60' R/W PER PLAT)
EXISTING BUILDING TO BE RENOVATED INTO 25 UNITS
SPLITLOG AVE (60' R/W PER PLAT)
SCALE IN FEET
SPLITLOG APARTMENTS
PRELIMINARY DEVELOPMENT PLAN
313N 10TH ST
KANSAS CITY, KANSAS
NOT FOR CONSTRUCTION
C-201
DIMENSION & UTILITY PLAN
PROJECT #: 24-140
ISSUE DATE: 09/19/2024
PREPARED FOR:
ROSELIO AVALOS
RA ENGINEERING
TIMOTHY A. ELLIOTT, PE
ALC
ATLAS LAND CONSULTING

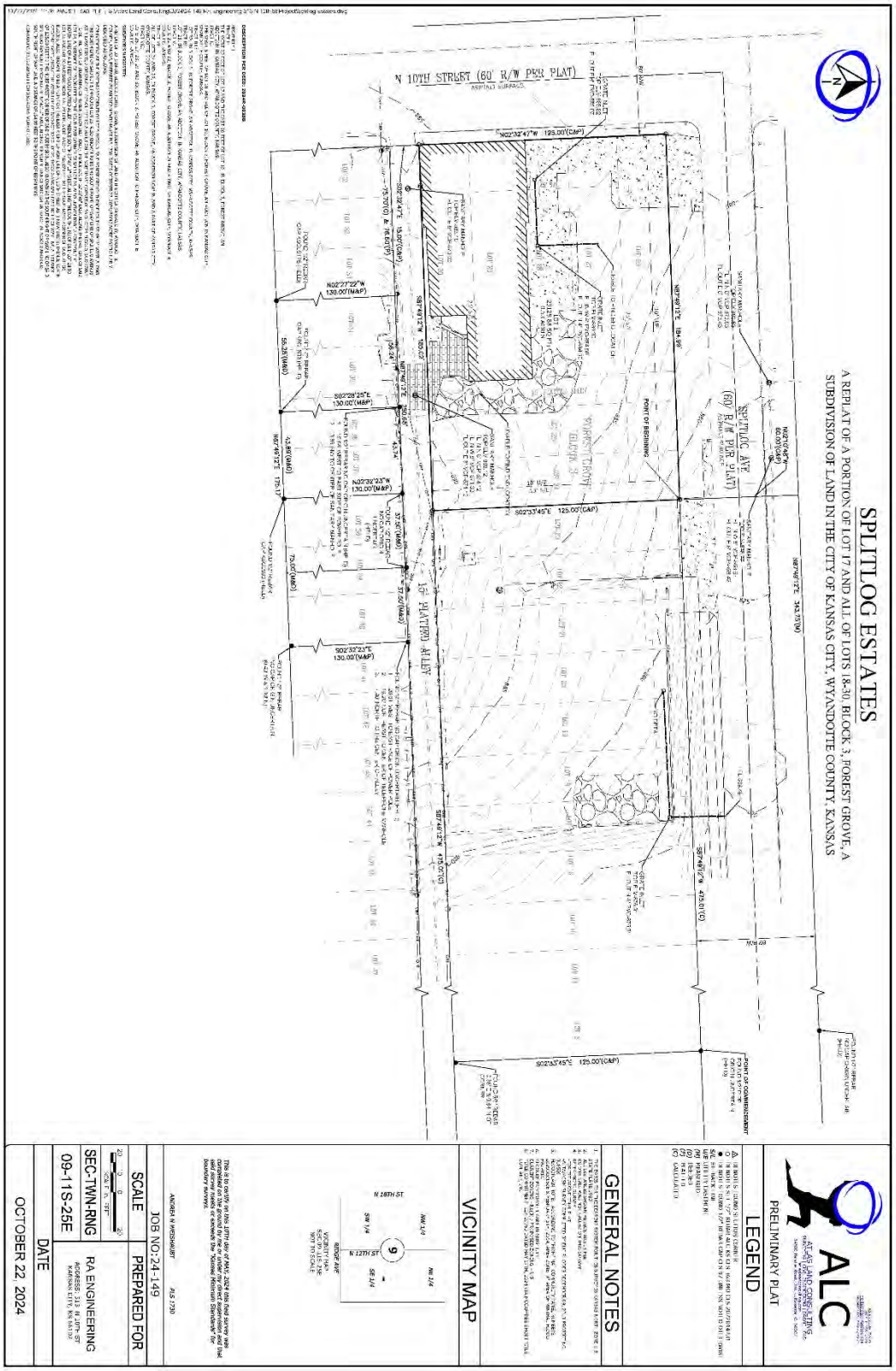
LANDSCAPE PLAN

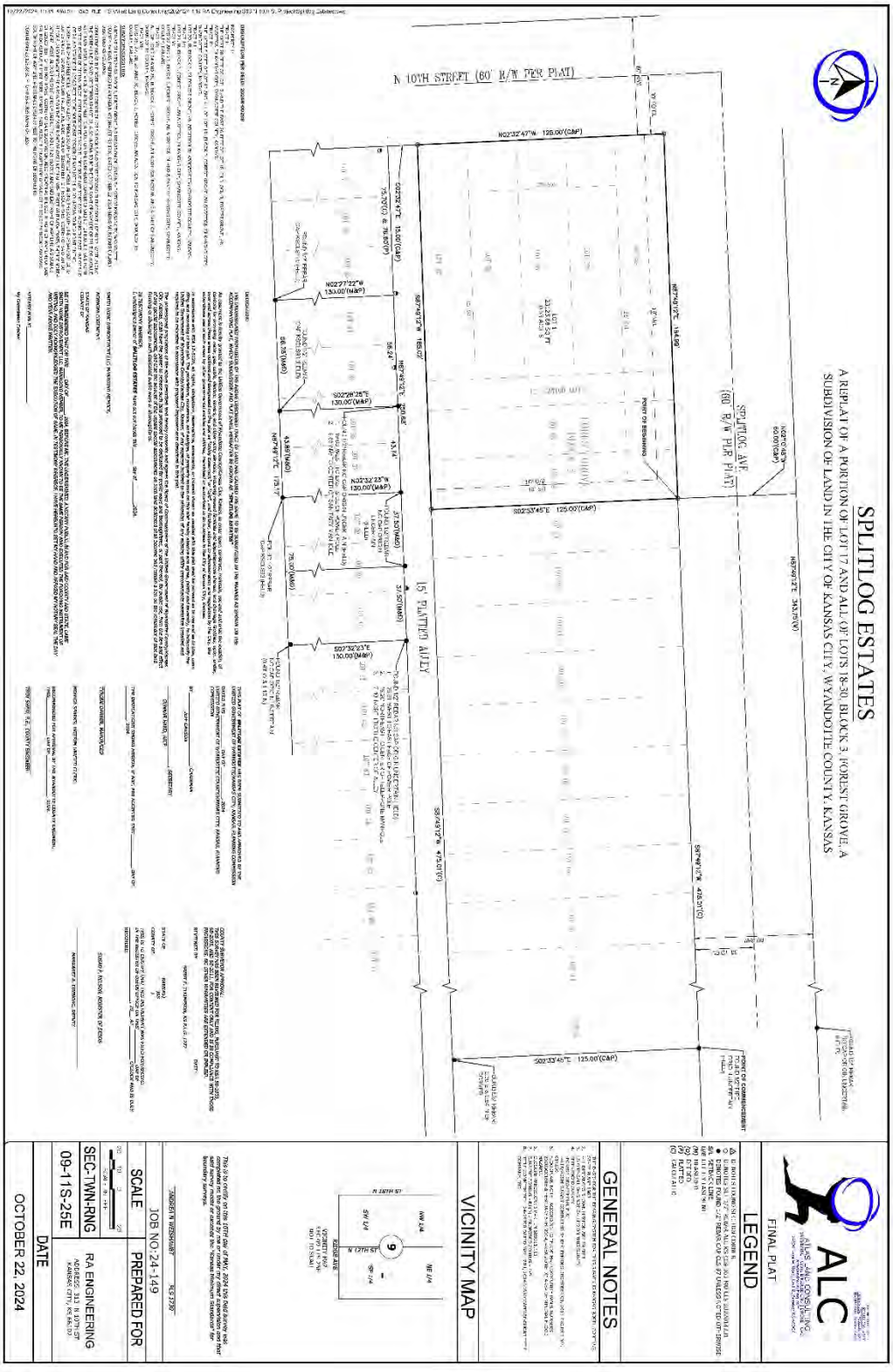


FLOOR PLAN


8 UNITS
UNIT #1
UNIT #2
UNIT #3
UNIT #4
UNIT #5
UNIT #6
UNIT #7
UNIT #8
STORAGE 131 SF
SAFE ROOM 214 SF
8 UNITS
UNIT #9
UNIT #10
UNIT #11
UNIT #12
UNIT #13
UNIT #14
UNIT #15
UNIT #16
HALL 405 SF
HALL 405 SF
SAFE ROOM 275 SF
9 UNITS
UNIT #17
UNIT #18
UNIT #19
UNIT #20
UNIT #21
UNIT #22
UNIT #23
UNIT #24
UNIT #25
SECOND FLOOR - PROPOSED
FIRST FLOOR - PROPOSED
BASEMENT - EXISTING
SHEET: 3
SCALE: 1/8" = 1'-0"
DATE:
RAENGINEERING
1211 MINNESOTA AVE
KANSAS CITY, KS 66102
MAIN FLOOR PLAN
313 N 10TH ST
APARTMENT
313 N 10TH ST KANSAS CITY, KS 66102

PRELIMINARY PLAT




SPLITLOG ESTATES
A REPLAT OF A PORTION OF LOT 17 AND ALL OF LOTS 18-30, BLOCK 3, FOREST GROVE, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS
N 10TH STREET (60' R/W PER PLAT)
SPLITLOG AVE (60' R/W PER PLAT)
15' PLATTED ALLEY
POINT OF BEGINNING
POINT OF COMMENCEMENT
GENERAL NOTES
VICINITY MAP
LEGEND
FINAL PLAT
ALC
SCALE
JOB NO: 24-149
PREPARED FOR
RA ENGINEERING
SEC-TWN-RNG
09-11S-25E
DATE
OCTOBER 22, 2024

SITE PHOTOS, TAKEN BY STAFF, DATED AUGUST 14, 2024

Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 5, 2024

Re: **Change of Zone COZ2024-029 and Special Use Permit SP2024-096**

GENERAL INFORMATION

Applicant Information:
Reid Khalil
KC Capital Investments LLC
7521 Nebraska Avenue
Kansas City, Kansas 66112

Subject Property:
7521 Nebraska Avenue
Kansas City, Kansas 66112

Requested Action and Purpose:
Approval of a Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District and Special Use Permit to operate used automotive sales lot with light repair.

Commission Districts:
Commissioner At-Large, District #1:
Melissa Bynum
District #5 Commissioner:
Mike Kane

Existing Zoning District(s):
CP-2 Planned General Business District

Proposed Zoning District(s): CP-3 Planned Commercial District

	Adjacent Zoning	Adjacent Uses
North	CP-2 Planned General Business District	High-rise housing (Kansas City Kansas Housing Authority)
South	CP-2 Planned General Business District	Restaurant
East	CP-1 Planned Limited Business and CP-2 Planned General Business Districts	Daycare
West	CP-1 Planned Limited Business District	Dental office building

Total Tract Size: 0.64 Acre

Comprehensive Plan Area: PlanKCK Comprehensive Plan

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates this property as Corridor Mixed Use, which allows medium scale, up to five (5) story buildings that integrate complimentary land uses such as retail, office small businesses and residential.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Nebraska Avenue as a Local Street.

Parking Requirement: Sec. 27-467(f) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building.

There is 4,200 square feet of floor area, which requires 17 parking spaces to be provided. The Applicant is providing 20 parking spaces.

Landscaping Requirement: Section 27-467(g) states trees are required to be provided at not less than one (1) per 7,000 square feet of site area.

Section 27-577(a)(5) states “Landscaping shall exceed the typical code requirements by at least 75 percent”.

	The site is 27,878.4 square feet, which requires 7 trees to be planted on-site. Provide a landscape plan.
Advertisement:	The Wyandotte Echo – October 17, 2024 Letters to Property Owners – October 18, 2024
Public Hearings:	November 12, 2024 and December 5, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Reid Kahlil with KC Capital Investment LLC, is requesting a Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District and a Special Use Permit for used automotive sales and auto rental.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-210 through 212 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. Numerous Property Maintenance Compliance Division violations between 2014 – 2023 for graffiti, junk, trash, debris, and work performed with permits.

Outstanding or Related Permit and Cases:

1. Gas Permit (11381-00752) for a gas pressure test.
2. Building Permit (19300-00001) for interior remodel and exterior modifications to the building.
3. Electrical (20380-00209) and Plumbing (20390-00272) Permits for new electrical, gas piping for furnace and new water heater.

Previous Planning Actions:

1. Approval of a Special Use Permit (SP-2018-91) for automotive maintenance and repair on November 29, 2018.
2. Denial of a Special Use Permit (SP2021-027) for automotive maintenance and repair on September 30, 2021.

FACTORS TO BE CONSIDERED

Change of Zone and Special Use Permit

1. The Character of the Neighborhood.

The subject property is within the Victory Hills Statistical Neighborhood, Census Block Group 0441041 and is not within any Neighborhood Group Boundary. The subject property is about one-half (½) block north of the State Avenue corridor, which is the major east/west artery through the city. There is a Kansas City Kansas Housing Authority high-rise apartment building to the northeast of the subject property. There are commercial businesses to the south, west and east.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.

The zoning and uses of properties nearby are set out above. The proposed use is considered to be compatible with the nearby uses if the development includes all of the required upgrades to the property and is managed properly. Rezoning the property to CP-3 Planned Commercial District would allow more intensive, heavy auto repair, but those uses still require a Special Use Permit. CP-3 would allow special trades/contractor's offices, whereas CP-2 does not.

3. The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions detrimentally affect nearby property?

The property is suitable for automotive uses given the existing surrounding commercial uses adjacent to a major thoroughfare. This building was a car wash prior to 2018, the converted the car wash bays into repair stalls in 2020. Removal of the restrictions will not detrimentally affect nearby property if the site is properly managed and maintained.

4. The length of time the property has remained vacant as zoned and/or the length of time the property has been actively marketed.

The property has been vacant since 2021, however, upon inspection, there are many vehicles within the fence enclosure. The photographs provided by the applicant are a false representation as to the vacancy status of the property.

5. ***The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.***

   The proposed use does not fulfill any basic necessities or services to the community, and therefore is not reasonably necessary for the convenience and welfare of the public. The extent of the development proposed on site will greatly increase the amount of impervious surfaces, traffic, and visuals, given its setback along North 98th Street. To address and mitigate these issues, signage must be in compliance with the Sign Code, best practices must be employed for stormwater runoff retention, and design practices to further limit the visual impact. If all site design requirements – including Commercial District zoning requirements and Commercial Design Guidelines requirements, then the proposed use is not expected to substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property.

6. ***The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.***

   The proposed use will inherently generate an increase in traffic on-site, as the site is being redeveloped into a new, high-traffic commercial use. It is not expected, however, that this increase in traffic will not exceed the capacity of North 75th Place or Nebraska Avenue, north Local Street, to accommodate it directly off the Major Arterial State Avenue.

7. ***The degree of conformance of the proposed use to the Master Plan.***

   Special Use Permits are not addressed in the PlanKCK Comprehensive Plan. The type of use is permitted, however, the re-establishment of automotive uses requires a Special Use Permit prior to operation pursuant to Ordinance O-42-15, as specified in Section 27-593(b)(19-20). The proposed use conforms to the PlanKCK Comprehensive Plan, which designates this property as Corridor Mixed Use, which allows medium scale, up to five (5) story buildings that integrate complimentary land uses such as retail, office small businesses and residential.

8. ***The extent to which the proposed use could cause environmental harm or enhance the environment.***

   The proposed use will not cause environmental harm unless vehicles that are in-house for repair leak fluids in the parking lot, which can infiltrate the storm sewer system.

Additional trees will be planted and a north/south sidewalk along North 75th Drive will be constructed to connect to the sidewalk at Aspen Dental, which extends the sidewalk network to the State Avenue mixed-use corridor with transit access.

9. The extent to which utilities and public services are available and adequate to serve the proposed use.

a. Electric and Water Service

Electric and Water Service is provided by BPU.

b. Sanitary Sewer Service

Sanitary Sewer Service is provided by the UG.

c. Storm Water Control

To be designed to meet City Code.

d. Police

Police service is provided by West Patrol, District #225.

e. Fire

Fire service is provided by Station #19, which is located at 80th Street and Minnesota Avenue.

f. Transit

Public Transit is provided by KCATA Route 101 – State Avenue, with a stop at 75th Street and State Avenue.

g. Schools

Public Education is provided by Claude Huyack Elementary School, Arrowhead Middle School, and Washington High School, under Kansas City, Kansas USD 500.

h. Streets

See item #6 above.

10. The economic impact of the proposed use on the community.

The proposed use will have a minimal economic impact on the community. The property will pay commercial property taxes.

11. The capability of the proposed use to meet applicable ordinance requirements.

With revisions to the site plan, the property use can meet applicable ordinance requirements.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

If this Change of Zone and/or Special Use Permit is denied, the applicant will have to find an alternate business to occupy the building at 7521 Nebraska that complies with the CP-2 Planned General Business District regulations. The relative gain to the public health, safety and welfare as compared to hardship imposed on the landowners is minimal.

13. Whether the proposed use will pollute the air, land or water.

The proposed use should not pollute the air, land or water if managed properly. The proposed use is often associated with the potential for chemical leaks, hazardous waste, and runoff. If improved surfaces are managed properly and cleaned in a timely manner, groundwater contamination will not be a problem as long as there are no cracks that can allow direct seepage directly into the ground.

14. Whether the use would damage or destroy an irreplaceable natural resource.

The proposed use should not result in the damage or destruction of an irreplaceable natural resource as it is locating in an existing, built-out commercial area.

15. The applicant's ability to maintain the use in an "as proposed" condition.

The applicant will be required to maintain the use according to the submitted plans and descriptions of the proposed use. The applicant will also be required to meet all conditions of approval.

16. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

The proposed use should not result in the overcrowding of land if it is properly managed and operates within the required conditions. The parking of cars on site may become an issue if not managed properly. The proposed use will not cause undue concentrations of population as it is a commercial use.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via in-person at 7521 Nebraska Avenue on October 16, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Previous Conditions of Approval from 2018
Parking
Sidewalks and Pedestrian Connectivity
Landscaping and Screening
Inventory Management

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **DENIAL** of Change of Zone Application **COZ2024-029**, **as the proposed future uses of the property as described by the applicant and property owner do not warrant a Change of Zone to CP-3 Planned Commercial District and are allowed within the CP-2 Planned General Business District.**

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2024-096, for two (2) years**, subject to:

1. **Sec. 27-466(c)(6) No inoperable motor vehicles shall be kept for a period longer than 48 hours and no more than two such vehicles may be kept at one time unless within a totally enclosed building. Screened outside storage for vehicles including additional inoperable vehicles may be allowed adjacent to the main building in a rear or side yard subject to the requirements set out in subsection (c)(5)b of this section and subject to the area of the storage being the lesser of the area of the building or 2,000 square feet;**
2. **The stucco that is proposed on the building shall be true, integrally colored stucco, not E.F.I.S. or field painted after the stucco has been applied;**
3. **Overhead doors shall be closed at all times except when vehicles are being loaded and unloaded into the bay;**
4. **The parking lot shall be restriped and resurfaced, as the paving material has become degraded;**
5. **In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department;**

6. **No displays on the sidewalk, this includes signs, pennants, attention-attracting devices, etc.;**
7. **The applicant and building owner shall comply with all the stipulations prior to the special use permit becoming valid and the applicant opening their business;**
8. **Construct a five (5) foot sidewalk along the east side of North 75th Drive from Nebraska Avenue to the sidewalk at Aspen Dental, which connects to the State Avenue transit corridor. There are utility poles that may need to be relocated;**
9. **Connect the new sidewalk from Nebraska Avenue to the front door;**
10. **While the property abuts commercial zoning to the north and south, the parking lot is visible from Nebraska Avenue and State Avenue. If there are vehicles that are being repaired, they need to be screened from public view. A fence similar in construction on the east side needs to be constructed on the north and south property line;**
11. **Wrought-iron fence has pointed tips that are not permitted per Section 8-250 in a commercial district. The pointed tips need to be squared off or rounded;**
12. **Section 8-250 Barbed wire fences, electrically charged fences, or fences constructed of any materials which are liable to snag, tear, cut or otherwise injure anyone coming into contact with them shall not be permitted, except as follows: barbed wire fences only to enclose the rear yard and shall not be permitted adjacent to a public street;**
13. **KCKFD may have issues with the drive aisle width and the bollards may need to be removed;**
14. **Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;**
15. **The PlanKCK Comprehensive Plan establishes the uses of the Commercial Design Guidelines by their inclusion in the current land use design;**
16. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
17. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
18. **All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
19. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
20. **If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue,**

Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;

21. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
22. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
23. **Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
24. **A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
25. **Regarding BPU transformer screening, the following applies:**
    a. **Gate doors are required for all types of screening that are placed in front of the transformers.**
    b. **Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.**
    c. **Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.**
    d. **For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.**
    e. **Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).**
    f. **Pad must have a minimum clearance of six (6) feet on each, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;**
26. **A Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;**
27. **All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building.**

Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;

28. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
29. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
30. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
31. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
32. **Subject to approval, a $125.00 ordinance publication fee per application must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
33. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all**

conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **COZ2024-029** and **APPROVAL** of Petition **SP2024-096** subject to all comments and suggestions outlined in this staff report and the reasons and conditions outlined by the City Planning Commission.

ATTACHMENTS

November 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Floor Plan
Building Elevations
Site Photos, Taken by Staff, Dated October 17, 2024

PUBLIC HEARING SCHEDULE

Action(s)	**City Planning Commission**	**Unified Government Board of Commissioners**
Change of Zone	November 12, 2024 – Denial	December 5, 2024
Special Use Permit	November 12, 2024 - Approval	December 5, 2024

STAFF CONTACT: **Byron Toy, AICP**
btoy@wycokck.org

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2024-029,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-029** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-096** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-096,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2024, City Planning Commission Minutes:

Hearing starts at 1:37:22:

CHANGE OF ZONE APPLICATION COZ2024-029 – REID KHALIL – SYNOPSIS: Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District for a used automotive sales lot with light repair at 7521 Nebraska Avenue.

SPECIAL USE PERMIT APPLICATION SP2024-096 – REID KHALIL – SYNOPSIS: Special Use Permit for a used automotive sales lot with light repair at 7521 Nebraska Avenue.

Detailed Outline of Requested Action: The applicant, Reid Kahlil with KC Capital Investment LLC, is requesting a Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District and a Special Use Permit for used automotive sales and auto rental.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Reid Khalil, Applicant, 7521 Nebraska Avenue, Kansas City, Kansas 66112

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 1:40:47: Planning Director Hand stated that the Change of Zone is being heard in conjunction with a Special Use Permit for auto sales and light repair. The property is in the PlanKCK Area in the midtown neighborhood off the State Avenue Corridor. Staff received no letters in support or opposition. There is a history of Notices of Violation on this property. Staff recommends denial of the Change of Zone as everything the applicant wishes to do with their property is allowed in the C-2 General Business District. Director Hand showed the Commission on the zoning map that there is limited C-3 zoning in this part of the corridor and none in the immediate

vicinity. As the applicant noted, the request for C-3 zoning is speculative and Staff does not support speculative rezonings.

Motion starts at 1:42:40:

On motion by Mr. Ernst, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **DENIAL of Change of Zone Application COZ2024-029 for the reasons outlined in the staff report:**

Carson	**Chairman**
Schwartz	**Not Present**
Straws	**Aye**
Ward	**Aye**
Armstrong	**Not Present**
Beth	**Aye**
Easterwood	**Not Present**
Ernst	**Aye**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**Aye**

Motion to recommend DENIAL Passed: 5 to 0

On motion by Mr. Ernst, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-096:**

Carson	**Chairman**
Schwartz	**Not Present**
Straws	**Aye**
Ward	**Aye**
Armstrong	**Not Present**
Beth	**Aye**
Easterwood	**Not Present**
Ernst	**Aye**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**Aye**

Motion to recommend APPROVAL Passed: 5 to 0
Subject to:

1. **Sec. 27-466(c)(6) No inoperable motor vehicles shall be kept for a period longer than 48 hours and no more than two such vehicles may be kept at one time unless within a totally enclosed building. Screened outside storage for vehicles including additional inoperable vehicles may be allowed adjacent to the main building in a rear or side yard subject to the requirements set out in subsection (c)(5)b of this section and subject to the area of the storage being the lesser of the area of the building or 2,000 square feet;**
2. **The stucco that is proposed on the building shall be true, integrally colored stucco, not E.F.I.S. or field painted after the stucco has been applied;**
3. **Overhead doors shall be closed at all times except when vehicles are being**

loaded and unloaded into the bay;

4. **The parking lot shall be restriped and resurfaced, as the paving material has become degraded;**
5. **In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department;**
6. **No displays on the sidewalk, this includes signs, pennants, attention-attracting devices, etc.;**
7. **The applicant and building owner shall comply with all the stipulations prior to the special use permit becoming valid and the applicant opening their business;**
8. **Construct a five (5) foot sidewalk along the east side of North 75th Drive from Nebraska Avenue to the sidewalk at Aspen Dental, which connects to the State Avenue transit corridor. There are utility poles that may need to be relocated;**
9. **Connect the new sidewalk from Nebraska Avenue to the front door;**
10. **While the property abuts commercial zoning to the north and south, the parking lot is visible from Nebraska Avenue and State Avenue. If there are vehicles that are being repaired, they need to be screened from public view. A fence similar in construction on the east side needs to be constructed on the north and south property line;**
11. **Wrought-iron fence has pointed tips that are not permitted per Section 8-250 in a commercial district. The pointed tips need to be squared off or rounded;**
12. **Section 8-250 Barbed wire fences, electrically charged fences, or fences constructed of any materials which are liable to snag, tear, cut or otherwise injure anyone coming into contact with them shall not be permitted, except as follows: barbed wire fences only to enclose the rear yard and shall not be permitted adjacent to a public street;**
13. **KCKFD may have issues with the drive aisle width and the bollards may need to be removed;**
14. **Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;**
15. **The PlanKCK Comprehensive Plan establishes the uses of the Commercial Design Guidelines by their inclusion in the current land use design;**
16. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
17. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
18. **All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**

19. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
20. **If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
21. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
22. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
23. **Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
24. **A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
25. **Regarding BPU transformer screening, the following applies:**
    a. **Gate doors are required for all types of screening that are placed in front of the transformers.**
    b. **Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.**
    c. **Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.**
    d. **For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.**
    e. **Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).**
    f. **Pad must have a minimum clearance of six (6) feet on each, three (3)**

feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;

26. **A Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;**
27. **All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;**
28. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
29. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
30. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
31. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
32. **Subject to approval, a $125.00 ordinance publication fee per application must be submitted to the Planning and Urban Design Department**

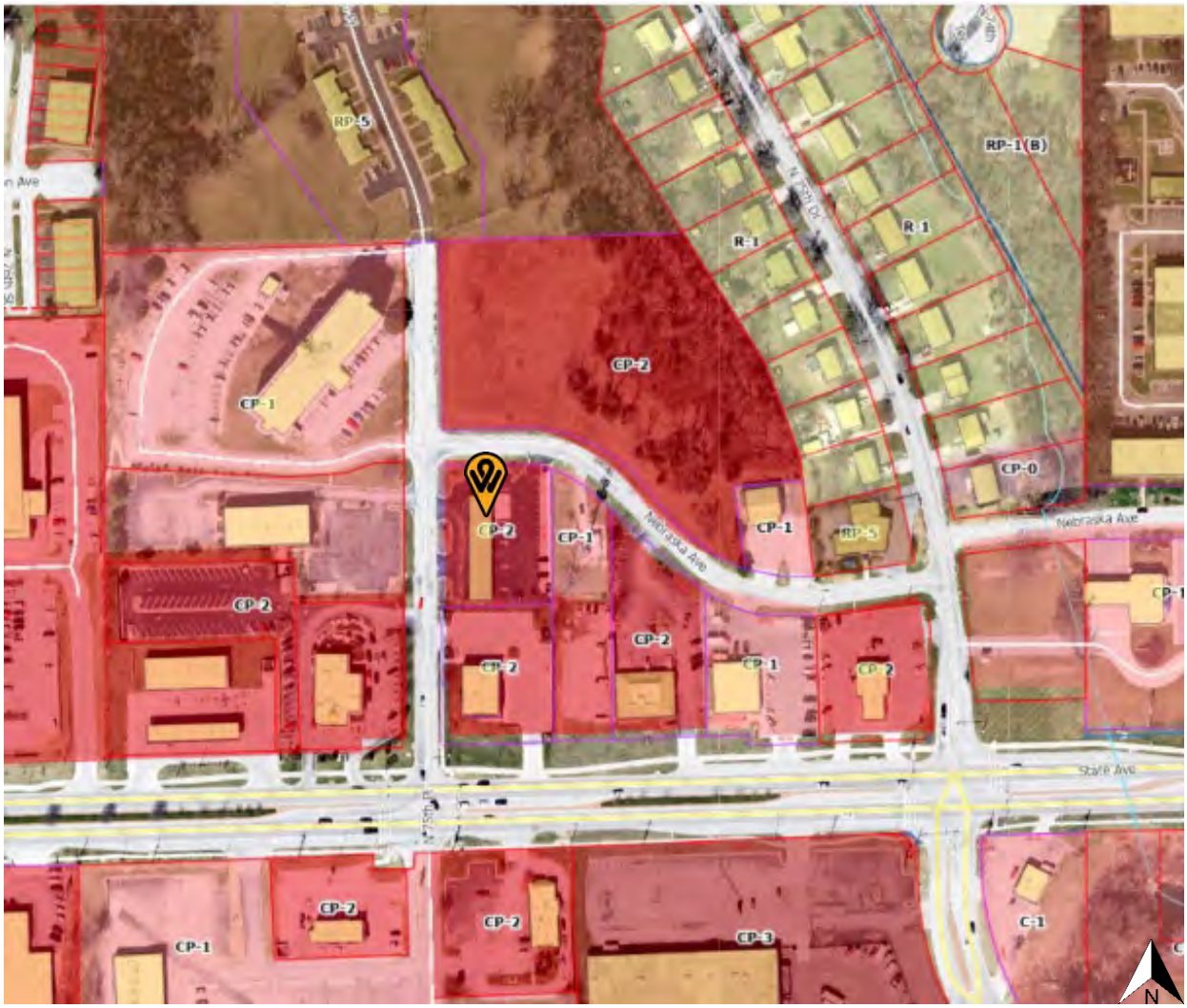
(checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

33. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

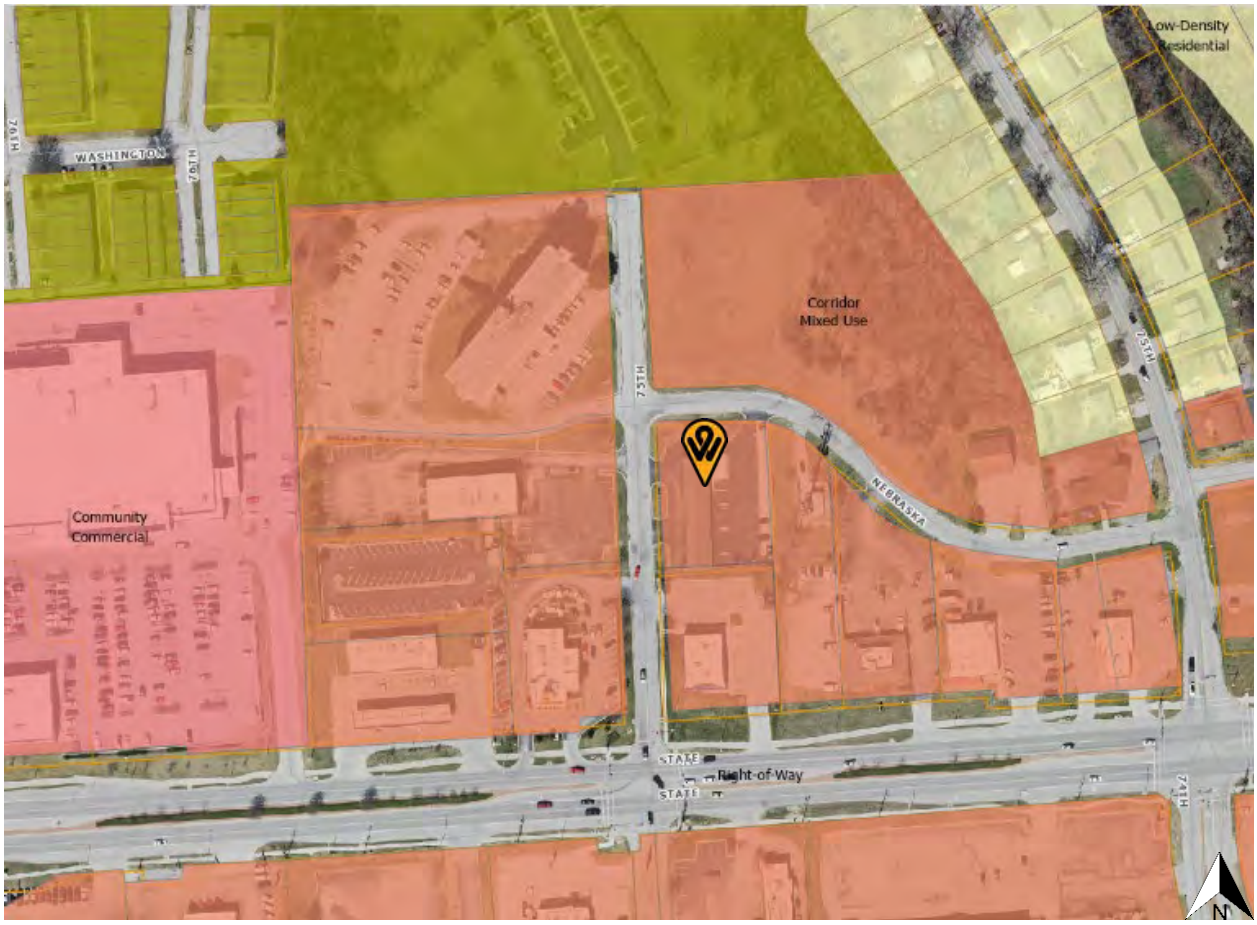
ATTACHMENTS

AERIAL IMAGERY

ZONING MAP


RP-5
RP-1(B)
R-1
R-1
CP-2
CP-1
CP-0
CP-1
CP-2
CP-1
CP-2
CP-2
CP-2
CP-1
CP-2
CP-1
CP-2
CP-2
CP-3
C-1
Nebraska Ave
State Ave
N

LAND USE MAP


Low-Density Residential
WASHINGTON
76TH
74TH
Corridor Mixed Use
75TH
NEBRASKA
Community Commercial
STATE
Right-of-Way
STATE
74TH
N

ADDITIONAL ATTACHMENTS

Sullivan Palmer architects

Planning Department
Byron Toy
913-573-5757
btoy@wycokck.org

What is the purpose of the Change of Zone to CP-3 Planned Commercial District? Speculative rezonings are not permitted, so a specific land use has to be tied to this rezoning entitlement
We are planning in the future to accommodate the rental of Trailers and Medium Size Trucks.

Who is operating the automotive sales/rental and light repair? Will this use continue if you sell the property?
Auto Mart USA will be operating the sales/rental and light auto repair. Most likely it will continue if we sell the property.

There are currently vehicles parked throughout the property without a Special Use Permit. Storing vehicle that are in the process of being sold, temporarily stored or kept on the property to be in transit is not permitted without this land entitlement.
a. How long have these vehicles been stored on the property?
Less than 3 months. We are in the process of move them out of that location

Construct a five (5) foot sidewalk along the east side of North 75th Street from Nebraska Avenue to the sidewalk at Aspen Dental, which connects to the State Avenue transit corridor. There are utility poles that may need to be relocated.
We have included on the plans a 5'-0" sidewalk along N. 75th as indicated. At the southwest corner, the sidewalk shall meander as to avoid existing power poles and power pole guide wires.

Connect the new sidewalk from Nebraska Avenue to the front door
We have connected the sidewalk to the front door on the plans by using highly visible markings on the pavement.

While the property abuts commercial zoning to the north and south, the parking lot is visible from Nebraska Avenue and State Avenue. If there are vehicles that are being repaired, they need to be screened from public view. A fence similar in construction on the east side needs to be constructed on the north and south property line
All vehicles needing repair will mostly be stored inside the bays but in the event of slight overflow, those vehicles shall be parked along the southeast corner of the property. We will modify the south fence to have opaque screening such as the east fence.

Wrought-iron fence has pointed tips that are not permitted per Section 8-250 in a commercial district. The pointed tips need to be squared off or rounded.
We will comply and make sure to get rid of all the pointed tips.

Section 8-250 Barbed wire fences, electrically charged fences, or fences constructed of any materials which are liable to snag, tear, cut or otherwise injure anyone coming into contact with them shall not be permitted, except as follows: barbed wire fences only to enclose the rear yard and shall not be permitted adjacent to a public street
We do not have an electric fence. We just put signs stating that to discourage stray people from damaging the fence. However, if these signs are not acceptable, we will remove them.

KCKFD may have issues with the drive aisle width and the bollards may need to be removed.
We will fully comply with the KCKFD requirements.

Engineering Department – General Engineering Review
Travis Trumble
913-573-5750
ttrumble@wycokck.org

On site plan sheet AS1, provide contact information for Kansas One-Call (i.e., 811)
We have included this information on the Site and Cover sheets.

ADA parking space(s) markings, sidewalks, and access to the building shall comply with ADA (Americans with Disabilities Act) requirements.
Acknowledged

Please coordinate with Byron Toy, (913-573-5757), for additional Urban Planning and Zoning requirements and comments
Acknowledged

See Erosion Control review for additional comments
Acknowledged

See Stormwater Quality review for additional comments.
Acknowledged

Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
Acknowledged

Engineering Department – Erosion Control Review
Travis Trumble
913-573-5750
ttrumble@wycokck.org

On erosion control plan sheet AS2, add a note regarding inspection, i.e., "The contractor shall inspect erosion control devices every 7 days and within 24 hours of a storm of 0.5 inches or more. The contractor shall repair damage, clean out sediment, and add additional erosion control devices as needed, as soon as practicable, after inspection" in the erosion control notes section
Please see note #7 on erosion control plan.

Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition
Acknowledged

Engineering Department – Stormwater Quality Review
Travis Trumble
913-573-5750
ttrumble@wycokck.org

Provide an Operation and Maintenance manual for the sand / oil separator in accordance with the Appendix B of the BMP MARC Manual. In this regard, the O & M shall include inspections frequency, sediment removal, corrective maintenance measures, etc. Include a statement that the UG may request inspection reports
We will reach out to the manufacturer and get the Operation and Maintenance manual and make sure to set up inspections as required and comply with all requirements.

Conditions of Approval from SP-2018-91:

Please provide a more detailed description of the uses and what the operation will entail.
We intend to primarily rent vehicles (Rent to Own) and Sales of unwanted vehicles. We also would like to plan to Rent medium size trucks and trailers in the near future. Also perform light repairs on our own vehicles.

The building is over 4,200 square feet, which requires seventeen (17) parking spaces, however only six (6) are depicted on the site plan. Additionally, please illustrate on the site plan the location of vehicles for sale. Please revise and resubmit
We have indicated on the plans 20 total spaces. 2 spaces for sales and 1 space for repair vehicle overflow.

Sec. 27-466(c)(6) No inoperable motor vehicles shall be kept for a period longer than 48 hours and no more than two such vehicles may be kept at one time unless within a totally enclosed building. Screened outside storage for vehicles including additional inoperable vehicles may be allowed adjacent to the main building in a rear or side yard subject to the requirements set out in subsection (c)(5)b of this section and subject to the area of the storage being the lesser of the area of the building or 2,000 square feet.
We will fully comply with this requirement. This note can be found on the site plan [sheet A5-1]

The stucco that is proposed on the building shall be true, integrally-colored stucco, not E.F.I.S. or field painted after the stucco has been applied
Acknowledged

Overhead doors shall be closed at all times except when vehicles are being loaded and unloaded into the bay
We will fully comply with this requirement.

The parking lot shall be restriped and resurfaced, as the paving material has become degraded
We will fully comply with this requirement.

In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department.
We did submit for a permit when we put the signs up, however we will check with the sign company and fully comply with this requirement.

No displays on the sidewalk, this includes signs, pennants, attention-attracting devices, etc.
We will fully comply with this requirement.

The applicant and building owner shall comply with all the stipulations prior to the special use permit becoming valid and the applicant opening their business
Acknowledged and will fully comply.

Date: **10/16/2024**

Name: **KC CAPITAL INVESTMENTS LLC,**

Address: **7521 NEBRESKA AVE**

City/State/Zip **KANSAS CITY, KS 66112**

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department # COZ2024-029 + SP2024-096. The purpose of this:

(please use all that applies)

*change of zone

*special use permit

*preliminary plan review

Is for a rezone to CP3 and SUP for Car Rental /Sales

At the following address : 7521 NEBRESKA AVE, KCK 66112.

I am having a neighborhood meeting on 10-16-2024 at 4:00PM at the following address 7521 NEBRESKA AVE, KCK 66112

The purpose of this meeting is to explain the proposal and to answer any questions/ concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend ,please contact me at the phone number/email listed below.

Sincerely,

REID KHALIL, MANAGER

khalilrma@gmail.com

NEIGHBORHOOD MEETING MINUTES

SPECIAL USE PERMIT # : SP 2021-027

DATE AND LOCATION : 16 OCTOBER 2024/7521 NEBRESKA AVE KCK

Meeting called to order at 4:00 PM

In attendance :{no actual} sign-in sheet

*Reid Khalil (owner/manager)
* Terri Tran (secretary)

Introductions:

Reid Khalil (owner) opened the meeting . Proposed plan packets which included site plan,floor plan, and operations narrative were available. Mr. Khalil then presented the scope of work prepared to explain the purpose of the meeting. Minutes below:

Meeting minutes:

- The meeting started promptly at 4:00PM. None of the attendance included in the meeting neighborhood meeting letter recipients attended. The owner of the project and the secretary were the only two in attendance. The meeting remained open until 6:00PM before the owner called the meeting to a close.

Meeting adjourned 6:00PM

Minutes taken by Reid Khalil (owner)

AFFIDAVIT-NEIGHBORHOOD MEETING

STATE OF Kansas)

)SS:

COUNTY OF Johnson)

Comes now Reed Khalil, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition# CoZ2024-029 +SP2024-096
2. That I conducted a neighborhood meeting on 10/16/24
3. Attached are the minutes/ summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 21st day of October 2024 October

My commission expires 10·7·25 of 7th 2024

LaDosha Lewis

Notary Public

NOTARY PUBLIC - State of Kansas
LaTosha Lewis
My Appt. Expires 10·7·25

7521 Nebraska Ave
Special Use Permit
Kansas City, KS
SULLIVAN PALMER ARCHITECTS
aia
AS-1
site plan
NEBRASKA AVE.
N. 75th PL.
SITE PLAN
Know what's below.
Call 811 before you dig.
TRASH ENCLOSURE
H.C. SIGN
PAVING DETAIL
SIDEWALK DETAIL
SAND/OIL SEPARATOR DETAIL
VICINITY MAP

7521 Nebraska Ave
Special Use Permit
Kansas City, KS
SULLIVAN PALMER ARCHITECTS
aia
A-1
title plan
1 FLOOR PLAN
A1 3/16" = 1'-0"
SCOPE OF WORK AND FLOOR PLAN NOTES:
FINISH SCHEDULE
DOOR SCHEDULE
DOOR SCHEDULE NOTES
NEW DOOR TYPES
FRAME TYPES
MATERIAL SCHEDULE
NOTES
RR RESTROOM
A1 3/4" = 1'-0"

7521 Nebraska Ave
Special Use Permit
Kansas City, KS
aia
SULLIVAN PALMER ARCHITECTS
A-2
EAST ELEVATION
NORTH ELEVATION
SOUTH ELEVATION
WEST ELEVATION

SITE PHOTOS, TAKEN BY STAFF, DATED JULY 2024

AUTO MART
USA
LEASE TO OWN VEHICLES

Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 5, 2024

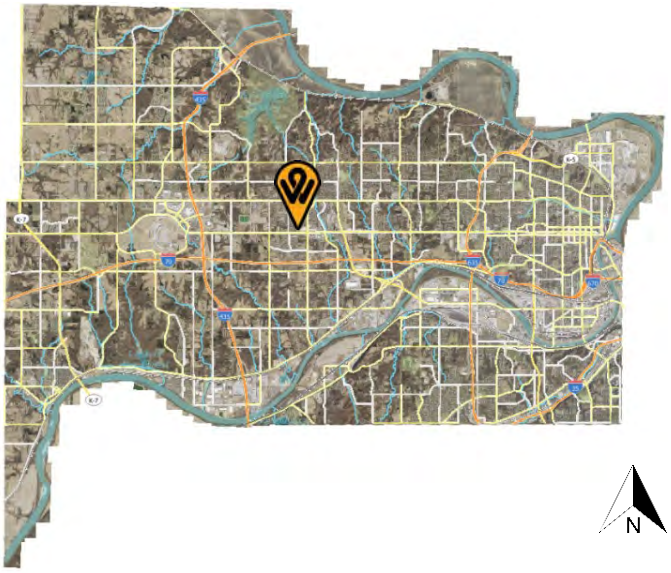
Re: **Change of Zone Petition COZ2024-030**

GENERAL INFORMATION

Applicant Information:
Alicia Tomlin
Apricus QSR
7250 Dallas Parkway, Suite 800
Plano, Texas 75024

Subject Property:
7957 State Avenue
Kansas City, Kansas 66109

Requested Action and Purpose:
Approval of a Change of Zone.



Commission Districts:
At-Large District #1:
Melissa Bynum
District #8 Commissioner:
Andrew Davis

Existing Zoning District(s):
R-1 Single-Family and
C-1 Limited Business Districts

Proposed Zoning District(s):
CP-2 Planned General Business District

	Adjacent Zoning	Adjacent Uses
North	CP-1 Planned Limited Business District	Restaurants
South	R-1 Single-Family District	Single Family Residences
East	R-1 Single-Family District and C-1 Limited Business District	Strip Center
West	C-1 Limited Business District	Strip Center and Fire Station #19

Total Tract Size: 1.06 Acres

Comprehensive Plan Area: PlanKCK Comprehensive Plan

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates the subject property as Corridor Mixed-Use, which allows for medium scale, up to five story buildings that integrate complimentary land uses such as retail, office, small businesses and residential.

Major Street Plan: The goDotte Mobility Plan designates State Avenue as a Major Arterial.

Parking Requirement: Section 27-668(5) states “Eating places, restaurants, dining rooms, snack bars. One space for each 50 square feet of seating area plus one space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply at least ten off-street parking spaces”. The proposed use provides 15 spaces.

Landscaping Requirement: Landscaping is subject to the Commercial Design Guidelines standards. Those standards are listed below.

Advertisement: The Wyandotte Echo – October 17, 2024
Letters to Property Owners – October 18, 2024

Public Hearings: November 12, 2024 and December 5, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Alicia Tomlin, is requesting a Change of Zone from R-1 Single-Family District and C-1 Limited Business District to CP-2 Planned General Business District to construct a new drive-thru restaurant at 7957 State Avenue.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-210 through 212 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There are no notices of violation on the subject property.

Outstanding or Related Permit and Cases:

1. There are no additional related permits or cases on the subject property.

Previous Planning Actions:

1. Approval of a Final Plat (Boyd Center) for three (3) lots in 2007.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Victory Hills Statistical Neighborhood and the Hunter's Glen Neighborhood group. The neighborhood consists of a variety of commercial uses, from smaller-scale retail uses to big box uses. The subject property is along the State Avenue mixed use corridor, which runs east to Downtown KCK and west into Leavenworth County. There are residential uses located to the rear of the property.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of nearby properties are set out above. The proposed use as a drive-through restaurant is compatible with nearby commercial uses, which includes drive-through restaurants and abutting residential uses if properly screened and buffered.

3. ***The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions detrimentally affect nearby property?***

   The property is suitable to be used for a small-scale drive-through restaurant. The removal of restrictions is not expected to negatively impact nearby properties, as long as proper screening from nearby residential uses is installed and proper site design is utilized to reduce conflicts between the neighboring commercial properties.

4. ***The length of time the property has remained vacant as zoned and/or the length of time the property has been actively marketed.***

   The property has never been developed.

5. ***The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.***

   The proposed use is not reasonably necessary for the convenience and welfare of the public. The use, as a restaurant, provides a convenience in the form of an additional food option for nearby residents. The proposed use is not expected to negatively impact nearby property as long as proper buffering and screening is provided. An open space easement shall be recorded for the rear-half of the property, which abuts a single-family neighborhood.

6. ***The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.***

   The proposed use will inherently increase the traffic demand, as it is a new business on an undeveloped lot. Traffic, however, will not exceed the capacity of State Avenue, a Major Arterial to accommodate it. On-site parking will increase for the new restaurant but decrease for the strip center next door. It is not expected that this arrangement will result in parking conflicts.

7. ***The degree of conformance of the proposed use to the Master Plan.***

   The PlanKCK Comprehensive Plan designates the subject property as Corridor Mixed-Use, which allows for medium scale, up to five story buildings that integrate complimentary land uses such as retail, office, small businesses and residential. The proposed plan does not conform to the Area Plan, as this is not a mixed-use development, rather, a drive through restaurant, but does not preclude future development.

8. The extent to which the proposed use could cause environmental harm or enhance the environment.

The proposed use will have a negligible impact on the environment. The use will result in trees being removed and replaced with impervious surface. Any trees removed must be replaced with new trees and additional landscaping.

9. The extent to which utilities and public services are available and adequate to serve the proposed use.

a. Electric and Water Service

BPU provides electric and water service.

b. Sanitary Sewer Service

The UG provides sanitary sewer service.

c. Storm Water Control

The UG provides storm water control.

d. Police

Police service is provided by West Patrol, District #221.

e. Fire

Fire service is provided by Station #19, which is directly adjacent.

f. Transit

Public Transit is provided by KCATA Route 101 – State Avenue, with a stop one (1) block away at 80th & State Ave.

g. Schools

Public Education is provided by Stony Point North Elementary School, Arrowhead Middle School and Washington High School, under Kansas City, Kansas USD 500.

h. Streets

See item #6 above.

10. ***The economic impact of the proposed use on the community.***

    The proposed economic impact of the proposed use is minimal, as it is a small restaurant. The restaurant, however, will provide additional jobs and an additional taxable commercial property for the UG.

11. ***The capability of the proposed use to meet applicable ordinance requirements.***

    With revisions to the proposed plan regarding building materiality and landscaping, the proposed use can meet ordinance requirements.

12. ***The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.***

    The relative gain to public health, safety, and welfare is minimal. If this application is denied, the applicant would not be able to construct this project as proposed, but may be able to construct this project differently, or a different project entirely.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on October 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Cross Access Agreement
Commercial Design Guidelines
Landscaping and Screening
Open Space Easement
Parking and Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2024-030**, subject to:

1. **The following requirements of the Commercial Development Guidelines Overlay District have not been met, and from which Applicant is requesting a deviation for approval: (Approved by Planning Commission)**
    - **Section 27-575(e)(1) states "The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block".**
    - **Section 27-575(e)(3) states "Parking located between front of building and street right-of-way must provide an additional 20 feet of**

landscaped area in addition to the required setback".

- **Section 27-575(f)(2) states "Buildings should be located in such a manner as to minimize conflicts between pedestrians and automobiles".**
- **Section 27-575(f)(3) states "Buildings should be oriented primarily to the street".**
- **Section 27-576(i) states "Drive-up and drive-through facilities, order stations, pick-up windows, bank teller windows, money machines, etc., shall be located on the side or rear of primary structures to minimize views from public streets. Drive-up and drive-through lanes should be not located between the front of the primary structure and the adjacent streets or sidewalks. Drive up facilities including drive lanes shall not be located within 150 feet of an existing residential structure, all means available should be taken to minimize the impact on adjacent residential structures";**

2. **Landscaping shall be compliant with the Commercial Design Guidelines:**
   - **Section 27-466(g) states "Trees are required to be provided at not less than one per 7,000 square feet of site area". Section 27-577(a)(5) states "Landscaping shall exceed the typical code requirements by at least 75 percent".**
   - **Seven (7) trees are required by the CP-2 zoning district. With the 75% multiplier required by the commercial design guidelines, an addition five (5) trees are required, for a total of 12 trees.**
   - **Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.**
   - **In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:**
   - **One tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage.**
   - **Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.**
   - **At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;**
3. **An open space easement shall be recorded for the area behind the building, to preserve and provide buffering from the existing residences. This buffer shall consist of 150 feet of the southern portion of the subject property;**
4. **A six (6) foot tall opaque privacy fence shall be installed in the rear of the property (preferably on the edge of the open space easement). There shall be masonry columns every 32 feet;**
5. **A cross-access easement shall be recorded with the property owner to the east;**

6. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
7. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
8. **All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
9. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
10. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
11. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
12. **Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
13. **A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
14. **A Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;**
15. **All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building.**

Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;

16. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
17. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
18. **In the event the a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the unified government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building permits and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each shall be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such final approval shall terminate and shall be deemed null and void unless such time period is extended by the planning commission upon written application by the landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2024-030** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan
Elevations
Site Photos, Taken by Staff, October 18, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Change of Zone	November 12, 2024 – Approval November 12, 2024 - Approved	December 5, 2024
Final Plan Review		Not Applicable

STAFF CONTACT: **James Molloy**
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-030** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2024-030,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2024, City Planning Commission Minutes:

Hearing starts at 1:44:45 :

CHANGE OF ZONE APPLICATION COZ2024-030 – ALICIA TOMLIN – SYNOPSIS: Change of Zone from C-1 Limited Business and R-1 Single Family Districts to CP-1 Planned Limited Business District for a drive-through restaurant at 7957 State Avenue.

PLAN REVIEW APPLICATION PR2024-033 – ALICIA TOMLIN – SYNOPSIS: Final Development Plan for a drive-through restaurant at 7957 State Avenue.

Detailed Outline of Requested Action: The applicant, Alicia Tomlin, is requesting a Change of Zone from R-1 Single-Family District and C-1 Limited Business District to CP-2 Planned General Business District to construct a new drive-thru restaurant at 7957 State Avenue.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative).

Present in Support:

- Alicia Tomlin, Applicant, 7250 Dallas Parkway, Suite 800, Plano, Texas 75024

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:48:00: Planning Director Hand stated that the request is for a Change of Zone and Plan Review for a drive-through restaurant. The property is in the PlanKCK area in the midtown neighborhood. Staff received no letters in support or opposition. There are no Notices of Violation on this property. Director Hand further stated that when the strip mall was originally built, it had split zoning to maintain R-1 in the rear and C-1 against the State Avenue corridor. The intent was to maintain a buffer to the single-family neighborhood directly to the south of the property. Staff recommends approval with the conditions in the staff report. Director Hand also stated that there are requested deviations from the Commercial Design Guidelines by the applicant, which are outlined in the conditions of approval.

Motion starts at 1:50:00 :

On motion by Mr. Ernst, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2024-030 including the deviations requested by the Applicant:**

Carson	**Chairman**
Schwartz	**Not Present**
Straws	**Aye**
Ward	**Aye**
Armstrong	**Not Present**
Beth	**Aye**
Easterwood	**Not Present**
Ernst	**Aye**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**Aye**

Motion to recommend APPROVAL Passed: 5 to 0
Subject to:

1. **The following requirements of the Commercial Development Guidelines Overlay District have not been met, and from which Applicant is requesting a deviation for approval: (Approved by Planning Commission)**
    - **Section 27-575(e)(1) states "The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block".**
    - **Section 27-575(e)(3) states "Parking located between front of building and street right-of-way must provide an additional 20 feet of landscaped area in addition to the required setback".**
    - **Section 27-575(f)(2) states "Buildings should be located in such a manner as to minimize conflicts between pedestrians and automobiles".**
    - **Section 27-575(f)(3) states "Buildings should be oriented primarily to the street".**
    - **Section 27-576(i) states "Drive-up and drive-through facilities, order stations, pick-up windows, bank teller windows, money machines, etc., shall be located on the side or rear of primary structures to minimize views from public streets. Drive-up and drive-through lanes should be not located between the front of the primary structure and the adjacent streets or sidewalks. Drive up facilities including drive lanes shall not be located within 150 feet of an existing residential structure, all means available should be taken to minimize the impact on adjacent residential structures";**
2. **Landscaping shall be compliant with the Commercial Design Guidelines:**
    - **Section 27-466(g) states "Trees are required to be provided at not less than one per 7,000 square feet of site area". Section 27-577(a)(5) states "Landscaping shall exceed the typical code requirements by at least 75 percent".**
    - **Seven (7) trees are required by the CP-2 zoning district. With the 75%**

multiplier required by the commercial design guidelines, an addition five (5) trees are required, for a total of 12 trees.

- **Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.**
- **In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:**
- **One tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage.**
- **Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.**
- **At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;**

3. **An open space easement shall be recorded for the area behind the building, to preserve and provide buffering from the existing residences. This buffer shall consist of 150 feet of the southern portion of the subject property;**
4. **A six (6) foot tall opaque privacy fence shall be installed in the rear of the property (preferably on the edge of the open space easement). There shall be masonry columns every 32 feet;**
5. **A cross-access easement shall be recorded with the property owner to the east;**
6. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
7. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
8. **All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
9. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780**

or businesslicense@wycokck.org;

10. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
11. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
12. **Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
13. **A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
14. **A Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;**
15. **All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;**
16. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
17. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
18. **In the event the a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the unified government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building**

permits and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each shall be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be considered abandoned, then in either event such final approval shall terminate and shall be deemed null and void unless such time period is extended by the planning commission upon written application by the landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.

On motion by Mr. Ernst, seconded by Mr. Straws, the Planning Commission voted as follows to **APPROVE Plan Review Application PR2024-033:**

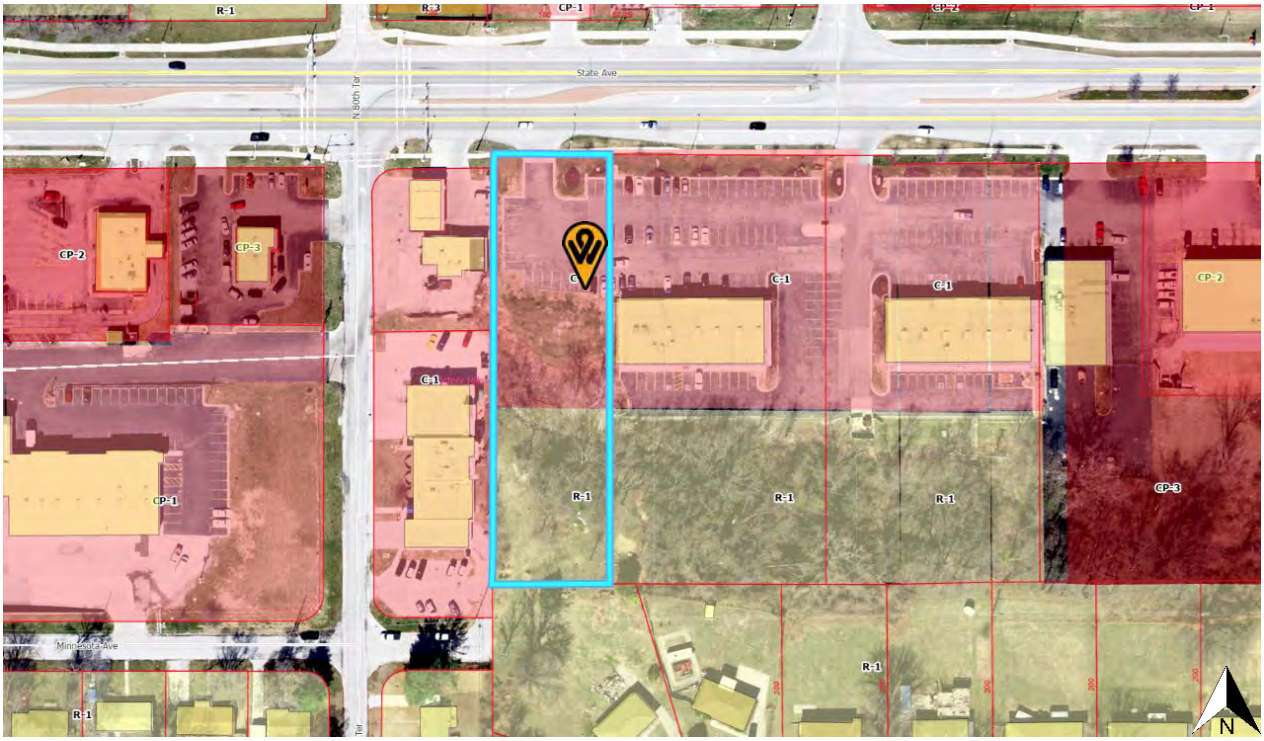
Carson	**Chairman**
Schwartz	**Not Present**
Straws	**Aye**
Ward	**Aye**
Armstrong	**Not Present**
Beth	**Aye**
Easterwood	**Not Present**
Ernst	**Aye**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**Aye**

Motion to APPROVE Passed: 5 to 0
Subject to the above conditions.

ATTACHMENTS

AERIAL IMAGERY

ZONING MAP



LAND USE MAP

A Little Caesars Franchisee

October 29th, 2024

RE: Neighborhood Meeting 10/29/24 at 6:00 PM CST by Zoom for COZ2024-030 + PR2024-033

This meeting was for a proposed Little Caesars Restaurant with Drive Thru at the following address: 7957 State Ave Kansas City, KS 66102.

The Sign in sheet is as follows:
Alicia Tomlin
Joe Agmon
Merit Franklin

No member of the public, nor public officials joined. The only commentary was between the internal employees of Apricus QSR stating we were waiting on someone to join. We remained on the Zoom until 6:20 PM CST.

Sincerely,

Alicia Tomlin
972-210-1838
alicia@chimeraconsultants.com

7250 Dallas Pkwy | Suite 800 | Plano, TX 75024

Gmail

Alicia Tomlin Barsoum <atomlin37086@gmail.com>

Meeting Summary for Alicia Tomlin's Personal Meeting Room

Meeting Summary with AI Companion <no-reply@zoom.us>
To: atomlin37086@gmail.com

Tue, Oct 29, 2024 at 6:20 PM

NEW Meeting summary with AI Companion now supports additional languages in preview. Learn More

Meeting summary for Alicia Tomlin's Personal Meeting Room (10/29/2024)

Quick recap

Joe and Alicia discussed the possibility of others joining a neighborhood meeting, with Joe being the only one present. Alicia mentioned her task of sending out letters to people within a certain distance of the property. Later, Alicia and Merit discussed an email about Mount Pleasant, with Alicia promising to follow up with Merit separately.

Next steps

- Alicia to follow up with Merit regarding Mount Pleasant.
- Alicia to call Merit to discuss further details.
- Alicia to continue monitoring the meeting until 6:15 for potential neighbor attendance.

Summary

Neighborhood Meeting and Follow-Up Discussion

In the meeting, Joe and Alicia discussed the possibility of others joining a neighborhood meeting. Joe, the VP of Operations, was present but others did not join. Alicia mentioned that she had to send out letters to people within a certain distance of the property. Joe and Alicia decided to end the meeting as no one else joined. Later, Alicia and Merit discussed an email about Mount Pleasant, with Alicia promising to follow up with Merit separately.

AI-generated content may be inaccurate or misleading. Always check for accuracy.

Edit

Please rate the accuracy of this summary.

Best,

Zoom

+1.888.799.9666

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San Jose, CA 95113

delivery_date_date	send_date_date	to_address1_text	to_address2_text	to_city_text	to_name_text	to_state_text	to_zip_text	tracking_number_text
10/23/24 19:09	10/15/24 21:14	8309 ISABEL STRET		KANSAS CITY	CLAUDINE SANDERS/STONY POINT/HUNTERS GLEN NGH ASSOC	KS	66112	1Z9044864220[illegible]
10/22/24 13:41	10/15/24 21:14	701 NORTH 7TH STREET	9TH FLOOR	KANSAS CITY	COMMISSIONER ANDREW DAVIS	KS	66101	1Z9044864435x9437473546025077[illegible]
10/22/24 19:08	10/15/24 21:14	5004 NW STRATHBURY AVE		RIVERSIDE	AL KHUZAMI PROPERTIES, LLC	MO	64150	1Z9044864501x5857184045808164[illegible]
10/22/24 13:41	10/15/24 21:14	701 NORTH 7TH STREET	9TH FLOOR	KANSAS CITY	COMMISSIONER MELISSA BWUM	KS	66101	1Z9044867965x941071546702[illegible]
10/22/24 18:02	10/15/24 21:14	908 N 80TH TER		KANSAS CITY	RICHARD JANSEN	KS	66112	1Z9044868128x8622765020471[illegible]
10/22/24 13:47	10/15/24 21:14	1008 STONE MEADOWS DR		LAWRENCE	WEI ZHANG TONG	KS	66049	1Z9044871013x2573839364[illegible]
10/23/24 19:09	10/15/24 21:14	11301 W 67TH TER		SHAWNEE	GABEL RENTALS, LLC	KS	66203	1Z9044873048x8447241751574[illegible]
10/22/24 17:08	10/15/24 21:14	P O BOX 3281		SHAWNEE	GO CHICKEN GO INC	KS	66218	1Z9044876201x7210589541090[illegible]
10/22/24 18:02	10/15/24 21:14	8001 MINNESOTA AVE		KANSAS CITY	AYALA, JESSICA	KS	66112	1Z9044877085x7633257980342[illegible]
10/25/24 16:46	10/15/24 21:14	7940 ARMSTRONG AVE		KANSAS CITY	JOYCELYN M CRUMPTON	KS	66112	1Z9044878010x8983579408149[illegible]
10/21/24 14:41	10/15/24 21:14	353 N CLARK ST	STE 3025	CHICAGO	TCB-WESTFIELD, LLC	IL	60654	1Z9044880891x6484081140727[illegible]
10/22/24 13:51	10/15/24 21:14	1008 STONE MEADOWS DR		LAWRENCE	WILSON TONG	KS	66049	1Z9044883038x4033903444[illegible]
10/22/24 18:08	10/15/24 21:14	7924 ARMSTRONG AVE		KANSAS CITY	LILLIAN CHATMON	KS	66112	1Z9044886505x1164449237[illegible]
10/22/24 18:08	10/15/24 21:14	8001 MINNESOTA AVE		KANSAS CITY	AYALA, JAVIER	KS	66112	1Z9044887111x2158790365[illegible]
10/23/24 19:08	10/15/24 21:14	10806 W 143TH ST		OVERLAND PARK	GOLD PROPERTIES LLC	KS	66221	1Z9044888166x4164917281[illegible]
10/23/24 12:50	10/15/24 21:14	701 N 7TH ST	STE 421	KANSAS CITY	UNIFIED GOVERNMENT WYCO/KCK	KS	66101	1Z9044891101x4826188477440[illegible]
10/22/24 18:04	10/15/24 21:14	7907 ARMSTRONG AVE		KANSAS CITY	EVELYN L BROWN	KS	66112	1Z9044893047x5109816268818[illegible]
10/23/24 19:08	10/15/24 21:14	7903 STATE AVENUE		KANSAS CITY	BARTMAN, DAVID	KS	66112	1Z9044895047x5739241745741[illegible]
10/23/24 19:08	10/15/24 21:14	12801 E US HIGHWAY 40		INDEPENDENCE	CALVERT'S EXPRESS REAL ESTATE CO., LLC	MO	64055	1Z9044897046x2501078941286[illegible]
10/22/24 18:01	10/15/24 21:14	7902 ARMSTRONG AVE		KANSAS CITY	CARZIE BROWN JR	KS	66112	1Z9044899217x4832128451403[illegible]
10/22/24 19:09	10/15/24 21:15	501 NORTH 96TH STREET		KANSAS CITY	NORM SCOTT/HUNTERS GLEN NGH ASSOCIATION	KS	66112	1Z9044901097x6979322603494[illegible]
10/22/24 13:41	10/15/24 21:15	700 W 47TH ST	#200	KANSAS CITY	S-79 INVESTMENT CO	MO	64112	1Z9044903218x7233040560766[illegible]
10/22/24 18:02	10/15/24 21:15	7941 ARMSTRONG		KANSAS CITY	CHRISTOPHER WAMPLER	KS	66112	1Z9044905136x2846396532301[illegible]
10/23/24 19:09	10/15/24 21:15	4602 PENNSYLVANIA AVE	STE 700	KANSAS CITY	BLOCK REAL ESTATE SERVICES LLC	MO	64112	1Z9044907174x1254485265[illegible]
10/23/24 19:09	10/15/24 21:15	909 N 80TH TER		KANSAS CITY	RAYLINN LASTER-WHITE	KS	66112	1Z9044909060x0861767310739[illegible]

SITE PLAN

SITE DATA TABLE
LOCATION MAP
NOT TO SCALE
SITE
PROPOSED SITE LEGEND
GENERAL NOTES
SITE KEY NOTES:
GRAPHIC SCALE
THESE DOCUMENTS ARE PROVIDED AS A CONSTRUCTION DOCUMENT TEMPLATE FOR THIS BUILDING TYPE AND ARE NOT APPROVED FOR CONSTRUCTION. THESE DRAWINGS MUST BE REVIEWED AND ADAPTED BY A LICENSED ARCHITECT AND/OR ENGINEER TO MEET ALL STATE AND LOCAL JURISDICTIONAL REQUIREMENTS FOR SITE-SPECIFIC PROJECTS. MODIFICATIONS THAT CHANGE THE IMAGE, ELEMENTS OR KITCHEN OPERATIONS MUST BE APPROVED BY LITTLE CAESARS BRAND ARCHITECT PRIOR TO CONSTRUCTION.
Little Caesars ENTERPRISES, INC.
project number
drawn
checked
approved
SITE PLAN
C2.0

ELEVATIONS

BUILDING MATERIALS TOTALS
NORTH ELEVATION
SOUTH ELEVATION
EAST ELEVATION
WEST ELEVATION
Little Caesars
LITTLE CAESARS
7851 STATE AVENUE
KANSAS CITY, KS 66112
ELEVATIONS
A3.1

SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 18, 2024

Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 5, 2024

Re: **Special Use Permit Petition SP2024-085**

GENERAL INFORMATION

Applicant Information:
Erick Medina
Brother Auto Sales
49 South 7th Street
Kansas City, Kansas 66101

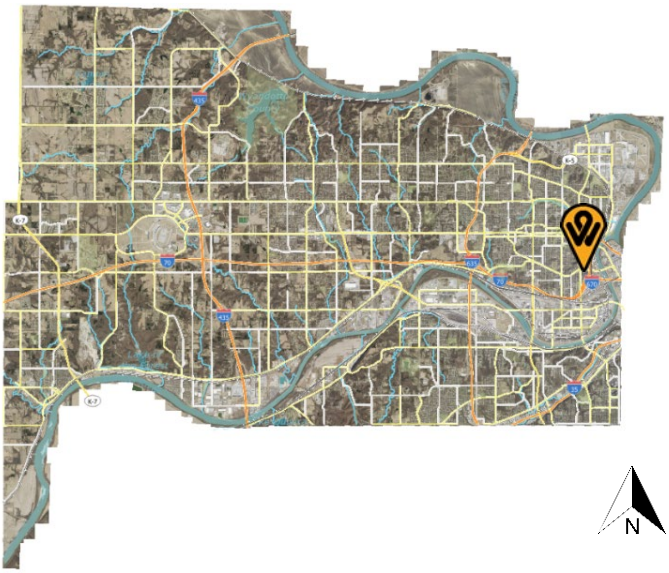
Subject Property:
49 South 7th Street
Kansas City, Kansas 66101

Requested Action and Purpose:
Approval of a Special Use Permit for used auto sales.

Commission Districts:
Commissioner At-Large, District #2: Tom Burroughs
District #2: William (Bill) Burns

Existing Zoning District(s):
C-3 Commercial District

Plan Area:
Central Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-Family Residence
South	C-3 Commercial District	Drinking Establishment
East	R-1(B) Single Family District	Single-Family Residence
West	C-3 Commercial District	Office Building

Total Tract Size: 0.14 Acres

Comprehensive Plan Designation: The Central Area Plan designates the subject property as Community Commercial, which allows uses that are intended to provide goods and services to adjacent districts and neighborhoods. Uses may include medium-sized box stores with small scale accessory commercial uses and small-scale commercial centers.

Major Street Plan: The goDotte Mobility Plan designates South 7th Street Trafficway as a Major Arterial.

Parking Requirement: Section 27-467(e) states "Uses in this district require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building".

The building is less than 1,000 square feet, requiring only four (4) spaces. The property, however, appears to provide 11 spaces.

Landscaping Requirement: Section 27-467(g) states "Trees are required to be provided at not less than one per 7,000 square feet of site area. Six-foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.

Advertisement: The Wyandotte Echo – September 19, 2024
Letters to Property Owners – September 20, 2024 and October 8, 2024

Public Hearings: November 12, 2024 and December 5, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Erick Medina, is requesting a Special Use Permit to operate a used automobile dealership at 49 South 7th Street Trafficway.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been two (2) noise or disturbance complaints between 2017 and 2019.
    a. 2019 – 2019-64614 – Criminal Damage
    b. 2017 – 2017-74262 – Criminal Damage

Building, Zoning, or Code Enforcement Complaints:

1. There have been several Notices of Violation on the property prior to 2020.
    a. 2019 – 19200-03824 – Environment – Grass and Weeds
    b. 2018 – 18200-02100 – Environment – Grass and Weeds
    c. 2018 – 18200-01618 – Environment – Trash and Debris
    d. 2016 – 16200-02479 – Environment – Grass and Weeds
    e. 2016 – 16200-03414 - Environment – Weeds and Debris

Outstanding or Related Permit and Cases:

1. There are no additional related permits or cases on the subject property.

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Riverview Statistical Neighborhood, the Central Area Betterment Association (CABA) and the St. Joseph's Watchdogs group. The neighborhood consists of primarily small-lot residences of various types, small-scale mixed-use buildings and businesses, and institutional uses, such as a church and community center.

2. ***The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.***

   The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single-Family District. The proposed use, which is commercial in nature, is not necessarily compatible with nearby uses, as many of the uses nearby are either residential in nature, or small-scale businesses, rather than a higher intensity commercial business, such as a car dealership.

3. ***The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?***

   The property is suitable for automotive sales if managed properly. It has historically been used as a used automobile dealership. The surrounding neighborhood, however, is comprised of mostly small-scale businesses, institutional uses, and residences. The presence of a used auto dealership may create issues with visual quality, marketability, and compatibility with nearby property.

4. ***The length of time the property has remained vacant as zoned.***

   The property has been vacant since 2020, when it was last operated as a used automobile dealership.

5. ***The degree of conformance of the proposed use to the Comprehensive Plan.***

   Special Use Permits are not addressed in the Central Area Plan. The Central Area Plan designates the subject property as Community Commercial, which allows uses that are intended to provide goods and services to adjacent districts and neighborhoods. Uses may include medium-sized box stores with small scale accessory commercial uses and small-scale commercial centers. The proposed use conforms to the Area Plan designation with a Special Use Permit.

6. ***Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

   The proposed use has the potential to increase vehicular traffic, but not exceed the capacity of South 7th Street, a Major Arterial, to accommodate it if managed properly.

7. ***Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

The proposed use is not reasonably necessary for the convenience and welfare of the public, as those who benefit will be those who patronize the dealership, seeking a private purchase. The proposed use may substantially impact the visual quality, use, and marketability of adjoining property, if not managed properly. Issues such as leaks from vehicles, overcrowding of the lot, and overabundance of signage, which the applicant has proposed, are common issues.

8. ***Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

   Noise, vibration, illumination, and environmental hazards are typical issues that may be associated with the operation of an automotive sales business. Automotive sales is ostensibly conducted during daytime hours, which should limit the impact on nearby residences.

9. ***Whether the proposed use will pollute the air, land or water.***

   The proposed use has the potential to pollute the land and water if leaks from cars for sale are not properly managed.

10. ***Whether the use would damage or destroy an irreplaceable natural resource.***

    The subject property is within a built-out mixed-use area and its continued operation would not damage or destroy an irreplaceable natural resource if managed properly.

11. ***The relative gain to the public health, safety and welfare as compared to the hardship imposed on the individual landowner or landowners.***

    The relative public gain is negligible, as the operation of an automotive sales is a private business. Should the Special Use Permit not be approved, the business would need to find a different location. The building owner would lose a tenant and experience loss of rental income before finding another tenant.

12. ***The applicant's ability to maintain the use in an "as proposed" condition.***

    The applicant will be required to maintain the use according to the submitted plans and descriptions of the proposed use. The applicant will also be required to meet all conditions of approval.

13. ***Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.***

Overcrowding of buildings or automobiles should not be a problem if the use is managed appropriately. The subject property has an off-street parking lot with several spaces and room to add additional spaces if necessary. There is no foreseen problem with undue concentrations of population, as the subject property ostensibly has daily operating hours and adequate parking.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on September 30, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Sidewalks
Signage
Site Landscaping
Site Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2024-085**, **for two (2) years**, subject to:

1. **The parking lot must be resurfaced;**
2. **The parking lot shall be striped and have wheel stops installed;**
3. **The applicant shall plant street trees along Lowell Avenue, as well as install bushes, shrubs, and/or hedges along both Lowell Avenue and South 7th Street;**
4. **The applicant shall remove the weeds and overgrown grass from the Lowell Avenue brick sidewalk. The sidewalk shall be preserved and maintained;**
5. **The applicant shall revise their sign plan to remove the feather signs and propose signage in accordance with the ordinance. Staff recommends the applicant discuss signage with a licensed sign company;**
6. **The applicant shall install a six (6) foot tall privacy fence along the Eastern property line. This fence shall have masonry columns every 32 feet;**
7. **There shall be no double-stacking or double parking of cars. All cars must be in marked parking spaces, according to the provided plan. Any spaces added outside of the provided plan, or any cars parked outside of the provided plan, will be considered in violation;**
8. **Fencing along 7th Street and Lowell Avenue shall be no taller than six (6) feet, and shall be wrought-iron or faux-wrought iron, with masonry columns every 32 feet;**
9. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning**

and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

10. **A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
11. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
12. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
13. **Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;**
14. **If approved, occupying businesses must file and maintain a current business occupation tax application with this office;**
15. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
16. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**

17. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
18. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
19. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
20. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
21. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
22. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
23. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all**

conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-085** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 12, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan
Elevations
Site Photos, Taken by Staff, Dated September 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	November 12, 2024, approval	December 5, 2024

STAFF CONTACT: **James Molloy**
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-085** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-085,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2024, City Planning Commission Minutes:

Hearing starts at 2:24:55:

SPECIAL USE PERMIT APPLICATION SP2024-085 – ERICK MEDINA – SYNOPSIS: Special Use Permit for used automobile sales at 49 South 7th Street. *Detailed Outline of Requested Action:* The applicant, Erick Medina, is requesting a Special Use Permit to operate a used automobile dealership at 49 South 7th Street Trafficway.

The following items were included as part of the record for this case:

1. **The City's currently adopted zoning and subdivision regulations;**
2. **The official zoning map for the area in question;**
3. **The City's currently adopted Master Plan for the area in question;**
4. **The staff report and attachments dated November 12, 2024;**
5. **The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;**
6. **The Notice in the Wyandotte Echo; and,**
7. **The Notices to property owners.**

Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- **Erik Medina, Applicant, 49 South 7th Street, Kansas City, Kansas 66101**

Present in Opposition:

- **No one appeared**

Staff Recommendation starts at 2:28:24: Planning Director Hand stated that the request is for a Special Use Permit for used auto sales. The property is in the Central Area Plan off the 7th Street Corridor. Staff received no letters in support or opposition. There are some older Notices of Violation as the property has been

vacant for some time, which would be addressed by the proposed project. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:29:12:

On motion by Mr. Ernst, seconded by Mr. Straws, the Planning Commission voted as follows to recommend APPROVAL of Special Use Permit Application SP2024-085 for two (2) years:

Carson	**Chairman**
Schwartz	**Not Present**
Straws	**Aye**
Ward	**Aye**
Armstrong	**Not Present**
Beth	**Aye**
Easterwood	**Not Present**
Ernst	**Aye**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**Aye**

Motion to recommend APPROVAL Passed: 5 to 0
Subject to:

1. **The parking lot must be resurfaced;**
2. **The parking lot shall be striped and have wheel stops installed;**
3. **The applicant shall plant street trees along Lowell Avenue, as well as install bushes, shrubs, and/or hedges along both Lowell Avenue and South 7th Street;**
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10. **A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
11. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
12. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
13. **Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;**
14. **If approved, occupying businesses must file and maintain a current business occupation tax application with this office;**
15. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
16. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
17. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**

18. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
19. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
20. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
21. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
22. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
23. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all**

conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

AERIAL IMAGERY

ZONING MAP

LAND USE MAP

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now **Erick Medina**, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition **# SP2024-085- 49 SOUTH 7TH ST**
2. That I conducted a neighborhood meeting on **09/30/2024**
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of October, 2024.

My commission expires 02 of October, 2024

Notary Public

NOTARY PUBLIC - State of Kansas
HAROL RINCON AGUILAR
MY APPT. EXPIRES 07/25/26

Neighborhood Meeting Preliminary Plan Review Minutes

Application Number: SP2024-085 - 49 SOUTH 7TH STREET

Date and Location: 09/30/2024 Virtual Metting by Zoom

Meeting called to order at: 10:30 a.m.

Names of people in attendance:

- Cesar Gonzales – R&S Properties Management Corp- Representative
- Amaury Solchaga – R&S Properties Management Corp- Vice-president
- Ivan Pedreros
- Tony9518
- Lina Patino

Presentation by Applicant: Erick Medina

Introductions:

Erick Medina commenced his presentation by introducing himself and providing details regarding his background. He continued by sharing information about his business and how it has contributed to his personal growth. He emphasized that he is an entrepreneur who consistently seeks opportunities for personal development.

Mr. Medina has been involved in the automotive industry since he was 24 years old, and he is currently 37. He mentioned that he already owns a dealership in the state of Missouri and would be honored to obtain his second license in the state of Kansas, specifically at this location.

His business aims to sell automobiles to facilitate transportation for students to their schools and for workers to their respective workplaces. He noted that the location he prefers for the new dealership is currently vacant. He believes this site would provide easy access and affordability, ultimately benefiting the nearby community.

Brother Auto Sales, Repairs and Collision LLC will solely engage in the business of selling cars; this location does not plan to include any mechanical services or repairs. Mr. Medina assured that Brother Auto Sales, Repairs and Collision LLC will maintain the commercial property in a clean and operational condition, which is very important to him.

Before establishing his own small business, he had a desire to help others. Owning his own business and being an entrepreneur has fulfilled that aspiration. Moving forward with a second location of Brother Auto Sales, Repairs and Collision LLC in Kansas would further enhance his commitment to helping others by providing them with automobiles.

Thank you for your time and consideration.

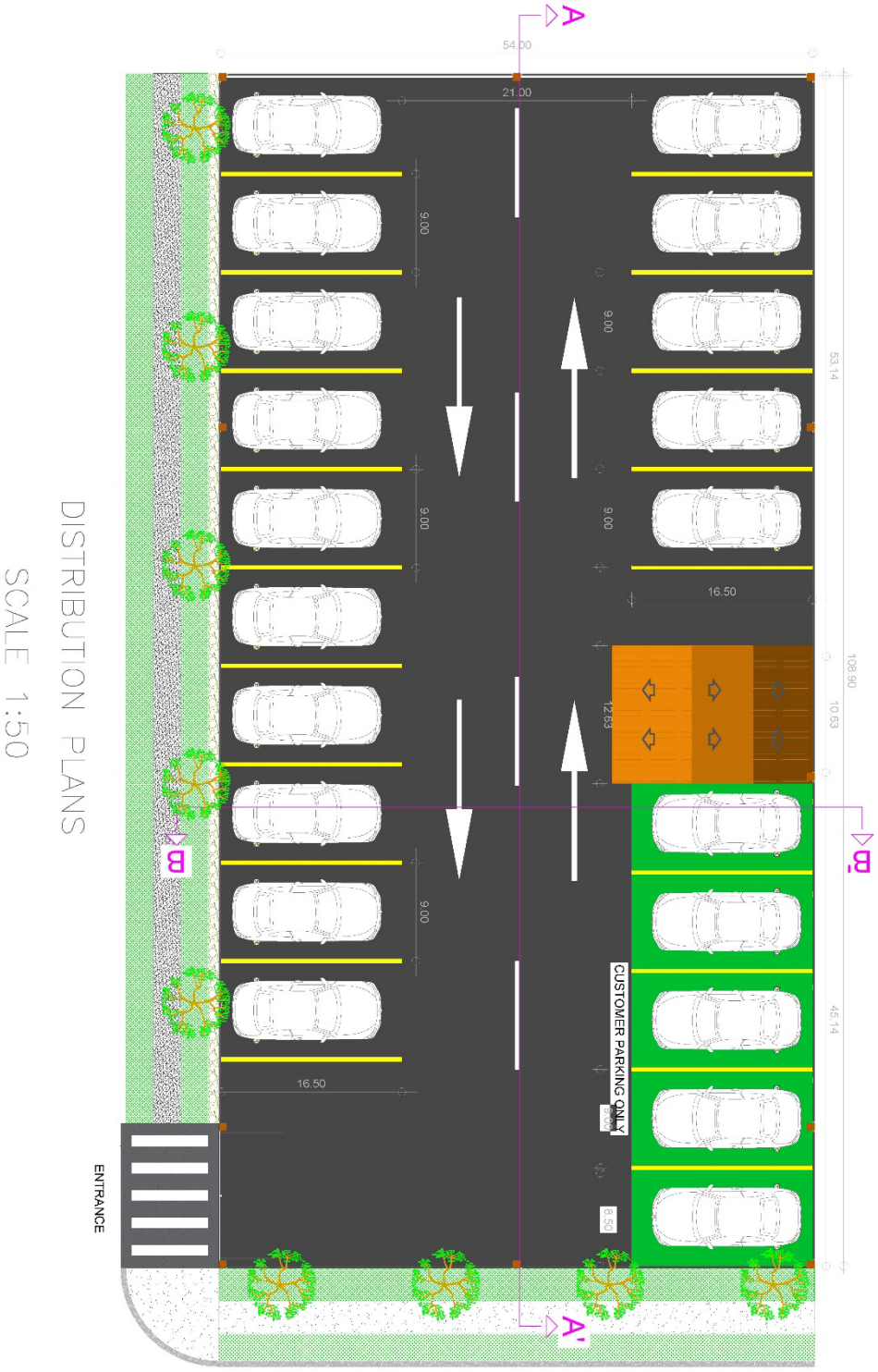
Questions:

None of the attendees had questions or comments

Meeting adjourned at: 11:00 a.m.

Minutes taken by: Lina Patino

SITE PLAN


A
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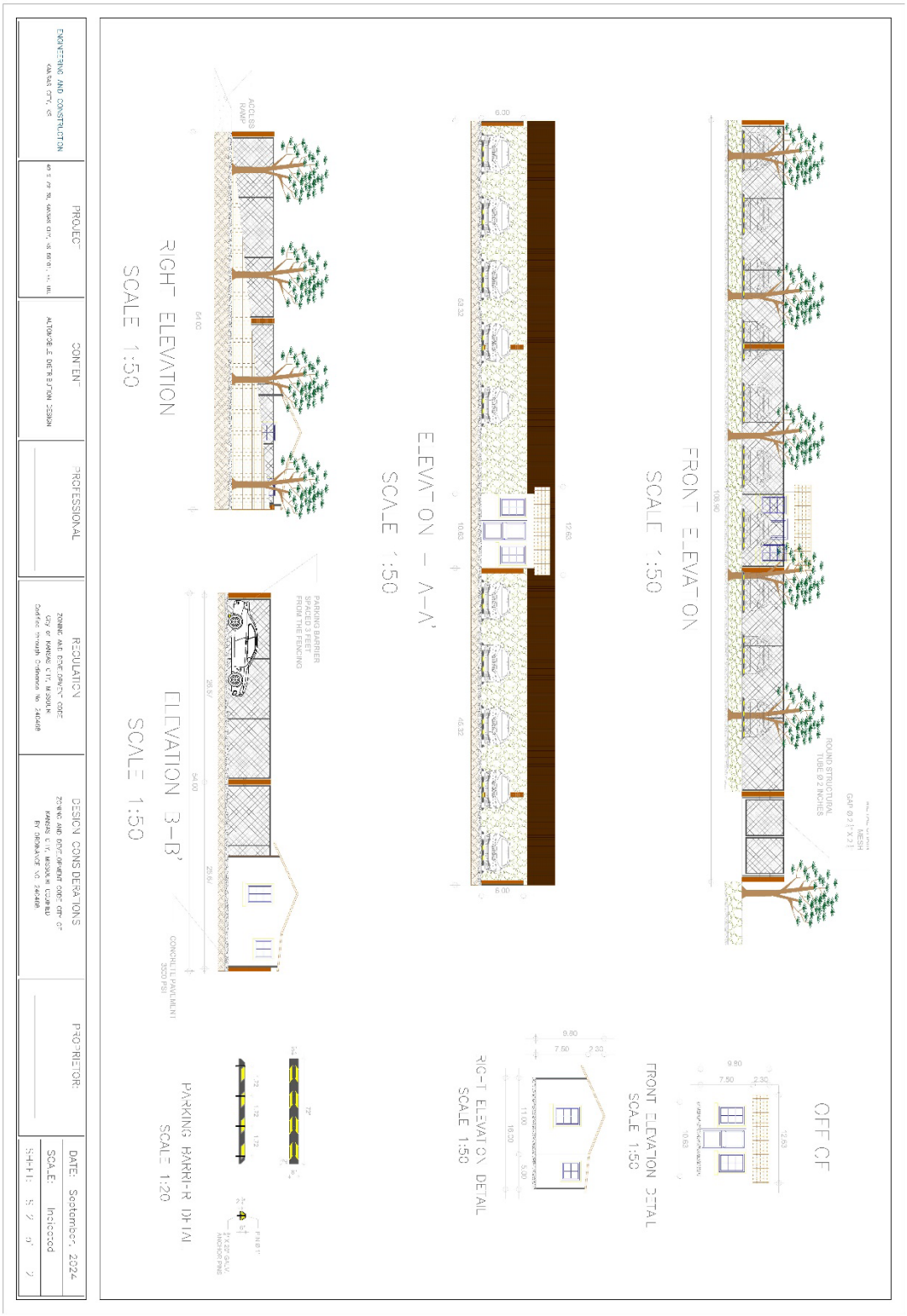
8.50
ENTRANCE
DISTRIBUTION PLANS
SCALE 1:50

GEO - LOCATION PLANS

SCALE 1:100

ELEVATION


FRONT ELEVATION
SCALE 1:50
OFF CF
FRONT ELEVATION DETAIL
SCALE 1:50
RIGHT ELEVATION DETAIL
SCALE 1:50
ELEVATION A-A'
SCALE 1:50
RIGHT ELEVATION
SCALE 1:50
ELEVATION B-B'
SCALE 1:50
PARKING BARRIER DETAIL
SCALE 1:20
ACCESS RAMP
PARKING BARRIER SPACED 5 FEET FROM THE FENCING
CONCRETE PAVEMENT 3000 PSI
ROUND STRUCTURAL TUBE Ø 2 INCHES
MESH GAP Ø 2 1/2" X 2"
PROJECT
CONTENT
PROFESSIONAL
REGULATION
DESIGN CONSIDERATIONS
PROPRIETOR:
DATE: September, 2024
SCALE: Indicated
SHEET: 5 / 5

SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 2024

Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 5, 2024

Re: **Special Use Permit Petition SP2024-090**

GENERAL INFORMATION

Applicant Information:
Wingfu Aaron Lau
Owner
12230 Goodman Street
Overland Park, Kansas 66213

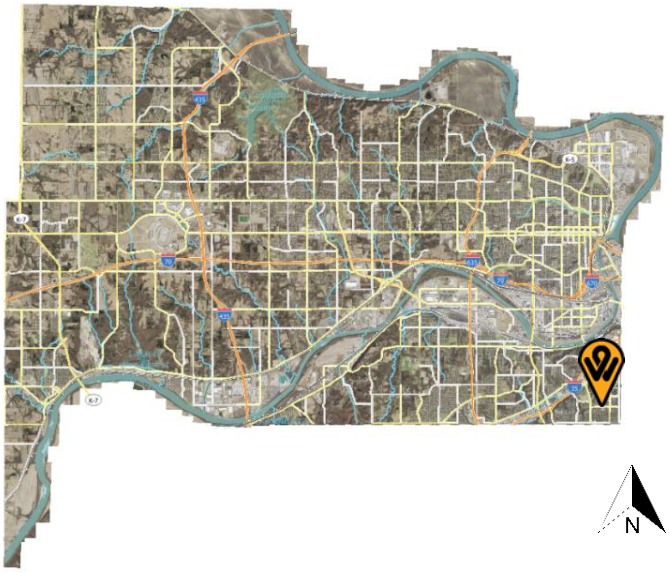
Subject Property:
4110 South Minnie Street
Kansas City, Kansas 66103

Requested Action and Purpose:
Renewal of a Special Use Permit (expired May 2024) to operate a short-term rental.

Commission Districts:
Commissioner At-Large, District #2: Tom Burroughs
District #3 Commissioner: Christian Ramirez

Existing Zoning District(s):
R-1(B) Single Family District

Plan Area:
Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Vacant Lot
South	R-1(B) Single Family District	Single-family residence
East	R-1(B) Single Family District	Single-family residence
West	RP-5 Planned Apartment District	Multi-family apartments

Total Tract Size:	0.16 Acre
Comprehensive Plan Designation:	The Rosedale Area Plan designates the subject property as General Urban, which allows rowhouses, townhomes, and single-family houses.
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan designates South Minnie Street as a Local/Neighborhood Street.
Parking Requirement:	Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides two (2) parking spaces.
Landscaping Requirement:	Section 27-700 (a) states “ One (1) shade tree per dwelling unit is required in the front or corner side yard”. The subject property does not fulfill this requirement.
Advertisement:	The Wyandotte Echo – October 17, 2024 Letters to Property Owners – October 18, 2024
Public Hearings:	November 12, 2024 and December 5, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Wingfu Aaron Lau, is requesting a Special Use Permit to operate a short-term rental at 4110 South Minnie Street, Kansas City, Kansas 66103. This is not the owner’s primary residence. This is the first and only permitted short-term rental on the 4100 block of South Minnie Street.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property with the current property owner.

Building, Zoning, or Code Enforcement Complaints:

1. 2023 – STR23-1057 – Structural – Repair windows, replace downspouts, repaint exterior trim, repair porch and damaged siding (closed).
2. 2023 –ENV23-3171 – Environment – Tires and trash present on property (closed).

Outstanding or Related Permit and Cases:

1. There are no additional related permits or cases on the subject property.

Previous Planning Actions:

1. 2023 – SP2023-097 – Special Use Permit to operate a short-term rental.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located in the Rosedale Statistical Neighborhood, the Hilltop Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of residential uses, including single-family residences, duplexes, fourplexes, and garden style apartments.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District and the RP-5 Planned Apartment District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity to diverse housing typologies. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

3. The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

4. ***The length of time the property has remained vacant as zoned.***

   The property is not vacant. The property has operated as a short-term rental since 2023.

5. ***The degree of conformance of the proposed use to the Comprehensive Plan.***

   Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates the subject property as General Urban which allows for which allows rowhouses, townhomes, and single-family houses. The proposed use conforms to the Rosedale Area Plan designation with the continuation of a Special Use Permit.

6. ***Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

   The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of South Minnie Street, a Local/Neighborhood Street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

7. ***Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

   The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as making excessive noise, vibration, illumination, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. ***Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

   Noise, vibration and illumination are all potential issues that are related to short-term rentals if it is not managed properly. There have not been any complaints to

date with the current applicant. Dust is not typically an issue related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby properties.

9. ***Whether the proposed use will pollute the air, land or water.***

   The proposed use will not pollute the air, land or water as it is an existing, permitted residence.

10. ***Whether the use would damage or destroy an irreplaceable natural resource.***

    The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing, permitted residence in an existing built-out neighborhood.

11. ***The relative gain to the public health, safety and welfare as compared to the hardship imposed on the individual landowner or landowners.***

    The relative gain or loss to public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental with appropriate permits and licenses, their primary residence, or sell the property.

12. ***The applicant's ability to maintain the use in an "as proposed" condition.***

    The applicant has not maintained the proposed use as originally proposed or according to previous conditions of approval as the applicant did not pull any building permits to complete the repairs listed in the Home Inspection Report.

13. ***Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.***

    The proposed use is not expected to create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is six (6). The maximum number of vehicles off-street is two (2). There shall be no on-street parking for renters or guests of any short-term rental. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 4004 Rainbow Boulevard, Kansas City, Kansas 66103 on October 28, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Building Permits
Home Inspection Report
Landscaping
Noise, Illumination, and Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2024-090**, **for one (1) year**, subject to:

1. **The following items identified in the Home Inspection Report shall be repaired prior to the publication of the associated ordinance:**
    - **Repair the missing window trim (page 2); and,**
    - **Repair the damaged/loose spindles on the deck (page 2);**
2. **One (1) shade tree must be planted in the front or corner side yard to comply with Section 27-700(a);**
3. **Maximum number of guests shall be six (6);**
4. **All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street.**
5. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
6. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
7. **Applicant is to maintain liability insurance;**
8. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
9. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
10. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
11. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
12. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**

13. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
14. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
15. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
16. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
17. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
18. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
19. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the**

renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

20. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
    Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-090** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 12, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Site Plan
Summary of 2023 Home Inspection Report
New Home Inspection Report
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	**City Planning Commission**	**Unified Government Board of Commissioners**
Special Use Permit	November 12, 2024 Approval	December 5, 2024

STAFF CONTACT: **Kiley Meierarend**
kmeierarend@wycokck.org
913-573-5750

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-090** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-090,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2024, City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2024-090 – WINGFU AARON LAU – SYNOPSIS: Renewal of a Special Use Permit (SP2023-097 – expires 1/25/2025) for a Short-Term Rental at 4110 South Minnie Street. *Detailed Outline of Requested Action:* The applicant, Wingfu Aaron Lau, is requesting a Special Use Permit to operate a short-term rental at 4110 South Minnie Street, Kansas City, Kansas 66103. This is not the owner's primary residence. This is the first and only permitted short-term rental on the 4100 block of South Minnie Street.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? No one responded in the affirmative.

Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2024;

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The publication in The Echo for the Special Use Permit; and,
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda"

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda. No one responded in the affirmative.

On motion by Mr. Straws, seconded by Ms. Schwartz, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda**:**

Carson	**Chairman**
Schwartz	**Aye**
Straws	**Aye**
Ward	**Aye**
Armstrong	**Not Present**
Beth	**Aye**
Easterwood	**Not Present**
Ernst	**Aye**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**Aye**

Motion to APPROVE Passed: 6 to 0
Subject to:

1. **The following items identified in the Home Inspection Report shall be repaired prior to the publication of the associated ordinance:**
    - **Repair the missing window trim (page 2); and,**
    - **Repair the damaged/loose spindles on the deck (page 2);**
2. **One (1) shade tree must be planted in the front or corner side yard to comply with Section 27-700(a);**
3. **Maximum number of guests shall be six (6);**
4. **All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street.**
5. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
6. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
7. **Applicant is to maintain liability insurance;**
8. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
9. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**

10. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
11. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
12. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
13. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
14. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
15. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
16. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
17. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**

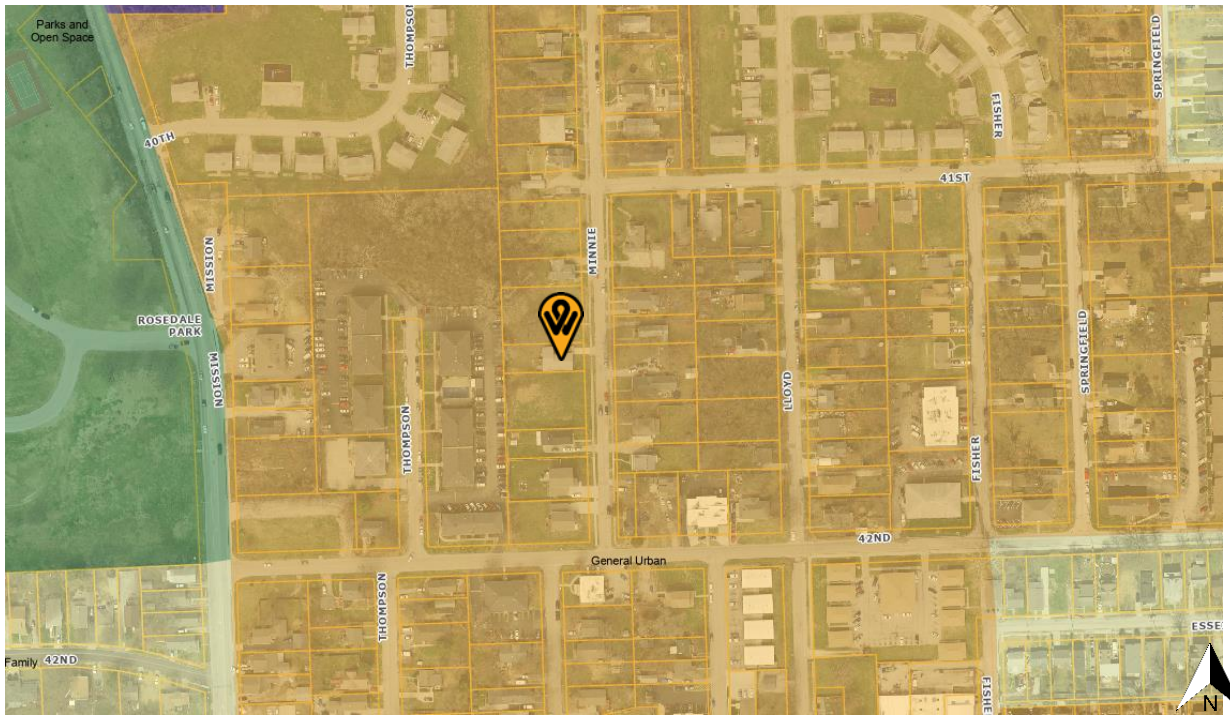
18. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
19. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
20. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
    Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

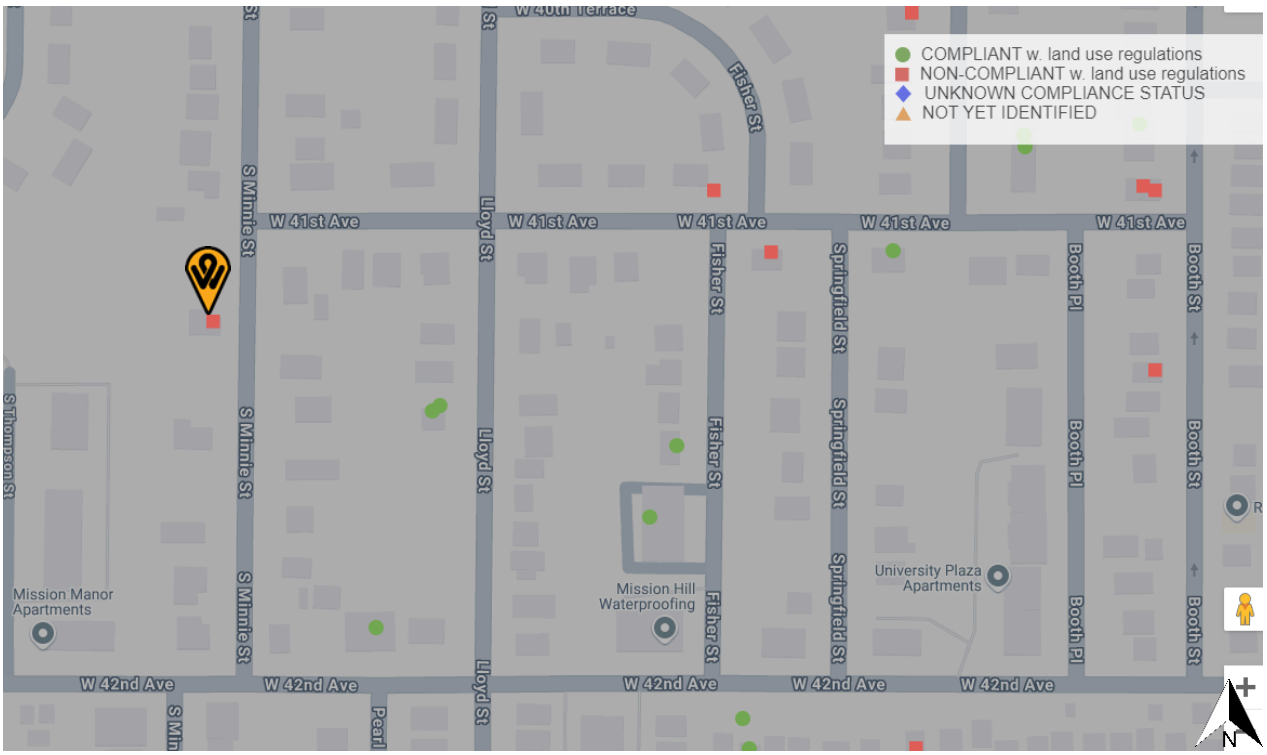
AERIAL IMAGERY

ZONING MAP

LAND USE MAP

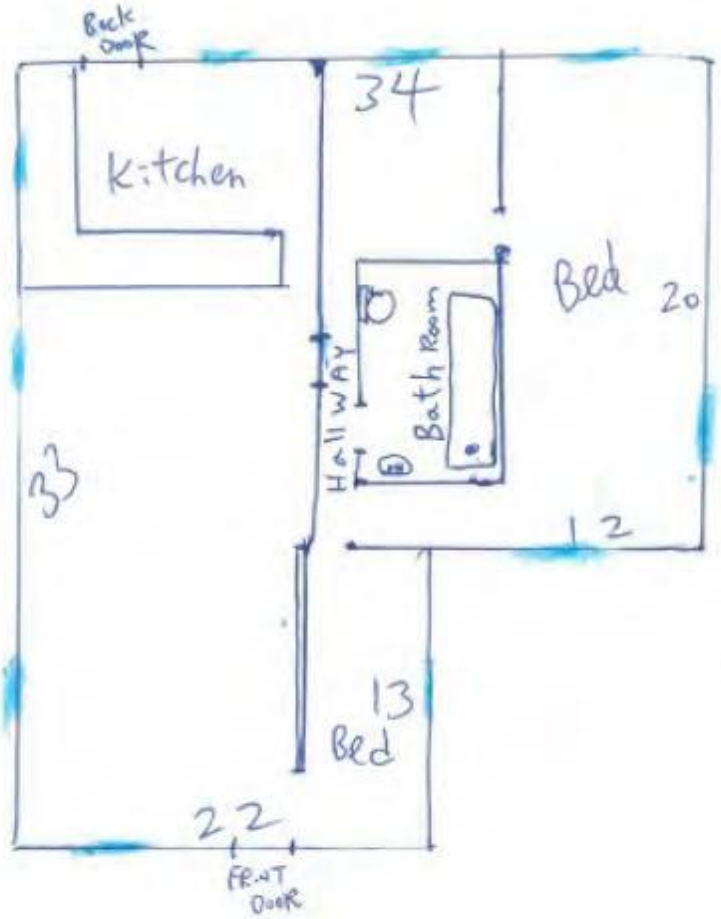


SHORT-TERM RENTAL MAP



FLOOR PLAN

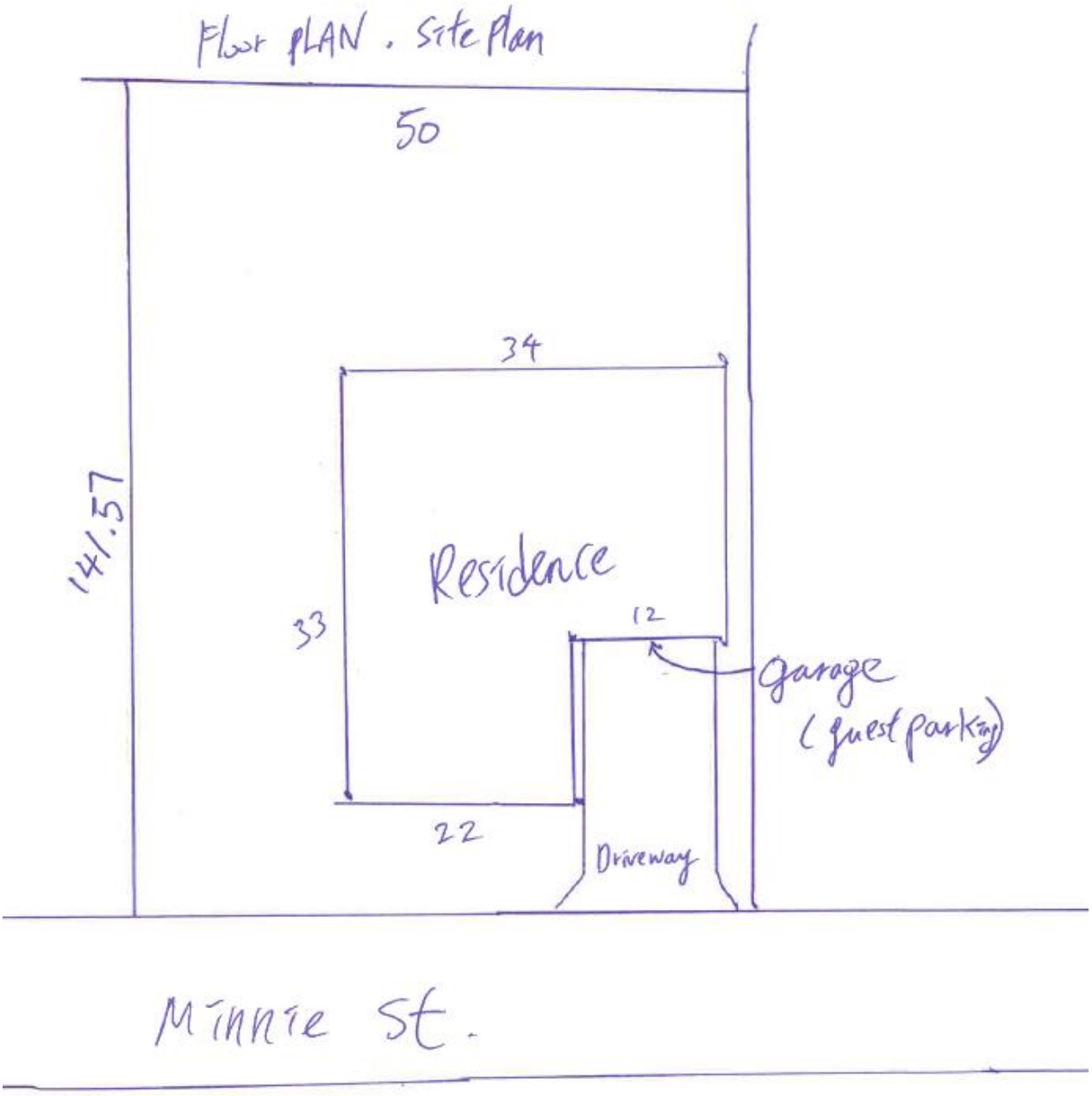
Dimensioned PLAN



T.t.l Living Area: 966

— window

SITE PLAN


Floor PLAN . Site Plan
50
34
141.57
Residence
33
12
garage
(guest parking)
22
Driveway
Minnie St.

Priority 1 Home Inspections, LLC

PRIORITY 1 HOME INSPECTIONS, LLC

September 20th 2023, 6:35 am

Inspection performed by:
Cait Kinman
6602150837
cait.priority1homeinspections@gmail.com

General Information

BUILDING ADDRESS:	4110 Minnie Street
CITY:	Kansas City
STATE:	Kansas
ZIP CODE:	
INSPECTION DESCRIPTION:	Safety Inspection for short term rental application.
SQUARE FOOTAGE:	
Picture:	

Has the PRE-INSPECTION AGREEMENT been signed by the client?

Is the client present for the inspection?

Is the real estate agent present for the inspection?

Priority 1 Home Inspections, LLC Confidential - for client use only. Use by any unauthorized persons is prohibited

SUMMARY:

The safety inspection for this property resulted in a failing status at this time. There is an outdated electrical panel in the basement. The wiring is not up to safety standards. There is a water source in the basement level, but there is not plumbing that runs through the home. Most of the pipes are extremely old or missing sections and they are not to a satisfactory grade for safety standards. The water heater has an extreme amount of rust at all of the connections and piping is not up to safety standards. The floorboards in the kitchen have an extreme amount of water damage from the underside and display signs of mold. The back porch was inaccessible to inspect closely, but there were signs of structural damage. The stairway to the basement is extremely narrow and not up to safety standards. The overall state of the property at this time is not up to safety standards. The owner has advised they are doing extensive repairs and remodeling to bring the property up to standards.

Priority 1 Home Inspections, LLC Confidential - for client use only. Use by any unauthorized persons is prohibited

KC Realty Inspections

Home Inspection Report

4110 S Minnie St, Kansas City, KS 66103

Inspection Date:

Wednesday October 23, 2024

Prepared For:

Aaron Lau

Prepared By:

KC Realty Inspections
12719 Crystal Ave
Grandview, MO 64030
(816) 287-0560
curt@kcinspections.com

Report Number:

10232024-2C

Inspector:

Curt Schampers

Report Summary

Items To Monitor

SAFETY INSPECTION

STRUCTURE

• **Monitor:** Common minor cracks were observed on the exterior walls of the house. This implies that structural movement has occurred. The location, size, shape of these cracks is common. The inspection did not find evidence of significant movement requiring immediate major repairs. It is recommended to seal these cracks with a caulking that does not stretch so you can monitor if the crack is getting bigger.

INTERIOR

• **Monitor:**Typical drywall and/or plaster flaws were observed that could include loose tape, minor cracks, rough seams, peeling paper, nail popping, minor patching, loose or bulging plaster, etc. Any repairs would be discretionary.
• **Monitor:** No evidence of moisture penetration was visible in the basement at the time of the inspection. It should be understood that it is impossible to predict whether moisture penetration will pose a problem in the future. The vast majority of basement leakage problems are the result of insufficient control of storm water at the surface. The ground around the house should be sloped to encourage water to flow away from the foundation. Gutters and downspouts should act to collect roof water and drain the water at least five (5) feet from the foundation or into a functional storm sewer. Downspouts that are clogged or broken below grade level, or that discharge too close to the foundation are the most common source of basement leakage. Please refer to the Roofing and Exterior sections of the report for more information.In the event that basement leakage problems are experienced, lot and roof drainage improvements should be undertaken as a first step. Please beware of contractors who recommend expensive solutions. Excavation, damp-proofing and/or the installation of drainage tiles should be a last resort. In some cases, however, it is necessary. Your plans for using the basement may also influence the approach taken to curing any dampness that is experienced. ***It should be understood that it is impossible to predict whether moisture penetration will pose a problem in the future. If another rain occurs before closing, it s recommended the basement be viewed again for any signs of moisture penetration.***

Descretionary Repairs

ROOFING

• **Monitor, Repair:** The roofing is near the end of its life. No leaks were visible, but it is recommended to watch for leaks and expect to replace the roof soon.

Items Needing Repair

ROOFING

• **Repair:**A rain cap and screen needs to be installed on the chimney flue(s).

EXTERIOR

• **Repair:** A window is missing the trim at the bottom. Repair is needed.
(Repaired)-Repair: Damaged/loose spindles were observed at the deck, repair is needed.

Major Concerns

None apparent

This confidential report is prepared exclusively for Aaron Lau
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House in Perspective

Description

Description Average Quality/Well Maintained

Observations

Observations This inspection is visual only. A representative sample of building components are viewed in areas that are accessible at the time of the inspection. No destructive testing or dismantling of building components is performed.

Limitations

Weather conditions Dry weather conditions prevailed at the time of the inspection.

Recent weather conditions Weather conditions leading up to the inspection have been relatively dry.

Limitations The estimated outside temperature was 66 degrees F.

Comments

Comments For the purpose of this report, it is assumed that the house faces east.

This confidential report is prepared exclusively for Aaron Lau
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AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

Comes now Wing Fu Aaron Lau, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2024-090.
2. That I conducted a neighborhood meeting on 10/28/24.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29 day of October, 2024.

My commission expires 10 of July, 2025.

Notary Public

KRISTIN N. BOBILYA
Notary Public-State of Kansas
My Appt. Expires 7/10/28

4110 S Minnie St

~~SAMPLE~~ MINUTES:

Application Number SP2024-090
Date and Location: 10/28/24, 5pm, 4004 Rainbow Blvd, KCKS. Burger King

Meeting called to order at: 5pm

Names of people in attendance: 0

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

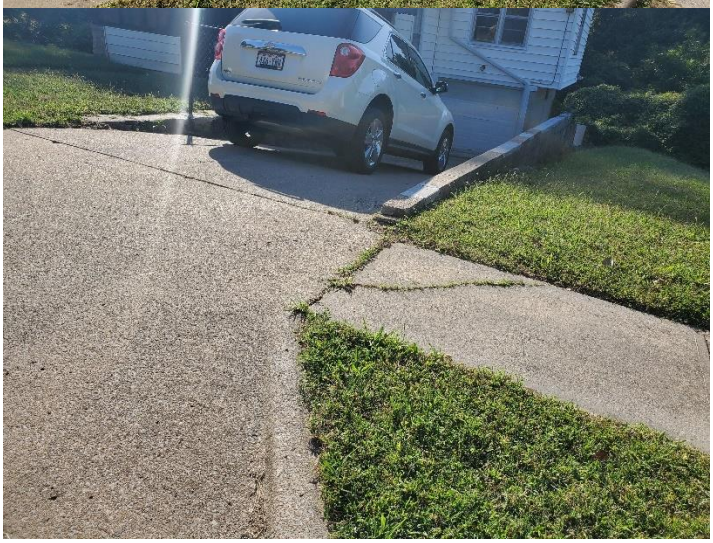
- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at: 5:45 pm

Minutes taken by: Aaron Lane

No one contacted, No one showed up to the meeting

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED OCTOBER 4, 2024



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 5, 2024

Re: **Special Use Permit Petition SP2024-091**

GENERAL INFORMATION

Applicant Information:
David Dickey
Representative
Dickey LLC
4516 Eaton Street
Kansas City, Kansas 66103

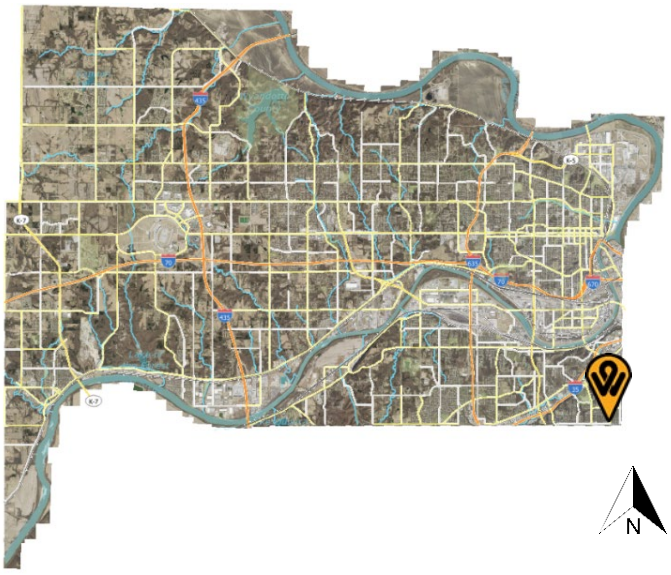
Subject Property:
4516 Eaton Street
Kansas City, Kansas 66103

Requested Action and Purpose:
Approval of Special Use Permit to operate a short-term rental.

Commission Districts:
Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez

Existing Zoning District(s):
R-1(B) Single Family District

Plan Area:
Rosedale Area Plan



	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single family residence
South	R-1(B) Single Family District	Single family residence
East	R-1(B) Single Family District	Single family residence
West	R-1(B) Single Family District	Single family residence

Total Tract Size: 0.13 Acre

Comprehensive Plan Designation: The Rosedale Area Plan designates the subject property as Single-Family, which allows for designed for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Eaton Street as a Local/Neighborhood Street.

Parking Requirement: Section 27-455 (d) states “Two off-street parking spaces shall be provided on the premises for each single-family dwelling”. The subject property provides two (2) uncovered off-street parking spaces.

Landscaping Requirement: Section 27-700 (a) states “One (1) shade tree per dwelling unit is required in the front or corner side yard”. The subject property fulfills this requirement.

Advertisement: The Wyandotte Echo – October 17, 2024
Letters to Property Owners – October 18, 2024

Public Hearings: November 12, 2024 and December 5, 2024

Public Support: None to date.

Public Opposition: There were two (2) persons present at the November 12, 2024, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, David Dickey, is requesting a Special Use Permit to operate a short-term rental at 4516 Eaton Street, Kansas City, Kansas 66103. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4500 block of Eaton Street.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There are no notices of violation on the subject property.

Outstanding or Related Permit and Cases:

1. There are no additional related permits or cases on the subject property.

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood, the Spring Valley Neighborhood Group, and the Rosedale Development Association Business Group. The neighborhood consists of primarily single-family residences. The subject property is in close proximity to the Rainbow Boulevard and the West 47th Avenue mixed-use corridors.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity to a mixed-use corridor. While use as a short-term rental is

commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

3. ***The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?***

   Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

4. ***The length of time the property has remained vacant as zoned.***

   The property is vacant. The property has been vacant since August 2024, when the property was listed for sale.

5. ***The degree of conformance of the proposed use to the Comprehensive Plan.***

   Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates the subject property as Single-Family, which allows for designed for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed-use or neighborhood corridor. The proposed use conforms to the Rosedale Area Plan designation with the approval of a Special Use Permit.

6. ***Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

   The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of Eaton Street, a Local/Neighborhood Street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

7. ***Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

   The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as making excessive noise, vibration, illumination, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of

the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. ***Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

   Noise, vibration and illumination are all potential issues that are related to short-term rentals if it is not managed properly. There have not been any complaints to date with the current applicant. Dust is not typically an issue related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby properties.

9. ***Whether the proposed use will pollute the air, land or water.***

   The proposed use will not pollute the air, land or water as it is an existing, permitted residence.

10. ***Whether the use would damage or destroy an irreplaceable natural resource.***

    The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing, permitted residence in an existing, urban, and built-out neighborhood.

11. ***The relative gain to the public health, safety and welfare as compared to the hardship imposed on the individual landowner or landowners.***

    The relative gain or loss to public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental, but may still use the property as a long-term rental with appropriate permits and licenses, their primary residence, or sell the property.

12. ***The applicant's ability to maintain the use in an "as proposed" condition.***

    The applicant will be required to maintain their short-term rental according to the submitted management plan and conditions of approval, including, limits to the number of guests and number of vehicles on the property, and all other applicable ordinances set by the Code of Ordinances.

13. ***Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.***

    The proposed use is not expected to create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is seven (7), as this is currently a three (3) bedroom house per the Appraisers Office. The maximum number of vehicles off-street is three

(3). There shall be no on-street parking for renters or guests of any short-term rental. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Zoom on October 18, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Home Inspection Report
Noise, Illumination, and Vibration
Property Owner Consent

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2024-091**, subject to:

1. **Maximum number of guests shall be 7;**
2. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
5. **Applicant is to maintain liability insurance;**
6. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
7. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
8. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips/ (website);**
9. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**

10. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
11. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
12. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
13. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
14. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
15. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
16. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
17. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and**

Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

18. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
19. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-091** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Site Plan
Planning Engineering Comments
Home Inspection Report
Neighborhood Meeting Materials
Site Visit Photos, Taken by Staff – Dated October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	November 12, 2024 – Approval	December 5, 2024

STAFF CONTACT: **Kiley Meierarend**
kmeierarend@wycokck.org
913-573-5750

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-091** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-091,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2024, City Planning Commission Minutes:

Hearing starts at 2:30:21:

SPECIAL USE PERMIT APPLICATION SP2024-091 – DAVID DICKEY WITH DICKEY LLC – SYNOPSIS: Special Use Permit for a Short-Term Rental at 4516 Eaton Street. *Detailed Outline of Requested Action:* The applicant, David Dickey, is requesting a Special Use Permit to operate a short-term rental at 4516 Eaton Street, Kansas City, Kansas 66103. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4500 block of Eaton Street.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- David Dickey, Applicant, 4516 Eaton Street, Kansas City, Kansas 66103

Present in Opposition/Questions:

- Jacob Hobson, President of Spring Valley Neighborhood Group,4448 Francis Street, Kansas City, Kansas 66103
- Sierra Cartano, 4511 Eaton Street, Kansas City, Kansas 66103

Staff Recommendation starts at 2:37:47: Planning Director Hand stated that the request is for a non-owner-occupied Special Use Permit for a Short-Term Rental. The property is in the Rosedale Area Plan. Staff received no letters in support. Staff did receive several emails today in opposition. There are no Notices of Violation on the property. Staff recommends approval for one (1) year, subject to the conditions in the staff report.

Motion starts at 2:38:34:

On motion by Mr. Straws, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-091 for one (1) year:**

Carson	**Chairman**
Schwartz	**Not Present**

Straws **Aye**
Ward **Aye**
Armstrong **Not Present**
Beth **Aye**
Easterwood **Not Present**
Ernst **Aye**
Jones **Not Present**
Miller **Not Present**
Mohler **Aye**
Motion to recommend APPROVAL Passed: 5 to 0
Subject to:

1. **Maximum number of guests shall be 7;**
2. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
5. **Applicant is to maintain liability insurance;**
6. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
7. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
8. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips/ (website);**
9. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
10. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
11. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit,**

and if so, must take it upon themselves to initiate the building permit process accordingly;

12. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
13. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
14. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
15. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
16. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
17. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
18. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the**

petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

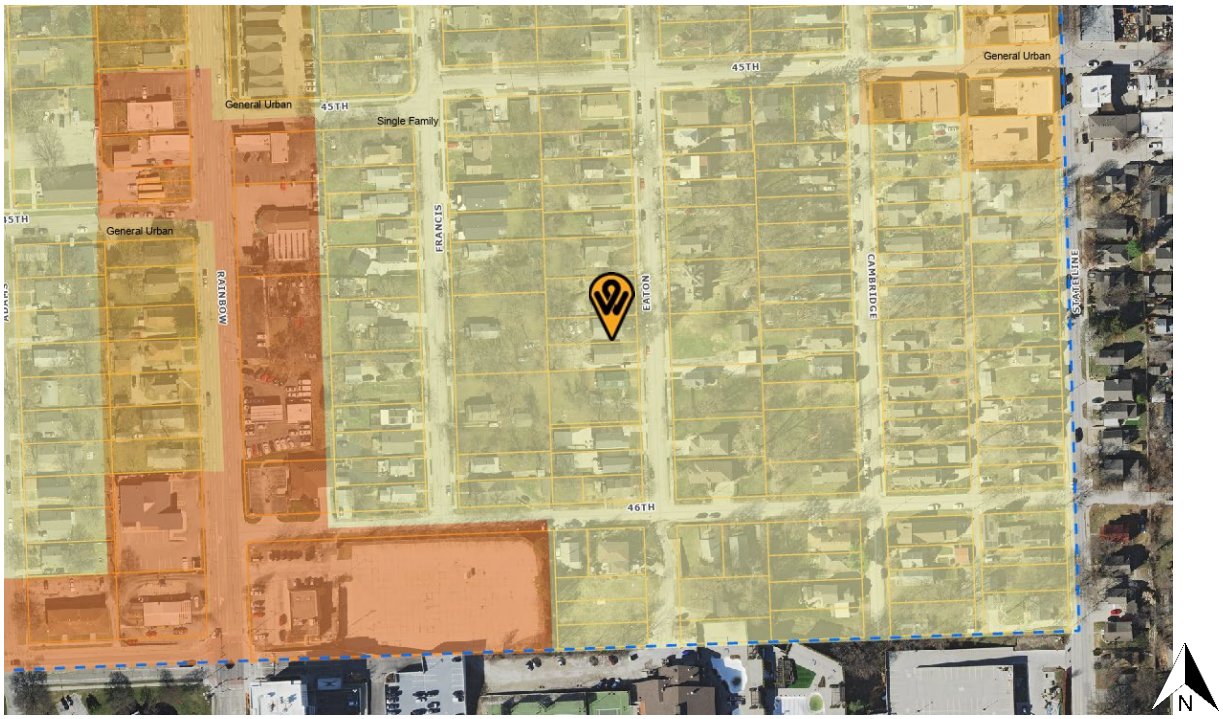
19. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

ATTACHMENTS

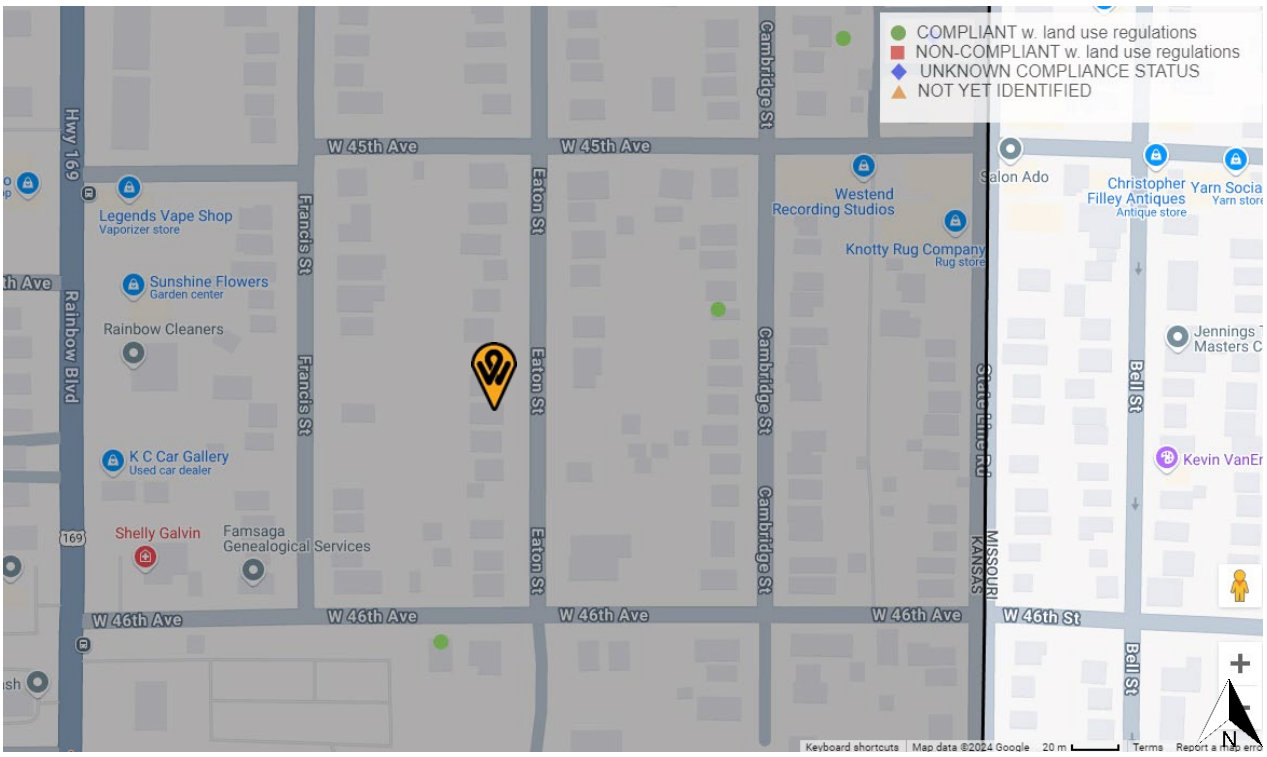
AERIAL IMAGERY

ZONING MAP

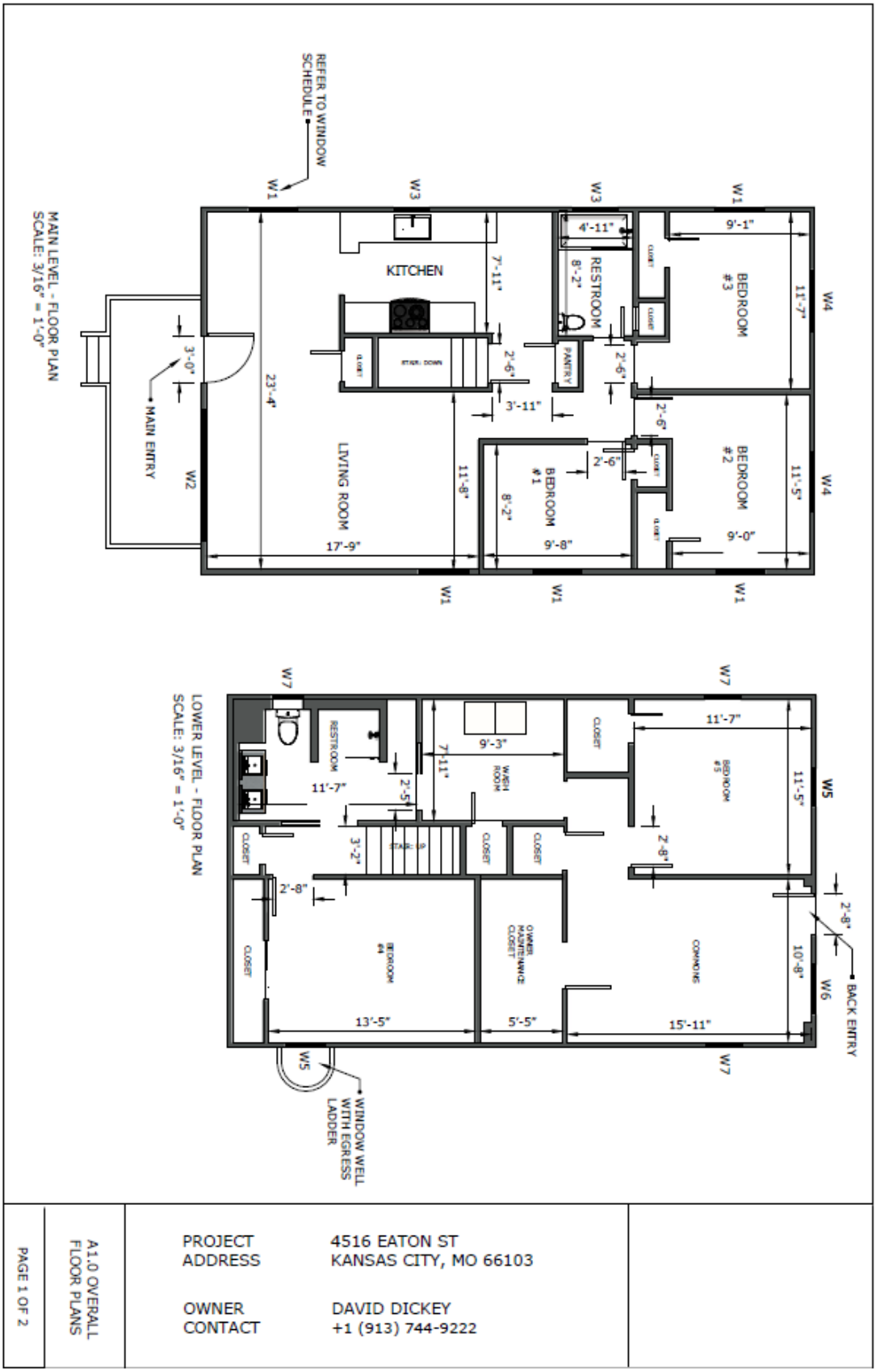
LAND USE MAP



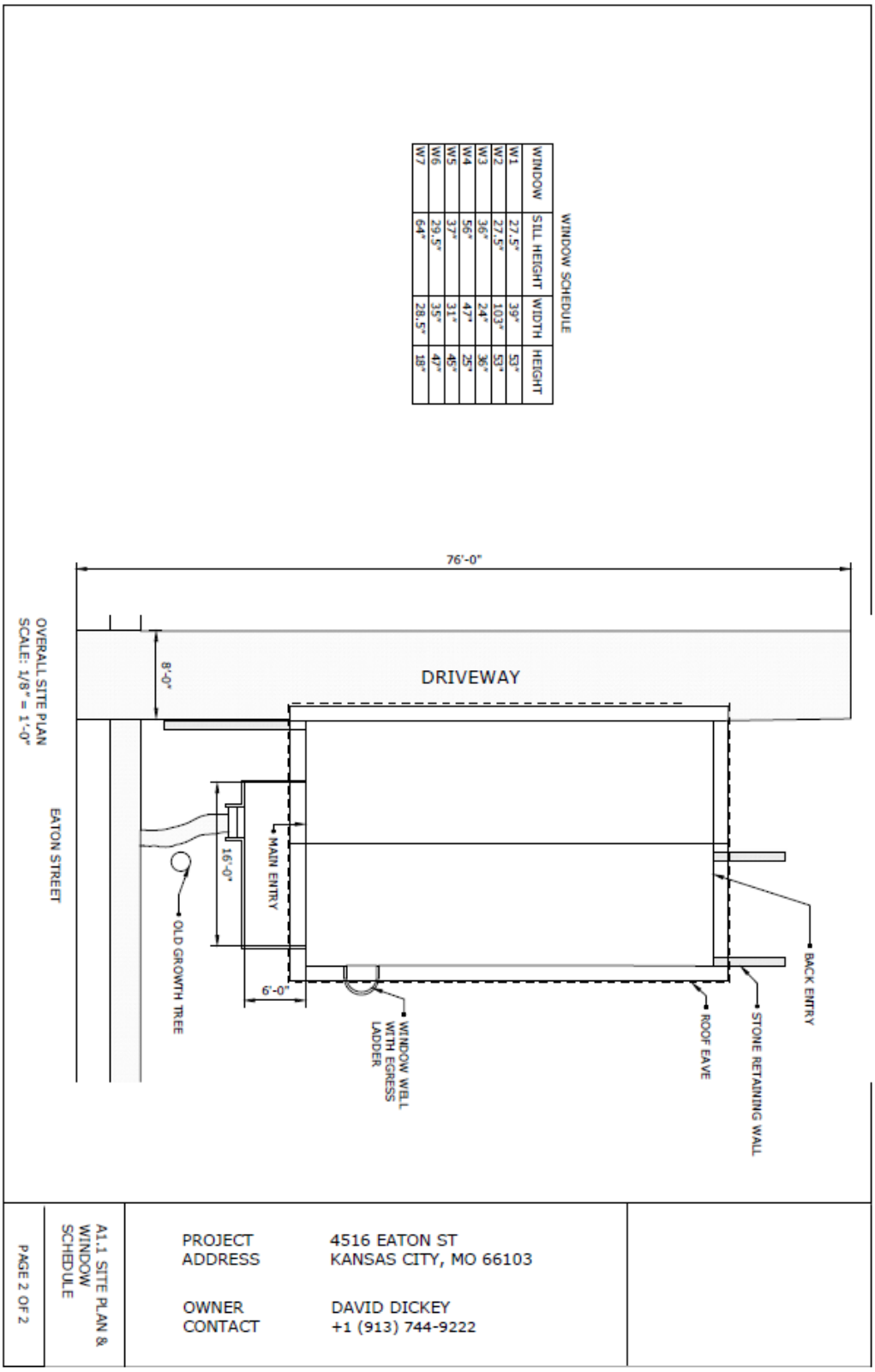
SHORT-TERM RENTAL MAP



FLOOR PLAN


MAIN LEVEL - FLOOR PLAN
SCALE: 3/16" = 1'-0"
REFER TO WINDOW SCHEDULE
KITCHEN
RESTROOM
BEDROOM #3
BEDROOM #2
BEDROOM #1
LIVING ROOM
MAIN ENTRY
LOWER LEVEL - FLOOR PLAN
SCALE: 3/16" = 1'-0"
RESTROOM
WASH ROOM
BEDROOM #5
BEDROOM #4
OWNER CLOSET/MAINT CLOSET
COMMONS
BACK ENTRY
WINDOW WELL WITH EGRESS LADDER
PROJECT ADDRESS
4516 EATON ST
KANSAS CITY, MO 66103
OWNER CONTACT
DAVID DICKEY
+1 (913) 744-9222
A1.0 OVERALL FLOOR PLANS
PAGE 1 OF 2

SITE PLAN


WINDOW SCHEDULE
WINDOW | SILL HEIGHT | WIDTH | HEIGHT
W1 | 27.5" | 39" | 53"
W2 | 27.5" | 103" | 53"
W3 | 36" | 24" | 36"
W4 | 56" | 47" | 25"
W5 | 37" | 31" | 45"
W6 | 29.5" | 35" | 47"
W7 | 64" | 28.5" | 18"
OVERALL SITE PLAN
SCALE: 1/8" = 1'-0"
76'-0"
8'-0"
DRIVEWAY
EATON STREET
16'-0"
MAIN ENTRY
OLD GROWTH TREE
6'-0"
WINDOW WELL WITH EGRESS LADDER
ROOF EAVE
STONE RETAINING WALL
BACK ENTRY
A1.1 SITE PLAN & WINDOW SCHEDULE
PROJECT ADDRESS
4516 EATON ST
KANSAS CITY, MO 66103
OWNER CONTACT
DAVID DICKEY
+1 (913) 744-9222
PAGE 2 OF 2

Department of Planning + Urban Design
Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

Memorandum

TO: Kiley Meierarend
Planner

FROM: Travis Trumble
Project Engineer

DATE: October 17, 2024

SUBJECT: David Dickey – (SP2024-091)
4516 Eaton Street
General Engineering Review No. 1 (of the application received 9/24/2024)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.**

1) Is there a proposed site improvement e.g., maintenance and overlay of the driveway area? If repair work of the drive entrance area is going to be done, the site plan shall illustrate these areas and erosion control plans shall be required.

2) Regarding the above comment, the driveway entrance within right of way of Eaton Street shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G. Also, if the existing street i.e., on Eaton Street is damaged during the demolition or construction phase, it shall be restored in accordance with UG standards and criteria.

3) Note that permits shall be obtained prior to starting construction, including but not limited to the Unified Government, Public Works Department, right-of-way, hauling, land disturbance permits, etc., as applicable.

4) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.

5) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: Travis Trumble
Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of Wyandotte County and KCK, ou=Urban Planning and Land Use, email=ttrumble@wycokck.org, c=US
Date: 2024.10.17 17:49:50 -05'00'
Travis Trumble, Project Engineer

Report Summary

Client: David Dickey
Represented By: Rita Dickey, ReeceNichols Overland Park

Inspection Address: 4516 Eaton St Kansas City, KS 66103
Inspection Date: Friday, September 20, 2024

Inspected By: John Slater

This summary report will provide you with a preview of the components or conditions that need service or a second opinion, but it is not definitive. Therefore, it is essential that you read the full report. Regardless, in recommending service we have fulfilled our contractual obligation as generalists, and therefore disclaim any further responsibility. However, service is essential, because a specialist could identify further defects or recommend some upgrades that could affect your evaluation of the property.

This report is the exclusive property of Crown Home Inspections and the client whose name appears herewith, and its use by any unauthorized persons is prohibited.

Noted defects or concerns should be evaluated by a specialist before the end of your inspection contingency period because additional deficiencies may be discovered through in-depth investigation. This is especially important where a noted defect may be causing damage in non-visible locations.

Exterior - Site & Other Observations

Landscaping Observations
1: There are tree limbs overgrowing the residence that should be trimmed or monitored, to insure that they do not impact or damage the roof or its components.

Exterior - Grading & Drainage

Interior-Exterior Elevations
2: There is potential for moisture intrusion within the residence that we will point out. Recommend asking the seller what they know about any past water intrusion issues.
This should be closely monitored or further evaluated by a drainage specialist.

Drainage Mode
3: There are areas where water will be directed toward the house instead of away from it, as recommended. This not only allows for the possibility of moisture intrusion but also differential settling, et cetera. This should be corrected to route water away from the foundation.

Exterior - Exterior Components

Driveway Conditions
4: The driveway is deteriorating and should be repaired or replaced.

Walkway Conditions
5: There is a negative slope in the front walkway that can be a safety concern.

Yard / Retaining Walls
6: The retaining wall along the driveway is deteriorated and will need to be serviced.

Fences & Gates
7: The gate(s) needs general maintenance-type service, to open and close or latch easily.

8: Sections of the fence are leaning or damaged and should be repaired or replaced.

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Trim
9: The window trim needs maintenance, including caulking and painting to seal the joints from moisture intrusion. Any missing trim should be replaced.

Exterior Basement Stairwell
10: The drain at the rear door is covered with leaves or debris and must be kept clean to be functional. Recommend having the area cleared and the drain tested for flow. This will be a maintenance item that must be kept clean to prevent moisture intrusion in the basement.

Exterior Window Wells
11: Recommend adding a cover grate or guardrail around the basement window well for safety reasons.

Wood Deck
12: The front porch needs maintenance-type service, such as securing loose planks.

13: Portions of the porch posts are in contact with the earth. This can be a source of rapid deterioration and/or help to promote pest infestation.

Windows
14: The exterior glazing on the windows is cracking / deteriorating and should be repaired.

15: The exterior sealants around the windows should be installed.

Screens
16: One or more screens are missing and should be replaced.

Hose Faucets
17: A south facing hose faucet is leaking and should be repaired or replaced by a qualified plumber.

Roof
Condition of Roof Covering Material
18: There is excessive granular loss on the asphalt shingles. This is a warning that the shingles are not protected from the ultraviolet rays that cause deterioration to the asphalt mat. Consult with a professional roofer and your insurance agent to determine whether or not these shingles warrant replacement.

Gutters & Drainage
19: We recommend adding leaders and/or splash blocks at the bottom of each of the downspouts to promote positive drainage and divert water away from the perimeter footings.

20: Damaged downspouts and guttering were noted.

Plumbing - Potable Water Supply Pipes
Water Main Location
21: The water shutoff inside the house was not located. Recommend asking the sellers where this is located.

Heating, Ventilation, and Air Conditioning (HVAC) - Heating Unit
Duct Sealant
22: Leaks in the ductwork were noted. This reduces the effectiveness of the HVAC system. In some cases, this can create a safety issue with back drafting. Recommend correction by a qualified HVAC professional.

Heating, Ventilation, and Air Conditioning (HVAC) - Air Conditioning Unit
Insulation Wrap on the Suction Line
23: The entry hole for the air-conditioning line set needs to be sealed with a caulk or insulating material to prevent moisture, insects, or animals from entering.

Interior - Interior Rooms
Living Room
Window Conditions
24: A window is stuck or painted shut and will need service to operate smoothly.

25: A window pane is cracked or damaged and should be replaced.

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Dining Room

Window Conditions

26: A window pane is cracked or damaged and should be replaced.

Kitchen

Walls and Ceiling

27: There is a moisture stain on the wall of the pantry that should be explained or explored further. Plumbing/Gas vent flashing appears to be leaking.

Window Conditions

28: A window pane is cracked or damaged and should be replaced.

Garbage Disposal

29: The garbage disposal is frozen, and probably from inactivity. However, it is not uncommon for them to continue freeze up, in which case they must be replaced.

Range/Oven

30: Stove has not been secured as required by manufacturer's installation instructions. A tip-over hazard exists for small children. Stove should be properly secured with an anti-tip bracket supplied by the manufacturer.

Dishwasher

31: The waste water discharge from the dishwasher has been incorrectly installed. We recommend installation of an approved air gap device, or modifying the installation discharge pipe to include a high loop under the counter top. While this is being done, we recommend that the discharge line be reconnected to the sink disposal (if equipped).

Outlets

32: We recommend upgrading the outlets to have GFCI protection.

Stairs

Basement Stairs

Restricted Clearances

33: The head height clearance at the stairs is restricted. Every stairwell should afford a minimum of six-feet eight inches, which could indicated that the stairs were installed without the benefit of a permit.

Attic

Access Cover

34: The access cover is not insulated. Adding insulation to the top of the cover will help with energy efficiency.

Ventilation

35: The ventilation port screens are damaged, which will allow birds or other pests to enter and contaminate the area.

Gas Heat Vents

36: The flashing around the gas heat vent is not sealed and allows moisture penetration to the attic. We recommend corrections to prevent damage to the framing and house interior.

Plumbing Vents

37: There has been a leak in the plumbing vent line that allows moisture to damage the interior wall. Corrections should be made by a qualified roofer to prevent further damage.

Batt Insulation

38: The attic floor is insulated with approximately four to six-inches of fiberglass, batt insulation. Current standards call for nine and even twelve-inches. We recommend adding insulation to improved the efficiency of the HVAC system.

Bedrooms - Bedrooms

1st Guest Bedroom

Smoke Detectors

39: There is no smoke detector, and although one may not be mandated it is strongly recommended.

2nd Guest Bedroom

Doors

40: The door rubs on the frame and the striker plate is missing. This needs to be serviced to work smoothly.

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Smoke Detectors
41: There is no smoke detector, and although one may not be mandated it is strongly recommended.

4th Guest Bedroom
Doors
42: The door rubs on the carpet and needs to be serviced to work smoothly.

43: The door hinges are loose and should be repaired.

Heat Source / Return
44: The door to this room is not correctly undercut to allow air movement from the room. We recommend undercutting the door by 1/2" - 3/4" to allow airflow, or consulting with an HVAC professional regarding corrections.

Bathrooms
Main Hallway Bathroom
Tub / Shower
45: The shower diverter valve in the tub-shower does not work properly and should be serviced.

Laundry
Dryer Vent Condition
46: There is no provision to vent the dryer to the exterior.

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AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

Comes now David Dickey, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP2024-091.
2. That I conducted a neighborhood meeting on October 18 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 21st day of October, 200 2024.

My commission expires 4th of September, 200 2024.

Notary Public

JENNIFER IRVIN
Notary Public, State of Kansas
My Appointment Expires
September 04, 2025

Sign in Sheet

Name.	Minutes on the call
Elena Finely	8 minutes

Application Number__SP2024-09
Date and Location:____10/18/2024 Zoom Meeting

Meeting called to order at: _KCK Wyandotte county planning/Urban design.

Names of people in attendance: 1

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).
Summary- Just told my attendee that I will be using this with only professional platforms and will be following all legal and permit orders. Told her that I want to get into real estate.

Questions and answers (include the following):

- Elena Finley questions – asked why I was interested in doing short term rentals.
  Response- KC is a good market for this business right now.

  Asked what the permit application process was like and how to go about it as well as getting one

  Response – I told her that it varies depending on what city and state you are in. some cities are stricter than others on the rules and application process and its just best to check with the city and county to see what you need to do for the permit and the decide if it's worth investing your business in a property in that city

  Asked If I was concerned if my short-term rental would cause problems.

  Response- I told her that I am going to have security Cameras set up in the entrance of the property, the back yard and on the sides I will also have a decibel detector in the unit that will automatically notify me when the noise levels get above a certain decibel, there is also a service included that will call the guests if the noise level continues and will tell them they need to bring the volume down, I also will only allow guests to stay

at the property who have good reviews and have an established profile for whatever platform I am using. Re - iterated that only professional platforms that follow all legal rules and regulations will be used for my business.

Meeting adjourned at: 6:40pm on October 18th 2024

Minutes taken by: David Dickey

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED OCTOBER 4, 2024

Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 5, 2024

Re: **Special Use Permit Petition SP2024-092**

GENERAL INFORMATION

Applicant Information:
Katrina Badowski
Owner
2918 West 46th Avenue
Kansas City, Kansas 66103

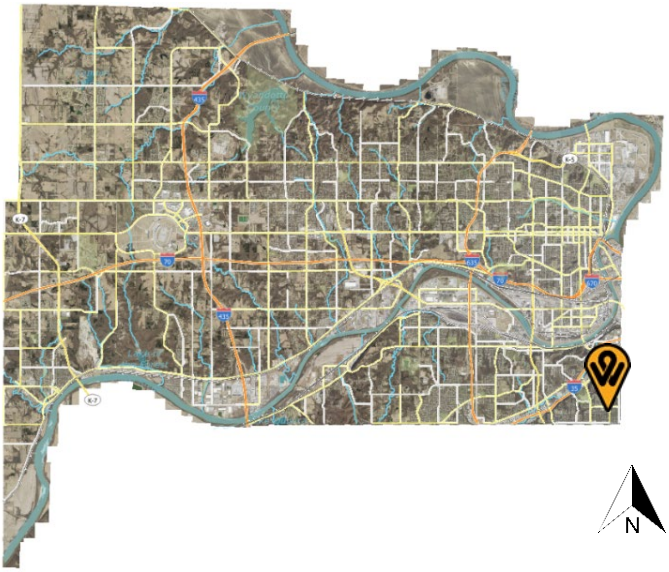
Subject Property:
2918 West 46th Avenue
Kansas City, Kansas 66103

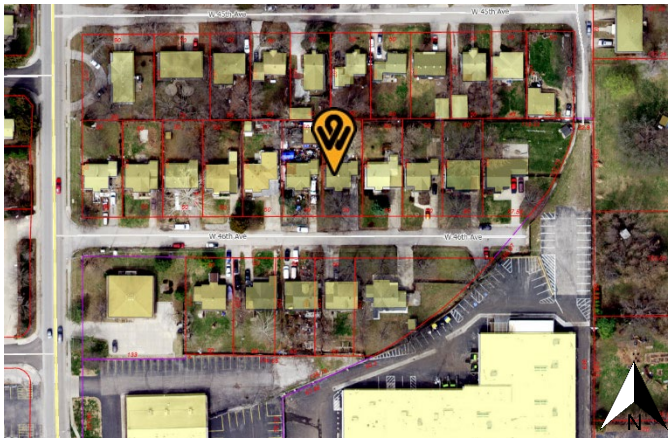
Requested Action and Purpose:
Approval of Special Use Permit to operate a short-term rental.

Commission Districts:
Commissioner At-Large, District #2: Tom Burroughs
District #3 Commissioner: Christian Ramirez

Existing Zoning District(s):
R-1(B) Single Family District

Plan Area:
The Rosedale Area Plan





	Adjacent Zoning	Adjacent Uses
North	R-1(B) Single Family District	Single-family residence
South	R-1(B) Single Family District	Single-family residence
East	R-1(B) Single Family District	Single-family residence
West	R-1(B) Single Family District	Single-family residence

Total Tract Size: 0.14 Acre

Comprehensive Plan Designation: The Rosedale Area Plan designates the subject property as Single-family, which allows for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates West 46th Avenue as a Local/Neighborhood Street.

Parking Requirement: Section 27-455 (d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The subject property provides one (1) covered parking space and two (2) uncovered off-street parking spaces.

Landscaping Requirement: Section 27-700 (a) states “One (1) shade tree per dwelling unit is required in the front or corner side yard”. The subject property fulfills this requirement.

Advertisement: The Wyandotte Echo – October 17, 2024
Letters to Property Owners – October 18, 2024

Public Hearings: November 12, 2024 and December 5, 2024

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Katrina Badowski, is requesting a Special Use Permit to operate a short-term rental at 2918 West 46th Avenue, Kansas City, Kansas 66103. This is the owner's primary residence; however, the owner will be staying off-site while the property is being rented. This would be the first and only permitted short-term rental on the 2900 block of West 46th Avenue.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. 2017 – 17208-00150 – Environment – Vehicle parking on unimproved surface (closed).

Outstanding or Related Permit and Cases:

1. There are no additional related permits or cases on the subject property.

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood, the Frank Rushton Neighborhood Group, and the Rosedale Development Association Business Gorup. The neighborhood consists of primarily single-family residences with duplex or townhomes mixed throughout. The property is located within a block of the Mission Road and West 47th Avenue mixed-use corridors.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the R-1(B) Single Family District. Use of the property as a rental, either short or

long-term, while commercial in nature, is consistent with other nearby properties in close proximity the mixed-use corridor along Mission Road. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

3. ***The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?***

   Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

4. ***The length of time the property has remained vacant as zoned.***

   The property is not vacant. The property is currently the primary residence of the property owner applicant.

5. ***The degree of conformance of the proposed use to the Comprehensive Plan.***

   Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates the subject property as Single-family, which allows for single family, detached houses. Townhomes and side-by-side rowhouses are appropriate where the property has frontage on a mixed use or neighborhood corridor. The proposed use conforms to the Rosedale Area Plan designation with the approval of a Special Use Permit.

6. ***Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

   The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of West 46th Avenue, a Local/Neighborhood Street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

7. ***Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

   The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as making excessive noise, vibration, illumination, overcrowding of land, and undue concentrations of population could

impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. ***Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

   Noise, vibration and illumination are all potential issues that are related to short-term rentals if it is not managed properly. There have not been any complaints to date with the current applicant. Dust may also be an issue for nearby properties, as the subject property has an unimproved driveway. This driveway is not allowed on the property. The applicant shall install an improved driveway.

9. ***Whether the proposed use will pollute the air, land or water.***

   The proposed use will not pollute the air, land or water as it is an existing, permitted residence.

10. ***Whether the use would damage or destroy an irreplaceable natural resource.***

    The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing, permitted residence in an existing built-out neighborhood.

11. ***The relative gain to the public health, safety and welfare as compared to the hardship imposed on the individual landowner or landowners.***

    The relative gain or loss to public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental with appropriate permits and licenses, their primary residence, or sell the property.

12. ***The applicant's ability to maintain the use in an "as proposed" condition.***

    The applicant will be required to maintain their short-term rental according to the submitted management plan and conditions of approval as well as limits to number of guests and number of vehicles on the property, as well as all other applicable ordinances set by the Code of Ordinances.

13. ***Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.***

    The proposed use is not expected to create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is seven (7). The maximum number of vehicles off-street is three (3). There shall be no on-street parking for renters or guests of any short-

term rental. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting in-person at 2918 W. 46th Avenue, Kansas City, Kansas 66103 on October 22, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Dust, Noise, Illumination, and Vibration
Home Inspection Report
Operating without a Special Use Permit
Unimproved driveway
UG Standard Driveway Apron

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2024-092**, **for one (1) year**, subject to:

1. **The applicant shall repave the driveway and driveway apron to meet UG standards;**
2. **All gravel must be removed from the subject property;**
3. **The items listed in the home inspection report must be repaired prior to the renewal of this Special Use Permit;**
4. **The applicant shall maintain liability insurance;**
5. **Maximum number of guests shall be 7;**
6. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
7. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
8. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
9. **Applicant is to maintain liability insurance;**
10. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
11. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
12. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host**

Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);

13. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
14. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
15. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
16. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
17. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
18. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
19. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
20. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision**

within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

21. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
22. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
23. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-092** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 12, 2024 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Site Plan
Planning Engineering Comments
Home Inspection Report
Site Visit Photos, Taken by Staff – Dated October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	November 12, 2024 Approval	December 5, 2024

STAFF CONTACT: **Kiley Meierarend**
kmeierarend@wycokck.org
913-573-5750

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-092** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-092,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2024, City Planning Commission Minutes:

Hearing starts at 2:39:40:

SPECIAL USE PERMIT APPLICATION SP2024-092 – KATRINA BADOWSKI –
SYNOPSIS: Special Use Permit for a Short-Term Rental at 2918 West 46th Avenue.
Detailed Outline of Requested Action: The applicant, Katrina Badowski, is requesting a Special Use Permit to operate a short-term rental at 2918 West 46th Avenue, Kansas City, Kansas 66103. This is the owner's primary residence; however, the owner will be staying off-site while the property is being rented. This would be the first and only permitted short-term rental on the 2900 block of West 46th Avenue.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Katrina Badowski, Applicant, 2918 West 46th Avenue, Kansas City, Kansas 66103

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 2:44:32: Planning Director Hand stated that the request is for a Special Use Permit for a Short-Term Rental. It is owner occupied, but the owner will not be present during rental, so it does not meet the threshold for an administrative short-term rental. The property is in the Rosedale Area Plan. Staff received no letters in support or opposition. There are older Notices of Violation, which have all been closed. Staff recommends approval for one (1) year, subject to the conditions in the staff report.

Motion starts at 2:45:52:

On motion by Mr. Straws, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-092 for one (1) year:**

Carson	**Chairman**
Schwartz	**Not Present**
Straws	**Aye**
Ward	**Aye**
Armstrong	**Not Present**
Beth	**Aye**
Easterwood	**Not Present**
Ernst	**Aye**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**Aye**

Motion to recommend APPROVAL Passed: 5 to 0
Subject to:

1. **The applicant shall repave the driveway and driveway apron to meet UG standards;**
2. **All gravel must be removed from the subject property;**
3. **The items listed in the home inspection report must be repaired prior to the renewal of this Special Use Permit;**
4. **The applicant shall maintain liability insurance;**
5. **Maximum number of guests shall be 7;**
6. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
7. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
8. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
9. **Applicant is to maintain liability insurance;**
10. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
11. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
12. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
13. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
14. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State**

Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;

15. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
16. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
17. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
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19. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
20. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
21. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new**

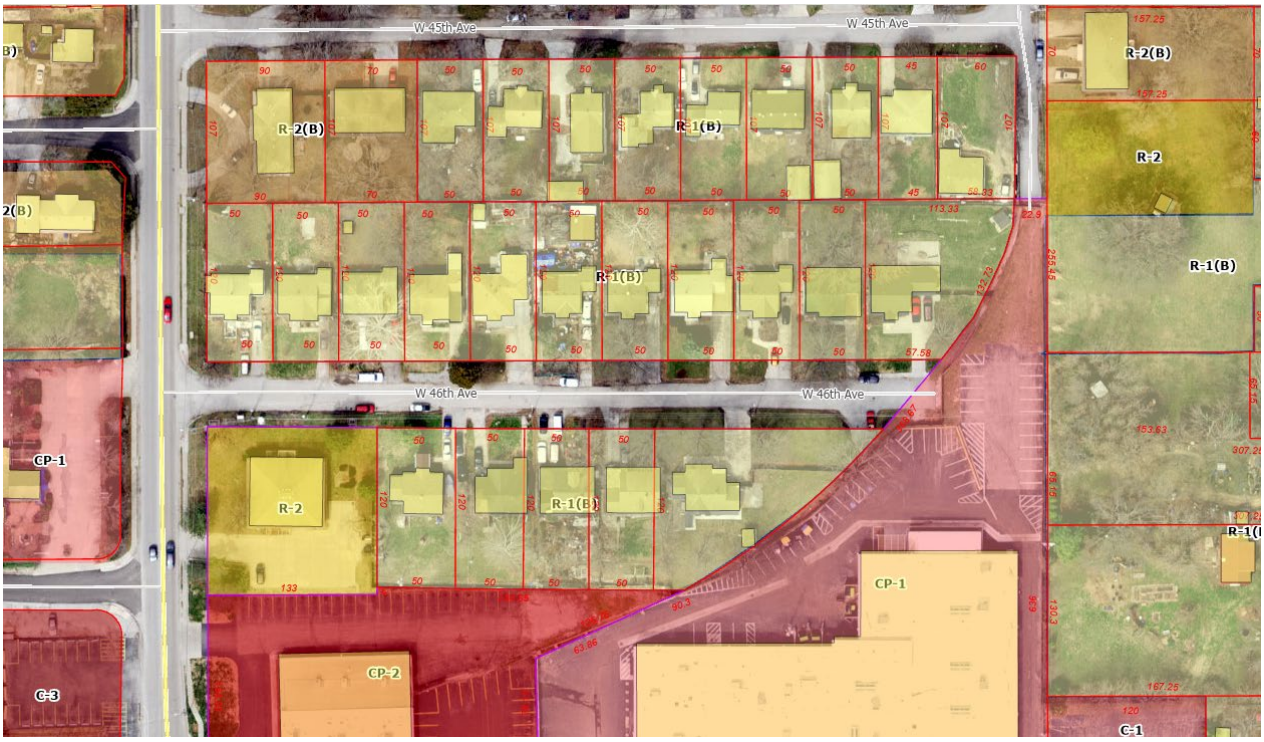
application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

22. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
23. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

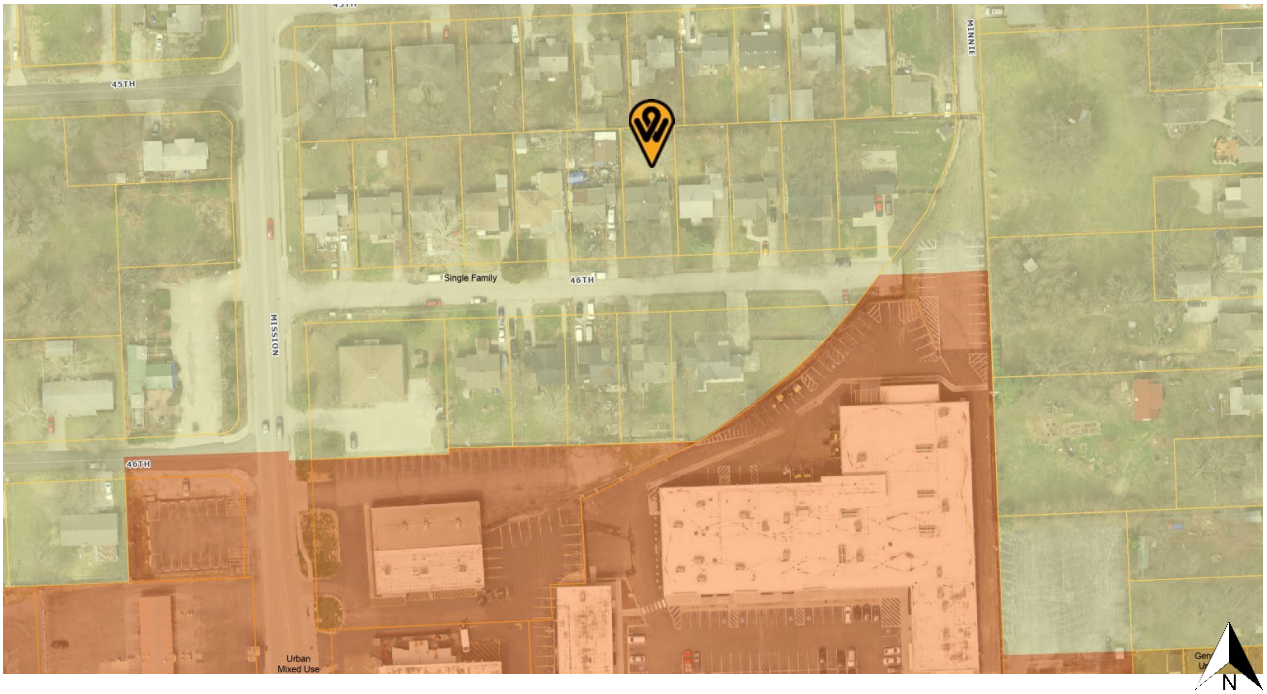
ATTACHMENTS

AERIAL IMAGERY

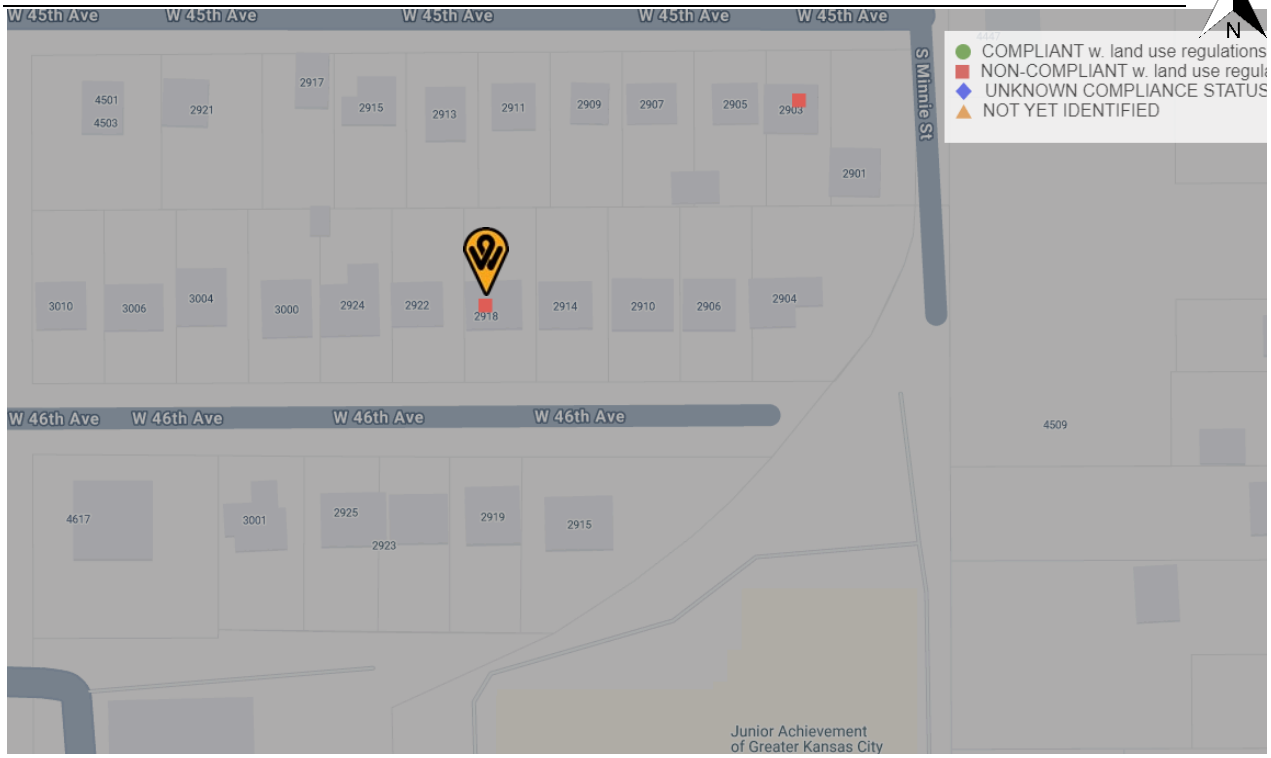
ZONING MAP



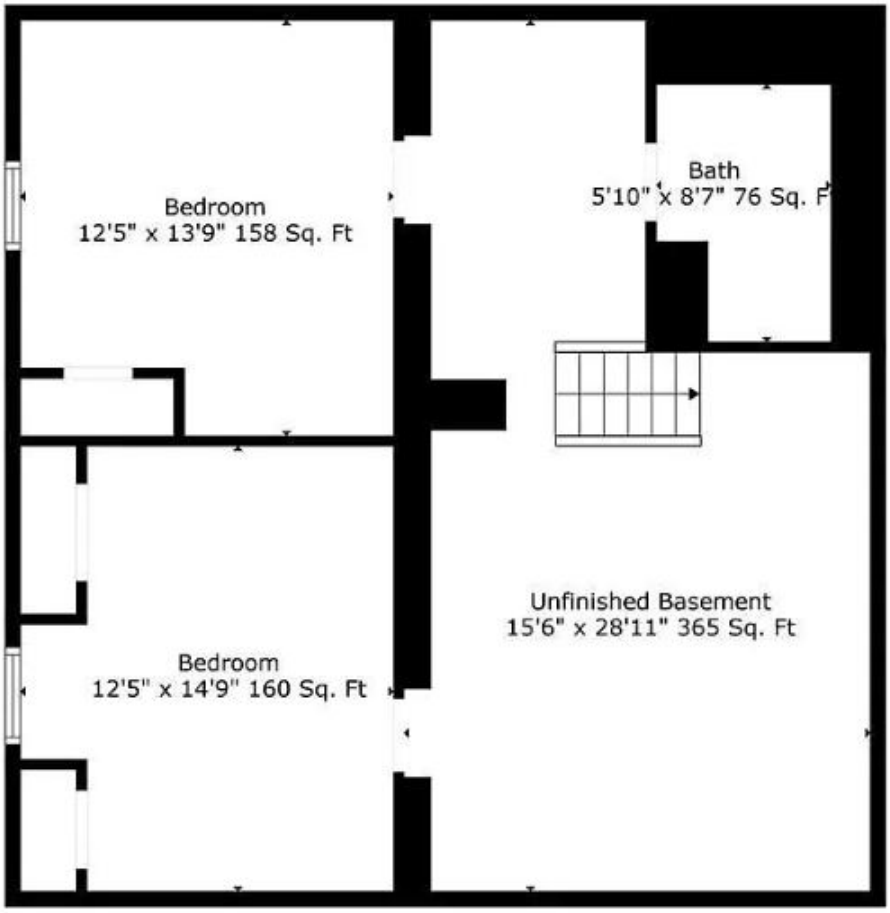
LAND USE MAP



SHORT-TERM RENTAL MAP



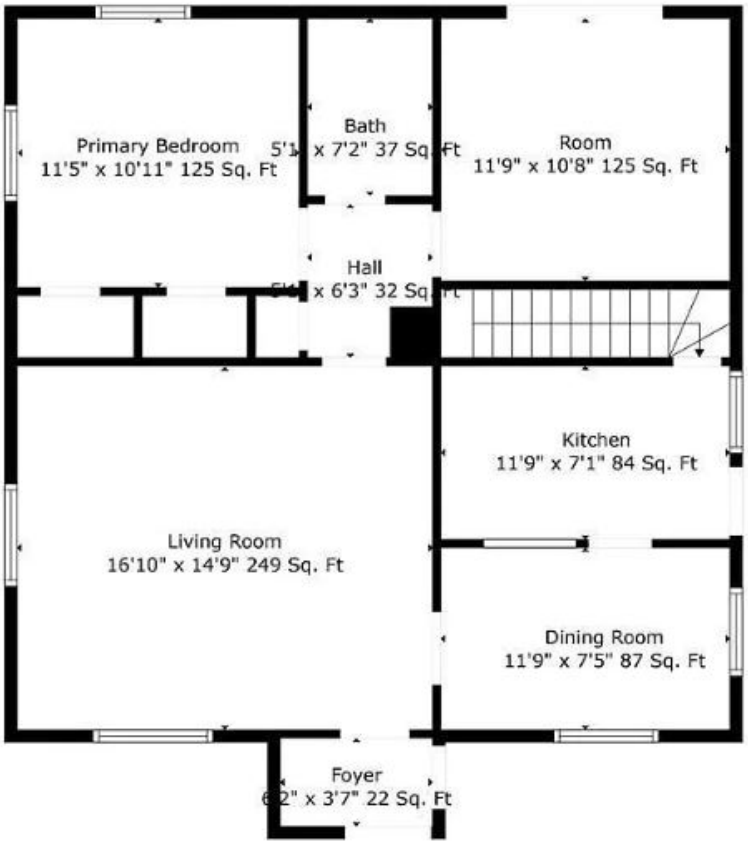
FLOOR PLAN



Total scanned area: 1795 sq. ft

Measurements Are Calculated By Cubicasa Technology. Deemed Highly Reliable But Not Guaranteed.

FLOOR PLAN



Total scanned area: 1795 sq. ft

Measurements Are Calculated By Cubicasa Technology. Deemed Highly Reliable But Not Guaranteed.

SITE PLAN

Site Plan

2918 W 46th Avenue
Kansas City, KS 66103

Key:
Yellow = driveway
Orange = garage
Red = house

PLANNING ENGINEERING COMMENTS

Department of Planning + Urban Design
Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

Memorandum

TO: Kiley Meierarend
Planner

FROM: Travis Trumble
Project Engineer

DATE: October 17, 2024

SUBJECT: Katrina Badowski – (SP2024-092)
2918 W. 46th Avenue
General Engineering Review No. 1 (of the application received 9/24/2024)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.**

1) Is there a proposed site improvement e.g., maintenance and overlay of the driveway area? If repair work of the drive entrance area is going to be done, the site plan shall illustrate these areas and erosion control plans shall be required.
2) Regarding the above comment, the driveway entrance within right of way of W. 46th Avenue shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G. Also, if the existing street i.e., on W. 46th Avenue is damaged during the demolition or construction phase, it shall be restored in accordance with UG standards and criteria.
3) Note that permits shall be obtained prior to starting construction, including but not limited to the Unified Government, Public Works Department, right-of-way, hauling, land disturbance permits, etc., as applicable.
4) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.
5) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: Travis Trumble
Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of Wyandotte County and KCK, ou=Urban Planning and Land Use, email=ttrumble@wycokck.org, c=US
Date: 2024.10.17 17:58:05 -05'00'
Travis Trumble, Project Engineer

Legacy Home Inspections
Property Inspection Report

2918 W 46th Ave, Kansas City, MO 66103
Inspection prepared for: Katrina Badowski
Real Estate Agent: Kelli McGovern - Weichert, Realtors Welch & Com

Date of Inspection: 2/1/2024 Time: 1:00 PM
Age of Home: 1950 Size: 1872
Order ID: 23743

Inspector: Johnny DiMaruo
License # NACHI18030931
Phone: 816-825-1707
Email: inspectorjohnnyd@gmail.com

Report Summary

The summary below consists of potentially significant findings. These findings can be a safety hazard, a deficiency requiring a major expense to correct or items I would like to draw extra attention to. The summary is not a complete listing of all the findings in the report, and reflects the opinion of the inspector. Please review all pages of the report as the summary alone does not explain all of the issues. All repairs should be done by a licensed & bonded tradesman or qualified professional. I recommend obtaining a copy of all receipts, warranties and permits for the work done.

Structure		
Page 6	Foundation	Specialist: Cracking & movement was observed on the foundation (See pictures below of some locations and examples). This implies that some structural movement of the building has occurred. Given the volume and/or nature of cracks, it is recommended that a foundation specialist or licensed structural engineer evaluate before closing for any needed repairs. Repair/Specialist: Areas of grout deterioration on foundation was observed. See pictures below of some locations and examples. Recommend evaluation by foundation specialist regarding repairs before closing. Note: Refer to the structure engineers inspection report for any recommendations.
Page 7	Attic	• Repair: Moisture stain(s) in attic roof sheathing were observed. See pictures below of some examples and locations. Recommend conferring with current owner regarding any leaks, and repair as needed.
Page 7	Wood Boring Insects	• Noted: No signs of Wood Destroying Insect damage and/or activity were observed during the visual inspection. Some conditions limit the visual inspection such as insulation, wall coverings, stored items, dense visibility, and any obstacles blocking the view.
Roofing		
Page 9	Sloped Roofing	• Noted: Due to certain conditions was unable to walk on part or all of the roof for the inspection. A licensed roofing professional is recommended to give a better evaluation of the entire roof condition before closing. • Repair: Debris accumulation on roof will speed deterioration by holding moisture next to the shingles where it may cause damage. • Repair: Tree limbs should be cut back so that they do not overhang the roof. • Repair: The plumbing exhaust vent should extend at least 6 to 10 inches above shingles. Recommend repair.
Exterior		
Page 11	Siding/Trim	Repair/Specialist: Damage to the siding of home was observed. Due to the nature of damage, it is recommended that a siding specialist evaluate the exterior coverings, siding/soffits of the home before closing. Repair: Visible openings on the siding/trim should be properly sealed to prevent moisture damage. Recommend repair.
Page 12	Patio	• Safety Notice: There is no handrail along staircase at patio. Recommend adding for safety reasons.

Page 12	Driveway	• Monitor/Repair: Cracking on asphalt driveway was observed. This is a common condition of Asphalt. Repair as necessary.
Page 12	Fencing	• Repair/Specialist: Damage to fencing is noted. Recommend fencing/gates be evaluated before closing by licensed contractor.
Page 13	Garage	• Repair: Weather stripping was missing/damaged around the garage door. Recommend repair. • Repair: Damage to garage door(s) noted. Recommend repair.
Electrical		
Page 14	Service/Entrance	• Safety Issue: Weatherhead/Mast is damaged. Recommend repair by a qualified electrician.
Page 15	Main Panel	• Safety Issue/Specialist: Improper clearance in front of the main electric panel. NEC code requires 36 inches of clearance in front of the box and a total of 30 inches in width for working space. Recommend clearing adequate space in front of electric panel. • Repair: Missing electric panel screw(s) should be replaced. • Safety Issue/Specialist: Double tap(s) inside the main electric panel was observed. This represents an increased risk of electrical fire and/or electrocution. Recommend repair. A licensed electrician could be further employed to evaluate the main electrical components of the home while bidding these repairs before closing.
Page 15	Subpanel	• Specialist: Some insurance companies will not insure a home powered by a fuse box. Recommend that buyer contact insurance agency about policy coverage, and licensed electrician evaluate for any needed repairs. A licensed electrician should be further employed to evaluate the main electrical components of the home while bidding these repairs before closing.
Page 15	Outlets	• Noted/Repair: Ungrounded outlets observed in the home. Recommend grounding outlets necessary for the function of major appliances, e.g. refrigerator, electric oven, dishwasher, etc. A licensed electrician could be further employed to evaluate the main electrical components of the home while bidding these repairs before closing.
Page 16	Ceiling Fan	• Repair: Ceiling fan light(s) did not operate. See photos for some examples and locations. Recommend repair.
Page 16	Exterior Outlets	Repair: Exterior outlet(s) with no power observed. See pictures for some examples and locations. Recommend repair by a qualified electrician.
Heating		
Page 18	Supply/Return Air Ductwork	Specialist: Possible asbestos insulation around duct work was observed. See pictures for some examples and locations. Recommend that a qualified professional be consulted for potential repairs before closing.
Page 18	Furnace	• Deferred Cost Item: As is not uncommon for homes of this age, the heating system(s) are older. The system(s) may require a slightly higher level of maintenance, and may be more prone to major component breakdown. Predicting the frequency or time frame for repairs on any mechanical device is virtually impossible. Recommend that a licensed technician

		evaluate HVAC system before closing. • Repair: Yellow and orange flames observed within the furnace burner cabinet. Recommend that licensed technician service furnace unit and evaluate HVAC system before closing. • Noted: Furnace condensation line drains on floor. Recommend repair.
Page 19	Furnace/Water Heater Exhaust	• Specialist: The furnace & water heater exhaust flue is exhausting into a masonry chimney. This is a common practice, but it is important to ensure that the chimney is properly lined with an acid-resistant flue liner to prevent the acidic condensate from dissolving the mortar lining of the chimney. Recommend further evaluation of the exhaust system/chimney by a qualified professional for necessary repairs before closing.
Page 19	Gas Lines	• Safety Issue/Specialist: A gas leak was detected. See pictures for location. Recommend that a licensed contractor repair.
Cooling/Heat Pumps		
Page 21	Central Air Conditioning	• Noted: AC was tested however due to low exterior temperature, true efficiency of system was unable to be tested as the AC unit does not have to work as hard to achieve temperature. Recommend monitoring system and repairing as needed. • Deferred Cost Item: As is not uncommon for homes of this age and location, the air conditioning system is old. It may require a slightly higher level of maintenance, and may be more prone to major component breakdown. Predicting the frequency or time frame for repairs on any mechanical device is virtually impossible. Recommend that a licensed HVAC technician evaluate before closing. • Repair: Insulation housing damaged/missing from refrigerant line. Recommend adding insulation housing.
Insulation/Ventilation		
Page 23	Attic	• Current insulation levels are average. Adding additional insulation would improve the R-value of the attic.
Page 23	Dryer Vent	• Repair: Dryer vent cover is damaged and should be replaced.
Plumbing		
Page 25	Water Heater	• Deferred Cost: As is not uncommon for homes of this age and location, the water heater is old. Most water heaters have an expected lifetime of between 8-12 years. This water heater has exceeded its expected useful life. It may require a slightly higher level of maintenance, and may be more prone to major component breakdown. Predicting the frequency or time frame for repairs on any mechanical device is virtually impossible. • Repair: A loose draft hood on top of water heater was observed. Recommend repair. • Repair: PEX tubing should not be installed within the first eighteen (18) inches of piping connected to a water heater. Recommend that a licensed plumber evaluate system for necessary repairs. • Repair: Drain valve for water heater was leaking. Recommend further evaluation of the system by a qualified professional for needed repairs.

Page 26	Supply Plumbing	• Repair/Specialist: Galvanized steel piping within the home observed. This system will require eventual replacement. Recommend licensed plumber evaluate plumbing system before closing.
Page 26	Waste Piping	• Noted/Specialist: Cast Iron Sewer Pipes have a life expectancy of 50 to 80 years. With the age of this home it is recommended that a licensed plumber evaluate the system for any needed repairs.
Page 26	Sump Pump	• Repair: Recommend sump pump be fitted with a battery-backup. • Repair: The sump pump is not equipped with a Backflow valve.
Interior		
Page 28	Windows	• Repair: An apparent broken seal in a window was observed, which has allowed argon gas to escape. Recommend repair/replacement of this window. • Safety Issue/Specialist: The bottom of the egress window opening can't exceed 44" from the finished floor. Recommend further evaluation by a qualified professional for necessary repairs.
Page 28	Stairs	• Safety Issue: Missing guardrail(s) along staircase(s) observed. See pictures below of some locations and examples. Recommend repair.
Appliances		
Page 30	Stove/Oven	• Repair: The stove/range should be fit with an anti-tip bracket. Repair as necessary.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

Comes now Katrina Badowski, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP2024-092
2. That I conducted a neighborhood meeting on 10/22/2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

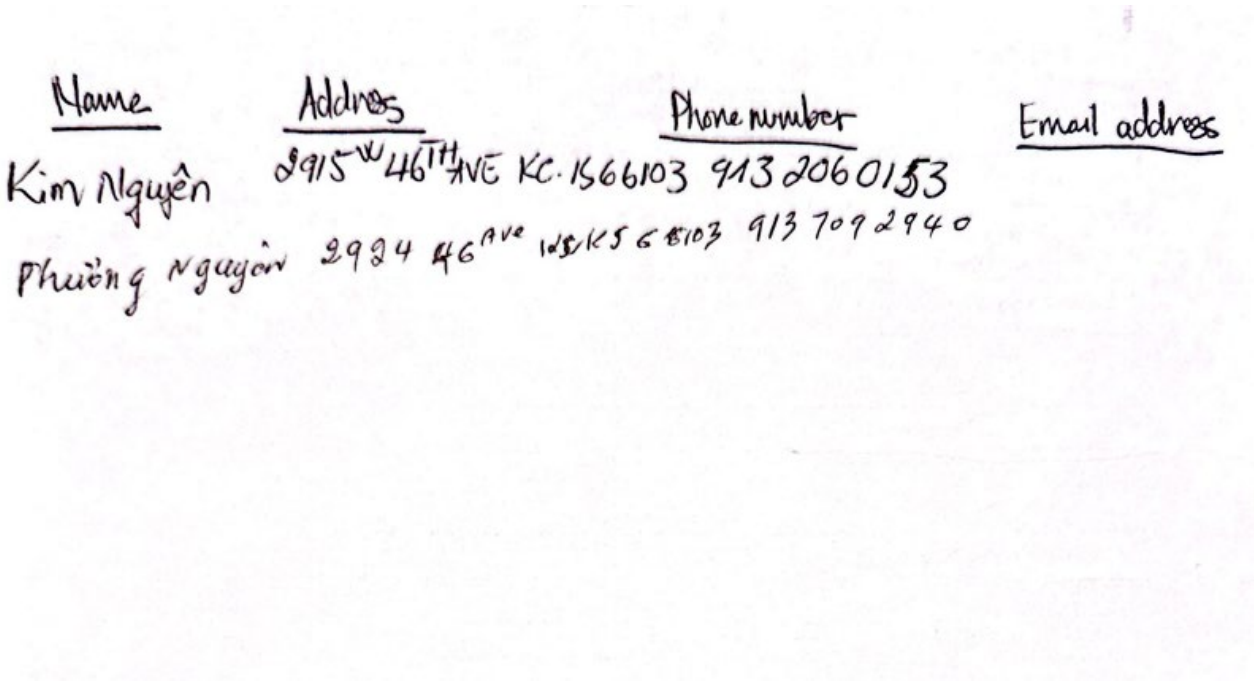
Katrina Badowski
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24th day of October, ~~200~~ 2024

My commission expires 19th of March, 2027 ~~200~~.

CYRIL Q BLACK
Notary Public - Notary Seal
St Louis County - State of Missouri
Commission Number 23841094
My Commission Expires Mar 19, 2027

Notary Public



Name	Address	Phone number	Email address
Kim Nguyên	2915 W 46TH AVE KC. 1566103	9132060153	
Phương Nguyên	2924 46 AVE KC 66103	9137092940	

MINUTES:

Application Number SP2024-092
Date and Location: 10/22/2024 at 2918 W 46th Ave Kansas City, KS 66103

Meeting called to order at: 6:00pm

Names of people in attendance:
1. Kim Nguyen
2. Phuong Nguyen

Introductions: Welcomed attendants and invited them to tour the home.

Presentation: Applicant explained plans for short term rental
- Explained permit application process
- Described various projects to achieve proper codes
- Displayed Guest handbook, evacuation diagram
- Clarified marketing of property on Airbnb and lengths taken to ensure the best guests entering the neighborhood

Questions and answers:
Kim Nguyen asked the following questions, and Katrina Badowski (applicant) answered the accompanying answers.
- *"What kind of rental will this be?"*
  - *"This will be a short-term furnished rental, with stays varying 1-29 consecutive days"*
- *"What is the reason you want us here?"*
  - *"To invite you into the home, exchange contact information, and address any questions you have."*
- *"What if no one else shows up?"*
  - *"That is no problem, it is not required for people to attend. I will let the county know."*
- *"To me, it's fine you're doing this! Can I have the Airbnb link?"*
  - *"Thank you for your support. Yes, of course."*

Meeting adjourned at: 6:45pm

Minutes taken by: Billie Rodriguez

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED OCTOBER 4, 2024

Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 5, 2024

Re: **Special Use Permit Petition SP2024-093**

GENERAL INFORMATION

Applicant Information:
Karissa Hallman
Owner
15953 South Crestview
Olathe, Kansas 66062

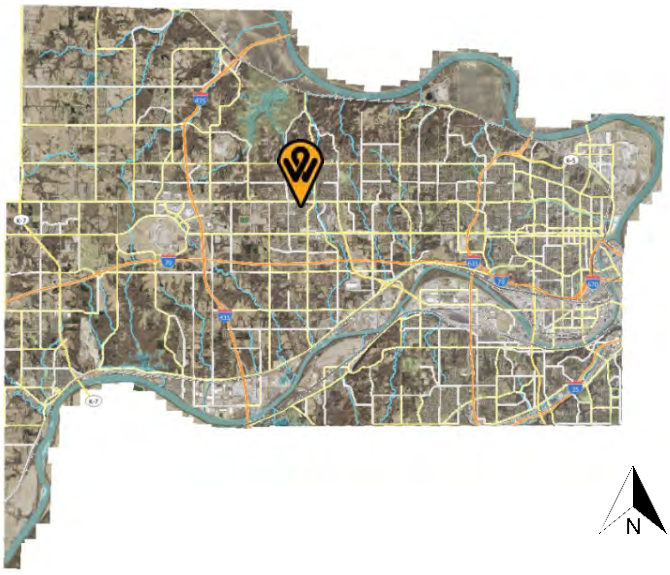
Subject Property:
7146 Parallel Parkway
Kansas City, Kansas 66112

Requested Action and Purpose:
Approval of a Special Use Permit to operate a short-term rental.

Commission Districts:
Commissioner At-Large, District #1:
Melissa Bynum
District #8 Commissioner:
Andrew Davis

Existing Zoning District(s):
R-1 Single Family District

Plan Area:
PlanKCK Comprehensive Plan



	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Single-family residence
South	R-1 Single Family District	Painted Hills Golf Club
East	R-1 Single Family District	Single-family residence
West	R-1 Single Family District	Single-family residence

Total Tract Size:	0.39 Acre
Comprehensive Plan Designation:	The PlanKCK Comprehensive Plan designates the subject property as Low-Density Residential, which allows for single-family, detached residential development on standard lot sizes intended to both support infill within and protect established single-family neighborhoods. Townhomes and side-by-side rowhouses at an intersection at the end of a block and/or with frontage on a commercial, mixed-use or neighborhood corridor is allowed.
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan designates Parallel Parkway as a Major Arterial Street.
Parking Requirement:	Section 27-454 (e) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport”. The subject property provides two (2) covered parking spaces and three (3) off-street parking spaces.
Landscaping Requirement:	Section 27-700 (a) states “One (1) shade tree per dwelling unit is required in the front or corner side yard”. The subject property fulfills this requirement.
Advertisement:	The Wyandotte Echo – October 17, 2024 Letters to Property Owners – October 18, 2024
Public Hearings:	November 12, 2024 and December 5, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Karissa Hallman, is requesting a Special Use Permit to operate a short-term rental at 7146 Parallel Parkway, Kansas City, Kansas 66112. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 7100 block of Parallel Parkway.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property with the current property owner.

Building, Zoning, or Code Enforcement Complaints:

1. 2017 – ABT22-0928 – Abatement – Tall grass and weeds (closed).

Outstanding or Related Permit and Cases:

1. There are no additional related permits or cases on the subject property.

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Victory Hills Statistical Neighborhood Group and the Leavenworth Road Association Business Group. The neighborhood consists of primarily single-family residences. The subject property is located to the north of Painted Hills Gold Club and Kansas City Kansas Community College.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the R-1 Single Family District. Use of the property as a rental, either short or long-term, while commercial in nature, is consistent with other nearby properties in close proximity to a major corridor. While use as a short-term rental is

commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

3. ***The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?***

   Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

4. ***The length of time the property has remained vacant as zoned.***

   The property is not vacant. The property has been consistently used as a single-family residence.

5. ***The degree of conformance of the proposed use to the Comprehensive Plan.***

   Special Use Permits are not addressed in the PlanKCK Comprehensive Plan. The PlanKCK Comprehensive Plan designates the subject property as Low-Density Residential, which allows for single-family, detached residential development on standard lot sizes intended to both support infill within and protect established single-family neighborhoods. Townhomes and side-by-side rowhouses at an intersection at the end of a block and/or with frontage on a commercial, mixed-use or neighborhood corridor is allowed. The proposed use conforms to the PlanKCK Comprehensive Plan designation with the approval of a Special Use Permit.

6. ***Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

   The proposed use has the potential to increase vehicular traffic, but should not exceed the capacity of Parallel Parkway, a Major Arterial Street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

7. ***Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

   The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as making excessive noise, vibration,

illumination, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. ***Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

   Noise, vibration and illumination are all potential issues that are related to short-term rentals if it is not managed properly. There have not been any complaints to date with the current applicant. Dust is not typically an issue related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby properties.

9. ***Whether the proposed use will pollute the air, land or water.***

   The proposed use will not pollute the air, land or water as it is an existing, permitted residence.

10. ***Whether the use would damage or destroy an irreplaceable natural resource.***

    The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing, permitted residence in an existing built-out neighborhood.

11. ***The relative gain to the public health, safety and welfare as compared to the hardship imposed on the individual landowner or landowners.***

    The relative gain or loss to public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental, but may still use the property as a long-term rental with appropriate permits and licenses, their primary residence, or sell the property.

12. ***The applicant's ability to maintain the use in an "as proposed" condition.***

    The applicant will be required to maintain their short-term rental according to the submitted management plan and conditions of approval as well as limits to number of guests and number of vehicles on the property, as well as all other applicable ordinances set by the Code of Ordinances.

13. ***Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.***

    The proposed use is not expected to create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is seven (7). The maximum number of vehicles off-street is

three (3). There shall be no on-street parking for renters or guests of any short-term rental. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Zoom on October 25, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration
Home Inspection Report
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Application **SP2024-093**, subject to:

1. **The applicant must submit proof of purchase of liability insurance before the publication of the associated ordinance;**
2. **Maximum number of guests shall be 7;**
3. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
4. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
6. **Applicant is to maintain liability insurance;**
7. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
8. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
9. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
10. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning**

and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

11. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
12. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
13. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
14. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
15. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
16. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
17. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**

18. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
19. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
20. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-093** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Planning Engineering Comments
Applicant Response to Planning Engineering Comments
Home Inspection Report
Proof of Repair
Neighborhood Meeting Materials

Site Visit Photos, Taken by Staff – Dated October 4, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	November 12, 2024 – Approval	December 5, 2024

STAFF CONTACT: **Kiley Meierarend**
kmeierarend@wycokck.org
913-573-5750

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-093** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-093,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2024, City Planning Commission Minutes:

Hearing starts at 2:46:57:

SPECIAL USE PERMIT APPLICATION SP2024-093 – KARISSA HALLMAN – SYNOPSIS: Special Use Permit for a Short-Term Rental at 7146 Parallel Parkway. *Detailed Outline of Requested Action:* The applicant, Karissa Hallman, is requesting a Special Use Permit to operate a short-term rental at 7146 Parallel Parkway, Kansas City, Kansas 66112. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 7100 block of Parallel Parkway.

The following items were included as part of the record for this case:

1. **The City's currently adopted zoning and subdivision regulations;**
2. **The official zoning map for the area in question;**
3. **The City's currently adopted Master Plan for the area in question;**
4. **The staff report and attachments dated November 12, 2024;**
5. **The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;**
6. **The Notice in the Wyandotte Echo; and,**
7. **The Notices to property owners.**

Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- **Karissa Hallman, Applicant, 15953 South Crestview Drive, Olathe, Kansas 66062**

Present in Opposition:

- **No one appeared**

Staff Recommendation starts at 2:49:14: Planning Director Hand stated that the request is for a non-owner-occupied Short-Term Rental. The property is in the PlanKCK area in the midtown neighborhood. Staff received no letters in support or opposition. There are some older Notices of Violation all of which have been closed. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 2:50:17:

On motion by Mr. Ward, seconded by Mr. Straws, the Planning Commission voted as follows to recommend APPROVAL of Special Use Permit Application SP2024-093 for one (1) year:

Carson	**Chairman**
Schwartz	**Not Present**
Straws	**Aye**

Ward **Aye**
Armstrong **Not Present**
Beth **Aye**
Easterwood **Not Present**
Ernst **Aye**
Jones **Not Present**
Miller **Not Present**
Mohler **Aye**
Motion to recommend APPROVAL Passed: 5 to 0
Subject to:

1. **The applicant must submit proof of purchase of liability insurance before the publication of the associated ordinance;**
2. **Maximum number of guests shall be 7;**
3. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
4. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
6. **Applicant is to maintain liability insurance;**
7. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
8. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
9. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
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buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

13. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
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15. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
16. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
17. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
18. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
19. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the**

petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

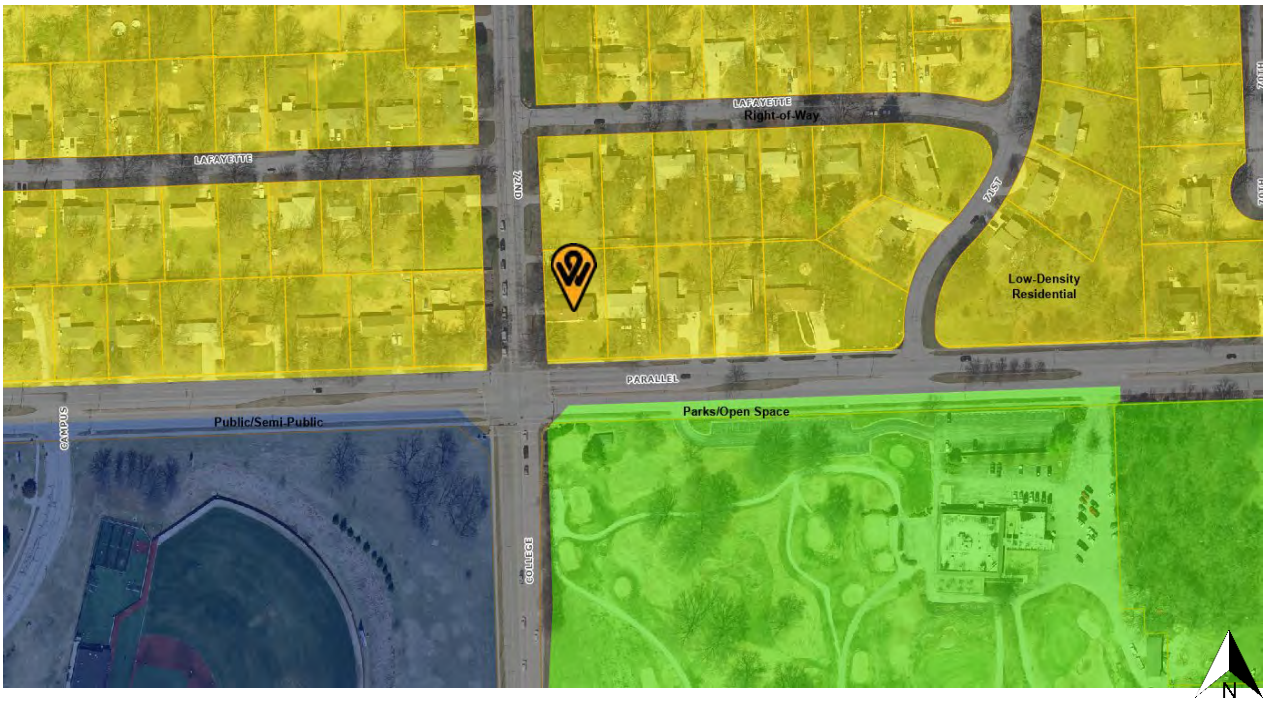
20. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

ATTACHMENTS

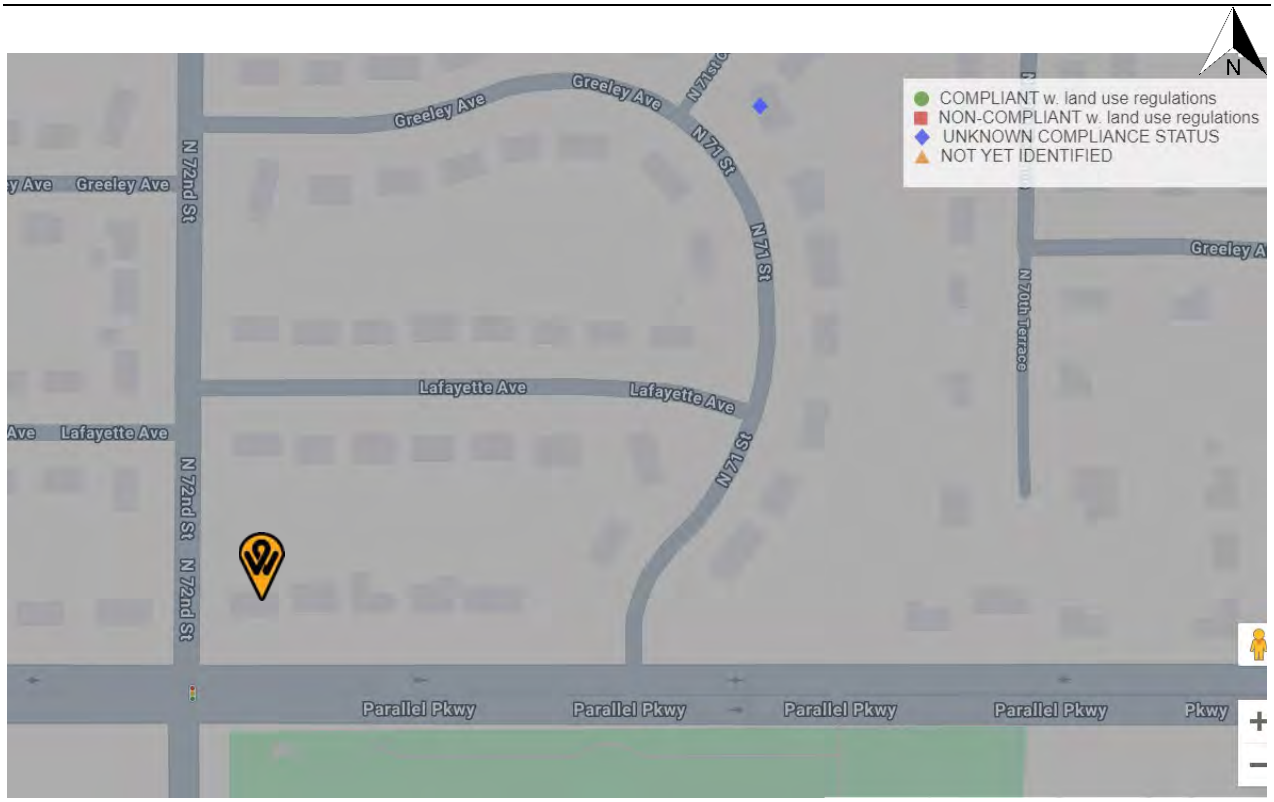
AERIAL IMAGERY

ZONING MAP

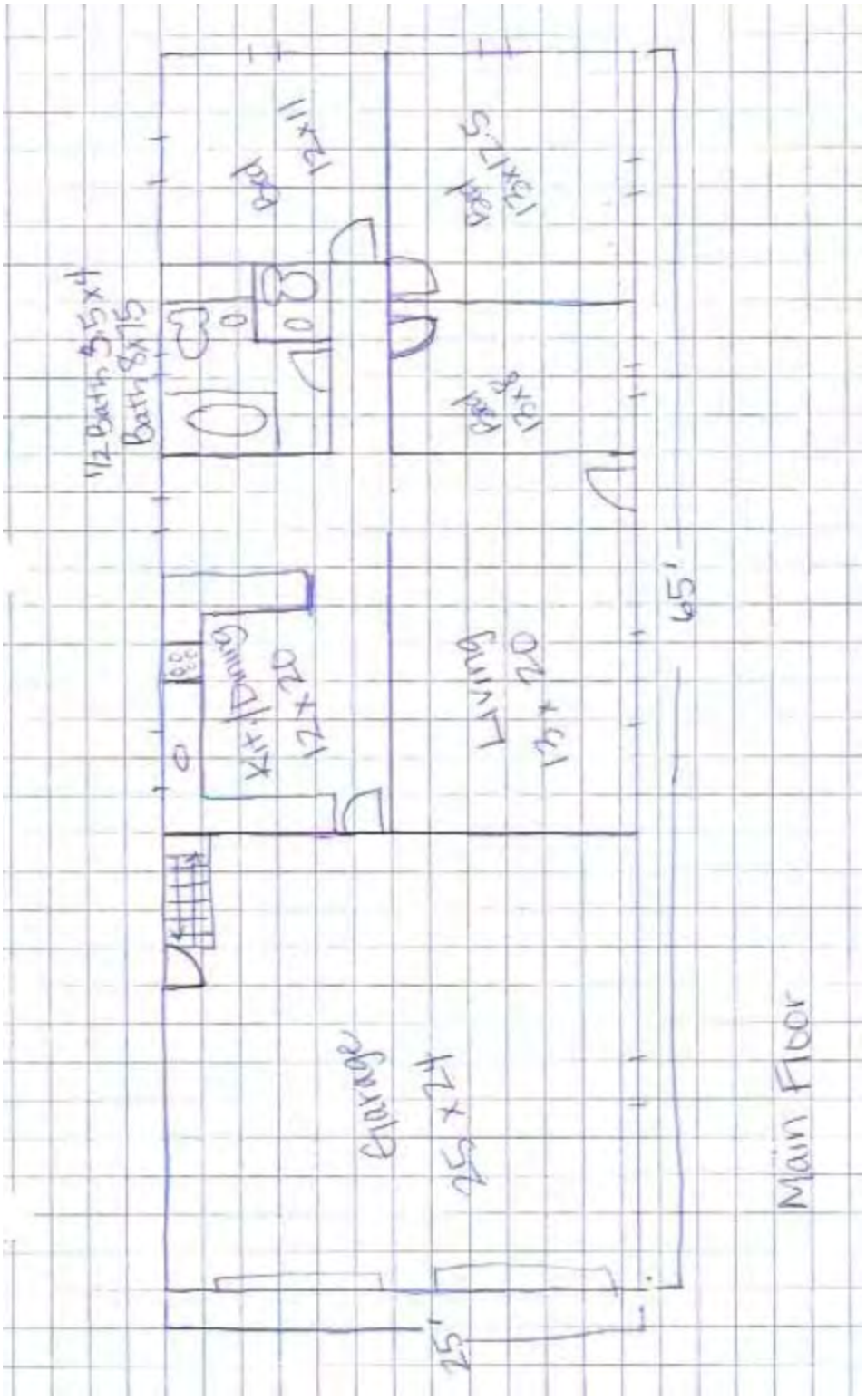
LAND USE MAP



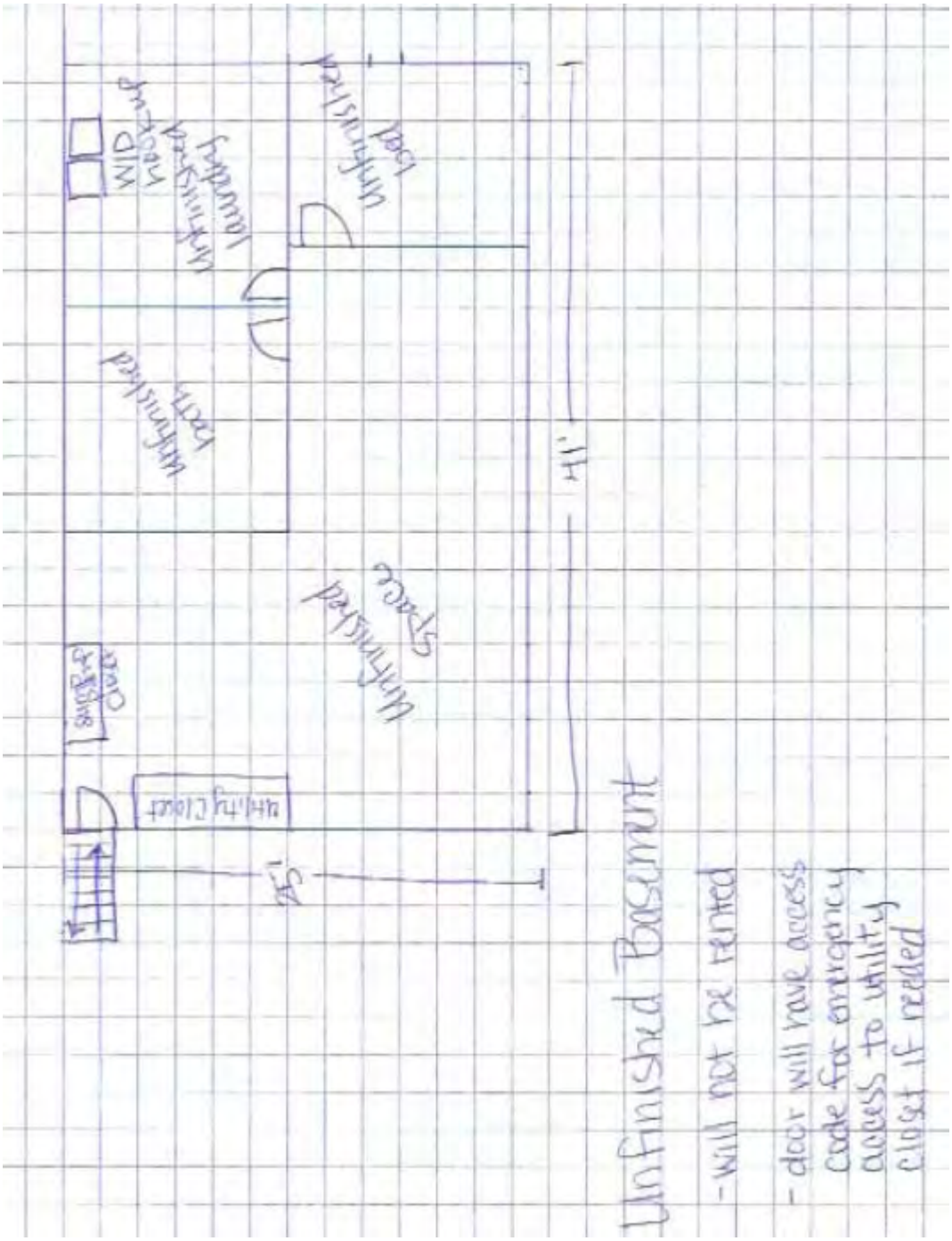
SHORT-TERM RENTAL MAP



FLOOR PLAN


1/2 Bath 5'5"x4'
Bath 5'x7'5
Bed 12x11
Bed 13'x12'
Bed 12x9
Kit+Dining
12x20
Living
12x20
65'
Garage
25'x24'
25'
Main Floor

FLOOR PLAN


Unfinished Basement
- will not be rented
- door will have access code for emergency access to utility closet if needed
Unfinished space
Laundry
Unfinished room
Unfinished room
Utility Closet
Under stairs
Closet
41'
15'

Department of Planning + Urban Design
Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

Memorandum

TO: Kiley Meierarend
Planner

FROM: Travis Trumble
Project Engineer

DATE: October 17, 2024

SUBJECT: Karissa Hallman – (SP2024-093)
7146 Parallel Parkway
General Engineering Review No. 1 (of the application received 9/20/2024)

Prior to engineering approval on the above-named project, the construction drawings must be revised to address the following comments from the Engineering Division of the Planning and Urban Design Department. These comments refer to General Engineering design standards and requirements of the Unified Government that were not met in this submittal. Planning comments may require additional resubmittals. **The resubmittal shall include a response letter (PDF) that explains how each of the following comments has been addressed. Attach revision clouded drawings when applicable. Subsequent review of the plans will not proceed until such letter is received by email to EDR@WyCoKCK.org.**

1) Is there a proposed site improvement e.g., maintenance and overlay of the driveway area? If repair work of the drive entrance area is going to be done, the site plan shall illustrate these areas and erosion control plans shall be required.
2) Regarding the above comment, the driveway entrance within right of way of N. 72nd Street shall conform to the Unified Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G. Also, if the existing street i.e., on N. 72nd Street is damaged during the demolition or construction phase, it shall be restored in accordance with UG standards and criteria.
3) Note that permits shall be obtained prior to starting construction, including but not limited to the Unified Government, Public Works Department, right-of-way, hauling, land disturbance permits, etc., as applicable.
4) Please coordinate with Kiley Meierarend, kmeierarend@wycokck.org, for additional Urban Planning and Zoning requirements and comments.
5) Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.

Reviewer: Travis Trumble
Digitally signed by Travis Trumble
DN: cn=Travis Trumble, o=Unified Government of Wyandotte County and KCK, ou=Urban Planning and Land Use, email=ttrumble@wycokck.org, c=US
Date: 2024.10.17 08:45:02 -05'00'
Travis Trumble, Project Engineer

APPLICANT RESPONSE TO PLANNING ENGINEERING COMMENTS

Response Letter to Engineering Department

Subject: SP2024-093 Karissa Hallman
7146 Parallel Parkway

In response to the questions from the Engineering Department regarding the driveway of the above property, I do not have plans to change, improve or do any repair work to the driveway.

Thanks,
Karissa Hallman

Inspection Report

Karissa Hallman

Property Address:
7146 Parallel Pkwy
Kansas City KS 66112

AmeriSpec Inspection Services

Ken Grupe
4803 NW 71st St
Kansas City, MO 64151
816-718-7338

Date: 9/16/2024	Time: 09:30:00 AM	Report ID: 202409-09870
Property:	**Customer:**	**Real Estate Professional:**
7146 Parallel Pkwy Kansas City KS 66112	Karissa Hallman	Ken Grupe

GENERAL INFORMATION

We attempt to give the client a comprehensive, clear-cut, unbiased view of the home. The purpose of this inspection is to identify 'MAJOR' problems associated with the property being purchased or sold, although minor items may also be mentioned. Areas, which may be of concern to us, may not be of concern to the client and some items, which may be of concern to the client, may be considered minor to us. Therefore, it is advisable to read the entire report.

Where repairs or replacements are suggested, we recommend licensed professionals in that field be called upon to make those repairs. We can perform verification of repairs to ensure repairs or corrections were made and also advise the client to obtain all paperwork from professionals concerning the work performed. These professionals will be happy to provide you with written statements concerning their work. We further recommend maintaining all paperwork on repairs for future reference.

FUTURE FAILURE: Items in the home can and do experience failure without prior indications. This report is a snap shot of the condition of the home at the time of inspection. We cannot determine if or when an item will experience failure. Therefore, we cannot be held responsible for future failure. Carbon monoxide and smoke detectors have been proven to save lives. Client is advised to install carbon monoxide and smoke detectors if not already present in home. Suggest consulting with your local municipality and manufacture specifications as to the proper location and installation of these units.

DEFINITION OF TERMS

Please take the time to analyze the following pages contained herein. This is your complete inspection report and must be reviewed carefully. Below is an index of the ratings used in this report.

SERVICEABLE (S) = The items inspected appeared to function normally at time of inspection.

Not Applicable (N/A) = The item(s) do not apply to this property.

NOT PRESENT (NP) = The item was not present at the time of inspection.

NOT INSPECTED (NI) = The item was not inspected due to inaccessibility, personal items, temperature, weather conditions or the item is not within the scope of the inspection.

NOT OPERATED (NO) = The system or component was not operated due inaccessibility, temperature, weather conditions or the item is not within the scope of the inspection.

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REPAIR / REPLACE (RR) = The item was inspected and found to have deficiencies, was operating or installed incorrectly, is a possible health, fire, safety concern or in the inspector's opinion at or near the end of its useful life. Items with the heading 'Repair / Replace' will appear in the 'Summary Report'.

Type of building:	**In Attendance:**	**Approximate age of building:**
Single Family (1 story)	Client	Over 50 Years
Temperature:	**Weather:**	**Ground/Soil surface condition:**
80 degrees (F)	Clear	Dry
Rain in last 3 days:	**Start Time:**	**Finish Time:**
No	Start Time: 9:30 AM	Finish Time: 11:30 AM

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SUMMARY REPORT

AmeriSpec Inspection Services
4803 NW 71st St
Kansas City, MO 64151
816-718-7338

SUMMARY

Doc #:	202409-09870	Client Name:	Karissa Hallman
Dwelling Address:	7146 Parallel Pkwy Kansas City KS 66112	Inspector:	Ken Grupe

This summary is provided as a service to assist in verifying that noted items are not in proper working order at the time of inspection. We do not have access to individual sales contracts and suggest client review sales contract with a real estate professional and/or real estate attorney to determine what repairs if any are to be made.

This summary is only part of the inspection report. The entire inspection report must be reviewed prior to close.

1. EXTERIOR

1.2 EXTERIOR WALL CLADDING

REPAIR OR REPLACE

(1) There are a couple of cracks in the stone and mortar on the right side of the home. Recommend tuckpointing and sealing as needed.

1.2 Item 1(Picture)

1.2 Item 2(Picture)

(2) Recommend caulking and sealing around the entry point of the refrigerant line and exhaust on the back of the home. This will help prevent water intrusion.

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1.2 Item 3(Picture)

1.3 TRIM, EAVES, SOFFITS AND FASCIAS

REPAIR OR REPLACE

Peeling paint to the wood trim above the garage. Recommend sanding and painting as a preventive maintenance measure.

1.3 Item 1(Picture)

1.3 Item 2(Picture)

1.3 Item 3(Picture)

1.5 DOORS (EXTERIOR)

REPAIR OR REPLACE

Deadbolt on front door is not lining up to the strike plate. Suggest adjustments in order for the deadbolt to lock.

1.5 Item 1(Picture)

1.9 EXTERIOR WATER FAUCETS

REPAIR OR REPLACE

Handle is partially broke on the front exterior water faucet, couldn't get it to turn on. Suggest to repair or replace the faucet.

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1.9 Item 1(Picture)

1.11 LOT GRADE AND DRAINAGE

REVIEW

There is a little low area to the ground by the foundation at the back of the home. Recommend adding fill dirt as needed to ensure the ground slopes away from the home.

1.11 Item 1(Picture)

2. ROOF SYSTEM

2.2 ROOF DRAINAGE SYSTEMS (GUTTERS/DOWNSPOUTS)

REPAIR OR REPLACE

(1) The gutter downspouts need to be cleaned out, and splash blocks should be put in place to ensure proper drainage away from the foundation.

2.2 Item 1(Picture)

2.2 Item 2(Picture)

(2) Leaf and debris buildup present in the gutters in the home. Recommend cleaning the gutters to ensure proper drainage of the gutter system.

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2.2 Item 3(Picture)

2.2 Item 4(Picture)

(3) The tree at the front right corner of the home has caused a little damage to the gutter. Recommend trimming back the tree and repairing the gutter as needed.

2.2 Item 5(Picture)

4. ATTIC

4.4 ATTIC VENTILATION

REPAIR OR REPLACE

The screen is missing from half of the gable vent on the right side of the home. Recommend installing the screen to help prevent birds or small animals from entering the attic.

4.4 Item 1(Picture)

5. ELECTRICAL SYSTEM

5.4 OPERATION OF GFCI (GROUND FAULT CIRCUIT INTERRUPTERS)

REVIEW

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Not all receptacles in required areas are ground fault circuit interrupter (GFCI) protected (garage, exterior). This may not have been required when home was built; client is advised to install ground fault circuit interrupter outlets as a safety enhancement.

5.7 CARBON MONOXIDE ALARMS

SAFETY

There are no carbon monoxide alarms found in the home. It is recommended that one be installed according to the manufacturer's instructions.

5.8 ELECTRICAL COMMENTS

REVIEW

Ungrounded three prong receptacles observed in the basement of the house. It is recommended that these types of receptacles be grounded, replaced with two prong receptacles, or protected on GFCI circuits as applicable. Suggest review by licensed electrician for repairs/replacements as needed to ensure safety.

6. STRUCTURAL COMPONENTS

6.0 SLAB

REVIEW

There is a crack in the slab floor close to the rear foundation wall. This may be a result of some movement with the foundation wall. Suggest further review by a foundation contractor and corrections as deemed necessary.

6.0 Item 1(Picture)

6.0 Item 2(Picture)

6.0 Item 3(Picture)

6.10 ELECTRICAL (BASEMENT AND CRAWLSPACE)

REVIEW

Open wire connections present in the basement. All wire connections should be enclosed inside junction boxes. Recommend corrections as needed qualified electrician.

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6.10 Item 1(Picture)

6.10 Item 2(Picture)

6.10 Item 3(Picture)

6.14 STRUCTURAL COMPONENTS COMMENTS

REVIEW

There are signs of previous water intrusion along the wall by the basement steps. Suggest contacting a foundation contractor for further evaluation and corrections as necessary.

6.14 Item 1(Picture)

8. HEATING SYSTEM

8.4 AIR FILTERS

REVIEW

The filter is not easily removed because of the gas line above the filter compartment. Suggest contacting a qualified plumber to move the gas line so the filter can be easily taken in and out.

8.4 Item 1(Picture)

9. AIR CONDITIONING SYSTEM

9.2 ENERGY SOURCE

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REPAIR OR REPLACE

Recommend adding a cover to the breaker box for the AC at the back of the home.

9.2 Item 1(Picture)

13. KITCHEN AND BUILT-IN APPLIANCES

13.12 RANGES/OVENS/COOKTOPS

REVIEW

The oven knob is busted for back left burner. Suggest replacing this knob.

13.12 Item 1(Picture)

13.12 Item 2(Picture)

14. BATHROOMS

14.4 CLOSETS

REPAIR OR REPLACE

The bathroom closet door handle needs repaired.

14.4 Item 1(Picture)

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14.5 WINDOWS

REVIEW

The bathroom will not open. Suggest corrections so the window can be opened and closed.

14.5 Item 1(Picture)

14.7 RECEPTACLES, SWITCHES AND FIXTURES

SAFETY

The outlet in the hall bathroom is not GFCI protected. Recommend upgrading this outlet to GFCI for added safety.

14.7 Item 1(Picture)

14.8 EXHAUST FAN(S)

REVIEW

There is no exhaust fan in this bathroom. Because the window does not open, there is no way for moisture to escape from the bathroom. Suggest fixing the window or adding an exhaust fan to this bathroom.

14.10 SHOWER

REPAIR OR REPLACE

The shower in the partially finish basement bathroom is not draining properly. Recommend corrections needed by qualified plumber.

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14.10 Item 1(Picture)

14.11 SINKS

REPAIR OR REPLACE

Limited hot water flow from the faucet of the hall bathroom sink. The hot water line on the faucet most likely is partially blocked. Suggest to repair or replace the faucet.

14.11 Item 1(Picture)

15. LIVING AREAS

15.4 CLOSET DOORS (REPRESENTATIVE NUMBER)

REVIEW

Closet door doesn't close all the way. Suggest adjustments in order the closet door to close completely.

15.4 Item 1(Picture)

15.10 STAIRWAYS

SAFETY

No handrail. Recommend adding a handrail for added safety.

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15.10 Item 1(Picture)

16. BEDROOMS

16.4 CLOSET DOORS (REPRESENTATIVE NUMBER)

REVIEW

Closet doors need to be installed correctly.

16.4 Item 1(Picture)

16.7 RECEPTACLES, SWITCHES AND FIXTURES

REVIEW

(1) Loose outlet on the wall in back right bedroom. Suggest securing the outlet as a safety precaution.

16.7 Item 1(Picture)

(2) Light not working. Could be the bulb or the switch.

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16.7 Item 2(Picture)

Prepared Using HomeGauge http://www.HomeGauge.com : Licensed To Ken Grupe

RESULTS AT A GLANCE

139	30	84
ITEMS INSPECTED	SUMMARY COMMENTS	PHOTOS
Total number in report.	Total number in report.	Total number in report.

1. EXTERIOR

DESCRIPTION

Our exterior evaluation is visual in nature and is based on our experience and understanding of common building methods and materials. Our review does not take into consideration the normal wear associated with virtually all properties. Exterior surfaces should be kept well painted, stained or sealed to prevent deterioration. Grading & adjacent surfaces should be maintained and pitched away from the foundation to reduce the chances of water infiltration.

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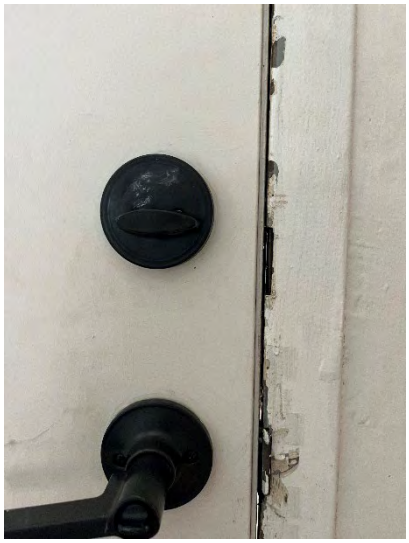
PROOF OF REPAIR



AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Karissa Hallman, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP2024-093.
2. That I conducted a neighborhood meeting on October 25, 2024.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Karissa Hallman
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28th day of October, 2024.

My commission expires 11th of August, 2026. RIE

Renee Lynn Eaton
Notary Public

RENEE LYNN EATON
Notary Public-State of Kansas
My Appt. Expires 8-11-26

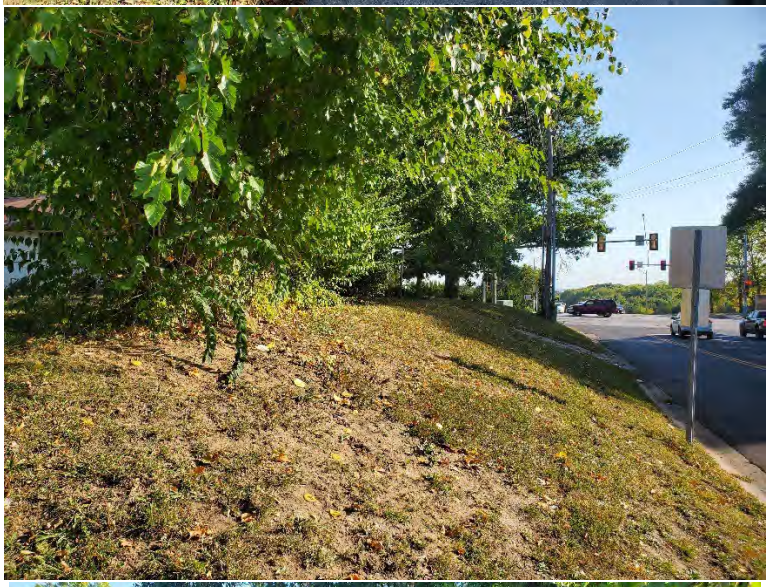
Meeting Minutes

Neighborhood meeting for Petition SP2024-093 regarding the special permit application for 7146 Parallel Parkway was started Friday, October 25, 2024 at 6:00pm via zoom.

Anita, a neighbor at 7133 Lafayette, logged onto the call. Anita had no questions so I briefly explained what a short term rental is and my business plan. Anita had no questions and stated she had no concerns with living close to a short term rental. Anita logged off the call.

There were no other attendees. I remained available on the zoom meeting until 6:30pm at which time I ended the meeting.

SITE VISIT PHOTOS, TAKEN BY STAFF – DATED OCTOBER 4, 2024



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 5, 2024

Re: **Special Use Permit Petition SP2024-094**

GENERAL INFORMATION

Applicant Information:
Tamara McConnell
Owner, Breathe Beverage
2000 North 67th Street
Kansas City, Kansas 66104

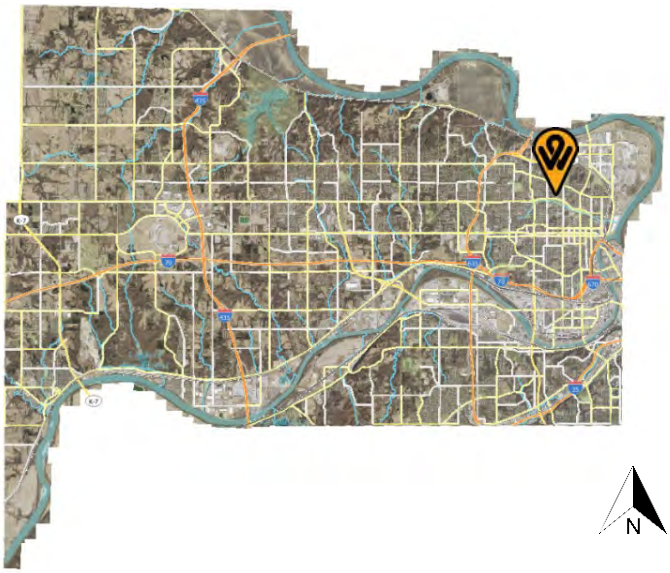
Subject Property:
2724 North 13th Street
Kansas City, Kansas 66104

Requested Action and Purpose:
Approval of a Special Use Permit for live entertainment at a restaurant.

Commission Districts:
Commissioner At-Large, District #1 Commissioner:
Melissa Bynum
District #1 Commissioner:
Gayle Townsend

Existing Zoning District(s):
CP-2 Planned General Business District

Plan Area:
Northeast Area Plan



	Adjacent Zoning	Adjacent Uses
North	C-1 Limited Business District	Northeast Economic Development Corporation, Convenience Store with Gas and Restaurant with Banquet Dining
South	C-1 Limited Business District and R-1(B) Single-Family District	Single Family Residences and Barbershop
East	C-3 Commercial District and R-2 Two-Family District	Single Family Residence and Two-Family Residences
West	C-1 Limited Business District and R-1(B) Single-Family District	Single Family Residences

Total Tract Size: 0.06 Acre

Comprehensive Plan Designation: The Northeast Area Plan designates this property as Mixed Use. Mixed Use is generally designated along corridors that include a mix of single-family houses, apartment buildings, small commercial buildings, and mixed-use buildings. These areas should be walkable with wide sidewalks, landscape buffer areas, street trees and accommodates for cyclists and transit. Buildings should be built up to the street to form a consistent street frontage. Allowed building types include single-family houses, townhomes, duplexes, low-rise apartments, small commercial retail and office, mixed-use buildings, and institutional uses.

Major Street Plan: The goDotte Mobility Plan designates North 13th Street as a Minor Collector Street.

Parking Requirement: Section 27-466(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. Special parking needs are expanded in Section 27-668(a) which requires that eating places, restaurants, dining rooms, snack bars shall provide one (1) space for each 50 square feet of seating area plus one space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square

	feet of seating area shall supply at least ten (10) off-street parking spaces. A variance for 0 parking spaces (BOZA2022-022) was approved in 2022.
Landscaping Requirement:	Section 27-466(g) states trees are required to be provided at not less than one per 7,000 square feet of site area. Six-foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.
Advertisement:	The Wyandotte Echo – October 17, 2024 Letters to Property Owners – October 18, 2024
Public Hearings:	November 12, 2024 and December 5, 2024
Public Support:	None to date.
Public Opposition:	Staff received one (1) letter in opposition.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Tamara McConnell, is requesting a Special Use Permit to operate a restaurant with live entertainment at 2724 North 13th Street. The property previously had a Special Use Permit (SP2022-018), however, as ownership has changed, this petition is considered a new application.

City Ordinance Requirements: 27-592 through 27-606 and 27-214 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been the following Notices of Violation on the property:
    a. 2023: STR23-1005 and BSR23-0162 – Partial deck constructed without permits.
    b. 2022: STR22-0119 – improper boarding of building.
    c. 2021: 19201-00652 – damaged masonry, windows, sidewalk, doors, and other exterior structural issues.
    d. 2019: 19225-04689 – trash, weeds, abatement.

e. 2014: 14212-01009 – trash, weeds, abatement
f. 2013: 13220-00375 – graffiti

Outstanding or Related Permit and Cases:

1. There are no additional related permits or cases on the subject property.

Previous Planning Actions:

1. Approval of a Change of Zone (COZ2022-006) from C-1 to CP-2 and a Special Use Permit (SP2022-018) for live entertainment in 2022.
2. Approval of a Variance (BOZA2022-022) for 0 parking spaces for a restaurant in 2022.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The property is located within the Northeast Statistical Neighborhood, the Groundwork NRG Group, and the Organization for Community group. The neighborhood is urban in character. The subject property is adjacent to commercial properties on Quindaro Boulevard that are a mix of office, retail, non- retail, and convenience uses. The subject property is the buffer zone between these commercial properties and adjacent residences on narrow lots, with immediate lot sizes of approximately 30 feet. Streets are mostly concrete, and driveways are often in the rear alleyways of properties. Roads show signs of significant improvement such as sidewalks, curbs, and gutters. This block of Quindaro is a mix of single-family residences, duplexes, and neighborhood commercial uses such as a banquet hall.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.

The zoning uses of the nearby properties are set out above. Other dwellings in the area include single-family homes, two-family homes, and neighborhood commercial uses. The proposed zoning would have general compatibility with the nearby properties due to their proximity to commercial uses. Live entertainment, if not managed properly, may negatively impact nearby residences.

3. The suitability of the property for the uses to which it has been restricted. Will the removal of restrictions, including those for hours of operation (where applicable), detrimentally affect nearby property?

The property is suitable for a restaurant and small gatherings because it is an urban, mixed-use area in which neighborhood establishments are popular. There is the possibility for increased parking demand with the additional uses of alcohol consumption although the neighborhood generally favors small, locally

owned and easily accessible businesses as a buffer to the more intense commercial uses on Quindaro Boulevard.

4. The length of time the property has remained vacant as zoned.

The property is not vacant and has been a restaurant since 2022.

5. The degree of conformance of the proposed use to the Comprehensive Plan.

The Northeast Area Master Plan designates this Property as Mixed Use. Mixed Use is generally designated along corridors that include a mix of single-family houses, apartment buildings, small commercial buildings, and mixed-use buildings. These areas should be walkable with wide sidewalks, landscape buffer areas, street trees and accommodates for cyclists and transit. Buildings should be built up to the street for form a consistent street frontage. Allowed building types include single-family houses, townhomes, duplexes, low-rise apartments, small commercial retail and office, mixed-use buildings, and institutional uses. Currently, the subject property is situated between more intense commercial uses and the adjacent residences, contributing to the Mixed Uses, and thus, conforms to the Area Plan.

6. Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

The proposed use has the potential to increase vehicular traffic but will not exceed the capacity of North 13th Street, a Minor Collector to accommodate it if managed properly. There will be an increase in parking demand, as there is no available parking on-site, resulting in all parking occurring on North 13th Street or nearby Quindaro Boulevard.

7. Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

There is minimal public gain as the proposed business is for private enjoyment, however, there is some benefit from operating a business in a building with long-term vacancy and the associated property and sales tax gains from its operation. The subject property already exists, and the request would not substantially or permanently injure the appropriate use, quality, or marketability of nearby neighboring property if managed appropriately.

8. ***Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

   Noise, vibration and illumination are expected to occur in durations as to create issues with nearby properties. These issues are not expected to create problems for nearby property, however, if windows and doors are closed during performances, there are no outdoor speakers, and outdoor lighting is affixed with 90-degree cut-offs, Dust is not expected to be an issue with this type of use.

9. ***Whether the proposed use will pollute the air, land or water.***

   The proposed use will not pollute the air, land or water as it is an existing, permitted building.

10. ***Whether the use would damage or destroy an irreplaceable natural resource.***

    The proposed use will not damage or destroy an irreplaceable natural resource as it is located in an existing urban mixed-use neighborhood.

11. ***The relative gain to the public health, safety and welfare as compared to the hardship imposed on the individual landowner or landowners.***

    A sports bar in and of itself would not be considered to have relative gains to the public health, safety, and welfare. The public would benefit from having another establishment in the neighborhood for socializing and gathering, as opposed to a continuously vacant space without a tenant. Denying the Special Use Permit may cause hardship for the property owner as they would no longer be allowed to host live entertainment as part of their business, which may negatively affect sales.

12. ***The applicant's ability to maintain the use in an "as proposed" condition.***

    Despite the change in ownership, the property has been maintained as originally proposed and according to previous conditions of approval.

13. ***Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.***

    The proposed use has the propensity for overcrowding of vehicular traffic due to its legal non-conformance in regard to lot size and lack of off-street parking. The consumption of alcohol is not a determining factor as similar uses in the neighborhood exist under similar conditions. There is a propensity for alcohol consumption to cause undue concentrations of population, however, a certificate of occupancy would provide a limit on populations appropriate for the building’s size.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on October 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Change of Ownership
Noise, Lighting, Vibration
Obstructed Sidewalks
Parking and Traffic
Previous Conditions of Approval
Security Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2024-094, for two (2) years**, subject to:

1. **No outdoor loitering in alleyways or behind the building;**
2. **Trash must be maintained at the rear of the building;**
3. **All entertainment must cease by at least 1:00AM;**
4. **Doors and windows must stay closed during any entertainment performance;**
5. **Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**
    - **Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;**
    - **Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**
    - **An I.D. scanner will be used at all times;**
    - **At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;**
6. **No amplified speakers or entertainment is allowed in outdoor spaces;**
7. **Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
8. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
9. **All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
10. **If approved, occupying businesses must file and maintain a current**

business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;

11. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
12. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
13. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
14. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
15. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
16. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
17. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to**

the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

18. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
19. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2024-094** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Floor Plan
Business Plan
Site Photos, Taken by Staff, Dated October 18, 2024
Letter in Opposition

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	November 12, 2024 - Approval	December 5, 2024

STAFF CONTACT: **James Molloy**
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-094** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-094,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2024, City Planning Commission Minutes:

Hearing starts at 2:51:19:

SPECIAL USE PERMIT APPLICATION SP2024-094 – TAMARA MCCONNELL WITH BREATHE BEVERAGE – SYNOPSIS: Special Use Permit for a drinking establishment with events at 2724 North 13th Street. *Detailed Outline of Requested Action:* The applicant, Tamara McConnell, is requesting a Special Use Permit to operate a restaurant with live entertainment at 2724 North 13th Street. The property previously had a Special Use Permit (SP2022-018), however, as ownership has changed, this petition is considered a new application.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The anonymous letter received in the mail today and read into the record.

Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Tamara McConnell, Applicant, Breathe Beverage, 2000 North 67th Street, Kansas City, Kansas 66104

The Planning Commission directed questions to the Applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:57:18: Planning Director Hand stated that the request is for a drinking establishment, live entertainment, and events. The definition in the code between a drinking establishment and a restaurant is the percentage of revenue from alcohol versus non-alcohol sales. The proposal was described as a sports bar, but the Special Use Permit, which previously had also been a private club, basically continues. It was noticed as all of those uses. The property is in the Northeast Area Plan, south of Quindaro Boulevard on 13th Street. Staff received no letters in support or opposition until the one that was read into the record tonight. There are some older Notices of Violation, which are being addressed as mentioned in the questions by the Commission. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 2:58:30:

On motion by Mr. Ward, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-094 for two (2) years:**

Carson	**Chairman**
Schwartz	**Not Present**
Straws	**Aye**
Ward	**Aye**
Armstrong	**Not Present**
Beth	**Aye**
Easterwood	**Not Present**
Ernst	**Aye**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**Aye**

Motion to recommend APPROVAL Passed: 5 to 0
Subject to:

1. **No outdoor loitering in alleyways or behind the building;**
2. **Trash must be maintained at the rear of the building;**
3. **All entertainment must cease by at least 1:00AM;**
4. **Doors and windows must stay closed during any entertainment performance;**
5. **Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**
    - **Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;**
    - **Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**
    - **An I.D. scanner will be used at all times;**
    - **At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;**
6. **No amplified speakers or entertainment is allowed in outdoor spaces;**
7. **Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
8. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
9. **All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**

10. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
11. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
12. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
13. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
14. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
15. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
16. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
17. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the**

Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

18. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
19. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

Special permit SP12024-094

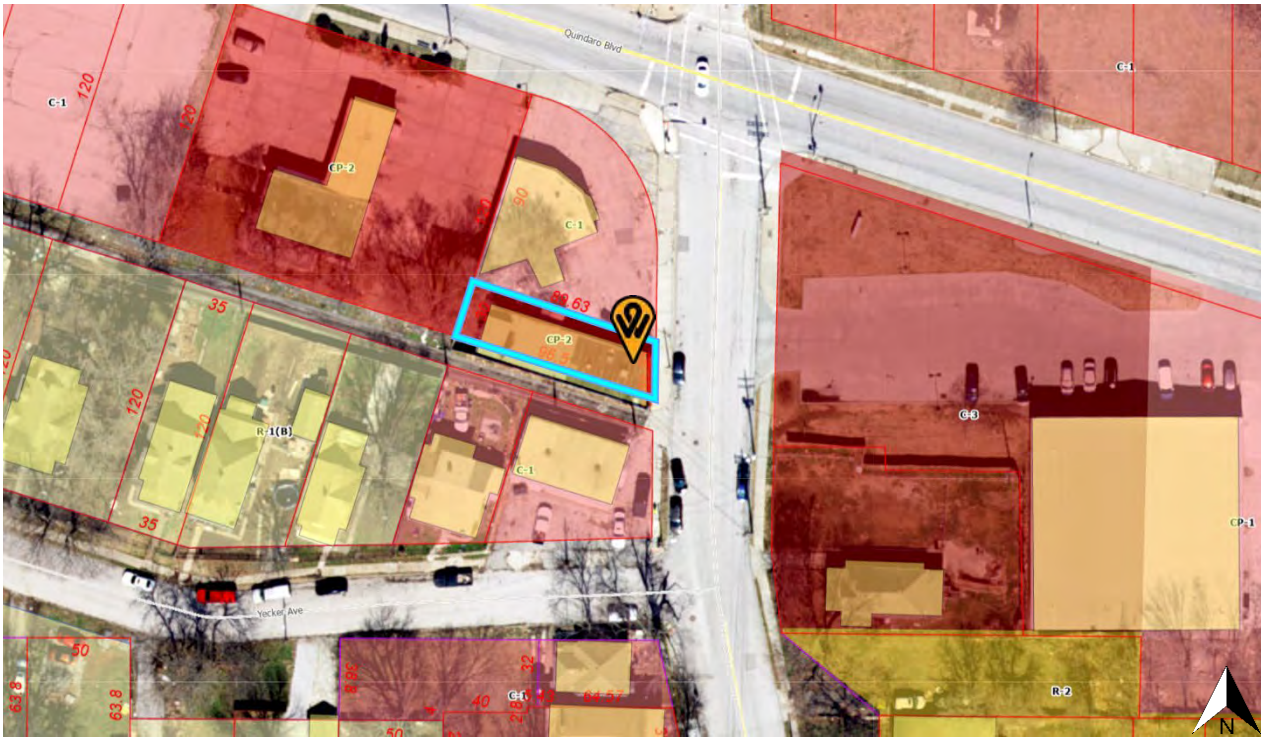
To whom it may concern,

This letter is in reference to the special use permit at 2724 n. 13th. I oppose the granting of this permit. This location has proven that it is a nuisance to the neighborhood. Some in the area are afraid to openly oppose because of a fear of retaliation . They are very violent. In Missouri when there is such a place the city shut them down. Why is Kansas different?

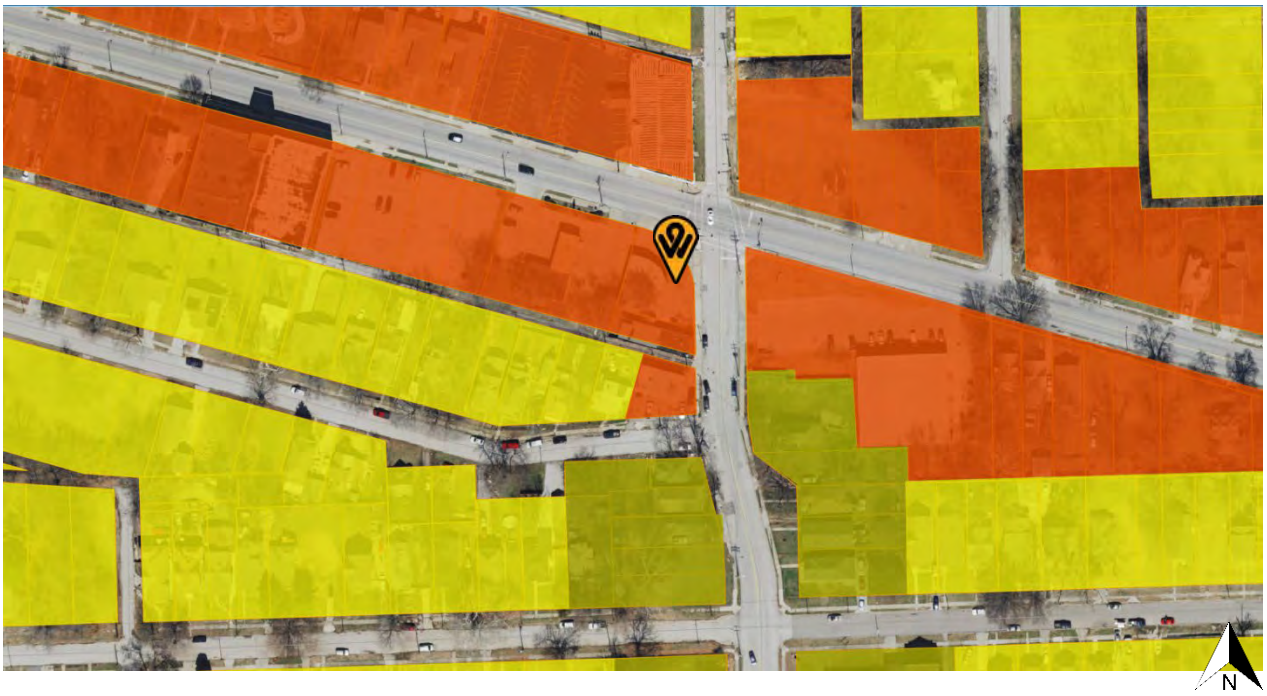
ATTACHMENTS

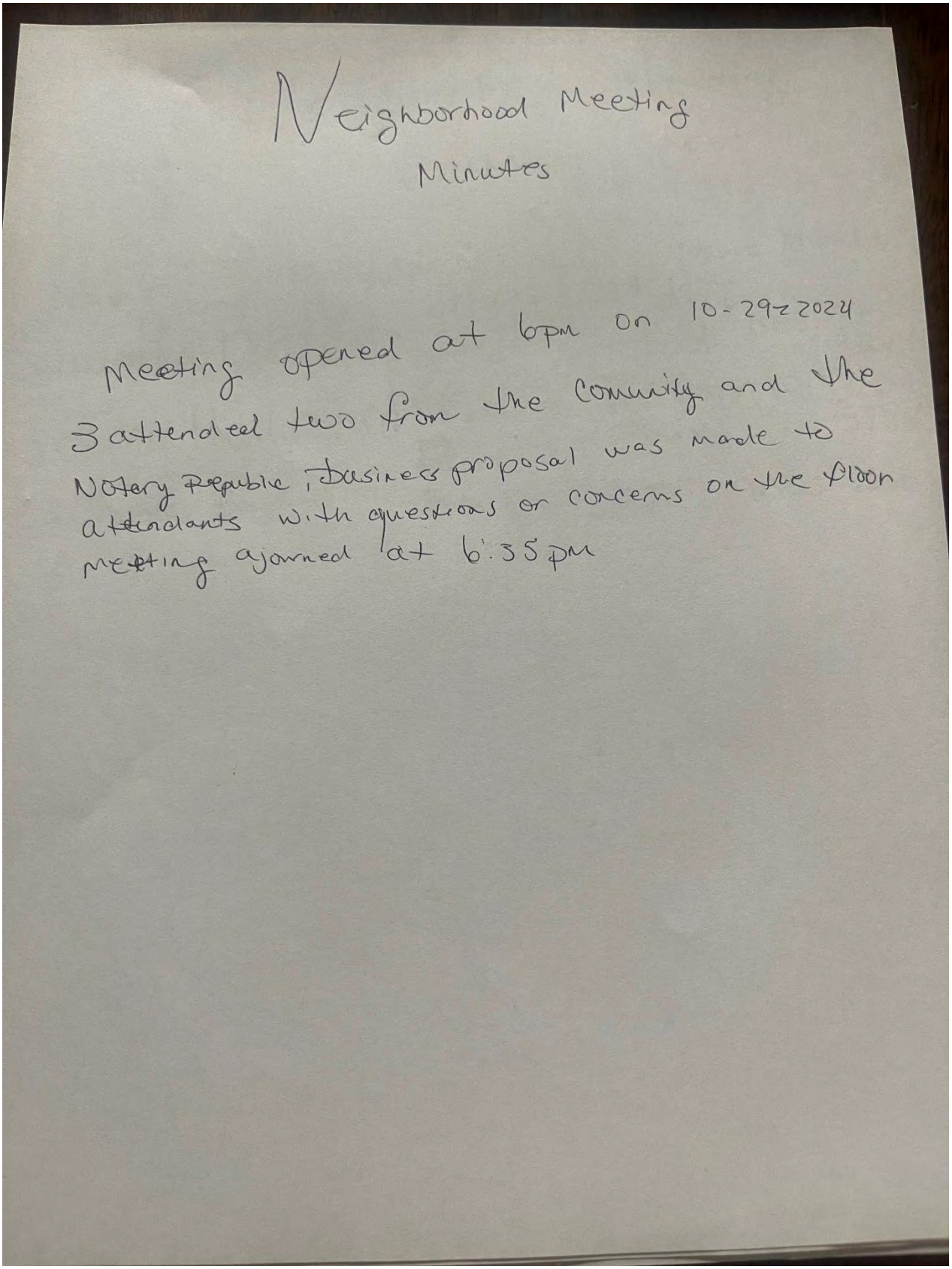
AERIAL IMAGERY

ZONING MAP



LAND USE MAP





Neighborhood Meeting

Minutes

Meeting opened at 6pm on 10-29-2024

3 attended two from the community and the Notary Republic, Business proposal was made to attendants with questions or concerns on the floor meeting ajourned at 6:35 pm

10-29-2024

Neighborhood Meeting Sighn in Sheet

Name	Address	Phone Number
Samantha Bradshaw	John's Java & Jazz 2003 N. 5th St	(913) 575-3261
Jeffrey Hollinshed	1960 N Thompson ~~2739 N 13th St.~~	(913) 602-5788
LaShasta Boykin	3042 N. 21st Street KCK 66104	913-251-6250

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Tamara MConnell, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP2024-094
2. That I conducted a neighborhood meeting on October 29, 2024
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Affiant

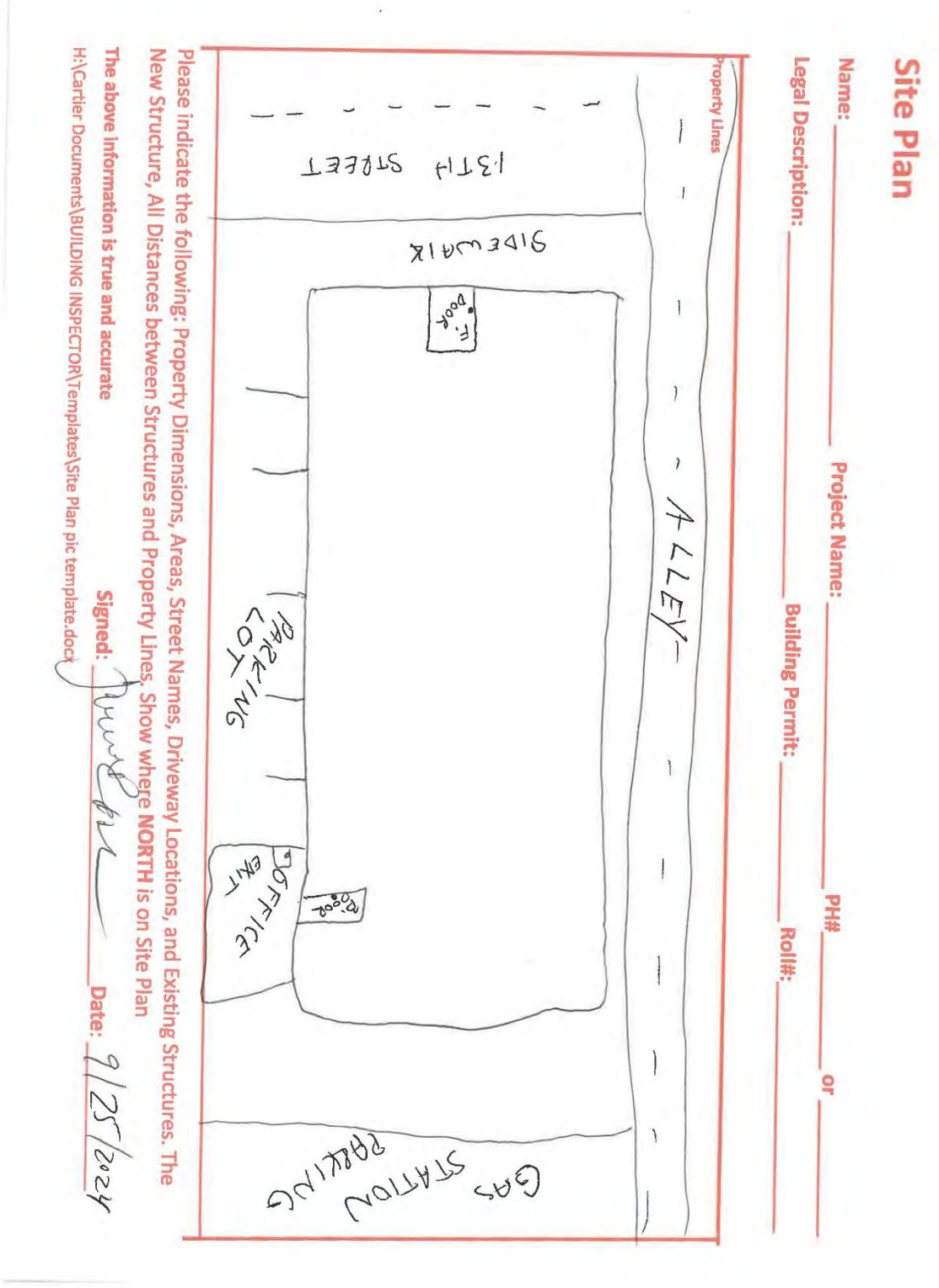
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of October, 2024

My commission expires 29th of January, 2027

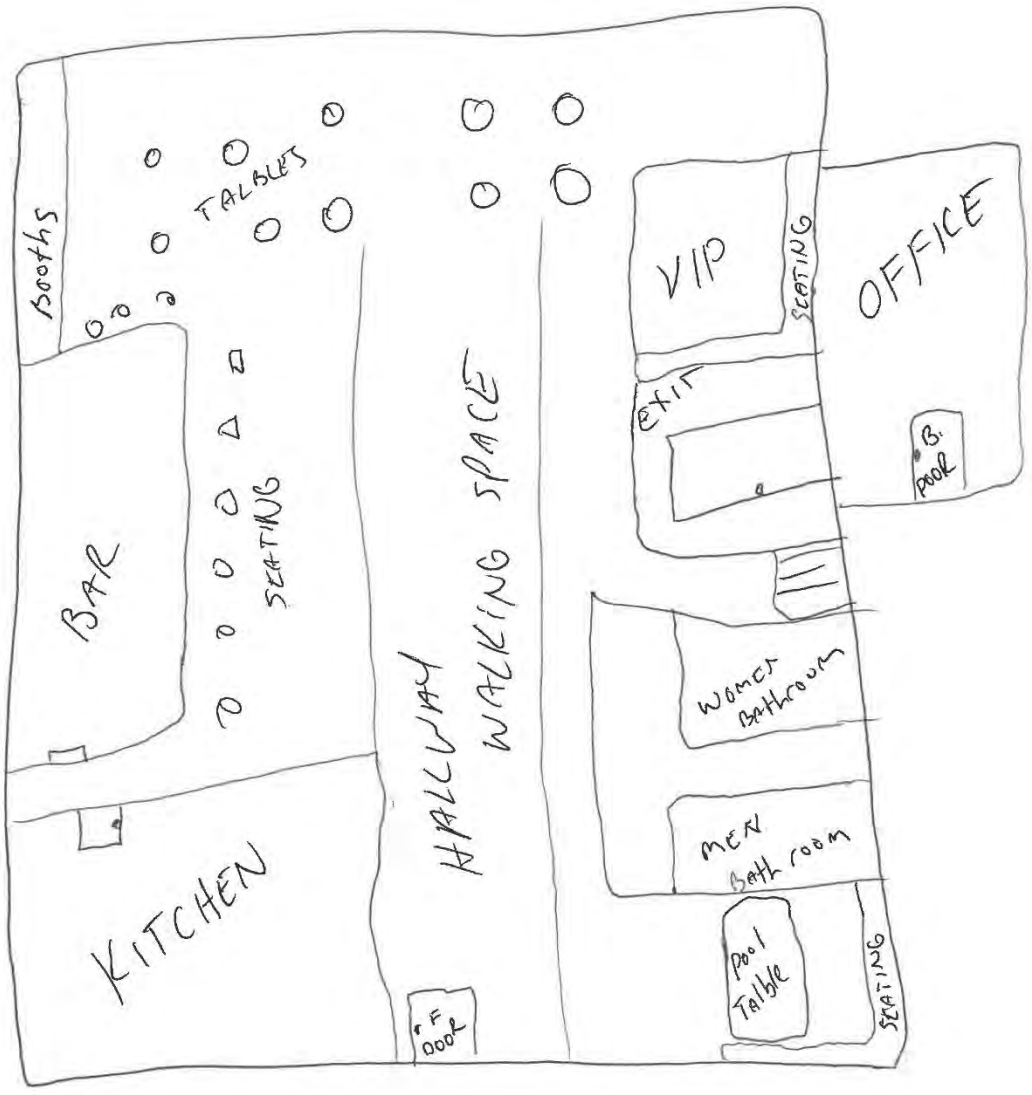
Notary Public

LaShasta Boykin
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Expires: 1/29/27

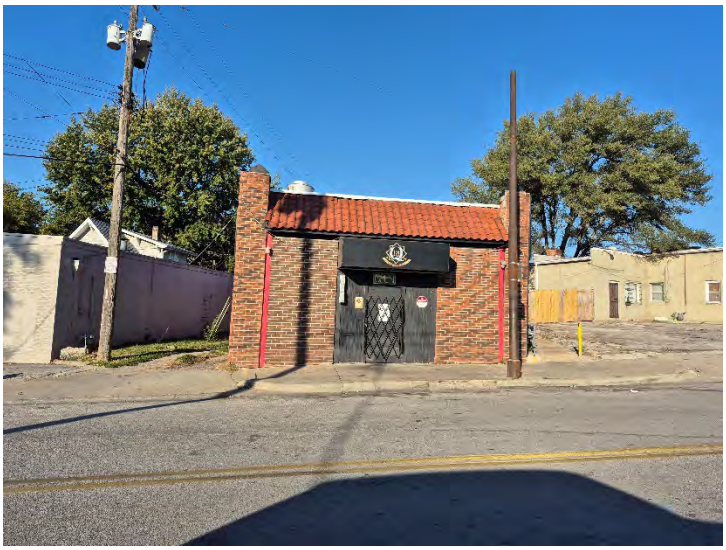
SITE PLAN


Site Plan
Name:
Project Name:
PH#
or
Legal Description:
Building Permit:
Roll#:
Property Lines
13TH STREET
SIDEWALK
F. door
ALLEY
PARKING LOT
OFFICE ENT
B. door
GAS STATION PARKING
Please indicate the following: Property Dimensions, Areas, Street Names, Driveway Locations, and Existing Structures. The New Structure, All Distances between Structures and Property Lines. Show where NORTH is on Site Plan
The above information is true and accurate
Signed:
Date: 9/25/2024
H:\Cartier Documents\BUILDING INSPECTOR\Templates\Site Plan pic template.docx

Floor plan


Booths
TABLES
VIP
SEATING
OFFICE
EXIT
B. DOOR
BAR
SEATING
WALKING SPACE
WOMEN BATHROOM
MEN BATH ROOM
KITCHEN
F DOOR
pool Table
SEATING

SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 18, 2024



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 5, 2024

Re: **Change of Zone COZ2024-029 and Special Use Permit SP2024-096**

GENERAL INFORMATION

Applicant Information:
Reid Khalil
KC Capital Investments LLC
7521 Nebraska Avenue
Kansas City, Kansas 66112

Subject Property:
7521 Nebraska Avenue
Kansas City, Kansas 66112

Requested Action and Purpose:
Approval of a Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District and Special Use Permit to operate used automotive sales lot with light repair.

Commission Districts:
Commissioner At-Large, District #1:
Melissa Bynum
District #5 Commissioner:
Mike Kane

Existing Zoning District(s):
CP-2 Planned General Business District

Proposed Zoning District(s): CP-3 Planned Commercial District

	Adjacent Zoning	Adjacent Uses
North	CP-2 Planned General Business District	High-rise housing (Kansas City Kansas Housing Authority)
South	CP-2 Planned General Business District	Restaurant
East	CP-1 Planned Limited Business and CP-2 Planned General Business Districts	Daycare
West	CP-1 Planned Limited Business District	Dental office building

Total Tract Size: 0.64 Acre

Comprehensive Plan Area: PlanKCK Comprehensive Plan

Comprehensive Plan Designation: The PlanKCK Comprehensive Plan designates this property as Corridor Mixed Use, which allows medium scale, up to five (5) story buildings that integrate complimentary land uses such as retail, office small businesses and residential.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates Nebraska Avenue as a Local Street.

Parking Requirement: Sec. 27-467(f) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building.

There is 4,200 square feet of floor area, which requires 17 parking spaces to be provided. The Applicant is providing 20 parking spaces.

Landscaping Requirement: Section 27-467(g) states trees are required to be provided at not less than one (1) per 7,000 square feet of site area.

Section 27-577(a)(5) states “Landscaping shall exceed the typical code requirements by at least 75 percent”.

	The site is 27,878.4 square feet, which requires 7 trees to be planted on-site. Provide a landscape plan.
Advertisement:	The Wyandotte Echo – October 17, 2024 Letters to Property Owners – October 18, 2024
Public Hearings:	November 12, 2024 and December 5, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Reid Kahlil with KC Capital Investment LLC, is requesting a Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District and a Special Use Permit for used automotive sales and auto rental.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VII Sections 27-245 – 27-339, Article VI Section 27-210 through 212 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. Numerous Property Maintenance Compliance Division violations between 2014 – 2023 for graffiti, junk, trash, debris, and work performed with permits.

Outstanding or Related Permit and Cases:

1. Gas Permit (11381-00752) for a gas pressure test.
2. Building Permit (19300-00001) for interior remodel and exterior modifications to the building.
3. Electrical (20380-00209) and Plumbing (20390-00272) Permits for new electrical, gas piping for furnace and new water heater.

Previous Planning Actions:

1. Approval of a Special Use Permit (SP-2018-91) for automotive maintenance and repair on November 29, 2018.
2. Denial of a Special Use Permit (SP2021-027) for automotive maintenance and repair on September 30, 2021.

FACTORS TO BE CONSIDERED

Change of Zone and Special Use Permit

1. The Character of the Neighborhood.

The subject property is within the Victory Hills Statistical Neighborhood, Census Block Group 0441041 and is not within any Neighborhood Group Boundary. The subject property is about one-half (½) block north of the State Avenue corridor, which is the major east/west artery through the city. There is a Kansas City Kansas Housing Authority high-rise apartment building to the northeast of the subject property. There are commercial businesses to the south, west and east.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial Special Use Permits should not be granted adjacent to residential districts.

The zoning and uses of properties nearby are set out above. The proposed use is considered to be compatible with the nearby uses if the development includes all of the required upgrades to the property and is managed properly. Rezoning the property to CP-3 Planned Commercial District would allow more intensive, heavy auto repair, but those uses still require a Special Use Permit. CP-3 would allow special trades/contractor's offices, whereas CP-2 does not.

3. The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions detrimentally affect nearby property?

The property is suitable for automotive uses given the existing surrounding commercial uses adjacent to a major thoroughfare. This building was a car wash prior to 2018, the converted the car wash bays into repair stalls in 2020. Removal of the restrictions will not detrimentally affect nearby property if the site is properly managed and maintained.

4. The length of time the property has remained vacant as zoned and/or the length of time the property has been actively marketed.

The property has been vacant since 2021, however, upon inspection, there are many vehicles within the fence enclosure. The photographs provided by the applicant are a false representation as to the vacancy status of the property.

5. ***The extent to which the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property.***

   The proposed use does not fulfill any basic necessities or services to the community, and therefore is not reasonably necessary for the convenience and welfare of the public. The extent of the development proposed on site will greatly increase the amount of impervious surfaces, traffic, and visuals, given its setback along North 98th Street. To address and mitigate these issues, signage must be in compliance with the Sign Code, best practices must be employed for stormwater runoff retention, and design practices to further limit the visual impact. If all site design requirements – including Commercial District zoning requirements and Commercial Design Guidelines requirements, then the proposed use is not expected to substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property.

6. ***The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.***

   The proposed use will inherently generate an increase in traffic on-site, as the site is being redeveloped into a new, high-traffic commercial use. It is not expected, however, that this increase in traffic will not exceed the capacity of North 75th Place or Nebraska Avenue, north Local Street, to accommodate it directly off the Major Arterial State Avenue.

7. ***The degree of conformance of the proposed use to the Master Plan.***

   Special Use Permits are not addressed in the PlanKCK Comprehensive Plan. The type of use is permitted, however, the re-establishment of automotive uses requires a Special Use Permit prior to operation pursuant to Ordinance O-42-15, as specified in Section 27-593(b)(19-20). The proposed use conforms to the PlanKCK Comprehensive Plan, which designates this property as Corridor Mixed Use, which allows medium scale, up to five (5) story buildings that integrate complimentary land uses such as retail, office small businesses and residential.

8. ***The extent to which the proposed use could cause environmental harm or enhance the environment.***

   The proposed use will not cause environmental harm unless vehicles that are in-house for repair leak fluids in the parking lot, which can infiltrate the storm sewer system.

Additional trees will be planted and a north/south sidewalk along North 75th Drive will be constructed to connect to the sidewalk at Aspen Dental, which extends the sidewalk network to the State Avenue mixed-use corridor with transit access.

9. The extent to which utilities and public services are available and adequate to serve the proposed use.

a. Electric and Water Service

Electric and Water Service is provided by BPU.

b. Sanitary Sewer Service

Sanitary Sewer Service is provided by the UG.

c. Storm Water Control

To be designed to meet City Code.

d. Police

Police service is provided by West Patrol, District #225.

e. Fire

Fire service is provided by Station #19, which is located at 80th Street and Minnesota Avenue.

f. Transit

Public Transit is provided by KCATA Route 101 – State Avenue, with a stop at 75th Street and State Avenue.

g. Schools

Public Education is provided by Claude Huyack Elementary School, Arrowhead Middle School, and Washington High School, under Kansas City, Kansas USD 500.

h. Streets

See item #6 above.

10. The economic impact of the proposed use on the community.

The proposed use will have a minimal economic impact on the community. The property will pay commercial property taxes.

11. The capability of the proposed use to meet applicable ordinance requirements.

With revisions to the site plan, the property use can meet applicable ordinance requirements.

12. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

If this Change of Zone and/or Special Use Permit is denied, the applicant will have to find an alternate business to occupy the building at 7521 Nebraska that complies with the CP-2 Planned General Business District regulations. The relative gain to the public health, safety and welfare as compared to hardship imposed on the landowners is minimal.

13. Whether the proposed use will pollute the air, land or water.

The proposed use should not pollute the air, land or water if managed properly. The proposed use is often associated with the potential for chemical leaks, hazardous waste, and runoff. If improved surfaces are managed properly and cleaned in a timely manner, groundwater contamination will not be a problem as long as there are no cracks that can allow direct seepage directly into the ground.

14. Whether the use would damage or destroy an irreplaceable natural resource.

The proposed use should not result in the damage or destruction of an irreplaceable natural resource as it is locating in an existing, built-out commercial area.

15. The applicant's ability to maintain the use in an "as proposed" condition.

The applicant will be required to maintain the use according to the submitted plans and descriptions of the proposed use. The applicant will also be required to meet all conditions of approval.

16. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

The proposed use should not result in the overcrowding of land if it is properly managed and operates within the required conditions. The parking of cars on site may become an issue if not managed properly. The proposed use will not cause undue concentrations of population as it is a commercial use.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via in-person at 7521 Nebraska Avenue on October 16, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Previous Conditions of Approval from 2018
Parking
Sidewalks and Pedestrian Connectivity
Landscaping and Screening
Inventory Management

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **DENIAL** of Change of Zone Application **COZ2024-029**, **as the proposed future uses of the property as described by the applicant and property owner do not warrant a Change of Zone to CP-3 Planned Commercial District and are allowed within the CP-2 Planned General Business District.**

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2024-096, for two (2) years**, subject to:

1. **Sec. 27-466(c)(6) No inoperable motor vehicles shall be kept for a period longer than 48 hours and no more than two such vehicles may be kept at one time unless within a totally enclosed building. Screened outside storage for vehicles including additional inoperable vehicles may be allowed adjacent to the main building in a rear or side yard subject to the requirements set out in subsection (c)(5)b of this section and subject to the area of the storage being the lesser of the area of the building or 2,000 square feet;**
2. **The stucco that is proposed on the building shall be true, integrally colored stucco, not E.F.I.S. or field painted after the stucco has been applied;**
3. **Overhead doors shall be closed at all times except when vehicles are being loaded and unloaded into the bay;**
4. **The parking lot shall be restriped and resurfaced, as the paving material has become degraded;**
5. **In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department;**

6. **No displays on the sidewalk, this includes signs, pennants, attention-attracting devices, etc.;**
7. **The applicant and building owner shall comply with all the stipulations prior to the special use permit becoming valid and the applicant opening their business;**
8. **Construct a five (5) foot sidewalk along the east side of North 75th Drive from Nebraska Avenue to the sidewalk at Aspen Dental, which connects to the State Avenue transit corridor. There are utility poles that may need to be relocated;**
9. **Connect the new sidewalk from Nebraska Avenue to the front door;**
10. **While the property abuts commercial zoning to the north and south, the parking lot is visible from Nebraska Avenue and State Avenue. If there are vehicles that are being repaired, they need to be screened from public view. A fence similar in construction on the east side needs to be constructed on the north and south property line;**
11. **Wrought-iron fence has pointed tips that are not permitted per Section 8-250 in a commercial district. The pointed tips need to be squared off or rounded;**
12. **Section 8-250 Barbed wire fences, electrically charged fences, or fences constructed of any materials which are liable to snag, tear, cut or otherwise injure anyone coming into contact with them shall not be permitted, except as follows: barbed wire fences only to enclose the rear yard and shall not be permitted adjacent to a public street;**
13. **KCKFD may have issues with the drive aisle width and the bollards may need to be removed;**
14. **Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;**
15. **The PlanKCK Comprehensive Plan establishes the uses of the Commercial Design Guidelines by their inclusion in the current land use design;**
16. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
17. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
18. **All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
19. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
20. **If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue,**

Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;

21. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
22. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
23. **Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
24. **A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
25. **Regarding BPU transformer screening, the following applies:**
    a. **Gate doors are required for all types of screening that are placed in front of the transformers.**
    b. **Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.**
    c. **Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.**
    d. **For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.**
    e. **Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).**
    f. **Pad must have a minimum clearance of six (6) feet on each, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;**
26. **A Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;**
27. **All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building.**

Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;

28. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
29. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
30. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
31. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
32. **Subject to approval, a $125.00 ordinance publication fee per application must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
33. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all**

conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **COZ2024-029** and **APPROVAL** of Petition **SP2024-096** subject to all comments and suggestions outlined in this staff report and the reasons and conditions outlined by the City Planning Commission.

ATTACHMENTS

November 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Floor Plan
Building Elevations
Site Photos, Taken by Staff, Dated October 17, 2024

PUBLIC HEARING SCHEDULE

Action(s)	**City Planning Commission**	**Unified Government Board of Commissioners**
Change of Zone	November 12, 2024 – Denial	December 5, 2024
Special Use Permit	November 12, 2024 - Approval	December 5, 2024

STAFF CONTACT: **Byron Toy, AICP**
btoy@wycokck.org

MOTIONS

Change of Zone

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2024-029,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2024-029** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-096** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-096,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2024, City Planning Commission Minutes:

Hearing starts at 1:37:22:

CHANGE OF ZONE APPLICATION COZ2024-029 – REID KHALIL – SYNOPSIS: Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District for a used automotive sales lot with light repair at 7521 Nebraska Avenue.

SPECIAL USE PERMIT APPLICATION SP2024-096 – REID KHALIL – SYNOPSIS: Special Use Permit for a used automotive sales lot with light repair at 7521 Nebraska Avenue.

Detailed Outline of Requested Action: The applicant, Reid Kahlil with KC Capital Investment LLC, is requesting a Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District and a Special Use Permit for used automotive sales and auto rental.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Reid Khalil, Applicant, 7521 Nebraska Avenue, Kansas City, Kansas 66112

Present in Opposition:

- No one appeared.

Staff Recommendation starts at 1:40:47: Planning Director Hand stated that the Change of Zone is being heard in conjunction with a Special Use Permit for auto sales and light repair. The property is in the PlanKCK Area in the midtown neighborhood off the State Avenue Corridor. Staff received no letters in support or opposition. There is a history of Notices of Violation on this property. Staff recommends denial of the Change of Zone as everything the applicant wishes to do with their property is allowed in the C-2 General Business District. Director Hand showed the Commission on the zoning map that there is limited C-3 zoning in this part of the corridor and none in the immediate

vicinity. As the applicant noted, the request for C-3 zoning is speculative and Staff does not support speculative rezonings.

Motion starts at 1:42:40:

On motion by Mr. Ernst, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **DENIAL of Change of Zone Application COZ2024-029 for the reasons outlined in the staff report:**

Carson	**Chairman**
Schwartz	**Not Present**
Straws	**Aye**
Ward	**Aye**
Armstrong	**Not Present**
Beth	**Aye**
Easterwood	**Not Present**
Ernst	**Aye**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**Aye**

Motion to recommend DENIAL Passed: 5 to 0

On motion by Mr. Ernst, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-096:**

Carson	**Chairman**
Schwartz	**Not Present**
Straws	**Aye**
Ward	**Aye**
Armstrong	**Not Present**
Beth	**Aye**
Easterwood	**Not Present**
Ernst	**Aye**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**Aye**

Motion to recommend APPROVAL Passed: 5 to 0
Subject to:

1. **Sec. 27-466(c)(6) No inoperable motor vehicles shall be kept for a period longer than 48 hours and no more than two such vehicles may be kept at one time unless within a totally enclosed building. Screened outside storage for vehicles including additional inoperable vehicles may be allowed adjacent to the main building in a rear or side yard subject to the requirements set out in subsection (c)(5)b of this section and subject to the area of the storage being the lesser of the area of the building or 2,000 square feet;**
2. **The stucco that is proposed on the building shall be true, integrally colored stucco, not E.F.I.S. or field painted after the stucco has been applied;**
3. **Overhead doors shall be closed at all times except when vehicles are being**

loaded and unloaded into the bay;

4. **The parking lot shall be restriped and resurfaced, as the paving material has become degraded;**
5. **In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department;**
6. **No displays on the sidewalk, this includes signs, pennants, attention-attracting devices, etc.;**
7. **The applicant and building owner shall comply with all the stipulations prior to the special use permit becoming valid and the applicant opening their business;**
8. **Construct a five (5) foot sidewalk along the east side of North 75th Drive from Nebraska Avenue to the sidewalk at Aspen Dental, which connects to the State Avenue transit corridor. There are utility poles that may need to be relocated;**
9. **Connect the new sidewalk from Nebraska Avenue to the front door;**
10. **While the property abuts commercial zoning to the north and south, the parking lot is visible from Nebraska Avenue and State Avenue. If there are vehicles that are being repaired, they need to be screened from public view. A fence similar in construction on the east side needs to be constructed on the north and south property line;**
11. **Wrought-iron fence has pointed tips that are not permitted per Section 8-250 in a commercial district. The pointed tips need to be squared off or rounded;**
12. **Section 8-250 Barbed wire fences, electrically charged fences, or fences constructed of any materials which are liable to snag, tear, cut or otherwise injure anyone coming into contact with them shall not be permitted, except as follows: barbed wire fences only to enclose the rear yard and shall not be permitted adjacent to a public street;**
13. **KCKFD may have issues with the drive aisle width and the bollards may need to be removed;**
14. **Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;**
15. **The PlanKCK Comprehensive Plan establishes the uses of the Commercial Design Guidelines by their inclusion in the current land use design;**
16. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
17. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
18. **All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**

19. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
20. **If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
21. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
22. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
23. **Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;**
24. **A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
25. **Regarding BPU transformer screening, the following applies:**
    a. **Gate doors are required for all types of screening that are placed in front of the transformers.**
    b. **Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.**
    c. **Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.**
    d. **For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.**
    e. **Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).**
    f. **Pad must have a minimum clearance of six (6) feet on each, three (3)**

feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;

26. **A Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;**
27. **All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;**
28. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
29. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
30. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
31. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
32. **Subject to approval, a $125.00 ordinance publication fee per application must be submitted to the Planning and Urban Design Department**

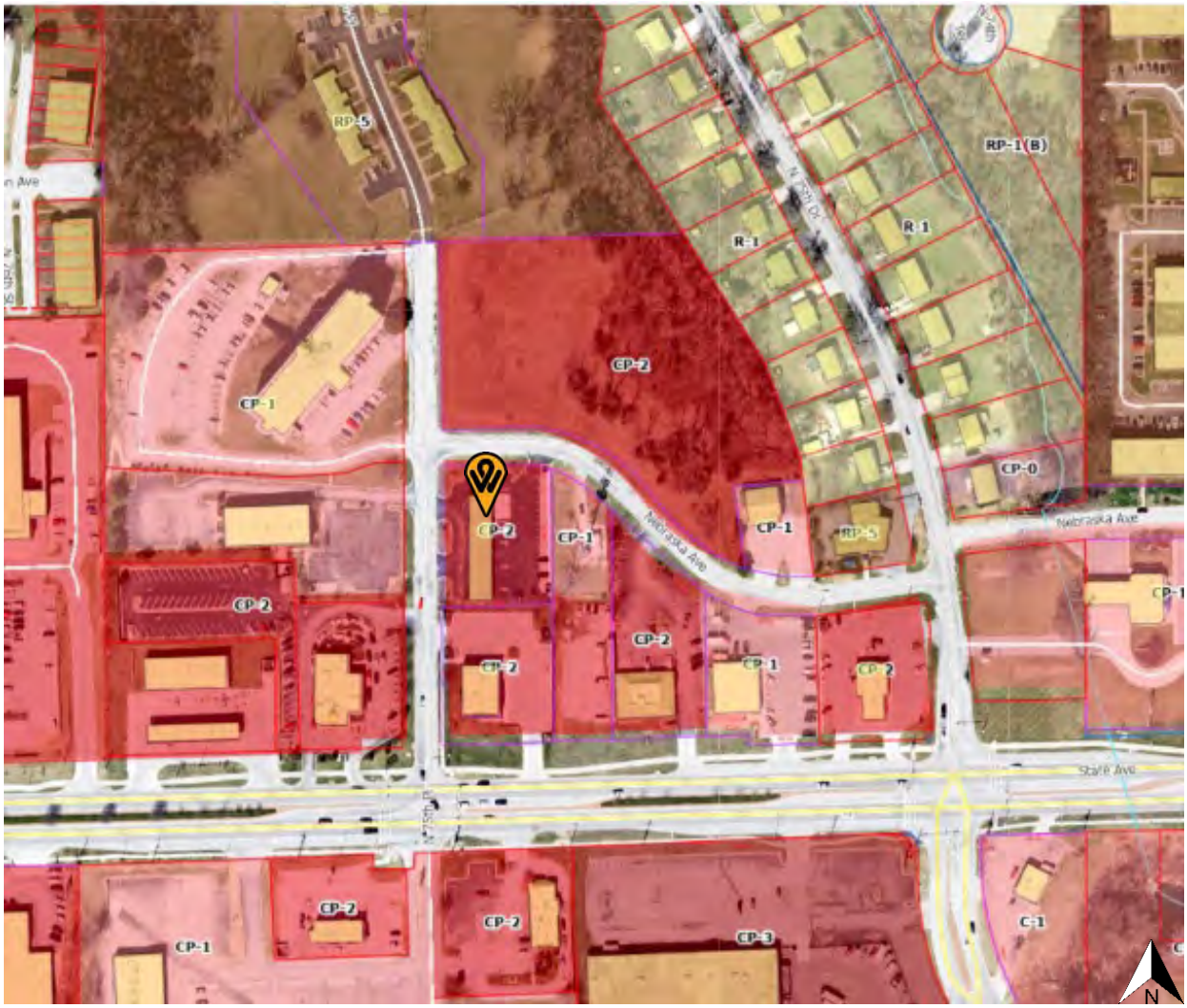
(checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

33. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

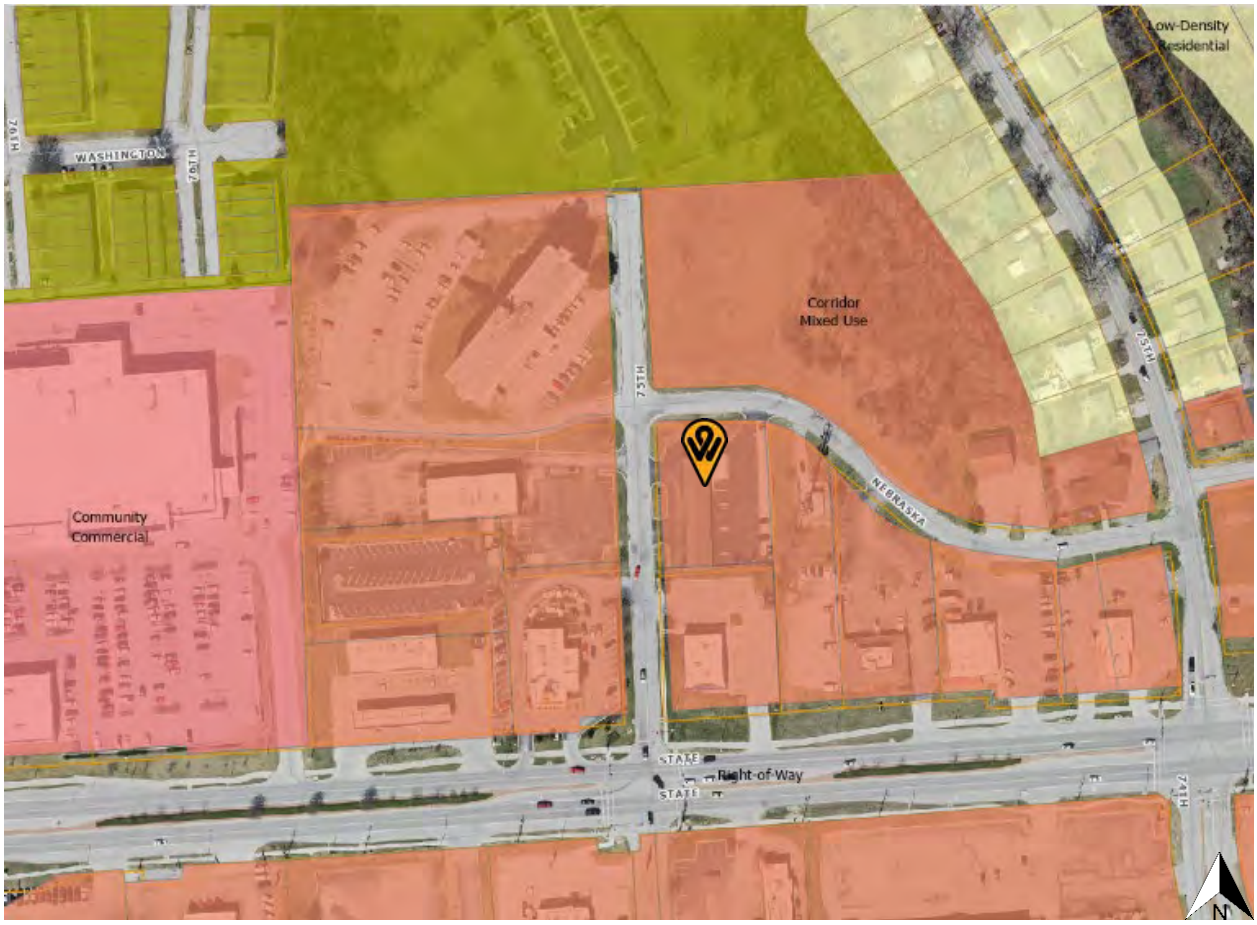
ATTACHMENTS

AERIAL IMAGERY

ZONING MAP


RP-5
RP-1(B)
R-1
R-1
CP-2
CP-1
CP-0
CP-1
CP-2
CP-1
CP-2
CP-2
CP-2
CP-1
CP-2
CP-1
CP-2
CP-2
CP-3
C-1
Nebraska Ave
State Ave
N

LAND USE MAP


Low-Density Residential
WASHINGTON
76TH
74TH
Corridor Mixed Use
75TH
NEBRASKA
Community Commercial
STATE
Right-of-Way
STATE
74TH
N

ADDITIONAL ATTACHMENTS

Sullivan Palmer architects

Planning Department
Byron Toy
913-573-5757
btoy@wycokck.org

What is the purpose of the Change of Zone to CP-3 Planned Commercial District? Speculative rezonings are not permitted, so a specific land use has to be tied to this rezoning entitlement
We are planning in the future to accommodate the rental of Trailers and Medium Size Trucks.

Who is operating the automotive sales/rental and light repair? Will this use continue if you sell the property?
Auto Mart USA will be operating the sales/rental and light auto repair. Most likely it will continue if we sell the property.

There are currently vehicles parked throughout the property without a Special Use Permit. Storing vehicle that are in the process of being sold, temporarily stored or kept on the property to be in transit is not permitted without this land entitlement.
a. How long have these vehicles been stored on the property?
Less than 3 months. We are in the process of move them out of that location

Construct a five (5) foot sidewalk along the east side of North 75th Street from Nebraska Avenue to the sidewalk at Aspen Dental, which connects to the State Avenue transit corridor. There are utility poles that may need to be relocated.
We have included on the plans a 5'-0" sidewalk along N. 75th as indicated. At the southwest corner, the sidewalk shall meander as to avoid existing power poles and power pole guide wires.

Connect the new sidewalk from Nebraska Avenue to the front door
We have connected the sidewalk to the front door on the plans by using highly visible markings on the pavement.

While the property abuts commercial zoning to the north and south, the parking lot is visible from Nebraska Avenue and State Avenue. If there are vehicles that are being repaired, they need to be screened from public view. A fence similar in construction on the east side needs to be constructed on the north and south property line
All vehicles needing repair will mostly be stored inside the bays but in the event of slight overflow, those vehicles shall be parked along the southeast corner of the property. We will modify the south fence to have opaque screening such as the east fence.

Wrought-iron fence has pointed tips that are not permitted per Section 8-250 in a commercial district. The pointed tips need to be squared off or rounded.
We will comply and make sure to get rid of all the pointed tips.

Section 8-250 Barbed wire fences, electrically charged fences, or fences constructed of any materials which are liable to snag, tear, cut or otherwise injure anyone coming into contact with them shall not be permitted, except as follows: barbed wire fences only to enclose the rear yard and shall not be permitted adjacent to a public street
We do not have an electric fence. We just put signs stating that to discourage stray people from damaging the fence. However, if these signs are not acceptable, we will remove them.

KCKFD may have issues with the drive aisle width and the bollards may need to be removed.
We will fully comply with the KCKFD requirements.

Engineering Department – General Engineering Review
Travis Trumble
913-573-5750
ttrumble@wycokck.org

On site plan sheet AS1, provide contact information for Kansas One-Call (i.e., 811)
We have included this information on the Site and Cover sheets.

ADA parking space(s) markings, sidewalks, and access to the building shall comply with ADA (Americans with Disabilities Act) requirements.
Acknowledged

Please coordinate with Byron Toy, (913-573-5757), for additional Urban Planning and Zoning requirements and comments
Acknowledged

See Erosion Control review for additional comments
Acknowledged

See Stormwater Quality review for additional comments.
Acknowledged

Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition.
Acknowledged

Engineering Department – Erosion Control Review
Travis Trumble
913-573-5750
ttrumble@wycokck.org

On erosion control plan sheet AS2, add a note regarding inspection, i.e., "The contractor shall inspect erosion control devices every 7 days and within 24 hours of a storm of 0.5 inches or more. The contractor shall repair damage, clean out sediment, and add additional erosion control devices as needed, as soon as practicable, after inspection" in the erosion control notes section
Please see note #7 on erosion control plan.

Construction plans shall meet UG standards and criteria, and shall be reviewed and approved by UG prior to construction permit acquisition
Acknowledged

Engineering Department – Stormwater Quality Review
Travis Trumble
913-573-5750
ttrumble@wycokck.org

Provide an Operation and Maintenance manual for the sand / oil separator in accordance with the Appendix B of the BMP MARC Manual. In this regard, the O & M shall include inspections frequency, sediment removal, corrective maintenance measures, etc. Include a statement that the UG may request inspection reports
We will reach out to the manufacturer and get the Operation and Maintenance manual and make sure to set up inspections as required and comply with all requirements.

Conditions of Approval from SP-2018-91:

Please provide a more detailed description of the uses and what the operation will entail.
We intend to primarily rent vehicles (Rent to Own) and Sales of unwanted vehicles. We also would like to plan to Rent medium size trucks and trailers in the near future. Also perform light repairs on our own vehicles.

The building is over 4,200 square feet, which requires seventeen (17) parking spaces, however only six (6) are depicted on the site plan. Additionally, please illustrate on the site plan the location of vehicles for sale. Please revise and resubmit
We have indicated on the plans 20 total spaces. 2 spaces for sales and 1 space for repair vehicle overflow.

Sec. 27-466(c)(6) No inoperable motor vehicles shall be kept for a period longer than 48 hours and no more than two such vehicles may be kept at one time unless within a totally enclosed building. Screened outside storage for vehicles including additional inoperable vehicles may be allowed adjacent to the main building in a rear or side yard subject to the requirements set out in subsection (c)(5)b of this section and subject to the area of the storage being the lesser of the area of the building or 2,000 square feet.
We will fully comply with this requirement. This note can be found on the site plan [sheet A5-1]

The stucco that is proposed on the building shall be true, integrally-colored stucco, not E.F.I.S. or field painted after the stucco has been applied
Acknowledged

Overhead doors shall be closed at all times except when vehicles are being loaded and unloaded into the bay
We will fully comply with this requirement.

The parking lot shall be restriped and resurfaced, as the paving material has become degraded
We will fully comply with this requirement.

In order to have legitimate signage, a sign permit must be filed with the Urban Planning and Land Use Department by a licensed and bonded sign company with the Kansas City, Kansas Business Licensing Department.
We did submit for a permit when we put the signs up, however we will check with the sign company and fully comply with this requirement.

No displays on the sidewalk, this includes signs, pennants, attention-attracting devices, etc.
We will fully comply with this requirement.

The applicant and building owner shall comply with all the stipulations prior to the special use permit becoming valid and the applicant opening their business
Acknowledged and will fully comply.

Date: **10/16/2024**

Name: **KC CAPITAL INVESTMENTS LLC,**

Address: **7521 NEBRESKA AVE**

City/State/Zip **KANSAS CITY, KS 66112**

SUBJECT: Neighborhood Meeting

I have filed an application with the Planning + Urban Design Department # COZ2024-029 + SP2024-096. The purpose of this:

(please use all that applies)

*change of zone

*special use permit

*preliminary plan review

Is for a rezone to CP3 and SUP for Car Rental /Sales

At the following address : 7521 NEBRESKA AVE, KCK 66112.

I am having a neighborhood meeting on 10-16-2024 at 4:00PM at the following address 7521 NEBRESKA AVE, KCK 66112

The purpose of this meeting is to explain the proposal and to answer any questions/ concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend ,please contact me at the phone number/email listed below.

Sincerely,

REID KHALIL, MANAGER

khalilrma@gmail.com

NEIGHBORHOOD MEETING MINUTES

SPECIAL USE PERMIT # : SP 2021-027

DATE AND LOCATION : 16 OCTOBER 2024/7521 NEBRESKA AVE KCK

Meeting called to order at 4:00 PM

In attendance :{no actual} sign-in sheet

*Reid Khalil (owner/manager)
* Terri Tran (secretary)

Introductions:

Reid Khalil (owner) opened the meeting . Proposed plan packets which included site plan,floor plan, and operations narrative were available. Mr. Khalil then presented the scope of work prepared to explain the purpose of the meeting. Minutes below:

Meeting minutes:

- The meeting started promptly at 4:00PM. None of the attendance included in the meeting neighborhood meeting letter recipients attended. The owner of the project and the secretary were the only two in attendance. The meeting remained open until 6:00PM before the owner called the meeting to a close.

Meeting adjourned 6:00PM

Minutes taken by Reid Khalil (owner)

AFFIDAVIT-NEIGHBORHOOD MEETING

STATE OF Kansas)

)SS:

COUNTY OF Johnson)

Comes now Reed Khalil, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition# CoZ2024-029 +SP2024-096
2. That I conducted a neighborhood meeting on 10/16/24
3. Attached are the minutes/ summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 21st day of October 2024 October

My commission expires 10·7·25 of 7th 2024

LaDosha Lewis

Notary Public

NOTARY PUBLIC - State of Kansas
LaTosha Lewis
My Appt. Expires 10·7·25

7521 Nebraska Ave
Special Use Permit
Kansas City, KS
SULLIVAN PALMER ARCHITECTS
aia
AS-1
site plan
NEBRASKA AVE.
N. 75th PL.
SITE PLAN
Know what's below.
Call 811 before you dig.
TRASH ENCLOSURE
H.C. SIGN
PAVING DETAIL
SIDEWALK DETAIL
SAND/OIL SEPARATOR DETAIL
VICINITY MAP

7521 Nebraska Ave
Special Use Permit
Kansas City, KS
SULLIVAN PALMER ARCHITECTS
aia
A-1
title plan
1 FLOOR PLAN
A1 3/16" = 1'-0"
SCOPE OF WORK AND FLOOR PLAN NOTES:
FINISH SCHEDULE
DOOR SCHEDULE
DOOR SCHEDULE NOTES
NEW DOOR TYPES
FRAME TYPES
MATERIAL SCHEDULE
NOTES
RR RESTROOM
A1 3/4" = 1'-0"

7521 Nebraska Ave
Special Use Permit
Kansas City, KS
aia
SULLIVAN PALMER ARCHITECTS
A-2
EAST ELEVATION
NORTH ELEVATION
SOUTH ELEVATION
WEST ELEVATION

SITE PHOTOS, TAKEN BY STAFF, DATED JULY 2024

AUTO MART
USA
LEASE TO OWN VEHICLES

Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 5, 2024

Re: **Preliminary Plan Petition PR2024-032**

GENERAL INFORMATION

Applicant Information:
TGC Kansas City, LLC
Chad McElroy
322 South Mosley Street
Wichita, KS 67202

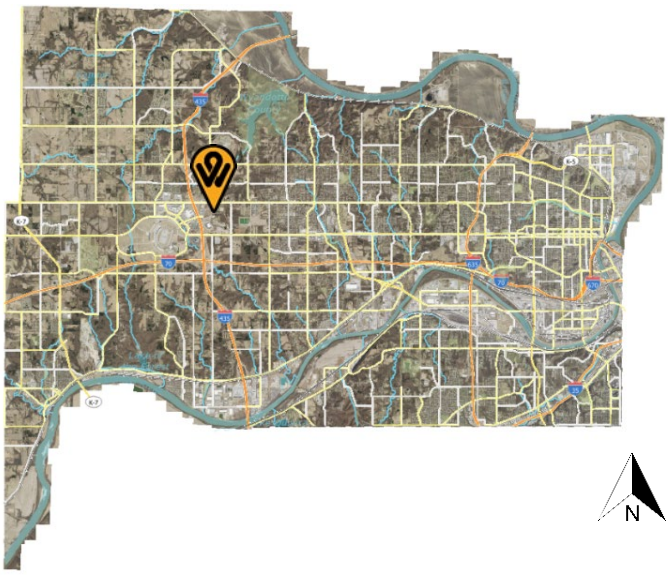
Subject Property:
1709 North 98th Street
Kansas City, Kansas 66111

Requested Action and Purpose:
Approval of a Preliminary Plan.

Commission Districts:
Commissioner At-Large, District #2:
Tom Burroughs
District #7 Commissioner:
Chuck Stites

Existing Zoning District(s):
CP-2 Planned General Business District

Plan Area:
Prairie Delaware Piper Area Plan



	Adjacent Zoning	Adjacent Uses
North	**CP-2 Planned General Business District**	**Margaritaville Hotel and Resort**
South	**A-G Agriculture District**	**Parking lot**
East	**A-G Agriculture District**	**Vacant lot**
West	**CP-3 Planned Commercial District**	**Camping World**

Total Tract Size: 2.78 Acres

Comprehensive Plan Designation: The Prairie Delaware Piper Area Plan designates this property as Planned Mixed Entertainment / Commercial District, which allows major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.

Major Street Plan: The goDotte Countywide Strategic Mobility Plan designates North 98th Street as a Major Collector and additional access points as private drives.

Parking Requirement: Sec. 27-668(a)(8) one (1) space for each guest room plus one (1) space for each two (2) employees on the largest shift, plus adequate parking for banquet rooms, meeting rooms, restaurants and lounge areas.

107 parking spaces are required. The Applicant is providing 107 parking spaces.

Landscaping Requirement: Section 27-467(g) states “Trees are required to be provided at not less than one per 7,000 square feet of site area”.

Section 27-577(a)(5) states “Landscaping shall exceed the typical code requirements by at least 75 percent”.

The site is 120,226 square feet, which requires 17 trees. The multiplier increases that number to 30 trees on the site.

	This total does not include requirement for street trees and trees planted within parking lot islands.
Advertisement:	The Wyandotte Echo – October 17, 2024 Letters to Property Owners – October 18, 2024
Public Hearings:	November 12, 2024 and December 5, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Chad McElroy with TGC Kansas City, LLC, is requesting a Preliminary Development Plan and Preliminary Plat to create one (1) commercial lot and build a four (4) story, 58,000 square foot, 99 room hotel with indoor pool, fitness room, outdoor patio area and parking.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765, Article VI Section 27-212, Article VII Sections 27-245 – 27-339, and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. Citations for weeds, tall grass between 2020 – 2022.

Outstanding or Related Permit and Cases:

1. 17375-00021 - a demolition permit for the removal of a private residence in 2017.

Previous Planning Actions:

1. Approval of an indefinite Special Use Permit (SP-2005-41) for signage in the Village West District in 2005.
2. Approval of a Change of Zone (COZ 2859) from A-G, R-1, CP-0, CP-1 and CP-2 to CP-2 for the Schlitterbahn Vacation Village.
3. Approval of a Preliminary Plat (Schlitterbahn) for one (1) commercial lot in 2008.

4. Approval of a Final Development Plan (PR-2008-19) for the Schlitterbahn Vacation Village in 2008.
5. Approval of a Final Plat (Schlitterbahn Vacation Village) for one (1) commercial lot in 2008.
6. Approval of a Final Development Plan (PR-2008-22) for phase 1 of the Schlitterbahn Vacation Village in 2008.
7. Approval of a Final Development Plan (PR-2008-31) for a 140,518 square foot resort enclosure in 2008.
8. Approval of Final Development Plan (PR-2009-10) for a parking lot, slides, and pools for the Schlitterbahn Vacation Village in 2009.
9. Approval of a Final Development Plan (PR-2009-28) for a train attraction in the Schlitterbahn Vacation Village in 2009.
10. Approval of a Final Plat (Schlitterbahn Vacation Village 2nd Plat) to create nine (9) lots.
11. Approval of a Change of Zone (COZ 3120) from CP-1 Planned Limited Business District to CP-2 Planned General Business District for retail business plan and a hotel.

FACTORS TO BE CONSIDERED

1. Neighborhood Character.

The subject property is within the I-435 West Statistical Neighborhood, Census Block 0447042 and is not within any Neighborhood Group Boundary. The subject property is, however, considered within the Legends/Kansas Speedway area. The neighborhood is defined by commercial service retail to the west, the USMNT Soccer Training and Children's Mercy facility to the east, and a hotel (Fairfield Inn) to the north and is in close proximity to two (2) interstates (I-70 and I-435) and two (2) major roadways (State Avenue and Parallel Parkway).

2. The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.

The proposed use will inherently generate an increase in traffic on-site, as the site is being redeveloped into a new, high-traffic commercial use. It is not expected, however, that this increase in traffic will exceed the capacity of North 98th Street, a Major Collector or State Avenue and Parallel Parkway, Major Arterials to the highway.

3. The degree of conformance of the proposed use to the Master Plan.

The proposed use conforms to the Prairie Delaware Piper Area Plan Planned Commercial / Entertainment designation, which allows major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.

4. ***The extent to which utilities and public services are available and adequate to serve the proposed use.***

   a. ***Electric and Water Service***

      Electrical and Water Service is provided by BPU.

   b. ***Sanitary Sewer Service***

      Sanitary Sewer Service is provided by the Unified Government.

   c. ***Storm Water Control***

      To be designed to meet City Code.

   d. ***Police***

      Police service is provided by West Patrol, District #223.

   e. ***Fire***

      Fire service is provided by Station #6, which is adjacent to the subject property.

   f. ***Transit***

      Public Transit is provided by KCATA Route 101 – State Avenue, with a stop at 94th & State Avenue, and UGT Route 116 – West Parallel, with a stop at North 100th Terrace and France Family Drive. Both stops are challenging for pedestrians to access, due to gaps in the sidewalk network.

   g. ***Schools***

      Public Education is provided by Claude Huyack Elementary School, Arrowhead Middle School, and Washington High School, under Kansas City, Kansas USD 500.

   h. ***Streets***

      The subject property is accessed off North 98th Street, a Major Collector.

5. ***The capability of the proposed use to meet applicable ordinance and other requirements.***

   With revisions, the proposed use is capable of meeting applicable ordinance requirements.

6. Whether the preliminary plat is consistent with the comprehensive plan, the major street plan and any other adopted plans.

The proposed plat, for one (1) commercial lot, is consistent with the Prairie Delaware Piper Area Plan designation of Planned Mixed Entertainment / Commercial District, which allows major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.

7. Whether the preliminary plat is in compliance with the standards and requirements of the zoning ordinance, subdivision regulations and other applicable unified government policies and regulations.

The Preliminary Plat is in compliance with the standards and requirements of the zoning ordinance, subdivision regulations and other Unified Government policies and regulations with modifications to the site plan to show sidewalks and pedestrian connectivity through the site and to 98th Street. There are no variances needed for setbacks, parking or landscaping.

8. Whether the subdivision is compatible in lot size, lot-to-structure proportion, building size, and architectural design with existing and proposed development on adjacent properties.

Development will be of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise, or other adversity as there is access through the development for EMS. The proposed lot is compatible with the size, proportion, and design of adjacent properties as well.

9. Whether the proposed subdivision will cause adverse or negative impacts on the natural or social environment.

The proposed plat will combine two (2) parcels of a 2.76-acre lot for the development of a hotel. Staff does not believe this development will create adverse impacts, as long as development is designed with due regard to topography and the natural features of the land.

10. Whether the subdivision will not cause an undue burden on the unified government for maintenance of land and/or facilities.

With the development of a new commercial hotel and an existing, undeveloped lot, there will inherently be some increase in maintenance, particularly for electric service, city sewer and stormwater, as well as any additional traffic. Due to the size of this infill development and considering the existing surrounding context, however, there is not expected to be undue burden.

11. ***Whether the subdivision does not encourage premature extension of public services, piece-meal or premature development based upon the location of surrounding development and the availability of public facilities and services.***

    The proposed subdivision will create a new commercial lot, which is similar to the surrounding area. It is not expected that this subdivision will lead to the premature extension of public services or a piece-meal development pattern as it is an infill site in an existing commercial area.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting via Zoom on October 23, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Landscaping and Screening
Pedestrian Circulation
Lighting
Parking
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Plan Review Application **PR2024-032**, subject to:

1. **The applicant is requesting a Preliminary Development Plan for a property zoned CP-2 Planned General Business District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for PR2024-032/PLAT2024-033. All listed requirements that are identified as *"have not been meet"* must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting;**
2. **The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and from which Applicant is requesting a deviation for approval:**
    a. **Section 27-575(d)(10) Sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses.**
    b. **Section 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of the block.**

c. **Section 27-575(e)2) Pedestrian walkways through the parking areas to the building entrances should be clearly marked pursuant to this subdivision; (Deviations approved by Planning Commission.)**

3. **For the Final Plat: When the mylars are submitted to Staff to be recorded, submit the following fees:**
   a. **$32.00 per page payable to the Register of Deeds; and,**
   b. **$7.00 per lot payable to the Unified Treasurer;**
4. **Construct an 8-foot sidewalk on the east side of North 98th Street that closes the gap between Parallel Parkway and France Family Drive;**
5. ~~**Construct a five (5) foot sidewalk on the north side of Pinnacle Way to the east property line; (Deleted by Planning Commission)**~~
6. **Install pedestrian lighting between 98th Street and the crosswalk;**
7. **Parking lot islands shall be landscaped with trees;**
8. **12 street trees shall be planted along North 98th Street spaced in groupings of 55 – 65 feet apart;**
9. **Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10-foot wide. The required 10-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;**
10. **Utility easements shall connect with easements established in adjoining properties;**
11. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
12. **Downspouts shall be internalized;**
13. **All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;**
14. **All new landscaping shall be irrigated with an in-ground irrigation system;**
15. **All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;**
16. **All utility connections, this includes green electrical boxes, and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;**
17. **All electrical meter banks, typically on the side of the building shall be screened from public view;**
18. **All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
19. **Regarding BPU transformer screening, the following applies:**

a. **Gate doors are required for all types of screening that are placed in front of the transformers.**
b. **Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.**
c. **Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.**
d. **For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.**
e. **Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).**
f. **Pad must have a minimum clearance of six (6) feet on each, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;**

20. **Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;**
21. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
22. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
23. **All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;**
24. **A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
25. **Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable**

Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

26. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly; and,**
27. **Following the Final Development Plan and Final Plat: A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **PR2024-032** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Planning Staff Site Plan Markup
Site Plan
Grading Plan

Utility Plan
Landscape Plan
Building Elevations
Site Photographs taken by Staff on October 14, 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Preliminary Plan Review	November 12, 2024 – Approval	December 5, 2024
Preliminary Plat	November 12, 2024 – Approved	Not Required

STAFF CONTACT: **Byron Toy, AICP**
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2024-032** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2024-032,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

November 12, 2024, City Planning Commission Minutes:

Hearing starts at 3:23:05 :

PLAT APPLICATION PLAT2024-033 – MARK HENRICHS WITH CONTINENTAL CONSULTING ENGINEERS – SYNOPSIS: Preliminary Plat for one (1) commercial lot at 1709 North 98th Street.

PLAN REVIEW APPLICATION PR2024-032 – MARK HENRICHS WITH CONTINENTAL CONSULTING ENGINEERS – SYNOPSIS: Preliminary Development Plan for a new hotel at 1709 North 98th Street.

Detailed Outline of Requested Action: The applicant, Chad McElroy with TGC Kansas City, LLC, is requesting a Preliminary Development Plan and Preliminary Plat to create one (1) commercial lot and build a four (4) story, 58,000 square foot, 99 room hotel with indoor pool, fitness room, outdoor patio area and parking.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Richard Napper, representing Homefield, 9250 State Avenue, Kansas City, Kansas
- Blake Hyman, 322 South Mosley, Wichita, Kansas, Vice President of Development with TGC Group

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:32:43: Planning Director Hand stated that the request is for a Preliminary Development Plan and Preliminary Plat for a hotel. The property is in the Prairie-Delaware-Piper Area Plan. There were some Notices of Violation for the vacant property, which would be addressed with the proposed development. Staff received no letters in support or opposition. Staff recommends approval with conditions, including following the Commercial Design Guidelines, a final development plan, and a final plat will have to be submitted. Applicant is requesting deviations from the Commercial Design Guidelines, which are outlined in Condition #2.a,

b, and c. If the Commission wishes to approve the deviations, the deviations should remain in the staff report and indicate the deviations are approved. If the Commission does not grant deviation 2.b, a redesign would be required by the applicant to add more circulation. Director Hand stated there is an error in the numbering of the conditions within the staff report. It is the Planning Commission's prerogative on whether or not to eliminate the construction of a five (5) foot sidewalk on the north side of Pinnacle Way to the east property line as per the Applicant's request.

Motion starts at 3:36:54:

On motion by Mr. Ward, seconded by Mr. Straws, the Planning Commission voted as follows to **APPROVE Plat Application PLAT2024-033:**

Carson	**Chairman**
Schwartz	**Not Present**
Straws	**Aye**
Ward	**Aye**
Armstrong	**Not Present**
Beth	**Aye**
Easterwood	**Not Present**
Ernst	**Aye**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**Aye**

Motion to APPROVE Passed: 5 to 0
Subject to:

1. **The applicant is requesting a Preliminary Development Plan for a property zoned CP-2 Planned General Business District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for PR2024-032/PLAT2024-033. All listed requirements that are identified as *"have not been meet"* must be granted a deviation by the City Planning Commission upon specific request by the applicant during the City Planning Commission meeting;**
2. **The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and from which Applicant is requesting a deviation for approval:**
    a. **Section 27-575(d)(10) Sidewalks in front of buildings must be designed to accommodate pedestrian activity both for that use and for movement between uses.**
    b. **Section 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of the block.**
    c. **Section 27-575(e)2) Pedestrian walkways through the parking areas to the building entrances should be clearly marked pursuant to this subdivision; (Deviations approved by Planning Commission.)**
3. **For the Final Plat: When the mylars are submitted to Staff to be recorded,**

submit the following fees:

c. $32.00 per page payable to the Register of Deeds; and,

d. $7.00 per lot payable to the Unified Treasurer;

4. **Construct an 8-foot sidewalk on the east side of North 98th Street that closes the gap between Parallel Parkway and France Family Drive;**
5. ~~**Construct a five (5) foot sidewalk on the north side of Pinnacle Way to the east property line; (Deleted by Planning Commission)**~~
6. **Install pedestrian lighting between 98th Street and the crosswalk;**
7. **Parking lot islands shall be landscaped with trees;**
8. **12 street trees shall be planted along North 98th Street spaced in groupings of 55 – 65 feet apart;**
9. **Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10-foot wide. The required 10-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;**
10. **Utility easements shall connect with easements established in adjoining properties;**
11. **Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;**
12. **Downspouts shall be internalized;**
13. **All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;**
14. **All new landscaping shall be irrigated with an in-ground irrigation system;**
15. **All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;**
16. **All utility connections, this includes green electrical boxes, and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;**
17. **All electrical meter banks, typically on the side of the building shall be screened from public view;**
18. **All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
19. **Regarding BPU transformer screening, the following applies:**

g. Gate doors are required for all types of screening that are placed in front of the transformers.

h. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of

clearance from pad when gate doors open.

i. **Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.**
j. **For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.**
k. **Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).**
l. **Pad must have a minimum clearance of six (6) feet on each, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;**

20. **Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;**
21. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
22. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
23. **All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;**
24. **A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**
25. **Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood**

Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

26. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly; and,**
27. **Following the Final Development Plan and Final Plat: A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.**

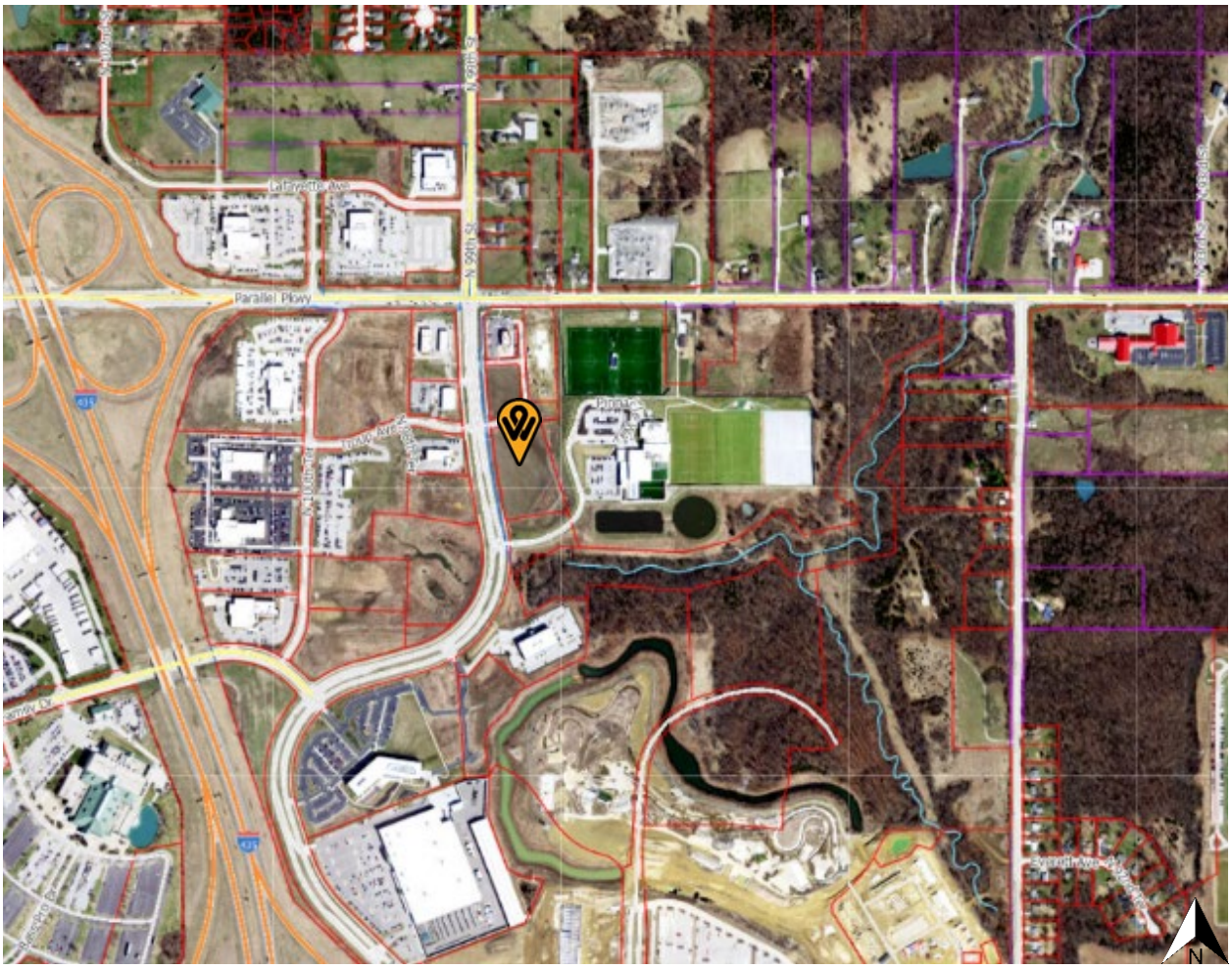
On motion by Mr. Ward, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2024-032:**

Carson	**Chairman**
Schwartz	**Not Present**
Straws	**Aye**
Ward	**Aye**
Armstrong	**Not Present**
Beth	**Aye**
Easterwood	**Not Present**
Ernst	**Aye**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**Aye**

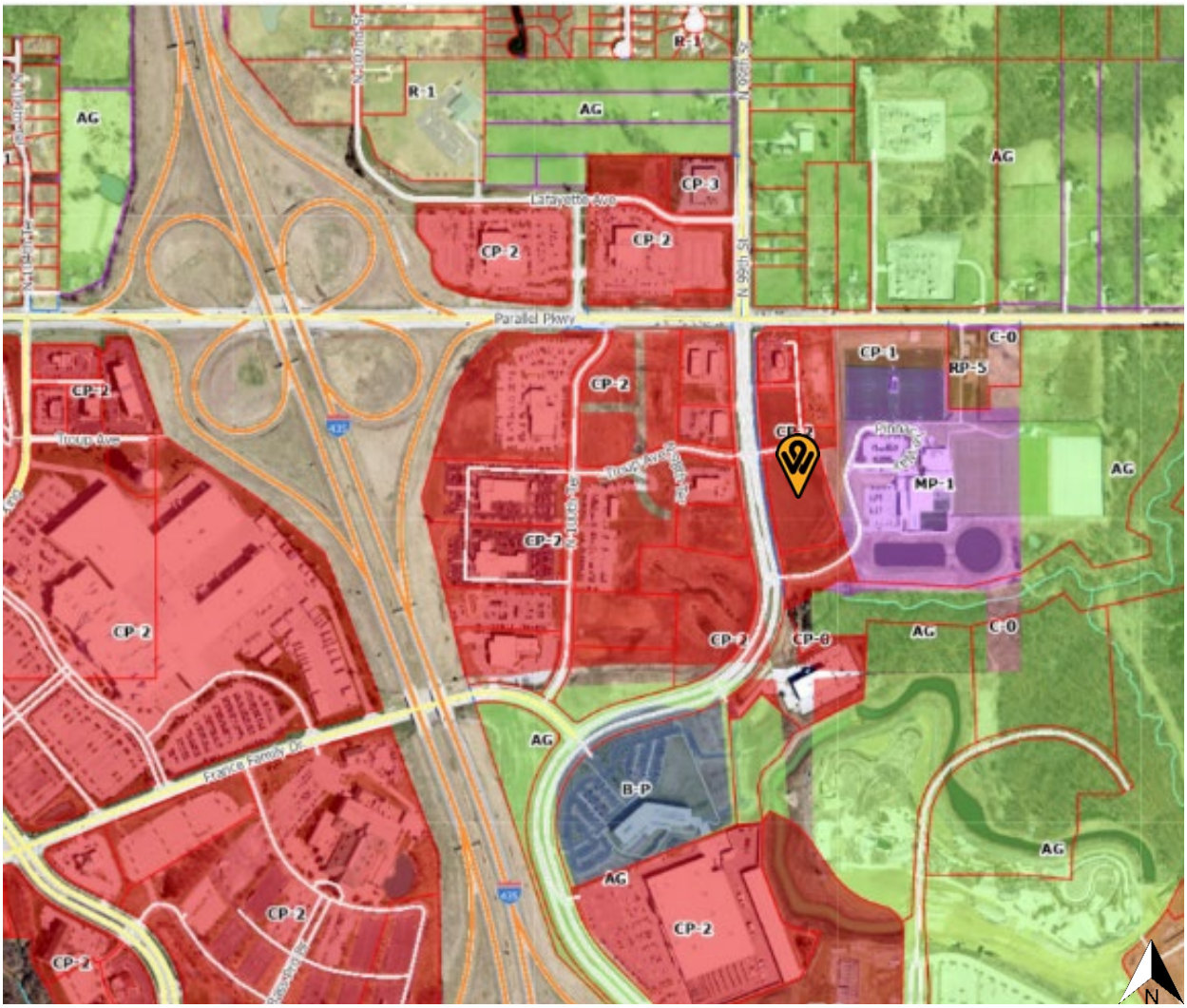
Motion to recommend APPROVAL Passed: 5 to 0
Subject to the above conditions.

ATTACHMENTS

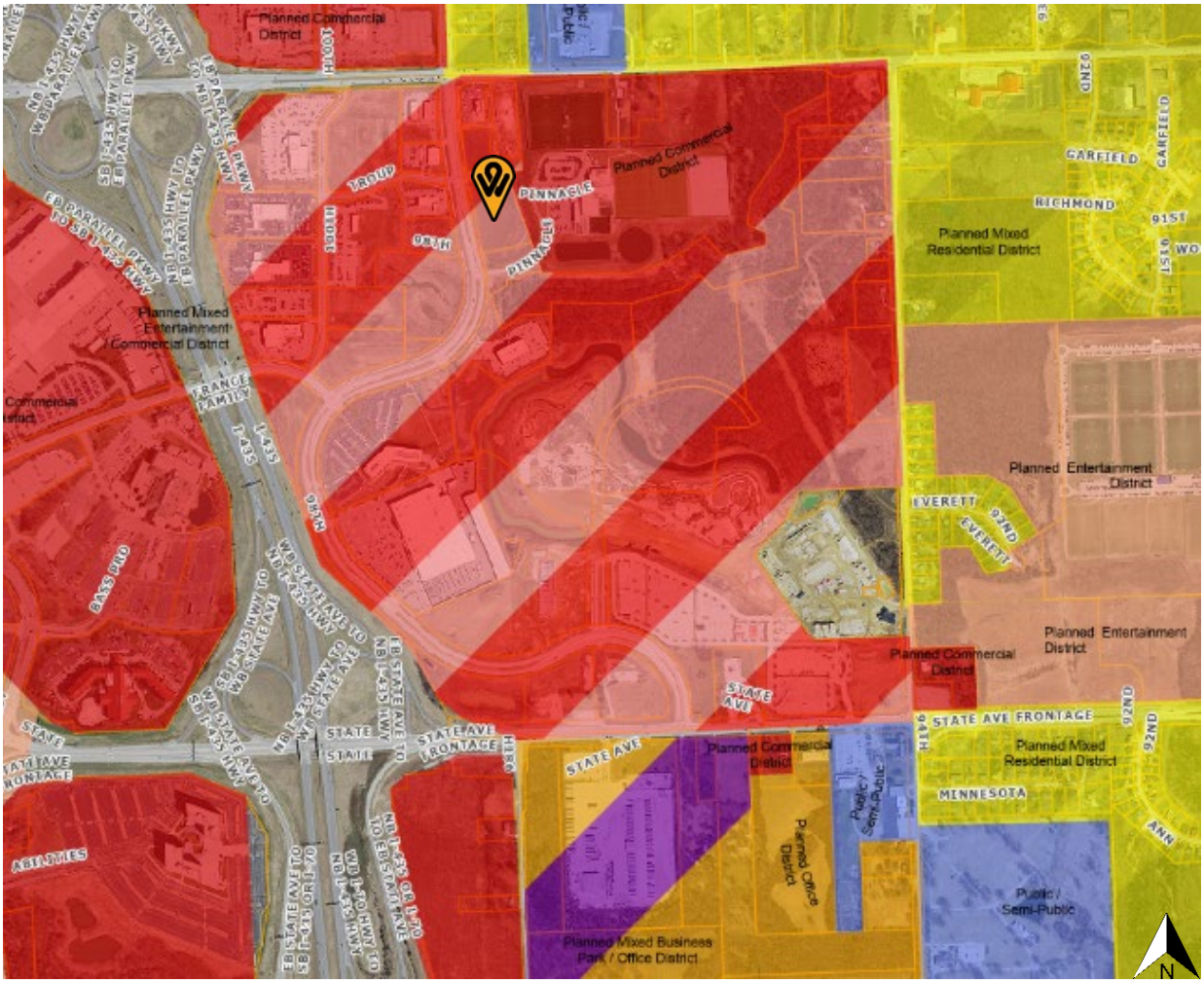
AERIAL IMAGERY



ZONING MAP


R-1
AG
CP-3
CP-2
Lafayette Ave
Parallel Pkwy
N 99th St
C-0
CP-1
RP-5
MP-1
Frontage Rd
Troup Ave
France Family Dr
B-P
N
AG

LAND USE MAP


Planned Commercial District
Planned Commercial District
Planned Mixed Residential District
Planned Mixed Entertainment / Commercial District
Planned Entertainment District
Planned Entertainment District
Planned Commercial District
Planned Commercial District
Planned Mixed Residential District
Public / Semi-Public
Planned Office District
Public / Semi-Public
Planned Mixed Business Park / Office District
PINNACLE
PINNACLE
STATE AVE
STATE AVE
STATE AVE FRONTAGE
STATE AVE FRONTAGE
STATE
STATE
EVERETT
EVERETT
RICHMOND
GARFIELD
GARFIELD
MINNESOTA
ANN
BASS PRO
ABILITIES
92ND
92ND
91ST
91ST
94TH
N

lot, there will inherently be some increase in maintenance, particularly for electric service, city sewer and stormwater, as well as any additional traffic. Due to the size of this infill development and considering the existing surrounding context, however, there is not expected to be undue burden. Acknowledged.

11. ***Whether the subdivision does not encourage premature extension of public services, piece-meal or premature development based upon the location of surrounding development and the availability of public facilities and services.***

The proposed subdivision will create a new commercial lot, which is similar to the surrounding area. It is not expected that this subdivision will lead to the premature extension of public services or a piece-meal development pattern as it is an infill site in an existing commercial area. Acknowledged.

NEIGHBORHOOD MEETING INFORMATION

The neighborhood meeting can be held by the following:

1. **In person; or,**
2. **Virtual Meeting.**

The deadline for the neighborhood meeting is October 28, 2024 and on October 30, 2024 you are required to send your information to Janet L. Parker, CSC/APC, Executive Assistant, either by email (jparker@wycokck.org) or U.S. mail (Department of Urban Planning and Land Use, 701 North 7th Street, Suite 423, Kansas City, Kansas 66101):

1. **List of people who participated in your in-person, Zoom, Teams or Skype meeting (if you were able to hold one.)**
2. **List of people who contacted you with questions and comments – please document their names and questions/comments.**
3. **Signed and notarized affidavit that you held the meeting.**

KEY ISSUES

Landscaping and Screening
Pedestrian Circulation
Lighting
Parking
Traffic

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

1. When the mylars are submitted to Staff to be recorded, submit the following fees:
   a. $32.00 per page payable to the Register of Deeds; and,
   b. $7.00 per lot payable to the Unified Treasurer.

Acknowledged.

2. Construct an 8-foot sidewalk on the east side of North 98th Street that closes the gap between Parallel Parkway and France Family Drive. The applicant requests that the project is only responsible to construct the 8' sidewalk along the west property line.
3. Construct a five (5) foot sidewalk on the north side of Pinnacle Way west to the UNMNT facility. The applicant requests that is requirement is removed. Pinnacle Way is a private drive and currently does not have sidewalk.
4. Install pedestrian lighting between 98th Street and the crosswalk. The site plan shows light bollard along this location.
5. Install pedestrian paths through the parking lot to access the perimeter sidewalk that extends around the building. The applicant requests that is requirement is removed.
6. Parking lot islands shall be landscaped with trees. The landscape plan shows tress in the parking islands.
7. 12 street trees shall be planted along North 98th Street spaced in groupings of 55 – 65 feet apart. The landscape plan shows 12 street trees along N. 98th Street.

Standard Conditions:

1. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required 10-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat. Acknowledged.
2. Utility easements shall connect with easements established in adjoining properties. Acknowledged.
3. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.
4. Downspouts shall be internalized. Acknowledged.
5. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted. Acknowledged.
6. All new landscaping shall be irrigated with an in-ground irrigation system. Acknowledged.
7. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times. Acknowledged.
8. All utility connections, this includes green electrical boxes, and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen. Acknowledged. Intent is to locate rooftop equipment where public view is obstructed by the parapet construction.
9. All electrical meter banks, typically on the side of the building shall be screened from public view. Acknowledged.

10. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Acknowledged.
11. Regarding BPU transformer screening, the following applies:
    a. Gate doors are required for all types of screening that are placed in front of the transformers.
    b. Fence pickets shall be installed two (2) feet off the ground and have adequate clearance to open gate door 180° and have 10 feet of clearance from pad when gate doors open.
    c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
    d. For slats fences, customers shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
    e. Customers must take into account the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking into account the growth of saplings).
    f. Pad must have a minimum clearance of six (6) feet on each, three (3) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.
    Acknowledged.

12. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building. Acknowledged.
13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
    Acknowledged; signage will be delegated design and submitted separately for permit.
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
    Acknowledged.
15. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape. Acknowledged.
16. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly. Acknowledged.
17. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land

disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620. Acknowledged.

18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly. Acknowledged.
19. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting. Acknowledged.

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:
   1) None
B) Items that are conditions of approval:
   1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
   1) None

TGC GROUP

Meeting Date: 10.23.24
Meeting Minutes for: PR2024-032 and PLAT 2024-033

Meeting started at 5:30 P.M. via Zoom

Attendees:
Phil Gibbs Jr., Continental Consulting Engineers
Mark Henrichs, Continental Consulting Engineers
Brandon Lewis, BRR Architects
Blake Heiman, TGC Group
Chad C. McElroy, TGC Group

There were no additional attendees that logged onto the Zoom call.

The meeting ended at 6:00 P.M.

322 S. Mosley St. • Wichita, Kansas • 67202 • 316.260.9088

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Sedgwick)

Comes now Chad C. McElroy, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # PR2024-032 & PLAT2024-033.
2. That I conducted a neighborhood meeting on 10.23.24.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

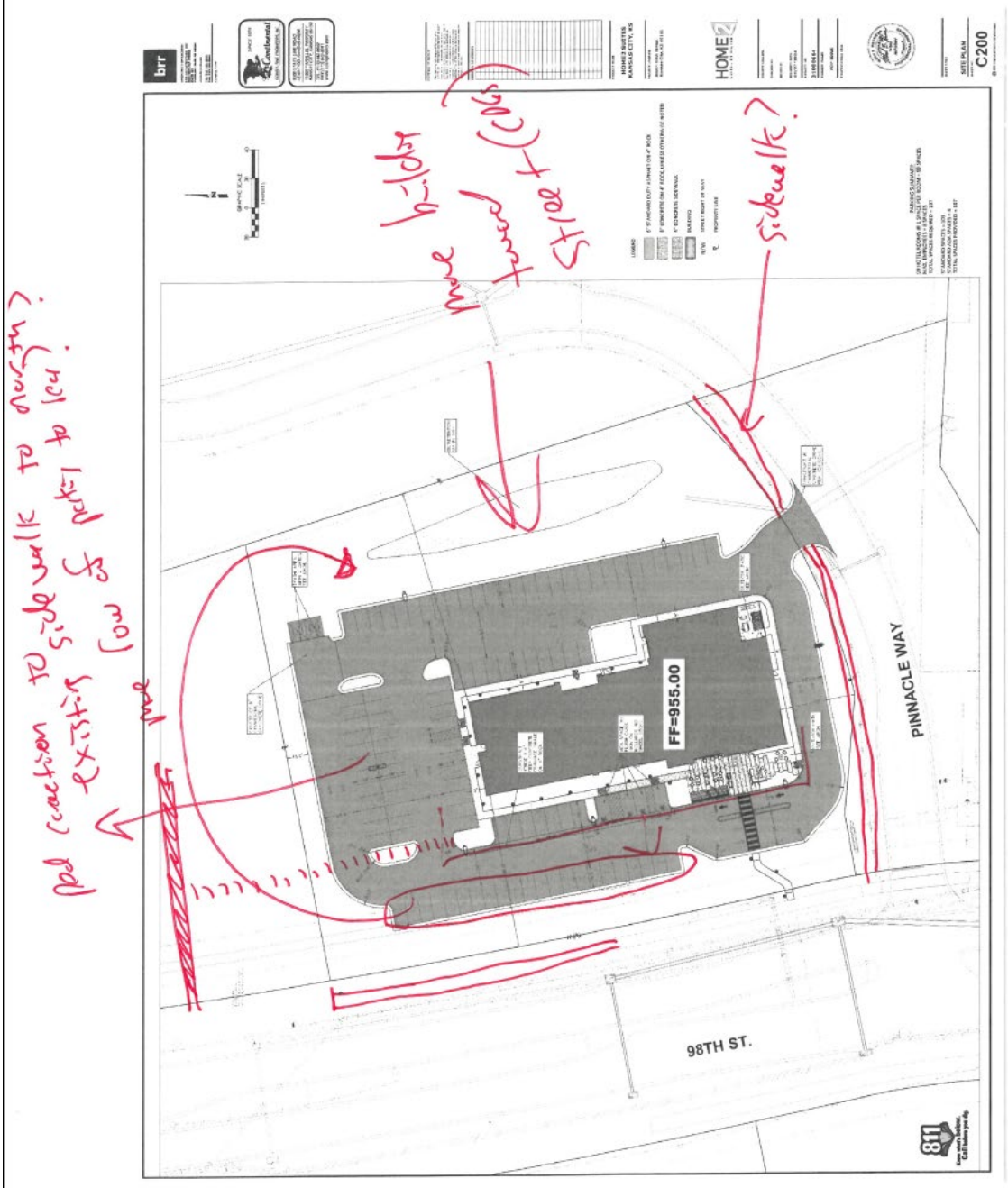
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of October, 2024

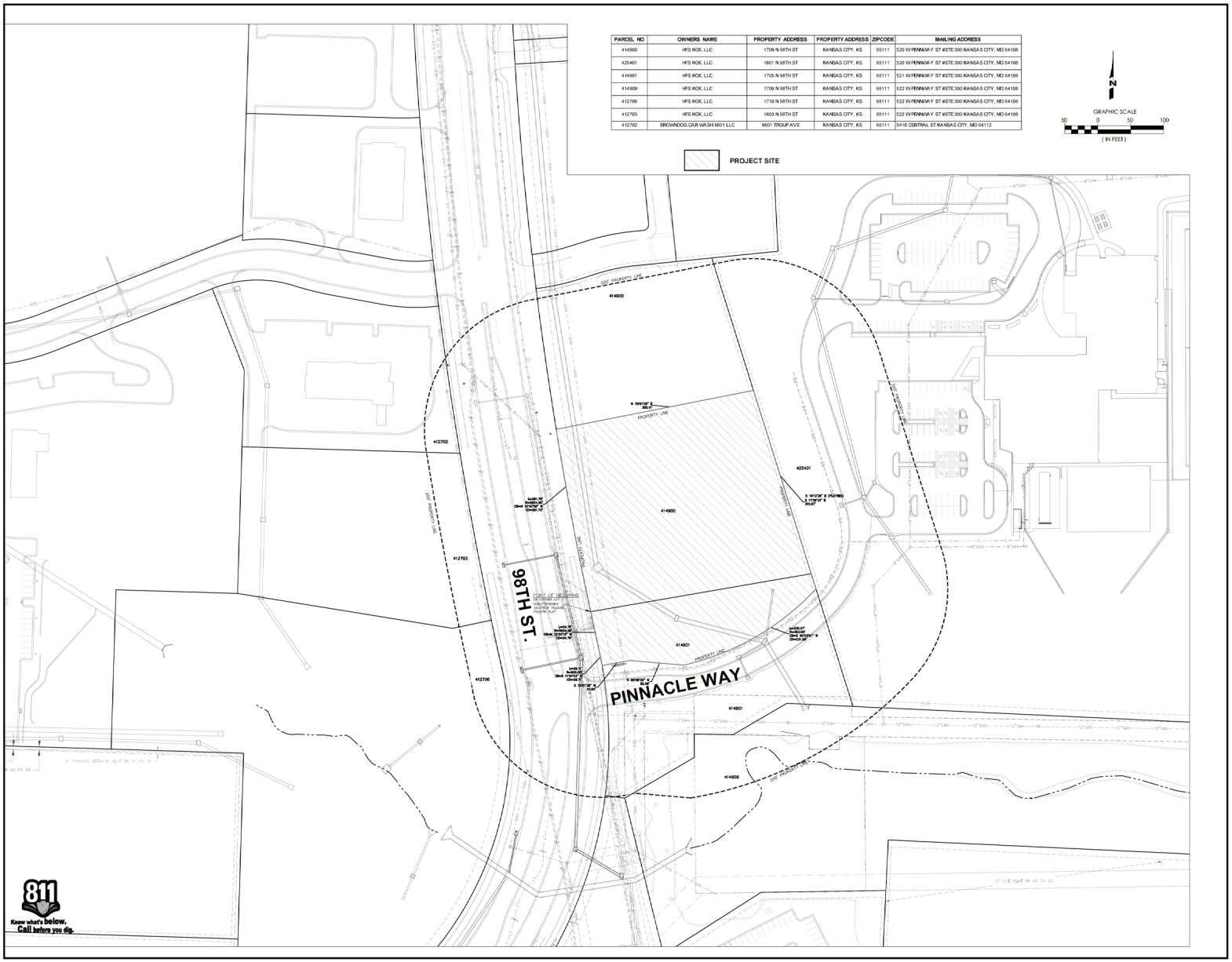
My commission expires 5th of November, 2024

Notary Public

LISA MICHELLE COLEMAN NOTARY PUBLIC STATE OF KANSAS MY APPOINTMENT EXPIRES 11-5-2024


PINNACLE WAY
98TH ST.
FF=955.00
C200
SITE PLAN

PARCEL_NO	OWNERS_NAME	PROPERTY_ADDRESS	PROPERTY_ADDRESS	ZIPCODE	MAILING ADDRESS
414900	HFS KCK, LLC	1709 N 98TH ST	KANSAS CITY, KS	66111	520 W PENNWAY ST #STE 300 KANSAS CITY, MO 64108
425401	HFS KCK, LLC	1801 N 98TH ST	KANSAS CITY, KS	66111	520 W PENNWAY ST #STE 300 KANSAS CITY, MO 64108
414901	HFS KCK, LLC	1705 N 98TH ST	KANSAS CITY, KS	66111	521 W PENNWAY ST #STE 300 KANSAS CITY, MO 64108
414909	HFS KCK, LLC	1706 N 98TH ST	KANSAS CITY, KS	66111	522 W PENNWAY ST #STE 300 KANSAS CITY, MO 64108
412706	HFS KCK, LLC	1710 N 98TH ST	KANSAS CITY, KS	66111	522 W PENNWAY ST #STE 300 KANSAS CITY, MO 64108
412703	HFS KCK, LLC	1603 N 98TH ST	KANSAS CITY, KS	66111	522 W PENNWAY ST #STE 300 KANSAS CITY, MO 64108
412702	BROWNDOG CAR WASH 9801 LLC	9801 TROUP AVE	KANSAS CITY, KS	66111	5418 CENTRAL ST KANSAS CITY, MO 64112



brr
ARCHITECT OF RECORD:
BRR ARCHITECTURE, INC
9200 METCALF AVENUE
SUITE 300
OVERLAND PARK, KS 66206
www.brrarch.com
TEL: 913-385-9900
FAX: 913-385-9901
CONSULTANT

SINCE 1978
Continental
CONSULTING ENGINEERS, INC.
9000 STATE LINE ROAD
LEAWOOD, KANSAS 66206
11008 PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109
TEL (913) 642-6642
FAX (913) 642-6641
www.ccengineers.com

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ISSUES & REVISIONS

PROJECT NAME
HOME2 SUITES
KANSAS CITY, KS

PROJECT ADDRESS
North 98th Street
Kansas City, KS 66111

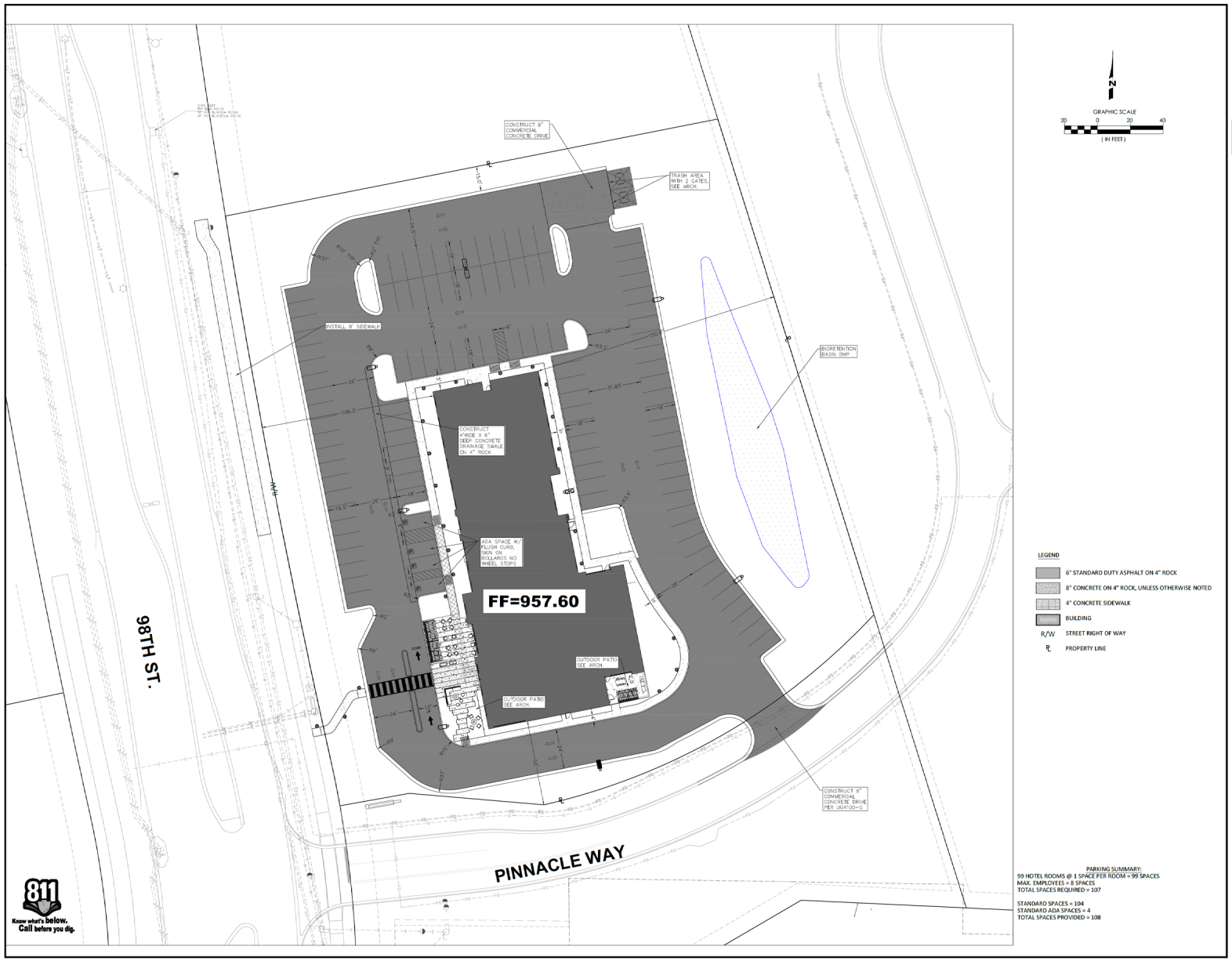
HOME2 SUITES BY HILTON

PROJECT MANAGER:
CHECKED BY:
DRAWN BY:
DOCUMENT DATE:
09/27/2024
PROJECT NO.
31000664
PROJECT PHASE
PDP ISSUE
PROFESSIONAL SEAL

KANSAS
MARK B. HEAD
NUMBER
14263
PROFESSIONAL ENGINEER
09/27/2024

SHEET TITLE
ADJACENT
OWNERSHIP
PRELIMINARY PLAT
SHEET NO.
C170

MSD Original printed on recycled paper



brr
ARCHITECT OF RECORD:
BRR ARCHITECTURE, INC
8000 STATE LINE ROAD
SUITE 300
LEAWOOD, KS 66206
www.brrarch.com
TEL: 913-381-1661
FAX: 913-381-1662
CONSULTANT

SINCE 1978
Continental
CONSULTING ENGINEERS, INC.
8000 STATE LINE ROAD
LEAWOOD, KANSAS 66206
11005 PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109
TEL (913) 642-6642
FAX (913) 642-6641
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ISSUES & REVISIONS

PROJECT NAME
HOME2 SUITES KANSAS CITY, KS

PROJECT ADDRESS
North 98th Street
Kansas City, KS 66111

HOME2 SUITES BY HILTON

PROJECT MANAGER:
CHECKED BY:
DRAWN BY:
DOCUMENT DATE:
09/27/2024
PROJECT NO.
31000664
PROJECT PHASE
PDP ISSUE
PROFESSIONAL SEAL

MARK B. HENRY
NUMBER PE-19990
STATE OF KANSAS
PROFESSIONAL ENGINEER
Mark B. Henry
10/25/2024

SHEET TITLE
SITE PLAN
SHEET NO.
C200

SEE Original printed on recycled paper

PR2024-032

December 5, 2024

29

GENERAL GRADING NOTES:

1. CONTRACTOR IS RESPONSIBLE FOR DEMOLITION OF EXISTING STRUCTURES INCLUDING REMOVAL OF ANY EXISTING UTILITIES SERVING THE STRUCTURE. UTILITIES ARE TO BE REMOVED TO THE RIGHT-OF-WAY.
2. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
3. ALL CUT OR FILL SLOPES SHALL BE 3:1 OR FLATTER. ALL ASPHALT PARKING AREAS SHALL BE A MINIMUM OF 2% SLOPE UNLESS OTHERWISE NOTED. ALL PAVEMENTS WITHIN ADA PARKING AREAS SHALL NOT EXCEED 2% TOTAL SLOPE. CONTRACTOR SHALL NOTIFY ENGINEER PRIOR TO FINAL SUBGRADE CONSTRUCTION OF ANY AREAS NOT WITHIN THIS SLOPE REQUIREMENTS.
4. PRECAST STRUCTURES MAY BE USED AT CONTRACTOR'S OPTION. ALL STORM STRUCTURES SHALL HAVE A SMOOTH UNIFORM POURED CONCRETE INVERT FROM INVERT IN TO INVERT OUT.
5. UNLESS SPECIFICALLY NOTED OTHERWISE, ALL STORM SEWER PIPE SHALL BE REINFORCED CONCRETE PIPE (RCP), HIGH DENSITY POLYETHYLENE DUAL WALL PIPE (HDPE), OR POLYPROPYLENE DUAL WALL PIPE (PP) . RCP SHALL BE MINIMUM CLASS III PER ASTM C-76. ALL CONCRETE PIPE JOINTS SHALL BE "O-RING" OR SINGLE OFFSET RUBBER GASKETS AS MANUFACTURED BY TYLOX "SUPERSEAL" (OR AN APPROVED EQUAL). HDPE PIPE SHALL BE PER ASTM F2306 WITH CORRUGATED EXTERIOR, SMOOTH INTERIOR WITH WATER TIGHT JOINTS (WT). PP PIPE SHALL PER ASTM F2881 WITH CORRUGATED EXTERIOR, SMOOTH INTERIOR WITH WATER TIGHT JOINTS.
6. EXISTING DRAINAGE STRUCTURES TO BE INSPECTED AND REPAIRED AS NEEDED, AND EXISTING PIPES TO BE CLEANED OUT TO REMOVE ALL SILT AND DEBRIS.
7. EXISTING GRADE CONTOURS SHOWN AT 1 FOOT INTERVALS. PROPOSED GRADE CONTOURS SHOWN AT 1 FOOT INTERVALS.
8. IF ANY EXISTING STRUCTURES TO REMAIN ARE DAMAGED DURING CONSTRUCTION IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REPAIR AND/OR REPLACE THE EXISTING STRUCTURE AS NECESSARY TO RETURN IT TO EXISTING CONDITIONS OR BETTER. ALL STORM PIPE ENTERING STRUCTURES SHALL BE GROUTED TO ASSURE CONNECTION AT STRUCTURE IS WATERTIGHT. ALL STORM SEWER MANHOLES IN PAVED AREAS SHALL BE FLUSH WITH PAVEMENT, AND SHALL HAVE TRAFFIC BEARING RING & COVERS. MANHOLES IN UNPAVED AREAS SHALL BE 6" ABOVE FINISH GRADE. LIDS SHALL BE LABELED "STORM SEWER".
9. THE CONTRACTOR SHALL ADHERE TO ALL TERMS & CONDITIONS AS OUTLINED IN THE INDIVIDUAL PERMIT FOR STORMWATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITIES AS ISSUED BY THE KANSAS DEPT. OF HEALTH AND ENVIRONMENT.
10. CONTRACTOR SHALL ADJUST AND/OR CUT EXISTING PAVEMENT AS NECESSARY TO ASSURE A SMOOTH FIT AND CONTINUOUS GRADE. CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE AWAY FROM BUILDINGS FOR ALL NATURAL AND PAVED AREAS.
11. TOPOGRAPHIC INFORMATION IS TAKEN FROM GROUND SURVEYS. IF CONTRACTOR DOES NOT ACCEPT EXISTING TOPOGRAPHY AS SHOWN ON THE PLANS, WITHOUT EXCEPTION, HE SHALL HAVE MADE AT HIS EXPENSE, A TOPOGRAPHIC SURVEY BY A REGISTERED LAND SURVEYOR AND SUBMIT IT TO THE OWNER FOR REVIEW.
12. ALL UNSURFACED AREAS THAT ARE DISTURBED BY GRADING OPERATION SHALL RECEIVE 4 INCHES MINIMUM OF TOPSOIL. 12 INCHES IN ISLANDS. TOPSOIL SHALL BE BLACK SOIL FROM THE LOCAL VICINITY THAT PRODUCES HEAVY GROWTH.
13. CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE GOVERNING CODES AND BE CONSTRUCTED TO SAME.
14. PRIOR TO PLACING FILL, ANY EXISTING SLOPES EXCEEDING 5 HORIZONTAL TO 1 VERTICAL SHOULD BE BENCHED. THE BENCHES SHOULD BE CUT WIDE ENOUGH TO ACCOMMODATE THE COMPACTION EQUIPMENT.
15. IN AREAS WHERE THE THICKNESS OF THE ENGINEERED FILL IS GREATER THAN FIVE FEET, PAVEMENT CONSTRUCTION SHOULD NOT COMMENCE UNTIL SO AUTHORIZED BY THE ON-SITE GEOTECHNICAL ENGINEER TO EVALUATE FOR CONSOLIDATION.
16. UNLESS OTHERWISE APPROVED BY THE GEOTECHNICAL ENGINEER, EARTHWORK OPERATIONS SHOULD NOT BE ALLOWED TO PROCEED IF AMBIENT TEMPERATURES ARE AT 40°F AND ARE DROPPING. THEY CAN BE RE-STARTED WHEN TEMPERATURES ARE 34°F AND RISING.
17. ALL EXCAVATION SHALL BE CONSIDERED UNCLASSIFIED. NO SEPARATE OR ADDITIONAL PAYMENTS SHALL BE MADE FOR ROCK EXCAVATION.
18. REFER TO PAVING DETAILS FOR UNDERCUT AND SUBGRADE COMPACTION REQUIREMENTS UNDER PAVED AREAS.
19. CONTRACTOR SHALL GRADE TO SUBGRADE ELEVATIONS IN PAVED AREAS WITH A TOLERANCE OF 0.10± FEET. ALL GRASSED AREAS SHALL BE GRADED TO WITHIN 0.10± FEET OF FINAL ELEVATION.
20. PRIOR TO BEGINNING PREPARATION OF SUBGRADE, ALL AREAS UNDER PAVEMENTS SHALL BE STRIPPED OF ALL TOPSOIL, VEGETATION, LARGE ROCK FRAGMENTS (GREATER THAN 6 INCHES IN ANY DIMENSION) AND ANY OTHER DELETERIOUS MATERIAL. ALL VEGETATION SHALL BE HAULED OFF. TOPSOIL MAY BE RESPREAD AT THE END OF GRADING OPERATIONS. THE ACTUAL STRIPPING DEPTH SHOULD BE BASED ON VISUAL EXAMINATION DURING CONSTRUCTION AND THE RESULTS OF PROOF-ROLLING OPERATIONS. THE ROOT SYSTEMS OF ALL TREES (NOT DESIGNATED TO REMAIN) SHALL BE REMOVED IN THEIR ENTIRETY.
21. SUBSEQUENT TO COMPLETION OF STRIPPING AND OVER-EXCAVATION, ALL BUILDING AND PAVEMENT AREAS TO RECEIVE ENGINEERED FILL SHOULD BE SYSTEMATICALLY PROOF-ROLLED USING A TANDEM AXLE DUMP TRUCK LOADED TO APPROXIMATELY 20,000 POUNDS PER AXLE. UNSUITABLE SOILS THAT ARE DETECTED AND THAT CAN NOT BE RECOMPACTED SHOULD BE OVER-EXCAVATED AND REPLACED WITH ENGINEERED FILL.
22. ROCK UNDERCUT: IN AREAS OF PROPOSED PAVEMENT, ROCK SHALL BE UNDERCUT A MINIMUM OF 12" BELOW BOTTOM OF ASPHALT OR CONCRETE AND BROUGHT TO SUBGRADE ELEVATION WITH SUITABLE FILL MATERIALS (SEE BELOW). IN PARKING LOT ISLANDS AND AREA IMMEDIATELY ADJACENT TO BUILDING ROCK SHALL BE UNDERCUT A MINIMUM OF 30" BELOW PROPOSED TOP OF CURB ELEVATIONS FOR THE ISLAND OR 30" BELOW PROPOSED GRADE FOR AREAS AROUND BUILDING. NOTE: NO ROCK IS ANTICIPATED IN THESE AREAS.
23. BACKFILL OVER UNDERDRAIN LINES AND SHALL BE TOPSOIL (MIN. 12" REQUIRED IN ISLANDS)
24. ALL SEDIMENT BASINS SHALL BE FULLY CLEANED, AND RESHAPED TO THEIR FINAL FORM AS BMP BASINS PRIOR TO FINAL RESTORATION

PARKING LOT, SITE, AND PAD PREP NOTES:

SITE PREPARATION: AREAS TO RECEIVE FILL AND CONCRETE SHOULD BE STRIPPED OF SURFACE VEGETATION, ROOTS LARGER THAN 3" DIAMETER, TOPSOIL, SOFT SOILS, UNCONTROLLED FILL, AND OTHER DELETERIOUS MATERIALS. THE EXPOSED SUBGRADE SHOULD BE OBSERVED BY THE GEOTECHNICAL ENGINEER PRIOR TO PLACEMENT OF FILL. PROOF-ROLLING WITH A TANDEM AXLE DUMP TRUCK LOADED TO APPROXIMATELY 20,000 POUNDS PER AXLE (OR EQUIVALENT PROOF ROLLING EQUIPMENT) CAN BE CONSIDERED AS A MEANS OF EVALUATING THE SUBGRADE. ANY SOFT SOILS OR YIELDING AREAS OBSERVED DURING PROOF ROLLING SHOULD BE EXCAVATED AND BACKFILLED WITH SOIL OR CRUSHED ROCK COMPACTED TO THE DENSITIES SPECIFIED IN THE SUBSEQUENT COMPACTION SUMMARY.

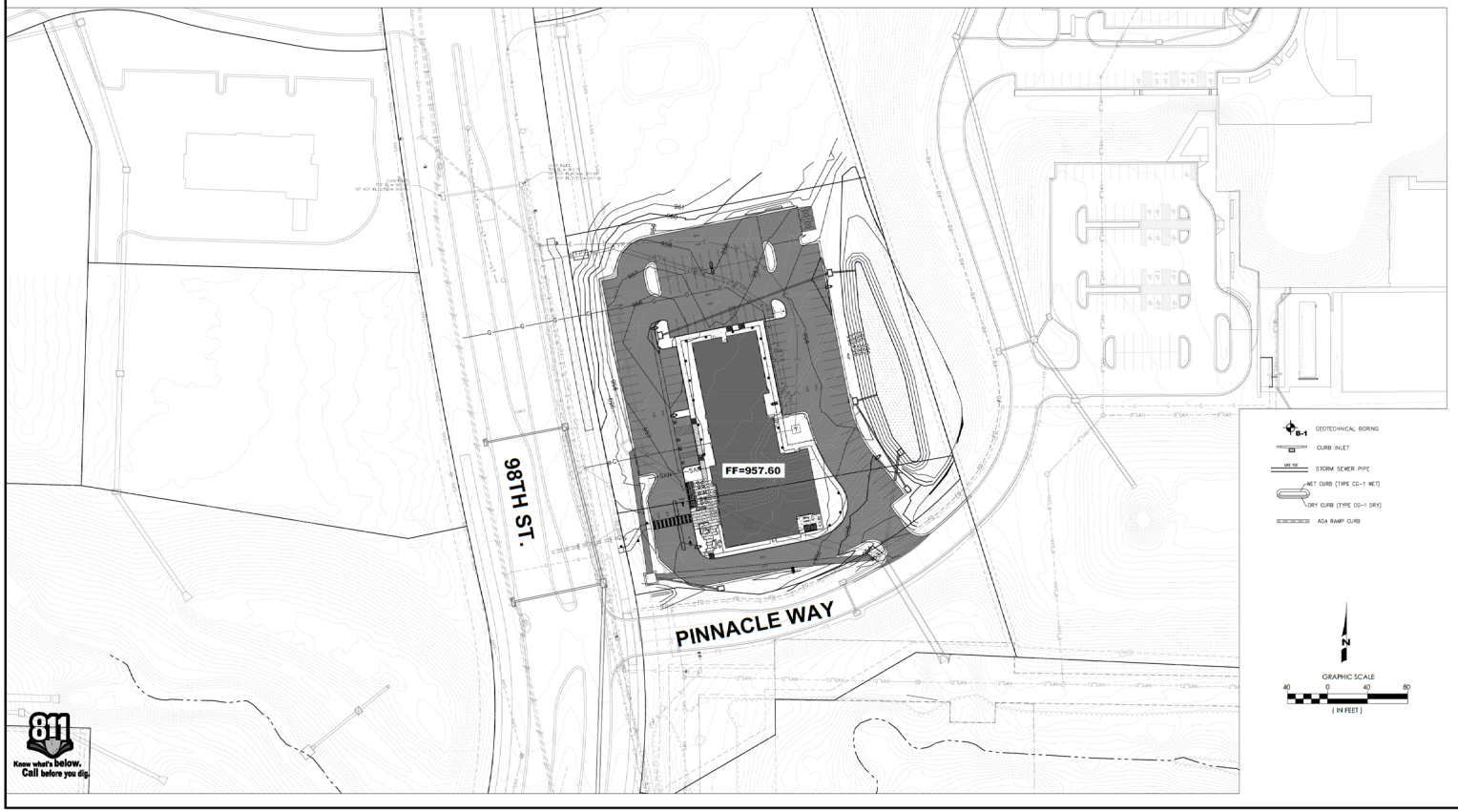
2. SUITABLE FILL MATERIALS:
- BENEATH AND WITHIN 5' OF BUILDING PADS:
  LOW VOLUME CHANGE (LVC) MATERIAL CLASSIFIED AS OH OR CL (LL<45 AND PI<23).
- ALL LOCATIONS AND ELEVATIONS EXCEPT WHERE FREE DRAINING MATERIAL IS REQUIRED
  CL (LL<45 AND PI<23)
- BENEATH PAVEMENT AREAS AND AT DEPTHS GREATER THAN 24" BELOW BUILDING FINISHED GRADE:
  CL (LL<45 AND/OR PI>23) (NATIVE CLAY SOILS)
- WELL GRADED GRANULAR:
  GW WHERE FREE DRAINING MATERIAL IS REQUIRED.

UNTREATED, HIGHLY PLASTIC CLAY, IF ENCOUNTERED, SHOULD BE PLACED AT LEAST 24 INCHES BELOW PAVEMENT SUBGRADES. HOWEVER, THE ON-SITE HIGHLY PLASTIC CLAY MAY BE USED AT SHALLOWER DEPTHS IF TREATED WITH CLASS C FLY ASH OR PORTLAND CEMENT. IF TREATMENT WITH FLY ASH AND/OR PORTLAND CEMENT IS SELECTED, CONSULT WITH GEOTECHNICAL ENGINEER FOR RECOMMENDATIONS.

ALL FILL SHALL BE PLACED AT 95% OF THE MATERIAL'S MAXIMUM DRY DENSITY PER ASTM D698.
- CLAY SOIL WITH A LL<45 SHALL BE PLACED WITH –2% TO +2% OF OPTIMUM MOISTURE.
- CLAY SOIL WITH A LL>45 SHALL BE PLACE AT 0% TO +4% OF OPTIMUM MOISTURE
- GRANULAR MATERIAL SHALL BE PLACED WITH SUFFICIENT COMPACTION SUCH THAT IT DOES NOT PUMP WHEN PROOFROLLED.

3. FILL OR BACKFILL SHOULD BE PLACED IN UNIFORMLY THICK LIFTS AND COMPACTED. THE LOOSE LIFT THICKNESS SHOULD NOT EXCEED 9 INCHES WHEN LARGE, SELF PROPELLED EQUIPMENT IS USED. LIFT THICKNESS SHOULD NOT EXCEED 4" WHERE SMALL HAND-GUIDED EQUIPMENT IS USED.
DEPENDING ON THE SOIL MOISTURE AT THE TIME OF CONSTRUCTION, AERATION OR WETTING MAY BE REQUIRED TO ACHIEVE PROPER COMPACTION. DELETERIOUS MATERIAL SHOULD NOT BE INCLUDED IN FILL AND THE FILL SHOULD NOT BE PLACED ON SOFT MATERIALS OR FROZEN GROUND.
4. ONSITE INSPECTION AND TESTING BY THE GEOTECHNICAL ENGINEER SHALL BE A REQUIREMENT. IN ALL FILL AND CUT AREAS, TOPSOIL AND OTHER MATERIALS DEEMED UNSUITABLE BY THE ONSITE GEOTECHNICAL ENGINEER SHALL BE REMOVED AND REPLACED WITH CONTROLLED FILL.
5. PROPER SITE GRADING SHALL BE DONE TO CONTROL RUNOFF AND EROSION. PROPER GRADING AVOIDS PONDING OF WATER AND DIRECTS RUNOFF TO DESIGNATED EROSION CONTROLS. PONDING OF WATER ON FINISHED SUBGRADE, INFILTRATION OF WATER INTO EXCAVATIONS AND SOFTENING OR DAMAGING OF THE BEARING MATERIALS DUE TO RAIN OR WATER ACCUMULATION SHALL BE PREVENTED BY USING TEMPORARY DIVERSION BERMS OR CHANNELS.
6. ROCK FILL SHOULD BE SELECTIVELY PLACED WHERE DEEP FOUNDATIONS ARE NOT REQUIRED. EXCAVATED ROCK USED AS FILL MUST BE WELL-GRADED AND HAVE A MAXIMUM PARTICLE SIZE OF 12 INCHES. IF EXCAVATED ROCK DOES NOT CONTAIN A UNIFORM DISTRIBUTION OF PARTICLE SIZES, IT MUST BE MIXED WITH WELL-GRADED GRANULAR MATERIALS TO FORM A WELL-GRADED MIXTURE. ROCK LIFTS CONSISTING OF LIMESTONE AND SHALE SHOULD NOT BE PLACED WITHIN 1 FOOT OF UNDERGROUND PIPES OR WITHIN 5 FEET OF PAVEMENT SUBGRADES AND STRUCTURE FOUNDATIONS.

THE LIFT THICKNESS OF ROCK FILL IS LIMITED BY THE MAXIMUM PARTICLES SIZE AND SHOULD NOT EXCEED 12 INCHES. ROCKS OR BOULDERS TOO LARGE TO PERMIT PLACEMENT IN A 12-INCH-THICK LAYER SHOULD BE REDUCED IN SIZE. ROCK FILL SHOULD BE PLACED IN UNIFORM LIFTS USING A LARGE TRACKED DOZER SUCH AS A CATERPILLAR D8 OR A 10-TON VIBRATORY ROLLER UNTIL IT IS UNIFORMLY COMPACTED AND STABLE. LIFTS OF ROCK FILL THAT PUMP OR YIELD DURING PLACEMENT SHOULD BE REMOVED AND REPLACED. ACCEPTANCE CRITERIA FOR ROCK FILL SHOULD BE BASED ON A VISUAL EVALUATION DURING PLACEMENT SINCE THE IN-PLACE DENSITY OF COARSE ROCK FILL CANNOT BE MEASURED.
7. SEE INTERTEK PSI PROJECT #03382473 FOR ADDITIONAL INFORMATION
8. EXISTING UNCOCUMENTED FILL WITHIN 5' OF THE BUILDING PAD SHALL BE REMOVED TO A DEPTH OF 5'. NOTE: IN SOME CASES THE CUT TO EXISTING GRADE WILL ACHIEVE THIS. ALL MATERIAL WITHIN 2 FEET OF THE BOTTOM OF THE BUILDING SLAB SHALL BE REMOVED AND RE-COMPACTED. THIS MATERIAL SHALL MEET THE REQUIREMENTS OF LVC ABOVE.



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SUITE 300
OVERLAND PARK, KS 66204
www.brrarch.com
TEL: 913-901-9001
FAX: 913-901-9002
CONSULTANT

SINCE 1976 Continental CONSULTING ENGINEERS, INC.
9300 STATE LINE ROAD
LEAWOOD, KANSAS 66206
11005 PROBASCO PARKWAY
KANSAS CITY, KANSAS 66109
TEL: (913) 642-6642
FAX: (913) 642-6941
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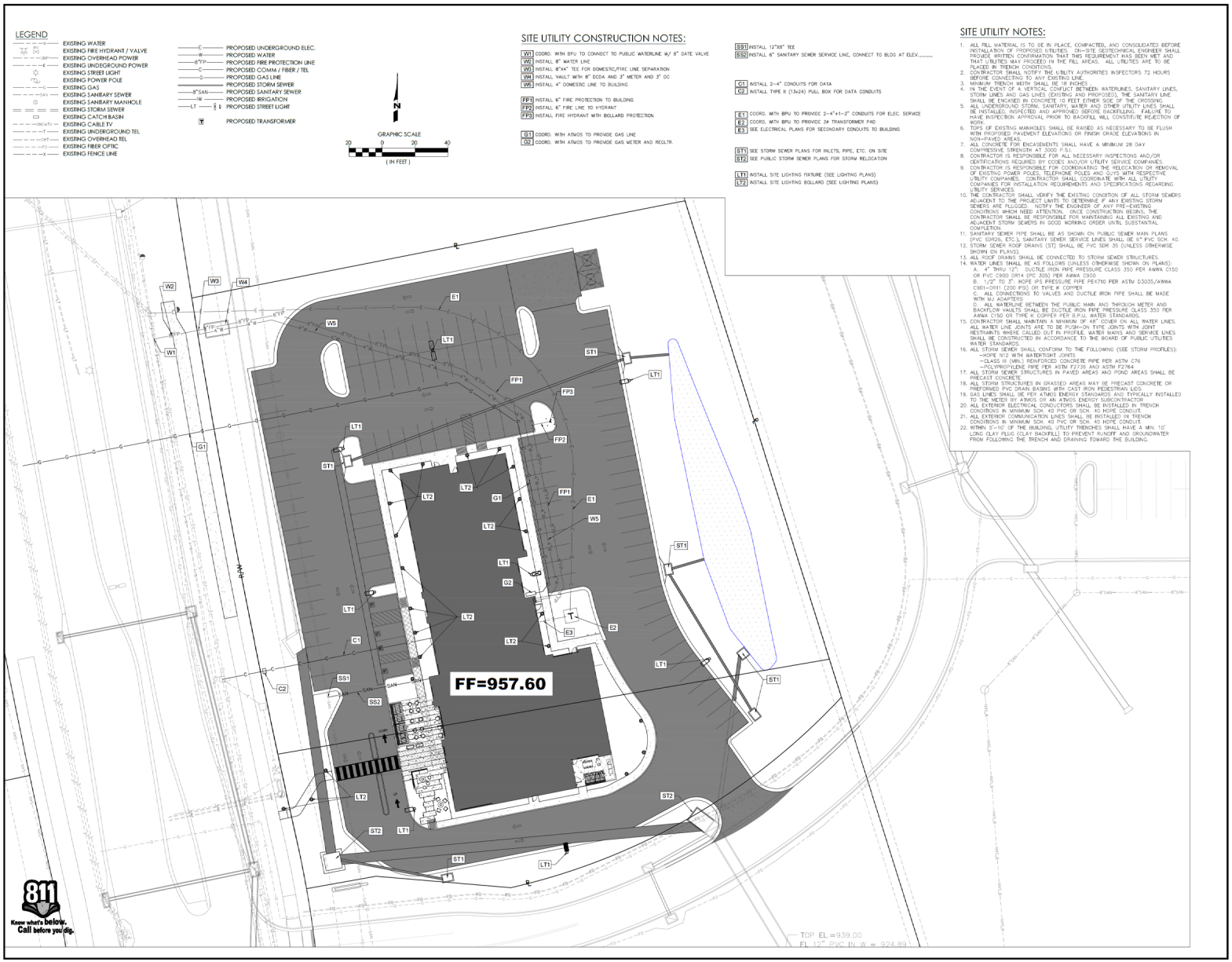
PROJECT ADDRESS
North 98th Street
Kansas City, KS 66111

HOME2 SUITES BY HILTON

PROJECT MANAGER:
CHECKED BY:
DRAWN BY:
DOCUMENT DATE:
09/27/2024
PROJECT NO.
31000664
PROJECT PHASE
PDP ISSUE
PROFESSIONAL SEAL

SHEET TITLE
GRADING PLAN
SHEET NO.
C300



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ARCHITECT OF RECORD:
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8535 ARCHIVE TRAIL
SUITE 300
OVERLAND PARK, KS 66204
www.brrarch.com
TEL: 913-381-1661
FAX: 913-381-1662
CONSULTANT
SINCE 1976
Continental
CONSULTING ENGINEERS, INC.
9300 STATE LINE ROAD
LEAWOOD, KANSAS 66206
11005 PROBASCO PARKWAY
KANSAS CITY, KANSAS 66109
TEL: (913) 642-6642
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MARK B. HEINE
NUMBER PE-2003000178
STATE OF KANSAS
PROFESSIONAL ENGINEER
Mark B. Heine
12/5/2024

SHEET TITLE
UTILITY PLAN
SHEET NO.
C400

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PR2024-032

December 5, 2024

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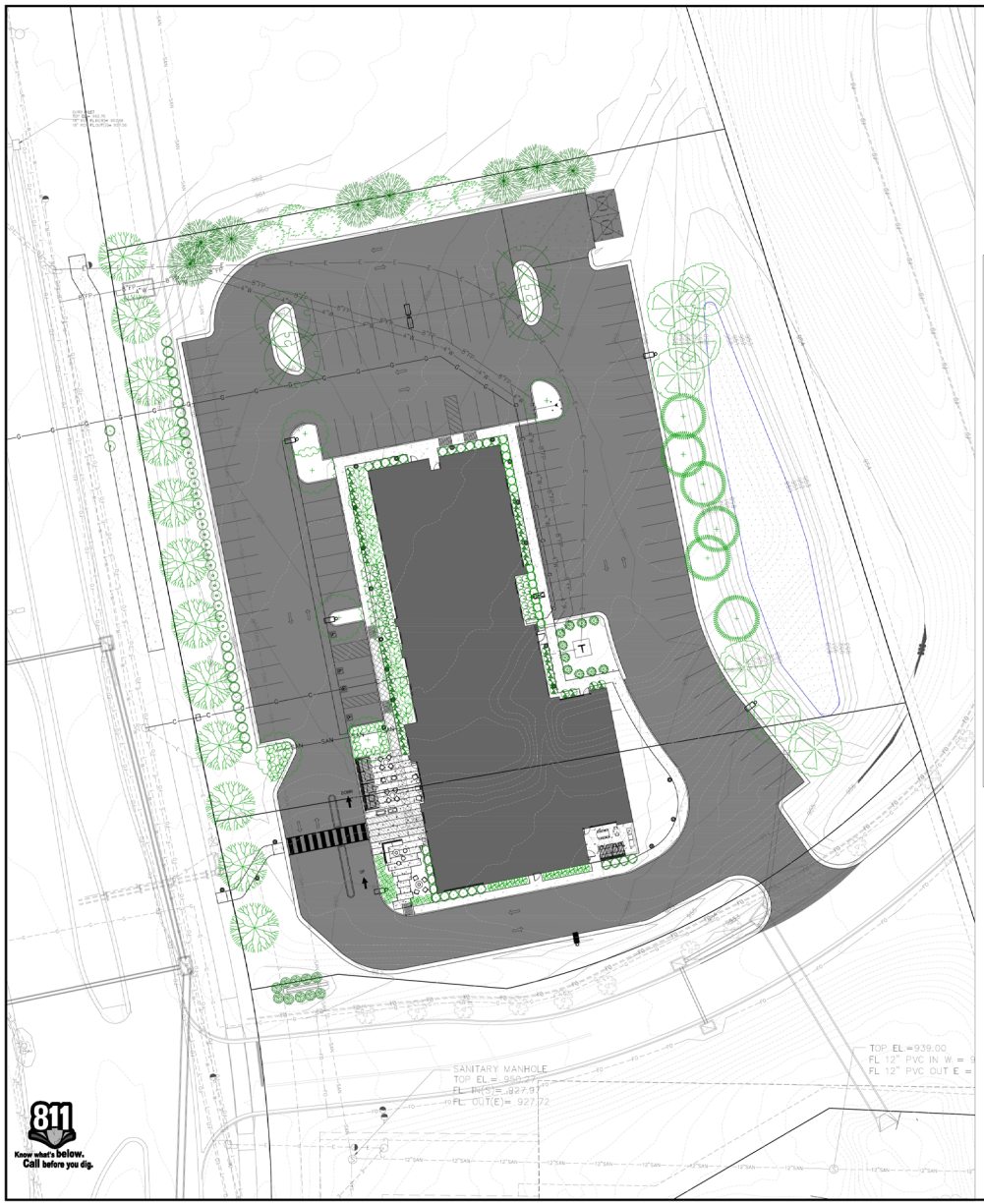


SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE/CONDITION
DECIDUOUS TREE				
TD	Taxodium distichum	Bald Cypress	6	B&B, 2 1/2" min. cal., 8' min. ht., symmetrical
QR	Quercus rubra	Red Oak	12	B&B, 2" min. cal., 14-16' min. ht. full crowns
UP	Ulmus parvifolia 'Allee'	Lacebark Elm	6	B&B, 2" min. cal., 14-16' min. ht. full crowns
GT	Gleditsia triacanthos var inermis	Skyline Locust	4	B&B, 2" min. cal., 14-16' min. ht. full crowns
PA	Platanus acerfolia 'Morton Circle'	Sycamore	7	B&B, 2" min. cal., 14-16' min. ht. full crowns
UNDERSTORY DECIDUOUS TREE				
MV	Magnolia virginiana	Sweetbay Magnolia	5	B&B, 6' min. ht, full, multi-trunk, 3 cane min.
SR	Syringa reticulata	Tree Lilac	3	B&B, 2" min. cal., single stem, 10 min. ht full
CONIFEROUS TREE				
TP	Thuja occidentalis	Green Giant Arborvitae	6	B&B 6' min. ht., symmetrical, well formed
PA	Picea abies	Norway Spruce	8	B&B, 6' min. ht., full symmetrical
EVERGREEN SHRUB				
TO	Thuja occidentalis 'Hetz Midget'	Hetz Midget Arborvitae	45	5 gal., full well formed, spaced 4' o.c.
TM	Taxus x media 'Densiformis'	Yew	27	5 gal., full well formed, spaced 5' o.c.
JC	Juniperus chinensis 'Sea Green'	Seagreen Juniper	15	5 gal., full well formed, spaced 5' o.c.
TS	Thuja occidentalis 'Degroot's Spire'	Degroot's Spire Arborvitae	10	B&B, 6' Min. Ht. full well formed, spaced 6' o.c.
BS	Buxus sempervirens 'Green Velvet'	Boxwood	15	5 gal., full well formed, spaced 4' o.c.
DECIDUOUS SHRUB/ORNAMENTAL GRASS				
SN	Spiraea japonica	Little Princess Spirea	21	3 gal., full well formed, spaced 4' o.c. pruning req.
RA	Rhus aromatica 'Grow Low'	Fragrant Sumac	11	5 gal., full well formed, spaced 5' o.c.
SN	Spiraea nipponica	Snowmound Spiraea	20	5 gal., full well formed, spaced 5' o.c. – pruning req.
EA	Euonymous alatus Compactus	Burning Bush	23	5 gal., full well formed, spaced 5' o.c.
HP	Hydrangea paniculata	Limelight Hydrangea	12	B&B 6' min. ht., symmetrical, well formed
SM	Syringa meyeri	Dwarf Korean Lilac	18	5 gal., full well formed, spaced 5' o.c.

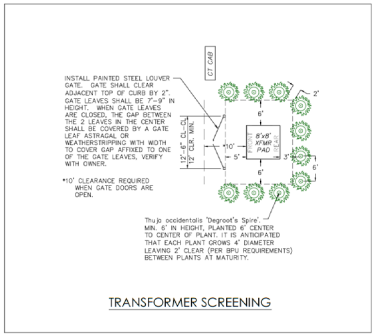
REQUIRED PLANT MATERIAL COUNT:

1 TREE PER 7,000 SF OF SITE AREA X 1.75 FOR OVERLAY DISTRICT: 118,483 SF = 30 TREES (39 PROVIDED)
1 TREE PER 20 PARKING SPACES (107 SPACES) = 6 TREES (6 PROVIDED)
STREET TREES AT MAX 30' SPACING ON 98TH STREET – 360' OF FRONTAGE = 12 TREES (12 PROVIDED)

75% OF BUILDING FRONTAGE ON STREET REQUIRES LANDSCAPE FOUNDATION PLANTING

TOTAL NUMBER OF TREES REQUIRED: 48
TOTAL NUMBER OF TREES PROVIDED: 57

Existing Trees



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ARCHITECT OF RECORD:
BRR ARCHITECTURE, INC
8000 STATE LINE ROAD
SUITE 300
OVERLAND PARK, KS 66204
www.brrarch.com
TEL: 913-381-1661
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LANDSCAPE PLAN
SHEET NO.
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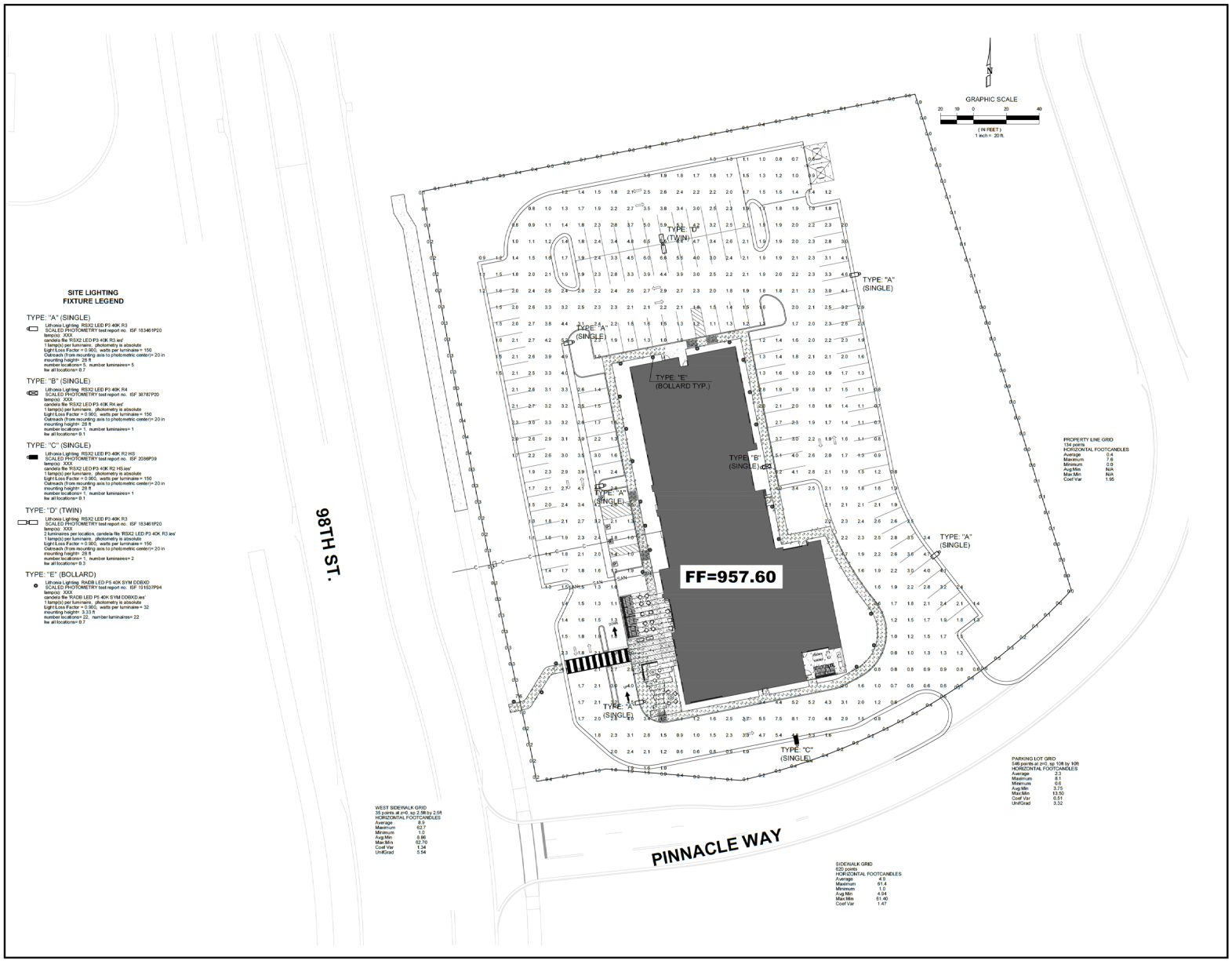

SITE LIGHTING FIXTURE LEGEND

TYPE: "A" (SINGLE)

Lithonia Lighting RSX2 LED P3 40K R3
SCALED PHOTOMETRY test report no. ISF 183461P20
temp(s): XXX
candela file 'RSX2 LED P3 40K R3.ies'
1 lamp(s) per luminaire, photometry is absolute
Light Loss Factor = 0.900, watts per luminaire = 150
Outreach (from mounting axis to photometric center)= 20 in
mounting height= 28 ft
number locations= 5, number luminaires= 5
lw all locations= 0.7

TYPE: "B" (SINGLE)

Lithonia Lighting RSX2 LED P3 40K R4
SCALED PHOTOMETRY test report no. ISF 38787P20
temp(s): XXX
candela file 'RSX2 LED P3 40K R4.ies'
1 lamp(s) per luminaire, photometry is absolute
Light Loss Factor = 0.900, watts per luminaire = 150
Outreach (from mounting axis to photometric center)= 20 in
mounting height= 28 ft
number locations= 1, number luminaires= 1
lw all locations= 0.1

TYPE: "C" (SINGLE)

Lithonia Lighting RSX2 LED P3 40K R2 HS
SCALED PHOTOMETRY test report no. ISF 2098P39
temp(s): XXX
candela file 'RSX2 LED P3 40K R2 HS.ies'
1 lamp(s) per luminaire, photometry is absolute
Light Loss Factor = 0.900, watts per luminaire = 150
Outreach (from mounting axis to photometric center)= 20 in
mounting height= 28 ft
number locations= 1, number luminaires= 1
lw all locations= 0.1

TYPE: "D" (TWIN)

Lithonia Lighting RSX2 LED P3 40K R3
SCALED PHOTOMETRY test report no. ISF 183461P20
temp(s): XXX
1 lamp(s) per location, candela file 'RSX2 LED P3 40K R3.ies'
1 lamp(s) per luminaire, photometry is absolute
Light Loss Factor = 0.900, watts per luminaire = 150
Outreach (from mounting axis to photometric center)= 20 in
mounting height= 28 ft
number locations= 1, number luminaires= 2
lw all locations= 0.3

TYPE: "E" (BOLLARD)

Lithonia Lighting RADB LED P5 40K SYM DDBXD
SCALED PHOTOMETRY test report no. ISF 19153TP04
temp(s): XXX
candela file 'RADB LED P5 40K SYM DDBXD.ies'
1 lamp(s) per luminaire, photometry is absolute
Light Loss Factor = 0.900, watts per luminaire = 32
mounting height= 3.33 ft
number locations= 22, number luminaires= 22
lw all locations= 0.7

WEST SIDEWALK GRID
35 points at z=0, sp 2.5ft by 2.5ft
HORIZONTAL FOOTCANDLES

Average	8.5
Maximum	62.7
Minimum	1.0
Avg:Min	8.86
Max:Min	62.70
Coef Var	1.34
Uni/Grad	8.54

SIDEWALK GRID
620 points
HORIZONTAL FOOTCANDLES

Average	4.5
Maximum	61.4
Minimum	1.0
Avg:Min	4.94
Max:Min	61.40
Coef Var	1.47

PARKING LOT GRID
546 points at z=0, sp 10ft by 10ft
HORIZONTAL FOOTCANDLES

Average	2.3
Maximum	8.1
Minimum	0.6
Avg:Min	3.75
Max:Min	13.50
Coef Var	0.51
Uni/Grad	3.32

PROPERTY LINE GRID
134 points
HORIZONTAL FOOTCANDLES

Average	0.4
Maximum	7.6
Minimum	0.0
Avg:Min	N/A
Max:Min	N/A
Coef Var	1.95

brr
ARCHITECT OF RECORD:
BRR ARCHITECTURE, INC
9200 BALLENTINE ST.
SUITE 300
OVERLAND PARK, KS 66204
www.brrweb.com
TEL: 913-381-1674
FAX: 913-381-1675
CONSULTANT

SINCE 1976
Continental
CONSULTING ENGINEERS, INC.
9000 STATE LINE ROAD
LEAWOOD, KANSAS 66206
11005 PADILLO, PKWY/WAY
KANSAS CITY, KANSAS 66109
TEL (913) 642-8642
FAX (913) 642-8641
www.ccengineers.com

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ISSUES & REVISIONS

PROJECT NAME
HOME2 SUITES KANSAS CITY, KS

PROJECT ADDRESS
North 98th Street
Kansas City, KS 66111

HOME2 SUITES BY HILTON

PROJECT MANAGER:
MH
CHECKED BY:
DRAWN BY:
TS
DOCUMENT DATE:
09/27/2024
PROJECT NO.
31000664
PROJECT PHASE
PDP ISSUE
PROFESSIONAL SEAL

SHEET TITLE
SITE LIGHTING PHOTOMETRIC PLAN
SHEET NO.
SL100

100% Original printed on recycled paper

2 EAST ELEVATION

3/8" = 1'-0" REF. A101 / 1

1 WEST ELEVATION

3/8" = 1'-0" REF. A101 / 1

MATERIAL LEGEND

- **EX-1** : CORE : FIBER CEMENT SIDING HARDIE PLANK MATCH BM 2111 "BARREN PLAIN"
- **EX-2** : WRAP : FIBER CEMENT PANEL NICHIHA TUFFBLOCK MATCH BM AF-35 "VAPOR"
- **EX-4** : LINKKEEP : FINE FINISH EIFS PAINT BM 2133 "ONYX"
- **EX-5** : ACCENT : FIBER CEMENT PANEL NICHIHA TUFFBLOCK MATCH BM 2111 "BARREN PLAIN"
- **EX-6** : SUPPORT : THIN BRICK VENEER INTERSTATE BRICK "COAL"
- **EX-7** : PORT COCHERE : METAL PAINT TO MATCH BM 2133 "ONYX"
- **EX-8** : BEACON : SMOOTH FINISH EIFS PAINT BM 368 "FLOWER POWER"
- **EX-9** : CMU PAINT BM 2111 "BARREN PLAIN"

MATERIAL PERCENTAGES:

EIFS (EX-4, EX-8):	18.5%
LAP SIDING (EX-1):	30%
BRICK (EX-6):	15%
PANEL (EX-2, EX-5):	44.5%

*WINDOWS/GLAZING NOT INCLUDED

MATERIAL PERCENTAGES:

EIFS (EX-4, EX-8):	15%
LAP SIDING (EX-1):	23%
BRICK (EX-6):	15%
PANEL (EX-2, EX-5):	47%

*WINDOWS/GLAZING NOT INCLUDED

brr
ARCHITECT OF RECORD:
BRR ARCHITECTURE, INC
8215 METCALF AVENUE
SUITE 200
OVERLAND PARK, KS 66204
www.brrweb.com
TEL 913.322.5666
FAX 913.322.5667

CONSULTANT
Continental
SINCE 1970
CONSULTING ENGINEERS, INC
8900 STATE LINE ROAD
LEAWOOD, KANSAS 66206
11208 PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109
TEL (913) 642-0642
FAX (913) 642-6941
www.ccengineers.com

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ISSUES & REVISIONS

NO.	DATE	DESCRIPTION

PROJECT NAME
HOME2 SUITES KANSAS CITY, KS

PROJECT ADDRESS
1700 North 98th Street Kansas City, KS 66111

HOME2 SUITES BY HILTON

PROJECT MANAGER: BL
CHECKED BY:
DRAWN BY: CG
ISSUANCE DATE: 09 | 27 | 2024
PROJECT NO. 31000664
PROJECT PHASE
PRELIMINARY DEVELOPMENT PLAN

PROFESSIONAL SEAL

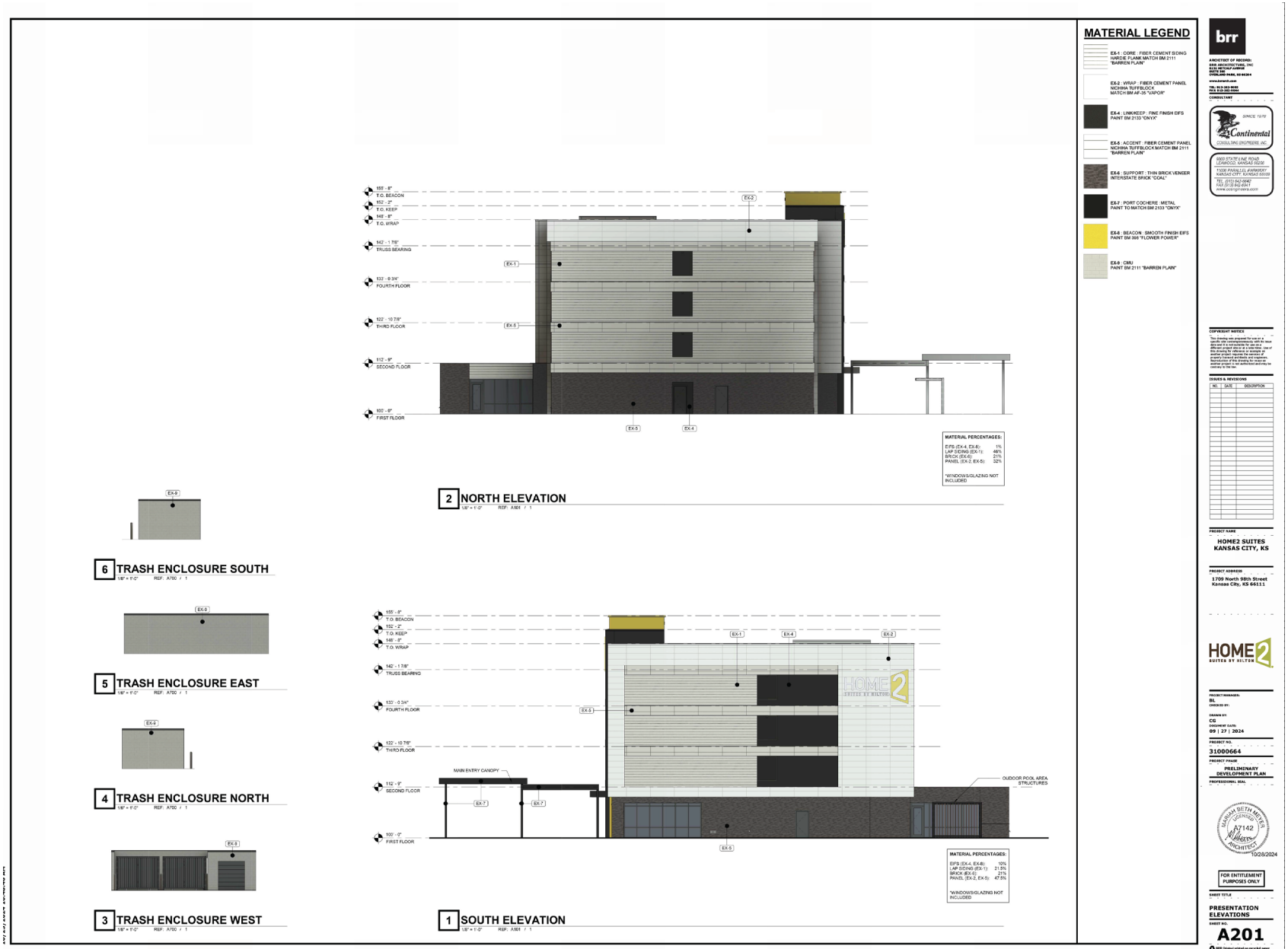
MARIAH BETH MILLER LICENSED A7142 ARCHITECT
10/28/2024

FOR ENTITLEMENT PURPOSES ONLY

SHEET TITLE
PRESENTATION ELEVATIONS

SHEET NO.
A200

SEE Original printed on recycled paper


MATERIAL LEGEND
EX-1 : CORE : FIBER CEMENT SIDING HARDIE PLANK MATCH BM 2111 "BARREN PLAIN"
EX-2 : WRAP : FIBER CEMENT PANEL NICHIHA TUFFBLOCK MATCH BM AF-35 "VAPOR"
EX-4 : LINKKEEP : FINE FINISH EIFS PAINT BM 2133 "ONYX"
EX-5 : ACCENT : FIBER CEMENT PANEL NICHIHA TUFFBLOCK MATCH BM 2111 "BARREN PLAIN"
EX-6 : SUPPORT : THIN BRICK VENEER INTERSTATE BRICK "COAL"
EX-7 : PORT COCHERE : METAL PAINT TO MATCH BM 2133 "ONYX"
EX-8 : BEACON : SMOOTH FINISH EIFS PAINT BM 366 "FLOWER POWER"
EX-9 : CMU PAINT BM 2111 "BARREN PLAIN"
MATERIAL PERCENTAGES:
EIFS (EX-4, EX-8): 1%
LAP SIDING (EX-1): 46%
BRICK (EX-6): 21%
PANEL (EX-2, EX-5): 32%
*WINDOWS/GLAZING NOT INCLUDED
2 NORTH ELEVATION
1/8" = 1'-0" REF: A101 / 1
6 TRASH ENCLOSURE SOUTH
1/8" = 1'-0" REF: A700 / 1
5 TRASH ENCLOSURE EAST
1/8" = 1'-0" REF: A700 / 1
4 TRASH ENCLOSURE NORTH
1/8" = 1'-0" REF: A700 / 1
3 TRASH ENCLOSURE WEST
1/8" = 1'-0" REF: A700 / 1
MAIN ENTRY CANOPY
OUTDOOR POOL AREA STRUCTURES
MATERIAL PERCENTAGES:
EIFS (EX-4, EX-8): 10%
LAP SIDING (EX-1): 21.5%
BRICK (EX-6): 21%
PANEL (EX-2, EX-5): 47.5%
*WINDOWS/GLAZING NOT INCLUDED
1 SOUTH ELEVATION
1/8" = 1'-0" REF: A101 / 1
brr
ARCHITECT OF RECORD:
BRR ARCHITECTURE, INC
7threet Suite 300
OVERLAND PARK, KS 66204
www.brrarch.com
TEL: 913-383-9600
FAX: 913-383-9601
CONSULTANT
Continental CONSULTING ENGINEERS, INC.
SINCE 1970
8900 STATE LINE ROAD
LEAWOOD, KANSAS 66206
11208 PARALLEL PARKWAY
KANSAS CITY, KANSAS 66109
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ISSUES & REVISIONS
NO. DATE DESCRIPTION
PROJECT NAME
HOME2 SUITES KANSAS CITY, KS
PROJECT ADDRESS
1709 North 98th Street Kansas City, KS 66111
HOME2 SUITES BY HILTON
PROJECT MANAGER: BL
DRAWN BY: CG
SUBMITTAL DATE: 09 | 27 | 2024
PROJECT NO. 31000664
PROJECT PHASE PRELIMINARY DEVELOPMENT PLAN
PROFESSIONAL SEAL
MARIAH BETH MAHER LICENSED A7142 ARCHITECT
10/28/2024
FOR ENTITLEMENT PURPOSES ONLY
SHEET TITLE PRESENTATION ELEVATIONS
SHEET NO. A201
SEE Original printed on recycled paper

N 98th St

(First published_____)

COZ2024-027

ORDINANCE NO._____

AN ORDINANCE rezoning property hereinafter described located at approximately 4116 Strong Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to CP-O Planned Non-Retail Business District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on August 22, 2024, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single Family District to CP-O Planned Non-Retail Business District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

POWELLS RES, S19, T11, R25, ACRES 0.330000, L18 & L19, located at approximately 4116 Strong Avenue, Kansas City, Kansas,

be changed from its present zoning R-1(B) Single Family District to CP-O Planned Non-Retail Business District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-463, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-O Planned Non-Retail Business District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS_____ DAY OF_____, 2024.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY:_____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(First published_____)

COZ2024-028

ORDINANCE NO._____

AN ORDINANCE rezoning property hereinafter described located at approximately 2404 South 51st Street, in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business District to CP-2 Planned General Business District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on August 27, 2024 by the owners of property to have the zoning of said property changed from its present zoning of CP-1 Planned Limited Business District to CP-2 Planned General Business District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

> SEC 36 TWP-11 RNG-24, S36, T11, R24 ACRES .5, 500-C1-8, BEGT 40FT S OF NW COR NE1/4; S 185FT, E 120FT, N 185FT, W 120FT TO POB, located at approximately 2406 South 51st Street, Kansas City, Kansas,

be changed from its present zoning of CP-1 Planned Limited Business District to CP-2 Planned General Business District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-466, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-2 Planned General Business District. Said District Map, previously incorporated by reference by Section 27-466 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS_____ DAY OF_____, 2024.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY:_____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2024-018

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-018, commonly known as 711, 713, and 715 Osage Avenue Kansas City, Kansas, legally described as:

> Block 52, Lots 2 to 6 of ARMOURDALE Blocks 30-33,37-43,45-69, a subdivision of land in Kansas City, Wyandotte County, Kansas, located approximately 711, 713, and 715 Osage Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for operation of an event center with live entertainment.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **This Special Use Permit will not be published until the Change of Zone and Subdivision have been approved;**
2. **All previous conditions from SP-2016-60 and SP-2018-84 remain in effect, including:**
   a. **All shared parking agreements must be recorded with the Register of Deeds and submitted to Planning staff and approved by the Planning Commission.**

b. If ownership of any of the properties where parking is being shared changes, the applicant shall notify Planning staff and either get parking agreement with the new owner or find another area to park.
c. All surfaces must be improved for parking and striped.
d. No food preparation would take place on the premises, though there is a kitchen for catering companies/other parties to set up and prep food that has been brought in.
e. Security must be provided for all events held at night;

3. The rotting wood door frames and other damage on the exterior façade must be repaired;
4. The existing parking lot must be restriped;
5. The driveway apron is deteriorating and must be replaced;
6. All entertainment must cease by at least 1:00 AM;
7. Doors and windows must stay closed during any entertainment performance;
8. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
    a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
    b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
    c. An I.D. scanner will be used at all
    d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
    e. No amplified speakers or entertainment is allowed in outdoor spaces;
    f. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
11. The applicant has filed and maintained a current business occupation tax application;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;

13. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
14. **All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
15. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
16. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
17. **The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
18. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
19. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all**

conditions of approval after one (1) year will result in automatic termination of this Special Use Permit

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2024-040

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-040, commonly known as 2100 North 70th St, Kansas City, Kansas, legally described as:

> Victory Hills Manor Addition, an addition of land in Kansas City, Wyandotte County, Kansas, Section 33, Township 10, Range 24, acres 0.460000, Lot 28, located at approximately 2100 North 70th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a non-owner-occupied Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **The applicant must maintain liability insurance;**
2. **All items listed in the summary of repairs in the home inspection report must be completed;**
3. **The maximum number of STR renters or guests shall be 7;**
4. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
5. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**

6. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
7. **Applicant is to maintain liability insurance;**
8. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
9. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
10. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance/com/tips (website);**
11. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
12. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
13. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
14. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
15. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
16. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**

17. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
18. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
19. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
20. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
21. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2024-047

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-047, commonly known as 6000 Leavenworth Road, Suite N, Kansas City, Kansas, legally described as:

> LOT 5, WESTGATE CENTER, a subdivision of land in Kansas City, Wyandotte County, Kansas except any part taken, used or dedicated for road or public rights of way, located at approximately 6000 Leavenworth Road, Suite N, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for operation of an event center with live entertainment.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Per the Landscape Plan, 8 trees must be planted on site. In addition to the landscape plan, a combination of shrubs, bushes, and hedges along the entirety of the edge of the property;**
2. **The parking lot and driveway apron must be repaved, as it is in an advanced state of repair;**
3. **Additional parking must be provided on the subject property in addition to the provided parking plan;**

4. **Alcohol must not be provided on the subject property until the event space has proper licensure. Any 3rd party vendors must also have proper licenses;**
5. **At least one (1) member of Red Circle Staff must be on-site during all events throughout the duration of the event. There shall be no point during an event where the venue is left unattended to a 3rd party;**
6. **All alterations to the building must receive a building permit prior to commencement of work. Failure to do so will result in a stop work order and potential revocation of this permit;**
7. **A waste receptacle must be provided on-site. Additionally, an opaque enclosure shall be provided, with masonry columns. The enclosure must be at least the height of the receptacle;**
8. **All 3rd party vendors must be licensed in Wyandotte County;**
9. **The provided security plan must be maintained throughout the duration of this Special Use Permit;**
10. **The provided parking plan must be maintained throughout the duration of this Special Use Permit;**
11. **All entertainment must cease by at least 12:00AM on Friday and Saturday and no later than 6:00pm on Weekdays and Sunday;**
12. **Doors and windows must stay closed during any entertainment performance;**
13. **Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
14. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
15. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
16. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
17. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**

18. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
19. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
20. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
21. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.**
22. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
23. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
24. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the**

ordinance is published in the newspaper; and,

25. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2024-059

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-059, commonly known as 1830 Quindaro Boulevard, Kansas City, Kansas, legally described as:

> All of the following described REAL ESTATE In the County of Wyandotte, State of Kansas, to-wit: THE WEST FORTY-TWO AND SIX-TENTHS FEET (42.6) OF LOT FIFTEEN(15), AND ALL OF LOT SIXTEEN (16), IN BLOCK TWO(2), IN TREASURE PARK, AN ADDITION TO THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF, located at approximately 1830 Quindaro Boulevard, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a car dealership with automotive repair, auto detailing, and auto stereo installation.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Landscaping and screening requirements must be met;**
2. **The reflective glass covering the windows shall be removed;**
3. **One (1) ADA parking space must be designated;**

4. **No more than two (2) cars for sale can be on the property at any time;**
5. **Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
6. **Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;**
7. **All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
8. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
9. **Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;**
10. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**

11. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
12. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
13. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
14. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
15. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
16. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
17. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
18. **The Special Use Permit shall be valid for two (2) years from the publication**

of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

19. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
20. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2024-062

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-062, commonly known as 10000 Hollingsworth Road, Kansas City, Kansas, legally described as:

LOT 2, HOLLINGSWORTH ACRES, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, located at approximately 10000 Hollingsworth Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **The following conditions from PLAT2023-038 remain in effect:**
   - **A cross-access agreement between Lot 1 and Lot 2 must be properly signed, notarized, and filed with the Wyandotte County Register of Deeds in order to legally establish access to both parcels via the existing driveway that accesses the Hollingsworth Road right-of-way via Lot 1;**

- **Any building, existing or proposed, in which persons will be residing overnight, even as a short-term rental, must receive a Certificate of Occupancy for habitable space;**
- **Two (2) new addresses will have to be assigned to the newly created parcels. Work with the Department of Planning & Urban Design to create these addresses. Contact Byron Toy at btoy@wycokck.org to begin this process;**

2. **The applicant shall provide proof of a certificate of occupancy for the converted trophy room prior to publication of this petition;**
3. **Maximum number of guests shall be 7;**
4. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
5. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
6. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
7. **Applicant is to maintain liability insurance;**
8. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
9. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
10. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
11. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
12. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
13. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit**

process accordingly;

14. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
15. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
16. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
17. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
18. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
19. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
20. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the**

petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

21. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2024-068

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-068, commonly known as 4420 North 107th Street, Kansas City, Kansas, legally described as:

> Section 22, Township 10, Range 23, Tract 307B, Southeast ¼ of the Northeast ¼, less East 91.1 feet and East 418.7 feet, Southwest ¼, Northeast ¼, containing 50.2 acres, more or less, located at approximately 4420 North 107th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate a before and after school childcare for school attendees.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **All outstanding or incomplete building permits must be completed before the publication of the associated ordinance;**
2. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**

3. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
4. **All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
5. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
6. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
7. **A Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;**
8. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
9. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
10. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
11. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure**

to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

12. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
13. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
14. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
15. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2024-069

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-069, commonly known as 4410 North 107th Street, Kansas City, Kansas, legally described as:

> Section 22, Township 10, Range 23, Tract 307B, Southeast ¼ of the Northeast ¼, less East 91.1 feet and East 418.7 feet, Southwest ¼, Northeast ¼, containing 50.2 acres, more or less, located at approximately 4410 North 107th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate a before and after school daycare for school attendees.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **All outstanding or incomplete building permits must be completed before the publication of the associated ordinance;**
2. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**

3. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
4. **All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
5. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
6. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
7. **A Temporary Certificate of Occupancy (TCO) shall not be issued unless all life/safety items have been addressed;**
8. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
9. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
10. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
11. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure**

to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

12. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
13. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
14. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
15. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2024-073

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-073, commonly known as 625 Northrup Ave, Kansas City, Kansas, legally described as:

> Orrs Addition + 1194, Section 10, Township 11, Range 25, acres 0.1, Block 4, East ½ of Lot 137, all of Lot 138, located at approximately 625 Northrup Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **The brick sidewalk must be maintained, including the replacement of damaged or missing bricks;**
2. **Maximum number of guests shall be three (3);**
3. **All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;**
4. **The applicant must keep a current annual Business**

License/Occupation Tax Receipt and Kansas State Lodging Tax;

5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
6. **Applicant is to maintain liability insurance;**
7. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
8. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
9. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips/ (website);**
10. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
11. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
12. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
13. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
14. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
15. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of**

this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

16. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
17. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
18. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
19. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
20. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled**

within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2024-075

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-075, commonly known as 4436 Cambridge St, Kansas City, Kansas, legally described as:

> Lot 159 & Lot 160. Vogel Heights NO 4. A subdivision in the city of Kansas City, Wyandotte County, Kansas, located at approximately 4436 Cambridge Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Maximum number of guests shall be six (6);**
2. **All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant must post a copy of the Ordinance granting permission to**

operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;

5. **Applicant is to maintain liability insurance;**
6. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
7. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
8. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
9. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
10. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
11. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
12. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
13. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
14. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
15. **Any business in Wyandotte County that is required to obtain any Special**

Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

16. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
17. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
18. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
19. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2024-076

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-076, commonly known as 2822 West 43rd Ave, Unit B, Kansas City, Kansas, legally described as:

LOMBARD PARK ADD, S34, T11, R25, ACRES 0.1, B3 L7, located at approximately 2822 West 43rd Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Only one (1) unit of the duplex may be used as a short-term rental;**
2. **Maximum number of guests shall be three (3);**
3. **All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;**
4. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
5. **Applicant must post a copy of the Ordinance granting permission to**

operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;

6. **Applicant is to maintain liability insurance;**
7. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
8. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
9. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
10. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
11. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66101. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
12. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
13. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
14. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
15. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
16. **Any business in Wyandotte County that is required to obtain any Special**

Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

17. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
18. **The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
19. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
20. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2024-077

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-077, commonly known as 819 Southwest Blvd, Kansas City, Kansas, legally described as:

MARTYS 2ND ADD & 1399, S27, T11, R25, ACRES 0.17, B2 L1, SW 1/4 L2, located at approximately 819 Southwest Boulevard, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **All repairs identified above must occur prior to publication of the ordinance for SP2024-077. Failure to provide proof of repair will result in the ordinance not being published, nullifying any approval.**
2. **Maximum number of guests shall be no more than seven (7) in the upstairs between the units on the ground floor.**
3. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street.**

4. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
6. **Applicant is to maintain liability insurance.**
7. **The property must remain in proper maintenance and free of hazards, pests, or infestations.**
8. **The granting of this Special Use Permit does not transfer with a change of ownership of the property.**
9. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).**
10. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
11. **If approved, occupying businesses must file and maintain a current business occupation tax application with this office.**
12. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.**
13. **All existing and future driveways must feature curb cuts that are constructed to UG standards.**
14. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.**
15. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
16. **Any business in Wyandotte County that is required to obtain any Special**

Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.

17. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
18. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and**
19. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**
20. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2024-078

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-078, commonly known as 4206 Mission Road, Kansas City, Kansas, legally described as:

MISSION HEIGHTS, S34, T11, R25, ACRES 0.1, L4, LESS, STREET, located at approximately 4206 Mission Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Proof of repair for the driveway must be submitted before the publication of the associated ordinance;**
2. **The applicant must plant one (1) shade tree in accordance with Section 27-700 (a);**
3. **Maximum number of guests shall be six (6);**
4. **All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;**

5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66101. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges

that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
18. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
19. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
20. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
21. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise

determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published _____)

SP2024-086

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-086, commonly known as 612 North 5th St, Kansas City, Kansas, legally described as:

> Fowlers Addition, an addition of land in Kansas City, Wyandotte County, Kansas, Section 10, Township 11, Range 25, 0.14 acres, Lots 1 and 2, located at approximately 612 North 5th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a drinking establishment with live entertainment.

Section 3. Conditions and Stipulations. The Special Use Permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Landscaping shall be provided in the form of small street trees, or bushes, and shrubs along the Barnett Avenue Street frontage;**
2. **The applicant must maintain the brick sidewalk on Barnett Avenue;**
3. **The parking lot shall be restriped with paint, not duct tape, as the applicant has demonstrated;**
4. **All entertainment must cease by at least 1:00AM;**
5. **Doors and windows must stay closed during any entertainment performance;**

6. **Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**
   - **Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;**
   - **Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**
   - **An I.D. scanner will be used at all times;**
   - **At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;**
7. **No amplified speakers or entertainment is allowed in outdoor spaces; and,**
8. **Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
9. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
10. **If approved, occupying businesses must file and maintain a current business occupation tax application with the Business Licensing Division. Their office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;**
11. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
12. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
13. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
14. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
15. **Any business in Wyandotte County that is required to obtain any Special**

Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

16. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
17. **The Special Use Permit shall be valid for two (2) from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
18. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
19. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

_____
TYRONE GARNER
MAYOR/CEO

Attest:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published_____)

A-2018-7

ORDINANCE NO._____

AN ORDINANCE vacating Lots One (1), Two (2), Three (3), Four (4), Five (5) and Six (6) in Block One Hundred Sixty (160) in Northrup's Addition to Kansas City, Wyandotte County, Kansas, together with a strip of land Ten (10) feet wide contiguous to and extending along the East, North and West side of said Lots as said Lots are shown on the plat of the said Northrup's Addition on the records of the Register of Deeds of said County, the said strip of land having been vacated by the City of Kansas City, Kansas, from streets and alleys adjoining said Lots. Also, Lots Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16) and Seventeen (17) in Block One Hundred Sixty (160) in Northrup's Addition to Kansas City, Wyandotte County, Kansas, together with a strip of land Ten (10) feet wide contiguous to and extending along the East and North side of said Lots as said Lots are shown on the plat of the said Northrup's Addition on the records of the Register of Deeds of said County, the said strip of land having been vacated by the City of Kansas City, Kansas, from streets and alleys adjoining said Lots, subject to all easements and restrictions of record., located at approximately 813 Barnett Avenue, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described alley in Kansas City, Kansas be and the same is hereby vacated:

> Lots One (1), Two (2), Three (3), Four (4), Five (5) and Six (6) in Block One Hundred Sixty (160) in Northrup's Addition to Kansas City, Wyandotte County, Kansas, together with a strip of land Ten (10) feet wide contiguous to and extending along the East, North and West side of said Lots as said Lots are shown on the plat of the said Northrup's Addition on the records of the Register of Deeds of said County, the said strip of land having been vacated by the City of Kansas City, Kansas, from streets and alleys adjoining said Lots. Also, Lots Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15),

Sixteen (16) and Seventeen (17) in Block One Hundred Sixty (160) in Northrup's Addition to Kansas City, Wyandotte County, Kansas, together with a strip of land Ten (10) feet wide contiguous to and extending along the East and North side of said Lots as said Lots are shown on the plat of the said Northrup's Addition on the records of the Register of Deeds of said County, the said strip of land having been vacated by the City of Kansas City, Kansas, from streets and alleys adjoining said Lots, subject to all easements and restrictions of record., located at approximately 813 Barnett Avenue, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published_____)

U/E-2019-4

ORDINANCE NO._____

AN ORDINANCE vacating Lot 121, PIPER LANDING THIRD PLAT, a subdivision in Kansas City, Wyandotte County, Kansas, located at approximately 11330 Webster Avenue, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described utility easement in Kansas City, Kansas be and the same is hereby vacated:

Lot 121, PIPER LANDING THIRD PLAT, a subdivision in Kansas City, Wyandotte County, Kansas, located at approximately 11330 Webster Avenue, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published_____)

U/E 2019-14

ORDINANCE NO._____

AN ORDINANCE vacating all of the Lot 64 and 65 of Freeman Farms North Phase One, A subdivision of land in the NW one-fourth and SW one-fourth of Section 17, Township 10 South, Range 23 East, Kansas City, Wyandotte County, Kansas, located at approximately 5125 and 5205 North 130th Street, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described right-of-way in Kansas City, Kansas be and the same is hereby vacated:

> Lots 64 and 65 of Freeman Farms North Phase One, A subdivision of land in the NW one-fourth and SW one-fourth of Section 17, Township 10 South, Range 23 East, Kansas City, Wyandotte County, Kansas, located at approximately 5125 and 5205 North 130th Street, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published_____)

U/E-2020-007

ORDINANCE NO._____

AN ORDINANCE vacating A Corporation Right of Way Easement granted to the Unified Government of Wyandotte County, Kansas City, Kansas, by the Unified School District #500 in a document recorded on June 24, 2002 at the Register of Deeds office of Wyandotte County, Kansas, as Document 2002R-14873, located in Book 4438 at Page 539, described as follows: A 10 feet wide electrical easement over a portion of a tract of land in the Southeast Quarter of Section 36, Township 10 South, Range 24 East, of the Sixth Principal Meridian, Kansas City, Wyandotte County, Kansas, lying 5 feet each side and adjacent to the following described centerline of easement; Commencing at the Northeast Corner of said Southeast Quarter of Section 36-10-24; thence North 90 degrees, 00 minutes, 00 seconds West, along the North line of said Southeast Quarter, 664.37 feet by survey measurement, 663.7 feet by platted distance, to a point on the West line of BROADVIEW SUBDIVISION, a subdivision of land in Kansas City, Wyandotte County, Kansas; thence South 00 degrees, 53 minutes, 57 seconds West along the West line of said BROADVIEW SUBDIVISION, 363.62 feet to the Point of Beginning of the herein described centerline of easement; thence North 80 degrees, 16 minutes, 21 seconds West, along said centerline of easement, 249.99 feet; thence North 81 degrees, 56 minutes, 16 seconds West, continuing along said centerline of easement, 82.75 feet to the Point of Termination of said centerline of easement; containing 3,327.4 square feet, or 0.076 acres, more or less. The property has three common street address, said addresses being 4401 Georgia Ave, Kansas City, KS 66104, 2600 N 43rd Terrace, Kansas City, KS 66104, and 2600 N 44th Street, Kansas City, KS 66104. The property has a Tax Parcel ID of 914200. Located at approximately 2600 North 44th Street, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described utility easements in Kansas City, Kansas be and the same is hereby vacated:

Vacating A Corporation Right of Way Easement granted to the Unified Government of Wyandotte County, Kansas City, Kansas, by the Unified School District #500 in a document recorded on June 24, 2002 at the Register of Deeds office of Wyandotte County, Kansas, as Document 2002R-14873,

located in Book 4438 at Page 539, described as follows: A 10 feet wide electrical easement over a portion of a tract of land in the Southeast Quarter of Section 36, Township 10 South, Range 24 East, of the Sixth Principal Meridian, Kansas City, Wyandotte County, Kansas, lying 5 feet each side and adjacent to the following described centerline of easement; Commencing at the Northeast Corner of said Southeast Quarter of Section 36-10-24; thence North 90 degrees, 00 minutes, 00 seconds West, along the North line of said Southeast Quarter, 664.37 feet by survey measurement, 663.7 feet by platted distance, to a point on the West line of BROADVIEW SUBDIVISION, a subdivision of land in Kansas City, Wyandotte County, Kansas; thence South 00 degrees, 53 minutes, 57 seconds West along the West line of said BROADVIEW SUBDIVISION, 363.62 feet to the Point of Beginning of the herein described centerline of easement; thence North 80 degrees, 16 minutes, 21 seconds West, along said centerline of easement, 249.99 feet; thence North 81 degrees, 56 minutes, 16 seconds West, continuing along said centerline of easement, 82.75 feet to the Point of Termination of said centerline of easement; containing 3,327.4 square feet, or 0.076 acres, more or less. The property has three common street address, said addresses being 4401 Georgia Ave, Kansas City, KS 66104, 2600 N 43rd Terrace, Kansas City, KS 66104, and 2600 N 44th Street, Kansas City, KS 66104. The property has a Tax Parcel ID of 914200. Located at approximately 2600 North 44th Street, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

(Published_____)

VAC2024-008

ORDINANCE NO._____

AN ORDINANCE vacating all of the New Jersey Avenue Right-of-Way lying north of and adjacent to Lot 2, Block 4, CHELSEA, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, said Tract as described by Joseph H. McLaughlin, LS-1625, with BHC, CLS 175, being more particularly described on August 26, 2024 by metes and bounds as follows: (Note: For course orientation the bearings in this description are based on the West line of Lot 2, Block 4, CHELSEA, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, having a bearing of North 02°13'14" West.) BEGINNING at the Northwest corner of Lot 2, Block 4, CHELSEA, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, monumented by a gin spike, said point being on the South Right-of-Way line of New Jersey Avenue (formerly Kansas City Leavenworth Electric Railroad); Thence North 10°48'50" East, 50.00 feet, to the North line of said New Jersey Avenue and the beginning of a non-tangent curve, to the right, having a radius of 980.36 feet; Thence Southeasterly, on a said curve and said North Right-of-Way line, an arc length of 71.65 feet, said curve having a chord bearing of South 77°05'33" East, and a chord length of 71.63 feet; Thence South 74°59'55" East, 47.81 feet, on said North Right-of-Way line to the point of intersection with the Northerly extension of the East line of said Lot 2; Thence South 02°13'14" East, 52.35 feet, on said Northerly extension to the Northeast corner of said Lot 2, said point being on the said South Right-of-Way line; Thence North 74°59'55" West, 63.31 feet, to the beginning of a tangent curve, to the left, having a radius of 930.36 feet, on said South Right-of-Way line; Thence Northwesterly, on a said curve and said South Right-of-Way line, an arc length of 67.99 feet, said curve having a chord bearing of North 77°05'33" West, and a chord length of 67.98 feet, to the POINT OF BEGINNING, said Tract containing 6,269 square feet or 0.1439 acres, more, located at approximately 1621 North 25th Street, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described right-of-way in Kansas City, Kansas be and the same is hereby vacated:

Vacating all of the New Jersey Avenue Right-of-Way lying north of and adjacent to Lot 2, Block 4, CHELSEA, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, said Tract as described by Joseph H. McLaughlin, LS-1625, with BHC, CLS 175, being more particularly described on August 26, 2024 by metes and bounds as follows: (Note: For course orientation the bearings in this description are based on the West line of Lot 2, Block 4, CHELSEA, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, having a bearing of North 02°13'14" West.) BEGINNING at the Northwest corner of Lot 2, Block 4, CHELSEA, a subdivision of land in the City of Kansas City, Wyandotte County, Kansas, monumented by a gin spike, said point being on the South Right-of-Way line of New Jersey Avenue (formerly Kansas City Leavenworth Electric Railroad); Thence North 10°48'50" East, 50.00 feet, to the North line of said New Jersey Avenue and the beginning of a non-tangent curve, to the right, having a radius of 980.36 feet; Thence Southeasterly, on a said curve and said North Right-of-Way line, an arc length of 71.65 feet, said curve having a chord bearing of South 77°05'33" East, and a chord length of 71.63 feet; Thence South 74°59'55" East, 47.81 feet, on said North Right-of-Way line to the point of intersection with the Northerly extension of the East line of said Lot 2; Thence South 02°13'14" East, 52.35 feet, on said Northerly extension to the Northeast corner of said Lot 2, said point being on the said South Right-of-Way line; Thence North 74°59'55" West, 63.31 feet, to the beginning of a tangent curve, to the left, having a radius of 930.36 feet, on said South Right-of-Way line; Thence Northwesterly, on a said curve and said South Right-of-Way line, an arc length of 67.99 feet, said curve having a chord bearing of North 77°05'33" West, and a chord length of 67.98 feet, to the POINT OF BEGINNING, said Tract containing 6,269 square feet or 0.1439 acres, more, located at approximately 1621 North 25th Street, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2024.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

_____
UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

_____
CHIEF COUNSEL

Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: December 5, 2024

Re: **Special Use Permit Petition SP2024-082**

GENERAL INFORMATION

Applicant Information:
Cesar Villalva
Property Owner
2801 South 9th Street
Kansas City, Kansas 66103

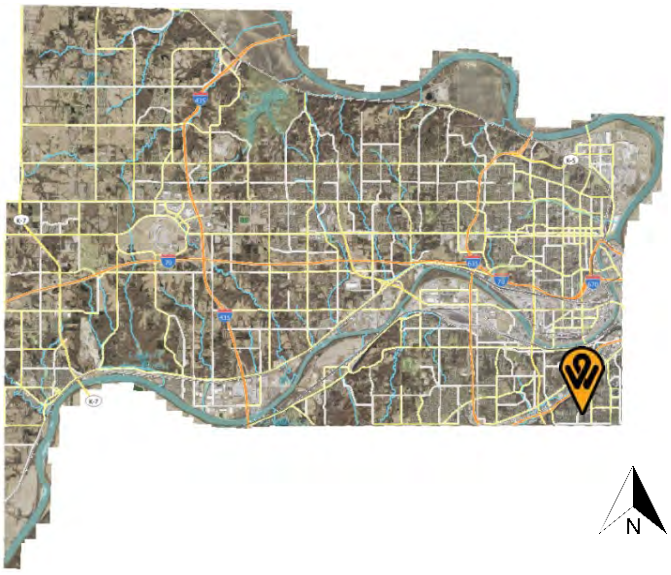
Subject Property:
2801 South 9th Street
Kansas City, Kansas 66103

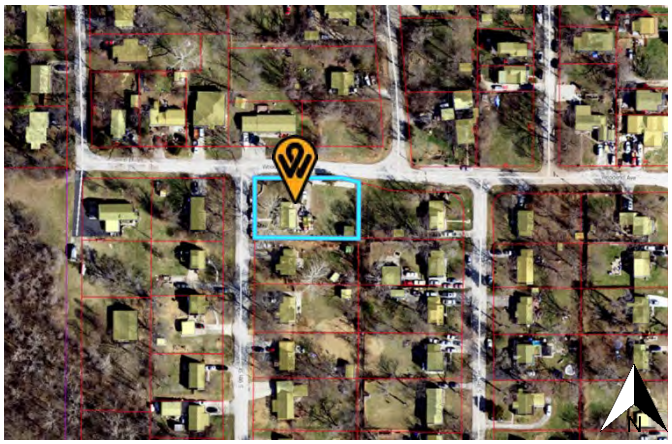
Requested Action and Purpose:
Approval of a Special Use Permit for a Short-Term Rental.

Commission Districts:
At-Large District #2: Tom Burroughs
District #3: Christian Ramirez

Existing Zoning District(s):
R-1 Single-Family District

Plan Area:
PlanKCK Comprehensive Plan





	Adjacent Zoning	Adjacent Uses
North	R-1 Single Family District	Single Family Residence
South	R-1 Single Family District	Single Family Residence
East	R-1 Single Family District	Single Family Residence
West	R-1 Single Family District	Single Family Residence

Total Tract Size:	0.36 Acre
Comprehensive Plan Designation:	The PlanKCK Comprehensive Plan designates the subject property as Low Density Residential, which allows for single-family homes.
Major Street Plan:	The goDotte Countywide Strategic Mobility Plan designates South 8th Street as a Local Street.
Parking Requirement:	Section 27-454(e) states "Two off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport". The property provides two (2) spaces; however, none are covered.
Landscaping Requirement:	Section 27-700(a) states "one shade tree per dwelling unit is required in the front or corner side yard. Aerial photos of the subject property demonstrate sufficient landscaping on the property parcels (see "Aerial Map" within the Attachments section of this report).
Advertisement:	The Wyandotte Echo – September 19, 2024 Letters to Property Owners – September 20, 2024
Public Hearings:	November 12, 2024 and December 5, 2024
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Cesar Villalva, is requesting a Special Use Permit to operate a short-term rental at 2801 South 9th Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2800 block of South 9th Street.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623 and all other applicable standards within Chapter 27.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are no noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been several notices of violations on the subject property.
    a. 2023-2024 – CAC24-0388, CAC24-0353, CAC24-4195, CAC24-04196, CAC23-3906, CAC23-3899, CAC23-3455, CAC23-3456, CAC23-3030, CAC23-3031, CAC23-2354, CAC23-2355, CAC23-1993, CAC23-1994, CAC23-1425 – Administrative Citations – Zoning and Environmental Violations – Commercial Vehicles Parked on Unimproved Surfaces
    b. 2023 – ENV23-1507 – Environmental - Commercial Vehicles Parked on Unimproved Surfaces
    c. 2023 – ENV23-0974 – Environmental - Commercial Vehicles Parked on Unimproved Surfaces
    d. 2023 – PMZ23-0041 – Zoning Violations – Commercial Vehicles Parked on Unimproved Surfaces
    e. 2022 – ENV22-3099 – Environmental – Hazardous Materials stored on property
    f. 2021 – BSR21-0041 – Stop Work Order – Built roof over porch without permits
    g. There previously were four (4) more violations for commercial vehicles and vehicles parked on unimproved surfaces between 2018 and 2020.

Outstanding or Related Permit and Cases:

1. There are no additional related permits or cases on the subject property.

Previous Planning Actions:

1. There are no previous planning entitlements on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood and the Rosedale Development Association (RDA) group. The neighborhood consists of single-family residences and garden-style apartments.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them. In general, commercial and industrial special use permits should not be granted adjacent to residential districts.

The zoning and uses are set out above. The subject property is surrounded by the R-1 Single Family District and the RP-5 Planned Apartment District. Use of the property as a rental, either short or long-term, while commercial in nature is consistent with other nearby properties in close proximity. While use as a short-term rental is commercial in nature, the use is occurring in a purpose-built residence, which should not present issues with nearby property. The proposed use is compatible if properly managed.

3. The suitability of the property for the uses to which it has been restricted. Will the remove of restrictions including those for hours of operation (where applicable), detrimentally affect nearby property?

Removal of the restrictions that require a Special Use Permit has the potential to create issues such as parking, excessive noise, illumination, vibration, overcrowding of land and undue concentrations of population. The property could be suitable for use as a short-term rental if the aforementioned issues are properly managed.

4. The length of time the property has remained vacant as zoned.

The property is not vacant and has been used consistently as a residence since at least 1999.

5. The degree of conformance of the proposed use to the Comprehensive Plan.

Special Use Permits are not addressed in the PlanKCK Comprehensive Plan. The PlanKCK Comprehensive Plan designates the subject property as Low Density Residential, which allows for single-family homes. The proposed use conforms to the Comprehensive Plan with a Special Use Permit.

6. Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of South 9th Street, a Local Street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

7. Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as making excessive noise, vibration, overcrowding of land, illumination, and undue concentrations of population could

impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. ***Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

   Noise, vibration and illumination are all potential issues that are related to short-term rentals if it is not managed properly. Dust is not typically an issue related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby properties, however, the property owner has had a history of parking vehicles on unimproved surfaces.

9. ***Whether the proposed use will pollute the air, land or water.***

   The proposed use will not pollute the air, land or water as it is an existing, permitted residence.

10. ***Whether the use would damage or destroy an irreplaceable natural resource.***

    The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing, permitted residence in an existing built-out neighborhood.

11. ***The relative gain to the public health, safety and welfare as compared to the hardship imposed on the individual landowner or landowners.***

    The relative gain or loss to public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental with appropriate permits and licenses, their primary residence, or sell the property.

12. ***The applicant's ability to maintain the use in an "as proposed" condition.***

    The applicant will be required to maintain their short-term rental according to the submitted management plan and conditions of approval as well as limits to number of guests and number of vehicles on the property, as well as all other applicable ordinances set by the Code of Ordinances.

13. ***Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.***

    The proposed use is not expected to create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is six (6). The maximum number of vehicles off-street is three (3). There shall be no on-street parking for STR renters or guests. If the

applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

NEIGHBORHOOD MEETING INFORMATION

The applicant held a neighborhood meeting on October 29, 2024. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise, Illumination, and Vibration
Home Inspection Report
Overcrowding and Undue Concentrations of Population
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission could not reach a decision after two (2) motions and votes on this application. This application moves forward to the Board of Commissioners with a recommendation of "**No Recommendation**".

STAFF COMMENTS AND SUGGESTIONS

Staff recommends that this application be **denied** for the following reasons: **due to the numerous past code violations:**

Building, Zoning, or Code Enforcement Complaints:

1. There have been several notices of violations on the subject property.
    a. 2023-2024 – CAC24-0388, CAC24-0353, CAC24-4195, CAC24-04196, CAC23-3906, CAC23-3899, CAC23-3455, CAC23-3456, CAC23-3030, CAC23-3031, CAC23-2354, CAC23-2355, CAC23-1993, CAC23-1994, CAC23-1425 – Administrative Citations – Zoning and Environmental Violations – Commercial Vehicles Parked on Unimproved Surfaces
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    e. 2022 – ENV22-3099 – Environmental – Hazardous Materials stored on property
    f. 2021 – BSR21-0041 – Stop Work Order – Built roof over porch without permits
    g. There previously were four (4) more violations for commercial vehicles and vehicles parked on unimproved surfaces between 2018 and 2020;

and the items in the inspection report that need to be addressed:

a. **Replace all missing window screens (Page 11-12);**
b. **Secure the service disconnect for the HVAC system (Page 16);**
c. **Replace the missing smoke and carbon monoxide detectors (Page 18 and Page 27);**
d. **Replace the cover on the junction box (Page 27-28);**

STAFF RECOMMENDATION AND CONDITIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **SP2024-082 for the reasons listed above:**

If the Board of Commissioners **APPROVES** this application, Staff recommends the following conditions:

1. **There is currently no covered parking on-site. The applicant must provide covered parking in some manner within the term of this Special Use Permit.**
2. **As the driveway is an unimproved gravel driveway, the driveway and apron must be paved with asphalt and/or concrete.**
3. **There is currently a gravel strip along South 9th Street that is commonly used for parking. All gravel in the yard and within the public right-of-way abutting this property should be returned to sod or landscaping;**
4. **All items in the home inspection report are completed within six (6) months;**
5. **Maximum number of guests shall be six (6);**
6. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street.**
7. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
8. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
9. **Applicant is to maintain liability insurance.**
10. **The property must remain in proper maintenance and free of hazards, pests, or infestations.**
11. **The granting of this Special Use Permit does not transfer with a change of ownership of the property.**
12. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).**
13. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**

14. **If approved, occupying businesses must file and maintain a current business occupation tax application with this office.**
15. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.**
16. **All existing and future driveways must feature curb cuts that are constructed to UG standards.**
17. **Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.**
18. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
19. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.**
20. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
21. **The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new**

application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and

22. **Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**
23. **Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

ATTACHMENTS

November 12, 2024, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Home Inspection Report
Site Photos, Taken by Staff, Dated September 26. 2024

PUBLIC HEARING SCHEDULE

Action(s)	City Planning Commission	Unified Government Board of Commissioners
Special Use Permit	November 12, 2024 – No Recommendation	December 5, 2024

STAFF CONTACT: **James Molloy**
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2024-082,** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2024-082** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1._____;

2. _____; And

3. _____.

November 12, 2024, City Planning Commission Minutes:

Hearing starts at 1:52:02:

SPECIAL USE PERMIT APPLICATION SP2024-082 – CESAR VILLALVA –
SYNOPSIS: Special Use Permit for a Short-Term Rental at 2801 South 9th Street. *Detailed Outline of Requested Action:* The applicant, Cesar Villalva, is requesting a Special Use Permit to operate a short-term rental at 2801 South 9th Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2800 block of South 9th Street.

The following items were included as part of the record for this case:
1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 12, 2024;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Cesar Villalva, Applicant, 2801 South 9th Street, Kansas City, Kansas 66103
- Samantha Ramirez, representing the Applicant, manager for the proposed STR

The Planning Commission directed questions to the Applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:03:23: Planning Director Hand stated that the request is for a non-owner-occupied Short-Term Rental Special Use Permit. The property is in the Rosedale Area Plan. Staff received no letters in support or opposition. As noted during the hearing, there are multiple Notices of Violation on the property. Staff recommends approval for one (1) year with the conditions in the staff report.

The Planning Commission directed questions to Director Hand regarding the inspection report for the proposed use and if that will be one of the conditions of approval.

Motion starts at 2:06:20:

On motion by Mr. Beth, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2024-082 due to**

the numerous past code violations and the items in the inspection report that need to be addressed:

Carson	**Chairman**
Schwartz	**Not Present**
Straws	**No**
Ward	**No**
Armstrong	**Not Present**
Beth	**Aye**
Easterwood	**Not Present**
Ernst	**Aye**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**No**

Motion to recommend DENIAL Failed: 2 to 3

On motion by Mr. Straws, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2024-082 for one (1) year subject to the conditions in the staff report and all repairs in the inspection report are completed in six (6) months:**

Carson	**No**
Schwartz	**Not Present**
Straws	**Aye**
Ward	**Aye**
Armstrong	**Not Present**
Beth	**No**
Easterwood	**Not Present**
Ernst	**No**
Jones	**Not Present**
Miller	**Not Present**
Mohler	**Aye**

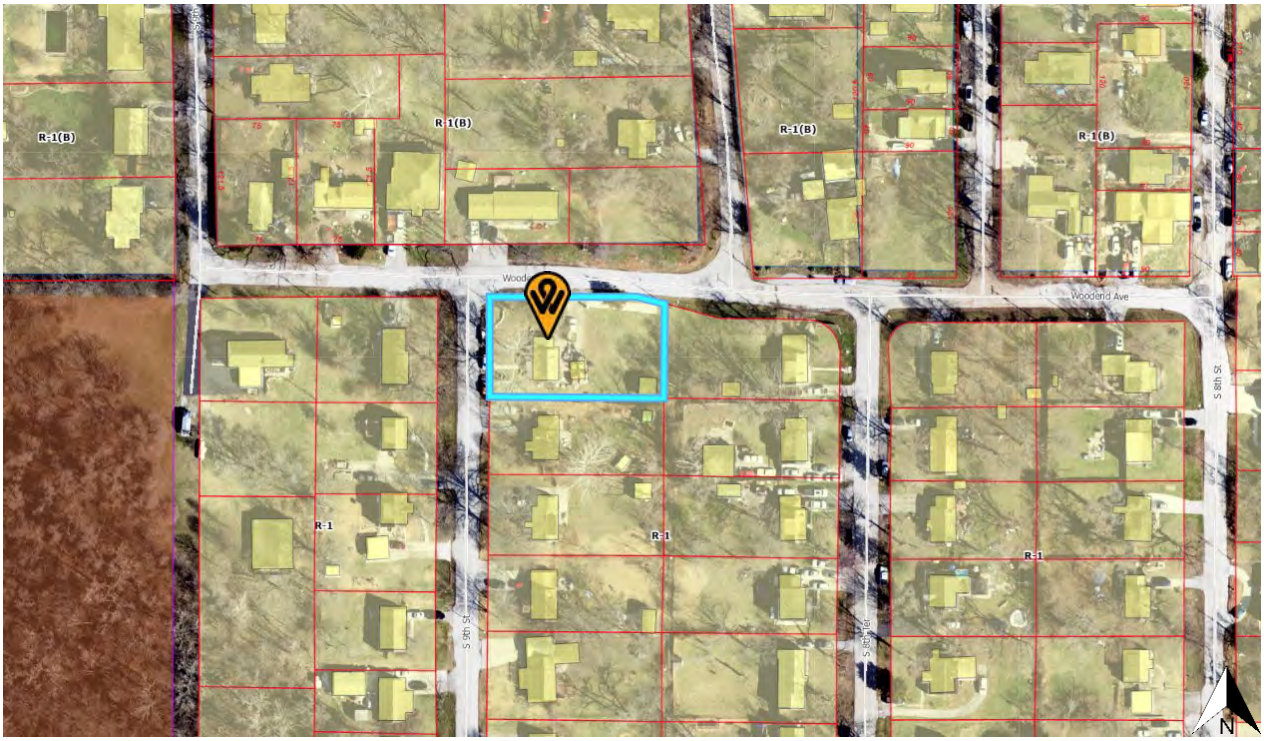
Motion to recommend APPROVAL Failed: 3 to 3

This application will move forward to the Board of Commissioners with a recommendation of “No Recommendation”.

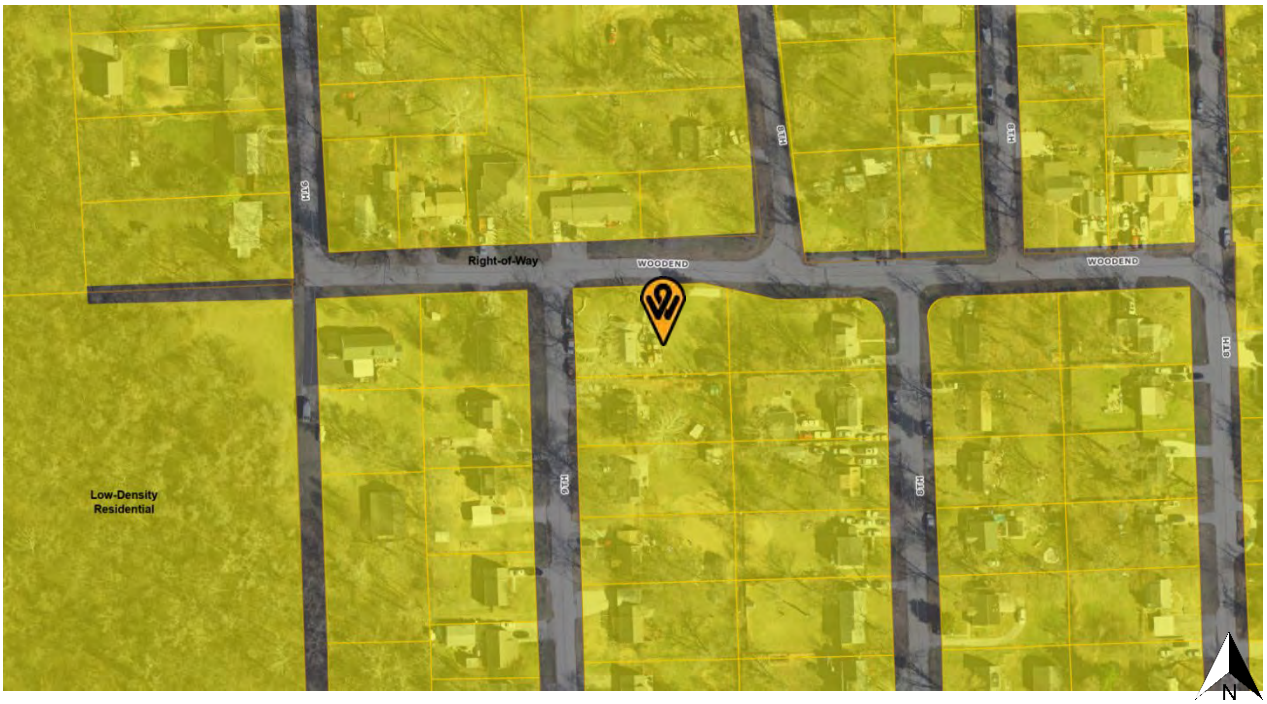
ATTACHMENTS

AERIAL IMAGERY

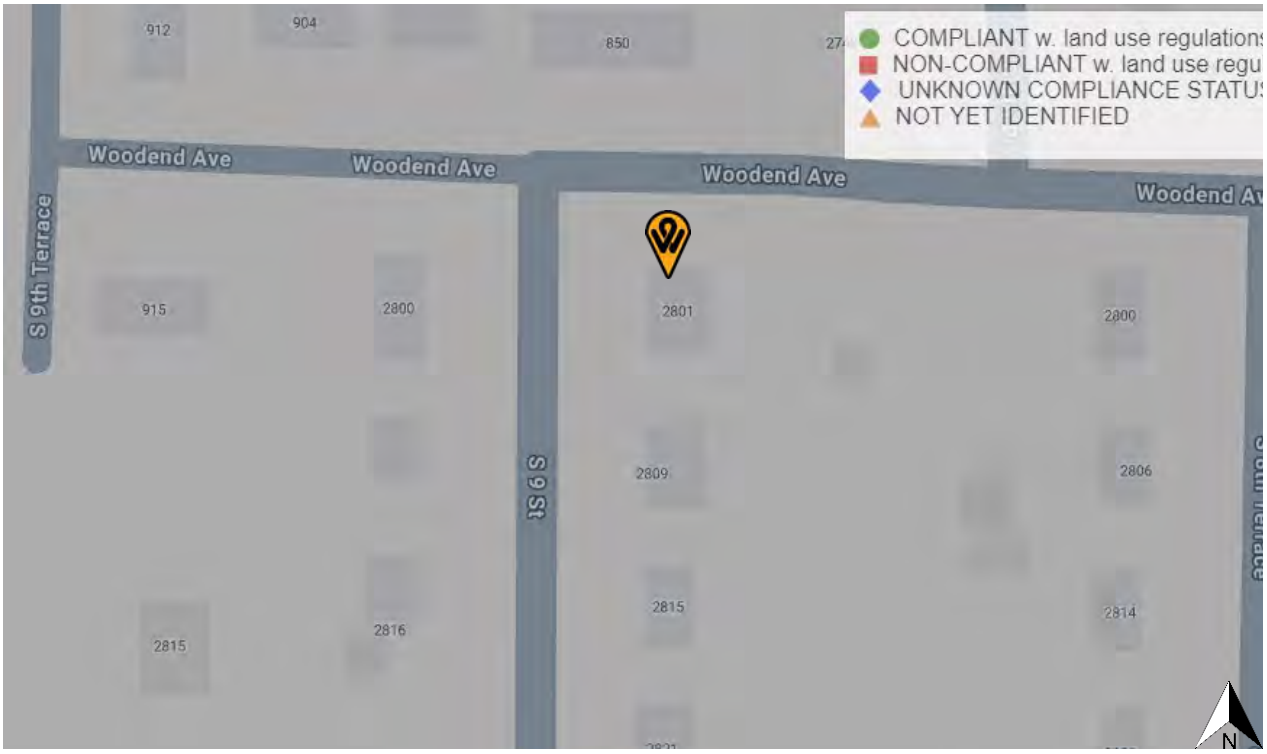
ZONING MAP

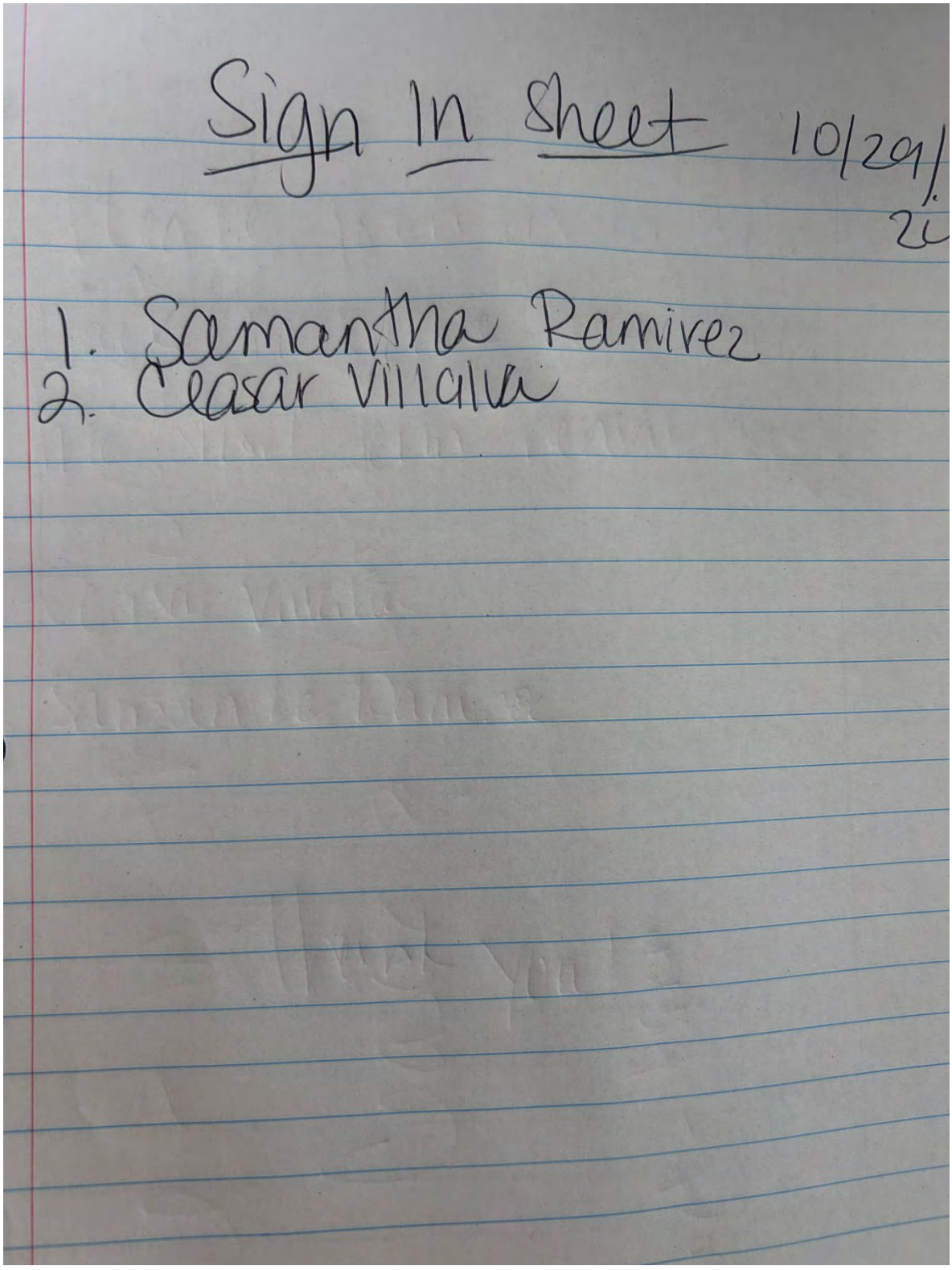


LAND USE MAP



SHORT-TERM RENTAL MAP




Sign In Sheet 10/29/24
1. Samantha Ramirez
2. Cesar Villalva

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MO)
) SS:
COUNTY OF Jackson)

Comes now Cesar Villalva, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP 2024-082
2. That I conducted a neighborhood meeting on 10-29-24
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Planning + Urban Design Department.

Further affiant saith not.

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of October, ~~2024~~ 2024.

My commission expires 3rd of January, ~~200~~ 2024

JASMINE VARELA
Notary Public, Notary Seal
State of Missouri
Jackson County
Commission # 21506075
My Commission Expires 01-03-2025

Notary Public

GFCIs & Electrical: Inspected GFCIs

I inspected ground-fault circuit interrupter receptacles and circuit breakers observed and deemed to be GFCIs using a GFCI tester, where possible.

Foundation: Foundation Was Inspected

The foundation was inspected according to the Home Inspection Standards of Practice.

Railings, Guards & Handrails: Railings, Guards & Handrails Were Inspected

I inspected the railings, guards and handrails that were within the scope of the home inspection.

Limitations

Windows

INSPECTION RESTRICTED

I did not inspect all windows. I did inspect a representative number of them. It's impossible to inspect every window component closely during a home inspection. A home inspection is not an exhaustive evaluation. I did not reach and access closely every window, particularly those above the first floor level.

Eaves, Soffits & Fascia

INSPECTION WAS RESTRICTED

I did not inspect all of the eaves, soffit, and facia. It's impossible to inspect those areas closely during a home inspection. A home inspection is not an exhaustive evaluation. My inspection of the exterior was limited. I did not reach and access closely every part of the eaves, soffit, and fascia.

GFCIs & Electrical

UNABLE TO INSPECT EVERYTHING

I was unable to inspect every electrical component or proper installation of the GFCI system according to modern code. A licensed electrician or township building code inspector could perform that type of test, which is beyond the scope of my visual-only home inspection. I inspected the electrical system as much as I could according to the Home Inspection Standards of Practice.

Observations

3.8.1 Windows

Recommendation

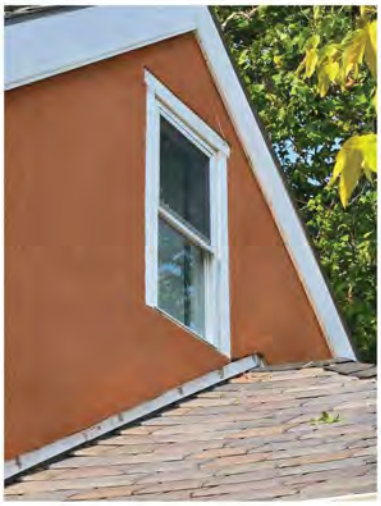
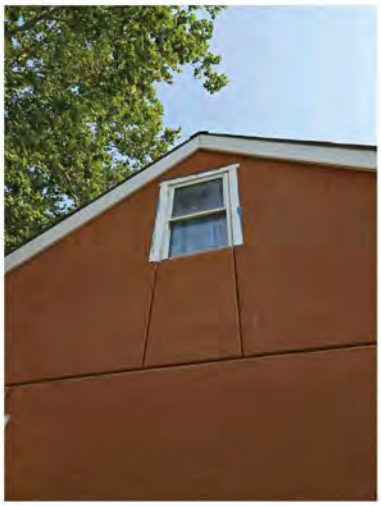
MISSING WINDOW SCREEN

I observed a missing window screen.

Correction and further evaluation is recommended.

Recommendation

Contact a qualified handyman.

3.8.2 Windows

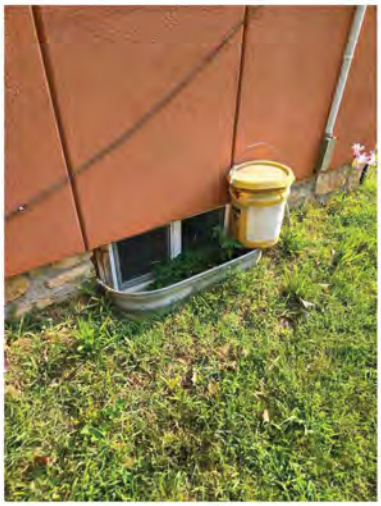
Recommendation

BASEMENT/CRAWLSPACE WINDOWS

I observed Basement/Crawlspace windows with out any coverings. Window covers help keep water from pooling up in the window well and possible causing leakage or foundation problems. It also can be a safety hazard and will prevent trips and falls into window well.

Recommendation

Contact a handyman or DIY project



3.10.1 Exhaust Vents

Recommendation

DRYER EXHAUST HAS A SCREEN

I observed that the clothes dryer exhaust hood has a screen. This will clog and create a fire hazard.

Minor cracks at the corners of doors and windows in walls. Appeared to be the result of long-term settling. Some settling is not unusual in a home of this age and these cracks are not a structural concern.

5.3.1 Presence of Smoke and CO Detectors

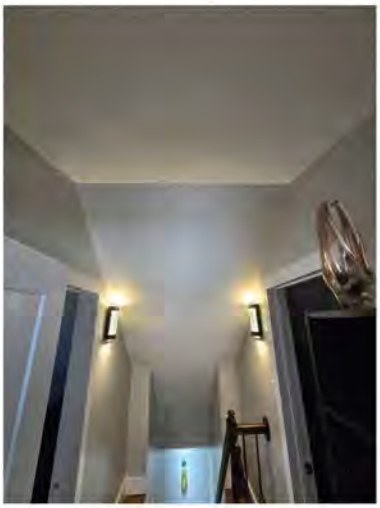
Deficiency

MISSING SMOKE DETECTOR(S)

I observed indications of a missing smoke detector. In the common hallway on the 2nd floor.Hazard.

Recommendation

Contact a qualified professional.



5.3.2 Presence of Smoke and CO Detectors

Deficiency

MISSING CO DETECTOR

I observed indications of a missing carbon monoxide detector. In the common hallway on the 2nd floor Hazard.

Recommendation

Contact a qualified professional.

5.6.1 Electrical

Recommendation

OUTLET(S) NOT GROUNDED

MASTER BEDROOM

4.1.2 Cooling Equipment

Deficiency

SERVICE DISCONNECT DEFECT

The service disconnect is not secured properly to the home. Recommend a qualified HVAC contractor or electrician to correct.

Recommendation

Contact a qualified HVAC professional.

5: INTERIORS

		IN	NI	NP	O
5.1	Floors, Walls, Ceilings	X			X
5.2	Steps, Stairways & Railings	X			
5.3	Presence of Smoke and CO Detectors	X			X
5.4	Interior Doors	X			
5.5	Interior Windows	X			
5.6	Electrical	X			X

IN = Inspected NI = Not Inspected NP = Not Present O = Observations

Electrical: Outlets & Switches Inspected

I inspected a representative number of outlets and switches according to the Home Inspection Standards of Practice by operating and/or testing them. I did not move objects out of the way, which is beyond the scope of a home inspection.

Limitations

Presence of Smoke and CO Detectors

DID NOT TEST DETECTORS

I did not test the detectors in case to disturb any direct contact with the fire department if enabled. I recommend testing all of the detectors. Ask the seller about the performance of the detectors and of any issues regarding them. I recommend replacing all of the detectors (smoke and carbon monoxide) with new ones just for peace of mind and for safety concerns.

Observations

11.4.1 Presence of Smoke and CO Detectors

Deficiency

MISSING SMOKE DETECTOR(S)

I observed indications of a missing smoke detector. Hazard.

Recommendation

Contact a qualified professional.

11.4.2 Presence of Smoke and CO Detectors

Deficiency

MISSING CO DETECTOR

I observed indications of a missing carbon monoxide detector. Hazard.

Recommendation

Contact a qualified professional.

11.7.1 Electrical

Recommendation

JUNCTION BOX COVER MISSING

One or more junction box covers are missing. Wires should not be exposed.This causes short and shock risk. Recommend installation.

Recommendation

Contact a qualified electrical contractor.

12: ELECTRICAL

		IN	NI	NP	O
12.1	Main Service Disconnect	X			
12.2	Electrical Wiring	X			
12.3	Panelboards & Breakers	X			X
12.4	Service Grounding & Bonding	X			
12.5	AFCIs			X	
12.6	GFCIs	X			

IN = Inspected NI = Not Inspected NP = Not Present O = Observations

Information

Main Service Disconnect: Inspected Main Service Disconnect

I inspected the electrical main service disconnect.

Panelboards & Breakers: Panel Manufacturer

Square D

Electrical Wiring: Type of Wiring, If Visible

NM-B (Romex)

Panelboards & Breakers: Panel Locations

Basement

SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 26, 2024

Tracking ID: 21614

Report to
Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Irene Caudillo, Chief of Staff icaudillo@wycokck.org x5010	Mayor's Office

AGENDA ITEM #10.1.

ORDINANCE: ETHICS CODE AMENDMENTS

BACKGROUND

An ordinance amendment to certain sections of the Ethics Code of the Unified Government of Wyandotte County/Kansas City, Kansas; and repealing such original sections.

RECOMMENDATION

Approve

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

IT/POLICY CONSIDERATIONS

PROCUREMENT CONSIDERATIONS

LEGAL CONSIDERATIONS

ATTACHMENTS

Ordinance adopting revisions to UG Ethics Code, Approved Revisions, Code of Ethics rewrite 11.26.24

Approved by Mayor and/or Chair and Administrator to add to agenda.

ORDINANCE NO. O-___-24

AN ORDINANCE TO ADOPT CERTAIN REVISIONS TO THE CODE OF ETHICS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY/KANSAS PROPOSED BY THE ETHICS COMMISSION AND BY THE MAYOR/CEO

WHEREAS, the Consolidation Study Report, which was adopted in 1997 as the charter of the Unified Government of Wyandotte County/Kansas City, Kansas, contained recommendations that included the creation of an Ethics Commission;

WHEREAS, the Consolidation Study Report provides that "The Ethics Commission may recommend ways to improve the Ethics Code to the Unified Board of Commissioners. The Ethics Commission will have the power to make recommendations for actions to be taken for violations of the Ethics Code to the Unified Board of Commissioners";

WHEREAS, the Code of Ethics of the Unified Government of Wyandotte County/Kansas City, Kansas is codified at sections 2-251 through 2-272;

WHEREAS, the Ethics Commission periodically forwards to the Board of Commissioners recommendations for changes to the Ethics Code and did in fact draft and propose such a package of changes in 2023, intending that the package be included on the agenda of the Board of Commissioners for adoption;

WHEREAS, the Mayor/CEO has proposed some changes since that time that the Ethics Commission has recently accepted; and

WHEREAS, that combined package of original changes from the Ethics Commission and the proposed changes from the Mayor/CEO is now being presented to the Board of Commissioners for their review and adoption.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the proposed revisions to the Code of Ethics of the Unified Government of Wyandotte County/Kansas City, Kansas, in substantially the form attached hereto, be and the same are hereby approved and adopted.

Section 2. This ordinance shall take effect and be in full force upon passage.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF DECEMBER, 2024

Approved:

_____
Tyrone A. Garner, Mayor/CEO

Attest:

_____
Unified Government Clerk

Approved as to Form:

_____
Unified Government Acting Chief Counsel

Sec. 2-260. Employment restrictions.

(a) A unified government representative~~, except a member of the unified government board of commissioners,~~ shall not be employed ~~at the same time as~~ by the unified government ~~representative is employed by the unified government~~ or shall not, within one year of terminating representation with the unified government, also be employed by:

(1) Any business entity regulated by or subject to the authority of that unified government representative or regulated by or subject to the authority of the unified government agency with which such ~~person~~ unified government representative is or was affiliated; or

(2) Any business entity that is negotiating or has entered a contract to do business with a unified government agency with which the unified government representative is or was affiliated.

This prohibition does not apply to an official who is appointed pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to it.

(b) A former unified government representative, except a former member of the unified government board of commissioners, shall not assist or represent a party other than the unified government in a case, contract, claim, charge, or controversy or other specific matter involving the unified government if that matter is one in which the unified government representative personally and significantly participated as a unified government representative.

(c) A unified government representative shall not assist or represent a party for contingent compensation in any matter before or involving any unified government agency other than in a judicial or quasi-judicial proceeding.

(d) A former unified government representative, unless the former unified government representative's last annual salary did not exceed $25,000.00, shall not sell or attempt to sell supplies, services, or construction to the unified government for one year following the date employment ceased. The term "sell," as used in this subsection, means signing a bid, proposal, or contract, negotiating a contract, contacting any unified government representative for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract, settling disputes concerning performance of a contract, or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefore is subsequently negotiated by another person; provided, however, that this section is not intended to preclude a former unified government representative from accepting employment with private industry solely because the former unified government representative's new employer is a contractor with the unified government, nor shall a former unified government representative be precluded from serving as a consultant to the unified government.

(e) A former unified government employee may, within one year of terminating their employment, respond to and be awarded a contract as a result of a public request for proposal, bid, notice of need, request for qualification, or similar public solicitation.

Sec. 2-266. Nepotism.

~~No person shall be employed~~ hired ~~by the unified government if that person's~~ whose ~~spouse, child, sibling, or parent is the mayor/chief executive officer (CEO), a commissioner on~~ the ~~unified government board of commissioner~~ commissioners~~, or an employee in or assigned to the office of the mayor/chief executive officer (CEO),~~ unified government board of ~~commissioners,~~ or ~~the unified government~~ county ~~administrator.~~, ~~except that no person employed by the unified government prior to the adoption or substantive amendment of this provision shall be terminated for a violation of this section and, provided further, that no person employed by the unified government and becoming the spouse of another unified government employee after employment of both by the unified government shall be terminated for a violation of this section.~~

(a) Prohibitions of Hiring

(1) A unified government representative shall not appoint or hire or participate in influencing the appointment or hiring of that representative's spouse, child, sibling, parent, or household member for any type of employment, including by contract (unless competitively bid), except in accordance with instructions and advice received from the Ethics Commission in a written advisory opinion.

(2) "Household member" means persons having legal residence in or those presently living together at the same place of residence.

(b) Prohibitions of Supervision/Advocacy

(1) A unified government representative shall not participate in any matter as part of his or her public duties if he or she has reason to believe or expect that any person within his or her family or any household member, as described in section (a)(1), (2) above, is a party to or a participant in such matter, or will derive a direct monetary gain or suffer a direct monetary loss, or obtain an employment advantage, as the case may be.

(2) A unified government representative shall not participate in the direct supervision, evaluation, appointment, classification, promotion, transfer or discipline of any person within the representative's family or household, as described in section (a)(1), (2) above, in the office in which the unified government representative is serving or over which he or she exercises fiscal or jurisdictional control, except in accordance with instructions and advice received from the Ethics Commission in a written advisory opinion.

(c) Participation in Budgets.

(1) *Specific Line Items.* In addition to the prohibitions set forth in Sec. 2-259, a unified government representative may not, participate in discussion or decision-making relative to a budgetary line item that addresses or affects the employment, compensation or benefits of any person within the unified government representative's family or household, as described in section (a)(1), (2) above, except in accordance with particular instructions and advice received from the Ethics Commission in a written advisory opinion.

(2) *Vote on Entire Budget.* Notwithstanding the prohibitions set forth in Sec. 2-259, a unified government representative may participate in discussion or decision-making relative to approving or rejecting the entire budget as a whole, provided that the person within the unified government representative's family or household, as described in section (a)(1), (2) above, is impacted by the entire budget as a resident of Wyandotte County/Kansas City, Kansas as a whole, and not individually or to any greater extent than any other similarly situated resident of Wyandotte County/Kansas City, Kansas.

Sec. 2-267. Permitted and prohibited political activities.

(a) *Application to unified government representatives.*

(1) The provisions of this section apply to all full-time, part-time, and temporary unified government representatives in both classified and unclassified positions, except that the provisions of subsections (c)(2), (c)(3), (c)(5) and (c)(7) shall not apply to any person employed pursuant to the authority of the mayor/chief executive officer (CEO) as an administrative assistant.

(2) Employees in activities which are funded in whole or in substantial part by federal funds have the additional restrictions of federal law pursuant to 5 USC §1501 *et seq*. (hereafter referred to as the "Hatch Act"), and may be prohibited from taking an active part in the unified government, county, state or national elections. The unified government's human resources department shall maintain a listing of positions subject to the Hatch Act.

(b) *Permitted political activities.* Activities listed in this section are permitted for the unified government representatives on their own time or in accordance with declared policies of the unified government. These activities apply to county, state, and national elections and to municipal elections outside the unified government.

(1) Each unified government representative, including an official or employee subject to the Hatch Act, may:

a. Register and vote in any election;

b. As an individual, privately and publicly express an opinion on political subjects and candidates;

c. Be a member of a political party and participate in its activities consistent with this division;

d. Sign a political nomination or recall petition as an individual;

e. Make a financial contribution to a political party or candidate;

f. Participate in connection with a question that is not specifically identified with a political party, such as a constitutional amendment, referendum, or issue of similar character; or

g. Display bumper stickers, posters, banners, or pamphlets on private property for the endorsement of candidates or issues.

(2) In addition, except as otherwise provided in this division, a unified government representative who is not subject to the Hatch Act may:

a. Take an active part in the work and management of any political campaigns;

b. Solicit, receive, or account for funds for a political purpose;

c. Solicit votes in support of, or in opposition to, a political party's office;

d. Initiate or circulate nominating or recall petitions;

e. Serve as a delegate, alternate, or proxy to a political party convention;

f. Drive voters to the polls on behalf of a political party or candidate;

g. Endorse or oppose a candidate for public or political office in a political advertisement, broadcast, campaign literature, or similar material;

h. Seek election to political office as provided in subsection (d) of this section.

(c) *Prohibited political activities.*

(1) *Compelled or coerced political activity.* No unified government representative shall be required to participate in or contribute to any political campaign. A unified government representative shall not be subject to direct or indirect political influence or coercion, and political affiliation or support is not a condition of employment with the unified government.

(2) *Prohibited voluntary political activity—Employment related practices.* No unified government representative while utilizing equipment or materials of the unified government, while in a uniform normally identified with the unified government or while representing himself of herself as an employee of the unified government, except insofar as such representation is necessary for a candidate for

public office to disclose a past and current employment status with the unified government shall:

a. Distribute campaign literature;

b. Give, solicit or receive contributions or subscriptions;

c. Promise or perform political services; ~~or~~

d. Sign or circulate petitions for or on behalf of or in opposition to any candidate for public office~~.~~; or

e. Produce, authorize and/or forward social media communication (i.e., email, Facebook, Twitter, etc.) to a personal computer or to others on a unified government computer or using unified government title or resources that advocates the nomination, election, support, or defeat of any identified political candidate or political issue.

(3) *Prohibited voluntary political activity—Elections.* No official or employee of the unified government shall do any of the following:

a. Remain a unified government representative if the unified government representative is a successful candidate for elective office as mayor/chief executive officer, or commissioner on the board of commissioners for the unified government. Such unified government employee or official shall resign his or her employment or appointment on or before the date of his or her swearing into office. If such unified government representative does not resign his or her employment or appointment by such date, such employment or appointment shall be terminated on that date by the county administrator. ~~Be a candidate for elective office as mayor or commissioner on the board of commissioners on the unified government unless that person resigns from employment prior to filing or declaring a candidacy for said elective office with the unified government, or be a member of the ethics commission upon filing or declaring a candidacy for said elective office.~~ Exempted from the application of this provision is any person appointed as an official to all other unified government commissions, committees, boards, task force, or other unified government bodies or agencies and all persons holding positions designated by the unified government consolidation plan which includes the incumbent mayor/chief executive officer and the unified government board of commissioners.

b. Circulate petitions initiating a referendum adopting, altering, or repealing a form of government of the unified government, providing for unified government officers, their manner of selection or term of office, electing to be or not to be a particular form of government, or otherwise mandating or advising elected representatives of the unified government.

c. Contribute more than the monetary limits established by K.S.A. 25-4153(a)(2) ~~$25.00 to~~ to any primary or general campaign of any candidate for elected unified government office or in support of or opposition to any referendum of the type described in subsection (c)(3)b of this section.

(4) *Use of official authority, solicitation of funds.* No unified government representative may use his or her official authority to solicit funds or receive contributions from other officials or employees for political purposes.

(5) *Bumper stickers, posters, banners or pamphlets, buttons.* Bumper stickers, posters, banners, pamphlets, and buttons may not be displayed on unified government vehicles, property, or by an individual on a unified government work site, or in a uniform normally identified with the unified government. However, such articles may be displayed on private vehicles parked in employee parking areas.

(6) *Activities prohibited on duty, on unified government property, and/or in uniform.* Activities permitted in subsection (b)(2) of this section are prohibited when a unified government representative is on duty, including break periods. Such activities are also prohibited on unified government property and when unified government representative is in a uniform normally identified with the unified government.

(7) *Use of official title or designation of employment.* A unified government representative shall not use an official unified government title or designate employment with the unified government in political advertisements, endorsements, or speeches. Nothing in this section shall be construed to limit the mayor/chief executive officer (CEO) or any other employee acting at the direction of the commission from making statements on behalf of the unified government to local, regional, state, or federal legislative, executive, or administrative bodies, media representatives, or other interested persons or groups. Further, nothing herein shall be construed as prohibiting any person from performing a service on behalf of a person holding elective office in connection with the performance of that elected official's public duties. Further, nothing herein shall be construed as prohibiting an incumbent unified government elected official from using his or her title in campaign materials, signage, or public announcements or speeches in his or her own re-election campaign.

(d) *Candidate for elective office.*

(1) A unified government representative may seek election to a political office. During this campaign, the unified government representative shall not use an official unified government title in the political campaign other than for historical or background purposes, nor shall the person's official authority be used to affect the result of the election. In the case of an incumbent official, nothing shall prevent that official from using his or her

title in campaign materials, signage, public announcements or speeches in his or her re-election campaign. If elected to political office, and such office is clearly inconsistent, incompatible, in conflict with, or inimical to the unified government representative duties as a unified government employee, the unified government representative shall terminate his or her unified government position prior to assuming the elected position.

(2) A unified government representative may be a candidate for a board such as, but not limited to, a school board or a library board while retaining active unified government employment and, if elected, may retain the unified government position.

(3) An official or employee who becomes a candidate for mayor or commissioner on the board of commissioners of the unified government shall be terminated ~~upon the declaration of candidacy or filing of candidacy, whichever occurs first, unless said employee or official resigns prior thereto~~ by the county administrator on the date of his or her swearing into said office if he or she is the successful candidate in the election and has not resigned. Excluded from this prohibition are the individuals holding the positions of mayor/chief executive officer and commissioner on the unified government board of commissioners running for re-election.

(4) A unified government representative subject to the Hatch Act may not be a candidate for elective office unless permitted under federal law.

(5) A unified government representative may be a candidate for precinct committee positions or officer of a political party without taking an unpaid leave.

Published _____

ORDINANCE NO. _____

AN ORDINANCE relating to amendments to certain sections of the Ethics Code of the Unified Government of Wyandotte County/Kansas City, Kansas; and repealing such original sections.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Sections 2-251, 2-253, 2-254, 2-255, 2-256, 2-257, 2-258, 2-259, 2-260, 2-261, 2-262, 2-265, 2-266, 2-267, 2-269, and 2-271 of the Code of Ethics of the Unified Government of Wyandotte County/Kansas City, Kansas be and are hereby amended and shall read as follows:

Sec. 2-251. Declaration of policy.

The unified government of Wyandotte County/Kansas City, KS seeks to serve its citizens in a just and equitable manner. To that end, the unified government established a code of ethics as the standard for that service. It is the policy of the unified government that the proper operation of democratic unified government requires that unified government representatives be independent, impartial, and responsible to the people; that unified government decisions and policy be made in proper channels of the unified government structure and that public office not be used for personal or private gain or the gain of another; and that the public have confidence in the integrity of the unified government. In recognition of these goals, a code of ethics for all the unified government representatives is adopted.

(Ord. No. O-75-09, § 1, 10-1-2009)

Sec. 2-253. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the ethics administrator.

Ad hoc ethics commission appointment panel means the panel consisting of the administrative judge of the county district court, the district attorney of the county and the duly appointed legislative auditor of the county. The panel appoints the five member ethics commission. Membership on the panel shall be voluntary and only for and during their respective terms in office. Any action by the panel shall require a quorum of two members.

Affected means, in the case of a person, entity or property, reasonably likely to be subjected to a direct economic effect or consequence, either positive or negative, as a result of the vote or decision in question. For instance, a person or entity owning real property, entering into a contract with the unified government or seeking a permit or franchise is "affected" by a vote or decision such as zoning of property, approval of a contract or granting of a permit. The term "affected" does not include those persons or entities who are subject to an indirect or secondary effect from official action. Creditors, independent contractors, or guarantors of a person "affected" by a vote or decision are not ~~also~~ deemed to be "affected" by virtue of their relationship with the affected person. The vote or decision need not be the only producing cause of the economic effect or consequence reasonably likely to result. In determining whether a person, entity or property is or was "affected" by a vote or decision, it shall not be necessary to prove the actual existence or occurrence of an economic effect or consequence if such effect or consequence would be reasonably expected to exist or occur. Additionally, a vote or decision to place a matter on a ballot is deemed to affect a person, entity or property to the same extent that the results of the election would affect the person, entity, or property.

Business entity means any person, corporation, partnership, independent contractor, sole proprietorship, or joint venture organized or existing under the laws of any state, the United States or a foreign country transacting or engaged in commerce, or any type of business operation whether for profit or not for profit.

Business with the unified government means any one or any combination of sales, purchases, leases, contracts or grants to, by, from, or with the unified government, or any agency thereof, involving disbursement of $5,000.00 or more on a cumulative basis during any 12-month period. As of the awarding or execution of a contract or lease, the total then ascertainable consideration thereby committed to be paid, regardless of the period of time over which such payments are to be made, shall be included.

Child means and shall include a <u>natural</u> child, adopted child, stepchild or foster child, of whatever age.

Contribution means any advance, conveyance, deposit, distribution, gift, loan, or payment of money or any other thing of value, but does not include services.

Decision means any ordinance, resolution, contract, franchise, formal action, or other matter voted on by the unified government board of commissioners, any unified government board or commission, or the ethics commission, as well as the discussion or deliberations thereof that can or may lead to a vote or formal action by that body. A “decision” of a unified government employee means any action in which the employee exercises discretionary authority,

including, but not limited to, the issuance of permits, imposition or collection of fines or fees, authorizations for expenditures, and other non-ministerial acts.

Elected official means the mayor/chief executive officer, unified government board of commissioners, sheriff, and register of deeds.

Ethics commission means the five-member board appointed by majority vote of the ad hoc ethics commission appointment panel.

Financial interest means:

(1) Ownership of any interest as the result of which the owner has received within the past three years, or is presently receiving, or is entitled to receive in the future more than $1,000.00 per year; or

(2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than five percent of a business entity.

Gift means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. The term "gift" does not include the solicitation, acceptance, receipt or disposition of political campaign contributions regulated in accordance with the provisions of federal, state or local law regulating the conduct of elections or the receipt of political campaign contributions. Complimentary admissions to special events, including dinners, athletic, charitable, cultural or political events, or any other occasion or entertainment or item, when furnished or available to be furnished to all similarly situated unified government representatives are excluded from this definition. The term "gift" does not include gifts from a family member or other relative within the fourth degree of consanguinity or affinity.

Interest means any legal or equitable pecuniary interest, whether or not subject to an encumbrance or a condition, which was owned or held, in whole or in part, jointly or severally, directly or indirectly, at any time during each unified government fiscal year (January 1 through December 31). However, "interest" shall not include an interest held solely in the capacity of a personal representative, agent, custodian, fiduciary or trustee, nor an interest in a time or demand deposit in a financial institution, nor an interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars, either in a lump sum or periodically for life or some other specific period.

Ministerial act means an act performed in a prescribed manner and not requiring the exercise of any judgment or discretion.

Parent means and shall include natural parent, adoptive parent, step parent, or foster parent.

Usual and customary means those actions or conduct taken in keeping with agreeing with or established by custom or common usage; the regular or routine duties of an official or an employee; the accepted conventional, established, ordinary or traditional actions or conduct of an official or employee such as those actions germane to the fundamental functions of government. For instance, it would be "usual and customary" constituent service for an elected official to

attend or participate in a ribbon cutting ceremony for a new business or entity in his or her district. It would not be "usual and customary" constituent service for an elected official to engage in general, direct fundraising solicitation using his or her unified government letterhead, email or title for the benefit of one non-governmental, non-profit entity to the exclusion of others. ~~For purposes of interpretation of this term under the ethics code there is a presumption that those constituent or employee activities or relationships with non-profit entities that existed and allowed the use of title or resources prior to the adoption of the ethics code were considered to be within the "usual and customary" exception.~~ Use of title for personal gain of either an official, an employee or a third party would not be considered "usual and customary" constituent service or employee duty.

Regulate or regulated means subject to the control or governed by the rules and regulations of a unified government agency or required to have a license, permit, or other written authorization from a unified government agency.

Social Media is defined broadly to mean any forum on the World Wide Web on which people can share ideas or information. Social media includes websites or web pages maintained by the unified government and those maintained by persons outside the unified government on which unified government employees may share ideas or information. Examples of the latter include websites or blogs having comment or feedback sections, wikis, social networks (such as Facebook, Twitter, and LinkedIn), sites for posting photographs, audio recordings, or videos (such as Flickr and YouTube), virtual worlds, and message boards. Sharing of ideas or information may take many forms, including posting of articles, comments, photographs, music, videos, or podcasts, wall postings, tweets, and other forms in which ideas or information are shared.

Substantial interest means an interest in another person or business entity if:

(1) The interest is ownership of five percent or more of the voting stock, shares or market value of the equity of the entity, or ownership of $5,000.00 or more of the equity of the entity;

(2) Funds received from the other person or entity either during the previous 12 months or the previous calendar year equal or exceed $5,000.00 in salary, bonuses, commissions, or professional fees or $20,000.00 in payment for goods, products, or nonprofessional services, or ten percent of the person's gross income during that period, whichever is less;

(3) The person serves as a corporate officer or member of the board of directors or other governing body for the for-profit business entity other than a corporate entity owned or created by the unified government board of commissioners, or

(4) The person is a creditor, debtor, or guarantor of the other person or business entity in an amount of $5,000.00 or more.

Substantial interest in real property means an interest in real property that is an equitable or legal ownership with a market value of $5,000.00 or more.

Unified government agency means all departments, bureaus, boards, and commissions and persons not embraced in a department who exercise authority comparable to that of heads of departments and bureaus.

Unified government employee means any person employed by the unified government but does not include independent contractors hired by the unified government.

Unified government official unless otherwise expressly defined, includes the mayor/chief executive officer (CEO), unified government commissioners, county administrator, deputy county administrators, assistant county ~~administrator~~ administrators, clerks, department heads, ~~deputy departments,~~ deputy department heads, municipal court judges, (including substitute judges) whether such a person is salaried, hired or elected, individuals appointed by the mayor/chief executive officer (CEO), or members of the unified government commissioners and members of all unified government committees, boards, task forces, or other unified government bodies unless specifically exempted from this Code by the unified government board of commissioners, and all other persons holding positions designated by the unified government consolidation plan as it may be amended ~~form~~ from time to time.

Unified government representative means elected officials, unified government officials, and employees.

Sec. 2-254. Ethics commission.

(a) The purpose of the ethics commission shall be to ensure proper implementation of the code of ethics and to review and report on any and all other violations of the code of ethics.

(b) The ethics commission is responsible for conducting meetings no less than semiannually and deliberating on ethical issues and rendering advisory opinions to the ethics administrator, or requesting the ethics administrator to render advisory opinions on its behalf. The ethics commission shall be composed of five members residing in the county appointed by the ad hoc ethic commission appointment panel. Two of the commissioners shall be appointed to serve two-year terms and shall be eligible for reappointment to one four-year term. The remaining three members of the ethics commission shall be appointed to serve one single nonconsecutive four-year term. All appointments thereafter shall be for ~~a single nonconsecutive~~ one four-year term. The panel shall select one member of the ethics commission to serve as chairperson of the commission for a two-year renewable term. Any action of the ethics commission shall require a quorum of three members.

(c) In selecting candidates for membership on the commission, the panel shall establish procedures relating to selection which at a minimum provide as follows:

(1) Acceptance of letters or applications of interest from anyone;

(2) Eliminates from consideration persons convicted of a felony or crime or moral turpitude; and

(3) Persons appointed to the ethics commission shall be of good moral standing and reputation.

(d) Persons appointed to the ethics commission shall have no conflicts of interest as defined in section 2-258 and shall be broadly representative of the diverse populace of the Wyandotte County.

(e) The ethics commission shall have the powers to recommend ways to improve the ethics code to the unified government board of commissioners.

(f) The ethics commission, through the office of the municipal court, may subpoena documents and witnesses before the ethics commission or to assist the ethics administrator in the investigation and resolution of complaints.

(g) Whenever requested ~~by a unified government representative,~~ or whenever it deems it in the public interest, the ethics commission shall render advisory opinions or request the ethics administrator to do so on its behalf, in writing, concerning questions of ethics, conflicts of interest, and the applicability of the code of ethics. Copies of the ~~opinion~~ opinions shall be ~~made available to~~ maintained by the ethics administrator and the legislative auditor and made available to the ~~unified government representative~~ person making such request and, in redacted form, to the mayor/chief executive officer (CEO) and the unified government board of commissioners and the county administrator as may be appropriate. Such ~~opinion~~ opinions may also be released to the public at the discretion of the ethics commission with such additional ~~omissions~~ redactions as may be necessary to protect the confidence and privacy of ~~any unified government representative~~ the person requesting the opinion.

(h) The ethics commission shall have the power to make recommendations to the district attorney who may initiate and investigate matters deemed appropriate.

(i) All persons covered by the jurisdiction of the ethics commission shall receive training to include familiarization with the ethics oath, ~~the ethics handbook~~ the code of ethics, and the general subject of local governmental ethics to be administered by the ethics administrator under the direction of the ethics commission.

(j) All unified government representatives, except employees shall, in a public place, take an ethics oath to be administered by a person authorized by law to administer an oath and sign the ethics pledge. All such oaths and pledges for elected or appointed officials shall be retained in the office of the legislative auditor.

(k) Members of the ethics commission shall be subject to the ethics code.

(l) Any commissioner appointed to the ethics commission shall be subject to removal by the ad hoc ethics commission appointment panel for cause found, after the panel meets with and interviews the commissioner and determines such removal is warranted or justified.

Sec. 2-255. Ethics administrator.

(a) The ethics administrator shall be appointed by the legislative auditor of the unified government on the basis of a contract and shall function on a part-time basis. The ethics administrator shall ~~maintain a fully operational telephone, internet and facsimile capability for the receipt of~~ monitor receipt of complaints, requests for advisory opinions, requests for information, and suggestions. The legislative auditor may delegate to the ethics administrator the authority to resolve minor ethical matters and questions. At the direction of the ethics commission, the ethics administrator may conduct all investigations of an alleged violation of the ethics code and provide verbal and written advisory opinions. In conducting such investigations or the preparation of advisory opinions, the ethics administrator, when deemed appropriate by the legislative auditor, shall have access to and use of the resources of the office of the legislative auditor, the office of the district attorney, the office of the mayor/chief executive officer, the office of the county administrator, the human resources department and all other unified government departments, including but not limited to the police, sheriff and legal departments.

(b) Compensation to the ethics administrator shall be in the form of billable hours not to exceed the amount usually budgeted for this purpose.

(c) The ethics administrator shall have the authority to recommend to the legislative auditor to discipline or censure those in violation of the ethics code. Disciplinary or censure ~~Censure~~ proceedings shall include, but not be limited to:

(1) A memorandum of private censure from the legislative auditor to the unified government representatives which shall be given to the unified government representative and a copy placed in a personal file of the official maintained in the legislative auditor's office or, in the case of an employee, in the personnel file of the employee with the unified government;

(2) A memorandum of public censure from the legislative auditor to the unified government representative which shall be given to the unified government representative and a copy posted on the unified government ethics website. Each such memorandum of public censure, once issued, shall remain posted on the unified government ethics website for a minimum of ninety (90) days or up to and including the remaining duration of an elected or appointed official's term(s) in office or the duration of an employee's employment with the unified government, depending on the nature and severity of the violation. The time period for postings shall be specifically set forth in the memorandum of public censure when issued.

(3) A memorandum of recommended removal from office from the legislative auditor to the appointing authority or authorities for any appointed board, commission or task force member.

~~(3)~~(4) The authority to recommend and have ~~impose~~ imposed upon a unified government employee by the legislative auditor upon recommendation to the county administrator an involuntary leave with or without pay pursuant to personnel policy and procedure;

~~(4)~~(5) The authority to recommend and have imposed upon a unified government employee by the legislative auditor's recommendation to the county administrator a verbal warning, written warning, demotion, or other administrative steps up to and including termination pursuant to personnel policy and procedure ~~as deemed necessary by the ethics administrator with the approval of the legislative auditor~~; and

~~(5)~~(6) Upon belief that the factual allegations support the reasonable belief that a crime may have been committed by a unified government representative, to recommend to the legislative auditor to refer the matter to the ~~to the~~ district attorney of the county for review and further action.

(7) With respect to the potential actions contemplated in subsections 1-3 above, prior to the imposition of the same, the legislative auditor and/or the ethics administrator, at the request of the legislative auditor, shall provide a copy of the proposed memorandum of censure or removal to the unified government representative and provide reasonable opportunity for provision of a response, either verbal or written, within three (3) business days of such provision after which such memorandum shall be issued unless grounds for change or revocation are found warranted. There shall be no further right of appeal or review under the UG Ethics Code. The ethics code does not contain any provision for removal of an elected official.

(8) In considering and determining the nature and extent of discipline or censure to be taken or recommended the following factors, including any others relevant to the particular factual situation, may be considered:

a) The nature and severity of the misconduct;

b) The duration of the misconduct;

c) The position and responsibilities of the alleged violator;

d) The amount of financial or other loss to the unified government, if any, as the result of the misconduct;

e) The value of anything that was received or sought;

f) The efforts taken by the alleged violator to either disclose and correct the misconduct, or to conceal it from, or otherwise deceive or mislead, other officials, employees, the ethics administrator, the ethics commission, or the public;

g) Whether the alleged violator in any way coerced or intimidated subordinates or colleagues into participating or failing to report the misconduct;

h) The costs incurred in enforcement;

i) Whether or not the alleged violator sought advice from the ethics commission or administrator and what the advice was;

j) Whether the violation appears to have been inadvertent, negligent or deliberate;

k) Whether the incident appears to have been singular or part of a pattern;

l) Whether a violation is a first violation, or the alleged violator has been found to have violated the provision or other provisions before;

m) Whether the conduct appears to have been induced, encouraged or aided by a superior, colleague, or someone outside of government;

n) Whether the alleged violator cooperated with the ethics administrator in terms of his or her own conduct or the conduct of others; or

o) Whether the alleged violator had prior notice or reason to believe, due to the handling of similar situations or training, that the conduct was prohibited.

(d) The ethics administrator shall be responsible for ethics training for all unified government representatives. Training shall be mandatory for all new unified government employees and newly elected and appointed officials within one year of their hiring or taking office. Additionally, unified government representatives shall undergo "refresher" ethics training at least once every three years at the direction of the ethics administrator.

(e) Matters assigned to or investigated by the ethics administrator shall be deemed personal or personnel matters and not disclosed to any person except the accused, the legislative auditor, ~~the county administrator,~~ and the ethics commission and when appropriate, the county administrator or the district attorney.

Sec. 2-256. Advisory opinions.

(a) Where a member of the public or a unified government representative has a doubt as to the applicability of any provision of this division to a particular situation, or as to the definition of terms used ~~here~~ herein, he may apply in writing to the ethics administrator for an advisory opinion. The requesting party shall have the opportunity to present the facts at issue and the applicability of provisions of the division before such advisory opinion is made. The ethics administrator may seek the advice and assistance of the unified government attorney where interpretation of the law is required and input, review and approval from the unified government ethics commission. The ethics administrator and the unified government attorney shall each respond within a reasonable period of time.

(b) No person who relies upon an advisory opinion rendered pursuant to this division may be found in violation of this division except where the person relying failed to produce or omitted material facts in the request for the advisory opinion.

(c) Such opinion, unless amended or revoked by the ethics administrator, shall be binding on the unified government in any subsequent actions concerning the unified government representative who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.

(d) Any advisory opinion issued at the direction of the ethics administrator shall be in writing and made available to the public upon request. However, the name of the person requesting the opinion, the names of the person or business entities mentioned in the opinion, and any factual information that would tend to identify the person or business entities shall be deemed confidential information and shall not be disclosed by the ethics administrator or legislative auditor.

Sec. 2-257. Distribution of ordinance/advisory opinions.

(a) The ethics administrator shall cause a copy of this division to be made available to every unified government ~~representatives~~ representative, candidate for a unified government office, and department head of the unified government. Each department head, at the direction of the ethics administrator, shall provide each employee with information about the provisions contained in this division or provide the employee with directions on obtaining a copy of it from the unified government ethics website.

(b) Each new unified government representative shall be furnished a copy of this division and required to read and sign a statement indicating that he has read or has had the opportunity to read the same.

(c) A copy of ~~these signed statements~~ the ethics pledges and oaths shall be kept by the ~~unified government clerk~~ legislative auditor for the elected officials~~,~~ and ~~by the legislative auditor~~ for other unified government representatives, except that the

department of human resources shall keep ~~them~~ the ethics pledges in the personnel files of each unified government employee.

Sec. 2-258. Conflicts of interest; prohibited interests.

(a) Except as provided in this section, no unified government representative shall have a substantial interest in or engage in any of the following activities:

(1) Any business entity regulated by or subject to the authority of that unified government representative or regulated by or subject to the authority of the unified government agency with which the unified government representative is affiliated;

(2) Any business entity that is negotiating or has entered into a contract to do business with the unified government;

(3) Any business entity that is receiving public grant money or funds directly from the unified government or as a pass through from state or federal agencies; or

(4) Solicit any funds or services from any known unified government vendor or contractor for any business entity in which the unified government representative has a substantial interest.

(b) The prohibition of subsection (a) of this section shall not apply to or prevent any unified government representative from:

(1) Having a substantial interest in a business entity that enters into a contract that is awarded as a result of competitive bidding or sealed bids under the ordinances and policies of the unified government or a contract between the successful bidder and its subcontractors, when the unified government representative's responsibilities and actions do not include participating on behalf of the unified government in any manner in the awarding, approval, formulation, or preparation of any such contract; or

(2) Having a substantial interest in a business entity or being associated with or employed by a business entity that represents or is employed by clients or others in transactions or matters before the unified government where the business entity is composed solely of members of a particular profession, including the ~~unified government~~ unified government representative, which are regulated by a code of ethics formally adopted by that profession; or

(3) Entering into contracts with the unified government pertaining to the acquisition of real estate or real estate interests by the unified government for any public purpose, when the amount of money to be paid by the unified government for the property involved does not exceed the value of the property as established by not

less than two competent real estate appraisers appointed by the unified government; or

(4) Appearing, without compensation, before any unified government agency or the unified government commission on behalf of constituents or in the performance of any public, official, or civic obligation or duty; or

(5) Accepting or receiving any benefit or facility which is provided for or made available to all citizens or residents or classes of citizens or residents under any housing or other general welfare legislation or in the exercise of the police power; or

(6) Holding stock or investing in or holding any investment in any business entity whose stock is owned or held on a broad basis by the general public, as long as such an interest constitutes less than three percent of the ownership or investment in the entity; or

(7) Having deposits of money in any banking institution made in the ordinary course of business.

Sec. 2-259. Conflicts of interest; disqualification.

(a) Except as permitted by state law or a unified government ordinance, ~~the~~ a unified government representative shall be disqualified and shall not participate in any matter before the unified government agency with which the unified government representative is affiliated, except in the exercise of an administrative duty or ministerial act which does not affect the disposition or decision, if, to the unified government representative's knowledge, the unified government representative, the unified government representative's spouse, parent, child, brother, or sister may be affected by the result or if any of the following may be affected by the result:

(1) Any business entity in which the unified government representative has an interest or in which the unified government representative knows any of the relatives listed in this section has an interest;

(2) Any business entity in which the unified government representative is an officer, director, trustee, partner, or employee or in which the unified government representative knows any of the relatives listed in this section holds such position; however, if the business entity involved is a non-profit entity from which the unified government representative or any of the relatives listed in this section receives no personal financial renumeration of any kind, the unified government representative may participate and vote so long as the unified government representative, prior to such participation or vote, publicly discloses the full nature and extent of any relationship with the entity and any and all involvement

or connection with the matter before the commission, board, panel or task force addressing the matter;

(3) Any business entity with which the unified government representative or, to the unified government representative's knowledge, any of the relatives listed in this section is negotiating or has any arrangement concerning prospective employment;

(4) Any business entity which is party to an existing contract with ~~such a~~ the unified government representative, or which the unified government representative knows is a party to a contract with any of the relatives listed in this section, if the contract could reasonably be expected to result in a conflict between the private interests of a unified government representative and his or her official duties;

(5) Any business entity, either engaged in a transaction with the unified government regulated by or subject to the authority of a unified government agency with which the unified government representative is affiliated, or in which a direct financial interest is owned by another business entity in which the unified government representative has a direct financial interest;

(6) Any business entity which is a creditor or obligee of the unified government representative, or which the unified government representative knows is a creditor or obligee of any of the relatives listed in this section, with respect to a thing ~~or~~ of economic value and which is in a position to affect directly and substantially the interest of the unified government representative or any of the relatives listed in this section.

(b) If a disqualification pursuant to subsection (a) of this section leaves ~~anybody~~ any entity with less than a quorum capable of acting, or if the disqualified unified government representative is required by law to act or is the only person authorized to act, the disqualified person shall publicly fully disclose the nature and circumstances of the conflict and may participate or act, provided that such action is first approved by the unified government commission, a unified government agency, or ethics administrator as under the circumstances may be appropriate.

(c) Nothing in this section shall prohibit a unified government representative, after full disclosure or recusal or non-participation on a specific matter based on the above stated provisions, from voting on the general budget which may include an allocation for such an entity or matter.

(d) Subsection (a) shall not apply or disqualify a unified government representative from knowingly doing any of the following, so long as the unified government representative provides full and complete public disclosure of the nature and extent of the interest at the time of the vote or at such time as the unified government representative becomes aware of the interest:

(1) Holding stock or investing in or holding any investment in any business entity or mutual fund whose stock is owned or held on a broad basis by the general public, as long as such an interest constitutes less than five percent of the ownership or investment in the entity;

(2) Having deposits of money in any banking institution made in the ordinary course of business, or

(3) Accepting or receiving any financial benefit or extension of credit in the excess of $5,000.00, which is provided for or made available to all citizens or residents, or classes of citizens or residents.

Sec. 2-260. Employment restrictions.

(a) A unified government representative~~, except a member of the unified government board of commissioners,~~ shall not be employed ~~at the same time as~~ by the unified government ~~representative is employed by the unified government~~ or shall not, within one year of terminating representation with the unified government, also be employed by:

(1) Any business entity regulated by or subject to the authority of that unified government representative or regulated by or subject to the authority of the unified government agency with which such ~~person~~ unified government representative is or was affiliated; or

(2) Any business entity that is negotiating or has entered a contract to do business with a unified government agency with which the unified government representative is or was affiliated.

This prohibition does not apply to an official who is appointed pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to it.

(b) A former unified government representative, except a former member of the unified government board of commissioners, shall not assist or represent a party other than the unified government in a case, contract, claim, charge, or controversy or other specific matter involving the unified government if that matter is one in which the unified government representative personally and significantly participated as a unified government representative.

(c) A unified government representative shall not assist or represent a party for contingent compensation in any matter before or involving any unified government agency other than in a judicial or quasi-judicial proceeding.

(d) A former unified government representative, unless the former unified government representative's last annual salary did not exceed $25,000.00, shall not sell or attempt to sell supplies, services, or construction to the unified government for one year following

the date employment ceased. The term "sell," as used in this subsection, means signing a bid, proposal, or contract, negotiating a contract, contacting any unified government representative for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract, settling disputes concerning performance of a contract, or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefore is subsequently negotiated by another person; provided, however, that this section is not intended to preclude a former unified government representative from accepting employment with private industry solely because the former unified government representative's new employer is a contractor with the unified government, nor shall a former unified government representative be precluded from serving as a consultant to the unified government.

(e) A former unified government employee may, within one year of terminating their employment, respond to and be awarded a contract as a result of a public request for proposal, bid, notice of need, request for qualification, or similar public solicitation.

Sec. 2-261. Solicitation or acceptance of gifts.

(a) A unified government representative shall not solicit any gift or knowingly accept any gift, directly or indirectly, from any person that the unified government representative knows or has reason to know:

(1) Is doing business with ~~the,~~ the unified government representative, the unified government board of commissioners or a member thereof, or as to the unified government representative, with their agency; or

(2) Has a financial interest that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the unified government representative's duty.

(b) Unless a gift of any of the following would tend to call into question the impartiality and the independence of judgment of the unified government representative receiving it or, if of significant value, would give the appearance of doing so, or, if of significant value, the recipient unified government representative believes, or has reason to believe, that it is designed to do so, subsection (a) of this section does not apply to:

(1) Meals and beverages;

(2) Ceremonial gifts or awards;

(3) Unsolicited gifts of nominal value or trivial items of informational value;

(4) Reasonable expenditures for food, travel, lodging, and scheduled entertainment of the unified government representative and spouse for a meeting, that are made in return for participation in a panel or speaking engagement at the meeting;

(5) Gifts of tickets or free admission extended to ~~an~~ a unified government representative to attend a professional or intercollegiate sporting event or charitable, cultural, or political event, if the purpose of such gift or admission is a courtesy or ceremony extended to the unified government representative's office;

(6) A specific gift or class of gifts which the ethics administrator exempts from the operation of this section upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the unified government and that the gift is purely personal and private in nature;

(7) Gifts from a person related by blood, marriage, or a member of the household; or

(8) Honoraria.

(c) The ethics administrator may by advisory opinion define further exemptions from this section as necessary or that are consistent with business practices generally.

Sec. 2-262. - Gratuities and kickbacks.

(a) *Gratuities.* In addition to violating any other ordinance or any state or federal criminal statute, it shall be a violation of this division and a breach of ethical standards for any person to offer, give, or agree to give any unified government representative or ~~former,~~ former unified government representative or for any unified government representative or former unified government representative to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase requisition, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, proceeding, or application, request for ruling, determination of any claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefore.

(b) *Kickbacks.* In addition to violating any other ordinance or any state or federal criminal statutes, it shall be a violation of this division and a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a contractor, a subcontractor under a contract or order to the prime contractor or higher tier subcontractor, or any person associated therewith, as an inducement for the award of a contract, subcontract, or order.

(c) *Contract clause.* The prohibition against gratuities and kickbacks contained in this section shall be conspicuously set forth in every contract and solicitation therefore.

Sec. 2-265. Prestige of office.

(a) A unified government representative shall not intentionally use the prestige of the unified government representative's office for the unified government representative's own private gain or that of ~~another~~ another, except as may be permitted under this division.

(b) The performance of usual and customary constituent services as "usual and customary" is defined in Sec 2-253, or employment duties, without additional compensation, does not constitute the use of the prestige of office for a unified government representative's private gain or that of another.

(c) The gain of another referred to in subsection (a) of this section is not limited to private gain.

(d) It is the personal responsibility of each unified government representative to avoid any misuse of the prestige of office. Upon request, the ethics administrator may provide an advisory opinion to ensure proper compliance with this section.

Sec. 2-266. Nepotism.

~~No person shall be employed by the unified government if that person's spouse, child, sibling, or parent is the mayor/chief executive officer (CEO), a commissioner on the unified government board of commissioner or an employee in or assigned to the office of the mayor/chief executive officer (CEO), unified government board of commissioners, the unified government administrator, except that no person employed by the unified government prior to the adoption or substantive amendment of this provision shall be terminated for a violation of this section and, provided further, that no person employed by the unified government and becoming the spouse of another unified government employee after employment of both by the unified government shall be terminated for a violation of this section.~~

(a) Prohibitions of Hiring

(1) A unified government representative shall not appoint or hire or participate in influencing the appointment or hiring of that representative's spouse, child, sibling, parent, or household member for any type of employment, including by contract (unless competitively bid), except in accordance with instructions and advice received from the Ethics Commission in a written advisory opinion.

(2) "Household member" means persons having legal residence in or those presently living together at the same place of residence.

(b) Prohibitions of Supervision/Advocacy

(1) A unified government representative shall not participate in any matter as part of his or her public duties if he or she has reason to believe or expect that any person within his or her family or any household member, as described in subsection (a) of this section, is a party to or a participant in such matter, or will

derive a direct monetary gain or suffer a direct monetary loss, or obtain an employment advantage, as the case may be.

(2) A unified government representative shall not participate in the direct supervision, evaluation, appointment, classification, promotion, transfer or discipline of any person within the representative's family or household, as described in subsection (a) of this section, in the office in which the unified government representative is serving or over which he or she exercises fiscal or jurisdictional control, except in accordance with instructions and advice received from the Ethics Commission in a written advisory opinion.

(c) Participation in Budgets.

(1) *Specific Line Items.* In addition to the prohibitions set forth in Sec. 2-259, a unified government representative may not participate in discussion or decision-making relative to a budgetary line item that addresses or affects the employment, compensation, or benefits of any person within the unified government representative's family or household, as described in subsubsection (a) of this section, except in accordance with particular instructions and advice received from the Ethics Commission in a written advisory opinion.

(2) *Vote on Entire Budget.* Notwithstanding the prohibitions set forth in Sec. 2-259, a unified government representative may participate in discussion or decision-making relative to approving or rejecting the entire budget as a whole, provided that the person within the unified government representative's family or household, as described in subsection (a) of this section, is impacted by the entire budget as a resident of Wyandotte County/Kansas City, Kansas as a whole, and not individually or to any greater extent than any other similarly situated resident of Wyandotte County/Kansas City, Kansas.

Sec. 2-267. Permitted and prohibited political activities.

(a) *Application to unified government representatives.*

(1) The provisions of this section apply to all full-time, part-time, and temporary unified government representatives in both classified and unclassified positions, except that the provisions of subsections (c)(2), (c)(3), (c)(5) and (c)(7) shall not apply to any person employed pursuant to the authority of the mayor/chief executive officer (CEO) as an administrative assistant.

(2) Employees in activities which are funded in whole or in substantial part by federal funds have the additional restrictions of federal law pursuant to 5 USC §1501 *et seq*. (hereafter referred to as the "Hatch Act"), and may be prohibited from taking an active part in the unified government, county, state or national elections. The

unified government's human resources department shall maintain a listing of positions subject to the Hatch Act.

(b) *Permitted political activities.* Activities listed in this section are permitted for the unified government representatives on their own time or in accordance with declared policies of the unified government. These activities apply to county, state, and national elections and to municipal elections outside the unified government.

(1) Each unified government representative, including an official or employee subject to the Hatch Act, may:

a. Register and vote in any election;

b. As an individual, privately and publicly express an opinion on political subjects and candidates;

c. Be a member of a political party and participate in its activities consistent with this division;

d. Sign a political nomination or recall petition as an individual;

e. Make a financial contribution to a political party or candidate;

f. Participate in connection with a question that is not specifically identified with a political party, such as a constitutional amendment, referendum, or issue of similar character; or

g. Display bumper stickers, posters, banners, or pamphlets on private property for the endorsement of candidates or issues.

(2) In addition, except as otherwise provided in this division, a unified government representative who is not subject to the Hatch Act may:

a. Take an active part in the work and management of any political campaigns;

b. Solicit, receive, or account for funds for a political purpose;

c. Solicit votes in support of, or in opposition to, a political party's office;

d. Initiate or circulate nominating or recall petitions;

e. Serve as a delegate, alternate, or proxy to a political party convention;

f. Drive voters to the polls on behalf of a political party or candidate;

g. Endorse or oppose a candidate for public or political office in a political advertisement, broadcast, campaign literature, or similar material;

h. Seek election to political office as provided in subsection (d) of this section.

(c) *Prohibited political activities.*

(1) *Compelled or coerced political activity.* No unified government representative shall be required to participate in or contribute to any political campaign. A unified government representative shall not be subject to direct or indirect political influence or coercion, and political affiliation or support is not a condition of employment with the unified government.

(2) *Prohibited voluntary political activity—Employment related practices.* No unified government representative while utilizing equipment or materials of the unified government, while in a uniform normally identified with the unified government or while representing himself of herself as an employee of the unified government, except insofar as such representation is necessary for a candidate for public office to disclose a past and current employment status with the unified government shall:

a. Distribute campaign literature;

b. Give, solicit or receive contributions or subscriptions;

c. Promise or perform political services; ~~or~~

d. Sign or circulate petitions for or on behalf of or in opposition to any candidate for public office~~.~~; or

e. Produce, authorize and/or forward social media communication (i.e., email, Facebook, Twitter, etc.) to a personal computer or to others on a unified government computer or using unified government title or resources that advocates the nomination, election, support, or defeat of any identified political candidate or political issue.

(3) *Prohibited voluntary political activity—Elections.* No official or employee of the unified government shall do any of the following:

a. Remain a unified government representative if the unified government representative is a successful candidate for elective office as mayor/chief executive officer, or commissioner on the board of commissioners for the unified government. Such unified government employee or official shall resign his or her employment or appointment on or before the date of his or her swearing into office. If such unified government representative does not resign his or her employment or appointment by such date, such employment or appointment shall be terminated on that date by the county administrator. ~~Be a candidate for elective office as mayor or commissioner on the board of commissioners on the unified government unless that person resigns from employment prior to filing or declaring a candidacy for said elective office with the unified government, or be a member of the ethics commission upon filing or declaring a candidacy for said elective~~

~~office.~~ Exempted from the application of this provision is any person appointed as an official to all other unified government commissions, committees, boards, task force, or other unified government bodies or agencies and all persons holding positions designated by the unified government consolidation plan which includes the incumbent mayor/chief executive officer and the unified government board of commissioners.

b. Circulate petitions initiating a referendum adopting, altering, or repealing a form of government of the unified government, providing for unified government officers, their manner of selection or term of office, electing to be or not to be a particular form of government, or otherwise mandating or advising elected representatives of the unified government.

c. Contribute more than the monetary limits established in K.S.A. 25-4153(a)(2) ~~$25.00~~ to the primary campaign or the general campaign of any candidate for elected unified government office or in support of or opposition to any referendum of the type described in subsection (c)(3)b of this section..

(4) *Use of official authority, solicitation of funds.* No unified government representative may use his or her official authority to solicit funds or receive contributions from other officials or employees for political purposes.

(5) *Bumper stickers, posters, banners or pamphlets, buttons.* Bumper stickers, posters, banners, pamphlets, and buttons may not be displayed on unified government vehicles, property, or by an individual on a unified government work site, or in a uniform normally identified with the unified government. However, such articles may be displayed on private vehicles parked in employee parking areas.

(6) *Activities prohibited on duty, on unified government property, and/or in uniform.* Activities permitted in subsection (b)(2) of this section are prohibited when a unified government representative is on duty, including break periods. Such activities are also prohibited on unified government property and when unified government representative is in a uniform normally identified with the unified government.

(7) *Use of official title or designation of employment.* A unified government representative shall not use an official unified government title or designate employment with the unified government in political advertisements, endorsements, or speeches. Nothing in this section shall be construed to limit the mayor/chief executive officer (CEO) or any other employee acting at the direction of the commission from making statements on behalf of the unified government to local, regional, state, or federal legislative, executive, or administrative bodies, media representatives, or other interested persons or groups. Further, nothing herein shall be construed as prohibiting any person from performing a service on

behalf of a person holding elective office in connection with the performance of that elected official's public duties. Further, nothing herein shall be construed as prohibiting an incumbent unified government elected official from using his or her title in campaign materials, signage, or public announcements or speeches in his or her own re-election campaign.

(d) *Candidate for elective office.*

(1) A unified government representative may seek election to a political office. During this campaign, the unified government representative shall not use an official unified government title in the political campaign other than for historical or background purposes, nor shall the person's official authority be used to affect the result of the election. In the case of an incumbent official, nothing shall prevent that official from using his or her title in campaign materials, signage, public announcements or speeches in his or her re-election campaign. If elected to political office, and such office is clearly inconsistent, incompatible, in conflict with, or inimical to the unified government representative duties as a unified government employee, the unified government representative shall terminate his or her unified government position prior to assuming the elected position.

(2) A unified government representative may be a candidate for a board such as, but not limited to, a school board or a library board while retaining active unified government employment and, if elected, may retain the unified government position.

(3) An official or employee who becomes a candidate for mayor or commissioner on the board of commissioners of the unified government shall be terminated ~~upon the declaration of candidacy or filing of candidacy, whichever occurs first, unless said employee or official resigns prior thereto~~ by the county administrator on the date of his or her swearing into said office if he or she is the successful candidate in the election and has not resigned. Excluded from this prohibition are the individuals holding the positions of mayor/chief executive officer and commissioner on the unified government board of commissioners running for re-election.

(4) A unified government representative subject to the Hatch Act may not be a candidate for elective office unless permitted under federal law.

(5) A unified government representative may be a candidate for precinct committee positions or officer of a political party without taking an unpaid leave.

Sec. 2-269. Unified government representatives violating code.

Any unified government representative found by any court of competent jurisdiction or the ethics commission to have violated the provisions of this division, the Ethics Pledge, or the Ethics Oath may be subject to discipline as determined by the ethics commission in accordance with the provisions of this division.

Sec. 2-271. Ethics pledge for unified government representatives of the Unified Government of Wyandotte County/Kansas City, Kansas.

Ethics pledge for elected officials, ~~candidates~~ unified government officials, and employees of the Unified Government of Wyandotte County/Kansas City, Kansas:

I hereby pledge to adhere, to the best of my ability, to the following code of ethics.

1. I will perform all of my ethical and legal duties, including those specified in this code of ethics in good faith, interpreting them with integrity, sincerity, and a commitment to advance rather than evade or circumvent their spirit and purposes.

2. I will treat my office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

3. I will not reveal confidential or sensitive governmental information, either anonymously or with personal attribution, unless I have good faith belief that there is a compelling public interest in revealing the information.

4. I will neither seek nor accept any form of personal benefit for performing my duties promptly, efficiently or fairly, or for the exercise of appropriate but discretionary representational authority.

5. I will take steps to assure that constituents and others who may be affected by public policies have a fair and equal opportunity to express their concerns, grievances and ideas without regard to their willingness or ability to provide me with personal benefits or political support.

6. I will not use public employees on governmental time or government property for private benefit.

7. I will not use, or allow others to use, the authority, title, or prestige of my office for the attainment of private financial, social or political benefits in any manner that is inconsistent with public interests.

8. I will not, during or after the term of my office, engage in any act or transaction which reasonably appears to sell or lend the stature and prestige of my office or otherwise creates a general perception that I have exploited my public position for private gain, or the gain of another.

9. I will not use or seek to use public facilities or employees, on government time, for political party activities, campaigning, fund raising, or other partisan or personal political activities.

10. I will not accept gratuities or engage in financial relationships that might reasonably be construed to affect my judgment or actions.

Signed: _____

Dated: _____

Section 2. That the original sections 2-251, 2-253, 2-254, 2-255, 2-256, 2-257, 2-258, 2-259, 2-260, 2-261, 2-262, 2-265, 2-266, 2-267, 2-269, and 2-271 are hereby repealed.

Section 3. This ordinance shall take effect and be in full force after its passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____ DAY OF _____, 2023.

_____

Tyrone A. Garner

Mayor/CEO

ATTEST:

_____

Unified Government Clerk

Approved as to form:

_____

Misty Brown, Chief Counsel

Tracking ID: 21443

Report to

MEETING DATE	PRESENTER	DEPARTMENT
NOV 18 2024	Wendy Medina, Program Supervisor, Victim Services Unit wmedina@kckpd.org x5656	Police Department

AGENDA ITEM #

RESOLUTION: KANSAS CITY KANSAS POLICE DEPARTMENT VICTIM SERVICES FY25 VAWA

BACKGROUND

Adoption of a resolution to submit an application for Victim Services FY25 VAWA grant. 25% match comprised of already existing budgets.

- Seeking approval to apply for Violence Against Women's Act grant (VAWA) for FY 25
- Federal request is $109,775.33
- Will require 25% match of $37,277 ($37,277 out of $39,332 generated from 15% of existing salaries of Capt. Smith and Capt. Yarsulik's based on their time dedicated to the project will be reported as in-cash match.)
- No new funds are being requested from UG.
- VAWA FY 24 cycle ends Dec. 31, 2024
- Continued funding required for the lethality assessment program
- Continued funding for Program Coordinator's salary and fringe benefits
- Continued funding for training/travel, office supplies, crisis intervention supplies, professional Zoom, victim database software VELA, and emergency hotel/transportation for victims
- Applying for VAWA grant via KS Governor's Grants Office
- VAWA Solicitation is expected to open in November and deadline in December
- Support use of multi-disciplinary teams, High Risk Team (HRT) and Coordinated Community Response (CCR), to enhance robust response and safety outcomes for DV victims
- Officers can continue to implement lethality assessments in the field to secure immediate advocacy and confidential shelter via partnership with Friends of Yates
- Program impact in 2024: Jan 1 - TYD to present there have been 646 Lethality Assessments (High Risk- 254, Elevated -203 and Declined -189.) The High Risk Team has looked at 68 cases in total and provided in depth services. The CCR was created.

RECOMMENDATION

Approve

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

25% in-cash match comprised of existing budgets from two captain salaries that dedicate time to project (Capt. S.Smith and Capt. Yarsulik). Nothing new is being requested from the UG
IT/POLICY CONSIDERATIONS
PROCUREMENT CONSIDERATIONS
LEGAL CONSIDERATIONS
ATTACHMENTS
VAWA Grant Resolution 111224 v3, Commission Action Report, 2025 VAWA Solicitation

Approved by Mayor and/or Chair and Administrator to add to agenda.

11/13/2024

RESOLUTION NO. _____

A RESOLUTION authorizing the Kansas City, Kansas Police Department through the Unified Government of Wyandotte County/Kansas City, Kansas to submit an application to the Kansas Governor's Office for its federal S.T.O.P. Violence Against Women Act grant and to accept and administer such grant.

WHEREAS, the Kansas Governor's Office administers the federal S.T.O.P. Violence Against Women Act grant; and

WHEREAS, an application has been prepared to request funding for personnel, training and supplies to provide services to victims of domestic violence including continuation of the lethality assessment program and support of the Coordinated Community Response (CCR) and High Risk Team (HRT); and

WHEREAS, the amount sought for the grant is estimated to be $109,776.00, with a matching amount required of twenty-five percent (25%) for a total estimated project value of $146,368.00.

NOW, THEREFORE, **BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

1. That the Unified Government of Wyandotte County/Kansas City, Kansas is authorized to submit an application for the federal S.T.O.P. Violence Against Women Act grant.

2. That the County Administrator and/or his or her designee is hereby authorized to accept such grant if awarded, on behalf of the Unified Government and to take the steps he or she deems necessary to fulfill the conditions of the grant and execute documents in furtherance of the application and/or grant.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,

THIS _____ DAY OF _____, 2024.

_____

Unified Government Clerk

Commission Agenda Item Report

Title: FY25 VAWA Application by KCKPD

Proposed Agenda Date: November 18, 2024 PWS Standing Committee

Presented by: Wendy Medina, Ramat Abanishe, Capt. Katie Yarsulik KCKPD

BACKGROUND:

- Seeking approval to apply for Violence Against Women's Act grant (VAWA) for FY 25
- VAWA FY 24 cycle ends Dec. 31, 2024
- Continued funding required for the lethality assessment program
- Continued funding for Program Coordinator's salary and fringe benefits
- Applying for VAWA grant via KS Governor's Grants Office
- VAWA Solicitation is expected to open in November and deadline in December
- Support use of multi-disciplinary teams, High Risk Team (HRT) and Coordinated Community Response, to enhance robust response and safety outcomes for DV victims
- Officers can continue to implement lethality assessments in the field
    - Immediate advocacy and confidential shelter via partnership with Friends of Yates
- Program impact in 2024: Jan 1 - TYD to present there have been 646 Lethality Assessments (High Risk- 254, Elevated -203 and Declined -189.) The High Risk Team has looked at 68 cases in total and provided in depth services.

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS:

- Federal request is $109,775.33
- Will require 25% match of $37,277 ($37,277 out of $39,332 generated will be reported)
- Match is comprised of 15% of existing portions of Capt. Smith and Capt. Yarsulik's based on their time dedicated to the project. No new funds are being requested.

POLICY CONSIDERATIONS:

PROCUREMENT CONSIDERATIONS:

LEGAL CONSIDERATIONS:

RECOMMENDED ACTION:

- Approve

COUNTY ADMINISTRATION COMMENTS:

MAYOR AGENDA DIRECTION:

Kansas Governor's Grants Program

V
A
W
A

FEDERAL S.T.O.P. VIOLENCE AGAINST WOMEN ACT GRANT

Calendar Year 2025
Grant Solicitation

APPLICATION DEADLINE:

SUBMIT BY 11:59 p.m. December 10, 2024
IN THE GRANT PORTAL

For questions regarding application requirements, please contact the Kansas Governor's Grants Program (KGGP) at 785-291-3205 or kggp@ks.gov.

Federal S.T.O.P. Violence Against Women Act Grant Guidelines

Overview

The following information provides guidelines and requirements specific to the Federal Services*Training*Officers*Prosecutors Violence Against Women Formula Grant Program (S.T.O.P. VAWA). The S.T.O.P. VAWA grant was established through the 1995 Violence Against Women Act and subsequent Reauthorization Acts. The S.T.O.P. VAWA supports communities in their efforts to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women; develop and strengthen victim services in cases involving violent crimes against women; and promote a coordinated community response to victims of domestic violence, dating violence, sexual assault/rape, and stalking.

According to federal guidelines, the allocation of funds must meet the parameters outlined below.

- A minimum of 25 percent for law enforcement, 25 percent for prosecution, 5 percent to courts, and 30 percent for nonprofit, community, and faith-based victim service organizations. The remaining 15 percent may be allocated at the discretion of the Kansas Governor's Grants Program (KGGP) within the parameters of the Federal S.T.O.P. VAWA guidelines.
- Within the 30 percent of funds allocated to victim services, a minimum of 10 percent will be distributed to culturally specific community-based organizations, defined as organizations providing services that are "primarily directed toward racial and ethnic minority groups."
- A minimum of 20 percent of funds will be allocated to projects that meaningfully address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship.
- No more than 5 percent of funds may be used to conduct public awareness or community education campaigns or related activities to broadly address domestic violence, dating violence, sexual assault, or stalking (project purpose area number 20).

Grant awards are made to communities where applicants can demonstrate work with criminal justice agencies and victim service providers in responding to victims' needs and holding offenders accountable for their actions. Available grant funds may be awarded to units of state and local government; Native American Tribes; and nonprofit, community, or faith-based organizations, including underserved and culturally specific populations. Nonprofit, community, or faith-based organizations must be registered with the Kansas Secretary of State and have proof of exempt status as determined by the Internal Revenue Service.

Requirement

If funded, organizations will be required to implement a policy regarding response to workplace-related incidents of sexual misconduct, domestic violence, and dating violence involving an employee, volunteer, consultant, or contractor. Upon request, Subgrantees will be required to

provide a copy of the policy to KGGP staff. Additional information can be found here: https://www.justice.gov/ovw/page/1295756/download.

Funding Availability and Grant Project Period

The amount of funds available for grant awards is approximately **$3.5 million**. Grant projects funded by this S.T.O.P. VAWA grant program shall be for a period of 12 months from January 1, 2025, to December 31, 2025. Any funds not obligated by December 31, 2025, must be returned to the KGGP.

Grant Application Deadline

Grant applications must be submitted via the Grant Portal **by 11:59 p.m. December 10, 2024**.

Kansas Implementation Plan

The 2022-2025 Kansas Implementation Plan was developed to help guide the direction of the S.T.O.P. VAWA grant program. Applicants should review the Kansas Implementation Plan and ensure its S.T.O.P. VAWA grant proposal reflects the guiding principle, critical priorities, and strategies.

2022 VAWA Reauthorization: New and Revised Definitions

Abuse in Later Life (new): The term "abuse in later life" means (1) neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim; or (2) domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual. "Abuse in later life" does not include self-neglect.

Court-based Personnel (new): The terms "court-based personnel" and "court-related personnel" mean individuals working in the court, whether paid or volunteer, including (1) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process; (2) court security personnel; (3) personnel working in related, supplementary offices or programs (such as child support enforcement); and (4) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

Domestic Violence (revised): The term "domestic violence" includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim, under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse, or sexual abuse or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is (1) a current or former spouse or intimate

partner of the victim, or person similarly situated to a spouse of the victim; (2) is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (3) shares a child in common with the victim; (4) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Economic Abuse (new): The term "economic abuse," in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to (1) restrict a person's access to money, assets, credit, or financial information; (2) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or (3) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

Female Genital Mutilation or Cutting (new): The term 'female genital mutilation or cutting' has the meaning given such term in section 116 of title 18, United States Code as follows:

> (a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.
> (b) A surgical operation is not a violation of this section if the operation is—
> (1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or
> (2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.
> (c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that person, or any other person, that the operation is required as a matter of custom or ritual.

Forced Marriage (new): The term "forced marriage" means a marriage to which one or both parties do not or cannot consent, and in which one or more elements of force, fraud, or coercion is present. Forced marriage can be both a cause and a consequence of domestic violence, dating violence, sexual assault, or stalking.

Homeless (revised): The term "homeless" means an individual who lacks a fixed, regular, and adequate nighttime residence, and includes an individual who is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason. An individual who is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations are also considered homeless. Persons living in emergency or transitional shelter are also examples of homelessness. Abandoned individuals in a hospital or awaiting foster care placement are also considered homeless. An individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, or migratory children (as defined in 20 U.S.C. § 6399) who qualify as homeless

under 34 U.S.C. § 12473(6) because the children are living in circumstances described in this paragraph, are also considered to be homeless. (See 34 U.S.C. §§ 12291(a)(17), 12473(6).)

Legal Assistance (revised): The term "legal assistance" means assistance provided by or under the direct supervision of a person described in subparagraph (A) to an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking relating to a matter described in subparagraph (B).

(A) Person described. A person described in this subparagraph is— (1) a licensed attorney; (2) in immigration proceedings, a Board of Immigration Appeals accredited representative; (3) in claims of the Department of Veterans Affairs, a representative authorized by the Secretary of Veterans Affairs; or (4) any person who functions as an attorney or lay advocate in tribal court.

(B) Matter described. A matter described in this subparagraph is a matter related to (1) family divorce, parental rights, child support, Tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative, education, healthcare, privacy, contract, consumer, civil rights, or protection or stay away order or other injunctive proceedings, related enforcement proceedings, and other similar matters; and (2) criminal justice investigations, prosecutions and post-trial conviction matters (including sentencing, parole, probation) that impact the victim's safety and privacy or other interests as a victim; (3) alternative dispute resolution, restorative practices, or other processes intended to promote victim safety, privacy, and autonomy, and offender accountability, regardless of court involvement; or (4) with respect to a conviction of a victim relating to or arising from domestic violence, dating violence, sexual assault, stalking, or sex trafficking victimization of the victim, post-conviction relief proceedings in State, local, Tribal, or territorial court.

(C) Intake or referral. Intake or referral, by itself, does not constitute legal assistance.

Restorative Practice (new): The term "restorative practice" means a practice relating to a specific harm that:

(A) is community-based and unaffiliated with any civil or criminal process;

(B) is initiated by a victim of the harm;

(C) involves, on voluntary basis and without any evidence of coercion or intimidation of any victim of the harm by any individual who committed the harm, or anyone associated with any such individual; 1 or more individuals who committed the harm; one or more victims of the harm; and the community affected by the harm through one or more representatives of the community;

(D) shall include and has the goal of (1) collectively seeking accountability from one or more individuals who committed the harm; (2) developing a written process whereby one or more individuals who committed the harm will take responsibility for the actions that caused harm to one or more victim of the harm; and (3) developing a written course of action plan that is responsive to the needs of one or more victims of the harm; and upon which one or more victims, one or more individuals who committed the harm, and the community can agree; and

(E) is conducted in a victim services framework that protects the safety and supports the autonomy of one or more victims of the harm and the community.

Technological Abuse (new): The term "technological abuse" means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of information technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

Victim Services (revised): The terms "victim services" and "services" means services provided to victims of domestic violence, dating violence, sexual assault, or stalking, including telephonic or web-based hotlines, legal assistance and legal advocacy, economic advocacy, emergency and transitional shelter, accompaniment and advocacy through medical, civil or criminal justice, immigration, and social support systems, crisis intervention, short-term individual and group support services, information and referrals, culturally specific services, population specific services, and other related supportive services.

Use of Grant Funds

NOTE REGARDING SERVICE POPULATION: S.T.O.P. VAWA funds should be used for projects that serve or focus on adult and youth (age 11-24) women and girls who are victims of domestic violence, dating violence, sexual assault, or stalking. In general, victims served with S.T.O.P. VAWA funds must be adults or youth. S.T.O.P. VAWA funds may also support "complementary new initiatives and emergency services for victims and their families." For example, S.T.O.P. VAWA funds may support services for secondary victims such as children who witness domestic violence.

Grant funds may only be used for one or more of the following federal grant project purposes:

1. Training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking, including the appropriate use of nonimmigrant status under subparagraphs (T) and (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. §1101(a)).

2. Developing, training, or expanding units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking.

3. Developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking, as well as the appropriate treatment of victims.

4. Developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying, classifying, and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking.

5. Developing, enlarging, or strengthening victim services and legal assistance programs, including domestic violence, dating violence, sexual assault, and stalking programs, developing or improving delivery of victim services and legal assistance to underserved populations, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of domestic violence, dating violence, sexual assault, and stalking.

6. Developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking.

7. Supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by state funds, to coordinate the response of state law enforcement agencies, prosecutors, courts, victim services agencies, and other state agencies and departments, to violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking.

8. Training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault.

9. Developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of individuals 50 years of age or over, individuals with disabilities, and Deaf individuals who are victims of domestic violence, dating violence, sexual assault, or stalking, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, legal assistance, and other victim services to such individuals.

10. Providing assistance to victims of domestic violence and sexual assault in immigration matters.

11. Maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families including rehabilitative work with offenders.

12. Supporting the placement of special victim assistants (to be known as "Jessica Gonzales Victim Assistants") in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica

Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities:

- Developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including the use of evidence-based indicators to assess the risk of domestic and dating violence homicide and prioritize dangerous or potentially lethal cases;
- Notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;
- Referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and
- Taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order.

13. Providing funding to law enforcement agencies, nonprofit nongovernmental victim services providers, and state, tribal, territorial, and local governments (to be known as the Crystal Judson Domestic Violence Protocol Program) to promote:

- Development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as "Crystal Judson Victim Advocates," to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;
- Implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies such as the model policy promulgated by the International Association of Chiefs of Police ("Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project" July 2003); and
- Development of such protocols in collaboration with state, tribal, territorial, and local victim services providers and domestic violence coalitions.

NOTE: Any law enforcement, state, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program shall, on an annual basis, receive specialized training from domestic violence and sexual assault nonprofit organizations on the topic of incidents of domestic violence committed by law enforcement personnel and, once every two years, provide a report of the adopted protocol to the U.S. Department of Justice, including a summary of progress in implementing such protocol. The KGGP must notify and provide the Office on Violence Against Women (OVW) with a list of subgrantee recipients awarded S.T.O.P. VAWA funds under the Crystal Judson Domestic Violence Protocol Program and ensuring all subgrantees satisfy the requirements of this paragraph.

14. Developing and promoting state, local, or tribal legislation and policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking.

15. Developing, implementing, or enhancing Sexual Assault Response Teams, or other similar coordinated community responses to sexual assault.

16. Developing and strengthening policies, protocols, best practices, and training for law enforcement agencies and prosecutors relating to the investigation and prosecution of sexual assault cases and the appropriate treatment of victims.

17. Developing, enlarging, or strengthening programs addressing sexual assault against men, women, and youth in correctional or detention settings. In particular, this will include ensuring the availability of advocacy services for those victims of sexual assault who are incarcerated that meet the standards issued under the Prison Rape Elimination Act (PREA), including accompaniment during forensic exams and investigatory interviews, crisis intervention, emotional support services, and referrals, as well as training for those advocates. For further information regarding the PREA standards, applicants may contact the Kansas Department of Corrections PREA Coordinator's office at 785-291-3074.

18. Identifying and conducting inventories of backlogs of sexual assault evidence collection kits and developing protocols and policies for responding to and addressing such backlogs, including protocols and policies for notifying and involving victims.

19. Developing, enlarging, or strengthening programs and projects to provide services and responses targeting male and female victims of domestic violence, dating violence, sexual assault, or stalking, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity, as defined in section 249(c) of title 18, United States Code.

20. Developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, stalking, or female genital mutilation or cutting; with not more than five percent of the amount allocated to a state to be used for this purpose.

21. Developing, enhancing, or strengthening programs and projects to improve evidence collection methods for victims of domestic violence, dating violence, sexual assault, or stalking, including through funding or technology that better detects bruising and injuries across skin tones and related training.

22. Developing, enlarging, or strengthening culturally specific victim services programs to provide culturally specific victim services and responses to female genital mutilation or cutting.

23. Providing victim advocates in State or local law enforcement agencies, prosecutors' offices, and courts and providing supportive services and advocacy to Indian victims of domestic violence, dating violence, sexual assault, and stalking.

24. Paying any fees charged by any governmental authority for furnishing a victim or the child of a victim with any of the following documents:

    a. A birth certificate or passport of the individual, as required by law;
    b. An identification card issued to the person by a state or Tribe, that shows that the person is a resident of the state or member of the Tribe.

NOTE: Organizations may provide sex-segregated or sex-specific programming if doing so is necessary to the essential operations of the program, as long as the organization provides comparable services to those who cannot be provided with the sex-segregated or sex-specific programming.

New Requirement for Prosecutors

In order for a prosecutor's office to be eligible to receive grant funds under S.T.O.P. VAWA, set out in 34 USC 10454, the head of the prosecutor's office shall certify to the KGGP, that the office will, during a three-year period beginning with the 2025 grant award, engage in planning, developing, and implementing the following:

- Training developed by experts in the field regarding victim-centered approaches to domestic violence, sexual assault, dating violence, and stalking cases.
- Policies that support a victim centered approach, informed by such training.
- A Protocol outlining alternative practices and procedures for material witness petitions and bench warrants that shall be exhausted before employing material witness petitions and bench warrants to obtain victim-witness testimony in the investigation, prosecution, and trial of a crime related to domestic violence, sexual assault, dating violence, and stalking of the victim in order to prevent further victimization and trauma to the victim.

Match Requirements

The purpose of matching contributions is to increase the resources available to the projects supported by grant funds. Matching contributions of 25 percent (non-federal cash or in-kind services) of the total cost of each S.T.O.P. VAWA grant project (federal grant award plus match) are required for each S.T.O.P. VAWA funded grant project, with the exception of any tribe or nonprofit victim service organization, which are exempt from the match requirement if receiving funds from the 30 percent allocation for victim service organizations.

Example:	Total Grant Project Cost	= $50,000
	75% Federal Share	= $37,500
	25% Match	= $12,500

For purposes of this grant program, in-kind match may include donations of expendable equipment, office supplies, workshop or classroom materials, workspace, or the monetary value of time contributed by professional and technical personnel and other skilled and unskilled labor, if the services they provide are an integral and necessary part of a funded grant project. The value placed on donated services must be consistent with the rate of compensation paid for similar work in the applicant's organization. If the required skills are not found in the applicant's organization, the rate of compensation must be consistent with the local labor market. In either case, fringe benefits may be included in the valuation. The value placed on loaned or donated equipment may not exceed its fair market value. The value of donated space may not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in privately owned buildings in the same locality. The basis for determining the value of personnel, services, materials, equipment, and space must be documented. **Volunteer services must be**

documented and, to the extent feasible, supported by the same methods used by the applicant for its employees.

The U.S. Department of Justice (DOJ) DOJ Grants Financial Guide . governs the source of the non-federal match. Generally, cash match must be funds from non-federal sources that are committed for the approved grant project. Please refer to the DOJ Grants Financial Guide for all allowable sources of cash match.

All funds designated as match are restricted to the same uses as the Federal S.T.O.P. VAWA Grant Project funds and must be expended within the grant project period. The match requirement may be waived if extraordinary need is documented, and a request is submitted to the KGGP by the applicant (see Match Waiver Request information on page 23).

Limitations on the Use of Grant Funds

S.T.O.P. VAWA grant funds cannot be used for the following:

- Support of projects that target violence against children, unless addressing domestic violence, dating violence, sexual assault, or stalking against teen victims.
- Purchase of standard issued law enforcement items or equipment, including uniforms, safety vests, shields, weapons, bullets, and armory or to support chemical dependency or alcohol abuse programs that are not an integral part of a court-mandated batterer intervention program.
- Applying for this grant, fundraising, grant writing, lobbying, board development, or research projects or for any training directed at any of these subject areas.
- Magazine subscriptions, printing or disseminating agency newsletters, or membership dues or fees.
- Direct payments to any victim or dependent of a victim of domestic violence, dating violence, sexual assault, or stalking. The use of gift cards for victims or their dependents is not an allowable expenditure.
- Construction; land and/or property acquisitions; modifications to buildings, including minor renovations (such as painting or carpeting); or vehicle purchases are unallowable. This includes mortgage payments.

Educational Programming
Project funds shall only be used to support the development or presentation of a domestic violence, dating violence, sexual assault, and/or stalking curriculum for primary or secondary schools as it directly relates to project purpose area number 20, which is limited to no more than 5 percent of the state's total S.T.O.P. VAWA award for the year.

Project funds shall only be used to conduct public awareness or community education campaigns or related activities as it directly relates to project purpose area number 20, which is limited to no more than 5 percent of the state's total S.T.O.P. VAWA award for the year.

Food and Beverage
Purchasing food and/or beverages for any meeting, conference, training, or other event is not allowed. No food and/or beverages can be purchased with other funds constituting program income for a federal grant award. This restriction does not impact direct payment of per diem amounts to individuals in a travel status under the applicant's travel policy. The OJP guidance on food and beverage, conference planning, minimization of costs, and conference cost reporting is U.S. Department of Justice (DOJ) DOJ Grants Financial Guide .

Travel-Related Expenses
Grant project funds shall not be used to reimburse travel-related mileage and meal expenses in excess of the applicant's approved policy rate or the current federal per diem rates, whichever is lower. If the applicant chooses to reimburse at a rate in excess of the current federal rate, per its agency policy, grant funds administered by the KGGP cannot be used to make up the difference.

Equipment
Grant project funds are not allowed to purchase equipment and hardware unless necessary and essential to the grant project's success. For purposes of this application and grant program, equipment is defined as assets with a useful life of one year or more and a unit cost of **$5,000** or more.

Fringe Benefits
Grant project funds used for fringe benefit costs shall not be charged to the project at an amount exceeding the proportion of personnel costs supported by S.T.O.P. VAWA funds.

Training
Grant project funds for training or conference attendance outside the State of Kansas are not allowed unless necessary and essential to the grant project's success. The applicant must demonstrate comparable training is not available in Kansas.

Activities that Compromise Victim Safety
Enhancing victim safety and offender accountability is a guiding principle underlying the S.T.O.P. VAWA grant. Experience shows responses by the authorities may have the effect of minimizing or trivializing the offender's behavior. Consistent with the goals of ensuring victim grant projects that include any activities that may jeopardize victim safety, deter or prevent physical or emotional healing for victims, or allow offenders to escape responsibility for their actions. Such activities include:

- Procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived sex, age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, income or lack of income, or the age and/or gender of their children;
- Procedures or policies that compromise the confidentiality of information and/or privacy of persons receiving OVW-funded services;
- Procedures or policies that require victims to take certain actions in order to receive services (e.g. seek an order of protection, receive counseling, participate in couples counseling or mediation, report to law enforcement, seek civil or criminal remedies, etc.);

- Procedures or policies that fail to include conducting safety planning with victims;
- Project design and budget that fail to account for the access needs of participants with disabilities and participants who have limited English proficiency or who are Deaf or hard of hearing;
- The use of pre-trial diversion programs without prior OVW review and approval of the program or the automatic placement of offenders in such programs;
- Couples counseling, family counseling, or any other manner of joint victim-offender counseling as a routine or required response to domestic violence, dating violence, sexual assault, or stalking, or in situations in which child sexual abuse is alleged;
- Offering or ordering anger management programs for offenders as a substitute for batterer's intervention programs;
- Policies or procedures that require victims to report the crime to law enforcement, participate in the criminal justice system, or seek a protection or restraining order against the offender, and penalize them for failing to do so;
- Procedures of policies that deny victims and non-abusing parents or caretakers and their children access to services based on their involvement with the perpetrator;
- Requiring survivors to meet restrictive conditions in order to receive services (e.g. background checks of victims, clinical evaluations to determine eligibility for services) or other screening processes that elicit information that is not necessary for services, such as questions about immigration status, gender identity, sexual orientation, disability, physical or mental health, and work on criminal history that the service provider does not need to know about to provide services safely;
- Relying on batterer intervention programs that do not use court monitoring to hold batterers accountable for their behavior;
- Policies and procedures that fail to account for the physical safety of victims;
- Enforcing or promoting nuisance abatement ordinances, crime-free housing ordinances, or crime-free lease addenda (often associated with crime-free housing programs) that require or encourage the eviction of tenants or residents who may be victims of domestic violence, sexual assault, dating violence, or stalking. See the U.S. Department of Housing and Urban Development for guidance on how such ordinances and addenda may violate the Fair Housing Act; and
- Policies or procedures that require testing of sexual assault forensic evidence in cases where the victim obtained a medical forensic exam but has not chosen to participate in the criminal justice system.

Misuse of Grant Funds

Misuse of grant funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under a grant, and civil and/or criminal penalties.

Supplanting

S.T.O.P. VAWA funds shall be used to supplement, **not** supplant, other federal, state, or local funds that would otherwise be available for victims of violence against women. The following guidelines should be used in determining the supplanting of funds. Although the examples

provided below relate specifically to staffing scenarios, supplanting is not limited to personnel. Supplanting can occur in any budget line item if sufficient documentation cannot support that a S.T.O.P. VAWA grant award has not replaced funds otherwise available for the same program or purpose.

Defined: To reduce federal, state, or local funds for an activity specifically because S.T.O.P. VAWA funds are available (or expected to be available) to fund that same activity. S.T.O.P. VAWA funds must be used to **supplement** existing federal, state, or local funds for program activities and may **not replace** federal, state, or local funds that have been appropriated or allocated for the same purpose. Additionally, S.T.O.P. VAWA funding may not replace federal, state, or local funding that is required by law. In instances where a question of supplanting arises, the applicant or grantee may be required to substantiate that the reduction in non-S.T.O.P. VAWA resources occurred for reasons other than the receipt or expected receipt of S.T.O.P. VAWA funds.

Consultation and Documentation Requirement

Applications must include written documentation showing tribal or local prosecution, law enforcement, courts, and government agencies have consulted with tribal or local victim services programs during development of their grant applications to ensure that proposed activities and equipment acquisitions promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence. During the consultations, applicants must not provide personally identifying information about adult, youth, and child victims of domestic violence, dating violence, sexual assault, and stalking; and must maintain the confidentiality and privacy of victims.

Grant Recipient Compliance and Reporting Requirements

Applicants awarded S.T.O.P. VAWA funds are expected to comply with the S.T.O.P. VAWA grant program requirements set out in the grant assurances, reporting requirements, and any requirements arising as a result of a compliance review. The KGGP will conduct a compliance review of each S.T.O.P. VAWA award. Failure to comply with these requirements may result in suspension or termination of grant funding.

In addition, subgrantees must comply with the provisions of the Federal Office of Management and Budget (OMB) Uniform Guidance for Federal Awards, 2 C.F.R. Part 200, and the DOJ Grants Financial Guide , which includes maintaining appropriate programmatic and financial records that fully disclose the amount and disposition of S.T.O.P. VAWA funds. This includes, but is not limited to:

- Financial documentation for disbursements;
- Daily time and activity records specifying time and type of service devoted to allowable S.T.O.P. VAWA activities;
- Grant project files;
- The portion of the grant project supplied by other sources of revenue;
- Job descriptions;
- Contracts for services;

- Statistical documentation; and
- Other records that facilitate an effective audit, and grant analysis for compliance.

Agencies receiving a S.T.O.P. VAWA grant are required to submit the following certification and reports:

- A copy of the current EEOP Verification form. The applicant shall use the EEOP Report Builder provided by the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights (OCR) to prepare a Verification Form. The EEOP Report Builder is located at https://eeop.ocr.ojp.gov/certsub/homepage and a User Guide is available at https://www.ojp.gov/EEOSubrecipientReportTool_JobAid .

- **Five Most Highly Compensated Officers Certification** must be submitted to open the award.

- Monthly **Financial Status Report** provides fiscal information on expenditures made during the month. Monthly reimbursements are made based on these expenditure reports. These reports are due 20 calendar days after the end of each month.

- The **Projection of Final Expenditures Report** is due October 20, 2025.

- The **Grant Project Narrative Report** provides a narrative description of the activities and services provided with grant funds. The report is due January 20, 2026.

- The **Annual Progress Report** is due January 20, 2026.

- Any other reports that may be required by the federal government or the KGGP.

Agencies submitting late, incorrect, or incomplete reports will not receive payment until the next scheduled payments for grant programs. Repeatedly late reports, failure to submit reports or supporting documentation required by the grant assurances, or failure to respond to compliance review findings in the timeframe provided will result in the suspension of grant funds. The subgrantee must come into compliance with grant requirements before grant funds will be paid.

Copies of all financial and statistical supporting documentation must be maintained by the agency for a period of five years following the closeout of the grant award.

Review of Applications

A grant review committee may assist the KGGP in determining S.T.O.P. VAWA grant awards. Applicants will be notified via the Grant Portal of the grant award decision. Please do not call regarding the status of an application.

Each grant application will be evaluated using the following criteria:

- Applicant's support of the Guiding Principle, critical priorities, and strategies of the Kansas Implementation Plan;
- Record of successful implementation of services in the victim services/criminal justice field;
- Quality of any needs assessment in terms of proposed services;
- Demonstration of clear, measurable, and appropriate grant project objectives and activities consistent with the purpose areas outlined in the grant application instructions;
- Efficacy of evaluative components, both programmatic and fiscal;
- Relevant budget information;
- Submission of all required documents and a complete application; and
- Applicant agency's ability to fulfill all of the requirements of the S.T.O.P. VAWA grant program.

Applications submitted incomplete, with *any* missing components or information, will receive consideration only after all other successfully completed applications have been considered.

Grant Portal Instructions

Review the information for submitting an application via the Grant Portal instructions. For technical assistance regarding the S.T.O.P. VAWA grant program guidelines or application submission, contact the Kansas Governor's Grants Program at 785-291-3205 or by email at KGGPApp@ks.gov.

Application Requirements

Please read the S.T.O.P. VAWA solicitation and requirements in their entirety before completing the grant application. Submit application documents in 12 pt. Times New Roman, number the pages of the Project Narrative, and title each document filename as indicated below. Do not submit any section of the application in landscape format. Do not submit any items not specified in the instructions.

The application must include the following items:

_____ General Information (completed in Grant Portal)
_____ Project Narrative (separate document to upload – not to exceed 10 pages)
_____ Grant Project Budget (completed in Grant Portal)
_____ Agency Budgets (separate documents to upload)
_____ Grant Management Capacity (separate document to upload)
_____ Match Waiver Request, if applicable (separate document to upload)
_____ Proof of 501(c)(3) status, if applicable (separate document to upload)
_____ Certificate of Good Standing, if applicable (separate document to upload)
_____ Letter Regarding Consultation, if applicable (separate document to upload)

General Information (completed in Grant Portal)

Applicants must complete the General Information page online. Please note the language provided in the "Brief Description of Proposed Grant Project" field may be utilized on public websites and documents to describe the purpose of the grant project.

Project Narrative (separate document to upload - not to exceed 10 pages)

The following items must be included in the Project Narrative. Include each item in the order listed below and clearly label each section. The Project Narrative pages shall be numbered and shall not exceed 10 pages in length.

Problem Statement and Needs Assessment
The submission of an application presumes there is a definable problem that will be addressed by the requested grant funds. Provide a detailed explanation of the problem that will be addressed, either in whole or in part, with the requested grant funds. Provide data supporting the problem to be addressed in the grant application and site the source of the data provided. Describe how the grant funds will address the problem. Describe any needs assessment used to develop the problem statement, such as an evaluation of agency service activity or other assessment. If the applicant is comparing local data to state or national data, include information establishing the need locally or describing why the local community is limited in resources to address the problem.

Justification of Need for Grant Funds/Increase Request
Applicants must explain why S.T.O.P. VAWA funds are needed to support the grant project. This justification must tie the financial need to the described problem statement and needs assessment. If the applicant received a 2024 S.T.O.P. VAWA award, explain why grant funds are needed to support the continuation of the project and why other funds are not available to support the project. In addition, if the applicant is requesting a new budget line item or funding increase to line items from the previous grant award, explain the need for additional funds and what additional activities and/or services will be provided. Describe how the increase or addition of the new line item(s) is not supplanting other funds, per the definition in Supplanting section of application. If the expenses are existing agency costs or activities, the non-supplanting explanation must include a description of how they were previously supported and why that support cannot continue to be utilized. The applicant must ensure any request for additional funds outlined in the Project Narrative corresponds to the grant project budget submitted. The applicant should state whether other funds have been sought to support the program and describe the outcome of those efforts.

Grant Project Goal(s) and Objectives
State the goal(s) of the proposed grant project. This should not be the goals of the agency but should be specific to the proposed S.T.O.P. VAWA-supported project. The goals for the grant project should be consistent with the mission and overall goals of the agency, as well as the results of the needs assessment. Identify which of the 24 grant project purpose area(s) is being addressed by this proposed grant project.

List the objectives to be accomplished to achieve each goal listed. Objectives should be specific, measurable, realistic, and consistent with the goals of the grant project and cover a single event or

outcome. Include the activities for each objective and explain how each objective will be measured. The applicant must incorporate the Kansas Implementation Plan Guiding Principle, critical priorities, and strategies, found on pages 22 through 27of the Plan, to the extent possible. Specifically identify any evidence-based programs and/or practices being incorporated into the proposed objectives and activities.

Example (follow the format below):

Goal I: Increase victim safety in Shawnee County through sensitive contact with victims and effective prosecution of domestic violence offenders.

Objective	**Activities / Time Frame**	**Person Responsible**
1. 90% of victims will be prepared to participate in the criminal justice process	1. Hire Crimes Against Women Prosecutor position to start by February 28, 2025. 2. Victims will be briefed (face to face) on trial proceedings, terminology, and options. March 1 – December 31, 2025	1. Prosecutor and Victim Coordinator
2. 90% of victims will report having received information on available community resources	2(a). Coordinate with community partners to optimize resources and make appropriate referrals. 2(b). Share community resource directory with victims to ensure needs are met. January 1 – December 31, 2025	2. Prosecutor and Victim Coordinator
3. The number of offenders charged will increase by 25% over the prior year	3(a). Warrants in domestic violence cases will be issued and served in a timely manner. January 1 – December 31, 2024 3(b). Offenders who have committed a domestic violence offense will be charged by the prosecutor in a timely manner. January 1 – December 31, 2025.	3. Prosecutor and Investigator
The Goal/Objectives/Activities incorporates the Guiding Principle by ensuring the Prosecutor and Victim Coordinator will work with law enforcement and other community partners to ensure victims receive the resources and referrals to best meet their needs. Priorities 2 and 4 and Strategy 1 are addressed through coordinating with community partners on resource sharing to strengthen victims' services and protocols in domestic violence cases.		

Grant Project Performance Measures and Results

Applicants receiving S.T.O.P. VAWA funds will be required to demonstrate how the grant project was implemented and if the project achieved the results expected based on the data collected and evaluated. The applicant should incorporate the Kansas Implementation Plan Guiding Principle, critical priorities, and strategies, found on pages 22 through 27 of the Plan, to the extent possible. Please describe the following information:

- Process used for monitoring the implementation, progress, and outcomes of the grant project;
- What data will be collected;
- How the data collected will be used to ensure the success of the grant project;
- Criteria used to evaluate the activities and/or services provided through the proposed grant project;
- How the proposed objectives are measured and how it will determine whether the proposed grant project is effectively and efficiently reaching the proposed goals and objectives; and
- What the grant project will achieve.

Grant Project Staff
Provide a list of each staff member to be funded with the grant along with staff who will be responsible for monitoring and evaluating the grant project. Include the name, title, and a brief job description for each staff listed. In addition, describe how this staffing pattern will help meet the goals of the grant project.

Coordinated Community Response Information
Grant funds are maximized when community agencies work together at all levels. Funding priority shall be given to agencies demonstrating and maintaining collaboration. Describe how the applicant is developing a coordinated community response in addressing crimes against women. The description must include who is involved and the actions taken by the group (i.e. developed protocols, training). If the grant project is statewide, describe what technical assistance or networking will be provided to local communities.

In addition, provide the following information:

- How and with what entities the applicant collaborates with or proposes to collaborate with to carry out the grant project and coordinate resources for victims of domestic violence, sexual assault, dating violence, and stalking.
- Point of contact for each agency the applicant will collaborate with in providing services or making referrals during the grant period.
- How the applicant will cooperate with law enforcement, prosecuting attorneys' offices, courts, and other governmental or nonprofit agencies.
- Any new collaborative efforts the applicant will undertake during the grant period and the impact the collaboration will have on the grant project.
- How collaboration with units of government and/or with organizations will maximize grant funds.
- How S.T.O.P. VAWA funds will fulfill a gap in service and avoid duplication of services or resources in the applicant agency, related agency, or community.

Underserved and Culturally Specific Populations
Define the underserved and culturally specific populations identified in the agency's service area, including those that may be underserved because of race, ethnic, and cultural background, language diversity, persons with disabilities, or geographic isolation. Use local data to support the populations identified as underserved and culturally specific. Provide the applicant's plan,

including a description of the steps taken to provide outreach and services to the underserved and culturally specific populations.

Sustainability
Describe in detail the efforts made or planned to ensure the long-term fiscal and programmatic sustainability of the project and program. Beyond funding considerations, explain the steps taken to integrate and embed these services within the communities served. Additionally, outline a plan for securing alternative funding sources should SASP funding be reduced or become unavailable.

Dissemination of Crime Victims' Rights Information
Describe the applicant's written procedures for assisting victims of crime in seeking available crime victims' compensation benefits and informing crime victims of their rights as provided by law. The procedures must detail how victims will be informed of their statutory rights as provided in K.S.A. 74-7333 and amendments thereto.

Civil Rights Contact Information
Applicants must include the name, title, address, and telephone number of the person who is responsible for ensuring all applicable civil rights requirements are met and who will act as liaison in civil rights matters.

Current Board President Contact Information
If the applicant is a nonprofit agency, it must include the name, profession, address, phone number, email address, and the term of service for the current Board President.

System for Award Management (SAM) Registration and Unique Entity Identifier
Applicants must establish and maintain an active registration status in the SAM. The applicant must provide 1) the agency's 12-character unique entity identifier provided in the agency's SAM registration profile, and 2) the current SAM expiration date.

Current Audit Report
All applicants **must** provide information in this section of the Project Narrative on when the organization's most recent financial audit was completed, who performed the audit, what period it covered, whether the applicant met the threshold for a Single Audit, and where the audit is filed.

If the KGGP has **not** received a copy of the nonprofit, community, or faith-based organization's most recent audit report, including the Single Audit report if applicable, and Internal Revenue Service (IRS) Form 990, those items must be forwarded in their entirety via email to kggp@ks.gov or by U.S. mail to: Kansas Governor's Grants Program, Landon State Office Building, 900 SW Jackson, Room 304 North, Topeka, KS 66612-1220. Include with the audit the Auditor's Letter to Management if applicable. If there are any findings and/or recommendations in the audit report or in the Letter to Management, explain how the findings and/or recommendations were, or will be, addressed by the applicant.

If the agency is a city or county government, a current audit does not need to be submitted. However, governmental agencies **must** provide information in this section of the Project Narrative on when the most recent audit was completed, who performed the audit, what period it covered, whether the applicant met the threshold for a Single Audit, and where the audit is filed.

Grant Project Budget (completed in Grant Portal)

The applicant must submit a reasonable and cost-effective grant project budget. All grant project-specific budget information is completed online within the provided data fields of the Grant Portal. No *grant project* budgetary documents are uploaded as part of the application.

Requested line items must be clearly linked to the proposed activities to be conducted in achieving the goals and objectives of the grant project. The budget must adhere to allowable costs and activities as outlined in this S.T.O.P. VAWA solicitation; Federal OMB Uniform Guidance for Federal Awards, 2 C.F.R. Part 200; and the DOJ Grants Financial Guide .

The KGGP must allocate a minimum of 25 percent for law enforcement, 25 percent for prosecution, 5 percent to courts, and 30 percent for nonprofit, community, and faith-based victim service organizations. The remaining 15 percent may be allocated at the discretion of the KGGP within the parameters of the Federal S.T.O.P. VAWA guidelines. To assist the KGGP in documenting these allocations, applicants must indicate in the grant project budget the purpose for each line item by utilizing the appropriate field or fields: Law Enforcement, Prosecution, Courts, Victim Services, Discretionary, and/or Match. The allocation of requested grant project funds must correlate with the applicant's goals and objectives.

A detailed calculation and brief narrative explanation must be provided in the Description field of each line item. Calculations shall clearly demonstrate how the requested amounts were derived and must account for both the federal funds requested and the non-federal match provided, including the match source(s). Any tribe or nonprofit victim service organization receiving funds from the 30 percent allocation for victim service organizations are exempt from the match requirement. Personnel must be listed by the agency-assigned title for the position. Positions should be classified as "New" *only if* the requested position would be a new position for the agency. Personnel and associated fringe benefit costs must be demonstrated in terms of full compensation and the percentage of time to be devoted to the S.T.O.P. VAWA grant project for each position requested. Fringe benefit costs shall not be allocated to a position at a rate exceeding the portion of personnel costs requested in the S.T.O.P. VAWA Personnel category. Training events and other travel costs must be specifically identified to the extent possible. Following are examples of descriptions that might be used for line-item requests. Visit Writing a Grant Project Budget for more guidance.

Line Item	Federal Prosec.	Match	Description
Advocate	$28,782	$ 9,594	Full-time, hourly, 40 hrs./wk., 100% of time on project; employee scheduled to receive a 5% raise on July 1: ($18.00/hr. x 1,040 hrs.) + ($18.90 x 1,040 hrs.) = $38,376, 75% federal/ 25% match is City of 'x' general funds
Attorney	$47,970		Full-time, salaried, 60% of time on project; approved for 5% raise on July 1: ($3,000/pay period x 13 pay periods) + ($3,150/pay period x 13 pay periods) = $79,950 x .6 of time = $47,970

Volunteers (In-Kind)	$ 0	$15,990	Volunteers will provide phone and victim follow-up assistance: $15/hr. based on comparable compensation x 1,066 hours
Conferences/ Workshops	$ 939	$ 313	Crime Victims' Rights Conference, April 2025, Wichita: ($250 registration x 2 staff) + (200 miles x $.50/mile x 1 vehicle) + $118/nt. [$103GSA + 15% taxes/fees] x 2 nights x 2 staff) + per diem $45/day less $15 for lunch provided x 3 days x 2 staff) = $1,252, 75% federal/25% match is city funds

Current and Next Fiscal Year Agency Budgets (separate document to upload)

Upload the applicant's current and next fiscal year budgets, including balanced **income and expenses**. Include the fiscal period utilized by the agency. List all staff positions separately with their respective salaries/wages. If the applicant is under the umbrella of a larger entity, submit the budget developed for the applying program. Agency income must list **all** sources of financial support (i.e. foundations, government agencies, fund-raising events, individual contributions). For each income source, state the amount and its status (received, requested, committed, or projected). If the income is requested or projected, state the date the program expects to be notified of the funding decision or the date the program anticipates collecting the income. Include the appropriate pro-rated portion of this grant application request as budgeted income with a "requested" status. Also, be sure all line items requested in this application can be found in the program's budget for expenses.

Example of budget income only:

Current Fiscal Year July 1, 2024 - June 30, 2025

SOURCE:	AMOUNT:	STATUS:	DATE:
City of 'x'	$100,000	Projected	1/25
United Way	5,000	Received	9/24
Walk-A-Thon	500	Collected	8/24
S.T.O.P. VAWA '24-GOV	31,230	Received	12/23
S.T.O.P. VAWA '25-GOV	58,584	Requested	11/24
Total Organization Income	$195,314		

***Note:** -Budget expenses are also required.
-Repeat for next Fiscal Year.

Grant Management Capacity (separate document to upload)

In accordance with requirements described in the Federal OMB Uniform Guidance for Federal Awards, 2 C.F.R. Part 200, the KGGP must assess the applicant's ability and capacity to implement the proposed S.T.O.P. VAWA project in full compliance with Federal statutes, regulations, and terms and conditions of a grant award. Applicants must upload as an attachment a document describing the following information:

- Written accounting policies and procedures and how often they are updated;
- Any potential personal or organizational conflicts of interest within the applicant agency or any of its employees, contractors, or affiliates related to the possible receipt of S.T.O.P. VAWA funds;
- Procedures for ensuring each grant award and associated match is accounted for separately and distinctly from other sources of revenue;
- Accounting system, when the current system was implemented, its level of automation, and type(s) of technology utilized, and any manual accounting processes used to complement the system;
- Procedures for monitoring the grant project budget and tracking expenditures at a line item level;
- Internal controls for ensuring grant project expenditures are solely for allowable and approved purposes;
- Reserve funds and/or capacity to manage S.T.O.P. VAWA funding on a reimbursement basis;
- Knowledge, qualifications, experience, and training of programmatic and fiscal staff responsible for guaranteeing grant compliance; and
- Experience in managing other grant funds awarded to the applicant agency, including the name of the grant program, the purpose of the program, the year(s) awarded, whether any monitoring was conducted by the funder(s), and what findings were cited by the funder(s).

Match Waiver Request (separate document to upload)

If a subgrantee is unable to meet the match requirement a match waiver request, either full and partial, must be uploaded as an Attachment as part of the S.T.O.P. VAWA grant application. The S.T.O.P. VAWA applicant must provide written responses to the following questions before a match waiver request will be considered:

1. If this applicant currently receives S.T.O.P. VAWA funds, provide how the match is currently being provided on the S.T.O.P. VAWA grant award?
2. What extenuating circumstances exist impeding the applicant's ability to partially or fully match the S.T.O.P. VAWA grant funds requested?
3. Has the applicant considered all possible options for meeting the match with in-kind and cash sources that are not being used as match on another federal grant?
4. What methods has the applicant used to consider all possible options for meeting the match requirements?
5. What steps does the applicant plan to take in order to be able to meet the match requirements in the future?
6. If a match waiver is approved, does the applicant anticipate this is a one-time request or are there extenuating circumstances that will require a waiver if applying for subsequent S.T.O.P. VAWA funding?
7. How would the denial of a match waiver impact the applicant's S.T.O.P. VAWA grant project and would it require the applicant to decline all or part of the grant award if a waiver is not granted?

Proof of 501(c)(3) (separate document to upload)

If the applicant is a nonprofit, community, or faith-based organization, upload as an attachment proof of the applicant's exempt status as determined by the Internal Revenue Service.

Certificate of Good Standing (separate document to upload)

If the applicant is a nonprofit, community, or faith-based organization, upload as an attachment a current (less than one year old) copy of the applicant's Certificate of Good Standing from the Kansas Secretary of State's Office (KSOS), available by calling (785) 296-4564 or by visiting the KSOS website, https://www.kssos.org/business/certificates-of-good-standing.html.

Letter Regarding Consultation (separate document to upload)

If the applicant is a tribal or local prosecution, law enforcement, or court entity, submit a current (less than one year old) documentation showing consultation has occurred with tribal or local nonprofit victim services programs serving victims of crime against women during the course of developing this grant application. This documentation must be on the victim services program letterhead, be dated, clearly demonstrate an understanding of and support for the applicant's proposed project and be signed by the person in charge of the victim services organization.

Tracking ID: 21538

Report to

MEETING DATE	PRESENTER	DEPARTMENT
NOV 18 2024	Matt May, Director mmay@wycokck.org x6337	Emergency Management

AGENDA ITEM #

RESOLUTION: APPROVAL OF REGION L 2024 HAZARD MITIGATION PLAN

BACKGROUND

Request approval of proposed Region L 2024 Hazard Mitigation Plan. Document can be accessed at Plans – Unified Government of Wyandotte County and Kansas City.

RECOMMENDATION

Approve

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

IT/POLICY CONSIDERATIONS

PROCUREMENT CONSIDERATIONS

LEGAL CONSIDERATIONS

ATTACHMENTS

Multi-Hazard Mitigation Plan 2024 Resolution, Emergency Management Summary of the revised CEOP and HMP 111324

Approved by Mayor and/or Chair and Administrator to add to agenda.

11/13/2024

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ADOPTION OF THE KANSAS HOMELAND SECURITY REGIONAL HAZARD MITIGATION PLAN AS THE OFFICIAL PLAN OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas ("Unified Government") recognizes the threat natural hazards pose to people and property within our community; and

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

WHEREAS, the U.S. Congress passed the Disaster Mitigation Act of 2000 ("Disaster Mitigation Act") emphasizing the need for pre disaster mitigation of potential hazards; and

WHEREAS, the Disaster Mitigation Act made available hazard mitigation grants to state and local governments, which would benefit the Unified Government; and

WHEREAS, an adopted Multi-Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple Federal Emergency Management Agency ("FEMA") pre- and post-disaster mitigation grant programs; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas has participated in the FEMA prescribed mitigation planning process to prepare this Multi-Hazard Mitigation Plan; and

WHEREAS, the Kansas Divisions of Emergency Management and FEMA Region VII officials have reviewed the "Region L Multi-Hazard Mitigation Plan' and have approved it contingent upon official adoption by the participating governing body; and

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas desires to comply with the requirements of the Disaster Mitigation Act to augment its emergency planning efforts by formally adopting the Region L Multi-Hazard Mitigation Plan; and

WHEREAS, adoption by the governing body for the Unified Government of Wyandotte County/Kansas City Kansas demonstrates the jurisdiction's commitment to fulfilling the mitigation goals and objectives outlined in this Multi-Hazard Mitigation Plan.

WHEREAS, adoption of this legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

1. That the Unified Government adopts the Kansas Homeland Security Region L Hazard Mitigation Plan as an official plan, and

2. The Unified Government Director of Emergency Management will submit this Adoption Resolution to the Kansas Division of Emergency Management and FEMA Region VII officials to enable the plan's final approval, and

3. The County Administrator and the Unified Government staff are hereby authorized to further negotiate, execute, and to take any action required and necessary to implement and satisfy the intent of said Agreement.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ___ DAY OF _____, 2024.

_____
Tyrone Garner, Mayor/CEO

ATTEST:

_____
Unified Government Clerk

APPROVED AS TO FORM:

_____
Chief Counsel

The Wyandotte County Emergency Operations Plan (CEOP) and Hazard Mitigation Plan (HMP) are foundational documents that guide the county's emergency management and hazard mitigation strategies. Together, they form the basis for securing state and federal funding for preparedness, response, and recovery efforts, while also ensuring the county's ability to effectively respond to and recover from potential disasters. These plans are meticulously designed to align Wyandotte County's approach with state and federal requirements, positioning the county to achieve both compliance and resilience.

The CEOP has recently been updated to reflect the updates and refinement of the Emergency Management program. One major addition is the introduction of a rewritten Emergency Support Function (ESF) 14, this new section emphasizes the integration of private industry into emergency response efforts. This function provides a framework for enlisting private-sector resources and expertise, enabling faster economic recovery in the aftermath of a disaster and fostering stronger partnerships between public and private entities. Additionally, ESF 8 has been revised to reflect updates from the Public Health Department, ensuring that public health response protocols are aligned with current best practices. This change enhances the county's capacity to manage health-related emergencies more effectively. The plan also includes updates to ESF 5, which addresses the organization and activation of the Emergency Operations Center (EOC) and improve the flow of information during an emergency. These refinements support seamless coordination and information-sharing, critical for efficient emergency response.

The Hazard Mitigation Plan, created in partnership with the State of Kansas, extends beyond Wyandotte County to include Johnson and Leavenworth counties, providing a regional approach to hazard mitigation. Drafted by the State's contractor, the HMP reflects recent federal tools and statistical data, allowing for a more comprehensive assessment of risks across the region. Although the updated document may differ in style from previous versions, it meets all requirements established by the Federal Emergency Management Agency (FEMA) and the State of Kansas. Importantly, the adoption of this plan ensures that Wyandotte County remains eligible for federal mitigation funding, which is crucial for post-disaster recovery and resilience-building initiatives. The HMP is structured as a living document, allowing for future updates that incorporate new mitigation projects as they are identified, thereby remaining adaptable to emerging needs.

In summary, the CEOP and HMP together provide Wyandotte County with a strong, adaptable foundation for emergency management and hazard mitigation. Adoption of these documents by the Board of County Commissioners not only enhance the county's preparedness and response strategies but also provide access to essential federal resources, safeguarding the community's ability to recover and thrive in the face of potential hazards.

Tracking ID: 21415

Report to
Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Matt May, Director mmay@wycokck.org x6337	Emergency Management

AGENDA ITEM #10.4.

RESOLUTION: APPROVING REVISIONS TO COUNTY EMERGENCY OPERATIONS PLAN

BACKGROUND

Adoption of a resolution approving the proposed revisions to the County Emergency Operations Plan (CEOP). Documents can be accessed at the link below.

Plans – Unified Government of Wyandotte County and Kansas City

*On November 18, 2024, the **Public Works and Safety Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

RECOMMENDATION

Approve

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

None

IT/POLICY CONSIDERATIONS

PROCUREMENT CONSIDERATIONS

LEGAL CONSIDERATIONS

ATTACHMENTS

Resolution Adopting Emergency Operations Plan 2024, Emergency Management Summary of the revised CEOP and HMP 111324, Significant Changes to the CEOP

Approved by Mayor and/or Chair and Administrator to add to agenda.

RESOLUTION NO. _____

A Resolution Adopting Local Emergency Operations Plan

WHEREAS, K.S.A. 48-929 requires cities and counties to develop and promulgate an Emergency Operations Plan (EOP) to help save lives and protect property in the event of a major emergency or disaster; and

WHEREAS, this planning includes: mitigation to reduce the probability of occurrences and minimize the effects of unavoidable incidents; preparedness to respond to emergency/disaster situations; response actions during emergency/disaster situations; and recovery operations that will ensure the orderly return to normal and improved levels following emergency/disaster situations; and

WHEREAS, the Wyandotte County Emergency Operations Plan (CEOP) has been developed to establish the policies, guidance and procedures that will provide the elected and appointed officials, administration personnel, various governmental departments, and private and volunteer agencies with information required to function in a coordinated and integrated fashion and to ensure a timely and organized management of consequences arising from emergencies and disasters; and

WHEREAS, the Emergency Management Department of the Unified Government annually reviews the Wyandotte County Emergency Operations Plan and proposes any necessary revisions to the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. The Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas hereby adopts and endorses the attached Wyandotte County Emergency Operations Plan.

Section 2. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

Section 3. The County Administrator and Unified Government employees are directed to take any required action necessary to employ the Wyandotte County Emergency Operations Plan.

ADOPTED BY THE BOARD OF COMMISSIONDERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____ DAY OF _____ 2024.

_____
Tyrone Garner, Mayor / CEO

Attest:

_____
Unified Government Clerk

Approved as to form:

_____
Chief Counsel

The Wyandotte County Emergency Operations Plan (CEOP) and Hazard Mitigation Plan (HMP) are foundational documents that guide the county's emergency management and hazard mitigation strategies. Together, they form the basis for securing state and federal funding for preparedness, response, and recovery efforts, while also ensuring the county's ability to effectively respond to and recover from potential disasters. These plans are meticulously designed to align Wyandotte County's approach with state and federal requirements, positioning the county to achieve both compliance and resilience.

The CEOP has recently been updated to reflect the updates and refinement of the Emergency Management program. One major addition is the introduction of a rewritten Emergency Support Function (ESF) 14, this new section emphasizes the integration of private industry into emergency response efforts. This function provides a framework for enlisting private-sector resources and expertise, enabling faster economic recovery in the aftermath of a disaster and fostering stronger partnerships between public and private entities. Additionally, ESF 8 has been revised to reflect updates from the Public Health Department, ensuring that public health response protocols are aligned with current best practices. This change enhances the county's capacity to manage health-related emergencies more effectively. The plan also includes updates to ESF 5, which addresses the organization and activation of the Emergency Operations Center (EOC) and improve the flow of information during an emergency. These refinements support seamless coordination and information-sharing, critical for efficient emergency response.

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In summary, the CEOP and HMP together provide Wyandotte County with a strong, adaptable foundation for emergency management and hazard mitigation. Adoption of these documents by the Board of County Commissioners not only enhance the county's preparedness and response strategies but also provide access to essential federal resources, safeguarding the community's ability to recover and thrive in the face of potential hazards.

Changes made to the 2021 CEOP during the 2020 ESF Workshops				
ESF #	**Agency Name**	**Changes**	**Page #**	
BASE	Wyandotte County	Updated the functional and access needs population	43	
ESF 1	Wyandotte County	Added county highway map	4	
ESF 3	Wyandotte County	Added responsibility of Wyandotte County Emergency Management for providing initial notification through	6	
ESF 3	Wyandotte County	Added introduction to section 2.4	9	
ESF 3	Wyandotte County	Added Wyandotte County Debris Management Plan	35	
ESF 5	Wyandotte County	Removed links and references to out-of-date local policies and authorities	5	
ESF 5	Wyandotte County	Updated EOC Organizational Chart for clarity	7	
ESF 5	Wyandotte County	Added Incident Information Flow Chart	11	
ESF 5	Wyandotte County	Updated EOC Activation graphic and associated nomenclature	19	
ESF 6	Wyandotte County	Removed links and references to out-of-date materials	68	
ESF 7	Wyandotte County	Added notification update	7	
ESF 7	Wyandotte County	Added equipment maintenance language	15	
ESF 8	Wyandotte County	Updated existing Annex to align with new Public Health Emergency Response Plan v2024	Entire ESF	
ESF 8	Wyandotte County	Updated Organizational Chart for ESF 8	13	
ESF 8	Wyandotte County	Added Information Sharing section to replace Communication Systems to align the Annex with State of Kansas recommendations	18	
ESF 8	Wyandotte County	EMS/Public Safety Answering Point (PSAP) section to align with current processes.	21	
ESF 8	Wyandotte County	Updated Patient Tracking to align with current processes	30	
ESF 9	Wyandotte County	Added Kansas City Metro Heavy Search and Rescue	1	
ESF 10	Mid America Regional Council	Changed LEPC to MAHEPA to reflect the organizational change that occurred last year	9	
ESF 10	Wyandotte County	Removed references to specific radiological insturments for consistency with the rest of the Annex	12	
ESF 10	Wyandotte County	Inserted note that Wyandotte County does not maintain a public notification system for rapid public notification	17	
ESF 10	Mid America Regional Council	Updated Roles and Responsibilities to reflect the coordination role MARC serves, rather than as the	42	
ESF 10	Mid America Regional Council	Removed references to legacy systems	48	
ESF 14	Wyandotte County	Entirely new Annex to adopt changes required by FEMA	Entire ESF	

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT

ONE McDOWELL PLAZA 701 NORTH 7TH STREET, 66101 (913) 573-5400
FAX (913) 573-5435

November 25th, 2024

Ms. Monica Sparks
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **EICHOFF LOTS OF AMOURDALE**

Dear Ms. Sparks

Please be advised that the Engineering Division has reviewed the attached plat of **EICHOFF LOTS OF AMOURDALE** located at Osage and Pyle Streets, being developed by Terri Eichoff.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

Troy Shaw, P.E.
County Engineer

Attachments

Final Plat of:

EICKHOFF LOTS OF ARMOURDALE

A REPLAT OF LOTS 1 THROUGH 6 AND LOTS 51 AND 52, BLOCK 52, ARMOURDALE
A SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS

PLAT DEDICATION

The undersigned proprietors of the Tract described on this document have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "EICKHOFF LOTS OF ARMOURDALE".

RIGHT-OF-WAY VACATIONS (K.S.A. 12-512b)

Pursuant to K.S.A. 12-512b, a 15 feet wide alley within the boundary of this subdivision and previously granted to Wyandotte County, The City of Kansas City, Kansas and/or the Unified Government of Wyandotte County / Kansas City, Kansas, is hereby vacated as shown on the accompanying plat.

PUBLIC EASEMENT DEDICATIONS

An easement to enter upon, locate, construct and maintain or authorize the location, construction, maintenance and use of electrical conduits, poles, wires, ducts, cables, water lines, gas lines, communications cables, and facilities appurtenant thereto, upon, over and under those areas outlined and designated on this plat as " RESERVED AS U/E" (Utility Easement), the extent and direction of which are shown on the accompanying plat, is hereby dedicated to the Unified Government of Wyandotte County / Kansas City, Kansas and their successors and assigns.

EXECUTION

IN TESTIMONY WHEREOF: Robert H. Eickhoff, Senior and Jennifer Willie, joint tennants, has caused this instrument to be executed this ____ day of _____, 20___.

Robert H. Eickhoff, Senior and Jennifer Willie

By: _____
Robert H. Eickhoff, Senior

By: _____
Jennifer Willie

ACKNOWLEDGEMENT

STATE OF }
COUNTY OF }

On this ____ day of _____, 20___, before me, a Notary Public, personally appeared Robert H. Eickhoff, Senior and Jennifer Willie, joint tennants, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same.

IN WITNESS THEREOF: I have hereunto set my hand and affixed my Notorial Seal on the date last above written.

Notary Public:_____

EXECUTION

IN TESTIMONY WHEREOF: _____, a designated representative for Kaw Valley Drainage District, a Kansas public corporation, has caused this instrument to be executed this ____ day of _____, 20___.

Kaw Valley Drainage District

By: _____

Title:_____

ACKNOWLEDGEMENT

STATE OF }
COUNTY OF }

On this ____ day of _____, 20___, before me, a Notary Public, personally appeared _____, a designated representative for Kaw Valley Drainage District, a Kansas public corporation, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same.

IN WITNESS THEREOF: I have hereunto set my hand and affixed my Notorial Seal on the date last above written.

Notary Public:_____

APPROVALS

This plat of "EICKHOFF LOTS OF ARMOURDALE" has been submitted to and approved by the Planning Commission for the Unified Government of Wyandotte County / Kansas City, Kansas this ___th day of _____, 20____.

Planning Commission for the Unified Government of Wyandotte County, Kansas City, Kansas

_____
Jeff Carson, Chairman

_____
Gunnar Hand AICP, Secretary

This survey has been reviewed for filing, pursuant to K.S.A. 58-2003, 58-2005 and 58-2011, for content only and is in compliance with those provisions. No other warranties are extended or implied.

_____
L. Allen Greenwood, PLS-654
Deputy County Surveyor

Recommended for approval by the County Engineer, this _____ day of _____, 20____.

_____
Troy Shaw P.E., Wyandotte County Engineer

SURVEYOR

BHC
712 State Avenue
Kansas City, Kansas 66101

SUBDIVISION BOUNDARY DESCRIPTION

A Tract being all of Lots 1 through 6 and Lots 51 and 52, Block 52, ARMOURDALE, a subdivision recorded April 16, 1883, in Book 1, Page 216, lying and situated in the Northwest Quarter of Section 22, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the city of Kansas City, Wyandotte County, Kansas, said Tract as surveyed by William C. Anderson, LS-1527, with BHC, CLS 175, being more particularly described by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on West line of Block 52, ARMOURDALE, having a bearing of North 03° 42' 51" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southwest corner of Lot 51, Block 52, ARMOURDALE;

Thence North 03° 42' 51" West, 180.00 feet, on the West line of Block 52, ARMOURDALE, to the Northwest corner thereof;

Thence North 86° 20' 26" East, 149.40 feet, on the North line of said Block 52, to the Northeast corner of Lot 6, Block 52, ARMOURDALE;

Thence South 03° 42' 51" East, 130.00 feet, on the East line of said Lot 6 and its Southerly prolongation, to the North line of Lot 12, Block 52, ARMOURDALE;

Thence South 86° 20' 26" West, 5.00 feet, on the North line of said Lot 12, to the Northwest corner thereof;

Thence South 03° 42' 51" East, 50.00 feet, on the West line of Lots 12 and 13, Block 52, ARMOURDALE, to the Southwest corner of said Lot 13;

Thence South 86° 20' 26" West, 144.40 feet, to the POINT OF BEGINNING, said Tract containing 26,642 square feet or 0.6116 acres.

PROPERTY CORNER TIES

1)

2)

3)

EXECUTION

IN TESTIMONY WHEREOF: _____, a designated representative for Montereyway Realty, LLC, a Kansas limited liability company, has caused this instrument to be executed this ____ day of _____, 20___.

Montereyway Realty, LLC

By: _____

Title:_____

ACKNOWLEDGEMENT

STATE OF }
COUNTY OF }

On this ____ day of _____, 20___, before me, a Notary Public, personally appeared _____, a designated representative for Montereyway Realty, LLC, a Kansas limited liability company, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same.

IN WITNESS THEREOF: I have hereunto set my hand and affixed my Notorial Seal on the date last above written.

Notary Public:_____

The dedications shown hereon are accepted by the Commissioners of the Unified Government of Wyandotte County / Kansas City, Kansas, this _____ day of _____, 20___.

_____
Tyrone Garner, Mayor / CEO

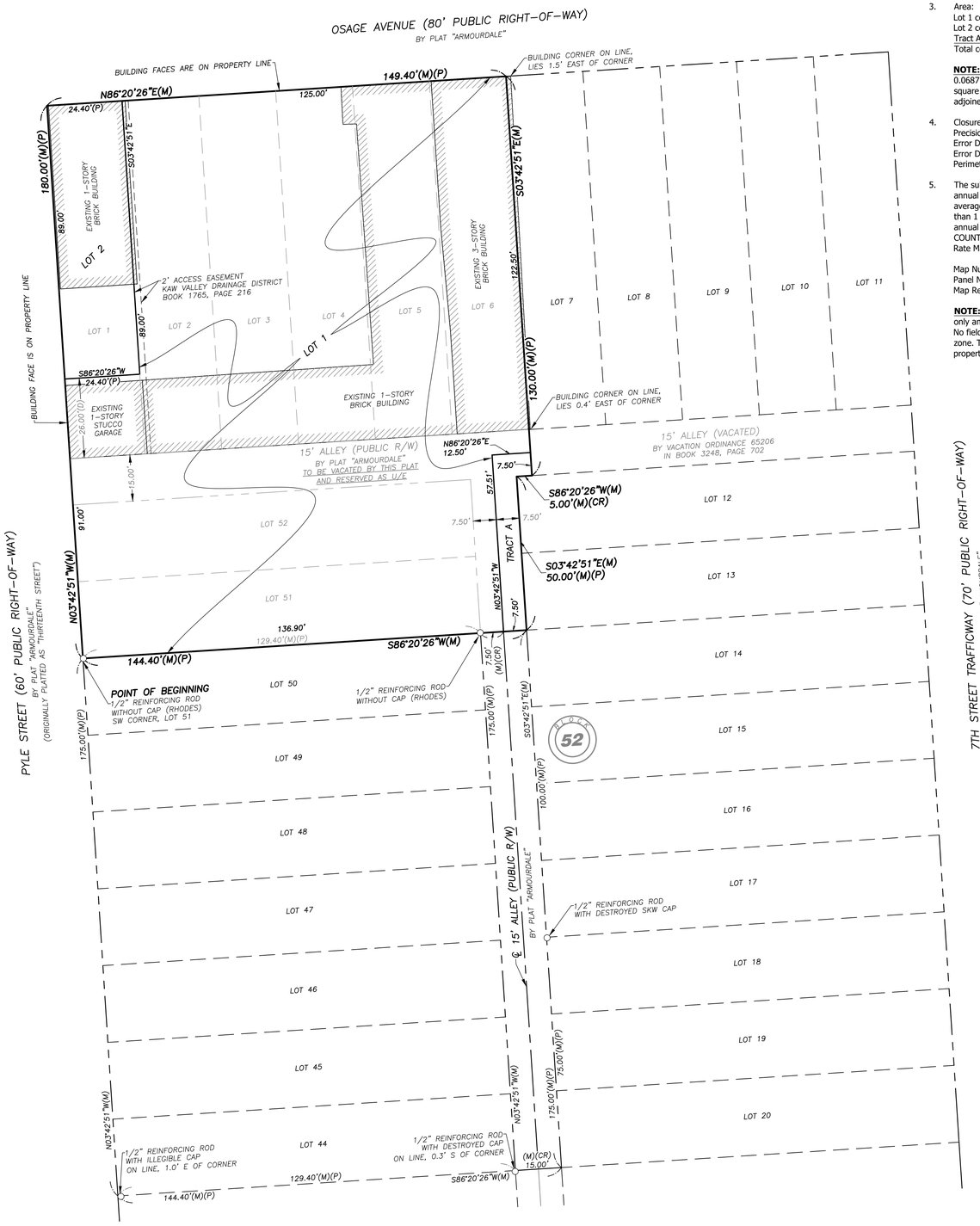
_____
Monica L. Sparks, Interim Unified Government Clerk

STATE OF }
COUNTY OF }

This is to certify that this instrument was filed for record in the Register of Deeds Office on this _____ day of _____, 20___, at _____ o'clock and is duly recorded.

_____
Susie P. Nelson, Register of Deeds

_____
Margaret A. Orendac, Deputy Register of Deeds



GENERAL NOTES

1. Basis of Bearings: North 03° 42' 51" West along the West line of Block 52, ARMOURDALE, a subdivision in the city of Kansas City, Kansas, referenced to the Kansas State Plane Coordinate System, North Zone (NAD83).

2. This survey is based on field work completed on or before the date shown in the title block or the following surveys/plats:
   - The plat of "ARMOURDALE" recorded April 16, 1883, in Book 1, page 216.
   - A survey performed by Murray L. Rhodes, for A.J. Eickoff, dated June 2, 1977, and referenced as job number W-20082.

3. Area:
   Lot 1 contains..... 24,001 square feet or 0.5510 acres
   Lot 2 contains..... 2,172 square feet or 0.0499 acres
   Tract A contains..... 469 square feet or 0.0107 acres
   Total containing... 26,642 square feet or 0.6116 acres.

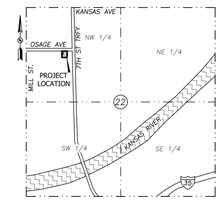
   NOTE: The subject property contains 2,991 square feet or 0.0687 acres of Public Right-of-Way to be vacated, of which 469 square feet is apportioned (Tract A) to the East property adjoiner.

4. Closure Summary
   Precision: 1 part in 6,588,000,000
   Error Distance: 0.000'
   Error Direction: South 82° 52' 30" West
   Perimeter: 658.80'

5. The subject property lies within Flood Zone " X " (Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of lass than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance floodplain), as shown on the WYANDOTTE COUNTY, KANSAS AND INCORPORATED AREAS Flood Insurance Rate Map (F.I.R.M.).

   Map Number: 20209C0160E
   Panel No: 160 of 210
   Map Revised Date: February 5, 2014

   NOTE: This statement is provided for informational purposes only and shall in no way constitute a basis for a flood certificate. No field work was performed to establish the boundaries of this zone. The information was derived by scaling the subject property on the above referenced map.



SECTION MAP
SECTION 22-T11S-R25E
(NOT TO SCALE)

GRAPHIC SCALE
20 0 20
1 inch = 20 feet

LEGEND

○	Found Survey Monument
●	Set Survey Monument (1/2" Reinforcing Rod w/cap: KS CLS 175) unless otherwise noted
(CR)	Calculated from Record Dimensions
(M)	Measured
(P)	Platted
(D)	Deed
SKW	Shafer, Kline & Warren
SQ FT	Square Feet
℄	Center Line
U/E	Utility Easement
R/W	Right-of-Way

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY that on the "Field Date" shown in the title block of this document, this survey was made by me or under my direct supervision and that said survey was executed in accordance with the "KANSAS MINIMUM STANDARDS" for boundary surveys pursuant to KAR 66-12-1.

(See Title Block for date, seal and signature)

BHC, KS CLS-175
William C. Anderson, LS-1527

Rev.	Date	Description	Drawn	Checked

WILLIAM C. ANDERSON LICENSED LAND SURVEYOR LS-1527 KANSAS LAND SURVEYOR

BHC
CIVIL ENGINEERING / SURVEYING / UTILITIES
712 State Avenue, Kansas City, KS 66101
Phone: (913) 371-5300
BHC is a trademark of Bonnyclift, Hammitt & Company, P.A.

Client:
TERI EICKHOFF
5350 SWARTZ ROAD
KANSAS CITY, KS 66106

Project:
FINAL PLAT OF:
EICKHOFF LOTS OF ARMOURDALE
LOTS 1-6, 51 & 52, BLOCK 52, ARMOURDALE
IN THE CITY OF KANSAS CITY
WYANDOTTE COUNTY, KANSAS

Project No:	042360
Field Crew:	KB
Field Date:	2024-05-21
Drawn By:	JMC, JDS
Issue Date:	2024-05-29

Sheet:
1 OF 1

May 28, 2024 - 3:04pm Plotted by: joe.coleman I:\042360.00.01 713 Osage Ave SUR\DWG\Survey\042360-FPLT.dwg

Preliminary Plat of:

EICKHOFF LOTS OF ARMOURDALE

A REPLAT OF LOTS 1 THROUGH 6 AND LOTS 51 AND 52, BLOCK 52, ARMOURDALE
A SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS

SURVEYOR
BHC
712 State Avenue
Kansas City, Kansas 66101

GENERAL NOTES

1. Basis of Bearings: North 03° 42' 51" West along the West line of Block 52, ARMOURDALE, a subdivision in the city of Kansas City, Kansas, referenced to the Kansas State Plane Coordinate System, North Zone (NAD83).

2. This survey is based on field work completed on or before the date shown in the title block or the following surveys/plats:
   - The plat of "ARMOURDALE" recorded April 16, 1883, in Book 1, page 216.
   - A survey performed by Murray L. Rhodes, for A.J. Eickoff, dated June 2, 1977, and referenced as job number W-20082.

3. Area:
   Lot 1 contains..... 24,001 square feet or 0.5510 acres
   Lot 2 contains..... 2,172 square feet or 0.0499 acres
   Tract A contains..... 469 square feet or 0.0107 acres
   Total containing... 26,642 square feet or 0.6116 acres.

   NOTE: The subject property contains 2,991 square feet or 0.0687 acres of Public Right-of-Way to be vacated, of which 469 square feet is apportioned (Tract A) to the East property adjoiner.

4. Contours are shown at 2 foot intervals, were sourced from the online GIS data portal provided by the Unified Government of Wyandotte County and Kansas City, Kansas (last accessed by this surveyor on May 22, 2024), and are based on NAVD88.

5. Zoning:
   The existing zoning for the subject property is C-3, Commercial and R-2(B), Residential. The proposed zoning for the subject property is C-3, Commercial.

UTILITY NOTES

1. The subject property is served by public water and public sanitary sewer. No underground utilities were located for this survey. Underground utilities may exist at this site that are not shown hereon. It is an excavator's responsibility to have any utilities located before digging.

FLOOD STATEMENT

The subject property lies within Flood Zone " X " (Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of lass than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance floodplain), as shown on the WYANDOTTE COUNTY, KANSAS AND INCORPORATED AREAS Flood Insurance Rate Map (F.I.R.M.).

Map Number: 20209C0160E
Panel No: 160 of 210
Map Revised Date: February 5, 2014

NOTE: This statement is provided for informational purposes only and shall in no way constitute a basis for a flood certificate. No field work was performed to establish the boundaries of this zone. The information was derived by scaling the subject property on the above referenced map.

PURPOSE STATEMENT

Pursuant to K.S.A. 12-512b, the purpose of this plat is to vacate a public alleyway, the extents of which are shown hereon and further described as follows:

15' ALLEY:
A 15 feet wide alley, created by plat "ARMOURDALE" recorded April 16, 1883, in Lot 1 and Tract A as shown on the accompanying preliminary plat.

PARENT PROPERTY DESCRIPTION:

By Warranty Deed recorded as Instrument Number 1059427, in Book 3314, Page 144:
- *Lots 2, 3, 4, 5 and 6, Block 52, ARMOURDALE, a subdivision in Kansas City, Wyandotte County, Kansas*
- *Lots 51 and 51, Block 52, ARMOURDALE, a subdivision in Kansas City, Wyandotte County, Kansas*

By Warranty Deed recorded in Book 508, Page 93; Warranty Deed recorded as Document Number 368788 in Book 942, Page 43; Warranty Deed recorded as Instrument Number 2021R-18495;
- *Lot 1, Block 52, ARMOURDALE, a subdivision in Kansas City, Wyandotte County, Kansas, EXCEPT that part conveyed to Robert H. Eickhoff, Sr. and Jennifer M. Eickhoff by the instrument filed October 6, 2021 as Document No. 2021R-18495.*

PROPOSED SUBDIVISION BOUNDARY DESCRIPTION

A Tract being all of Lots 1 through 6 and Lots 51 and 52, Block 52, ARMOURDALE, a subdivision recorded April 16, 1883, in Book 1, Page 216, lying and situated in the Northwest Quarter of Section 22, Township 11 South, Range 25 East of the Sixth Principal Meridian, in the city of Kansas City, Wyandotte County, Kansas, said Tract as surveyed by William C. Anderson, LS-1527, with BHC, CLS 175, being more particularly described by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on West line of Block 52, ARMOURDALE, having a bearing of North 03° 42' 51" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southwest corner of Lot 51, Block 52, ARMOURDALE;

Thence North 03° 42' 51" West, 180.00 feet, on the West line of Block 52, ARMOURDALE, to the Northwest corner thereof;

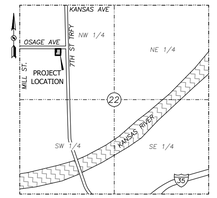
Thence North 86° 20' 26" East, 149.40 feet, on the North line of said Block 52, to the Northeast corner of Lot 6, Block 52, ARMOURDALE;

Thence South 03° 42' 51" East, 130.00 feet, on the East line of said Lot 6 and its Southerly prolongation, to the North line of Lot 12, Block 52, ARMOURDALE;

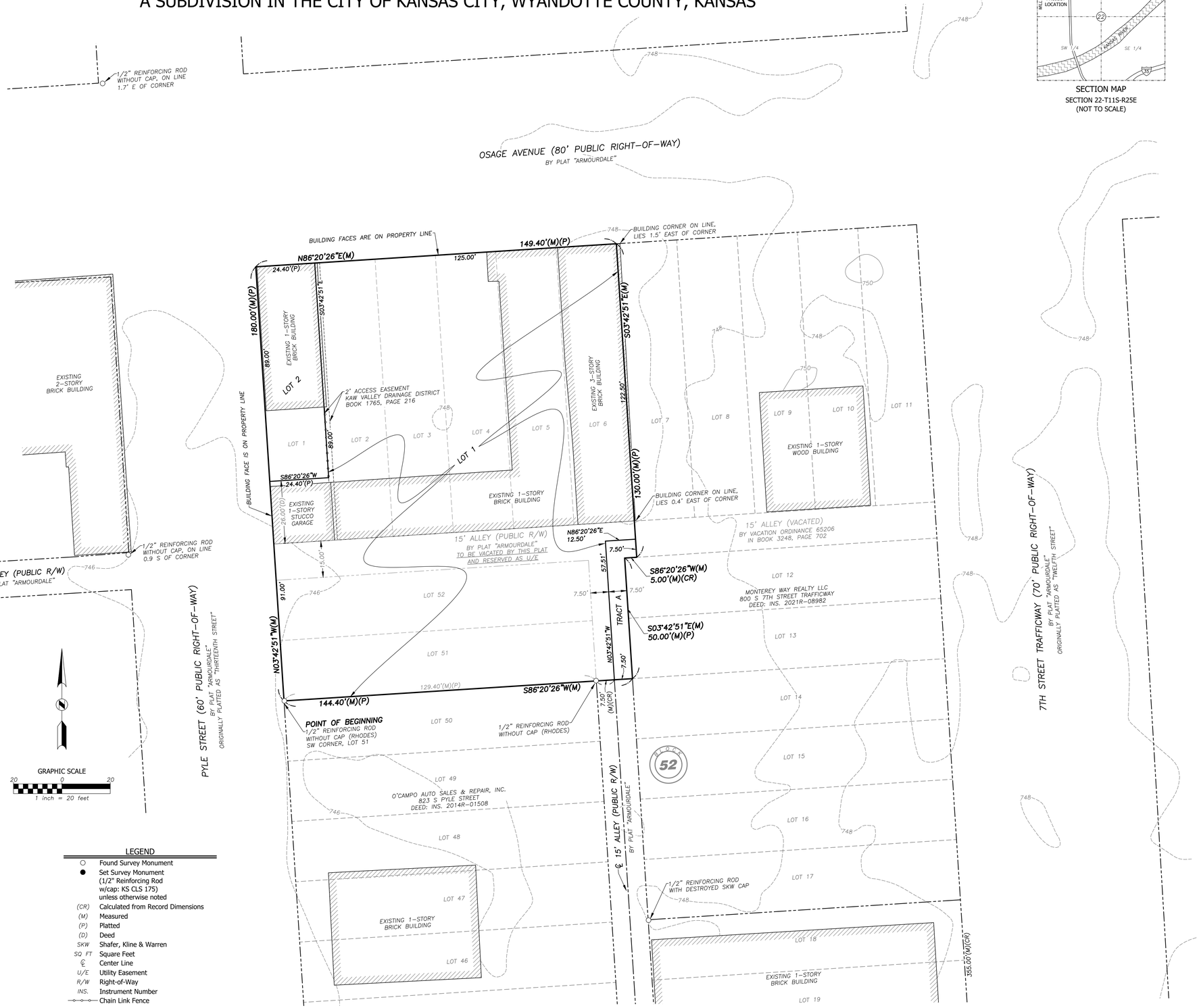
Thence South 86° 20' 26" West, 5.00 feet, on the North line of said Lot 12, to the Northwest corner thereof;

Thence South 03° 42' 51" East, 50.00 feet, on the West line of Lots 12 and 13, Block 52, ARMOURDALE, to the Southwest corner of said Lot 13;

Thence South 86° 20' 26" West, 144.40 feet, to the POINT OF BEGINNING, said Tract containing 26,642 square feet or 0.6116 acres.



SECTION MAP
SECTION 22-T11S-R25E
(NOT TO SCALE)



GRAPHIC SCALE
20 0 20
1 inch = 20 feet

LEGEND

○	Found Survey Monument
●	Set Survey Monument (1/2" Reinforcing Rod w/cap: KS CLS 175) unless otherwise noted
(CR)	Calculated from Record Dimensions
(M)	Measured
(P)	Platted
(D)	Deed
SKW	Shafer, Kline & Warren
SQ FT	Square Feet
℄	Center Line
U/E	Utility Easement
R/W	Right-of-Way
INS.	Instrument Number
-o-o-o-	Chain Link Fence

Rev.	Date	Description	Drawn	Checked

BHC
CIVIL ENGINEERING / SURVEYING / UTILITIES
712 State Avenue, Kansas City, KS 66101
Phone: (913) 371-5300
BHC is a trademark of Bonnyford, Hammond & Company, P.A.

Client:
TERI EICKHOFF
5350 SWARTZ ROAD
KANSAS CITY, KS 66106

Project:
PRELIMINARY PLAT OF:
EICKHOFF LOTS OF ARMOURDALE
LOTS 1-6, 51 & 52, BLOCK 52, ARMOURDALE
IN THE CITY OF KANSAS CITY
WYANDOTTE COUNTY, KANSAS

Project No:	042360
Field Crew:	KB
Field Date:	2024-05-21
Drawn By:	JMC, JDS
Issue Date:	2024-05-29

Sheet:
1 OF 1

May 28, 2024 - 3:04pm Plotted by: joe.coleman I:\042360.00.01 713 Osage Ave SUR\DWG\Survey\042360-PPLT.dwg

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY
& KANSAS CITY, KANSAS
PUBLIC WORKS DEPARTMENT

ONE McDOWELL PLAZA 701 NORTH 7TH STREET, 66101 (913) 573-5400
FAX (913) 573-5435

November 25, 2024

Ms. Monica Sparks
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **WHITCRAFT ESTATES**

Dear Ms. Sparks

Please be advised that the Engineering Division has reviewed the attached plat of **WHITCRAFT ESTATES** located at N 86th Street and Riverview Avenue, being developed by David Whitcroft.

Currently, we recommend that the Commissioners accept this plat and authorize the Mayor/CEO and Unified Government Clerk signatures. I am providing you with two mylars for signature, and one (1) paper copy for Commission review. Please place this on the next scheduled Commission agenda.

After the Mayor has signed the plat, it should be referred to Planning Division for further processing.

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

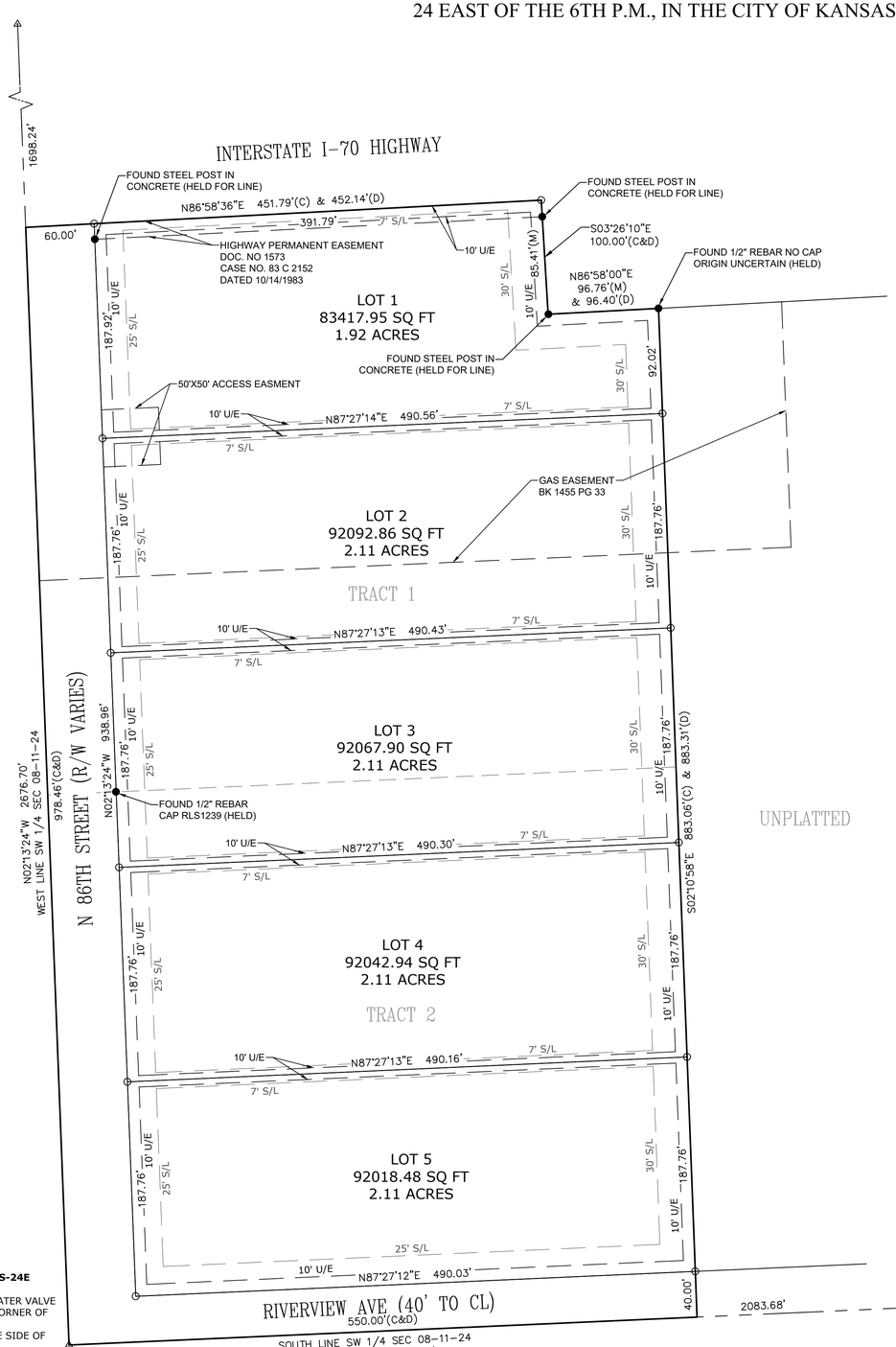
Troy Shaw, P.E.
County Engineer

Attachments

WHITCRAFT ESTATES

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE 6TH P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS

WEST QUARTER CORNER SEC 8-11S-24E
FOUND 1" REBAR
1. 69.35' SSE TO "+" CUT ON END OF CURB ON NORTH PARK ENTRANCE
2. 28.32' E TO NAIL & SHINER IN POWER POLE
3. 24.98' W TO NAIL & BOTTLE IN POWER POLE
4. EXISTING CORNER IS 2 FEET WEST OF CENTERLINE WITH FENCE TO EAST



POINT OF BEGINNING
SOUTHWEST CORNER SEC 8-11S-24E
FOUND 1/2" REBAR
1. 24.82' NW TO CENTER OF WATER VALVE
2. 36.80' NE TO SOUTHWEST CORNER OF STOP SIGN POST
3. 44.90' SE TO NAIL IN THE NE SIDE OF POWER POLE
4. 47.00' SW TO MAG NAIL IN NORTH SIDE OF POWER POLE

SOUTH QUARTER CORNER SEC 8-11S-24E
FOUND 1/2" REBAR
1. 46.35' SE TO NAIL & SHINER IN WEST FACE OF POWER POLE
2. 54.12' NE TO PK NAIL IN SE FACE OF POWER POLE
3. 50.70' NW TO MAG NAIL & SHINER IN EAST FACE OF POWER POLE
4. 19.51' E TO CENTER OF MANHOLE

DESCRIPTION PER TITLE COMMITMENT, FILE NO.: L24-29761 DATED MAY 23rd, 2024 AT 08:00 AM VIA MCCAFFREE-SHORT TITLE COMPANY, INC.

TRACT I:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 11, RANGE 24, WYANDOTTE COUNTY, KANSAS, THENCE NORTH 2° 13' 14" WEST ALONG THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 481.62 FEET, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE A DISTANCE OF 496.84 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE KANSAS TURNPIKE, THENCE NORTH 86° 58' 46" EAST ALONG SAID KANSAS TURNPIKE SOUTH RIGHT-OF-WAY 452.14 FEET, THENCE SOUTH 3° 05' 14" EAST A DISTANCE OF 100 FEET, THENCE NORTH 86° 47' 46" EAST ALONG SAID KANSAS TURNPIKE SOUTH RIGHT-OF-WAY 96.40 FEET, THENCE SOUTH 2° 13' 14" EAST PARALLEL WITH THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 401.69 FEET, THENCE SOUTH 87° 27' 16" WEST, A DISTANCE OF 550.00 FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES.

TRACT II:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SECTION 8, TOWNSHIP 11, RANGE 24, WYANDOTTE COUNTY, KANSAS, THENCE NORTH 2° 13' 14" WEST ALONG THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 481.62 FEET, THENCE NORTH 87° 27' 16" EAST A DISTANCE OF 550.00, THENCE SOUTH 2° 13' 14" EAST, PARALLEL WITH THE WEST LINE OF SECTION 8, A DISTANCE OF 481.62 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, THENCE SOUTH 87° 27' 16" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 550.00 FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES.

SURVEYOR'S SUGGESTED:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE 6TH PM., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, PREPARED BY ANDREA N WEISHAUBT, PLS 1730 DATED JUNE 24, 2024; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 02°13'24" WEST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 978.46 FEET; THENCE NORTH 88°58'36" EAST, ALONG THE PROLONGATION OF THE SOUTH RIGHT OF WAY LINE OF INTERSTATE I-70 HIGHWAY AS IT NOW EXISTS, A DISTANCE OF 451.79 FEET; THENCE SOUTH 03°26'10" EAST, CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 100.00 FEET; THENCE NORTH 86°58'00" EAST, CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 96.76 FEET; THENCE SOUTH 02°10'58" EAST, A DISTANCE OF 883.06 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 87°27'12" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 550.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 529,962.29 SQ FT OR 12.17 ACRES MORE OR LESS

DEDICATION:

*THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "**WHITCRAFT ESTATES**"*

An easement is hereby granted to the Unified Government of Wyandotte County/Kansas City, Kansas, to enter upon, construct, maintain, use and authorize the location, of conduits for providing water, gas, cable, electric, sewers, and other utility services, including related facilities and appurtenances thereto, and drainage facilities, upon, under, over and across those areas outlined and designated on this plat as "Utility Easement" or "U/E", and further, subject to administration and regulation by the City, the subordinate use of such areas by other governmental entities and utilities, franchised or authorized to do business in the City of Kansas City, Kansas.

In accordance with KSA 12-512b, all rights, obligations, reservations, easements, or interest shown as vacated with this plat shall be vacated as to use and as to title, upon filing and recording of this plat. The proprietors, successors, and assigns, of property shown on this plat hereby absolve and agree, jointly and severally, to indemnify the Unified Government of Wyandotte County/Kansas City, Kansas, of any expense incident to the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with proposed improvements described in this plat.

The undersigned proprietors of the above described land hereby consents and agrees the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or part thereof, for public use, from the lien and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated shall become and remain a lien on the remainder of that land fronting or abutting on such dedicated public ways or thoroughfares.

IN TESTIMONY WHEREOF,
*I, undersigned owner of **WHITCRAFT ESTATES** have set our hands this _____ day of _____,2024.*

_____
WXP LLC, MANAGING MEMBER, DAVID WHITCRAFT

ACKNOWLEDGEMENT:

STATE OF KANSAS
COUNTY OF

BE IT REMEMBERED THAT ON THIS ___ DAY OF _____, 2024, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME WXP LLC, MANAGING MEMBER, DAVID WHITCRAFT TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FORGOING INSTRUMENT OF WRITING, AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

*NOTARY PUBLIC*_____

*My Commission Expires:*_____

*THIS PLAT OF **WHITCRAFT ESTATES** HAS BEEN SUBMITTED TO AND APPROVED BY THE UNIFIED GOVERNMENT OF WYANDOTTE/KANSAS CITY, KANSAS, PLANNING COMMISSION*

DATED THIS _____ DAY OF _____, 2024
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, PLANNING COMMISSION

BY _____, CHAIRMAN
JEFF CARSON

_____, *SECRETARY*
GUNNAR HAND, AICP

THE DEDICATIONS SHOWN HEREON, IF ANY, ARE ACCEPTED THIS _____ DAY OF _____, 2024.

_____
TYRONE GARNER, MAYOR/CEO

_____
MONICA SPARKS, INTERIM UNIFIED CLERK

RECOMMENDED FOR APPROVAL BY THE WYANDOTTE COUNTY ENGINEER, THIS_____ DAY OF _____, 2024.

_____
TROY SHAW, P.E., COUNTY ENGINEER

COUNTY SURVEYOR APPROVAL:
THIS SURVEY HAS BEEN REVIEWED FOR FILING, PURSUANT TO KSA 58-2003, 58-2005, AND 58-2011, FOR CONTENT ONLY AND IS IN COMPLIANCE WITH THOSE PROVISIONS. NO OTHER WARRANTIES ARE EXTENDED OR IMPLIED.

REVIEWED BY _____ DATE:
_____
BRENT E. THOMPSON, KS P.L.S. 1277

STATE OF KANSAS)
)SS
COUNTY OF)

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE ON THIS _____ DAY OF _____, 20__, AT _____ O'CLOCK AND IS DULY RECORDED.

_____
SUSAN P. NELSON, REGISTER OF DEEDS

_____
MARGARET A. ORENDAC, DEPUTY

KS ENG COA: #3315
KS SUR COA: #363
MO ENG COA: #2022014064
MO SUR COA: #2022014231

ALC
ATLAS LAND CONSULTING
SURVEYING | CIVIL ENGINEERING | DRONE | CAD
atlaslandconsulting.com
14500 Parallel Road, Unit R, Basehor KS 66007

FINAL PLAT

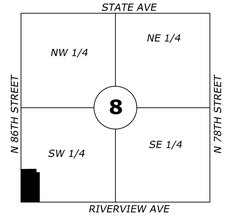
LEGEND

- △ DENOTES FOUND SECTION CORNER
- ○ DENOTES SET 1/2" REBAR ALC KS CLS 363 MO CLS 2022014231
- ● DENOTES FOUND 1/2" REBAR CAP CLS 97 UNLESS NOTED OTHERWISE
- *S/L* SETBACK LINE
- *U/E* UTILITY EASEMENT
- *(M)* MEASURED
- *(D)* DEEDED
- *(P)* PLATTED
- *(C)* CALCULATED

GENERAL NOTES

1. THE BASIS FOR THE BEARING SYSTEM FOR THIS SURVEY IS KANSAS NORTH ZONE U.S. STATE PLANE 1983
2. ALL DISTANCES SHOWN HEREON ARE IN FEET
3. KS ONE-CALL WAS NOT CALLED ON THIS SURVEY
4. REFERENCED SURVEY
   -LOT SPLIT SURVEY COMPLETED BY WAYNE MALNICOF WITH ATLAS SURVEYORS DOC NUMBER 2018R-17013
5. FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20209C0132D & SEPTEMBER 2ND, 2011, AREA ZONE "X" AREA OF MINIMAL FLOOD HAZARD.
6. CLOSURE PRECISION: 1 PART IN 3400081.111
7. CURRENT ZONING - R1 / PROPOSED ZONING - R1
8. TITLE COMMITMENT: L24-29761 DATED MAY 23RD, 2024 VIA MCCAFFREE-SHORT TITLE COMPANY, INC

VICINITY MAP



VICINITY MAP:
SEC 08-11S-24E
1"=2000'

This is to certify on this 13TH day of JUNE, 2024 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

_____
ANDREA N WEISHAUBT PLS 1730

JOB NO:24-147

SCALE	PREPARED FOR
60 30 0 60 SCALE IN FEET	DAVID WHITCRAFT ADDRESS: 225 N 86TH ST KANSAS CITY, KS 66112
SEC-TWN-RNG 08-11S-24E	
DATE JUNE 24, 2024	

6/26/2024 9:40 AM AUSTI
CAD FILE : \\AtlasNAS\Data\Atlas Land Consulting\2024\24-147 David Whitcraft 225 N 86th Project\Whitcraft Estates.dwg

County Administrator's Office

David W. Johnson, County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: November 18, 2024

BOARD POSITION: Advisory Commission on Human Relations and Disability Issues

INCUMBENT REPLACED: VACANT

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Chuck Stites

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Christina VanCleave

ADDRESS: _____

CELL NUMBER AND EMAIL ADDRESS: _____

TERM OF OFFICE: _____

C E Stites II

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.

STATE OF KANSAS	**)**	**PLANNING & ZONING AND**
WYANDOTTE COUNTY	**)) SS**	**REGULAR SESSION**
CITY OF KANSAS CITY, KS	**)**	**APRIL 27, 2023**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, April 27, 2023, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; and Garner, Mayor/CEO, presiding. Johnson, Commissioner Fourth District; and Davis, Commissioner Eighth District; were absent. The following officials were also in attendance: David Johnston, County Administrator; Patrick Waters, Acting Chief Counsel; Gunnar Hand, Director of Planning and Urban Design; Michael Farley, Ordinance Studies Division Lead; Ashley Hand, Director of Strategic Communication; Jack Andrade, Fire Dept.; Brett Deichler, UG Clerk; and Brittnie MacDonald, UG Clerk's Office.

Mayor Garner said before I call the meeting to order, I want to announce that some commissioners, staff, and the public are attending remotely via Zoom, by phone, or on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is observing knows exactly who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General's Office.

Mayor Garner said I will now call this meeting to order. Roll call.

Brett Deichler, UG Clerk, said before I announce roll, I'm going to mention that we did receive absence memos from Commissioners Johson and Davis.

Roll call: McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend, Garner.

Mayor Garner said tonight's invocation will be given by Pastor Clarence Miller of Calvary Baptist Church, immediately followed by the Pledge of Allegiance.

Mayor Garner asked, Clerk, are there any revisions to the agenda? **Mr. Deichler** said there are three changes that need to be announced. First is a proclamation celebrating Arbor Day, which was added to the Mayor's Agenda as Item No. 2. Secondly, a resolution regarding the memorandum of understanding with the FOP No. 4 has been added to the Administrator's Agenda as Item No. 2. Lastly, Item No. 1, the updates on grants and grants processes has been removed from tonight's Administrator's Agenda.

Mayor Garner said tonight, we have two distinct parts to our meeting. The Planning and Zoning portion will be handled first followed by the Regular Commission meeting.

PLANNING AND ZONING CONSENT AGENDA

Mayor Garner said I'll ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda.

Brett Deichler, UG Clerk, read the statement, required by state law.

Mr. Deichler asked, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on the agenda? **Commissioner Bynum** said I've had contact with proponents of Item A4, Change of Zone 2023-007. **Commissioner McKiernan** said communication with proponents of COZ2023-007, A4. **Commissioner Ramirez** said support for COZ2023-007 and their subsequent applications for Eden Village.

Mr. Deichler read the items on the Planning and Zoning Consent Agenda.

Mayor Garner asked, do any members of the Commission or County Administrator or the public wish to set aside any item on the Planning and Zoning Consent Agenda? If an item is not set aside,

all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendations of the Planning Commission.

I'll ask if anyone in attendance would like to set aside an item. Clerk, is there anyone joining us virtually? **Mr. Deichler** said seeing none.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 212396…CHANGE OF ZONE APPLICATION COZ2022-051 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING

Synopsis: Change of Zone from R-1 Single Family District to RP-2(B) Planned Two Family District to remodel an existing structure into a duplex at 706 Shawnee Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Austin Thompson with Atlas Land Consulting, is requesting a Change of Zone from the R-1 Single-Family District to the RP-2(B) Planned Two-Family District for an improved residential property. The subject property is an existing, vacant single-family residence. The applicant's client is proposing to renovate the residence into a two-family residence (duplex). The Change of Zone is being heard simultaneously with BOZA2022-070, a variance from the lot area and frontage minimums required for a new lot adjacent to a designated major street. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2022-051, subject to:

1. This property is being rezoned to RP-2(B) Planned Two Family District, and all future expansion of the existing structure or other redevelopment of the property will require a final development plan process.
2. If, at a later date, the property owner intends to construct an accessory building that is in violation of the Zoning Code, the said property owner must apply for a separate variance from such violations prior to applying for a building permit;
3. The sidewalk along the frontage of the subject property (along Shawnee Road) must be cleared and repaired, if necessary;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to

confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

5. This City Planning Commission case is being heard in conjunction with BOZA2022-070. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-070 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
8. Issuance of a certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning & Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;
9. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
10. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
11. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2022-051, subject to**

the stipulations. Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 2 – 212402…CHANGE OF ZONE APPLICATION COZ2023-003 - MICHAEL BOURQUIN

Synopsis: Change of Zone from R-1 Single Family District to C-1 Limited Business District for a fireworks stand at 5910 County Line Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 1 – 212407…MASTER PLAN AMENDMENT APPLICATION MPL2023-002 - MICHAEL BOURQUIN

Synopsis: Master Plan Amendment from Rural Density Residential (City-Wide Comprehensive Plan) to Rural Commercial (City-Wide Comprehensive Plan) at 5910 County Line Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Michael Bourquin, is requesting a Change of Zone from R-1 Single Family District to C-1 Limited Business District and a Master Plan Amendment from Rural Density Residential to Rural Commercial to operate a lawn and garden retail business at 5910 County Line Road. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2023-003 and Master Plan Amendment Application MPL2023-002, subject to:

1. The applicant must provide proof that the proposed site improvements are in progress within six (6) months of approval, otherwise, the Change of Zone ordinance will not be published. The applicant will have to re-apply for the Change of Zone;
2. The continuation use for on-site commercial storage from the existing accessory building to the proposed accessory building may occur so long as no additional uses are added. The proposed accessory building may only be used for storage related to the gardening store on the subject property. Any expansion of the uses will require successfully obtaining a Special Use Permit;
3. The design and exterior materials of the proposed accessory building must match the design and exterior material of the primary building;
4. The existing driveway is covered in gravel. The gravel must be removed, and the driveway must be paved. In order to pave the driveway, the applicant must obtain a right-of-way permit from the Public Works Department for the portion of the driveway and the driveway apron that is within the public right-of-way. The driveway must be paved with concrete and subject to Unified Government standards;
5. All vehicles must be parked on a paved surface;
6. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they

have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed, unless the walls of the building are painted the exact color of the primary structure;

7. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
8. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
9. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
10. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
13. The applicant has filed and maintained a current business occupation tax application and entertainment licenses;
14. Lighting shall be installed to have a 90-degree cutoff;
15. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property

and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;

16. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
18. All existing and future driveways must feature curb cuts that are constructed to UG standards;
19. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
21. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2023-003 and Master Plan Amendment MPL2023-002, subject to the stipulations.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 3 – 212403…CHANGE OF ZONE APPLICATION COZ2023-004 - PAULA WESTERFIELD-WALLACE

Synopsis: Change of Zone from R1 (WYCO) Residential District to R-1 Single Family District for a residence and dog kennel at 12200 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Paula Westerfield-Wallace, is requesting a Change of Zone from R-1 Single Family District (WyCo) to R-1 Single Family District to keep

a dog kennel with six (6) dogs on 1.28 acres at 12200 Donahoo Road. This Change of Zone is to remove the requirement of a 200-foot setback for the dog kennel. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2023-004, subject to:

1. The applicant shall provide landscape screening along the eastern and western property line in the form of shrubs or hedges, to screen the rear yard from neighboring properties;
2. The applicant will have to remove the shed in the rear yard as part of the Change of Zone;
3. The applicant shall retroactively pull a building permit for the kennel and provide proof to staff prior to approval of the Change of Zone;
4. The applicant shall ensure that animal waste is regularly cleared;
5. Per recommendation from the Wyandotte County Conservation District, the applicant shall get a yearly soil test on the property;
6. Per recommendation from the Wyandotte County Conservation District, the applicant should water their property more often to dilute any animal waste;
7. Per Section 27-609(2)a., the exterior walls of accessory structures shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
8. A retroactive building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,

13. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2023-004, subject to the stipulations.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 4 – 212406…CHANGE OF ZONE APPLICATION COZ2023-007 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING

Synopsis: Change of Zone from R-1 Single Family District to R-M Mobile Home Park District for the Eden Village Mobile Home Park at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design**.**

And

Item No. 2 – 212414…PRELIMINARY PLAN REVIEW APPLICATION PR2023-011 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING

Synopsis: Preliminary and Final Plan Review (Eden Village) to construct a mobile home park at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 2 – 212408…MASTER PLAN AMENDMENT APPLICATION MPL2023-005 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTANTS

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to Medium-Density Residential (City-Wide Comprehensive Plan) at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Austin Thompson with Atlas Land Consulting, wants to rezone from R-1(B) Single Family District to RP-M Planned Mobile Home Park District, Preliminary and Final Plat two (2) residential lots, Final Development Plan to build a mobile home park, and amend the City-Wide Comprehensive Plan from Low Density Residential to Medium Density Residential to build a 23-unit mobile home park, in a single-family, cottage-

like style on 2.61 acres. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2023-007, Master Plan Amendment Application MPL2023-005, and Preliminary and Final Plan Review PR2023-011 subject to:

1. Add crosswalks across Ruby Avenue to delineate a clear and noticeable pedestrian path between both parcels;
2. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
3. Utility easements shall connect with easements established in adjoining properties;
4. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
5. Per the goDotte Mobility Plan, Metropolitan Avenue is a designated as a Regional Trail, which requires a 10 foot sidewalk. As a 10 foot sidewalk is infeasible, a 5 foot wide sidewalk along Metropolitan Avenue is acceptable;
6. Sidewalks and pedestrian paths shall be ADA complaint;
7. All mobile homes shall have skirting around the perimeter of the trailers;
8. Community storm shelter shall comply with Building Inspection Division requirements and ADA requirements;
9. Maintain existing tree stands, as existing trees provide an enhanced buffer between the edge of the parcels around the perimeter bordering Metropolitan Avenue, South 10th Street and Baltimore Street;
10. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
11. All landscaping shall be irrigated;
12. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
13. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;

14. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
15. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. Per Business Licensing Department: All occupying business will need to file and maintain the occupation tax application with our office for their business activity located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org;
18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
19. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
21. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
22. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
23. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district,

or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

24. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee; and,
25. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2023-007, Preliminary Plan Review Application PR2023-011, and Master Plan Amendment MPL2023-005, subject to the stipulations.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212409…SPECIAL USE PERMIT APPLICATION SP2022-106 - JOSHUA BROWN WITH TWISTED AUDIO CREATIONS

Synopsis: Special Use Permit to operate a car audio installation business at 5235 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Joshua Brown, is requesting a Special Use Permit to operate a car audio installation business at 5235 State Avenue. The shop has been in operation without proper permitting and has lost any legal non-conforming status it once had, which necessitates the requirement for a Special Use Permit. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2022-106, for one (1) year, subject to:

1. All installation shall occur inside the enclosed building. No installation or testing of equipment shall occur outside of the enclosed building including, but not limited to the parking lot;
2. The applicant shall plant street trees as well as ornamental trees, shrubs, and hedges along the frontage of State Avenue;
3. The applicant shall create a painted walkway and sidewalk connection from the edge of the property to the front door;
4. The parking lot shall be patched, repaired, or repaved if needed, and new parking space markings shall be provided;

5. The property owner shall seek a right-of-way agreement for the signage and parking within the public right-of-way;
6. All waste receptacles on the property shall be enclosed in a trash enclosure;
7. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
8. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
15. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
17. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;

18. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
19. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
20. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
21. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-106 for one year, subject to the stipulations.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 2 – 212412…SPECIAL USE PERMIT APPLICATION SP2022-121 - LATIN QUARTERS, INC.

Synopsis: Renewal of a Special Use Permit (SP2021-029 - expired 11/4/2022) for a restaurant and drinking establishment with live entertainment at 508 Kansas Avenue, submitted by Gunnar

H. Hand, AICP, Director of Planning and Urban Design. The applicant, Nadia Griffitt, is requesting the renewal of a Special Use Permit (SP2021-029) to continue to operate a drinking establishment with live entertainment at 508 Kansas Avenue. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2022-121, for six (6) months, subject to:

1. Live entertainment shall be limited to Fridays and Saturdays, as well as occasionally on holidays as scheduled between 9pm and 1am.
2. The noise level shall be kept under 85 decibels per the M-3 Heavy Industrial District performance standard Sec. 27-470(d)(1)c.
3. Attendance is limited to 289, the legal occupancy of the building.
4. Respond and resolve any issues brought to the attention of the operator by residents and/or neighborhood groups.
5. If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation; Total public area has been established by the applicant as 4,200 square feet—2,600 square feet on the first floor and 1,600 square feet on the second floor.
6. The applicant shall not host any adult oriented entertainment.
7. The proposed parking plan submitted by the applicant demonstrates 32 parking spaces, two (2) of which are ADA-compliant. The parking lot must be stripped, any potholes or cracks in the pavement must be repaired, ADA compliant parking proximate to the entrance must be installed, per the submitted parking plan. Tents seen on the property are not allowed to be placed on required parking; and,
8. Must comply with the previously provided Landscape Plan which indicates trees and landscaping along South 5th Street on the East and Kansas Avenue on the western edges of the property.
9. All entertainment must cease by at least 1:00 AM
10. Doors and windows must stay closed during any entertainment performance;
11. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
    a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
    b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
    c. An I.D. scanner will be used at all times;
    d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
12. No amplified speakers or entertainment is allowed in outdoor spaces; and,
13. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.
14. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the

Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

15. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
16. The applicant has filed and maintained a current business occupation tax application.
17. All existing and future driveways must feature curb cuts that are constructed to UG standards;
18. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
19. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street.
20. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
21. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
22. The Special Use Permit shall be valid for six (6) months from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
23. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-121 for six months, subject to the stipulations.** Roll call was taken and there were eight

"Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 3 – 212397…SPECIAL USE PERMIT APPLICATION SP2022-122 - JIM DONOVAN WITH THE SHOWROOM FLOOR, LLC

Synopsis: Renewal of a Special Use Permit (SP2021-009 - expires 5/6/2023) to operate a short-term rental at 1127 Southwest Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, James Donovan, is seeking a renewal of a Special Use Permit (which expires 03/25/2023) to continue to operate a short-term rental at 1127 Southwest Boulevard. The Planning Commission voted 8 to 0 to recommend APPROVAL of Special Use Permit Application SP2022-122, for five (5) years, subject to:

1. The applicant shall reinstall the curbing along the northside of the property and remove the former driveway;
2. Maximum number of guests shall be five (5);
3. All parking must be off-street, maximum number of vehicles is four (4);
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
11. The applicant has filed and maintained a current business occupation tax application;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private

property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
16. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
17. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
18. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-122 for five years, subject to the stipulations.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 4 – 212413…SPECIAL USE PERMIT APPLICATION SP2023-002 - MIKE UTT WITH NEW CINGULAR WIRELESS PCS, LLC

Synopsis: Special Use Permit to install a monopole cell antenna to optimize cellular coverage in the immediate area at 1964 North 63rd Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Mike Utt, is requesting a Special Use Permit to install

and operate a 115-foot tall stealth monopole telecommunications tower with support equipment within a 1,350 square foot enclosure for AT&T at 1963 North 63rd Street. The tower will be located in the rear of the property. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-002 for ten (10) years, subject to:

1. The telecommunication tower shall be modified to be more stealth (internalized) than previously designed. Any additions or colocations to the tower must also be stealth;
2. All monopoles shall be stealth in addition to the proposed "tree" designed stealth screening;
3. Sec. 27-593(a)(30)k.5.(a)2.viii.A. Wireless communication facility compounds shall be screened with a minimum of ten (10) foot walls, from grade. These walls must be composed of either (a) solid masonry (b) wooden fencing set on steel rails with a maximum one-quarter (¼) inch gap between wood slats and masonry columns with a minimum width of two (2) feet and a maximum separation of 32 feet per column. If the applicant does not meet this standard, a deviation from the Board of Zoning Appeals is required;
4. Sec. 27-593(a)(30)k.5.(a)2.viii.B. The applicant must submit a landscaping plan in accordance with Section 27-699 of this chapter. Further, an applicant must provide the Planning Department with a watering plan/schedule for the first 12 months subsequent to the issuance of a certificate of occupancy for the wireless communication facility to ensure the landscaping will survive;
5. Sec. 27-593(a)(30)k.5.(a)2.viii.C. All compound entry gates must be constructed of wood slats on steel rails;
6. Sec. 27-593(a)(30)k.5.(a)2.xix. All visible buildings or structures and equipment accessory to a communication tower shall be designed to blend in with the surrounding environment through the use of color, camouflage, and architecture;
7. Sec. 27-699(a)(5) The perimeter of all towers including tower compounds shall be landscaped with the equivalent of one (1) row of large shrubs planted on 15-foot centers and one (1) row of evergreen trees planted on 15-foot centers;
8. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, the applicant must file and maintain a current business occupation tax application with this office;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

13. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
14. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
17. The Department of Planning & Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
18. The Special Use Permit shall be valid for ten (10) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the

associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

19. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2023-002 for ten years, subject to the stipulations.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 5 – 212415…SPECIAL USE PERMIT APPLICATION SP2023-005 - CHRISTOPHER CIESIEL WITH THE CAMPGROUND LLC

Synopsis: Special Use Permit to operate a drinking establishment with live entertainment at 1639 Southwest Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Christopher Ciesiel with The Campground LLC, seeks to operate a drinking establishment within an existing, vacant commercial addition that shares an interior wall with an existing coffee shop (Foxtrot Studio & Café) that will be opened up so customers/patrons can walk freely, and be served and allow patronage between both tenant spaces at 1639 Southwest Boulevard. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-005 for two (2) years, subject to:

1. This Special Use Permit petition is being heard in conjunction with BOZA2023-007, which is a reduction in on-premises, off-street parking;
2. Proposed hours of operation for Sagebrush will be:
   • Sunday and Monday: Closed;
   • Tuesday through Saturday: 4:00 PM to 10:00 PM;
3. Sidewalks shall remain clean and clear of trash and debris;
4. Alcohol can only be provided by licensed vendors;
5. No amplified speakers are allowed in outdoor spaces;
6. Rideshare will be available for customer transportation;
7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
8. Obtain a Right-of-Way permit via Public Works and plant two (2) street trees along the sidewalk adjacent to the west side of the building;
9. Resurface and strip the parking lot in the rear of the property;

10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. The office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
12. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards. Rebuild concrete apron and pave parking in the rear (asphalt, concrete or pervious pavers);
15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The

Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,

19. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
20. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2023-005 for two years, subject to the stipulations.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 6 – 212398…SPECIAL USE PERMIT APPLICATION SP2023-007 - RYAN DENK WITH MCANANY, VAN CLEAVE & PHILLIPS, P.A.

Synopsis: Renewal of a Special Use Permit (SP2020-096 - expired 2/4/2023) for the Temporary Use of Land to allow for semi-truck parking at the American Inn Motel at 7949 Splitlog Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Ryan Denk, applied for the renewal of a Special Use Permit (expired November 30, 2022) to continue to park tractor trailer trucks at the American Motel at 7949 Splitlog Avenue. The continuation of the use includes parking for 7 tractor trucks and trailers in the southeast corner of the parking lot. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-007, for two (2) years, subject to:

1. Tractor trailer trucks are to be parked only in the 7 designated parking spaces in the southeast corner of the parking lot;
2. All parking lot lighting shall have 90-degree cutoff fixtures on them, as not to exceed one (1) footcandle at the property line;
3. The applicant will need to file and maintain a current business occupation tax application with the Business License Division;
4. No outside storage on site;
5. No inoperable vehicles kept on site;

6. All waste on the site must be cleaned and waste must be managed properly on site;
7. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. The applicant has filed and maintained a current business occupation tax application;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
17. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
18. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2023-007 for two years, subject to the stipulations.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 7 – 212399…SPECIAL USE PERMIT APPLICATION SP2023-009 - JUDD CLAUSSEN WITH PHELPS ENGINEERING, INC.

Synopsis: Renewal of a Special Use Permit (SP2022-013 - expires 5/5/2023) to continue to remove earthen material at 1215 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Judd Clausen, is requesting a rehearing of a Special Use Permit (SP2022-013, which expires 5/26/2022) to continue to remove earthen fill and grade the subject property at 1215 Merriam Lane. The applicant intends to export earthen fill only. This Special Use Permit initially arose as the result of a joint Building Inspection and Zoning Enforcement action beginning in 2018. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-009, for two (2) years, subject to:

1. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
2. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
   a. A Survey shall be provided showing the proper lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
3. The hours of operation shall be 7:00 AM to 5:30 PM, Monday through Friday. Contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work on the weekend;
4. There shall be full compliance with the comments from the Wyandotte County Conservation District contained herein, which include;
   a. Before any grading is done, the area that is not disturbed needs to be seeded and establish a good stand of grass. This will reduce run off into the borrow area.
   b. Silt fence, placed on the contour, needs to be placed below the borrow area before any grading is done to protect the drainage way of Turkey Creek.
   c. All erosion control items need to be checked once every week and after any rain event. Any repairs need on the silt fence need to be made immediately.
   d. Four to six inches of good topsoil needs to be top dressed over borrow area.
   e. Immediately after completion of grading, seeding and erosion control blanket needs to be installed or sod needs to be laid down on the disturbed area;
5. Trees to be planted at a ratio not less than one (1) per 7,000 square feet of site area;
6. Only the amount of fill that was brought in during the original dumping shall be removed;
7. Rumble strips and/or other mitigation measures must be installed on the subject property in order to prevent dirt, rubble, and other fill material from being tracked by work trucks onto and damaging the public right-of-way;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
13. Section 27-464(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 46,174 square feet, requiring seven (7) trees be provided on the site plan;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
16. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
17. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2023-009 for two years, subject to the stipulations.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 8 – 212416…SPECIAL USE PERMIT APPLICATION SP2023-010 - DANIEL CASTILLO WITH OVER UNDER

Synopsis: Special Use Permit to operate a drinking establishment with sports watch parties at 401 North 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The named Applicant, Daniel Castillo with Under Over, is requesting a Special Use Permit to operate a drinking establishment with live entertainment (sports watch parties). The subject property, a mixed-use building with a commercial storefront addressed as 401 North 6th Street and a second-story, two (2)-bedroom dwelling unit addressed as 401 H North 6th Street, is within the TND Traditional Design Neighborhood District, Transect Zone T-4. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-010 for two (2) years, subject to:

1. A comprehensive waste plan between neighboring tenants is enacted by the landlord;
2. Sidewalks must remain clean and clear of trash and debris;
3. Construction plans should include soundproofing and consideration for the upstairs resident and adjoining neighbors;
4. If food is to be served, appropriate food handling licensing shall be obtained;
5. Hours of operation are as follows:
   a. Monday-Thursday, 5:00 PM to 12:00 AM, and
   b. Friday-Sunday 11:00 AM to 12:00 AM;
6. In the case of sports-watching parties, the hours of operation may commence earlier than posted, but shall not exceed the posted closing time;
7. The building capacity shall not exceed 64 persons;
8. Per Section 27-214(f)(7), in cases in which special use permit applications are conditionally approved by the unified government board of commissioners, the permit shall not take effect until the conditions are fulfilled. Such conditional approval shall expire after one year if the conditions are not met, unless otherwise specified in the approval;
9. All entertainment must cease by at least 12:00 AM;
10. Doors and windows must stay closed during any entertainment performance;
11. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Section 4-104,f), including:

a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
c. An I.D. scanner will be used at all times; and,
d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.

12. No amplified speakers or entertainment is allowed in outdoor spaces;
13. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
14. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
15. The applicant has filed and maintained a current business occupation tax application and entertainment licenses;
16. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
19. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

20. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2023-010 for two years, subject to the stipulations.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

VACATION APPLICATION

Item No. 1 – 212411…VACATION APPLICATION VAC2022-003 - LUKE KUSH CORPORATION

Synopsis: Vacation of right-of-way easement at 1327 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. Property Owner-Applicant, Raymond Kush with Luke Kush Corporation, is requesting to vacate an area of public right-of-way. The area proposed to be vacated by Property Owner-Applicant is a portion of the State Avenue public right-of-way, in between Property Owner-Applicant's parcel to the south and the southern State Avenue sidewalk to the north. The vacation is being requested in order to maintain the existing parking lot and fence line of Property Owner-Applicant's property, and will create a northern parcel boundary for the subject property that is level with that of the adjacent parcel along State Avenue. The Planning Commission voted 8 to 0 to recommend approval of Vacation Application VAC2022-003, subject to:

1. A revised parking plan must be submitted that demonstrates the following:
   a. Three (3) ADA-compliant parking spaces;
   b. A fence line that does not enter the defined sight-distance triangle at the southeast corner of the State Avenue-North 14th Street intersection;
   c. The text on the parking plan must include the address of the tenant to which the parking spaces are designated; and,
   d. Each set of parking spaces that are designated to a distinct tenant must be striped in different colors so to visibly distinguish to which tenant each parking space or set of parking spaces belong. Colors should include green, orange, pink, and either white or yellow, but must not include red striping (pre-designated for fire lanes) or blue (pre-designated for ADA-compliant spaces and access aisles);

2. To maintain pedestrian safety on State Avenue, wheel stops must be installed at the head of each parking space. The location of these wheel stops must be demonstrated in the revised parking site plan;
3. Per Section 27-467(c)(6), "[a]ny outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard." Unless Property Owner-Applicant will install fencing that fully screens the parking lot and is architecturally or aesthetically consistent with the subject property, inoperable vehicles are prohibited from being parked outside on the subject the property. Therefore, if Property Owner-Applicant constructed a wrought-iron fence with vegetative screening, the following conditions shall apply: inoperable vehicles, vehicles to be serviced, vehicles being serviced, or serviced vehicles waiting to be picked up shall not be parked within the public right-of-way; all inoperable vehicles or vehicles being serviced must be parked inside the primary building on site; the only vehicles which may be parked within the parking lot of the subject property are the operable vehicles of customers or employees; and, no vehicles shall be parked within the North 14th Street right-of-way;
4. At least 30 on-site parking spaces must be provided and striped, as required by the conditions of approval for appeals BZA-2065 and BZA2068;
5. Applicant must cure all outstanding violations on the subject property, regardless of the address assigned to the administrative citations. The administrative citation case must be closed before the variance can go into effect and the right-of-way vacation recorded with the Register of Deeds;
6. Compliance with the submitted parking plan, which includes the following requirements: all parking spaces must be clearly marked and the total number of parking spaces must be provided; the number of parking spaces designated for each tenant must be provided, and the location of the designated parking for each tenant clearly marked and distinguishable from the designated parking of the other tenants; fencing not encroaching within the sight-distance triangle; and, compliance with all conditions of approval of BZA-2065 and BZA-2068, as contained within the respective staff reports for BZA-2065 and BZA-2068, and reflected within this staff report;
7. Architectural screening in the form of a wrought-iron fence is required. Submit a revised site plan to include a 6-foot opaque fence with masonry columns every 32 feet on center. The fence must run along the northern and western boundaries of the subject property, along the State Avenue and North 14th Street rights-of-way, respectively;
8. The wrought-iron fencing must not be installed within the sight distance triangle, as defined by Section 27-637(b) ("the short leg of which shall be 15 feet and the long leg of which shall be 140 feet measured along the curbline or edge of pavement"). This will result in the northwest-most existing parking space being left outside of the fence line. This area within the sight-distance triangle should be landscaped with low-lying vegetation in order to keep the area free of visual impediments;
9. Compliance with the design principles of the Downtown Area Plan, with particular emphasis on the design principles of corner lots and surface parking in the West End District;
10. Compliance with all conditions of approval of previous entitlements associated with the subject property, including BZA-2065, A-2012-9, and BZA-2068;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use

of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

12. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
14. All businesses on site must file and maintain a current business occupation tax application with this office;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. A Right-of-Way Permit is required for any use of the right-of-way while erecting fencing along the subject property's boundary. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
17. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
18. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has an area of 53,133 square feet, requiring eight (8) trees be provided on the site plan;
19. Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees;
20. Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. The subject property has a parking lot with an area of approximately 26,000 square feet (including the area to be vacated);
21. Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
22. This City Planning Commission case is being heard in conjunction with BOZA2022-065. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-065 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
23. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of

land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and,

24. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve Vacation Application VAC2022-003, subject to the stipulations.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

PLAN REVIEW APPLICATIONS

Item No. 1 – 212410…PRELIMINARY PLAN REVIEW APPLICATION PR2022-037 - DARYL K. RAKOSKI

Synopsis: Preliminary and Final Plan Review to construct 62 single-family homes at 11465 Webster Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Daryl Rakoski with Premium Buildings LLC, has applied for a Preliminary and Final Development Plan to add an additional floor plan (previously three (3) and add two (2) floor plan square footages below the 1,600 square foot Prairie Delaware Piper Master Plan Area 1 Single Family Detached Residential Unit Size requirement for Villas of Piper Valley, Phase 1 located at 11465 Webster Avenue). A Final Plat has been filed to amend the subdivision to make a portion of the development age restricted (Approved). The Capri floor plan is proposed to be 1,418 square feet, a deviation of 182 square feet and the Palazzo floor plan is proposed to be 1,519, a deviation of 81 square feet. The Planning Commission voted 7 to 0 to recommend approval of Preliminary and Final Plan Review Application PR2022-037, subject to:

1. Age restricted, single-family detached housing for seniors is allowed within Area 1 with a minimum of 1,250 square feet in a unit with a basement, or 1,400 square feet in a unit without a basement. No more than 20% (4 of 24 total lots in Phase 1 of this subdivision) of all properties in this subdivision can be built at the lower square feet threshold;
2. For Phase 2, the future plat requires the same Covenants, Conditions and Restrictions (CCRs) placed upon that phase as Phase 1;
3. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be

hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;
4. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
8. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
10. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve Preliminary Plan Review Application PR2022-037, subject to the stipulations.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 2 – 212414…PRELIMINARY PLAN REVIEW APPLICATION PR2023-011 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING

Synopsis: Preliminary and Final Plan Review (Eden Village) to construct a mobile home park at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **This item was previously presented in conjunction with Item No. 4 – Change of Zone Application COZ2023-007.**

MASTER PLAN AMENDMENTS

Item No. 1 – 212407…MASTER PLAN AMENDMENT APPLICATION MPL2023-002 - MICHAEL BOURQUIN

Synopsis: Master Plan Amendment from Rural Density Residential (City-Wide Comprehensive Plan) to Rural Commercial (City-Wide Comprehensive Plan) at 5910 County Line Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **This item was previously presented in conjunction with Item No. 2 – Change of Zone Application COZ2023-003.**

Item No. 2 – 212408…MASTER PLAN AMENDMENT APPLICATION MPL2023-005 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTANTS

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to Medium-Density Residential (City-Wide Comprehensive Plan) at 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **This item was previously presented in conjunction with Item No. 4 – Change of Zone Application COZ2023-007.**

MISCELLANEOUS - ORDINANCES (The following ordinances formalize previous Commission approval.)

Item No. 1 – 212418…AN ORDINANCE rezoning property at 2730 South 69th Street (COZ2022-024) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-45-23,** "An ordinance rezoning property hereinafter described located at approximately 2730 South 69th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District." **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and

there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 2 – 212419…AN ORDINANCE authorizing a Special Use Permit (SP2022-081) for a kennel for six (6) dogs at 12200 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-46-23,** "An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a dog kennel for six (6) dogs at 12200 Donahoo Road, Kansas City, Kansas." **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 3 – 212420…AN ORDINANCE authorizing a Special Use Permit (SP2021-090) for a liquor store at 146 South 18th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-47-23,** "An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a liquor store at 146 South 18th Street, Kansas City, Kansas." **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 4 – 212421…AN ORDINANCE authorizing a Special Use Permit (SP2023-004) for a short-term rental at 10 South Hallock, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-48-23,** "An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of a Short-Term Rental at 10 S. Hallock." **Commissioner Burroughs made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATION

Item No. 1 – 212400…CHANGE OF ZONE APPLICATION COZ2023-001 - DAVID BLOCK WITH BLOCK AND COMPANY, INC.

Synopsis: Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District to convert an office building into a mixed-use apartment building at 10200 Abilities Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

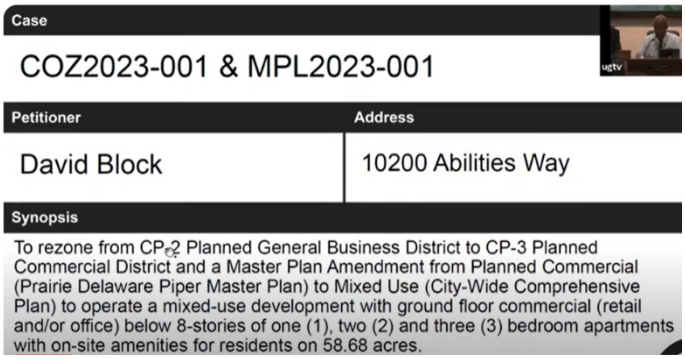
Item No. 1 – 212401…MASTER PLAN AMENDMENT APPLICATION MPL2023-001 - DAVID BLOCK WITH BLOCK AND COMPANY, INC.

Synopsis: Master Plan Amendment from Regional Commercial (Prairie-Delaware-Piper Area Plan) to Mixed-Use (City-Wide Comprehensive Plan) to convert an office building into a mixed-use apartment building at 10200 Abilities Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, David Block with Block and Co., Inc., seeks a Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District and a Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to Mixed-Use (City-Wide Comprehensive Plan) to operate a mixed-use development with ground floor commercial (retail and/or office) below 8-stories of one (1), two (2) and three (3) bedroom apartments with on-site amenities for residents on 58.68 acres. The Planning Commission voted 7 to 1 to recommend approval of Change of Zone Application COZ2023-001 and Master Plan Amendment Application MPL2023-001, including the requested deviations from the multi-family guidelines subject to:

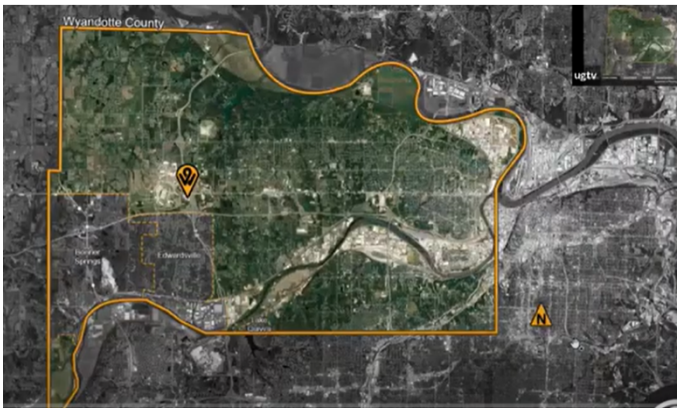
1. The following requirements of the office towers conversion to mixed-use within the Mixed-Use Design Guidelines have not been met and the Planning Commission has approved the below requested deviations:
   a. Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provisions of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.;
   b. A minimum of 75% of the buildings should have a zero (0) foot setback;
   c. On-site parking will be located behind the buildings;
   d. The frontage of all mixed-use buildings should include pedestrian-oriented elements such as:
      i. Transparent display windows
      ii. Outdoor seating for dining areas
      iii. Public art and pedestrian amenities such as fountains, benches, etc.;
   e. In multi-tenant, multi-story buildings, at least one, lobby entrance at the ground floor should be provided having direct visibility and access from the street; and,
   f. High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required to 65% of the sum total of all buildings facades, expect single-family houses, which shall have 25% of the sum total of all facades.
2. A Final Development Plan is required for any additional development aside from the occupancy conversion and amenities, as shown conceptually in the out-parcel site layout;
3. Extend the sidewalk from the edge of the parking lot along the northern drive, closest to State Avenue right-in/right-out and stripe a crosswalk across Village West Parkway and tie into the existing sidewalk on the west side of Village West Parkway at Homestead-Miami Drive;
4. KDOT will reconstruct the Interstate 435 and State Avenue interchange to a Diverging Diamond Interchange (DDI), therefore build a sidewalk along State Avenue to the northeastern most property line towards I-435 and connect to the future sidewalk/intersection;
5. Install walking trails within the open space, around Little Turkey Creek (Lot 1C) and through the development as an amenity for residents;
6. Replace and repair existing curbs, pavement and landscaping;
7. Rideshare platforms (i.e., Uber, Lyft, etc. should be incorporated into this development as an alternative mode of transportation;
8. If not already provided, a Knox box shall be provided for KCKFD at the gated ingress/egress;
9. Record a deed to preserve the creek and open space to the south;
10. After preliminary conversations with Ryan Hurst, Interim Director, Department of Transportation, micro-transit is being studied within the Village West area in conjunction with employment centers in the area. Show the transit stop in front of the property on the site plan. A bench should be provided, but further discussions with KCATA is necessary to determine if a bus shelter is be warranted. Contact Ryan Hurst, Department of Transportation at (913) 573-8312 or rhurst@wycokck.org;
11. No direct access onto State Avenue from 10200 Abilities Way;
12. Replace any trees and shrubs that are dead or dying;
13. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or skyreflected glare, from floodlights or commercial operations,

shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line;

14. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
15. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
16. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
17. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
18. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
19. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
22. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.



Gunnar Hand, Director of Planning and Urban Design, said this case is being heard in conjunction with Master Plan Amendment 2023-001. This is for the potential conversion of the Cerner office campus out at the Legends. This is in the Prairie Delaware Piper area plan. We received no letters in support.

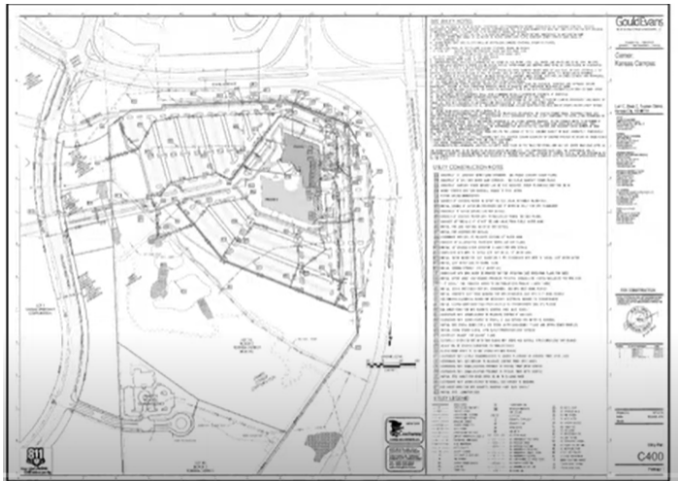


We did receive one comment in opposition at the City Planning Commission hearing earlier this month.

There are no notices of violation as it relates to this property. Staff does agree with the Planning Commission's recommendation for approval, including the conditions related to increased pedestrian connectivity.

They did receive a deviation for the multi-family design guidelines at the City Planning Commission here earlier this month as well, again, for the existing buildings. So, no exterior changes need to occur as it relates to this potential change of zone and master plan amendment this evening.

There is an open space easement that was asked for in regard to the required open space for the large parcel.

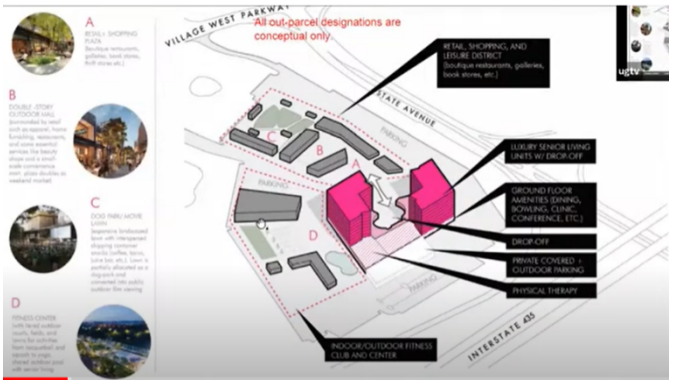


Any future redevelopment of the site would have to come back for a final development plan.

As it relates to the opposition that was heard at City Planning Commission, I believe additional comments will be provided later this evening, specifically as it relates to the highest and best use for the site.

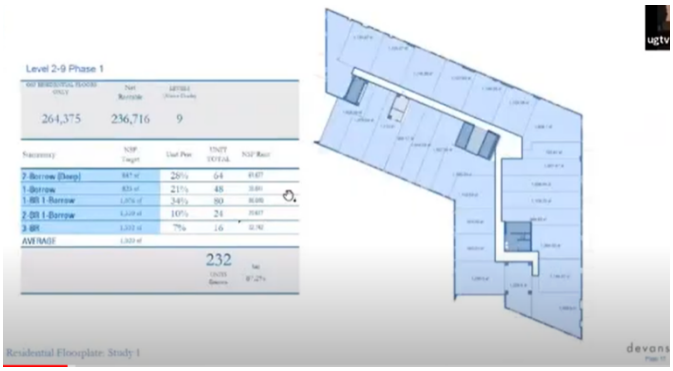
This is proposed to be a large, potentially mixed-use project. The applicant, in their application and in their testimony, essentially would appreciate the flexibility offered by this master plan amendment and this change of zone to fully fill the building.

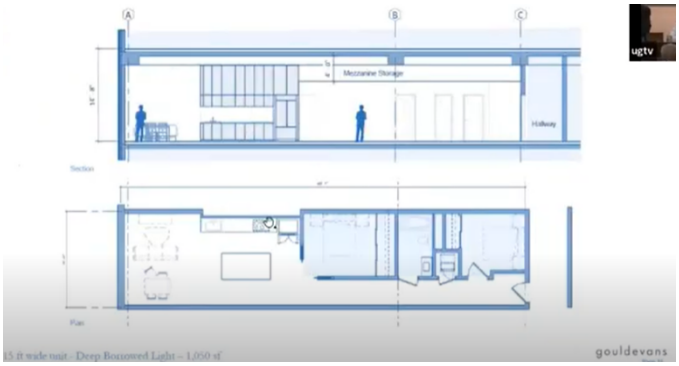
Again, it's all office now. They're proposing it be changed to C-3, which would allow mixed-use, retail on the ground floor, office and/or residential on the top floors. Currently, they're thinking about a phase one for Tower One. This would apply too, and they're thinking a future phase for Tower Two.

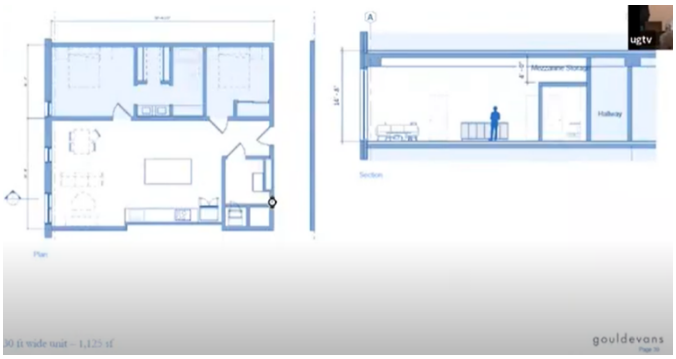


Another future phase related to this project was there's a lot of excess parking in the former office complex that becomes an apartment building. So, one of those parking lots out there, you can see it here, is being proposed for potential retail redevelopment as well.

While it doesn't necessarily address the issue of taxes generated by the project, staff would recommend that an additional condition of approval is added by motion tonight by the Board of Commissioners to address the concern from Planning Commission. This is a practice that we do sometimes, but not often; but after speaking with the Appraiser's Office, considering the size and complexity of this potential project, we would ask that a condition be added that says that any retail and/or office within the building or future retail redevelopment out on the grounds of the building either be subdivided into its own parcel or condo platted into its own parcel. It makes it a lot easier for us to differentiate between the types of uses and the tax rates of those different types of uses. Essentially, it would make our process to collect taxes on this property in the future easier and potentially optimize those as well.




ugtv
Mezzanine Storage
Hallway
Section
Plan
gouldevans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Mezzanine Storage
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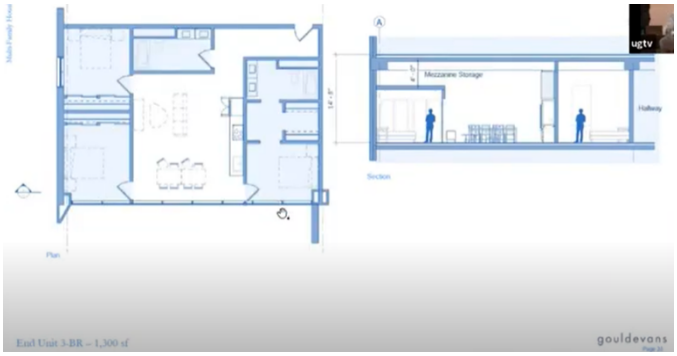
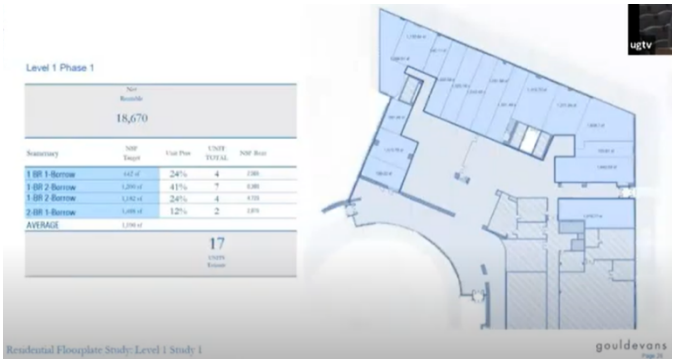
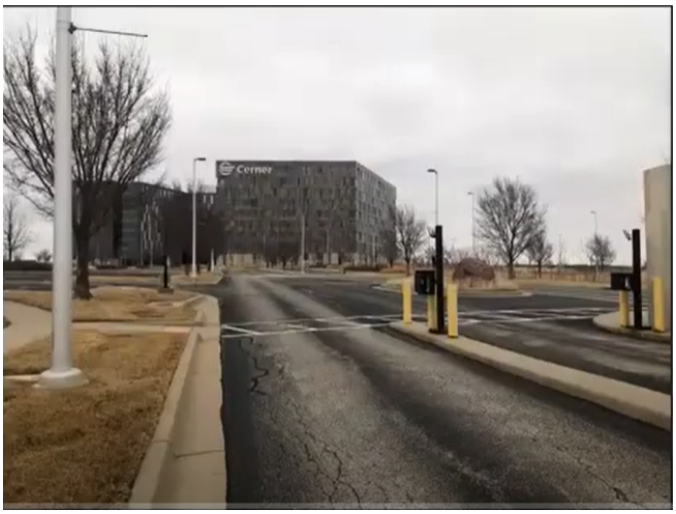

ugtv
Mezzanine Storage
Hallway
Section
Plan
gouldevans

ugtv
Level 2-9 Phase 1
264,375
196,536
9
208

ugtv
1-BR, 2-Borrowed Light, Front Porch Unit – 1,200 sf
gouldevans


ugtv
Level 1 Phase 1
18,670
17
Residential Floorplate Study: Level 1 Study 1
gouldevans

ugtv
Mezzanine
Mezzanine Storage
Hallway
15 ft wide unit - Deep Borrowed Light – 1,050 sf
gouldevans



April 27, 2023

Public Opposition	Public Support
Staff has received a phone call opposing the conversion of these office towers to mixed-use apartment buildings. One (1) person provided comments in opposition at the April 10, 2023 City Planning Commission hearing.	None to date.

Staff Recommendation

Approval

Mayor Garner said I'll ask the applicant or representative to present the application.

Philip Goforth, 4730 N. Hickory Ct., KCMO, said we are very amenable to what Mr. Hand had proposed in terms of the platting to more easily identify the future phases and more designated taxing areas for future development. We also plan to maintain one of the towers as an office and one tower as multi-family to provide a true mixed-use community for the property. We are not opposing anything that's been laid out by staff.

Mayor Garner said I'll now open the public hearing and ask the Clerk if any notifications were received from the public who wish to express their comments in favor of this item. **Mr. Deichler** said no notifications were received by the Clerk. **Mayor Garner** asked, is there anyone present in the audience who would like to speak in favor of this item?

Greg Kindle, President of the Wyandotte Economic Development Council, said I spoke in opposition to this rezoning at the Planning Commission meeting on whether this was the highest and best use of the former Cerner campus and the resulting loss of property tax revenue should one or more of the towers be converted into apartments. I still stand by those comments. Residential property, as you know, is assessed at half the rate of commercial property. The Cerner campus is our only substantial Class A office space in the county.

Today, that campus generates about $1.8M a year. After the rezoning and one tower becomes residential, that drops to $1.24M. That said, I have had an opportunity to meet with Mr. Goforth and their team to discuss the various uses, their plans, and to better understand the revenue sources more thoroughly. If the client team does what they have indicated in terms of the investment to be made, into renovating the tower for apartments into the one tower, first floor retail across the entire campus, and a hotel component in the office tower, it is likely that the campus would generate as much or slightly more through sales taxes, transit guest taxes, and property taxes as the campus does today. But as you know, the transit guest tax sales don't go directly to the General Fund.

While the UG can largely recover revenues from other sources, the other taxing entities do not have that option. If the client commits to building the additional 150,000 sq. ft. of retail, we estimate the Unified Government will receive more than $1.5M annually in addition to the current taxes in new incremental sales and property taxes. The other taxing entities, however, would recover a portion of the lost revenues through new property taxes from the retail, but not all of them as we anticipate the client team will require incentives for the multi-family conversion for the performative work.

I know the client team, like probably all of us, would prefer to keep the Cerner tower as Class A office space, but it may not be an option (inaudible)…**Mr. Deichler** said one minute remaining.

Mr. Kindle said I have moved from firmly opposed to this rezoning to cautiously supportive. This is based on the client team doing everything they've stated, documented in a well-defined development agreement with the result being slightly more revenues to the Unified Government in the short term; far more revenues once the additional retail is built, but less revenues to the other taxing entities into the foreseeable future.

I understand the dilemma facing the client team if they move forward with purchasing the campus in this economic environment. WYEDC will support whatever decision you make, UG administrative team, and the client team.

Mayor Garner asked, Clerk, is there anyone else who'd like to speak in favor of this item? Clerk, is there anyone joining us virtually who'd like to speak in favor of this item? **Mr. Deichler** said seeing none.

Mayor Garner asked, Clerk, have you received any notifications from the public wishing to express their comments in opposition? **Mr. Deichler** said no notices were received. **Mayor Garner** asked, is there anyone present who'd like to speak in opposition of this item? Clerk, is there anyone joining us virtually who'd like to speak in opposition to this item? **Mr. Deichler** said we do have two hands raised online.

Louise Lynch said my opposition is not necessarily for this building. It's in regard to the county. We have a serious housing issue that the rental offices can't seem to handle. There is a serious problem with enforcing the ordinances that you have on the books in regard to rental licensing and inspections. If we can't handle what we already have, why are we going to build more and ignore all of the other housing that is not being tended to by the rental licensing, by the inspections because there's not the staff; and by the attorneys who should be taking a lot of these landlords into the courts for not getting the rental licenses and inspections.

I brought this issue up last meeting. I spoke with the Administrator. There are tons of ways that we can do things to make this an enforceable ordinance. If we have ordinances on the books that are not going to be enforced, we have no business making more housing. Even what we have to the dogs. We need to have livable housing that is already on the books and ordinances enforced to make livable conditions for the residents of Wyandotte that are affordable.

Mr. Deichler said there is no one else at this time.

Mayor Garner said I'll close the public hearing at this time if there's no one else joining us virtually. Would the petitioner like to make some closing comments in regard to the item? No, okay. Do any members of the Commission have any questions or comments?

Commissioner Kane asked, how many of us were around when this first program dug dirt? So, a couple of us. I'm disappointed in this. I think it's not what we need. Pasasonic has their huge $4B project out in DeSoto. It's my understanding that they're looking for some place to have an office. I don't know why we wouldn't go out there and talk to those folks.

If you look across from St. Pat's, there's a boatload of apartments there. There's a boatload of apartments just west of the Legends. I don't know who could afford something like this because that facility is beautiful. I don't think because someone's having trouble getting rid of it that we should lower our standards on what we're asking for the buildings.

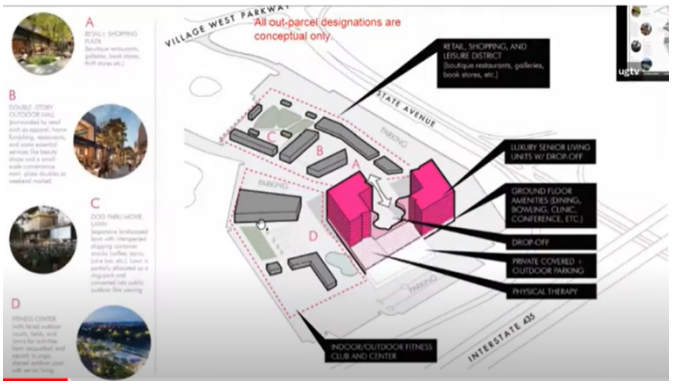
Is there any office building in all of Wyandotte County that's any nicer than that? Not to my knowledge. I don't know what this would cost. I don't even care what it would cost. I just think it's not the right use for a facility like that considering we're already flooded with apartments, and we do need more, but those are high-end apartments.

We're going to lose money at the end of the day and so are some of the other entities will lose money as well. Now, will we lose as much money? I don't know, but I just think this is a bad idea all the way around.

Commissioner McKiernan said I know we're not to the stage of a development agreement yet, but as I think forward on this, Mr. Kindle, you said that with the difference in tax status, we would lose some tax revenue compared to what we're currently getting. I guess my question would be, would the developer need public incentives to make this project work. If so, wouldn't those incentives cut even further into the taxes that we currently receive on that property? I'm not looking for an answer. Here's my concern. If we're going to take the hit from going from commercial to residential and we're going to provide public incentives of any substantial percent, then I'm not sure how that is a positive decision or a positive move for the Unified Government.

Commissioner Stites said I, too, agree that the tax implication right off the bat from $1.8M to, I believe, $1.2M, coming directly out of the General Fund. I appreciate Mr. Kindle stating that the TGT dollars don't directly come back into the General Fund.

One other thing that concerns me is, if you call pull up the map that showed the site plan,



this is what, 56 acres roughly? I'm not looking for exact. **Mr. Hand** said 63. **Commissioner Stites** said so all of these outlying buildings, if this area was rezoned residential, all of that remaining area could eventually be just apartments, correct?

Mr. Hand said the proposal is to change to C-3, which would still maintain it to be developed as commercial, but it would allow mixed-use buildings. So, yes, there could be additional residential in future phases.

Commissioner Stites said so it could all be residential. **Mr. Hand** said C-3 would only allow for mixed-use. It would have to have at least ground floor retail. It couldn't just be apartment towers. **Commissioner Stites** said one building could be retail and then all of the rest of the 60 acres could be residential. **Mr. Hand** said as a part of what was proposed or submitted for this application, we don't exactly know what their intention is other than some sort of other retail…**Commissioner Stites** said I said it could be. **Mr. Hand** said could be, correct.

Commissioner Stites said I, too, Commissioner McKiernan, believe that this project, in my opinion, would also be asking for incentives. I think that we would be taking a double hit on this.

Mayor Garner said I guess I'd say I heard that we would lose. What I see is a property that—can you pull the map back up of the overall development. From my understanding, and correct me if I heard wrong, is that it's not all apartments but it's mixed-use which is commercial, retail, and

apartments. Right now we have two vacant buildings sitting there that may, at some point, deteriorate in place.

I heard there may be a need for more office space. That is a huge facility; a lot of square footage. I just know talking to a lot of businesses myself, I can't speak for anybody else, and just some research that I've done on my own, that post-COVID, that a lot of businesses are looking to downsize office space. That whole dynamic and market of large office facilities, such as what you see in the Cerner building, aren't as in high demand as they were pre-COVID just because of the dynamic of what COVID brought, not just here locally, but to our country.

What I heard from Mr. Kindle is that yes, there's a potential that we could generate additional tax dollars, not less, if this is done right in a cooperative way with the developer. The thought is and just, I believe, that talking to—not talking—but just I had talks with Mr. Kindle. Then just looking at the site itself and then looking what the Planning Commission did was a 7 to 1 vote. We all assign people to the Planning Commission. They see value in bringing this forward for approval.

I think it would add a lot of value. There's a potential for a spin-off development as well, so it's not just apartments. We do need apartments that accommodate all income levels within Wyandotte County, and this offers that opportunity as well as increase revenues and retail that could add value to our number one tourist attraction in the state of Kansas. That's what I see. I don't just see this, from what I'm being told, as just merely apartments. I see an expanded development that could be a blessing and an added value for Wyandotte County in a variety of ways, to include taxes.

So, me, myself, I support the recommendation from the Planning Commission with a 7 to 1 vote, by people that we all appointed to that board, for approval. I trust their judgment. I trust that any plans that come forward from the developer and working with our staff and Mr. Kindle, hopefully can produce, if this moves forward, the type of results that I believe this Commission is hoping for.

Commissioner Townsend said I'm wondering if it's possible to have this—I know it's a Planning and Zoning issue—but I was a bit perplexed that, as a member of the EcoDevo team, it might not have come to us at one time first. If it had, we would know the answers to the questions raised by Commissioners Stites, Kane, and McKiernan and that would give us some more insight to it. Is it

not possible to have it go back to that committee to delve more fully into what the proponents are seeking?

Patrick Waters, Acting Chief Counsel, said it's the applicant's decision whether they want to go for economic incentives first and then planning entitlements later or vice versa. Because they've gone through the entitlement process first, we can't really take into consideration the hypothetical if they were to ask for incentives because we have not received any such requests at this time.

Commissioner Townsend said right and that was exactly my point that we would have more information.

Commissioner McKiernan asked, Mr. Hand, if this change of zone and this master plan amendment were approved by this body tonight, would that force the change? What I'm saying is, could this body make that decision tonight and then if a development agreement were to ever come forward and that development agreement were not to be supported, not to be ratified, could these properties be used, in that case, for the purpose they are being used for now, or would these change of zone and master plan amendment compel a change of some sort?

Mr. Hand said the change of zone and master plan amendment would both allow the current use to continue, but the intent by the applicant and the change of zone and master plan amendment would allow additional uses to happen and to occur. So, no. It would not compel any change necessarily, but it would create an opportunity for all of that to potentially change from Class A office space to something else.

Commissioner McKiernan said if it would allow something to happen but not compel it, that's a different choice for me because there's a lot more bridges to be crossed before we ever get to where I believe this developer wants to go, even if we take that first step tonight.

Mr. Hand said assuming they meet a development agreement, yes. They could have private dollars to do all of this, and we just don't know, and that's why they maybe didn't come through. I'm speaking in hypotheticals, too. Again, you would give them the land entitlement to do whatever essentially they choose to do and whenever they choose to do it. Again, I would caution that if it is a concern, because they might have dollars in hand, they could go get started tomorrow.

Commissioner Stites said I do agree, Mayor, that it passed in Planning at 7 to 1, but it's not the Planning and Zoning's job to determine if there's tax implications. It's their job just to say if this project would meet. It's our job so they didn't ask questions what the implications are with the tax reduction. They shouldn't. That's not what they're tasked to do.

Another concern that I have is that if we change this zoning that the developer could potentially just turn around and sell and then all of it becomes residential. No retail at all. No commercial. So, there's nothing that would tie this once we make this change to this land being sold and this development not coming to fruition.

Mayor Garner said, Mr. Hand, I think you addressed Commissioner Stites' question that if this was passed tonight, it wouldn't make it to where it solely would be all residential. Am I correct? It would have to be some sort of mixed-use development.

Mr. Hand said, again, the C-3 zone allows for mixed-use development, so that would be some level of retail and/or office component would have to be maintained with any future residential conversion and/or future development. The only land entitlement potentially needed in the future would be, again, a final development plan for something to happen outside of the building.

Commissioner Stites said, so if approved this evening, they could move forward as fast as they are able to with or without incentives on the tower itself.

Mayor Garner said, Mr. Kindle, I've got a question for you. If you could just reiterate, just for my understanding. You gave two different visions of taxes. One was your initial impression, but you noted, after speaking with the developer that you were cautiously optimistic that revenues could be maintained or even increased as this moved forward, that the development meets certain criteria that I'm sure you and our staff would be working to appease our Commission, our residents as well.

Mr. Kindle asked, did you just want me to confirm that or is there a question? **Mayor Garner** said if you could just reiterate that. **Mr. Kindle** said my first iteration, frankly, when I went before the Planning Commission, I didn't have any details about what this project might entail. I didn't know that they were planning on maybe two floors in the office tower to be a boutique hotel. That would retain that commercial zoning. I was going at it from purely the idea

that we have two towers, $1.8M coming off the entire property. To kind of even the math and said there's about $900K from each tower and look at it from a pure loss perspective because assessed valuation of residential is 11.5% versus commercial at 25%. This was sort of a straight across the board, sort of losing almost half of all the property taxes today.

However, in talking with the developer, when you look at just the present campus, you get about 90,000 sq. ft. of first floor retail that they plan on keeping as some sort of retail/commercial. The rest of the one tower would become multi-family with a certain amount of investment. Presumably, they will want that to have some tax abatement. My estimates do include a tax payment in it because I can't image they would go forward without doing that because every other apartment project that we have done has had a 50% abatement for 10 years. So, I did my analysis based on that but also kept the other tower full of office and/or those two floors of a boutique/office. That's how I came up with the transit guest tax numbers.

As a result, basically it replaces all of the lost property taxes for the UG because you have the sales tax component keeping in mind that there's probably $250K - $300K worth of transit guest taxes that don't go to the General Fund. Even though those are UG oriented tax dollars, they don't come directly into the General Fund but you have access to them if you wanted to use them for some purpose. So, you all replace your taxes for the Unified Government City/County taxes. You all represent 45.9/46% of all the taxes that come off of that property goes to City/County government.

The other taxing entities: KCK School District, which is 30% of the taxes, the college, the library, and the state, they don't have the same option to collect sales taxes. So, they don't recover those tax dollars. You can recover a portion of them off of the 150,000 sq. ft. of additional retail assuming that it is, in fact, all retail—I did make that assumption—and then based that off of what our sales tax rate is at 9.125% and the Unified Government, obviously, collects City/County sales taxes but none of the other taxing entities do. So, at the end of the day, the Unified Government, over the period of time of once all of this is built out, could easily generate $1.5M. My estimate's actually closer to $1.7M of net new taxes over what you make today, but that comes up the cost of the other taxing entities not being able to recover those in totality because they just don't have enough taxing capability.

So, it's a bit of a dilemma for you all, but it does move the property forward. The only way you get the retail built is if you at least allow one tower to become multi-family because it

frees up enough parking that's not required that you can now have this retail development. So, it comes with some balancing and that's what I looked at.

I'm very appreciative of the Genesis development team and Block team for providing me as much information as they could so that I could give you at least a quick down and dirty analysis.

Again, the taxes on the multi-family piece of it could be generated much faster, but my assumption is that their pro forma likely doesn't allow them to not ask for the same incentive as we've given to every other partner project. That's just my understanding of what most projects require to make that happen. It's a pretty sizable investment to convert that tower to a multi-family development.

Commissioner Bynum said, I, Mr. Hand, need to confirm a change from CP-2 Planned General Business District to CP-3 Planned Commercial District allows for multi-family residential. **Mr. Hand** said correct.

Commissioner Bynum said so, a couple of questions from this conversation. If we deny this tonight, could this petitioner bring forward a plan through Economic Development and Finance Standing Committee, if required; or at this point in this discussion, could this petitioner ask that this item, frankly, be removed at this point such that a plan could come forward through ED&F? I guess my question is, I'm needing you and Legal to tell me if we deny this change from the diocese tonight, does that trigger a wait period? If so, would it be possible instead of that for this petitioner to take this item off the agenda?

Mr. Hand said the applicant can withdraw an application at any time they see fit. I believe with change of zones, it's just SUPs, right? The one-year delay is for change of zones, I believe. **Mr. Waters** said yes. That is correct. **Mr. Hand** said, so, if this was denied, they'd have to come back with a substantially different project whenever in the next year or wait for a year to come back with the same project.

Commissioner Bynum said it could substantially change the project and not have the one-year wait. **Mr. Hand** said correct. **Commissioner Bynum** said or they could pull the petition tonight before we vote and potentially bring a plan forward through the economic development process. **Mr. Hand** said that hypothetical is possible. I'd say it's at the prerogative of the applicant.

Commissioner Townsend said I'm going back to a question raised by one of my fellow commissioners. I've forgotten what it is now, but it goes to the issue of a sale. If this were to pass by this Board as presented, what obligation would any new owner be under to follow exactly the scheme tonight? I'm trying to think, was that Commissioner Stites who asked the question so maybe you want to chime in, but that's how I took it. So, I'm interested in knowing the answer to that question as well.

Mr. Hand said in the hypothetical where the entitlements move through this evening and the property is put up for sale or sold tomorrow, those entitlements would allow for the conversion of the buildings so long as there was some retail and/or commercial component included in it; therefore, mixed-use. Any development outside as proposed, which are future phases for information only in this request, as you see in this diagram rendering on the screen, that is their future vision for additional development. Anything outside of the tower would have to come back for additional entitlements, but anything inside that tower could happen tomorrow.

Commissioner Townsend said, so any future owner would be obligated only with respect to this layout on the towers. **Mr. Hand** said I think it might be best to think about it as a future owner and that hypothetical could rethink how they wanted to redevelop those towers. It would have to include retail and/or office and it could include residential.

Commissioner Ramirez said thank you, Mr. Kindle, for your analysis and your comments. During your comments, I know you did the best you could with your analysis, but in my mind, as I was reading it, if the developer did this, if the developer did that, if the developer did this, then we could recover that lost revenue. That's a lot of ifs. In the end, that's up to the developer to decide what they want to do with the property.

As of right now, this is just entitlements. We don't have a DA, a development agreement in front of us of what exactly that project could be. It could be the project that you're talking about where we can recover that lost revenue or it could be a project that we don't. So, that's where I'm in the middle. There's a lot of ifs with what your analysis was. I don't like how many ifs that there are. Again, it's up to the developer to decide what they want to do with the property and what uses; but at this time, there's too many ifs for me at the moment to provide that, especially with such an important part of our community, this building, this business.

This company was one of our biggest employers. One, not the, but one of our biggest employers in the community and now it's no longer here. So, I think we need to keep that in mind as well.

Commissioner Burroughs said, Gunnar, I know one of the considerations is the tax issues have much discussion. The question I would have, has anybody been beaten down our doors in order to purchase those buildings or to repurpose those buildings.

Mr. Hand said I might be outside of those potential conversations in this Unified Government, but not that I know of.

Commissioner Burroughs asked, do we know how long those buildings have been vacant? **Mr. Hand** said I think since the pandemic. I don't think they ever came back after everything closed down from the pandemic. **Commissioner Burroughs** said so we're talking 2020, 2021. **Mr. Hand** said that would have been 2020 in the spring.

Commissioner Burroughs asked, do we know if the buildings have been maintained adequately? I know that it was brought up about demolition by neglect, basically. Do we know if the building is being cared for: lights, utilities? Is there heat/air going on in it so that it doesn't sit and build up mold or have a leak in it somewhere and continues to lower the value of the property?

Mr. Hand said I would say two things. Shelf life of a new construction like this is easily another 25 – 50 years if well maintained. There are no notices of violation to tell us otherwise that there's been an issue.

Commissioner Burroughs said I bring that up because we went through that kind of with the Woodlands when they shuttered the Woodlands facility and we had a facility sit out there trying to be repurposed multiple times. We failed to repurpose it and the building fell in disarray and eventually had to be demolished by a developer.

Mayor Garner said I heard some of the comments from my fellow commissioners. I'd like to add that this development, from what I'm getting from Mr. Hand, is that it does offer mixed-use which is going to be office, retail, and housing, which I think, hopefully, would satisfy the concerns of some of the commissioners that it would be all housing. There's a future plan there that could generate additional, I believe, over a million dollars. An additional tax revenue to our county.

I know that Commissioner Ramirez brough up the ifs. Well, the ifs have to be decided by this body, this Commission. We haven't gotten to the point of what the final development plans would look like. Really, those ifs were going to be decided if or not this Commission is going to want this project to move forward, if you move it past this first step, but you've got to get past the first step to be able to debate and decide if whatever the developer brings forward if you're going to decide that is something that is going to be suitable for you to vote yes on for Wyandotte County.

I agree, again, with Commissioner Burroughs and what he was indicating. I know someone brought up Panasonic. I've talked to the mayor in Panasonic and I can tell you DeSoto is in a building boom right now. Housing, retail, you name it. To think that—and I haven't had anybody come to the Mayor's Office. Staff has already indicted that nobody has come to them of anyone wanting to purchase these buildings.

We have a developer that presented a plan through the committee, 7 to 1 vote. It really touches on increased taxes, mixed-use development that could bring that corner that is now stagnant to some semblance of life that could spur off additional development in the long-term. But, ultimately, you all have to decide that. I would hate for another decade for these buildings to be sitting there deteriorating when we have an opportunity to at least move something forward that would allow for some type of mixed-use property that could continue to maintain the integrity of the number one tourist attraction in the state of Kansas, other than two large vacant buildings that are sitting there at the intersection of 435 and State Avenue in a very prominent manner. I don't think that's a good look for our county. I would hope that you all would see that some development needs to occur there other than having two stagnant buildings with a sign on it of a company that no longer exists.

Commissioner Burroughs said I apologize for a second bite at the apple. The prior ownership, have they, by any chance, come forward with a plan or a remedy in which to either repurpose the buildings on their own, rebuild the buildings? Do we know where they stand or they just want to divest themselves of the facilities? Is that what we're getting by the fact that they haven't come in and repurposed them themselves?

Mr. Hand said I don't know.

Commissioner Burroughs said so there's a potential, possibly, that if this sale didn't go through or this change of zone didn't go through, that actually the prior owner could step forward

and take advantage of the same incentive package or the same opportunity of CP-3 if they wanted to come in and pull this building back.

Mr. Hand said I think I see what you're saying. If the current applicant were able to move this through this Board of Commissioners today or elsewhere and then somehow left the property or backed out of the deal to buy the property, then, yes, those entitlements would stay and that property owner, the existing property owner could utilize them.

Commissioner Bynum said I'm not 100% against the proposal. I am looking at the graphic that's been shown to us and it says that it's conceptual only somewhere up there. I'm just curious how much of it's real. Luxury senior living units with drop-off sounds pretty nice. I just don't know how much of that is actually ready to come to fruition.

Part of the concern that I have is that I have colleagues on the diocese who do not agree that the suitability of the use matches the property and the surrounding area. So, that's why I was asking my questions earlier and trying to maybe buy us some other path.

It's my understanding that when it's time to vote on this change of zone, it would require a unanimous vote to overturn the Planning Commission's recommendation. Is that correct?

Mr. Hand said to overturn a recommendation of the Planning Commission, it requires eight votes, so everyone…**Commissioner Bynum** said everybody here would have to vote if we…**Mr. Hand** said if you wanted to recommend denial against the Planning Commission's recommendation. I would say also, if there was a motion to approve and you also included the additional condition of approval I mentioned in my testimony, that would also require eight votes. **Commissioner Bynum** said because it's an added…**Mr. Hand** said because it's changing the recommendation. **Commissioner Bynum** said I was just trying to find us another way.

If we didn't have eight votes to deny, then what kind of situation does that put us in? **Mr. Waters** said your other options, if there's not sufficient votes to either approve or deny, would be to remand back to the Planning Commission or hold it over until next month at full Commission.

Commissioner Bynum said, Mayor, holding it over—if that were something that would be contemplated by the Commission, I would want there to be an outcome, not just to push it off of our plate tonight. But, again, I'm just trying to find a path forward and I don't know, like I said, I'm not 100% opposed to what you propose.

I do share the concerns of what some of my fellow commissioners have said. We don't, short of a development agreement, we don't know what, in my mind, is real. That bothers me. That's why I was thinking could we go the other route first and then come for the change of zone. I'm just trying to find a path forward that most of us can live with.

Mr. Hand said, Commissioner, if I may. One answer to your question, I believe the applicant's intent is to move forward first with the conversion of tower one. I do believe they're ready to move forward on that as soon as possible. The other things are future phases that are ambiguous to staff as well, as submitted by the applicant admittedly.

I think the applicant would be willing to accept a condition of approval that the land entitlements not move forward until a development agreement is agreed upon at a future date. What staff would do, if that was acceptable to the Board of Commissioners, we would simply hold the publication ordinances, the last step that's required by state statute to move forward with the change of zone, we would hold that so the change of zone would not happen until said development agreement.

So, the action could happen tonight. We could hold those ordinance publications until some said development agreement happen. If it didn't happen, then we would just never publish it. I don't think that's the best scenario, quite frankly. It is a potential option. I would defer to Legal if they thought that was a good idea or not. It seems reasonable, based on conversation, or remand it.

Mr. Waters said I guess I would say, we don't know, as was stated earlier, that the developer wants incentives. We don't know that they are going to apply and we can't force them to. I think we need to decide it as if they are not because at this time, they haven't applied and haven't requested any. I don't think we could make a stipulation that it's dependent upon a future approval.

Commissioner Ramirez said I have to keep in mind the what-ifs because we're getting to budget cycle. If I presume there's going to be a push for revenue neutral again, of course, I'm going to have to be cognizant of those what-ifs because of the loss of revenue. So, I'm going to keep in mind those what-ifs.

Commissioner Kane said this is one of the first projects—well, it's the first one where I have more questions than I have answers. We don't have very many answers about what direction this

is going to go. As Commissioner Stites said, these guys could get this passed, sell it, and walk away. They don't have to live up to anything. Do we need apartments? Yes. At that rate? I don't think so.

Gunnar, are they still paying full taxes? **Mr. Hand** said yes. **Commissioner Kane** said so, we're not losing any money. If we're not losing any money right now and they're still on the hook, why would we want to do something we're not even sure if it would work or not?

Commissioner Townsend said these are major buildings, as you mentioned, Mayor, in the western part of the county. Again, I wish that this had come to EcoDevo so some of these ifs could have been explained and taken out of the if category, or at least the 3 on 3 mechanism had been used so we would have had more of an introduction.

I'm inclined to favor anything at all be done that we could hold it over, get some of these questions answered, and not lose the opportunity if the developer's willing to go with that. I think that's a fair and reasonable thing to do. There's just a lot of ifs. But instead of saying no or yes right now, to hold it over for one month. Be active about it, as Commissioner Bynum said, and give it some life. I think there should have been more of an introduction to the Commission about this before. I would so move that this be held over for one month. That in the intervening month, there be positive action between the Commission, the developer, and our administration to get some of these questions answered.

Action: Commissioner Townsend made a motion, seconded by Commissioner Stites, to hold Change of Zone Application COZ2023-001 for one month.

Mayor Garner asked, Counsel, can you just go over those options? You mentioned two options. Can you just for the Commission to consider?

Mr. Waters said the motion on the table is proper. We can hold it over for a month. The other option is to remand it back down to the Planning Commission, but there would need to be a specific reason and something that the Planning Commission could study in order to do that. Then, of course, you have the options to approve or deny, but the motion on the table is proper.

Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

(Action on Master Plan Amendment Application MPL2023-001 was taken later as shown on page 73.)

SPECIAL USE PERMIT APPLICATION

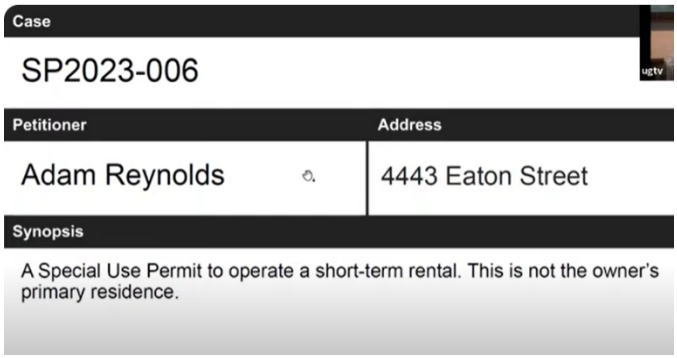
Item No. 1 – 212417…SPECIAL USE PERMIT APPLICATION SP2023-006 - ADAM REYNOLDS

Synopsis: Special Use Permit to operate a short-term rental at 4443 Eaton Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Adam Reynolds, is requesting a Special Use Permit to operate a short-term rental at 4443 Eaton Street. This is not the owner's primary residence. The Planning Commission voted 6 to 2 to recommend approval of Special Use Permit Application SP2023-006 for one (1) year, subject to:

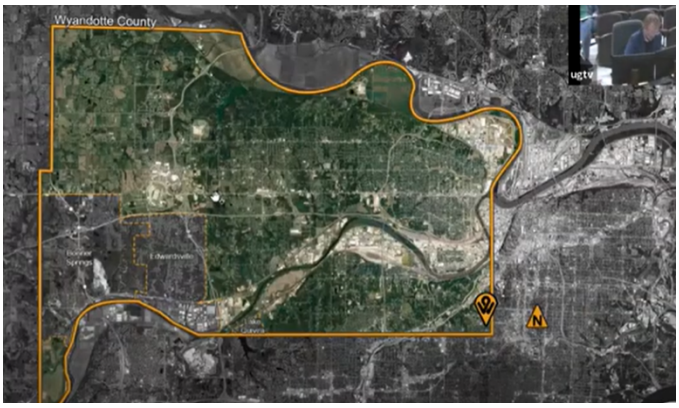
1. Proof of all repairs or estimates to conduct repairs shall be provided to staff prior to approval of the ordinance;
2. The applicant shall repair and/or repave. the sidewalk in front of the property;
3. The applicant shall repair and/or repave the walkway to the front door.
4. The applicant shall repave the driveway;
5. The debris in front of the residence shall be cleaned up and the applicant shall ensure no further debris is left in the future;
6. The applicant shall have a certified structural engineer who shall perform a structural inspection to determine if structural repairs identified in the report need to be repaired immediately;
7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval; Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
8. Maximum number of guests shall be 7;
9. All parking must be off-street, maximum number of vehicles is three (3);
10. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
11. Applicant must maintain liability insurance;
12. Applicant must maintain the property's physical condition through the duration of the permit;
13. All reservations shall be a minimum stay of 24 hours;
14. No meals shall be prepared in the dwelling by the owner or owner's agent;
15. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
16. The owner or owner's agent/operator shall provide a guest book with the following information:
    a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe

weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
   b. A lead-based paint notification for any property built before 1978.
   c. An asbestos notification for any property built before 1981.
   d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
17. The property must remain in proper maintenance and free of hazards, pests, or infestations;
18. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
19. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
21. The Department of Planning & Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
22. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
23. Subject to approval, a $125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not

submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.



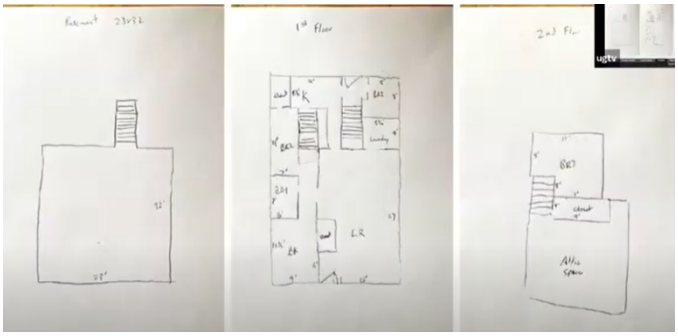
Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for a short-term rental without an on-site manager.

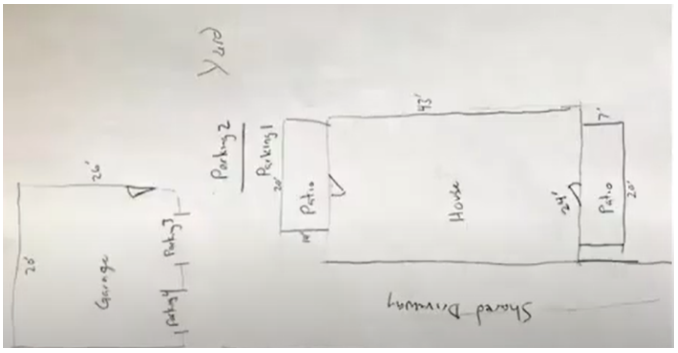


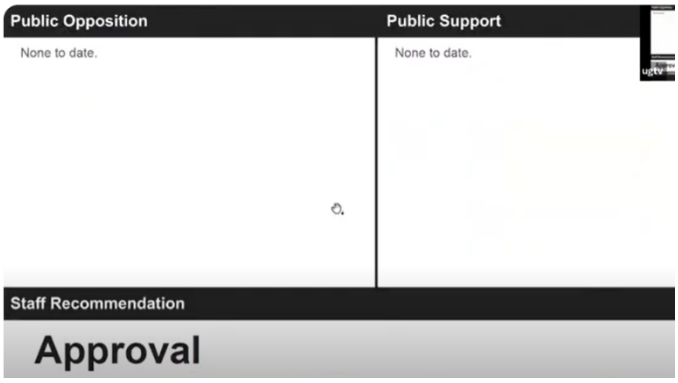
This is in the Rosedale area plan.

Thus far, we've received no letters of support nor comments in opposition. There are notices of violation related to this property. All have been resolved as a result of it being rehabilitated for a short-term rental.

Staff agrees with the Planning Commission and recommends approval for one year, including the conditions to repair the broken sidewalks, to upgrade the driveway and driveway apron to UG standards, and then a maximum of seven people and three cars off the street are allowed on the property.







Mayor Garner said I'll ask the applicant or representative to present any remarks on the application. (No one appeared.)

Mayor Garner said I'll now open the public hearing. Clerk, have you received any notifications from the public who wish to express their comments in favor of the item? **Mr. Deichler** said no comments were received. **Mayor Garner** asked, is there anyone present here in the audience who'd like to speak in favor of the item? Clerk, is anyone joining us virtually who'd like to speak in favor? **Mr. Deichler** said we have Sarah L. We don't know what the last name is who has her hand raised.

Sarah L. said I was not speaking in favor of but in opposition to. I don't know if I need to wait until the opposition portion or just go ahead and speak. **Mayor Garner** said no. You need to wait.

Mayor Garner asked, Clerk, anymore virtuals in favor? **Mr. Deichler** said seeing none.

Mayor Garner asked, Clerk, any notifications received from the public who wish to express their comments in opposition? **Mr. Deichler** said nothing received. **Mayor Garner** asked, is there anyone here that is present in the audience who'd like to speak in opposition of this item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, Clerk, could you recognize individuals joining us virtually who'd like to speak in opposition?

Sarah Lynch, Wyandotte County, said I'm a member of the Community Conscience Action Network. I'm speaking in opposition to the short-term rental because we have a larger housing crisis at hand in Wyandotte. I'm not sure how you can approve short-term rentals when the current rentals that are already existing aren't being taken care of as it is.

I have had to look through housing for personal matters for a number of months now. Over the course of that time, I found about over 50 properties that have not had licensure to be rented and some other properties, licensed and not licensed, there have been deficiencies.

Now I understand that we're currently going through financial matters and I understand that we're currently having issues with staffing, but I feel as though if you're able to go after some of these licensures and some of these deficiencies, you can remedy some of the financial matters. If you have 50 properties that don't have licensure and that aren't being inspected, you're one, missing the licensing fees that go with those rental licenses and two, ensuring that there's safe and adequate housing for the citizens of Wyandotte.

We have a burgeoning homeless population that keeps growing because they can't find housing. People are moving away from the city because they can't find housing. So, I come in opposition to this short-term rental because if we're not taking care of those long-term properties and the properties that we already have, how can we accommodate more? **Mr. Deichler** said you have one minute remaining.

Ms. Lynch said we need to set rent controls so that housing can be affordable to the citizens of Wyandotte. We need to support the Rental Licensing Office so that they can do their job more efficiently, not that they aren't already doing their job efficiently, but they need help from both inspectors and from the legal team and the commissioners as well to write some of the support into policy so that we can better take care of our citizens.

I know I'm running short on time so I'll leave it at that.

Louise Lynch said I just want to reiterate some of the same things Sarah talked about and I spoke earlier. I wanted to address all of the commissioners because in the over 50 properties that we have investigated looking for housing, they wound up being in Districts One, Two, Three, Six, Five, and Eight. This is a huge problem. People are being left to be in slum conditions. There was just a house that I looked at yesterday. It had a rental license. It has a house inspection, but the electrical box had no cover. Wires exposed everywhere, but it's been deemed suitable. If someone were to put their hand in there, they could become electrocuted.

I also want to say that the Rental Licensing Office is not that they're doing a bad job. Please don't mistake that. They are very short-handed and are doing what they can. We need for our tax dollars to work for us. We have more attorneys in the Legal Office than they do at the DA's Office. We need to put them to work to enforce these ordinances; to take these landlords to court and make it right. Make the living conditions we now have right.

We have too many absent landlords. There are many landlords that are outside of Wyandotte, that are outside of Kansas, that are all the way in Florida, Michigan, some across the ocean. They are being hidden in shell companies.

We need some serious revamping of some of these ordinances and we need enforcement. We need help from the commissioners as well and we need help from BPU. These renters that they're renting to and want them…**Mr. Deichler** said you have one minute remaining.

Ms. Lynch said …wind up going into slum conditions are because we are not doing what we can. BPU should be able to look at their database and if there is not a rental license, not give utilities until the landlord has compelled.

We also need to look at these leases because they are charging the residents $25 for every maintenance request or repair on top of their rent, on top of them making them pay insurance packages now. This is a problem. Let's all work together.

Mayor Garner asked, Clerk, anyone else? **Mr. Deichler** said seeing no others. **Mayor Garner** said I'll close the public hearing. Would the petitioner like to make any closing comments? None. Do any members of the Commission have any comments or questions?

Commissioner Ramirez asked, Mr. Hand, how many others in this area, on this street or a couple of streets around it, how many are there already STRs, licensed or unlicensed? I should guess I could ask for that too.

Mr. Hand said based on our most recent data, there is an existing short-term rental without an SUP on this block, and there's an existing short-term rental without an SUP on the block directly behind it.

I believe two of the Planning commissioners voted against this case at the Planning Commission hearing for two reasons. One was for that reason. There are other short-term rentals without SUPs on the block. There's a density, in their minds, whether they're allowed or not allowed.

Secondly, this case was generated by a door hanger from staff when we realized that they were operating their special short-term rental without a special use permit. They came in immediately to get one, to their credit, but I think that didn't sit well with some of our Planning commissioners. They were essentially asking for forgiveness, not permission. They had already gone through the rehab project and all of that stuff, as you can see in some of those pictures.

Commissioner Ramirez said there's already one on this block, one that's not licensed. This one is maybe or maybe not about to be licensed. The next item on our agenda is our new STR ordinance and I made an amendment to change it back to one STR per block. That means one STR is in violation or the other is in violation. We have two currently that could possibly be in violation. Now, yes, I understand this one is going through the process but, again, like you said, they're asking for forgiveness rather than permission at this moment. I know if we move for denial, we need to have a reason, correct?

Mr. Waters said yes. I guess two things. I've opined before that failure of an applicant in the past to get the SUP is not a valid reason because once we allow them to apply, we say that we're going to subject you to the same factors as anyone else. So, the simple fact that they didn't in the past would not be in and of itself enough for a denial.

With respect to the upcoming ordinance, if that were approved tonight, that would not be in effect until we publish it. So, this will be the last one, potentially, considered under our old ways. You would need to find a golden factor in the staff report to deny it. It would not be able to be denied based on the simple calculation of one per block, if that makes sense.

Commissioner Ramirez said yes. That's understood. I understood that. That's what I was asking. If I were to go that path, I would have to have a reason under the golden factors.

Commissioner Townsend asked, Mr. Hand, do we know if the owners of California somewhere if they currently operate any other of these short-term rentals? **Mr. Hand** said no. I do not know. I believe they do in Missouri. They mentioned that at the Commission hearing, but I don't think they have any others other than this in Kansas City, KS, but I do not know for sure.
Commissioner Townsend asked, their representative, hear from them tonight? They did not appear. **Mr. Hand** said they did not appear. Again, they called into the Planning Commission, I believe, from California earlier this month, but they appear not to be here today.

Commissioner Townsend asked, do we know if Missouri would require something similar to us in terms of a licensed rental since they were operating without one?

Mr. Hand said the City of Kansas City, MO, is in the process of creating their own short-term rental ordinance. I think they're in the same boat we are right now which is they sort of do what they can, but there is no actual ordinance that addresses short-term rentals. So, I don't know.

Commissioner Townsend said all right. Well, that kind of answered another question I'm going to ask. Related to our callers who had concerns about rentals already on the books that need enforcement in some area or another. Does the fact that the applicant is coming forward tonight, that will take care of the fact that they are seeking a rental license or that's something totally different?

Mr. Hand said short-term rentals don't need rental licenses, only long-term rentals do.

Mayor Garner asked, are there any comments or questions from the Commission? Seeing none, I'll entertain a motion. It doesn't sound like I'm going to get a motion.

Mr. Waters said there does have to be some action because this is a Planning item. Holdover, remand, approve, or deny.

Commissioner Markley asked, is it possible for us to hold it over so it can go through the new short-term rental process? It seems like that would be the fair way to handle it, but I don't know the timeline of that.

Mr. Waters said there's actually a case law on this where they would be subject to our previous standard because they applied under the old way.

Mr. Hand said I would also say that the current ordinance, which you'll hear here in a second, pretty much codifies our current process. There's changes, but…

Action: **Commissioner Stites made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2023-006 for one year, subject to the stipulations.** Roll call was taken and there were five "Ayes," McKiernan, Markley, Stites, Bynum, Townsend; and three "Nos," Ramirez, Kane, Burroughs.

Mr. Waters said the motion to approve fails, but we do need a binding action still, so still ripe for another motion.

Mayor Garner asked, Clerk, can you advise on the motions again. **Mr. Deichler** said 5 to 3, motion failed. **Mr. Waters** said the Mayor can vote if the vote could change the action. An approval would only take six because the Planning Commission was for approval.

Roll call was taken for Mayor Garner's vote to approve and he voted to deny.

Mr. Deichler said 5 to 4, still fails. **Mr. Waters** said we will need another motion. **Mayor Garner** asked, Clerk, can you advise on the remaining motions that the Commission can consider? **Mr. Waters** said the motion to approved failed so we can have a motion to deny, a motion to remand, or a motion to hold over.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2023-006 for one year, subject to the stipulations.**

Commissioner Stites said I just want to be clear. So to send it back, we have to have a reason to send it back. That's all. I just wanted to make sure I was clear on that.

Roll call was taken on the motion and there were seven "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Townsend; and one "No," Burroughs.

Mayor Garner said we need to go back to that item. We actually took one vote on that huge debate we had on the Cerner project. If we can go back. There's actually two items and we didn't codify which items we were voting on. So, we need to go back and have to retake a motion for Item A1 – Change of Zone Application COZ2023-001. I believe, initially, Commissioner Townsend, the first item, wanted it remanded back for 30 days and there was a second, which was approved. If that's still the case, we would just need to do that separately for each one of these items.

Mr. Deichler said, sir, if I may. At the announcement, we did call change of zone, which was that conversation we had extensively, so the first vote does hold, I believe, at that initial which we would do now the C master plan amendment which references back to the same project MPL2023-001 with Mr. David Block for the same considerations under the master plan amendment piece.

Mayor Garner said both of those items are aligned, but they needed separate votes.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Townsend, to hold Item C1 – Master Plan Amendment Application MPL2023-001 for 30 days.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

MASTER PLAN AMENDMENT APPLICATION

Item No. 1 – 212401…MASTER PLAN AMENDMENT APPLICATION MPL2023-001 - DAVID BLOCK WITH BLOCK AND COMPANY, INC.

Synopsis: Master Plan Amendment from Regional Commercial (Prairie-Delaware-Piper Area Plan) to Mixed-Use (City-Wide Comprehensive Plan) to convert an office building into a mixed-

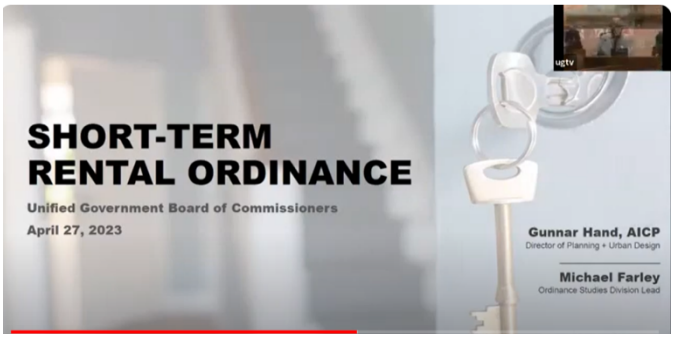
use apartment building at 10200 Abilities Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **This item was previously presented in conjunction with P&Z Non-Consent Agenda Item No. 1 – Change of Zone Application COZ2023-001.**

MISCELLANEOUS

Item No. 1 – 212207…ORDINANCE: SHORT-TERM RENTAL USES

Synopsis: Consideration to create a new Short-Term Rental Ordinance and Staff review process, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. This item was scheduled to appear before the Administration & Human Services Standing Committee, chaired by Commissioner Markley, on April 24, 2023. It was requested, and approved by the Mayor, to fast track this item to April 27, 2023, full commission meeting. This item was previously heard by the Planning Commission and passed with a vote of 6 to 1.



Gunnar Hand, Director of Planning and Urban Design, said we're going to give you a quick presentation on the proposal to create a short-term rental ordinance as a part of our Chapter 27 Zoning code. Before I hand it over to Mr. Farley to give that presentation, just a couple of opening remarks.

Again, this process included multiple rounds of public engagement, that both before and while staff was drafting the ordinance, to inform the values by which to write said ordinance. We've been in approval process; a relatively lengthy one. Gone back and forth a couple of times with Planning Commission, standing committee, and others over the last, again, couple of months which has provided additional comments and opportunities to tweak the ordinance, to address all of those comments. I'd say the number one issue that staff has experienced thus far when we

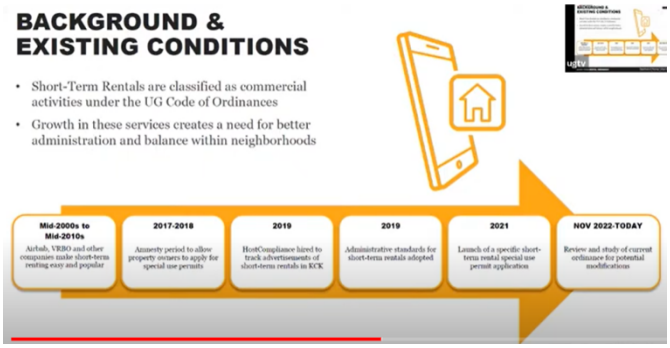
moved past general opposition to all short-term rentals was the density limit per block of that was proposed for short-term rentals. That's gone back and forth a couple of times.

What you have on this agenda item—I would say what you have before you, staff believes it's still a balanced approach that prioritizes actively owner-occupied short-term rentals. What is in front of you are two different versions of that ordinance. The one that was stamped original is what came out of the City Planning Commission earlier this month. The other one is what came out of Administration and Human Services earlier this week. There were tweaks made by Administration and Human Services that staff agrees with, so our recommendation would be to move forward with the Administration and Human Services ordinance if you wanted to this evening. Again, that's the one not stamped with anything. That ordinance specifically was moved to reduce the density bonus down to one per block. The density bonus that is represented in the City Planning Commission is 25% of properties on a block, so a little bit higher density allowed in the City Planning Commission's recommendation.

Again, both motions, if it was to move forward, we have committed to Planning Commission and you all to come back in a year with a report on how the short-term rental ordinance is moving forward, and bring any recommendations and future amendments at that time.

I would also note that staff has been organizing a zoning blitz on short-term rentals to happen sometime shortly after if this were to move forward. Don't know exactly when yet, but we would basically have to put things on pause for other zoning enforcement actions and dedicate some time to do this. I think that would take about a month, but that is in the works. We're ready to move forward as needed.

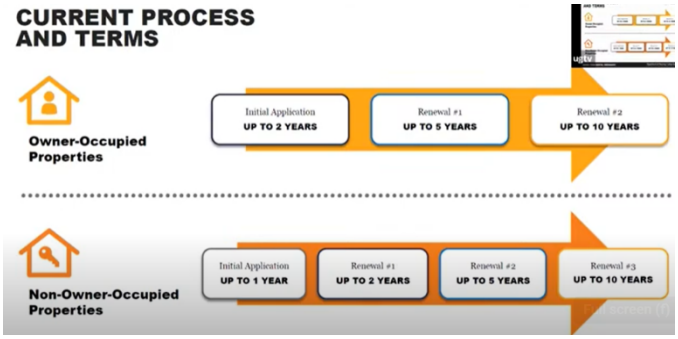
With that, we, again, have a quick 10-minute presentation by Mr. Farley to kind of give you a recap. For those who were at standing committee, you're going to see the same thing again, so bear with us just a little bit. I just got the key that Mr. Farley has five minutes to do his presentation.



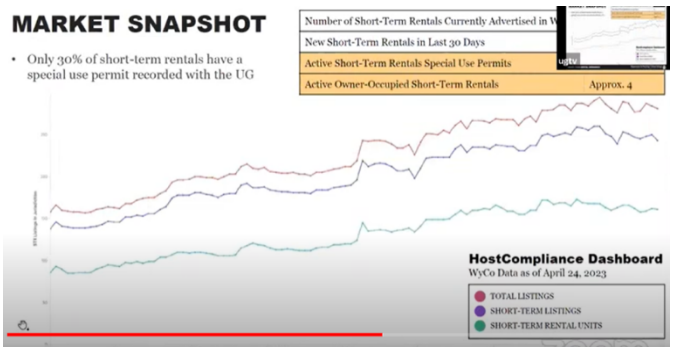
Michael Farley, Ordinance Studies Division Lead, said short-term rentals, as we know them now, well, I guess in a way have always existed within Wyandotte County. Sometimes they're known as boarding houses, as spare rooms, and people were using to rent out for extra income, things like that. But in the last several years, last decade or so, due to the rise of third-party platforms such as Airbnb, it has made it much easier for the average person, the private citizen, to rent out their own home and connect people across the country and across the world to come to Kansas City and use this person's property for a short-term rental.

So, addressing that, back in kind of the end of 2017, early 2018, to address the rise within the Unified Government of short-term rentals, the present amnesty period to get these short-term rental property owners into compliance. From there, we've operated under the special use permit process to allow short-term rentals within the county.

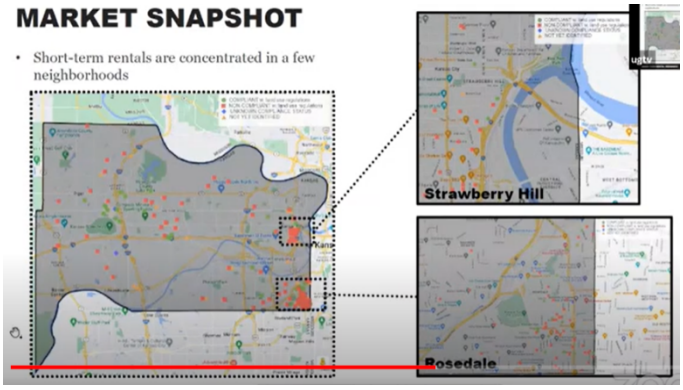
Now, there are other steps that we have taken including using Host Compliance, a third-party program, to scrape data off the internet and see who's renting and where, who's advertising. We have worked on the special use permit to process an application in order to streamline the process for short-term rentals, specifically addressing questions that tend to come up with those. Since last November, we have actively addressed and looked at a new short-term rental regulation that would be more robust and able to apply to more scenarios in a way better than that we have right now.



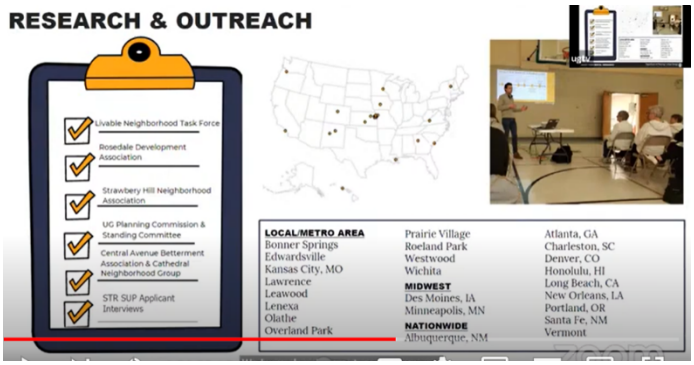
To look at our current process, like I said, special use permits are the only way that a short-term rental can legally operate within the Unified Government today. From the beginning, we have made a distinction between owner-occupied and non-owner-occupied properties, but that distinction has mostly been with the length of term that the special permit can be offered. So, as you see up here, an owner-occupied property or someone who is living in their property while they were renting it out, can get a special use permit for up to two years the first time. They come back for renewal, they can do five years and then ten years, while a non-owner-occupied property can only get a special use permit term of one year upon their initial application and then can follow that 2-5-10 step after that. Again, as of right now, that's the only distinction, we think.



Previously I mentioned Host Compliance. This is a graph, the data that they have found through different third-party websites such as Airbnb, VRBO, Homestay, and the like. They've used that to identify properties that are within Wyandotte County that appear to be advertising short-term rentals. This may be a couple of jurisdictions outside of the Unified Government, but it still gives us a pretty accurate indicator of both the number and the rise of short-term rental advertising and accounting.



Host Compliance has also allowed us to track where these short-term rentals are. As you can see, there is concentrations within the Rosedale and Strawberry Hill neighborhoods, but there are short-term rentals, both compliant and non-compliant, operating throughout the Unified Government.



In the process of looking into and creating a more robust short-term rental ordinance, we have looked at other municipalities within the KC metro area as well as other municipalities in the state of Vermont, nationwide in order to look at best practices to see how other municipalities and states have addressed the balance of using short-term rentals and how they've regulated within their boundaries.

We have also done outreach through public meetings and to specific community groups as well, through us, between November and now in order to get an idea of how the public feels about short-term rentals, what problems are, what the benefits are and incorporate that into our ordinance proposal as well.

Through the research and the outreach, there are four key considerations that we have identified and that we are incorporating into this ordinance. The first is addressing various tenancy models throughout the Unified Government. We have owner-occupied properties, long-term rentals, and short-term rentals. All three of these, in balance, do bring their benefits and we need to recognize those benefits through this ordinance.

The second is enforcement. Understanding that our zoning enforcement is only one tool that we can use to ensure compliance. It is not the primary tool and it should not be a primary tool to encourage compliance. We should be using other methods within our codes in order to incentivize short-term rental owners to come and register with us.

Another consideration is the neighborhood itself. On one hand, ensuring that property owners can use their property to the greater ability while also making sure that the character of the neighborhood is maintained, and that any changes that are happening to the neighborhood are incremental in nature.

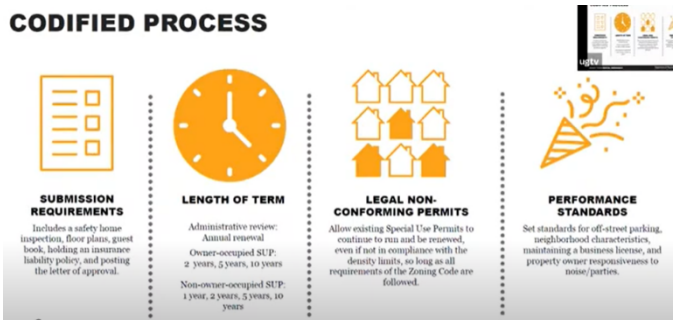
The last consideration is economic development. We have heard and we have seen that short-term rentals can bring economic development or develop previously blighted properties or properties that would not be addressed through the free market otherwise. At the same time, we want to ensure that any outside investment that is coming into our community stays within that community, specifically, and does not lead to displacement but instead, leads to greater investment in those neighborhoods.

With all that, looking at our staff expertise, our best practices, peer cities, and community input, the ordinance that we have before you today is to establish an owner-occupancy-preferred approach to short-term rental permits based on both building typology and zoning districts.

So, I guess you're wondering what that means. Well, a couple of things. First, we need to make sure that we are updating our definitions in order to properly address this new short-term rental scheme. The first thing is actually identifying what a short-term rental is. This proposal outputs in the code that a short-term rental is a rental less than 30 days. It identifies an individual or party or corporation that is a homeowner. It specifically identifies actively owner-occupied properties. That will be the basis for the administrative review process, that we'll talk about in a second, and also identifies the street block. That is the unit or the basis for the density limitations that we'll also be talking about.

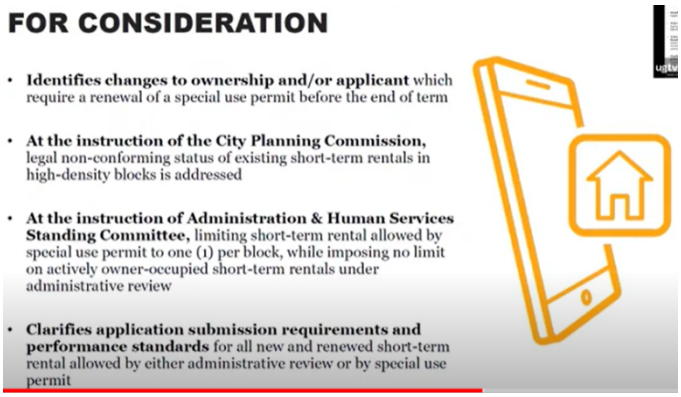
This code will also address the land use for short-term rentals. So, it identifies the zoning districts and what a short-term rental can be allowed in. It also identifies the building typologies. So, single-family, multi-family, mixed-use buildings that short-term rentals can be allowed in as well, again, with meeting the proper requirements. Addresses density of the parcel. Again, this will vary from multi-family buildings. We anticipate multi-family, the use of multi-family things for short-term rentals and want to make sure that there are limitations in place for how many units can be used. Lastly, we want to make sure we anticipate the use of the density on the street block.

In these proposals, again, as Director Hand mentioned, the two proposals right now are 25% of the entire street block is recommended by the Planning Commission, and one special use permit per street block is recommended by the standing committee.



Last week, we are also codifying processes that we already have in place, including submission requirements, the length of term for short-term rentals, specifically including an annual review for any administrative reviews. Again, that would be actively owner-occupied properties would just be coming in annually, doing a much shorter process, while special use permit would still be used for any non-owner-occupied properties.

Because of the density limitations, there were concerns about what would happen to non-conforming, but yet permitted, especially, excuse me, short-term rentals, so we've addressed that as well. We put additional language into our code regarding the non-conforming use of those previously allowed short-term rentals, and then also have added performance standards including neighborhood characteristics. One of those is density, another one is consideration of parking, the responsiveness of a property owner or a property manager to neighborhood complaints and police calls that are coming to the property due to tenant action. So, all those are now codified as performance standards that can be looked at for special use permits and for administrative reviews.



Tonight, for your consideration, as mentioned before, we are looking at what happens with the change of ownership of properties for all special use permits. Again, because you could be in a situation where there are a lot of people not conforming but yet previously allowed short-term rentals, and identify what that process looks like if the property were to transfer hands.

We're also looking at limitations of special use permit short-term rentals per block. Again, there are, as recommended by the standing committee, there would be one per block. Again, I do want to emphasize here that this would be for special use permits which, again, are not owner-occupied properties. As of right now, there's no recommendation for a limitation on actively owner-occupied properties where people are using a room or an accessory dwelling unit on their property while they're actively staying there, very short-term rental.

Lastly, we're clarifying application submission requirements and performance standards, as I mentioned previously, codifying what we have previously been doing for the last several years.

Lastly, before I take questions, I'm just pointing out the outreach and engagement that we've been going through. As I mentioned, this has been an actively ongoing process since November with research happening throughout the summer, late fall, ever since I took the position as Ordinance Studies Specialist. As you can see, we've been before the City Planning Commission several times. Before the AHS Standing Committee several times. We have done outreach in several different neighborhood groups and organizations as well, interdepartmental feedback as well to see how these processes work and affect other departments within the Unified Government.

Commissioner Burroughs said just for a point of clarification. One per block. So, if someone owned a fourplex, lived in one of the units, could the other three be short-term rentals?

Mr. Farley said each parcel is actually going to be its own separate unit. So, if it's an on-site property owner, they're being in one of the units, was that your question?

Commissioner Burroughs said if it's a fourplex. I'm just giving an example. If it's a fourplex and the owner lives in one of the units and the other three are available, could all three of those be a short-term rental?

Mr. Farley said yes, for a fourplex, specifically, up to three other units. So any building that has 3 – 12 dwelling units, could have—if you have someone living on-site, you could have up to 3 units total and then 25% after those first 3. But in your example, specifically, it would just be an additional 3.

Commissioner Ramirez said just for my fellow colleagues that do not sit on AHS, I was the one that offered the amendment to change it. Before, it was 25% density. I did my research of looking up various streets in Rosedale. I went, myself, up and down those streets and counted the houses of how many were on per block. Under our definition, it's on both sides of the street. It was a significant amount of houses that would be allowed to be STRs under SUVs. I believed that was too much so, that is why I offered the amendment to change it back to one per block. It was something that my district wanted, and a lot of other residents and districts I heard as well. Strawberry Hill supported it as well.

There was also another amendment we changed. Gunnar, I believe it was the $1M liability insurance, but then we changed it back to just having to show proof of homeowners insurance. Is that correct?

Mr. Hand said for administrative reviews, yes. So, if you're a homeowner, you don't have to have $1M liability like if you owned a business and owned the house and were doing a short-term rental. So, yes, just proof of homeowners insurance for administrative reviews.

Commissioner Ramirez said I just wanted to give, again, my colleagues, who don't sit on the committee, my thoughts of why I changed and amended the density requirement.

Mayor Garner said I believe this item is—the Planning Commission recommended approval by a 6 -1 vote. Administration and Human Services Standing Committee, chaired by Commissioner Markley, heard this matter on April 21, 2023. That was unanimously recommended with certain amendments for consideration by this governing body. I didn't know if Commissioner Markley wanted to have some comments in regard to this.

Commissioner Markley said I would just comment that this has been both before Planning Commission and before our standing committee multiple times. I don't think this is a perfect answer, but I don't think we're going to know what the perfect answer is until we put something in place and start to see what the pitfalls are. I think we should look at this as a living document.

I think there was a request by Planning Commission that this come back in a year. Certainly, our standing committee wanted to see that as well. We've worked on it, we've worked on it, we've worked on it. I think at some point, we're just going to have to find something to start with, and we're going to have to figure out what that looks like in the long term as we go.

This is relatively, from a legal perspective, this is a relatively new world. Other jurisdictions are struggling with the same situation trying to figure out where that sweet spot is, and I think we're just going to have to struggle right along with them. I think this is a good start down that road. With that, I would move to approve.

Mayor Garner said we still have to go through the process of a public hearing. So, with those opening remarks, I'll ask if there's any applicants or representatives who would like to present any information on this item.

Carol Marinovich, 4168 Eaton, said I want to commend the standing committee for making some changes, especially in the density issue; however, I don't think this takes it far enough. The one per block if only it goes through the special use permit. I think it should be one per block even if under administrative review to owner-occupancy. I had the ordinance before me. I'll go through what my issues are.

On the first part, under short-term rentals, in Section 4, Item 3, it says regarding maintenance of the neighborhood character including but not limited to density or concentration of short-term rentals as a percentage of the overall neighborhood housing pool. That's very vague. What percentage are we talking about?

The other issue is nowhere, in talking about the density, is the issue of how many rental properties are there in that particular neighborhood, too, because this can really impact neighborhoods.

Number 4 in that section, responsive to neighbor complaints. It says the number of complaints regarding parties at the property, etc. How many complaints will it take for action to be taken? I think there needs to be some more specificity there.

When it talks about short-term rentals subject to administrative review, I think the one per block should also be included in that section because Item No. 2 under B, No. 1, Item 2, it says the property owner is reasonably accessible by tenants, neighbors, and city employees. What do we mean by accessibility? Are they a phone call away? Can they come to the property quickly? **Mr. Deichler** said one minute remaining.

Ms. Marinovich said the other item is I don't see anything under administrative review requiring neighborhood input even though the slide said we would maintain neighborhood notice and input.

I'm glad you eliminated 25% in my neighborhood. That would have been 27 homes. My recommendation would be the one per block. The first approval be one year only because you have an enforcement issue. Staff has even put in their slide presentation that there are limited resources. There needs to be resources put into that enforcement because I can tell you, in my neighborhood there's a property at 1901 W. 42nd that's been operating as a short-term rental for several years without a permit and nothing has been done. **Mr. Deichler** said your time has expired.

Mayor Garner said just for clarity, we are now in the open public hearing. Clerk, were there any notifications that were received from the public who wish to express their comments in favor of this item? **Mr. Deichler** said nothing received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of this item?

Erin Stryka, Rosedale Development Association, 1403 SW Blvd., said, Commissioner Markley, I wanted to thank you for your comment that this isn't perfect but it is a step and we're kind of figuring out as we go. I want to talk a little bit about why it's so important to get this right in Rosedale, Strawberry Hill, and everywhere.

I got to Brazil in 2011. I was an AmeriCorps member working on one of the youth programs. In the last 12 years, I have watched neighbors, neighborhood groups, businesses, churches, schools just utterly transform Rosedale and now everybody wants to live there and now

we don't have enough places for people to live. This has happened really quickly and has really coincided with STRs emerging as an industry. So, that's really important because all of that work that went into making Rosedale what it was, we want that work to benefit the people who did the work and the people who live there.

It's also important because there's something really special going on there. When we let huge percentages of our blocks go to be only housing guests not residents, it really dilutes the specialness of that neighborhood. That's really important to keep.

I think you also saw an example tonight of why it's really important to have an ordinance that allows you, as a Commission, both to have a common sense limit on the number and density of how many these are, and it allows you to consider density and neighborhood character, not just the golden rules.

Then I would just say as a side note, the alternative to having a policy is that I come down here every single month and fight every single one of these for Rosedale. Just out of compassion for yourselves, I don't think you want that and I think there's a better use for all of our time. So, it's really important to have this limit and have this ordinance. **Mr. Deichler** said one minute remaining.

Ms. Styka said I think a couple of really important next steps is it is really important to get enforcement right. There's no point in having an ordinance that we can't enforce. We have a lot of work to do in that area.

I also think Mayor Marinovich raised some really important points about administrative review and how neighbors are notified in that process. I would ask if we could get a little bit more information from staff about how neighbors are notified, can have input, and can report problems for the administrative review sites. I think that's also a piece that's very important to you.

Mayor Garner asked, is there anyone else who'd like to speak in favor of this item? Clerk, is there anyone joining us virtually that would like to speak in favor of this item? **Mr. Deichler** said we do have Sarah Lynch. I'm not sure if she is for or against it. She can state her position.

Sarah Lynch said I'm for but with some concerns. I would like to echo the previous speakers. There does need to be enforcement and some of their concerns that they've already brought to you. In a matter of this, I recognize that there are things like Airbnbs and things like other short-term

rentals are coming around as part of the future; however, I also care for our residents in that there are many that do not already have places to stay. I know that there are shelters. I know that there are other homeless resources. I'm not just talking about resources. People want to come into Wyandotte and live here long term. There isn't enough housing long term. How can we have short-term housing if we can't take care of the residents that are trying to stay here long term? That's number one.

Number two. Enforcement does need to be examined with a fine-tooth comb here. As the previous speaker said, an ordinance without enforcement is meaningless. How can you have short-term or long-term residents come and move into Wyandotte, into neighborhoods that are being discussed and not give them any sort of places to go in the event that they need to call for assistance from their government to enforce the codes? What is being laid out so that the tenants can live there safely?

On the same thing, I suppose you would also want to look into what resources do the landlords have considering that the tenants seem to be at the landlord's mercy these days. This is something that needs to be deeply examined. We're already short staffed as it is in terms of resources. We need to fix the resources before we approve this ordinance. Once those are approved…**Mr. Deichler** said one minute remaining.

Ms. Lynch said once those are, then I feel like we could return to this at a later date. I would ask for the Commission to look at what can be remedied before you move forward and then I would say move forward with this.

Mayor Garner asked, Clerk, anyone else virtually? **Mr. Deichler** said seeing none.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express opposition to this item? **Mr. Deichler** said nothing in opposition. **Mayor Garner** asked, is there anyone present in the audience that would like to speak in opposition to this item? Clerk, is there anyone joining us virtually who'd like to speak in opposition to this item? **Mr. Deichler** said seeing none.

Mayor Garner said I will now close the public hearing. Would the petitioner, if there's one, like to make any closing comments? Any members of the Commission have questions?

Commissioner Ramirez said thank you, Mayor Marinovich, for your comments because that administrative review portion did catch my eye tonight when I was looking at that.

Commissioner Ramirez asked, Mr. Hand, is there a reason why there's a difference between SUP one block and unlimited, no limit for admin review?

Mr. Hand said I think staff's thought was you live in your house. You want to rent out a room or a granny flat for a short amount of time or a long amount of time that you should be able to do that.

Commissioner Ramirez said I do agree that or maybe it should be one block on that, but I think that is something—I know I can't give direction. I can give direction to our Administrator through that if that is one thing that our Planning Department can study throughout this year is how effective is that unlimited on admin review for SUPs. We can study that and then report that back. I think that would be good to have that data moving forward.

Every ordinance we make or create, especially with a topic like this, which is very new, there is not—I thank you, Mr. Farley, for everything you've done. It's kind of hard to create ordinances and regulations and policy when there's not much to go off of. All municipalities and jurisdictions around the country are dealing with the same issue. Some right next door and then some also in the metro maybe looking into it.

I think we move forward with what we have. I would like that we review or monitor/ review and bring that data back for us. If we can't put it in policy, maybe through procedure, through staff, pertaining to what Mayor Marinovich was talking about pertaining to neighborhood complaints if there's a certain amount, a certain number, or certain threshold. I don't know if that can be done through a procedure or if that has to be policy based.

Mr. Hand said the ordinance before you includes a provision that doesn't exist today. So, if in the process of reviewing annual reviews for an administrative short-term rental, any notices of violation or other citations or other complaints are included that would trigger it up to a special use permit which then could be at the discretion of the Board of Commissioners.

Commissioner Ramirez asked, if that happens through admin and it triggers them to go to an SUP and there's already an SUP that's already licensed, what would happen then?

Mr. Hand said they wouldn't get one. They would just pull the admin review. We would pull the administrative approval and they wouldn't be allowed to do short-term rentals.

Commissioner Ramirez said so it seems that there are guardrails, as you can say, in a way.

Mr. Hand said I think staff did our best to balance, again, providing opportunities for homeowners to have supplemental income. We tried our best to create a code that is enforceable, a code that is tenable for our operationalization of it, which we're working on right now in anticipation for it tonight or in the future.

I would agree that it's a work in progress and we look forward to next year's report and any recommendations we come up with to address, just real quick, the density of administrative reviews. Again, I think it was less of a concern because when you look at the data, we have about 55, 54 SUPs for short-term rentals, special use permits for short-term rentals. Only 4 of those are actively owner-occupied. The problem is not actively owner-occupied short-term rentals.

Commissioner Ramirez said Commissioner Markley mentioned it, Erin had mentioned it. This is a work in progress. You said it, Mr. Hand. I make a promise to the community, to Rosedale, that I will stay on top of these reviews of looking at the density of the admin review to make sure it's being followed, it's not being abused by some of the STRs or STR owners, property owners out there.

Also, I can have a conversation with Chief Oakman about the neighborhood complaints and whatnot and work with our admin and our Planning staff. I think for right now, it's good for what we can do at the moment. Then, in a year, come back, as we've all been saying, and look at the recommendations of changing.

Action: **ORDINANCE NO. O-49-23,** "An ordinance defining and regulating short-term rental uses through the identification of dwelling typologies, owner-occupancy, and zoning districts, amending Sections 27-207, 27-340, 27-388 and 27-593, and wholly adding Section 27-623 to Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner Markley made a motion, seconded by Commissioner Ramirez, to approve the Administration and Human Services version of the ordinance.** Roll call was taken and there were

eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Commissioner Burroughs said I hate to prolong this discussion. This is a great starting point, and I appreciate the work that we've done on this. I know it doesn't have all the answers to it. I would just state that I would hope that it is substantiated complaints, knowing that there's some neighborhood animosity to short-term rentals in neighborhoods, that they wouldn't just call in and complain for the purpose of doing away with the short-term rental because of the lack of support of short-term rentals in the neighborhood. So, I would hope that it would be substantiated or there would be some way in which to ensure that we're not creating additional hardship in a neighborhood that doesn't need to be created.

I'm in support of the work that was done by the committee. I think it's long overdue even though it's a new issue. Thank you, Mayor, for the opportunity.

Commissioner Bynum said a couple of things, Mr. Hand, if you could clarify and perhaps have some plan moving forward as we monitor, assuming we pass this tonight. Revocation processes for bad actors. You can speak to these now if you want to. Repeat offenders. Can we codify fines that increase for repeat of offenders to the point that we can revoke? I think special use permits have revocation powers now.

Mr. Hand said for short-term rentals that require a special use permit, they would follow the regular revocation process currently in the ordinance. Administratively, as it was mentioned earlier by Commissioner Ramirez in his hypothetical, if it was an administrative review, complaints and things of that nature are substantiated would kick up to an SUP.

I think one of the most important parts of this ordinance is the creation of those performance standards as it relates to short-term rentals. That gives, I think, grounds for the Planning Commission, the Board of Commissioners, to deny SUPs that don't exist today for short-term rentals. It's based on neighborhood characters. It's based on the feedback we've heard. Again, I would advocate that modification of the code is probably our best step forward for enforcement because we currently are operating off zero code.

Commissioner Bynum said I just want us all to be cognizant that we have to be aware of these things. We know that there have been short-term rentals in a variety of neighborhoods that have caused real chaos. We know that.

Commissioner Bynum said the last thing is that in our prior discussions, we've talked on multiple occasions about the fact that if these properties are advertised on VRBO and the other short-term websites, that we've had some confirmation that our transient guest tax fee is being collected by that company that's taking the reservation and then somehow finding its way to us.

I think the other thing I've heard is that we don't really know how much comes in. I guess I'm asking it as a question. If we don't know, then can we please work on identifying how to find out?

Mr. Hand said sure. There's two questions there. In the state of Kansas, any platform with revenue over $100K has to collect the taxes and put it through the system themselves. That's all the platforms. As it relates to how we can look through those numbers to identify which ones are short-term rentals or not, it's basically all anonymized up and it's all anonymized back down when the different disbursements for the municipalities come back to us. So, I think we could ask those questions. I'm not 100% sure what our answers are going to be. I mean, we don't even know the taxes we get now from hotel rooms which ones are associated to which hotels.

Commissioner Bynum said it's just all coming in in a lump sum.

Mr. Hand said I think you can determine how many nights, but I don't know where from.

Commissioner Bynum said so, we might be able to. I'm just trust and trust, but verify, I guess, is where I am because we're being assured that these transient guest taxes are being collected in that fee, but through another party. I guess you're right. That's the same thing that's happening with a hotel night. So, then we would go to Kansas Department of Revenue or the revenue collection source, I guess, to try to see if there's a way to drill down on more info.

Mr. Hand said I can work with the CFO to try to figure out if we can get more detailed information.

Commissioner Stites said the example that was given earlier of 1901, I think it was 47th if I'm not mistaken. If that's not on a platform right now, it was expressed that it's operating as a short-term rental, right? That it does not have a permit, right?

We have heard multiple people speak tonight on other issues earlier about our enforcement, whether it be landlords, whether it be short-term rentals that, and the lack thereof, of what we're doing. What people are afraid of, in my opinion, is that we're not enforcing these things and that we don't have either the manpower or the capability of going out and making sure that people are adhering to the rules that are put in place. So, would you explain—I know Commissioner Bynum said they would be subject to the SUP process if there's continued problems. I'm not sure what that is. Would you tell me what that process is?

Mr. Hand said in the special use section of the ordinance, there's a section that talks about revocation of special use permits that have been granted. There's two ways to end an SUP. It finishes it's term; you don't renew it. Or, if some issue were to occur and it became a trouble permit, essentially the Board of Commissioners, per the code, calls a special meeting or brings it to a P&Z agenda, which would be staff's recommendation, then you have a special hearing to revoke that SUP.

I think it could be a special meeting. It's sort of stated in the code that it sounds like a special meeting, but I don't see why it couldn't also just be something you ask to be put onto a regular P&Z agenda based on all those complaints. We would have to document. Again, substantiate any complaints, but it's possible. It has not happened a lot, as I understand. It certainly hasn't happened in my three years here. Before that, I think it has happened rarely.

Commissioner Stites said I think that's part of the problem, right, is that these things get issued and they're rarely ever enforced, right? We've admittedly sat here tonight and said that we don't have staff to handle it. That's not none of y'all's fault, right? This is a step in the right direction and enforcing it by getting this ordinance passed.

I am in favor of us really looking at a program or however we plan on enforcing these things and staying on top of them and making sure that whether it be landlords, short-term rental owners, that we're really staying on top of that and enforcing them.

I just want to be clear. So, this ordinance would only apply to KCK, not Bonner Springs and Edwardsville. **Mr. Hand** said that's correct.

Commissioner Townsend said I was given the opportunity to stand in the standing committee. The issue of enforcement received a lot of attention there. I happened to ask the question about what would passing this ordinance do. What is the plan of attack for dealing with—I was surprised

at the number of these short-term rentals that are not currently registered. Mr. Hand, you talked about the plan to deal with those. Could you talk about that tonight because clearly there's a lot of concern about enforcement and you laid out a good plan for that, assuming this ordinance gets passed. I think, again, as a lot of my colleagues said, it's a good first step. It's going to allow for enforcement that we didn't have a mechanism for prior. So, could you address that tonight?

Mr. Hand said I guess to start I think it's important to reiterate that there are over 60,000 parcels in the Unified Government, and we have two zoning enforcement officers for short-term rentals. I think we roughly think there's probably about a hundred plus out there right now that do not have a special use permit. Or, if this were to pass this evening, a special use permit or an administrative review to become into compliance.

So, a hundred property visits is a lot. We can do a lot of this research, luckily, on our computers because to start, what we do is look to see if they're on the platform, right? Host Compliance says here's what we see. We go out there and confirm because these things change. They're in real time, right? So, they change daily. Some people pull off. Some people play the game. They put it out there for a little bit and they'll pull it off for a little bit and put it on there. There's a whole bunch of things that we've been having to deal with to try to manage and track these. A lot of people have had enough time to try to find some loopholes, right?

So, I think it would start by having our two zoning enforcement officers wrap up their current enforcement cases to a point where we can maybe either put those to bed or at least feel they're in a good position where we can divert our attention for potentially a couple of months.

It would start with, again, confirming the ones that are out there. Making that list. We would then go out to each one of those properties and put a door hanger on notifying them that they are in operation of a short-term rental without the appropriate special use permit or administrative review. That would be followed up by a notice of violation, which we mail to that property owner. That's no small endeavor in and of itself as well. They would all basically be the same form letter but we'd have to go through that process. Again, that's just paperwork. It's not too big of a deal there. That would then put us in the process of following up with all of those and generating potentially up to a hundred notices of violation and following through with those could take months. I think it would come, again, at the cost of the other list of violations that we are trying to work through right now with our two zoning enforcement officers.

Commissioner Townsend asked, with an ordinance, that gives you the legal wherewithal to travel that path of enforcement, correct, or helps?

Mr. Hand said it gives us much stronger standing, yes, because, again, it's one thing to enforce someone who's not a bad actor who has a special use permit because we've gone through a special use permit and those special use permits are tied to the code. When we don't have anything addressing those who don't have special use permits, it's a little more difficult.

Again, I think having the standards allows us to create a level of certainty in the marketplace that, hopefully, encourages those folks who haven't yet or didn't know yet that they needed a special use permit or short-term rental. This is an engagement opportunity as well, right? I forgot to mention that a little bit earlier. So, hopefully, people start coming in.

Also, I think we have heard loud and clear that we need to pivot from an enforcement perspective in the department and do something specifically so, we're planning the zoning blitz probably—maybe I shouldn't say—but probably this summer; definitely this summer, soon, if we move forward.

Commissioner Bynum asked, Mr. Waters, what would the publication date be of this should we adopt it tonight?

Patrick Waters, Acting Chief Counsel, said if it's in final form and ready to go, it would be next Thursday. **Commissioner Bynum** asked, a week from today? **Mr. Waters** said yes.

Commissioner Bynum said what I really wanted to say is thank you to Gunnar Hand and his staff for all the work and particularly Michael Farley facilitating, holding, and dealing with no fewer than ten public meetings on this in the last four months. I failed to thank you earlier for that level of work for just this one thing so, I want to thank you now.

Administrator Johnston said I just want to add my two cents. You know we're going to be starting the budget process. What I heard today and from other people is that we are laxed in our rental inspection processes, not just for this new ordinance that may be passed, but for all rental property. So, I expect this is going to come up in the budget process because like Mr. Hand has articulated, two people is who he has on staff to do this responsibility. He alluded to the fact that

it's not just getting a complaint and doing a site visit, but there's the administrative support stuff that has to be done to get notice of violation to property owners and all this.

It's one of those where if in our budget discussions this is important for our community, we're going to have to allocate resources to define what levels of service we want to provide and give that office those resources. Right now it's not in the budget. It's nice to pass this law and you're bringing to attention it was done earlier, we have a practice and it's done every city where you pass an ordinance but you don't have the infrastructure to enforce it.

So, we will be bringing this into the budget process to provide a discussion and probably an ask for resources for not just STRs, but all rental properties in our community. It's great that this issue is brought up. It's one thing to pass a law and you don't do anything about it, but here, you voiced being fair to start an ordinance in this new arena that we're stepping into, but we also have to back it up and you said that tonight. So, make sure we have this as a budget discussion.

Mayor Garner said I had a couple of questions. I brought one up earlier, and I agree with some of the comments that have been made. There's not a lot of value in having an ordinance if you can't enforce it. It's almost like not having one at all.

The other issue that has come up from some residents that I've talked to is some of these ordinances that we do pass, that we don't have adequate staffing, some in our community have the concern that there could be inequitable, selective enforcement. Those are some of the things that I've mentioned that we want to make sure that we avoid and that there's equity in how we enforce any policies and ordinances that are in place.

Mayor Garner said just for my clarification, corporate, that would be non-owner-occupied with non-owners probably be considered a corporate company like an Airbnb or something along those?

Mr. Hand said there is a scenario where you are a corporation and you live in that facility. I think it's highly unlikely. Most corporations who own these types of businesses are either off-site or own their own home or whatnot, but it's a potentiality.

Mayor Garner said I guess I'm looking at the definition between what really defines owner-occupied.

Mr. Hand said its actively owner-occupied is the distinction which means you live in that property and there is a standard that if you are actively owner-occupied, you can only have tenants

while you were there. If I leave for vacation, I can't rent out my home administratively without a SUP. I guess they could get that SUP and do that if they so choose; but if it was an administrative review, actively owner-occupied, I have to be there while that short-term rental is occurring. I am the on-site manager.

Mayor Garner said I guess the other half of that is if I don't live there—that's what I was trying to think in my mind—corporate, is there anything that would preclude us—and I don't know if Legal needs to weigh in, to look at—I see that as lodging. To identify someone that is not owner-occupied as providing lodging that would maybe put them in a different category. I don't know…transient guest tax. I'm not sure. To identify and say well, if you're not living there to do all the things that you talked about if it's owner-occupied, then we recognize it as being some sort of lodging. Not any different than any hotel, motel, or anything of that nature.

Mr. Hand said we actually looked into this, Mayor. There is a state statute. I think it was originally intended for Airbnbs. The state passed a law that says that for these types of uses: Airbnbs and short-term rentals, fit into the category of Airbnbs for the state at a certain number of rooms for that rental unit it then would turn into a commercially taxed property. Everything underneath that unit count would still retain as residentially taxed property, and then any tax on top of that is what the state would assume, housing guest tax would assume would be generated in addition to. So, the state statute says there's a limit. Luckily for us that limit is actually the same limit that we've addressed in the ordinance of a maximum of seven people, right? So, if you go over seven people, you go into a different classification. For the state, you have to go through different state approvals in addition to a special use permit, so I think there's a natural deviation right there.

Does that answer your question? So, no. The ones that we're looking at—maintaining seven people, three cars off-street max—that's kind of our performance standard if you will. Those and under would stay at being taxed as a residential parcel, not a commercial parcel.

Mayor Garner said that's kind of what I'm looking at is just those, just considering they're lodging. Again, it is lodging, so I'm just looking at how—I guess for my knowledge, how are we taxing? Are we taxing that in a way that it captures that category?

Mr. Hand said, again, the state statute, anything under the count that we would consider for special use permits or short-term rentals would qualify as what the state considers an Airbnb

and would not be taxed as commercial property. They would still pay credit. That is how they justify that. They are still paying. They are still excising some fee from that through the transient guest tax, and that is what the state felt when they passed that law was enough above and beyond the regular property taxes for a residential property.

Mayor Garner said that's what I'm looking for.

Mayor Garner said we have a motion and a second. Could you repeat that, Commissioner Markley?

Commissioner Markley said I just moved to approve what we sent forward from standing committee, including the two amendments that Christian made at the standing committee level. **Mayor Garner** asked, and there was a second? **Commissioner Ramirez** said second concurs.

Mayor Garner asked, any further discussion? Seeing none, Clerk, roll call.

Roll call was taken on the motion and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

(Recess was taken at 9:27 PM and reconvened at 9:35 PM.)

Mayor Garner said that concludes the Planning and Zoning portion of our meeting tonight. We'll will now move to the regular portion of our agenda.

MAYOR'S AGENDA

Item No. 1 – 212427…UPDATE: SEVEN DAYS OF KINDNESS

Synopsis: Update on the status of Seven Days of Kindness, submitted by Ashley Hand, Director of Strategic Communication.

Ashley Hand, Director of Strategic Communication, said we are wrapping up Seven Days of Kindness. This was the second observation of this event which is a way to honor and remember the lost lives of people that were killed through hatred, so really wanting to kind of bring back kind of a focus on the basic concept of kindness.

This year we took a slightly different approach than we did last year, which was something that was brand new to us. We continued with things that really were well appreciated by our staff with the sale of candy grams, but we added a location out at the NRC so that people could access that from the other side of our workforce because we're not all in downtown.

We promoted Earth Day cleanups that were happening across the county. Bonner Springs hosted a city-wide event. CABA hosted an event on Central and there were many, many others. You may have seen the video that we created just to highlight some of the community power and neighborhood power of organizing and going out and making a difference, which we published earlier this week.

We also worked really hard to connect people to different programs that exist already. Really trying to help people acknowledge that we have a lot of great programs and services available. So, for things like promoting days of self-care. We promoted the parks fitness challenge or the library's mindfulness sessions that they host on Wednesdays virtually.

This year, we were really excited that we brought back the candy grams. For just a dollar, staff and community members were able to share a token of appreciation to their colleagues and friends. We sold 419 candy grams, which was exceeding last year, and then our Mayor generously rounded us up. So, we have a donation of $500 to give to the Wyandotte County Parks Foundation this evening. We are very excited to have the vice-chair of the foundation here to receive the donation from our Mayor.

Mayor Garner said I'd just like to say this actually started in the Mayor's Office, not so much for me but for my staff members, last year. Ashley and her team really helped it be successful last year. It's kind of a cliché. She was very kind this year to really take this initiative on and really just embraced it, owned it, and took it to the next level. We appreciate that. I know that moving forward, this Seven Days of Kindness looks like it's going to become a staple for the Unified Government moving forward. It's something that we can all be proud of and continue to grow on.

This was Ashley Hand's idea to do this and for this foundation. So, I think Ashley Hand and her team really deserve a round of applause because they put 99% of the work into this.

Again, I'd just like to reiterate, kindness isn't something that should just be for seven days. Hopefully, as a community, a diverse community that we promote kindness and love and create a harmonious environment here in Wyandotte County. Getting to know our neighbors. Embracing

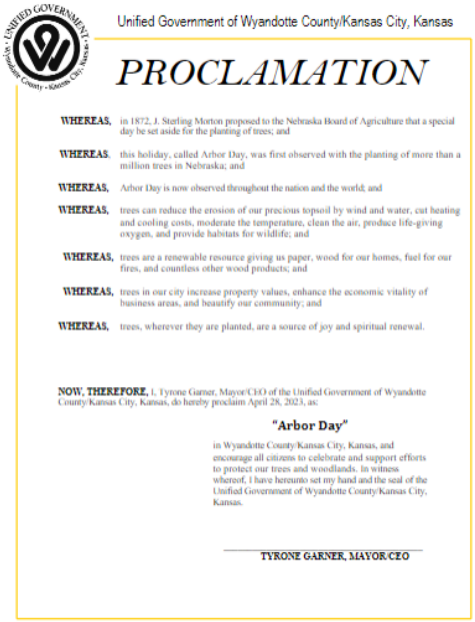
our neighbors. Embracing those things that are different but not so much different because we're not that much different from each other, but just the unique things that we bring as far as that flavor that makes us all Dotte proud. So, seven days of kindness 365 days of the year, 24/7 moving forward should be the goal.

Action: For information only.

Item No. 2 – 212436…PROCLAMATION: ARBOR DAY (ADDED PER BLUE SHEET)

Synopsis: Proclamation proclaiming April 28, 2023, as Arbor Day, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read the following proclamation.



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitats for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim April 28, 2023, as:

"Arbor Day"

in Wyandotte County/Kansas City, Kansas, and encourage all citizens to celebrate and support efforts to protect our trees and woodlands. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO

Action: The proclamation was read.

REGULAR CONSENT AGENDA

Mayor Garner asked, do any members of the Commission or County Administrator wish to set aside any item on the Regular Consent Agenda? If an item is not set aside, all items on the Regular Consent Agenda will be voted on by one vote.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve as submitted.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 1 – 212425…NOMINATION: BOARDS AND COMMISSIONS

Synopsis: Nomination for Boards and Commissions:

Frank Aguilar to the Self-Supported Municipal Improvement District (SSMID) from 4/27/2023 to 12/31/2025, submitted by Commissioner Kane.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve as submitted.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 2 – 212426…PLAT: SWIFT ESTATES

Synopsis: Plat of Swift Estates, located at 1026 Oakland Avenue, and being developed by Swift RPM, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve as submitted, and authorize the Mayor to sign said plat.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 3 – MINUTES

Synopsis: Minutes from the full Commission meeting on July 28, 2022.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve as submitted.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 4 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated April 6 and 13, 2023.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to receive and file.** Roll call was taken and there were ten "Ayes," Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs. Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

Item No. 1 – 212391…RESOLUTION: AUTHORIZING THE PURCHASE OF PROPERTY FOR A NEW FIRE STATION 20

Synopsis: Resolution authorizing the purchase of property at 521 S. 72nd St. for a new Fire Station 20, submitted by Daniel Kuhn, Senior Counsel, Legal Department. It is requested that this item be fast-tracked to the April 27, 2023, full Commission meeting.

Mayor Garner said this item was fast tracked from the Public Works and Safety Standing Committee on Monday, April 24th, chaired by Commissioner Bynum.

Commissioner Bynum said I'm thrilled to bring forward a unanimous motion authorizing the purchase of property for a fire station because we are long overdue for building some new fire stations. So, it's pretty exciting and move for approval.

Action: **RESOLUTION NO. R-30-23,** "A resolution authorizing the purchase of property at 521 S. 72nd St. for the purpose of constructing a new Station 20, in an amount not to exceed $100,000." **Commissioner Bynum made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were

eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Prior to Commissioner Townsend's vote:

Commissioner Townsend asked, this has been budgeted for already, correct? I meant to ask that question as a stand in.

Jack Andrade, Fire Dept., said yes. This year, it has been budgeted to do the land acquisition and approval for the architect to start the work in 2023. In 2024, we will go ahead and start with that build. We're looking at, hopefully, around June to get that started.

Commissioner Townsend said I asked that because we've had situations where we did approve a new fire station but then budgeting had not been considered.

ADMINISTRATOR'S AGENDA

Item No. 1 – 212424…UPDATE: GRANTS AND GRANT PROCESS (REMOVED PER BLUE SHEET)

Synopsis: Update on the status of grants and grant process, submitted by David Johnston, County Administrator.

Item No. 2 – 212435…RESOLUTION: MEMORANDUM OF UNDERSTANDING WITH FOP, LODGE #4 (ADDED PER BLUE SHEET)

Synopsis: A Resolution authorizing the County Administrator to execute a Memorandum of Understanding (MOU) with the Fraternal Order of Police, Lodge #4, effective 1/1/23 through 12/31/25, submitted by Patrick Waters, Acting Chief Counsel. The MOU has been ratified by the Fraternal Order of Police.

Patrick Waters, Acting Chief Counsel, said I want to thank the work that our outside Counsel Ryan Denk, Human Resources, Ms. Ramirez, and administrative staff did in bringing this forward. I will defer to them if the Commission has any questions about the substance of the agreement.

Action: **RESOLUTION NO. R-6-23,** "A resolution authorizing and directing the County Administrator to execute the Memorandum of Understanding between the Unified Government of

Wyandotte County/Kansas City, Kansas, and the Fraternal Order of Police, Lodge #4 of Kansas City, Kansas, for the period of January 1, 2023 through December 31, 2025." **Commissioner Kane made a motion, seconded by Commissioner Stites, to adopt the resolution.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

COMMISSIONERS' AGENDA

No items

Mayor Garner said that concludes the portion of our regular meeting and I adjourn us in that capacity.

Action: **Commissioner Markley made a motion, seconded by Commissioner Ramirez, to adjourn as the full Commission and reconvene as the Landbank Board of Trustees.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Garner asked, do any members of the Commission or the County Administrator wish to set aside any item on the Land Bank Consent Agenda?

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 1 – 212404…LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Land Bank Manager.

Please visit the new site to review the applications below.
https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddcb8/

A. Single Family Homes – 10 Homes

1. Jon Coverdale – 1 home
   2917 S. 27th St. – 149692
2. Maria Hill – 1 home
   5409 Douglas Ave. – 218112
   5417 Douglas Ave. – 218113
4. Dulce Dominguez & Fernando Sepulveda – 1 home
   3111 S. 33rd St. – 150317
5. James Michael – 1 home
   643 N. 54th St. – 051619
   5310 Muncie Dr. – 051618
6. Premier Developments LLC – 5 homes
   3047 N. 31St St. – 099260
   3051 N. 31st St. – 099261
   3059 N. 31st St. – 099262
   3063 N. 31st St. – 099263
   3065 N. 31st St. – 099264
7. Jose Cortez – 1 home
   3233 N. 44th Ter. – 172212
   3237 N. 44th Ter. – 172211
   3241 N. 44th Ter. – 172210
   3245 N. 44th Ter. – 172209
   3301 N. 44th Ter. – 172208

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

Item No. 2 – 212405…LAND BANK PROPERTY TRANSFERS

Synopsis: Request consideration of the following Land Bank transfers, submitted by Jud Knapp, Land Bank Manager.

Please visit the new site to review the applications below.
https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddcb8/

PT – Property Transfer
1. Cintli Soto
   812 Lafayette Ave. – 111593

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

ADJOURN

Action: **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adjourn.** Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Kane, Markley, Stites, Bynum, Burroughs, Townsend.

MAYOR GARNER

ADJOURNED THE MEETING AT 9:45 P.M.

April 27, 2023

_____

Brett A. Deichler, PMP|CPM
Unified Government Clerk

cg

CONSENT ITEM NO. _____

Unified Government Clerk's Office

Monica L. Sparks
Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
http://www.wycokck.org

Memorandum

To: David Johnston
County Administrator

From: Monica L. Sparks
UG Clerk

Date: November 7, 2024

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

BM

Weekly Business Material for November 1, 2024 – November 7, 2024

1. **BIDS:**
   - Monica Sparks, UG Clerk, listing bids received on November 5, 2024, for project #B41164 – Wyandotte County Park Trail for the Parks and Recreation dept.

   Action: Received and filed. Copy previously forwarded to County Administrator, Parks & Recreation, and Legislative Auditor.

2. **CLAIM FOR DAMAGES:**

   - Sydni Wild, Kansas City KS, alleging damage to personal vehicle on 10/24/2024.

   Action: Received and filed. Copies previously forwarded to Legal.

3. **TRAVEL REQUESTS:**
   - Michael Amayo, Megan Alexander, Joe Bianchi, James Cooper III, Caleb Debeltz, Stuart Fayette, Bryan Kloiber, Jorge Pulido, Corey Parsons, Nyua Pickett, Parker Rauschlbach, Nick Strang, Karli Trumbo, Cameron Womble, Phillip Wilson, and Samuel Walker, KCKFD, travel to Anniston, AL, from 10/27/2024 through 11/2/2024, to attend Hazmat Operations, Employee Training & Travel.
   - Morgan Reed, KCKPD, travel to Lake Ozark, MO, from 9/5/2024 through 9/5/2024, to attend Honor Guard Event, Employee Training & Travel.

   Action: Approved by Administrator's Office and received and filed.

4. **APPLICATIONS FOR CMB LICENSE (PKG):**
   - Prabhrit Corp, William Hutton, d/b/a 7-Eleven, 2924 S 47th St., Kansas City, KS 66106.
   - Legend Hotel LLC, Bill Hutton, d/b/a Fairfield Inn by Marriott, 1925 N 98th St, Kansas City, KS 66111.
   - Tacos El Gordo LLC, Maria De Los Angeles Martinez Saucedo, d/b/a Tacos El Gordo, 4747 Parallel Pkwy., Kansas City, KS 66104.

   Action: Referred to License.

5. **APPLICATIONS FOR DRINKING EST./PUBLIC VENUE:**
   - KHP Kansas City LLC, Daniel Wing, d/b/a K Pot, 1705 Village West Pkwy, Kansas City, KS 66111.
   - Danny's North Inc, James Hendricks, d/b/a Danny's Bar & Grill, 10940 Parallel Pkwy, Ste Q, Kansas City, KS 66109.

   Action: Referred to License.

CONSENT ITEM NO. _____

Unified Government Clerk's Office

Monica L. Sparks
Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
http://www.wycokck.org

Memorandum

To: David Johnston
County Administrator

From: Monica L. Sparks
UG Clerk

Date: November 21, 2024

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

BM

Weekly Business Material for November 15, 2024 – November 21, 2024

1. **CLAIM FOR DAMAGES:**

- Jasimine Clardy, Kansas City KS, alleging personal injury on 5/14/2024.
- Marshalea Smith, Kansas City, KS, alleging personal injury on 5/19/2024.
- Tomas Esquivel, Kansas City, KS, alleging damage to personal property on 10/20/2024.
- Thomson Taylor, Kansas City, KS, alleging damage to a personal vehicle on 10/21/2024.
- Estate of Dexter L. Sandifer C/O Cecilia Sandifer, Kansas City, KS, requesting a refund for real estate taxes.

Action: Received and filed. Copies previously forwarded to Legal.

1. **SUMMONS:**

- Tokrecia Harrison vs. the Unified Government of Wyandotte County/ Kansas City, Kansas, Case No. WY-2024-CV-000824.
- Tokrecia Harrison vs. the Kansas City Board of Public Utilities, Kansas, Case No. WY-2024-CV-000824.
- Roc Nation et al., vs. the Unified Government of Wyandotte County/ Kansas City, Kansas, Case No. WY-2024-CV-000836.

Action: Referred to Legal. Copy previously forwarded to Legal.

2. **APPLICATIONS FOR CMB LICENSE (PKG):**

- AB United Inc, William Hutton, d/b/a 7-Eleven Store #36101, 4431 Shawnee Dr., Kansas City, KS 66106.
- Supermart El Torito Inc, Octavio Sosa-Rodriguez, d/b/a Supermart El Torito, 1409 Central Ave, Kansas City, KS 66102.
- Three Star Company Inc, William Hutton, d/b/a 7-Eleven Store #13245, 2500 Central Ave, Kansas City, KS 66102.
- Fred Taylor Jr, d/b/a Fast Fred's Market, 1806 N 18th St., Kansas City, KS 66104.
- Speedy's Convenience Inc, William W. Hutton, d/b/a Speedy's Convenience, 141 S 18th St., Kansas City, KS 66102.

Action: Referred to License.

3. **APPLICATIONS FOR CMB LINCENSE (OP):**

- Lakeside Speedway Inc, Luke Anderson, d/b/a Lakeside Speedway, 5615 Wolcott Dr., Kansas City, KS 66109.
- El Rinconcito Salvadoreno de Kansas City, Roberto Linares, d/b/a El Rinconcito Salvadoreno de Kansas City, 4741 Parallel Pkwy, Kansas City, KS 66104.

Action: Referred to License.

Tracking ID: 21537

Report to
Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
	Alan Howze, Assistant County Administrator ahowze@wycokck.org x8951	Administrator's Office

AGENDA ITEM #13.1.

RESOLUTION: 2025 STATE LEGISLATIVE PROGRAM

BACKGROUND

Resolution adopting the 2025 State Legislative Programs.

RECOMMENDATION

Approve

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

IT/POLICY CONSIDERATIONS

PROCUREMENT CONSIDERATIONS

LEGAL CONSIDERATIONS

ATTACHMENTS

Resolution adopting the 2025 State Legislative Agenda, 2025 Legislative Agenda with Updates from Nov 21 - Unified Government

Approved by Mayor and/or Chair and Administrator to add to agenda.

RESOLUTION NO. R-__-24

A RESOLUTION TO ADOPT THE 2025 STATE LEGISLATIVE AGENDA WHICH LISTS THE PRIORITIES OF THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS FOR THE 2025 LEGISLATIVE SESSION OF THE KANSAS LEGISLATURE

WHEREAS, each year the Kansas Legislature meets to consider legislation on behalf of the citizens of Kansas;

WHEREAS, many issues that come before the Kansas Legislature are of great concern to the people of Wyandotte County and Kansas City, Kansas;

WHEREAS, it is imperative that the Unified Government Board of Commissioners proactively identify and articulate legislative priorities for the upcoming legislative session to the Wyandotte County legislative delegation, the Kansas Legislature, the Governor, and to the state government as a whole; and

WHEREAS, after consultation and public deliberation, the Board of Commissioners has shaped a legislative agenda for the 2025 legislative session that reflects the needs and desires of the citizens of Wyandotte County and Kansas City, Kansas.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the 2025 State Legislative Agenda, in substantially the form attached hereto, be and the same is hereby approved and adopted.

Section 2. This resolution shall take effect and be in full force upon passage.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF DECEMBER, 2024.

[Balance of this page left intentionally blank. Signature page to follow.]

Approved:

_____

Tyrone A. Garner, Mayor/CEO

Attest:

_____

Unified Government Clerk

Approved as to Form:

_____

Unified Government Acting Chief Counsel

Unified Government 2025 State Legislative Agenda

1 **Provide Funding for World Cup preparations** Appropriation

Local funding needs include: frequent bus service between World Cup sites in KCK to other regional locations. Safety enhancements such as sidewalk installation adjacent to Sporting KC stadium. Overtime for police and fire services. Funding for the Visit KCK visitors bureau to maximize tourism opportunities and wayfinding in multiple languages. Renovations to KCK Memorial Hall and Azura Amphitheatres to host events during the World Cup.

---

2 **Expand Medicaid** Legislation

The Unified Government supports expansion of the Kansas Medicaid program which will improve access to care for those most vulnerable in Wyandotte County. It is estimated that expansion would provide insurance for thousands of uninsured Wyandotte County residents who would become eligible for KanCare. It would bring tens of millions of dollars in compensated healthcare spending to Wyandotte County and create hundreds of new healthcare jobs.

---

3 **Allow Flexibility for Revenue Sources** Legislation

Cities should be authorized to approve revenue sources which best suit the individual community in order to maintain appropriate levels of funding for the health, safety, and welfare of our citizens. This includes a land-value tax, local earnings/income taxes, special highway funds, property tax, e-commerce delivery fees, and other local taxes and fees. Sales tax exemptions should only be applicable to the state portion of sales taxes.

---

4 **Support Infrastructure Funding** Appropriation

The Unified Government is strongly supportive of state funding for a infrastructure needs. There is urgent need for funds to repair or replace bridges such as the Central Avenue Bridge.

---

5 **Expand Child Care Access** Appropriation

Strengthening and enhancing the child care subsidy program so that more families can access child care and more providers will participate in the program.

---

6 **Pay Prevailing Wage** Legislation

The Unified Government supports paying prevailing wage on public works projects and economic development projects where tax incentives are given, and strongly urges the repeal of the law banning the use of prevailing wage on these projects.

7 **Increase Funding for Mental Health and Psychiatric beds** Appropriation

The Unified Government supports full state funding for mental health services, including additional bed space for patients. This will reduce the number of people with behavioral or substance abuse issues who are inappropriately incarcerated in county jails or who end up unhoused. Kansas also needs to expand the education and training pipeline for mental health providers.

---

8 **Expand Housing Availability and Funding for Unhoused** Appropriation

The Unified Government supports the creation and expansion of programs that encourage access to housing that is affordable such as the Housing Investor Tax Credit Act, the Kansas Affordable Housing Tax Credit Act, the Historic Kansas Act, and the Kansas Housing Incentive District Act. Provide funding for permanent supportive housing, supportive housing for youth that age out of foster care, and emergency shelter; and for services that connect the unhoused to available housing.

---

9 **Protect STAR Bonds** Legislation

STAR Bonds have proven to be one of the most effective economic development and job creation tools in the State of Kansas. The Unified Government encourages the Kansas Legislature to continue a workable STAR Bond policy with maximum flexibility and without unnecessary restrictions.

---

10 **Support Public Education Funding** Appropriation

The Unified Government supports the funding formulas for public education, which provides vital funding and an even playing field for children in Wyandotte County. Fully funding special education would reduce the burden on local taxpayers and provide increased services to students most in-need. Restore a higher state funding share for capital projects to help modernize school facilities.

---

11 **Legalize Cannabis** Legislation

The Unified Government supports de-criminalizing marijuana, removing the felony charge for a third possession, and lifting the ban on sale. Marijuana sales should be subject to existing state and local sales tax and cities should be able to levy their own excise fees and receive a portion of any state funds. Cities should have the ability to opt-in to allowing dispensaries in their city, and the cultivation and processing of marijuana and THC should be limited to licensed facilities.

---

12 **Expand Treatment for Substance Abuse** Legislation

The Unified Government supports increasing state funding for substance abuse in-patient and out-patient treatment.

13 **Support Services for At-risk Youth** Legislation

1) Provide State financial support to youth who age out of the foster care system at age 18. Additional financial support improves the likelihood of successful transition from foster care to being a productive resident and reduces risk of people who age of foster care ending up in the criminal justice system.

2) Expand Child-in-Need-of-Care Support Services to provide cognitive behavioral counseling and enhanced support for youth to prevent future incarceration or violence.

---

14 **Protect Supplemental Nutrition Assistance Program (SNAP)** Legislation

The UG opposes making it more difficult for Wyandotte County residents to access SNAP. Approximately 19,000 people in Wyandotte County experience food insecurity. Research demonstrates that greater access to SNAP results in reducing hunger and poverty; and improving dietary intake, academic performance, mental health, economic self-sufficiency, and local job growth.

---

15 **Create a Riverfront Authority / Port Authority** Legislation

Legislation authorizing the creation of a Kansas City, Kansas Riverfront Authority or Port Authority to develop the Kansas and Missouri riverfronts into a premier attraction.

Tracking ID: 21604

Report to
Planning & Zoning / Regular Commission

MEETING DATE	PRESENTER	DEPARTMENT
		Economic Development

AGENDA ITEM #13.2.

ORDINANCE: AUTHORIZING ISSUANCE OF INDUSTRIAL REVENUE BONDS (EXOVYST CATALYST TECHNOLOGIES, LLC PROJECT)

BACKGROUND

An ordinance authorizing the issuance of taxable Industrial Revenue Bonds (Ecovyst Catalyst Technologies, LLC Project), Series 2024B in a principal amount not to exceed $5,822,074.

Previously, the Board of Commissioners approved authorizing the issuance of taxable Industrial Revenue Bonds Ordinance No. O-158-23 on 12/7/2023.

RECOMMENDATION

Approve

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS

IT/POLICY CONSIDERATIONS

PROCUREMENT CONSIDERATIONS

LEGAL CONSIDERATIONS

ATTACHMENTS

Ordinance - Ecovyst-Zeolyst 2024B (UG), Performance Agreement - Ecovyst 2024B (UG)

Approved by Mayor and/or Chair and Administrator to add to agenda.

ORDINANCE NO. O-___-24

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (ECOVYST CATALYST TECHNOLOGIES LLC PROJECT) SERIES 2024B, IN A PRINCIPAL AMOUNT NOT TO EXCEED $5,822,074, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, IMPROVING, CONSTRUCTING, INSTALLING AND EQUIPPING OF AN INDUSTRIAL FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS AND FIXTURES; AUTHORIZING THE UNIFIED GOVERNMENT TO ENTER INTO CERTAIN DOCUMENTS AND THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas, (the "Unified Government"), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the "Act"), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Unified Government has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Unified Government and the State of Kansas that the Unified Government issue its Taxable Industrial Revenue Bonds (Ecovyst Catalyst Technologies LLC Project) Series 2024B in a principal amount not to exceed $5,822,074, for the purpose of acquiring, constructing, improving, installing and equipping an industrial facility located at 1700 Kansas Avenue and adjacent properties (the "Project"), and that the Unified Government lease the Project to Ecovyst Catalyst Technologies LLC, a Delaware limited liability company (the "Sublessee"); and

WHEREAS, the governing body of the Unified Government further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Unified Government enter into certain agreements, and that the Unified Government take certain other actions and approve the execution of certain other documents as herein provided;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Authorization for the Acquisition, Purchase, Construction, Improvement, Installation and Equipping of the Project. The Unified Government is hereby authorized to provide for the acquisition, purchase, construction, improvement, installation and equipping of the Project, all in the manner and as more particularly described in the Indenture, the Base Lease and the Sublease, all hereinafter defined and authorized.

Section 2. Authorization of and Security for the Bonds. The Unified Government is hereby authorized to issue and sell its Taxable Industrial Revenue Bonds (Ecovyst Catalyst Technologies LLC Project) Series 2024B, in a principal amount not to exceed $5,822,074 (the "Bonds"), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, improving, installing and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such

manner, subject to such provisions, covenants and agreements, as are set forth in the hereafter defined Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Unified Government from the Project, and the Project and the net earnings derived by the Unified Government from the Project shall be pledged and assigned to the hereafter defined Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Unified Government is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Unified Government (copies of which documents, upon execution thereof, shall be filed in the office of the Unified Government Clerk), with such changes therein as shall be approved by the officers of the Unified Government executing such documents, such officers' signatures thereon being conclusive evidence of their approval thereof:

(a) Eleventh Supplemental Trust Indenture (the "Eleventh Supplemental Indenture"), which supplements and amends the Trust Indenture dated as of December 1, 2013, as amended (collectively, the "Indenture"), each between the Unified Government and Security Bank of Kansas City (the "Trustee");

(b) Eleventh Amendment of Base Lease Agreement (the "Eleventh Amendment of Base Lease") which supplements and amends the Base Lease Agreement dated as of December 1, 2013, as amended (collectively, the "Base Lease"), each between the Sublessee, as lessor, and the Unified Government, as lessee;

(c) Eleventh Supplemental Sublease Agreement (the "Eleventh Supplemental Sublease") which supplements and amends the Sublease Agreement dated as of December 1, 2013, as amended (collectively, the "Sublease"), each between the Unified Government, as sublessor and the Sublessee, as sublessee;

(d) a Bond Purchase Agreement (the "Bond Purchase Agreement") with respect to the Bonds, among the Unified Government, the Sublessee and the Sublessee, as purchaser (the "Purchaser"); and

(e) Performance Agreement (the "Performance Agreement"), between the Unified Government and the Sublessee.

Section 4. Execution of Bond and Documents. The Mayor/Chief Executive of the Unified Government is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Unified Government in the manner provided in the Indenture. The Mayor/Chief Executive of the Unified Government is hereby authorized and directed to execute the Eleventh Supplemental Indenture, the Eleventh Amendment of Base Lease, the Eleventh Supplemental Sublease, the Bond Purchase Agreement, the Performance Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Unified Government. The Clerk of the Unified Government is hereby authorized and directed to attest to and affix the seal of the Unified Government to the Bonds, the Eleventh Supplemental Indenture, the Eleventh Amendment of Base Lease, the Eleventh Supplemental Sublease, the Bond Purchase Agreement, the Performance Agreement and such other documents, certificates and instruments as may be necessary.

Section 5. Ad Valorem Tax Abatement. In consideration of the Sublessee's decision to acquire, purchase, construct, improve, install and equip the Project, the Unified Government hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax

abatement (not including special assessments and other ad valorem taxes that may not be abated under Kansas law) for all real property financed with the proceeds of the Bonds.

The Project financed with the proceeds of the Bonds shall be entitled to a 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year the Bonds are issued by the Unified Government. The percentage of abatement is anticipated to be 75% subject to adjustment in accordance with the Performance Agreement.

The Sublessee agrees to submit, or cause the Project's operator or manager to submit, to the Unified Government by March 1st of each year of tax abatement, an annual certification of the Sublessee or such operator or manager of the percentage of its employees employed at the Project on the previous December 31st that are residents of Wyandotte County as shown on the records of the Company.

Section 6. Further Authority. The Unified Government shall, and the officers, employees and agents of the Unified Government are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Unified Government with respect to the Bonds, the Eleventh Supplemental Indenture, the Eleventh Amendment of Base Lease, the Eleventh Supplemental Sublease, the Bond Purchase Agreement and the Performance Agreement.

Section 7. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means. All closing documents, certificates, and related instruments may be executed by electronic transmission. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents (or documents executed by electronic transmission) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 8. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Unified Government newspaper.

[Balance of page intentionally left blank]

PASSED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas on December 5, 2024 and **APPROVED AND SIGNED** by the Mayor/CEO.

_____
Tyrone Garner, Mayor/CEO

[SEAL]

ATTEST:

_____
Monica Sparks,
Unified Government Clerk

APPROVED AS TO FORM:

_____
Office of Chief Counsel

(Published in ***The Wyandotte Echo*** on December 12, 2024)

SUMMARY OF ORDINANCE NO. O-___-24

On December 5, 2024, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (ECOVYST CATALYST TECHNOLOGIES LLC PROJECT) SERIES 2024B, IN A PRINCIPAL AMOUNT NOT TO EXCEED $5,822,074, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, IMPROVING, CONSTRUCTING, INSTALLING AND EQUIPPING OF AN INDUSTRIAL FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS AND FIXTURES; AUTHORIZING THE UNIFIED GOVERNMENT TO ENTER INTO CERTAIN DOCUMENTS AND THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The Series 2024B Bonds approved by the Ordinance are being issued in the maximum principal amount stated therein for the purpose of acquiring, constructing, furnishing, and equipping an industrial facility for Ecovyst Catalyst Technologies LLC, a Delaware limited liability company , and constitute limited obligations of the Unified Government payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2024B Bonds, as provided in the Indenture. In connection with the issuance of the Series 2024B Bonds, the Issuer approves a 10-year exemption from ad valorem property taxes for the Project, subject to certain payments in lieu of taxes. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 North 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wycokck.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: December 5, 2024.

_____

Office of Chief Counsel

PERFORMANCE AGREEMENT

Dated as of December 1, 2024

BETWEEN THE

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

AND

ECOVYST CATALYST TECHNOLOGIES LLC

RELATING TO THE SERIES 2024B BONDS

Prepared By:

Gilmore & Bell, P.C.
Kansas City, Missouri

PERFORMANCE AGREEMENT

THIS PERFORMANCE AGREEMENT, dated as of December 1, 2024 (the **"Agreement"**), between the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**, a municipal corporation organized and existing under the laws of the State of Kansas (the **"Unified Government"**), and **ECOVYST CATALYST TECHNOLOGIES LLC**, a Delaware limited liability company (the **"Company"**);

WITNESSETH:

WHEREAS, the Unified Government is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the **"Act"**), to acquire, construct and improve certain facilities for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for said projects, and to issue revenue bonds for the purpose of paying the cost of any such facilities;

WHEREAS, pursuant to such authorization, the governing body of the Unified Government passed and approved an Ordinance authorizing the Unified Government to issue its Taxable Industrial Revenue Bonds (Ecovyst Catalyst Technologies LLC Project) Series 2024B, in the maximum aggregate principal amount of $5,822,074 (the **"Series 2024B Bonds"**), for the purpose of acquiring, constructing, improving, installing and equipping an industrial facility located at 1700 Kansas Avenue and adjacent properties in Kansas City, Kansas (the "**Project**", which is more fully described in the Application for Issuance of Industrial Revenue Bonds submitted to the Unified Government by the Company and attached hereto as **Exhibit A**), and authorizing the Unified Government to enter into the Eleventh Amendment of Base Lease Agreement with the Company relating to the property described in **Exhibit B** hereto (the **"Eleventh Amendment of Base Lease"**), which supplement and amend that certain Base Lease Agreement, and to then sublease the Project to the Company pursuant to that certain Sublease Agreement, as amended and supplemented by that certain Eleventh Supplemental Sublease Agreement relating to the property described in **Exhibit B** hereto (the **"Eleventh Supplemental Sublease"**) to be entered into by and between the Unified Government, as lessor, and the Company, as lessee, at the time the Series 2024B Bonds are issued;

WHEREAS, the Unified Government is authorized and empowered under the Act and K.S.A. 79-201a, as amended (the "**Abatement Statute**") and Resolution No. R-68-19 of the Unified Government to exempt from ad valorem taxation all or any portion of the Project financed with the proceeds of the Series 2024B Bonds, subject to the limitations set forth in the Abatement Statute and this Agreement; and

WHEREAS, pursuant to the foregoing, the Unified Government desires to enter into this Agreement with the Company in consideration of the Company's desire to purchase, construct, improve, install and equip the Project as more fully described in the hereinafter defined Application upon the terms and conditions hereinafter set forth and in the Eleventh Supplemental Sublease;

NOW, THEREFORE, in consideration of the premises and the mutual representations, covenants and agreements herein contained, the Unified Government and the Company hereby represent, covenant and agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions of Words and Terms. The following words and terms as used herein shall have the following meanings:

"Abatement Statute" means K.S.A. 79-201a, as amended.

"**Ad valorem taxes**" or "**ad valorem taxation**" means all property taxes imposed on real or personal property (including fixtures) and eligible for exemption pursuant to the Abatement Statute.

"Agreement" means this Performance Agreement dated as of December 1, 2024, between the Unified Government and the Company, as from time to time amended and supplemented in accordance with the provisions hereof.

"Applicable Percentage" means 25%, unless such percentage is increased pursuant to **Section 2.4** hereof.

"Application" means the Application for Industrial Revenue Bonds filed with the Unified Government by the Company in connection with the request for the issuance of the Series 2024B Bonds, a copy of which is attached hereto as **Exhibit A**.

"Bond Financed Portion of the Project" means that portion of the Project financed in whole from the proceeds of the Series 2024B Bonds as evidenced by the requisitions submitted by the Company to the bond trustee in accordance with **Section 2.7** hereof.

"Company" means Ecovyst Catalyst Technologies LLC, a Delaware limited liability company and its successors and assigns.

"Board of Tax Appeals" means the State of Kansas Board of Tax Appeals.

"Event of Default" means any Event of Default as described in **Section 5.1** hereof.

"Exempt Period" means 2025 through 2034, inclusive, subject to **Section 2.4** hereof.

"Exempt Property" means all Property that is exempt from taxation pursuant to K.S.A. 79-201(a) *Second* and/or *Twenty-Fourth* by reason that such property was constructed or purchased with the proceeds of the Series 2024B Bonds authorized by and in accordance with the Abatement Statute.

"Future Facility Additions" means any additions, improvements or renovations to or equipping of the Bond Financed Portion of the Project.

"Property" means all real and personal property subject to taxation pursuant to K.S.A. 79-101.

"Project" means the acquisition, expansion, construction, improvement installation and equipping of an existing industrial facility, including buildings, structures and improvements, fixtures, machinery and equipment, all located in Wyandotte County at 1700 Kansas Avenue and adjacent properties, Kansas City, Kansas, and shall also include any additional projects as described in the Application.

"Project Costs" means all costs and expenses of every nature paid after November 21, 2019, from proceeds of the Series 2024B Bonds and relating to the acquisition, construction, improvement, installation and equipping of the Project.

"Project Site" means all of the real property described in **Exhibit B** attached hereto and by this reference made a part hereof.

"Series 2024B Bonds" means the Taxable Industrial Revenue Bonds (Ecovyst Catalyst Technologies LLC Project) Series 2024B, issued in the maximum aggregate principal amount of $5,822,074.

"Tax Payment" means an amount equal to the amount set forth in **Section 2.3** hereof.

"Unified Government" means the Unified Government of Wyandotte County/Kansas City, Kansas.

ARTICLE II

EXEMPTION; PAYMENTS IN LIEU OF TAX

Section 2.1. Unified Government to File for Exemption. In consideration of the Company's acquisition, construction, improvement and equipping of the Project, the Unified Government agrees that, subject to the terms of this Agreement, the Company is entitled to a 100% exemption from ad valorem tax on the real and personal property constituting the Bond Financed Portion of the Project for the Exempt Period. Pursuant to the applicable portions of the Abatement Statute and during the Exempt Period and so long as the Bonds are outstanding, the Unified Government agrees to use its best efforts to cause the Bond Financed Portion of the Project to be and remain Exempt Property.

Section 2.2 Agreement to Make Tax Payments. The Company covenants and agrees that, for each calendar year during the Exempt Period that the Bond Financed Portion of the Project is Exempt Property, the Company will make the Tax Payment in lieu of ad valorem tax to the Unified Government (or, if the Unified Government shall direct, to the County Treasurer). The Unified Government or County Treasurer shall bill the Company for the applicable Tax Payment each calendar year by statement issued by November 20th of such calendar year. For each calendar year, the Tax Payment with respect to such calendar year shall be due and payable one-half (1/2) on or before December 20th and the remainder for such calendar year on or before May 10th of the following calendar year, or as otherwise provided by law for general ad valorem taxes.

Section 2.3. Amount of Tax Payment. Each **"Tax Payment"** shall be equal to the sum of the Applicable Percentage multiplied by the amount of the ad valorem taxes which would otherwise be due with respect to the Exempt Property if such Exempt Property were not exempt from ad valorem taxes. For each such calendar year, 50% of the Tax Payment with respect to such calendar year shall be due and payable on or before the date that the first installment of ad valorem taxes for real property are due (and in any event, not later than December 20th), and the balance of such Tax Payment with respect to such calendar year shall be due and payable on or before the date that the second installment of ad valorem taxes for real property are due (and in any event, not later than May 10th of the immediately succeeding calendar year).

Section 2.4. Adjustment of Applicable Percentage. The Unified Government and the Company agree that the 75% abatement for the Project has been calculated based on standard 45% abatement, 15% additional abatement for capital investment above $50,000,000, 5% additional abatement

for LMW participation goals during construction and 10% additional abatement for target area. The Tax Payment shall be adjusted in the event that the Company fails to satisfy any of these additional abatement requirements, which adjustment will not be deemed a default hereunder.

Section 2.5. Term of Agreement. This Agreement shall become effective upon execution, and subject to earlier termination pursuant to the provisions of this Agreement (including particularly the following sentence and **Article V** hereof), shall terminate on payment of the final Tax Payment. This Agreement shall automatically terminate prior to such time in the event the Series 2024B Bonds (or any bonds issued to refund the Series 2024B Bonds) are no longer outstanding.

Section 2.6. No Abatement of Special Assessments. The Unified Government and the Company hereby agree that the Abatement Statute and any tax abatement with respect to the Project shall not apply to special assessments. In the event special assessments are ever abated, the Company hereby agrees that 100% of the amount of such abated special assessments shall be paid to the Unified Government at the times and in the manner that Tax Payments are paid to the Unified Government pursuant to **Section 2.2** hereof.

Section 2.7. Obligation of Unified Government to Effect Tax Abatement. The Unified Government agrees to use its best efforts to cause the Bond Financed Portion of the Project to be and remain during the Exempt Property and agrees to make all filings required by the Wyandotte County Board of County Commissioners or the Board of Tax Appeals; provided, however, the Unified Government shall not be liable for any failure of the Board of Tax Appeals to effect the exemption permitted by the Abatement Statute. The Unified Government covenants that it will not knowingly take any action which the Unified Government has knowledge may cause the Bond Financed Portion of the Project to no longer be Exempt Property. In the event the Bond Financed Portion of the Project is determined to no longer be Exempt Property, the Unified Government shall, at the Company's request, cooperate with the Company in all reasonable ways to cause the Bond Financed Portion of the Project to be Exempt Property, including cooperating with the Company in any related litigation. Except where the denial of the loss of exemption is caused by the acts or omissions of the Unified Government, the Company agrees to pay to the Unified Government the costs that the Unified Government incurs (including reasonable legal fees and expenses) in cooperating with the Company in the manner required by this Section. In the event any part of the Bond Financed Portion of the Project is determined to no longer be Exempt Property, such property shall no longer be subject to the Eleventh Amendment of Base Lease or the Eleventh Supplemental Sublease Agreement contemplated herein.

Section 2.8. Compliance. The Company certifies that the portion of the Project financed with the Series 2024B Bonds will be substantially complete by December 31, 2024. Upon request the Company shall provide the Unified Government with (i) copies of the requisitions submitted by the Company to the bond trustee in accordance with the Eleventh Supplemental Sublease for the preceding calendar year, (ii) a list containing a brief description and the amount of all costs of the Bond Financed Portion of the Project, and (iii) the total costs of the Project, all in such reasonable detail as the Unified Government shall request.

Section 2.9. Value of the Project Not Determined by Series 2024B Bonds. The Unified Government and the Company acknowledge that it is not the intent of the parties that the principal amount of the Series 2024B Bonds be used for the purpose of determining the appraised value of the Project or any portion thereof for tax purposes.

Section 2.10. Classification; Limitation on Company's Right To Protest. During the term of this Agreement, the Company agrees that it will not, without the written consent of the Unified Government, (i) seek to change the classification of all or any portion of the Project Site from commercial to another classification, or (ii) contest the reclassification of all or any portion of the Project Site to commercial.

Except as set forth in the preceding paragraph, nothing in this Agreement shall be construed to limit or in any way restrict the ability of the Company to utilize any provision of Kansas law to appeal, protest or otherwise contest any property tax valuation, assessment or similar action with respect to the Project Site or any portion thereof.

Section 2.11. Credits for Tax Payments; No Duplicate Tax Liability. Nothing in this Agreement shall be construed to require the Company to make duplicate tax payments. The Company shall receive as a credit against its obligations to pay the Unified Government Tax Payments, the amount of any ad valorem taxes (other than special assessments or other ad valorem taxes that may not be abated under Kansas law) paid by the Company to the County to the extent that the amounts paid to the County include any taxes due with respect to the Project Site and improvements thereon. In furtherance of this Agreement, the Tax Payments shall be reduced (but not below zero) by any actual ad valorem tax payments paid in respect of the property constituting the Bond Financed Portion of the Project for any given year (other than special assessments or other ad valorem taxes that may not be abated under Kansas law).

Section 2.12. No Abatement on Appraised Value of Future Facility Additions. In the event any Future Facility Additions are determined to be Exempt Property as a result of the issuance of the Series 2024B Bonds, this Agreement or for any other reason, so long as this Agreement remains in effect, the Company hereby agrees that 100% of the amount of such abated ad valorem taxes attributable to the Future Facility Additions shall be paid to the Unified Government at the times and in the manner that Tax Payments are paid to the Unified Government pursuant to **Section 2.2** hereof. This provision shall not be construed as restricting the Company from applying to the Unified Government or to any other governmental entity for any future tax abatement in connection with the Future Facility Additions.

Section 2.13. Tax Abatement Order; Adjustment of Tax Payment. The Unified Government and the Company acknowledge that, prior to the Bond Financed Portion of the Project being determined to be Exempt Property, the Unified Government must obtain on behalf of the Company an order from the Board of Tax Appeals approving tax abatement on the Bond Financed Portion of the Project for the Exempt Period. In the event the Board of Tax Appeals issues an order stating that less than 100% of the Bond Financed Portion of the Project is Exempt Property, the parties agree that the Tax Payment shall be decreased by an amount necessary to result in the sum of the new Tax Payment plus the payment of ad valorem taxes by the Company with respect to the Bond Financed Portion of the Project is equal to the original Tax Payment. In the event the Board of Tax Appeals issues an order stating that none of the Bond Financed Portion of the Project is Exempt Property, then the Tax Payment shall be reduced to $0.

Notwithstanding the foregoing, if (i) the entire Bond Financed Portion of the Project is determined not to be Exempt Property, or (ii) the Board of Tax Appeals issues an order that less than 100% of the Bond Financed Portion of the Project is Exempt Property, and such determination or order is a result of the Company's failure to comply with the terms and provisions of this Agreement (after any applicable notice and cure period), the Unified Government shall be under no obligation to decrease the Tax Payment as provided in this Section. Furthermore, in no event shall the Unified Government be under any obligation to make any payment to the Company as a result of the Board of Tax Appeals determining that less than 100% of the Bond Financed Portion of the Project is Exempt Property.

ARTICLE III

COVENANTS OF THE COMPANY

Section 3.1. Inspection. The Company agrees that the Unified Government and its duly authorized agents shall have the right at reasonable times (during business hours), subject to at least 48 hours advance notice and to the Company's usual business proprietary, safety and security requirements, to enter upon the Project Site to examine and inspect the Project and, upon five (5) business days' notice to the Company, to inspect the records of the Company related to the Project.

Section 3.2. Compliance with Laws. The Project will comply in all material respects with all applicable building and zoning, health, environmental and safety ordinances and regulations and all other applicable laws, rules and regulations.

Section 3.3. Construction. The Project will be constructed, equipped and operated in a manner which is consistent with the description of the Project herein. In the event the Project is constructed in a manner materially inconsistent with the description of the Project herein, the Unified Government reserves the right to declare an Event of Default in accordance with **Section 5.1** hereof.

Section 3.4. Payment of Fees and Reimbursement or Payment of Costs.

(a) The Company agrees to pay to the Unified Government the standard fees charged by the Unified Government in connection with tax abatement projects and the issuance of industrial revenue bonds. These fees include, but are not limited to, an initial application fee, a service fee that is due at the time of issuance of the Series 2024B Bonds and an annual administrative fee not to exceed $1,000. The Company acknowledges receipt of a fee schedule from the Unified Government and acknowledges that the fee schedule may be adjusted or amended by the Unified Government at any time upon notice to the Company.

(b) The Company agrees to promptly reimburse the Unified Government, upon receipt by the Company of an invoice from the Unified Government, for any reasonable amounts that the Unified Government pays to any other party as a result of the Unified Government pursuing, obtaining or maintaining the tax abatement granted to the Company pursuant to this Agreement. These costs shall include, but shall not be limited to, all fees and expenses for filings with the Board of Tax Appeals (including the existing $500 information statement fee and $1,000 exemption application fee), legal notice publication expenses, and the reasonable costs and expenses of the Unified Government's legal counsel. The Company agrees that the Unified Government may, in lieu of seeking reimbursement from the Company, forward any invoice received by the Unified Government to the Company, which invoice is for a cost which the Unified Government could seek reimbursement from the Company pursuant to this paragraph, and the Company agrees to promptly pay such invoice and to promptly provide the Unified Government with evidence of such payment.

ARTICLE IV

SALE AND ASSIGNMENT

The benefits granted by the Unified Government to the Company pursuant to this Agreement shall belong solely to the Company and such benefits shall not be transferred (other than to an affiliate of the Company), assigned, pledged or in any other manner hypothecated without the express written consent of the Unified Government; provided, nothing herein shall preclude the Company from (i) merging,

consolidating, altering its form of entity, or having a change in control, or (ii) delegating its obligations and duties hereunder, provided Company remains fully liable therefore, or (iii) assigning or pledging its interest in the Project, so long as the Company continues to occupy the Project and otherwise remains responsible for its undertakings herein.

ARTICLE V

DEFAULT AND REMEDIES

Section 5.1. Events of Default. If any one or more of the following events shall occur and be continuing after written notice from the Unified Government to the Company, it is hereby defined as and declared to be and to constitute an "Event of Default" hereunder (but subject to the notice and cure periods set forth in **Section 5.2** below):

(a) the Company shall fail to perform any of its obligations hereunder;

(b) the Company shall breach any covenant contained herein or any representation of the Company contained herein shall prove to be materially false or erroneous; or

(c) there shall be an Event of Default by the Company under the Eleventh Supplemental Sublease.

Section 5.2. Remedies on Default. Upon the occurrence of an Event of Default hereunder, the Company shall be given 60 days (or such longer period as requested by the Company and consented to by the Unified Government, which consent shall not be unreasonably withheld, conditioned or delayed so long as the Company is diligently pursuing to cure such Event of Default), following written notice by the Unified Government to the Company of the occurrence of such Event of Default, to cure such Event of Default. If such Event of Default is not cured within such time, this Agreement may be terminated by written notice to the Company from the Unified Government. Such termination shall be effective immediately following delivery of such written notice. Upon the termination of this Agreement, the Company shall make a payment to the Unified Government (or as the Unified Government may otherwise direct) in an amount equal to the sum of (i) all due but unpaid Tax Payments attributed to prior calendar years, (ii) the pro rata total Tax Payments that would be due with respect to the current calendar year, (iii) the pro rata amount of any taxes that would be due for the remaining portion of the current calendar year assuming the Bond Financed Portion of the Project were not Exempt Property, and (iv) the amount of any costs and attorneys' fees incurred by the Unified Government as a result of such Event of Default in enforcing this Agreement.

Section 5.3. Payments on Defaulted Amounts. Any amounts due hereunder which are not paid when due shall bear interest at the interest rate imposed by Kansas law on overdue ad valorem taxes from the date such payment was first due. In addition, amounts payable hereunder in lieu of ad valorem taxes which are not paid when due shall be subject to the same penalties imposed by Kansas law on overdue ad valorem taxes.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.1. Notice and Waiver of Company. The Unified Government reserves the right to

grant tax abatement for projects that are located adjacent to or in the proximity of the Project or for projects that are located elsewhere within the Unified Government but are similar to the Project in amounts that are above or below the amounts set forth herein. The Company acknowledges and agrees that the Tax Payment, the Exempt Period and the other terms of the tax abatement granted by the Unified Government with respect to such other projects may be more favorable than the terms provided for in this Agreement. As a condition to the Unified Government entering into this Agreement, the Company waives any claim it may have against the Unified Government as a result of the Unified Government granting tax abatement to other projects with terms that are more favorable than the terms provided for in this Agreement. Additionally, the Company agrees that it will not request that the Unified Government modify this Agreement because the Unified Government plans to grant or has granted tax abatement to another project or projects on terms that are more favorable than the terms provided for in this Agreement.

Section 6.2. Severability. If for any reason any provision of this Agreement shall be determined to be invalid or unenforceable, the validity and enforceability of the other provisions hereof shall not be affected thereby.

Section 6.3. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Kansas.

Section 6.4. Execution in Counterparts. This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed to be an original and all of which shall constitute but one and the same instrument.

Section 6.5. Waiver. The Unified Government and the Company acknowledge and agree that the amounts payable hereunder shall constitute payments due the Unified Government under the Eleventh Supplemental Sublease. The Company shall not be entitled to any extension of payment of such amounts as a result of a filing by or against the Company in any bankruptcy court.

Section 6.6. Notices. All notices, certificates or other communications required or desired to be given hereunder shall be in writing and shall be deemed duly given (i) three days after being mailed by registered or certified mail, postage prepaid, or (ii) one day after being sent by overnight delivery or other delivery service which requires written acknowledgment of receipt by the addressee, addressed as follows:

(a) To the Unified Government:

Unified Government of Wyandotte County/Kansas City, Kansas
One Municipal Office Building
701 North 7th Street
Kansas City, Kansas 66101-3064
Attn: Unified Government Clerk

(b) To the Company:

Ecovyst Catalyst Technologies LLC
300 Lindenwood Drive
Malvern, Pennsylvania 19355-4317
Attention: General Counsel

With a copies to:

Cozen O'Connor
One Oxford Centre
301 Grant Street, 41st Floor
Pittsburgh, Pennsylvania 15222
Attention: Ben Milleville

J.T. Klaus
Triplett Woolf Garretson, LLC
2959 N. Rock Road, Suite 300
Wichita, Kansas 67226

The Unified Government and the Company may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent. Any notice may be given by the attorney for such party.

Section 6.7. Estoppel Certificate. The Unified Government agrees it will, from time to time, upon request by the Company, execute and deliver to the Company and to any parties designated by the Company, within ten (10) days following demand therefor, an estoppel certificate on the Company's form certifying (i) that this Agreement is unmodified and in full force and effect (or if there have been modifications, that the same are in fully force and effect as so modified), (ii) that there are no defaults hereunder (or specifying any claimed defaults), and (iii) such other matters as may be reasonably requested by the Company.

Section 6.8. Further Assurances. The parties each agree to do, execute and acknowledge and deliver any and all other documents and instruments and to take all such further action as shall be reasonably necessary or reasonably required in order to fully carry out this Agreement and to fully consummate and effect the transactions contemplated hereby.

Section 6.9. Authority, etc. Each party to this Agreement represents and warrants to each other party as follows: (i) that such party has the requisite power and authority to enter into and perform this Agreement; (ii) that this Agreement has been duly authorized by all necessary action on the part of such party; (iii) that the execution and delivery and performance by each party of this Agreement will not conflict with or result in a violation of such party's organizational documents or any judgment, order or decree of any court or arbiter to which such party is bound; and (iv) that this Agreement constitutes the valid and binding obligation of such party, and is enforceable against such party in accordance with its terms, subject to applicable bankruptcy, insolvency, reorganization, creditor's rights and other similar laws.

Section 6.10 Electronic Storage. The parties agree that the transactions described herein may be conducted and related documents may be stored by electronic means. Copies, telecopies, facsimiles, electronic files, and other reproductions of original executed documents shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by their duly authorized officers, all as of the date first above written.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

(SEAL)

By:_____
Tyrone Garner, Mayor/CEO

ATTEST:

By: _____
Monica Sparks,
Unified Government Clerk

Approved as to form:

By: _____
Office of Chief Counsel

ECOVYST CATALYST TECHNOLOGIES LLC,
a Delaware limited liability company

By: _____

Name: Joseph S. Koscinski

Title: Vice President and General Counsel

EXHIBIT A

APPLICATION FOR THE ISSUANCE OF INDUSTRIAL REVENUE BONDS

EXHIBIT B

PROJECT SITE

LEGAL DESCRIPTION

All of the following described real estate situated in the County of Wyandotte, State of Kansas:

The real property located in Wyandotte County, Kansas that is commonly known as 1400, 1440, 1444, 1630, 1700, & 1706 Kansas Avenue and 400 S.14th Street, Kansas City, Kansas and legally described as follows:

TRACT I:
All that part of the Southwest Quarter of Section 16, Township 11, Range 25 in Kansas City, Wyandotte County, Kansas, described as follows: Beginning at the point on the North line of the right-of-way of the Kansas City Southern Railway Company that is 30 feet East and 65.36 feet North of the Southwest corner of said quarter section; thence North and parallel to the West line of said Quarter Section 698.07 feet; thence East 57.94 feet; thence North 63.51 feet; thence along a curve to the right (radius of 682.82), tangent to said last described line, 97.66 feet; thence North 8 degrees 11 minutes 40 seconds East, tangent to said curve above described, 268.99 feet; thence along a curve to the left (radius of 373.07 feet), tangent to said last described line, 165.62 feet to a point on the Southerly right-of-way line of the Chicago, Rock Island and Pacific Railroad Co.; thence Southeasterly along said Southerly right-of-way line 22.25 feet; thence Southeasterly along a curve to the right (said curve having a radius of 393.07 feet and being 20 feet East of, measured at right angles to, and parallel to the last above described curve) 96.5 feet; thence South 8 degrees 15 minutes 50 seconds East 108.48 feet; thence South 371 feet; thence South 89 degrees 44 minutes 20 seconds East 132 feet; thence South 80 feet; thence South 89 degrees 44 minutes 20 seconds East 107.79 feet; thence South to the North line of the right-of-way of the Kansas City Southern Railway Company; thence Southwesterly along said North right-of-way line, to the Point of Beginning, less the parts thereof now lying and being in 18th Street Trafficway as now established:

LESS the following:

The West 132 feet (measured along the North and South lines thereof) of that part of the Southwest Quarter of Section 16, Township 11, Range 25, in Kansas City, Wyandotte County, Kansas, described as follows: From a point on the South line of said quarter section 440.4 feet East (measured along said South line) of the Southwest corner of said quarter section run thence North and parallel with the West line of said quarter section 695.64 feet to the True Point of Beginning of the tract hereby described; thence continuing North and parallel with the West line of said quarter section 80 feet to a point; thence North 89 degrees 44 minutes 20 seconds West (based upon the assumption that the West line of said quarter section runs due North and South) 267.79 feet to a point; thence South and parallel with the West line of said quarter section 80 feet; thence East 267.79 feet to the True Point of Beginning.

TRACT II:
All that part of the Southwest Quarter of Section 16, Township 11, Range 25, in Kansas City, Wyandotte County, Kansas described as follows: From a point on the South line of said quarter section 440.4 feet East (measured along said line) of the Southwest corner of said quarter section; run thence North and parallel with the West line of said quarter section 695.64 feet to the True Point of Beginning of the tract hereby described; thence continuing North and parallel with the West line of said quarter section 606.57 feet to a point on the Southerly right-of-way line of the Chicago Rock Island and Pacific Railroad Company; thence Northwesterly and along said Southerly right-of-way line 302.43 feet to a point; thence Southeasterly along

a curve to the right having a radius of 393.07 feet; the initial tangent of which curve bears South 15 degrees 46 minutes 32 seconds (based upon the assumption that the West line of said quarter runs due North and South), a distance of 96.50 feet; thence South 8 degrees 19 minutes 50 seconds (based upon the assumption that the West line of said quarter section runs due North and South) a distance to 108.48 feet; thence South and parallel with the West line of said quarter section 451 feet; thence East 267.79 feet to the True Point of Beginning.

TRACT III:
All that part of the Southwest Quarter of Section 16, Township 11, Range 25, in Kansas City, Wyandotte County, Kansas described as follows: From the point on the South line of said Quarter Section 440.4 feet East (measured along said South line) of the Southwest corner of said Quarter Section run North along a line parallel to the West line of said Quarter Section to the point of intersection thereof with the Northerly line of the Kansas City Southern Railroad Company's right-of-way as now established, said point of intersection being the true point of beginning of the tract hereby described; thence North along the same line to a point 695.64 feet North (measured along said line) of the South line of said Quarter Section; thence North 89 degrees 44 minutes 20 second West (based upon the assumption that the West line of said Quarter Section runs due North and South) 28 feet; thence South along a line parallel to the West line of said Quarter section to the point of intersection thereof with the Northerly line of said railroad right-of-way; thence Northeasterly along said Northerly right-of-way line to the true point of beginning.

TRACT IV:
The East 33.9 feet of the following described tract of ground, Beginning at a point 850 feet West of the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 21, Township 11, Range 25; thence South 111 feet to the North line of Kansas Avenue in Kansas City, Kansas; thence West along said North line 293.9 feet; thence North 111 feet; thence East 293.9 feet to Point of Beginning, intending hereby to convey a tract off the East end of the described tract 33.9 feet wide from East to West and 111 feet long from North to South.

TRACT V:
Beginning at a point 440.4 feet East of the Southwest corner of Section 16, Township 11, Range 25, in Wyandotte County, Kansas; thence East 112.6 feet to the West line of the right of way of the Kansas City Southern Railway Company for its West spur leading to Peet Bros. Manufacturing Company's plant; thence North along said right of way 152.5 feet; thence Northeasterly on a curve to the right, having a radius of 297.9 feet for a distance of 217.5 feet, more or less, to the Southerly line of the right of way of the Kansas City Southern Railway Company's McAlpine Avenue spur; thence South 60 degrees 12 minutes West along the Southerly line of said last mentioned right of way 220 feet, more or less, to a point North of beginning; thence South 241 feet to Beginning.

TRACT VI:
A tract Beginning at a point 440.4 feet East and 258.3 feet North of the Southwest corner of Section 16, Township 11, Range 25, said point being the Northerly line of the right of way of the McAlpine Avenue spur of the Kansas City Southern Railway; thence North 1042.1 feet, more or less, to the Northerly line of the Chicago, Rock Island and Pacific Railroad Yards; thence South 80 degrees 22 minutes East 206.8 feet to a point; thence South 841.1 feet to a point; thence Southerly in a 12 degrees 30 minute curve to the right intersecting said Northerly line of said right of way of the Kansas City Southern's McAlpine Avenue spur, tangent to the same 203.5 feet distant from the last mentioned point; thence Southwesterly along said Northerly line of said right of way to the Point of Beginning.

EXCEPT THE FOLLOWING DESCRIBED PARCEL:
A tract of land located in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Commencing at a point 440.4 feet East and 258.3 feet North of the Southwest corner of Section

16, Township 11, Range 25, said point being on the Northerly line of the right-of-way of the McAlpine Avenue spur of the Kansas City Southern Railroad; thence North 747.1 feet, along the West line of a tract of land conveyed by J.B. Angell to Philadelphia Quartz Company, as recorded in the Wyandotte County Register of Deeds Office in Book 1233 at Page 53; thence East perpendicular to the previous line, 95.0 feet, to the Point of Beginning of this tract; thence North parallel to said West line, 65.0 feet; thence East 25.0 feet; thence North 60.0 feet; thence East 23.0 feet; thence North 37.0 feet; thence East 66.0 feet; thence South 31.0 feet; thence East 23.0 feet; thence South 29 degrees 36 minutes 16 seconds East 50.6 feet; thence South 39.0 feet; thence East 27.0 feet; thence South 72.0 feet; thence West 30.0 feet; thence North 20.0 feet; thence West 26.0 feet; thence North 4.0 feet; thence West 133.0 feet to the Point of Beginning.

AND EXCEPT:
A tract of land located in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Commencing at a point 440.4 feet East and 258.3 feet North of the Southwest corner of Section 16, Township 11, Range 25, said point being on the Northerly line of the Right-of-Way of the McAlpine Avenue Spur of the Kansas City Southern Railroad; thence North 310.2 feet, along the West line of a tract of land conveyed by J.B. Angell to The Philadelphia Quartz Company, as recorded in the Wyandotte County Register of Deeds Office in Book 1233, at Page 53; thence East perpendicular to the previous line, 135.7 feet to the Point of Beginning of this tract; thence continuing East 54.0 feet; thence North perpendicular to the previous line, 76.0 feet; thence West 54.0feet; thence South 76.0 feet, to the Point of Beginning.

TRACT VII:
A tract of land located in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Beginning at a point on the Northerly line of the right-of-way of the McAlpine Avenue spur of The Kansas City Southern Railway Company, which point is 495.98 feet North and 869.3 feet East of the Southwest corner of Section 16, Township 11, Range 25 East; thence North 723.6 feet to the Southerly line of the Chicago, Rock Island and Pacific Railroad Yards; thence North 69 degrees and 50 minutes, West 50 feet; thence North 80 degrees 22 minutes West 182.6 feet to a point 226 feet West of the prolongation of said course, running North 723.6 feet; thence South 841.1 feet to a point; thence Southwesterly on a 12 degree, 30 minute curve to the right, intersecting said Northerly line of right-of-way, tangent to same 203.5 feet distance from the last mentioned point; thence Northeasterly along said right-of-way line to the Point of Beginning.

EXCEPT THE FOLLOWING DESCRIBED TRACT:
A tract of land located in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Commencing at a point 440.4 feet East and 258.3 feet North of the Southwest corner of Section 16, Township 11, Range 25, said point being on the Northerly line of the right-of-way of the McAlpine Avenue spur of the Kansas City Southern Railroad; thence North 747.1 feet, along the West line of a tract of land conveyed by J.B. Angell to Philadelphia Quartz Company, as recorded in the Wyandotte County Register of Deeds Office in Book 1233 at Page 53; thence East perpendicular to the previous line, 95.0 feet, to the Point of Beginning of this tract; thence North parallel to said West line, 65.0 feet; thence East 25.0 feet; thence North 60.0 feet; thence East 23.0 feet; thence North 37.0 feet; thence East 66.0 feet; thence South 31.0 feet; thence East 23.0 feet; thence South 29 degrees 36 minutes 16 seconds East 50.6 feet; thence South 39.0 feet; thence East 27.0 feet; thence South 72.0 feet; thence West 30.0 feet; thence North 20.0 feet; thence West 26.0 feet; thence North 4.0 feet; thence West 133.0 feet to the Point of Beginning.

TRACT VIII:
A tract of land located in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Commencing at a point 440.4 feet East and 258.3 feet North of the Southwest corner of Section 16, Township 11, Range 25, said point being on the Northerly line of the right-of-way of the McAlpine Avenue spur of the Kansas City Southern Railroad; thence North 747.1 feet, along the West line of a tract of land conveyed by J.B. Angell to Philadelphia Quartz Company, as recorded in the Wyandotte County

Register of Deeds Office in Book 1233 at Page 53; thence East perpendicular to the previous line, 95.0 feet, to the Point of Beginning of this tract; thence North parallel to said West line, 65.0 feet; thence East 25.0 feet; thence North 60.0 feet; thence East 23.0 feet; thence North 37.0 feet; thence East 66.0 feet; thence South 31.0 feet; thence East 23.0 feet; thence South 29 degrees 36 minutes 16 seconds East 50.6 feet; thence South 39.0 feet; thence East 27.0 feet; thence South 72.0 feet; thence West 30.0 feet; thence North 20.0 feet; thence West 26.0 feet; thence North 4.0 feet; thence West 133.0 feet to the Point of Beginning.

TRACT IX:
A tract of land located in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Commencing at a point 440.4 feet East and 258.3 feet North of the Southwest corner of Section 16, Township 11, Range 25, said point being on the Northerly line of the Right-of-Way of the McAlpine Avenue Spur of the Kansas City Southern Railroad; thence North 310.2 feet, along the West line of a tract of land conveyed by J.B. Angell to The Philadelphia Quartz Company, as recorded in the Wyandotte County Register of Deeds Office in Book 1233, at Page 53; thence East perpendicular to the previous line, 135.7 feet to the Point of Beginning of this tract; thence continuing East 54.0 feet; thence North perpendicular to the previous line, 76.0 feet; thence West 54.0 feet; thence South 76.0 feet, to the Point of Beginning.

TRACT X:
All that part of the Southwest quarter of the southwest quarter of section 16, Township 11 South, Range 25 East of the 6th Principal Meridian, more particularly described as follows:

Beginning at the point on the East line of said southwest quarter of the southwest quarter 550.09 feet North of the Southeast corner of said Southwest quarter;

Thence South 00°00’ 00” West 38.50 feet along said East line;

Thence North 89° 50’ 26” West 371.74 feet parallel with and 12.00 feet North of the centerline of Kansas City Southern Railway Company spur track to the beginning of the curve concave to the South, having a radius of 298.48 feet;

Thence Westerly 78.86 feet parallel with and 12.00 feet North of said spur track along said curve, having a chord bearing of South 82° 35’ 26” West, a chord distance of 78.63 feet;

Thence North 00° 00” 00” East 39.69 feet parallel with and 449.70 feet West of said Eats line of the beginning of the Southwest quarter of the Southwest quarter to the beginning of a non-tangent curve concave to the South having a radius of 336.98 feet.

Thence Easterly 78.77 feet along said curve, having a chord bearing North 83° 27’ 46” East, a chord distance of 78.59 feet:

Thence South 89° 50’ 26” East 371.62 feet to the point of the beginning.

TRACT XI:
Commencing at the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 21, Township 11, Range 25, Kansas City, Wyandotte County, Kansas, said point being 111.00 feet North of the North line of Kansas Avenue; thence West 93 feet; thence South 59 feet; thence East 21 feet; thence South 52 feet to the North line of Kansas Avenue; thence East along said North line, 72 feet, said point being South of beginning; thence North 111.00 feet to the point of beginning, except any part taken, used or dedicated for roads or public rights-of-way.

TRACT XII:
Beginning at a point 72 feet West and 111 feet South of the Northeast corner of the Northwest Quarter of Section 21, Township 11, Range 25, Kansas City, Wyandotte County, Kansas; thence North 52 feet; thence West 21 feet; thence North 59 feet to a point on the North line of said Section 21, Township 11, Range 25; thence West on said Une 79 feet; thence South 111 feet to the North line of Kansas Avenue; thence East on said line, 100 feet to the paint of beginning, except any part taken, used or dedicated for roads or public rights-of-way.

TRACT XIII:
All that part of the Southwest Quarter of the Southwest Quarter of Section 16, Township 11, Range 25, in Kansas City, Wyandotte County, Kansas, described as follows: Beginning at the Southeast corner of said Quarter Quarter Section; thence running West 449.7 feet; thence North 448.73 feet, more or less, to the intersection with the Southerly right-of-way line of the Kansas City Southern Railroad; thence on a curve to the right with a radius of 281.4 feet along the Southerly right-of-way line of said Railroad, 171 feet, more or less, to a point 288.2 feet West of the East line of said Quarter Quarter Section and 492.35 feet North of the South line of said Quarter Quarter Section; thence East 288.2 feet along said Southerly right-of-way line of said railroad to the East line of said Quarter Quarter Section; thence South on said East line, 492.35 feet to the beginning, EXCEPT any part taken, used or dedicated for roads or public rights-of-way.

AND EXCEPT

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 25 EAST, IN THE CITY OF KANSAS CITY WYANDOTTE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTE: THE BEARINGS IN THIS DOCUMENT ARE ORIENTED TO GRID NORTH KANSAS STATE PLANE COORDINATE SYSTEM NORTH ZONE.

COMMENCING AT THE QUARTER CORNER COMMON TO SECTIONS 16 AND 21; THENCE SOUTH 87°46’40” WEST 1,322.84 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO THE NORTH-SOUTH CENTER LINE OF SAID QUARTER SECTION; THENCE NORTH 02°17’59” EAST 236.64 FEET ALONG THE WEST RIGHT-OF-WAY OF 14TH STREET AS NOW ESTABLISHED AND ALSO THE NORTH-SOUTH CENTERLINE OF THE SOUTHWEST QUARTER OF SECTION 16, TO THE POINT BEGINNING; THENCE SOUTH 87°46’40’ WEST 233.75 FEET ALONG A LINE LYING 20 FEET SOUTH OF AN EXISTING ONE-STORY MASONRY BUILDING; THENCE NORTH 02°13’20” WEST 10.00 FEET ALONG A LINE LYING 50 FEET WEST OF THE AFOREMENTIONED BUILDING; THENCE SOUTH 87°46’40” WEST 216.26 FEET TO A POINT LYING 450 FEET WEST OF THE WEST RIGHT-OF-WAY OF 14TH STREET AS MEASURED AT RIGHT ANGLES TO SAID RIGHT-OF-WAY; THENCE NORTH 02°17’59” WEST 235.12 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE MCALPINE AVENUE SPUR OF THE KANSAS CITY SOUTHERN RAILROAD; THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 278.98 FEET, A LENGTH OF 79.60 FEET, AN INTERIOR ANGLE OF 16°20’55”, A CHORD BEARING OF NORTH 79°43’28” EAST,

AND A CHORD DISTANCE OF 79.33 FEET; THENCE NORTH 87°53’55” EAST 371.44 FEET TO THE WEST RIGHT-OF WAY OF 14TH STREET; THENCE SOUTH 02°17’59” EAST 255.45 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED.

AND EXCEPT

ALL THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 25 EAST, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THENCE NORTH 02°16'18" WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALSO BEING THE WEST LINE OF 14TH STREET, 111.64 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87°046'58" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, 450.00 FEET; THENCE NORTH 02°16'18' WEST, PARALLEL WITH SAID EAST LINE, 135 00 FEET TO THE SOUTHWEST CORNER OF THE TRACT OF LAND CONVEYED TO BOYLE MIDWEST L L C BY KANSAS WARRANTY DEED RECORDED IN BOOK 5326 AT PAGE 636 AND 637, SAID POINT ALSO BEING 235 12 FEET SOUTH 02°17'59" EAST OF THE SOUTH RIGHT OF WAY LINE OF THE MCALPINE AVENUE SPUR OF THE KANSAS CITY SOUTHERN RAILROAD; THENCE NORTH 87°46'58" EAST, ALONG THE SOUTH LINE OF SAID BOYLE TRACT, 216.26 FEET; THENCE SOUTH 02°13'02" EAST, CONTINUING ALONG THE SOUTH LINE OF SAID BOYLE TRACT, 10.00 FEET; THENCE NORTH 87°46'58" EAST, CONTINUING ALONG THE SOUTH LINE OF SAID BOYLE TRACT 233. 75 FEET TO SAID EAST LINE, THENCE SOUTH 02°16'18" EAST, ALONG SAID EAST LINE, 125.00 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART USED OR DEDICATED FOR STREETS, ROADS OR PUBLIC RIGHT OF WAYS.

TRACT XIV:

A tract of land in the Southwest Quarter of the Southwest Quarter of Section 16, Township 11 South, Range 25 East of the 6th Principal Meridian Kansas City, Wyandotte County, Kansas, more particularly described as follows:

NOTE: For course orientation, the bearings in this description are based on the South line of the Southwest Quarter of said Section 16, having a bearing of South 89 degrees 57 minutes 43 seconds East.

Commencing at the Southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 16; thence North 00 degrees 00 minutes 00 seconds East 550.09 feet along the East line of the Southwest Quarter of the Southwest Quarter of said Section 16 to a half inch reinforcing bar set with LS 533 Survey cap and the point of beginning of the tract herein described; thence North 00 degrees 00 minutes 00 seconds East 503.95 feet along the East line of said Quarter Quarter Section and the West line of 14th Street as now established to the Southerly line of the Chicago, Rock Island and Pacific Railroad Right of Way and a one-half inch reinforcing bar set with LS 533 Survey cap; thence North 69 degrees 52 minutes 07 seconds West 478.96 feet along said Southerly right-of-way line to a point on a line 449.7 feet West of the East line of said Quarter Quarter Section; thence South 00 degrees 00 minutes 00 seconds West 676.71 feet parallel with and 449.7 feet West of the East line of the Southwest Quarter of the Southwest Quarter of said Section 16 to the Northerly right-of-way line of the Kansas City Southern Railroad (McAlpine Avenue Spur), and a curve concave to the South, having a radius of 336.98 feet and a central angle of 13 degrees 23 minutes 36 seconds, said point being monumented by a one-half inch reinforcing bar found 0.58 feet West and 0.09 feet South of the true corner; thence Easterly 78.77 feet along said right-of-way line and said curve, having a chord bearing of North 83 degrees 27 minutes 46 seconds East and a chord distance of 78.59 feet to a one-half inch reinforcing bar set with LS 533 Survey cap; thence South 89 degrees 50 minutes 26 seconds East 371.62 feet along said North right-of-way line to the point of beginning of the tract herein described.

TRACT XV:

Beginning at a point in the North line of Kansas Avenue, in Kansas City, Kansas 111 feet South and 575 feet West of the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 21,

Township 11, Range 25, Wyandotte County, Kansas; thence West along the North line of Kansas Avenue 50 feet; thence North 111 feet; thence East 50 feet; thence South 111 feet to the point of beginning.

TRACT XVI:

Beginning at a point on the South line of Section 16, Township 11, Range 25 East, 573 feet East of the Southwest corner of said Section, said point of beginning being at the intersection of said South line of said Section with the Easterly line of the right of way of the Kansas City South Railway Company for the West spur track leading to Peet Brothers Manufacturing Company Plant; Thence East along South line of said Section 157.5 feet to the West line of Kansas City Southern Railway Company right of way for the East spur tract leading to said plant of Peet Brothers Manufacturing Company; thence North along said West line of said right of way las mentioned 210 feet; thence Northerly along a curve to the right tangent to said last mentioned course with a radius of 295.4 feet a distance of 298.8 feet to the East line of land owned by Alice M. Scott, said line begin parallel to the East line of the Southwest Quarter of the Southwest Quarter of said Section 16, and about 870.3 feet therefrom; thence North 18 feet more or less to Southerly line of said Railway right of way for its McAlpine Avenue spur tract; thence Southwesterly along the last mentioned right of way on a curve to the left with a radius of 280.4 feet a distance of 66.2 feet; thence Southwesterly on a line tangent to the last mentioned curve 125.5 feet to the first mentioned Easterly right of way; thence Southwesterly along the first mentioned line of right of way 60.1 feet; thence Southwesterly on a curve to the left with a radius of 277.9 feet a distance of 220 feet to a point North of the point of beginning; thence South tangent to said last mentioned curve 151 feet more or less to the point of beginning.

TRACT XVII:

The West Half of the East Half of the following: Beginning on the North fine of Kansas Avenue, 111 feet South and 600 feet West of the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 21, Township 11, Range 25; thence West along the North line of Kansas Avenue, 100 feet; thence North 111 feet; thence East 100 feet; thence South 111 feet to the beginning, in Kansas City, Wyandotte County, Kansas.

TRACT XVIII:

Beginning at a point on the North line of Kansas Avenue, in Kansas City, Wyandotte County, Kansas, which point is 111 feet South and 700 feet West of the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 21, Township 11, Range 25; thence West along the North line of Kansas Avenue 50 feet; thence North 111 feet; thence East 50 feet; thence South 111 feet to the point of beginning.

TRACT XIX:

Beginning at a point in the North line of Kansas Avenue, in Kansas City, Wyandotte County, Kansas, 111 feet South and 750 feet West of the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 21, Township 11, Range 25; thence West 32 feet; thence North 111 feet; thence East 32 feet; thence South 111 feet to the point of beginning.

TRACT XX:

Beginning at a point in the North line of Kansas Avenue, in Kansas City, Wyandotte County, Kansas, 111 feet South and 782 feet West of the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 21, Township 11, Range 25; thence West along the North line of Kansas Avenue 68 feet; thence North 111 feet; thence East 68 feet; thence South 111 feet to the point of beginning.

TRACT XXI:

A railroad track right of way located in the Southwest Quarter of the Southwest Quarter of Section 16, Township 11, Range 25 East, Kansas City, Wyandotte County, Kansas, said right of way being 20 feet in width, 10 feet either side of the following described centerline: Beginning at a point of switch in The Kansas City Southern Railway Company's East McAlpine Spur Track at established Survey Station 14+02.7; thence Southwesterly through a No. 7 turnout to the left having a theoretical curvature of 12 degrees 30 minutes through an angle of 8 degrees 10 minutes for a distance of 64.0 feet to a point of compound curve; thence on a 20 degree 00 minute curve to the left through an angle of 51 degrees 50 minutes for a distance of 259.2 feet to a point of tangency; thence Southerly 160 feet, more or less, to a point in the South line of Section 16, 760 feet West of the Southeast corner of the Southwest Quarter of the Southwest Quarter of Section 16, said point being the end of the railroad track right of way herein described; EXCLUDING the McAlpine Spur Tract right of way.

TRACT XXII:

A tract of land in the Southwest Quarter of Section 16, and the Northwest Quarter of Section 21, Township 11 South, Range 25 East of the 6th Principal Meridian in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Beginning at a point 440.40 feet East of the Southwest corner of said Section 16, said point also being the Northwest corner of said Section 21, said point being 883.90 feet by Deed, West of the Northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 21 and 883.0 feet by Survey Measurement, said point also being 0.30 feet East of a concrete block building having an address of 1706 Kansas Avenue as now established. The North 0 degrees 08 minutes 40 seconds West, 241.0 feet to a point on the Southerly right-of-way line of the Kansas City Southern Railroad, and a chiseled mark cut in the North base of the South railroad rail; thence South 59 degrees 59 minutes 55 seconds West, along said Southerly right-of-way line, 302.09 feet; thence on a curve to the right, tangent to the last described course, having a radius of 295.44 feet, an arc distance of 33.71 feet to a point on the Easterly right-of-way line of 18th Street Expressway as now established; thence South 19 degrees 39 minutes 00 seconds East, along said right-of-way line, 79.40 feet; thence East, along said right-of-way line, 5.22 feet; thence South 0 degrees 08 minutes 40 seconds East, along said right-of-way line, 14.72 feet; thence South 19 degrees 39 minutes 00 seconds East, along said right-of-way line, 22.60 feet; thence South 51 degrees 23 minutes 50 seconds East, along said right-of-way line, 64.11 feet; thence South 69 degrees 15 minutes 10 seconds East, along said right-of-way line, 98.80 feet to the Southwest corner of a concrete block building having an address of 1706 Kansas Avenue; thence East 110.55 feet to a railroad spike with a cross cut on top; thence North 0 degrees 08 minutes 40 seconds West and parallel with the West line of said Section 21, 111.00 feet to the point of beginning of the tract herein described, less that part taken or used for road purposes.

LESS:

LEASE BOUNDARY DESCRIPTION

A Tract of land lying and situated in the Southwest Quarter of Section 16, Township 11 South, Range 25 East of the Sixth Principal Meridian, in Kansas City, Wyandotte County, Kansas, more particularly described as follows:

(Note: For course orientation the bearings in this description are based on the West line of said Southwest Quarter having a bearing of North 02° 25' 19" West as determined by Global Positioning System observations referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

Commencing at the Southwest corner of said Southwest Quarter monumented by a found concrete nail in pavement; thence North 02° 25' 19" West 362.18 feet on the West line of said Southwest Quarter; thence North 87° 34' 41" East 33.06 feet to the East Right-of-Way line of 18th Street as monumented by a found 5/8" inch reinforcing rod with a cap marked "Taliaferro & Browne" and the Point of Beginning of the Tract of land herein described; Thence North 02° 23' 32" West 339.70 feet on said East Right-of-Way line as monumented; Thence North 88° 08' 01" East 208.88 feet; Thence North 02° 23' 07" West 262.93 feet; Thence North 87° 36' 53" East 203.34 feet; Thence North 02° 01' 05" West 336.86 feet to the South line of the Union Pacific Railroad (formerly the Chicago, Rock Island and Pacific Railroad); Thence South 83° 00' 44" East 176.33 on said South line; Thence departing said South line South 41° 55' 42" East 90.58 feet to the beginning of a tangent curve concave southwesterly and having a radius of 100.00 feet; Thence southerly on said curve an arc length of 69.20 feet, said curve having a chord bearing of South 22° 06' 10" East, a chord distance of 67.83 feet and an interior angle of 39° 39' 04", to a point of tangency; Thence South 02° 16' 38" East 519.35 feet; Thence South 87° 43' 37" West 83.90 feet; Thence North 02° 36' 50" West 19.82 feet; Thence South 87° 43' 37" West 84.89 feet; Thence North 01° 53' 23" West 59.33 feet; Thence South 88° 06' 37" West 179.68 feet; Thence South 02° 25' 59" East 180.39 feet; Thence South 85° 58' 04" West 10.90 feet; Thence South 01° 56' 19" East 109.38 feet; Thence South 88° 05' 15" West 13.55 feet; Thence South 02° 28' 49" East 120.69 feet; Thence South 88° 08' 01" West 291.71 feet to said East Right-of-Way line of 18th Street as now monumented and the beginning of a non-tangent curve concave easterly and having a radius of 794.83 feet; Thence northerly on said curve an arc length of 71.26 feet on said East Right-of-Way line as now monumented to a 5/8 inch reinforcing rod with a cap marked "Taliaferro & Browne", said curve having a chord bearing of North 04° 57' 40" West, a chord distance of 71.24 feet and an interior angle of 05° 08' 14", to the Point of Beginning, said Tract containing 337,593 square feet or 7.7501 acres.