

STATE OF KANSAS)
WYANDOTTE COUNTY)) SS
CITY OF KANSAS CITY, KS)

**PLANNING & ZONING AND
REGULAR SESSION
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 Brittanie 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 Johnson 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 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 compliant;
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 curblin 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, except 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 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;

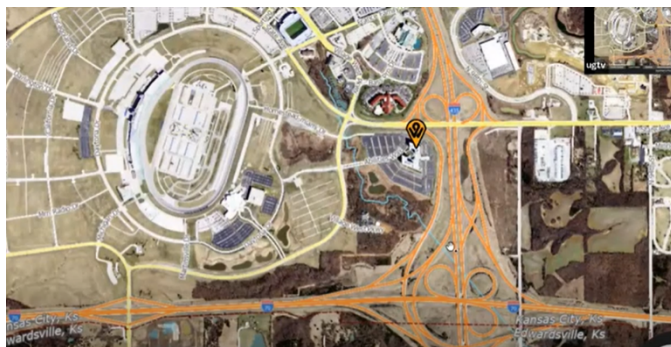
14. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
15. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign 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.

Case	
COZ2023-001 & MPL2023-001	
Petitioner	Address
David Block	10200 Abilities Way
Synopsis	
To rezone 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.	

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.

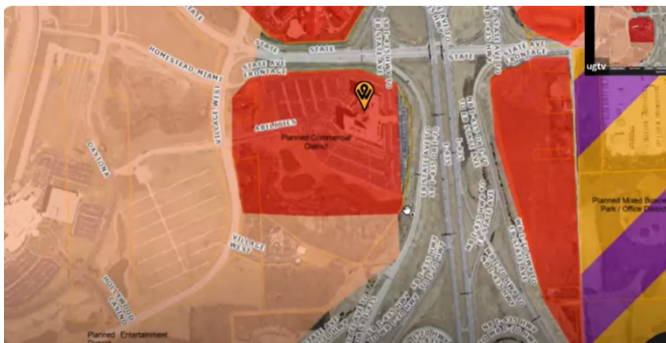


April 27, 2023

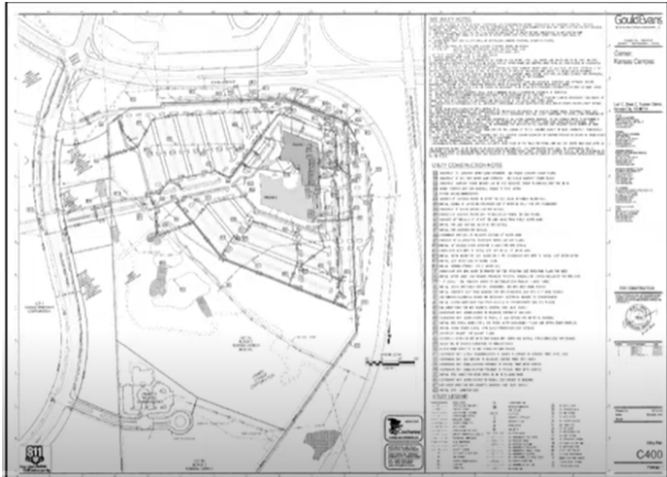
There are no notices of violation as it relates to this property. Staff does agree with the Planning Commission's recommendation for approval, including the conditions related to increased pedestrian connectivity.



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.

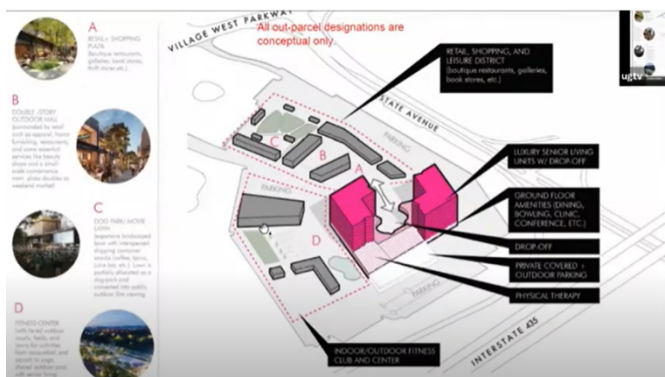


Any future redevelopment of the site would have to come back for a final development plan.

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.

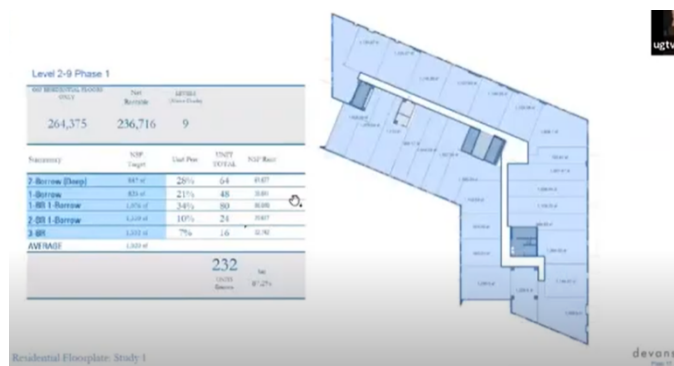
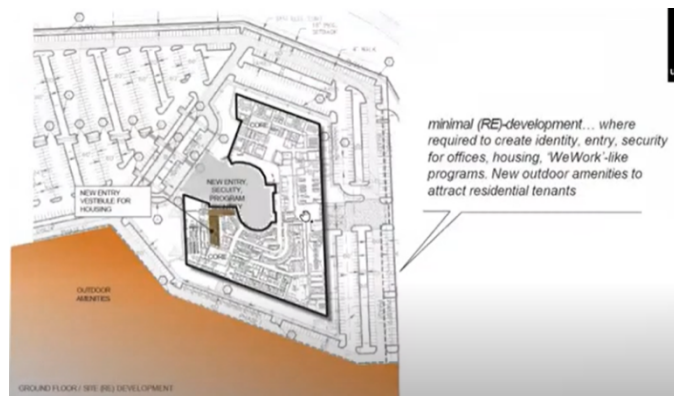
This is proposed to be a large, potentially mixed-use project. The applicant, in their application and in their testimony, essentially would appreciate the flexibility offered by this master plan amendment and this change of zone to fully fill the building.

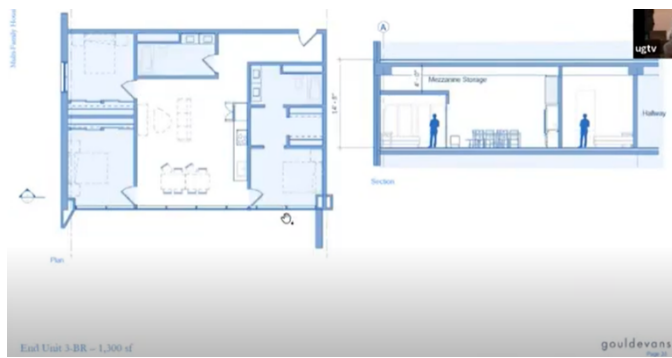
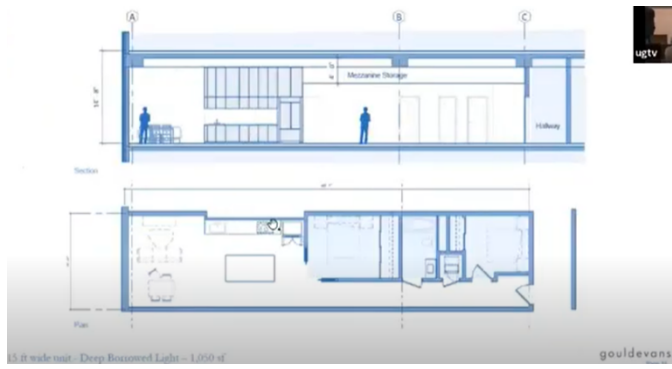
Again, it's all office now. They're proposing it be changed to C-3, which would allow mixed-use, retail on the ground floor, office and/or residential on the top floors. Currently, they're thinking about a phase one for Tower One. This would apply too, and they're thinking a future phase for Tower Two.

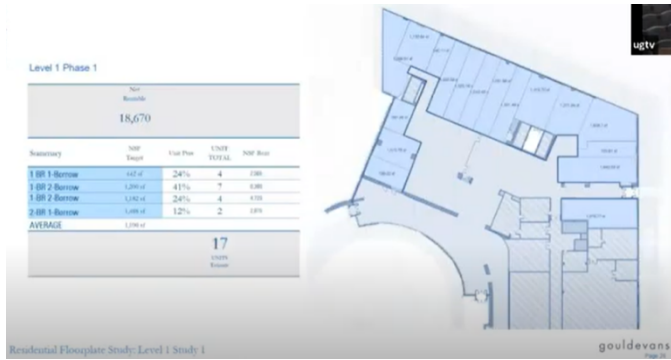


Another future phase related to this project was there's a lot of excess parking in the former office complex that becomes an apartment building. So, one of those parking lots out there, you can see it here, is being proposed for potential retail redevelopment as well.

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.









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.

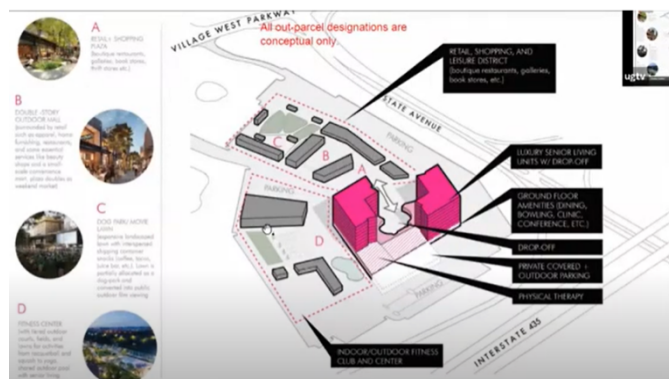
Is there any office building in all of Wyandotte County that's any nicer than that? Not to my knowledge. I don't know what this would cost. I don't even care what it would cost. I just think it's not the right use for a facility like that considering we're already flooded with apartments, and we do need 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 brought 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 indicated 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.

Case	
SP2023-006	
Petitioner	Address
Adam Reynolds	4443 Eaton Street
Synopsis	
A Special Use Permit to operate a short-term rental. This is not the owner's primary residence.	

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.

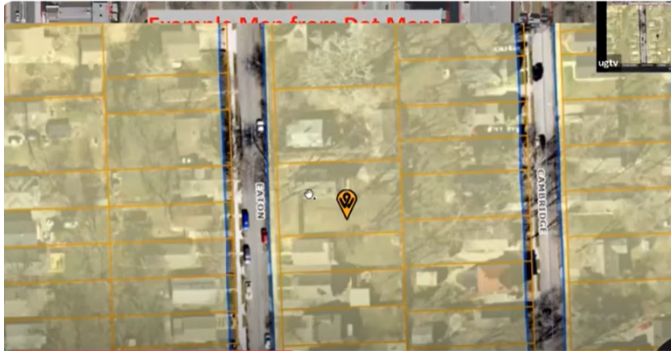


This is in the Rosedale area plan.



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.

April 27, 2023



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.



April 27, 2023

Public Opposition	Public Support
None to date.	None to date.

Staff Recommendation

Approval

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-

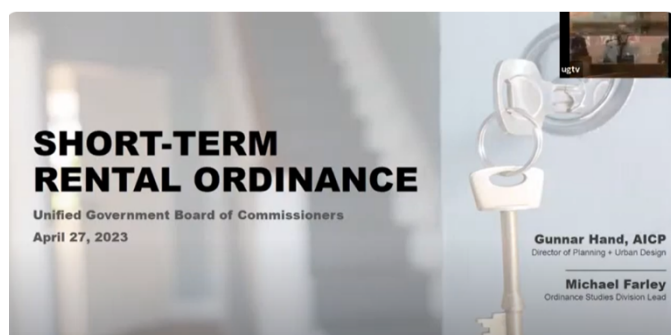
use apartment building at 10200 Abilities Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

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

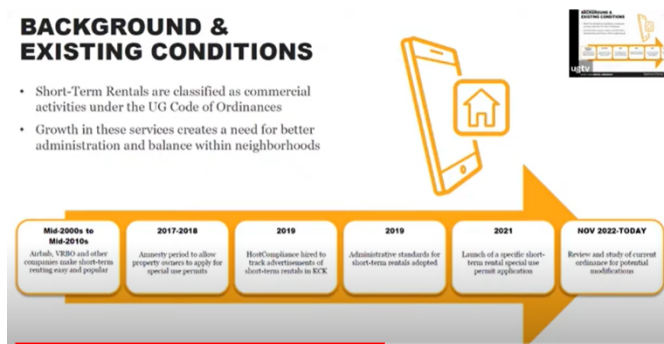
moved past general opposition to all short-term rentals was the density limit per block of that was proposed for short-term rentals. That's gone back and forth a couple of times.

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.

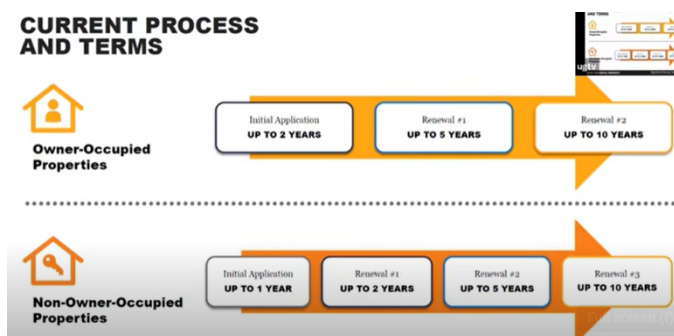
With that, we, again, have a quick 10-minute presentation by Mr. Farley to kind of give you a recap. For those who were at standing committee, you're going to see the same thing again, so bear with us just a little bit. I just got the key that Mr. Farley has five minutes to do his presentation.



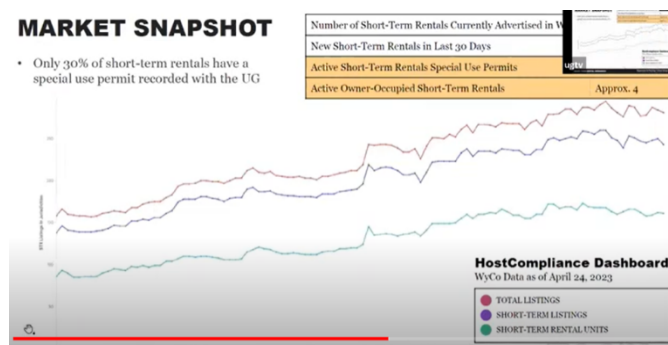
Michael Farley, Ordinance Studies Division Lead, said short-term rentals, as we know them now, well, I guess in a way have always existed within Wyandotte County. Sometimes they're known as boarding houses, as spare rooms, and people were using to rent out for extra income, things like that. But in the 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.

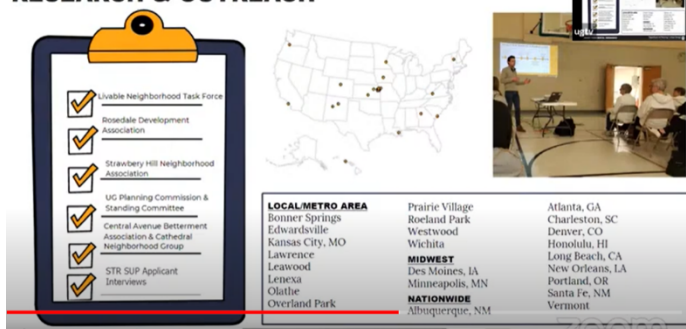
MARKET SNAPSHOT

- Short-term rentals are concentrated in a few neighborhoods



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.

RESEARCH & OUTREACH



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.

KEY CONSIDERATIONS



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.

ORDINANCE REVIEW



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.

UPDATED DEFINITIONS

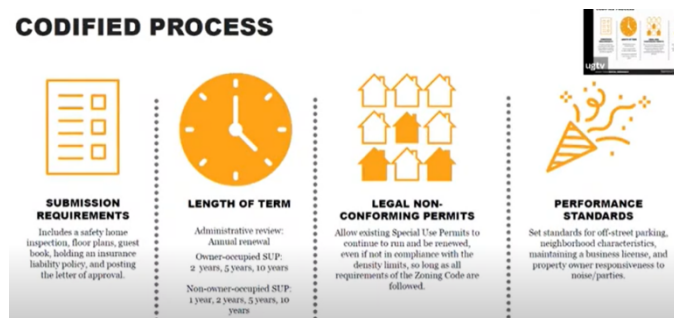


So, I guess you're wondering what that means. Well, a couple of things. First, we need to make sure that we are updating our definitions in order to properly address this new short-term rental scheme. The first thing is actually identifying what a short-term rental is. This proposal outputs in the code 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.

CODIFIED PROCESS



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.

FOR CONSIDERATION

- **Identifies changes to ownership and/or applicant** which require a renewal of a special use permit before the end of term
- **At the instruction of the City Planning Commission**, legal non-conforming status of existing short-term rentals in high-density blocks is addressed
- **At the instruction of Administration & Human Services Standing Committee**, limiting short-term rental allowed by special use permit to one (1) per block, while imposing no limit on actively owner-occupied short-term rentals under administrative review
- **Clarifies application submission requirements and performance standards** for all new and renewed short-term rental allowed by either administrative review or by special use permit



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.

QUESTIONS

OUTREACH & ENGAGEMENT

- **Commission and Elected Officials Engagement:**
 - ✓ City Planning Commission (Nov. 14, 2022, and Feb. 13, Mar. 13, & Apr. 10, 2023)
 - ✓ Administration & Human Services Standing Committee Meeting (Dec. 12, 2022, and Feb. 13, Mar. 27, & Apr. 24, 2023)
- **Neighborhood Engagement:**
 - ✓ Strawberry Hill Neighborhood Association (Dec. 13, 2022)
 - ✓ Rosedale Development Association (Dec. 20, 2022)
 - ✓ Livable Neighborhoods Task Force (Jan. 26 & Mar. 23, 2023)
 - ✓ Central Area Business Association (Feb. 6, 2023)
 - ✓ Cathedral Neighborhood Association (Feb. 6, 2023)
- **Unified Government & Other Municipalities:**
 - ✓ Collected department feedback
 - ✓ Participated in regional short-term rental working group
 - ✓ Special session outreach meeting

ACTION ITEM(S)

- ✓ Present ordinance for approval to Board of Commissioners (Apr. 27, 2023)
- ✓ Implement ordinance through outreach, enforcement, and updating applications and processes (starting April-May 2023 and ongoing)

QUESTIONS OR ADDITIONAL FEEDBACK?
Mike Farley | Ordinance Studies Specialist
mfarley@wycokeok.org
(913) 573-5764

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 its 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 lax 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

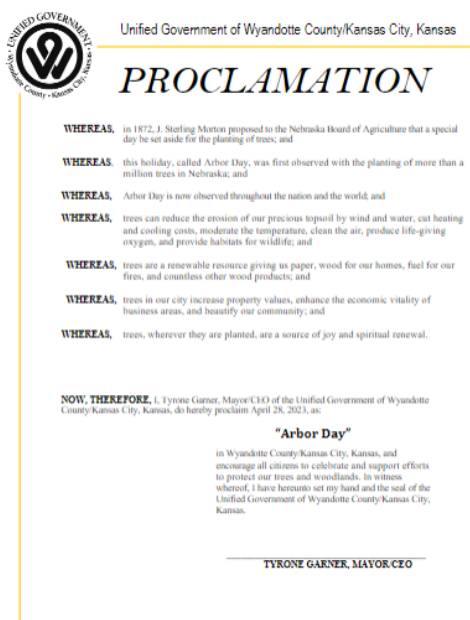
our neighbors. Embracing those things that are different but not so much different because we're not that much different from each other, but just the unique things that we bring as far as that flavor that makes us all Dotte proud. So, seven days of kindness 365 days of the year, 24/7 moving forward 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.



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.

April 27, 2023

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/b63e9cb3cca44be59f458765dbeddc8/>

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/b63e9cb3cca44be59f458765dbeddc8/>

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

April 27, 2023