

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

**PLANNING & ZONING AND
REGULAR SESSION
JULY 27, 2023**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, July 27, 2023, with eleven 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; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. The following officials were also in attendance: David Johnston, County Administrator; Angela Lawson, Interim Chief Counsel; Gunnar Hand, Director of Planning and Urban Design; Alyssa Marcy, Long-Range Planner for Planning and Urban Design; Brett Deichler, UG Clerk; and Monica L. Sparks, Deputy UG Clerk.

Mayor Garner said before I call this 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; and depending on the issue, please make sure that you provide your address so that 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. Clerk, roll call.

Roll call: Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Garner.

Mayor Garner said tonight we're going to have an invocation given by Pastor Stella Ruiz of Oak Grove Christian Church, immediately followed by the Pledge of Allegiance.

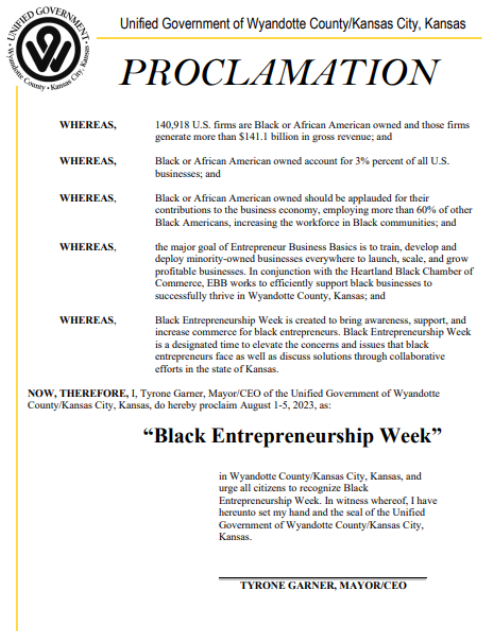
Mayor Garner asked, Clerk, are there any revisions to tonight's agenda? **Mr. Deichler** said there were no official changes to tonight's agenda, per se, but I would like to note that we are moving the three proclamations from the Mayor's Agenda to be read first before advancing through tonight's Planning and Zoning items.

MAYOR'S AGENDA

Item No. 1 – 212622...PROCLAMATION: BLACK ENTREPRENEURSHIP WEEK

Synopsis: Proclamation proclaiming August 1-5, 2023, as Black Entrepreneurship Week, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read the following proclamation.

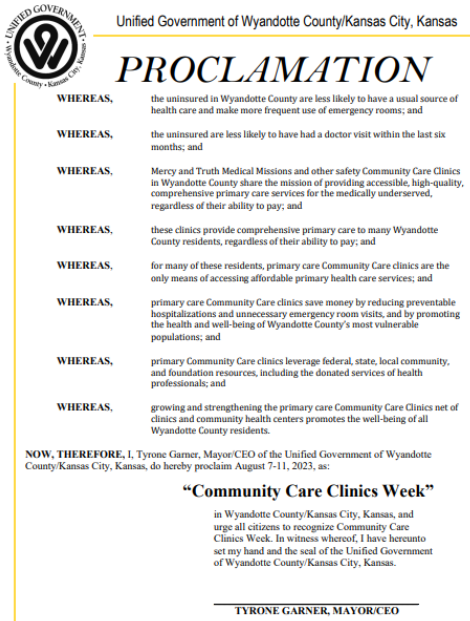


Action: Proclamation was read.

Item No. 2 – 212623...PROCLAMATION: COMMUNITY CARE CLINICS WEEK

Synopsis: Proclamation proclaiming August 7-11, 2023, as Community Care Clinics Week, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read the following proclamation.

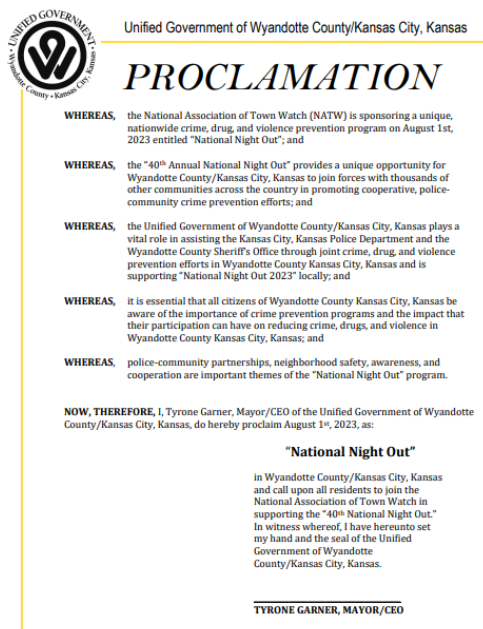


Action: Proclamation was read.

Item No. 3 – 212624...PROCLAMATION: NATIONAL NIGHT OUT

Synopsis: Proclamation proclaiming August 1, 2023, as National Night Out, submitted by Tyrone A. Garner, Mayor/CEO.

Brett Deichler, UG Clerk, read the following proclamation.



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Action: Proclamation was read.

Mayor Garner said we are now going to transition from the Mayor's Agenda to the Planning and Zoning portion of our meeting. We have two distinct parts to our meeting. The Planning and Zoning portion will be handled first followed by rest of 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 any item on tonight's agenda? **Commissioner Bynum** said I've heard from opponents of Item VIII.B.1. – SP2023-020. **Commissioner Ramirez** said communication in opposition to SP2023-020. **Commissioner McKiernan** said same item as Commissioners Bynum and Ramirez. **Commissioner Markley** said (inaudible). **Commissioner Stites** said same one, 2023-020. **Commissioner Kane** said same one. **Commissioner Davis** said same one. **Commissioner Johnson** said same.

Mayor Garner asked, anyone virtually, Clerk? **Mr. Deichler** said seeing none.

Mr. Deichler read the items on the Planning and Zoning Consent Agenda.

Mayor Garner asked, do any members of the Commission, the 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 recommendation of the Planning Commission. I'll ask if anyone in attendance would like to set an item aside. Clerk, is there anyone joining us virtually that would like to set aside an item? **Mr. Deichler** said seeing none.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve the Planning and Zoning Consent Agenda items. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson. (It was discovered that Commissioner Townsend was online, but she was unable to be heard to vote on the Planning and Zoning Consent Agenda items.)

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 212584...CHANGE OF ZONE APPLICATION COZ2023-005 - ANDREA WEISHAUBT WITH ALC

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses and to keep livestock at 5744 Tauromee Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Andrea Weishaubt, is requesting a change of zone from R-1 Single Family District to A-G Agriculture District to utilize the property to keep animals at 5744 Tauromee Avenue. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2023-005, subject to:

1. The applicant shall be limited to up to five (5) cattle or one (1) horse on the property to allow for rotational grazing and adequate manure spread.
2. Cattle waster and chicken waste shall be separated to avoid burning the soil.
3. The applicant shall not store materials, construct a structure, or allow animals within the floodway that runs through the property.
4. The applicant shall fence off the property. This fencing shall not consist of barbed wire.
5. The applicant shall maintain a 50-foot buffer from the stream that runs across the north side of the property for any and all agricultural use or structure.
6. Animals on the site shall be kept away from the timber stand and the stream buffer.
7. Animals shall be kept away from the front of the property, where the property borders two (2) single-family residences.
8. Additional trees shall be planted on site, particularly around the property boundaries that are shared by a neighboring residence.
9. A sacrifice lot will be needed for winter protection of the pasture. Livestock should not be on the pasture when ground is frozen or very wet.
10. Shelters need to be planned and built in level locations to provide protection for animals.
11. There needs to be fencing all along the steep wooded area to keep livestock out of these areas, including the Brenner Heights Creek. These areas are extremely vulnerable to erosion when livestock destroy the ground cover mulch. This fencing shall not be barbed wire.

12. The applicant must continue to work and obtain a Conservation Plan from the Wyandotte County Conservation District. Cheri Miller, Conservation District director can be reached at wyco.conservation@gmail.com.
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,
 - f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that
 - g. All such proposals are consistent with the need to minimize flood damage;
 - h. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - i. Adequate drainage is provided so as to reduce exposure to flood hazards; and,
 - j. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
14. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.
15. 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.
16. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all

ordinance sections that relate to the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services.

17. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
18. 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.
19. 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.
20. All existing and future driveways must feature curb cuts that are constructed to UG standards.
21. Lighting shall be installed to have a 90-degree cutoff.
22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
23. 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.
24. 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.

25. 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.
26. 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 Ramirez made a motion, seconded by Commissioner Davis, to approve Change of Zone Application COZ2023-005, subject to the stipulations. Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

Item No. 2 – 212596...CHANGE OF ZONE APPLICATION COZ2023-014 - CHRISTOPHER E. HANDLIN

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for 30 chickens, bees, and farm at 3000 South 74th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Christopher Handlin, is requesting a change of zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 3000 South 74th Street. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2023-014, subject to:

1. Applicant must ensure that the identified open areas are preserved for the keeping of bees.
2. No vehicles or trailers shall be parked on an unimproved surface. All parking must be on a paved surface.
3. All trees on the property shall be maintained. Any trees that are removed shall be replaced.
4. The applicant must continue to work and obtain a Conservation Plan from the Wyandotte County Conservation District. Cheri Miller, Conservation District director can be reached at wycoco.conservations@gmail.com.
5. The applicant must strictly adhere to the submitted waste disposal plan.

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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
8. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
9. Lighting shall be installed to have a 90-degree cutoff.
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. 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. 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.
14. 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.
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not

submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve Change of Zone Application COZ2023-014, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

Item No. 3 – 212597...CHANGE OF ZONE APPLICATION COZ2023-016 - RHIANNON CABALLERO

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for chickens and a garden at 3542 North 51st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Rhiannon Caballero, is requesting a change of zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 3542 North 51st Street. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2023-016, subject to:

1. The applicant shall ensure that all chicken waste is disposed of via compost or used as fertilizer to prevent contamination of the drainageway and stormwater run-off.
2. The applicant shall ensure that any garden areas are kept well maintained to prevent contamination of the drainageway and stormwater.
3. The applicant will be required to install a paved driveway apron.
4. The applicant must continue to work and obtain a Conservation Plan from the Wyandotte County Conservation District. Cheri Miller, Conservation District director can be reached at wyco.conservation@gmail.com.
5. All trees on the property shall be maintained. Any trees that are removed shall be replaced.
6. The “Windstream” RV shall not be used as a dwelling unit.
7. 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.
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 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. Lighting shall be installed to have a 90-degree cutoff.
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. No vehicles or trailers shall be parked on an unimproved surface.
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. 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.
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 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.
16. 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 Ramirez made a motion, seconded by Commissioner Davis, to approve Change of Zone Application COZ2023-016, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212599...SPECIAL USE PERMIT APPLICATION SP2023-027 - JOSHUA A. ROSE

Synopsis: Special Use Permit for a Short-Term Rental at 4610 Lloyd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Joshua Rose, is requesting a Special Use Permit to operate a short-term rental at 4610 Lloyd Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4600 block of Lloyd Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-027 for one (1) year, subject to:

1. Any additional repairs not addressed prior to approval of SP2023-027 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests shall be seven (7).
3. All parking must be off-street, maximum number of vehicles is three (3). No parking is allowed on-street for STR renters or any guests.
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
5. Applicant is to maintain liability insurance.
6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
10. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
12. All existing and future driveways must feature curb cuts that are constructed to UG standards.
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2023-027 for one year, subject to

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the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

Item No. 2 – 212592...SPECIAL USE PERMIT APPLICATION SP2023-028 - MICHAEL GEKAS

Synopsis: Renewal of a Special Use Permit for a Short-Term Rental (SP2021-012) at 2716 North 119th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. Special Use Permit for a Short-Term Rental at 4610 Lloyd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicants, Michael and Andrea Gekas, is requesting a renewal of a Short-Term Rental Special Use Permit SP2021-012 (which expired 6/3/2023) to operate a short-term rental at 2716 North 119th Street. This is not the owner’s primary residence; however, they live on the adjacent property. This would be the first and only permitted short-term rental on the block. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-028, for five (5) years, subject to:

1. Any additional repairs not addressed prior to approval of SP2023-028 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. The applicant shall pave the driveway apron to UG standard.
3. 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
4. Maximum number of guests shall be seven (7).
5. All parking must be off-street, maximum number of vehicles is three (3). No parking is allowed on-street for STR renters or any guests.
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented.
7. Applicant is to maintain liability insurance.
8. The property must remain in proper maintenance and free of hazards, pests, or infestations.
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
10. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

12. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
14. All existing and future driveways must feature curb cuts that are constructed to UG standards.
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
17. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
18. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
19. The Special Use Permit shall be valid for 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; and
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2023-028 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

Item No. 3 – 212593...SPECIAL USE PERMIT APPLICATION SP2023-029 - ABDUL MAZID WITH A+ AUTO SALES

Synopsis: Renewal of a Special Use Permit (SP2021-016) for used car dealership at 1010 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Abdul Mazid, has applied to renew a Special Use Permit (expiration on June 3, 2023) to operate a used car dealership at 1010 Merriam Lane. This property was operated as an antique car sales business from 1987 to 2001. Since that time, it has been operated as a variety of businesses, including an automobile repair business from 2004 – 2005 and a retail market (Kimo’s Market) from 2005 – 2008. In September 2017, Mr. Mazid was issued a Special Use Permit, and A+ Auto Sales Inc was opened in April 2018. The site has been cleaned and maintained, new landscaping has been implemented in accordance with the plans submitted in 2017 and 2021. The property was listed for sale, but there were no prospective buyers. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-029 for five (5) years, subject to:

1. Because there is no trash receptacle on site, the applicant shall remove all trash for disposal offsite. Trash bags shall not be left on-site for pickup;
2. If the property is sold, the associated Special Use Permit cannot be transferred;
3. BOZA 2268, approved on December 17, 2017, was for Mr. Abdul Mazid and this specific used car sales lot only. If there is a change of use, that use must meet the zoning district’s parking regulations;
4. Because the variance was approved to reduce off-street parking, the second floor shall remain unused;
5. No inoperable vehicle allowed on site;
6. Per the Business License Division:
 - a. The applicant has filed and maintained a current business occupation tax application;

7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
8. 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;
9. 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;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. 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;
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately 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,
13. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2023-029 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

Item No. 4 – 212601...SPECIAL USE PERMIT APPLICATION SP2023-031 - ALEXANDRA SALES

Synopsis: Special Use Permit for a Short-Term Rental at 2602 North 107th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Alexandra Sales, is requesting a Special Use Permit to operate a short-term rental at 2602 North 107th Terrace. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 2600 block of North 107th Terrace. The subject property has been operating as an unpermitted short-term rental since December 2021. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2023-031 for one (1) year, subject to:

1. Any additional repairs not addressed prior to approval of SP2023-031 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests shall be seven (7).
3. All parking must be off-street, maximum number of vehicles is three (3). No parking is allowed on-street for STR renters or any guests.
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance.
6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
8. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
10. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use

of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

12. All existing and future driveways must feature curb cuts that are constructed to UG standards.
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
17. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; 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.
19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2023-031 for one year, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

Item No. 5 – 212602...SPECIAL USE PERMIT APPLICATION SP2023-032 - TRISTAN PERKINS

Synopsis: Special Use Permit for a Short-Term Rental at 1945 Lawrence Court, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Tristan Perkins, is requesting a Special Use Permit to operate a short-term rental at. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 1900 block of West Lawrence Court. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2023-032 for one (1) year, subject to:

1. Any additional repairs not addressed prior to approval of SP2023-032 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests shall be six (6).
3. All parking must be off-street, maximum number of vehicles is two (2). No parking is allowed on-street for STR renters or any guests.
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented.
5. Applicant is to maintain liability insurance.
6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
8. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
10. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.

11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
12. All existing and future driveways must feature curb cuts that are constructed to UG standards.
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
17. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; 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.
19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2023-032 for one year, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

Item No. 6 – 212603...SPECIAL USE PERMIT APPLICATION SP2023-033 - SANGEETH AND REBEKAH SAMUEL

Synopsis: Special Use Permit for a Short-Term Rental at 4016 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicants, Sangeeth and Rebekah Samuel, are requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4016 Springfield. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4000 block of Springfield. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2023-033 for one (1) year, subject to:

1. Any additional repairs not addressed prior to approval of SP2023-033 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests shall be six (6).
3. All parking must be off-street, maximum number of vehicles is two (2). No parking is allowed on-street for STR renters or any guests
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance.
6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
8. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of

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

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

19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.
20. Driveway must be upgraded to an improved surface (asphalt, concrete or pavers) and the driveway apron must be concrete from the curb to the property line (within the right-of-way).

Action: Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2023-033 for one year, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

Item No. 7 – 212604...SPECIAL USE PERMIT APPLICATION SP2023-035 - MARY MELOT AND ROBBIN BEEBE

Synopsis: Special Use Permit for a Short-Term Rental at 3716 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicants, Mary Melot and Robbin Beebe, are requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 3716 Springfield Street. This is not the owner’s primary residence. The applicant had previously had a Special Use Permit (SP-2020-80), however, that permit expired on November 7, 2022, in which the operator then operated without proper permitting. This would be the first and only permitted short-term rental on the 3700 block of Springfield Street. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2023-035 for one (1) year, subject to:

1. Maximum number of guests shall be seven (7).
2. All parking must be off-street, maximum number of vehicles is three (3). No parking is allowed on-street for STR renters or any guests.
3. 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;
4. Applicant is to maintain liability insurance.
5. The property must remain in proper maintenance and free of hazards, pests, or infestations.
6. The granting of this Special Use Permit does not transfer with a change of ownership of the property.

7. 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).
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, occupying businesses must file and maintain a current business occupation tax application with this office.
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. 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. 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 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

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2023-035 for one year, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

PLAN REVIEW APPLICATION

Item No. 1 – 212605...PLAN REVIEW APPLICATION PR2023-020 - JOSE YEPAZ WITH WTF LLC

Synopsis: Preliminary Plan Review for townhomes at 825 Parallel Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 1 – 212606...MASTER PLAN AMENDMENT APPLICATION MPL2023-009 - JOSE YEPAZ WITH WTF LLC

Synopsis: Master Plan Amendment from Parks and Open Space to Lower-Medium Density Residential (Northeast Area Plan) at 825 Parallel Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Jose Yepaz with WTF Development, LLC, is requesting a Comprehensive Plan Amendment, a Preliminary Plat, and a Preliminary Plan Review. The Preliminary Plat will create 23 single-family residential parcels, 19 of which will be for townhomes and four (4) of which are open space tracts. The Plat consists of current parcels #095055—095060, 095068, 095069, and a portion of 095070, which will result in three (3) blocks

separated by public rightsof-way. The Preliminary Plan Review is for the proposed development on the subject property: 19 townhomes and four (4) open space tracts to support the residential development. Lastly, the Comprehensive Plan Amendment from Parks and Open Space to Lower-Medium Density Residential (both under the Northeast Area Plan) in order to be compatible with the proposed development. This project is being constructed on Land Bank property. The Planning Commission voted 6 to 0 to recommend approval of Master Plan Amendment MPL2023-009 and Preliminary Plan Review PR2023-020, subject to:

1. The applicant shall apply for the Narrow Lot Design Guidelines administrative review through the Department of Planning and Urban Design prior to the issuance of Building Permits.
2. Per Sections 27-699(b)(3), -699(b)(4), -700(b)(1), and -703, all landscaping must be completed in satisfaction of all landscaping requirements as part of the proposed site development, no landscaping may be delayed due to the zoning district or vacancy status of adjacent properties, and additional landscaping must be installed if current landscaping dies or adjacent development requires the subject property to add additional landscaping or screening.
3. Submit hydrant locations for review per Sec.507, 2012 IFC. All houses should be within 600' of a hydrant. All buildings to be within 150' of code compliant access road(s) per Sec.503, 2012 IFC.
4. Signs for "NO PARKING" shall be posted per Sec.D103.6, 2012 IFC.
 - a. Roads 20 to 26 feet wide (curb face to curb face) - NO on street parking either side.
 - b. Roads over 26 to 32 feet wide (curb face to curb face) - Parking on one side.
 - c. Roads over 32 feet wide (curb face to curb face) - on street parking allowed both sides.
 - d. Dead end access roads 150'+, SHALL comply with Sec. D103.4 and table D103.4, 2012 IFC for min. road width 26'(curb face to curb face) and min. cul-de-sac diameter of 96'.
5. Fire access entrance roads must comply with Sec.D104.3 separated by min. 1/2 the diagonal of the area served, with two (2) minimum entrances for subdivisions with more than 75 units per City Ordinance Chapter 15, Article III-Sec.15.54, D107.1.
6. Per Section 27-609(2), for any accessory buildings constructed 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. 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;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of

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

9. All exterior lighting 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;
10. These City Planning Commission cases are being heard in conjunction with BOZA2023-029. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-029 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
13. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
14. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
15. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
16. 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;
17. 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;
18. 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

19. District Requirements, Comprehensive Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and 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;
20. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines; and,
 - a. Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable;
 - b. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan;
 - c. Whether public and community facilities, such as utilities, sanitary and storm sewers, water, police and fire protection, parks and recreational facilities, roads, and others are adequate to serve development for the type and scope suggested by the proposed land use. If utilities are not available, whether they can be reasonably extended;
 - d. Whether the proposed amendment would result in comprehensive plan or regulatory conflicts;
 - e. Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses, or creating inconsistencies with applicable future land use map patterns; and
 - f. The impacts of the potential costs and benefits derived by the community or area by the proposed change.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve Master Plan Amendment Application MPL2023-009 and Plan Review Application PR2023-020, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

MASTER PLAN AMENDMENT APPLICATION

Item No. 1 – 212606...MASTER PLAN AMENDMENT APPLICATION MPL2023-009 - JOSE YEPAZ WITH WTF LLC

Synopsis: Master Plan Amendment from Parks and Open Space to Lower-Medium Density Residential (Northeast Area Plan) at 825 Parallel Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously heard in conjunction with Planning and Zoning Consent Agenda Item No. 1 – Plan Review Application PR2023-020.

MISCELLANEOUS - ORDINANCES (The following ordinances formalize previous Commission approval.)

Item No. 1 – 212607...AN ORDINANCE rezoning property at 13400 Donahoo Road, (COZ2023-010) from A-G Agriculture (WYCO) District to A-G Agriculture (City) District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-81-23**, “An ordinance rezoning property hereinafter described located at approximately 13400 Donahoo Road, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture (WYCO) District to A-G Agriculture (City) District.” **Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

Item No. 2 – 212608...AN ORDINANCE rezoning property at 4403 Rainbow Boulevard, (COZ2021-043), from R-1(B) Single Family District to RP-4 Planned Garden Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-82-23**, “An ordinance rezoning property hereinafter described located at approximately 4403 Rainbow Boulevard, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to RP-4 Planned Garden Apartment District.” **Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

Item No. 3 – 212609...AN ORDINANCE authorizing a Special Use Permit for continuation of a Short-Term Rental (SP2022-117) at 749 Locust Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-83-23**, “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 approximately 749 Locust Avenue, Kansas City, Kansas.” **Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

Item No. 4 – 212610...AN ORDINANCE authorizing a Special Use Permit for a commercial retail space with a firearm training facility and shooting range (SP2023-022) at 10000 France Family Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-84-23**, “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 commercial retail space with a firearm training facility and shooting range at approximately 10000 France Family Drive, Kansas City, Kansas.” **Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

Item No. 5 – 212611...AN ORDINANCE authorizing a Special Use Permit for an event space with offices (SP2023-023) at 6300 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-85-23**, “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 an event space with offices at 6300 Parallel Parkway, Kansas City, Kansas.” **Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

Item No. 6 – 212612...AN ORDINANCE authorizing a Special Use Permit to continue to operate a drinking establishment with live entertainment (SP2022-121) at 508 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-86-23**, “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, to operate a drinking establishment with live entertainment at 508 Kansas Avenue, Kansas City, Kansas.” **Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

Item No. 7 – 212613...AN ORDINANCE vacating right-of-way (VAC2022-003) at 1327 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-87-23**, “An ordinance vacating Tract 0801-0876 Wyandotte City, Block 123, Lots 0009-0016, 0019-0028 and vac alley adj, located at approximately 1327 State Avenue, Kansas City, Kansas.” **Commissioner Ramirez made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson.

Commissioner Markley said, Mayor, I was going to ask if you could do a quick sound check because Commissioner Townsend is texting me. She is here online, but we weren’t able to hear her.

Mayor Garner said we'll take a five-minute recess. We want to make sure that Commissioner Townsend is represented in her questions and votes, so we'll take a five-minute recess to give IT a chance to work on this issue. (7:15 p.m. – 7:23 p.m.)

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATION

Item No. 1 – 212595...CHANGE OF ZONE APPLICATION COZ2023-009 - AUSTIN THOMPSON WITH ALC

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to raise fowl at 8910 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Andrea Weishaubt, is requesting a change of zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 8910 Osage Avenue. The Planning Commission voted 5 to 2 to recommend denial of Change of Zone Application COZ2023-009, based on Factors to be Considered #5.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, as it is for the private use by the property owner. The proposed use will not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property, as long as the proposed use is managed properly, and conditions are adhered to.

Case		
COZ2023-009		
Petitioner	Address	
Andrea Weishaubt with Atlas Land Consultants	8910 Osage Avenue	
Synopsis		
To approve a Change of Zone from R-1 Single Family District to A-G Agriculture District, to utilize the property for agricultural uses (fowl).		

Mayor Garner asked the applicant or representative to present the application.

Mayor Garner said I will 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 the item. **Mr. Deichler**

said no comments were received by the Clerk. **Mayor Garner** asked, is there anyone present who would like to speak in favor of this item? **Mr. Deichler** said seeing none, but we do have one hand raised online. **Mr. Hand** said that's the representative for the case, Mr. Elliott for Atlas. **Mr. Deichler** said nobody else; just the applicant.

Mayor Garner said I'll allow the backups since it looks like we may be having some technical issues. I'll ask the applicant or representative to present the application.

Alex Elliott, Atlas Land Consultants, 14500 Parallel Road, Unit R, Basehor, KS, said this was recommended for denial by the Planning Commission. I believe the main reason cited for this was concerns about the lot size. The Commission said that it barely meets the five-acre minimum, and there were some questions raised by neighbors on the actual size of the lot. I'd like to remind everyone that this is a platted lot and the plat states that it's 5.6 acres, so it's well above the five-acre minimum.

There were other issues raised about vehicles present on-site. The owner has assured us that once all construction activities for the recently built home are completed, all the vehicles will be removed. Will, not all of them will be removed, but the majority of them will be removed.

There were also concerns raised with the possibility of chickens already being present on-site. They have assured us that there are none. To our knowledge, there are none.

Mayor Garner said this takes us back to the public hearing. Again, is there anyone present who would like to speak in favor of this item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, is there anyone joining us virtually, Clerk, who would like to speak in favor of this item? **Mr. Deichler** said seeing none.

Mayor Garner asked are there, Clerk, any notifications that you received from the public who wish to express their comments in opposition of this item? **Mr. Deichler** said no notifications were received by the Clerk. **Mayor Garner** asked, is there anyone present who would like to speak in opposition to this item? **Mr. Deichler** said seeing one.

Mary Martin, 804 South 89th Street, said I'm right next door to 8910 Osage. Me and other neighbors, one of them that has adjacent property is from St. Louis. They have the property. They

pay their taxes on the back side of 8910. We're all opposed to this property being agricultural. My family is the one that talked about the property, the five acres. The reason being, we pulled their property site survey. We also pulled our property site survey and the lady that sold them the property survey. Those numbers are not consistent.

I came here July 10th saying that those numbers, those surveys need to be looked at. From what I'm getting yesterday from the Department of Planning and Urban Design, they're saying that there's a discrepancy in the numbers, clearly, from the survey that they submitted. They can say that their plot is five acres, but they can't legally say it's five acres because there's discrepancy in the numbers. There's discrepancy in the paperwork that they found with the UG. **Mr. Deichler** said you have one minute remaining.

Ms. Martin said we submitted all that information to the department director. We're very clear with that. We stand on that.

The man that is talking now and supporting this, he doesn't know what's going on there. He doesn't live around there. There have been chickens from day one when they moved on that site. There's been watchdogs that are on that site. There's been security on that site that has never left that site since they have moved into that site. We don't know what they're doing, but we think it's more than chickens.

I stand today as I stood July 10th asking that you deny this until Planning and Urban Design can really come up and say that this property meets those guidelines to be agricultural. Also...**Mr. Deichler** said your time has expired.

Ms. Martin asked, can I get an additional five minutes or just two minutes?

Action: **Commissioner Bynum** made a motion to provide two more minutes. **Mayor Garner** said proceed.

Ms. Martin said I would like the Commission to make a motion for me. Somebody on the Commission fill me and make a motion on this matter that tells Planning and Urban Design that because my family has been law-abiding, taxpaying citizens of Wyandotte County for over 60 years on our property that Planning and Urban Design sends us a letter to state why we have a fence at 8910 put on our property, took our property and said it was theirs. Said that there was an error on our survey. Can't prove it, just saying it. We have no due process. They allowed the

fence to be placed, which is still there. I think that's abomino. They're denying our constitutional rights in terms of due process. I think that, and I blame the Planning and Urban Design because they're the ones who allowed 8910 to do all this. I think that's unacceptable. Somebody from the Commission needs to make a motion to hear me and say that they need a letter if they think they're so right on taking our land. They didn't rebate any taxes to us. They just took it even though we've been paying consistently. We're not in default. They couldn't take our land, but they did by way of Planning and Urban Design. So, I'm just asking somebody to make a motion on our behalf.

Mayor Garner asked, is there anyone else who would like to speak in opposition to this item that's in the audience? **Mr. Deichler** said seeing none. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who would like to speak in opposition of this item? **Mr. Deichler** said seeing none.

Mayor Garner said I will now close the public hearing and give the opportunity for the petitioner to make some closing comments.

Mr. Elliott said I would just like to say, as has been mentioned previously, the plat that is currently filed with the county shows the acreage that it shows.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Davis, to uphold the recommendation from Planning and Zoning to deny Change of Zone Application COZ2023-009.**

Commissioner Bynum said I would request clarification on the yes versus the no on a motion like that. **Mayor Garner** said, Counsel, I think the commissioner's wanting clarification as to yes or no what that dictates for clarity. **Commissioner Bynum** said as a vote to uphold the denial. Correct?

Angela Lawson, Interim Chief Counsel, said correct, based on how the motion was submitted.

Mayor Garner said so to be clear, there is a motion and a second with a motion to uphold and support and sustain the recommendation from the Planning Commission. Is that correct?

Commissioner Bynum said yes.

Gunnar Hand, Director of Planning and Urban Design, said, Mayor, point of order. Would you like staff comments on this case or no? **Mayor Garner** said no.

Commissioner Kane said I would like staff comments. Is it 5.6 acres?

Mr. Hand said, again, this case is being heard for consideration of a change of zone from R-1 Single Family to AG.



This is in the Citywide Comprehensive Plan area, Midtown South portion.



Staff has received no letters of support. There has been opposition, as you've heard earlier this evening, as well at the Planning Commission and at the neighborhood meeting and elsewhere.



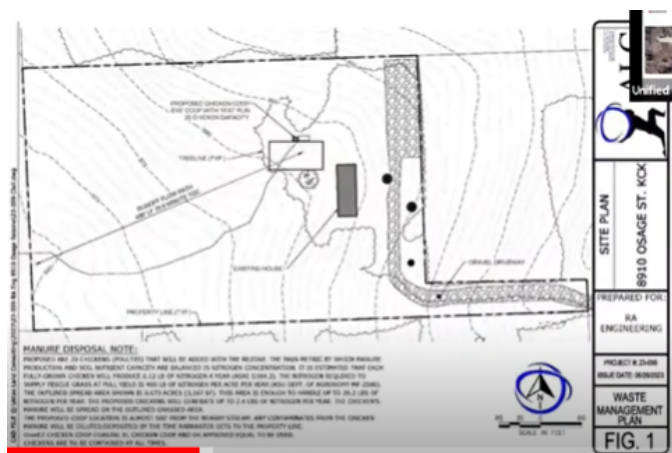
There are no notices of violation on this property.



Staff disagrees with the Planning Commission's recommendation for now and recommends approval with conditions including a conservation plan in regard to the proposal to have chickens, to provide a UG driveway apron at that location,



and no commercial activity is allowed that's not related to agricultural use; again, if the change of zone is approved without a special use permit.



The property dispute that was discussed by the woman in opposition as related to was reviewed by the County Surveyor and staff with materials provided by the opposition, our materials, as well as the application materials. There is no issue in any of the surveys or plots that were submitted to us. The property dispute at hand is where that line between the property to the north and to the south lives in the real world and that is determined by surveyors, not by the Unified Government. So, the property is over five acres.

Public Opposition	Public Support
Staff has received two (2) phone calls and one (1) member of the public at the Neighborhood Meeting expressed opposition to this case. There was public opposition present at the July 10, 2023 City Planning Commission hearing.	None to date.
Staff Recommendation	
Approval	

Commissioner Bynum said I appreciate the explanation about the surveys. I do think that the request from the speaker is outside our purview and I understand that.

Could you go back? There's an aerial photograph.



July 27, 2023

What is that?

Mr. Hand said the property's been vacant for a very long time. When the applicant acquired the property, I believe, a little over a year plus ago, they proceeded with building the house that you see. As we have been informed by the applicant, but has also been a concern of the neighbors in opposition, is that looks like it's more than someone living in a house. That looks like it's been there longer than it would take to be the construction workers working on the property.

We've asked the applicant to respond to that. They did at the Planning Commission and said that those vehicles were related to the construction of the site; the ongoing construction of the site.

We've also had reports from opposition as it relates to those specifically that there's been ongoing traffic in and out of that site, and that there's a lot of traffic. That is reflective of the staff's recommendation for the condition of approval notifying the applicant that you can't have commercial activity on there without a special use permit.

Commissioner Burroughs said, Gunnar, we're seeing a lot of land wanting to convert to AG to raise chickens. What is our criteria for considering the number of fowl that then determines if the land should be AG or if it's still a residential facility? I've got neighbors that's had chickens and built a small coop in the back and they have five or six of them running around the neighborhood. It seems like we get a lot of requests for now for AG changes to raise fowl. Do we have a policy in place that says how many fowl can be raised on an acre or within a residential community?

Mr. Hand said any residentially zoned property can have up to six fowl without any permit. Anything over six fowl requires a special use permit, unless you're over five acres. This property is over five acres. It is currently zoned R-1 so it can have more than six fowl on the property today.

The applicant has said that they wanted a change of zone because agricultural zoning allows more than one accessory structure. So, they need more than one accessory structure to do the operation they want with their chickens. Whereas, if it's a single-family home in a typical residential neighborhood, if you will, that one accessory structure generally will work for them because all they need is a chicken coop.

Commissioner Ramirez said I think it was already mentioned and you have it stated here in the report from the Planning Commission. Does the applicant have any future plans to make it a commercial business property?

Mr. Hand said that's not been indicated to us through the process nor at any public hearings to this date. They said they want to have chickens, but they're talking about 20 to 30 as I understand it.

The way that we handle the maximum of any livestock on a property as such is we work with the Conservation District to develop a conservation plan and based on that specific property, they'll tell what's the carrying capacity is depending on what you want.

Commissioner Ramirez said I agree with Commissioner Burroughs that a lot is coming up before us for AG properties or wanting fowl. Maybe it's something that we, as a body—just how we did a density requirement for STRs—maybe we have a density requirement for fowl if that's something that is allowable by the state. I agree, it seems like a lot of people throughout the city and county are having a lot of fowl. You do what you want, but at the same time, just making sure that there's not too many. I think that's something we, as a body, can look at and staff.

Mr. Hand said just real quick on that as a follow-up. It's staff's intention after the update of the Citywide Comprehensive Plan, when that vision is established, that we go back and update the zoning code. We know that, specifically, urban agriculture is deficient in our zoning code and there's a lot of tweaks that need to be made. So, we can certainly add that to the list. We have certainly heard through the PlanKCK, the Land Bank Policy, and other initiatives over the last couple of years that urban agriculture needs to be a higher priority, so we will be addressing that next year.

Commissioner Markley said I will reminisce for about two seconds and say those of us that have been here for a while remember when we didn't have the current chicken rule and we would have two or three per Planning and Zoning night. So, we appreciate at least that we've gotten a little forward of that but it's not my question. My question is, if they don't get the change of zone tonight, they could get a special use permit for an accessory structure and still raise chickens. Am I right?

Mr. Hand said not exactly. If they were denied this evening and wanted to continue with the proposal as is, they would have to get a variance to have more than one accessory structure on the property or figure out a way to shove all those chickens into a thousand square feet of accessory structure. They would not need a special use permit because it's over five acres.

Commissioner Stites asked, do they have an auxiliary structure now? I see something but I don't know. Do they already have another building?



Mr. Hand said two things. This property, if you can see it, is an L-shaped parcel. We can only get here unless we're invited on. We haven't been able to go into the property, but based on the aeriels...**Commissioner Stites** asked, how come we can't get on there? Because they won't let us? **Mr. Hand** said correct. **Commissioner Stites** said well then, I'm not in support of this.



Mr. Hand said, again, there's lots of stuff going on. There's lots of cars in this picture, as an example. This was taken in 2022. As we understand it, there's the one primary structure.

Commissioner Stites said I will tell you; something doesn't add up. When somebody doesn't want you to come on and they want us, the governing body, to work with them and give them special, I'll call this treatment, but you're not allowing us to come onto the property to see. I don't have much use for that. I think there's a motion and a second. I'm ready to vote.

Commissioner Davis asked, do we know if this applicant owns, or have they mentioned owning other animals elsewhere? Do they have experience with this or is this kind of a first time go?

Mr. Hand said that has not been a part of the conversation to date so I'm not sure how to answer.

Commissioner Davis asked, for the denial piece, was there, just given your perspective, Mr. Hand, what was the reasoning as to why our appointees on the Planning Commission denied this particular applicant, if you recall?

Mr. Hand said there were three things that were brought up in the City Planning Commission. There was the property dispute mentioned today, the neighbor that mentioned earlier had issues with the amount of chickens. He was worried that there were too many chickens adjacent to his property, which was one issue. Then the third thing they were concerned with the commercial activity.

Mayor Garner asked, Clerk, did we have a question virtually? **Mr. Deichler** said no.

Roll call was taken to uphold the recommendation for denial and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212535...SPECIAL USE PERMIT APPLICATION SP2023-020 – SHAYMOND JANES

Synopsis: Special Use Permit to operate a Short-Term Rental at 2737 South 53rd Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Shaymond Janes, is requesting a Special Use Permit to operate a short-term rental at 2737 South 53rd Terrace. This is not the owner's primary residence. This short-term rental has been operating without proper permitting since at least June 2022. This is the first and only non-owner occupied, short-term rental permitted on the 2700 block of South 53rd Terrace. The Planning Commission voted 6 to 3 to recommend approval of Special Use Permit SP2023-020, for one (1) year, subject to:

1. This Special Use Permit shall comply with Sections 27-214 and 27-623;

2. All critical repairs outlined by staff shall be repaired prior to operation;
3. The remaining non-life safety repairs as described within the home inspection report shall be completed by the applicant's next renewal period;
4. The applicant shall withdraw their rental license and instead obtain a business license, as a short-term rental is considered a business within the Unified Government;
5. Maximum number of guests shall be seven (7);
6. All parking must be off-street, maximum number of vehicles is three (3);
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
9. Applicant is to maintain liability insurance;
10. The property must remain in proper maintenance and free of hazards, pests, or infestations;
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
14. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
19. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local

ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
21. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
23. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit;
24. Install netting around the basketball court to prevent basketballs from leaving the property onto the neighboring properties; and,
25. No loud music on the back patio after 10:00 p.m.

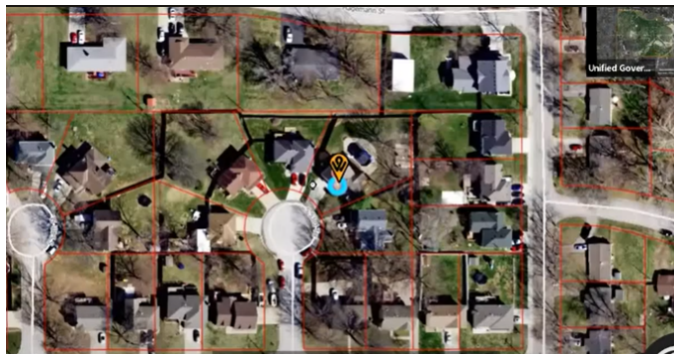
Case		
SP2023-020		
Petitioner	Address	
Shaymond Janes	2737 South 53 rd Terrace	
Synopsis		
To operate a short-term rental. This is not the applicant's primary residence. This would be the first and only permitted short-term rental on the 2700 block of South 53 rd Terrace.		

Gunnar Hand, Director of Planning and Urban Design, said this case was held over from the June Board of Commissioners Planning and Zoning hearing so that the applicant could discuss the issue with the neighbors. I believe it was Commissioner Markley who made that recommendation.

This is a new short-term rental application for a special use permit. It is a non-owner occupied. It is, however, Mr. Janes's childhood home.



This is in the Citywide Comp Plan in the Turner area.

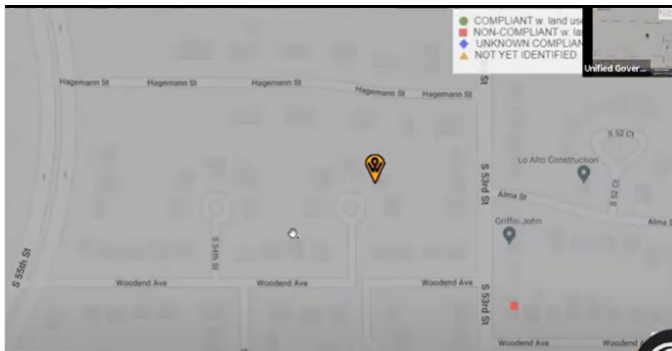


We received no letters of support to date. There has been opposition, and there is a notice of violation for the short-term rental without a special use permit.

I would just make the note like I did last month that staff doesn't believe that necessarily that NOV should be held against them as we are currently in a sweep right now of all short-term rentals after the ordinance. There are a lot of short-term rentals coming in, including on this agenda, out from the cold, so to speak.



Staff recommends approval for one year with a maximum of seven people on-site and three cars off-street.



July 27, 2023



Public Opposition	Public Support
Staff has received three (3) phone calls and one (1) letter written in opposition. There was public opposition present at the June 12, 2023 City Planning Commission.	None to date.
Staff Recommendation	
Approval	

Mayor Garner said I'll ask the applicant or representative to present the application.

Shaymond Janes, 9625 Lamar Avenue, Overland Park, KS, said I'm the owner of the property address 2737 South 53rd Terrace, Kansas City, KS. It's been in my family since 1978 when my father built it.

This was carried over from last time as Commissioner Markley had asked me to approach specifically the two neighborhood groups who were in opposition and had written letters in opposition to the commissioner.

I have contacted both the neighborhood groups via email and sent pretty extensive letter explaining all the measures that we, my family have taken in order to make this a very viable property. I'd like to read that letter to you all here today. I've also provided this letter to a great deal of my neighbors, outside of the neighborhood meeting, the ones that I've been able to directly meet with. There's been quite a few I haven't been able to meet with all of them directly, but I'm still in efforts of doing that. If it pleases the Commission, I'll read the letter.

Dear Neighbor, I am the owner of property address 2737 South 53rd Terrace, Kansas City, Kansas 66106. As you may be aware, I have applied and petitioned to the Unified Government to receive a special use permit for this property to be used as a short-term rental property through the procedures identified by the Unified Government and the Planning Commission.

July 27, 2023

I'm writing to you in good faith today to alleviate any concerns of the community with operations of this property as a short-term rental, and to shed some light on some of the actions that have been taken in efforts to alleviate these would-be concerns. Some of these items were recommended by the city and others I have taken on my own accord. My family and I are truly making every effort to make our property a shining example of how a short-term rental property should be operated, and we are always open to additional suggestions on how we can be better for not only for our guests, but also the community as a whole. Here are the action items that have been taken so far or will be in place before booking additional guests, if approved by the Planning Commission.

Large and/or loud parties are strictly prohibited. Loud and/or inappropriate music is prohibited. We do not allow local groups to rent from us which prevents the inviting of unwanted guests. We only book groups through Vrbo who puts guests through additional screening. We rate each one of our guests on a variety of different factors including adherence to rules, and we will not rent to guests who have had a bad rating or have broken rules in the past.

In efforts to discourage against guests having parties, a three-night minimum will be strictly adhered to. The limit on number of guests allowed to stay book the property is seven. We actively screen our guests before booking confirmation to find out the purpose of their visit to KC in effort to prevent parties. No more than three cars are allowed and must be parked off-street, in the garage, or driveway.

We have a strict, hard cut-off on all music at 10 PM. We have a strict, hard cut-off on all basketball and swimming at 10 PM, and guests are asked to move activities inside at this time. In efforts to enforce the 10 PM curfew, we have exterior lights on timers and they shut off a few minutes after 10 PM. No pets are allowed under any circumstances. We have installed exterior cameras on both the front of the property and the back of the property. The cameras are monitored by Ring video 24 hours per day. All exterior activities are recorded with notifications being sent directly to mine and my wife's phone anytime there is exterior activity. The cameras also allow us to communicate directly with our guests via the camera microphone. The cameras are hardwired to the power of the home and are always on 24/7. They can't be turned off unless power's out.

I live just a short 10-minute drive away from the property and can be there on short notice if need be. My wife is also available.

July 27, 2023

We have installed netting in the back of the basketball court, which will prevent basketballs from bouncing over the fence, as requested by the city and one of our neighbors. The backyard is surrounded by a six-foot privacy fence, which is locked at all times for both guests and neighbors' safety.

We've provided our neighbors with all of this information, and with our direct contact information.

In addition to these action items, we have also made inroads and partnering with other local businesses and eateries in both Turner and Kansas City, Kansas, to try to push business to them. So far these include: agreement with Christie's Tasty Queen in Turner to display their menu and maybe a coupon, we don't have that agreement yet, to our guests on our kitchen counter. An agreement with Amigo's Mexican Restaurant in Turner to display their menu and maybe a possible coupon to our guests on our kitchen counter. Agreement with the Windmill KC Coffee Shop and Eatery, which is a small business in Turner, fairly new. They are very excited that we were able to display their menu and they are already working on a coupon for our guests. It has also agreed to pay for laminated menus for the Windmill as they have not had these in the past and they would like them. We also have an agreement with Strawberry Hill and KC T-shirt Shop, which is located across the street from Breit's Stein and Deli on 5th St. We have worked together to create a t-shirt design which will be available to our families and guests which stay at the home.

All of these partnerships and agreements will help to drive business and outside cash flow into our community, Turner and Kansas City, Kansas. I'm really only pushing the KCK area. I'm not pushing Johnson County, Overland Park eateries, or anything like that. Looking, really just to drive business to the local places. Obviously, these businesses would not get this business otherwise because these families are coming in from out of town. We encourage all of our guests to support local business, and we are open to help promote other businesses and/or events that our guests might enjoy or would help to benefit others in the community.

Lastly, we have created additional language that will be used with each of our guests, and will be seen by them not only initial contract provided by Vrbo, but also in a welcome email that will be sent before their stay and via text message on the day of their arrival. Again, we are always open to additional suggestions, however, the current language that we will use is as follows: As mandated by the city and in respect to our neighbors, we must remind all guests that large and/or loud parties are strictly prohibited and will not be tolerated without exception. Please keep

in mind that our home is in a residential area with both nearby neighbors and their children. Please be respectful with both music, i.e., and appropriate language or gesture and volume. We are required to have a hard cut-off on all music, basketball, and swimming at 10 PM; and we ask guests to move activities inside at this time. Lights will also shut off at this time. Guests who do not follow these requirements will be asked to leave the property without refund. Please note that the exterior of the property is monitored via 24-hour Ring video surveillance. Thank you for your cooperation with these requirements. That's the end of the statement to guests.

In conclusion, we would ask the community and the Commission to remember that we are just another neighbor here in Kansas City, Kansas, in Turner. Moreover, we're a small family of three, just me, my wife Amber, and my 13-year-old daughter Maddie. We're just trying to make good of things after my mom and my daughter's grandma passed away from cancer and left us the family home.

I grew up in this neighborhood and we have close emotional ties to the Turner community and Kansas City, Kansas. We were one of the first families who moved into this neighborhood after my father built this home in 1978 and we're still here after all of these years. My mom's only inheritance that she was able to leave our family was this home. Our initial hope for this short-term rental was that we will be able to help fund a portion of my daughter's college education. We still have this hope, but I've also become proud of the fact that this opportunity allows us to share this wonderful community and our beautiful home with others who might never know we were here otherwise. We know that these things would make my mom very proud and happy. Respectfully, we ask for your support in this endeavor and a chance to keep this hope and community pride alive and well. Thank you for reading and for listening. Shaymond, Amber, and Maddie Janes.

I will add, I'm not a buyer, a flipper, home flipper, big real estate company. This is the only Vrbo we're doing. To be honest with you, I don't think my cardiologist would allow me to do another one. It's just been a process, but I do respect the Commission in the process that we've gone through and I understand the reasons why.

A couple of additional things. We are having a neighborhood appreciation event that I've already planned and scheduled. On August 13th, we're going to be having a shaved ice truck, Polar Oasis. It's going to be coming down into the cul-de-sac right in front of our home. I've already begun inviting neighbors and their children. They can come enjoy some free shaved ice on us.

Also, in closing, I have approached several of the neighbors directly, as mentioned before. I put together my own petition, with the specific petition number listed, and I've received a couple of, actually five total signatures in support. The petition just says, we the below signed of individuals hereby sign this document in support of Unified Government Petition SP2023-020 for Shaymond Janes to continue operating property address 2737 South 53rd Terrace as a short-term rental.

The significance of this is really two of the neighbors that have signed this are on either side of my home so, they are directly the next door neighbors on the right and on the left. One other one. We are on a cul-de-sac and he's at the very corner of the cul-de-sac. I think he has two or three children. Two other neighbors I know for a fact, Wayne and Cindy Koger are in support of me. My text with Wayne, he was actually the one who let me know that we had the notice on my door initially. He texted me within 10 minutes of that notice being put on my door that we were in violation for something when this whole process started. I haven't been able to meet with Wayne to get the petition signed, but I know I have his support. Also, Lawrence and Tanya Hickman, who live directly two doors to the right of me. I've spoken with Lawrence. I spoke with Tanya today. They weren't willing to sign. Some folks don't like to sign things, but Lawrence has told me specifically that he is in support. He has never had an issue with any of my guests and that they are always respectful and not loud. He's never had an issue.

With that said, Commissioners, I don't have anything else.

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 comments in favor of this item. **Mr. Deichler** said no notifications were received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of this item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, is there anyone joining us virtually, Clerk, who'd like to speak in favor of this item? **Mr. Deichler** said seeing none as well.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express comments in opposition of this item? **Mr. Deichler** said let's step back one. We do have a hand raised for someone that's online here. I think they are in agreement here.

Darrick Shipley, 5311 Hagemann, said I'm directly behind the Vrbo. That was a very heartwarming speech that we just got. We would love to have a neighbor like that that wants to share the experiences of growing up in this community with their neighbors. We would definitely be more than welcoming of a family like that moving into that neighborhood and being part of this community, sharing the experiences of being part of a neighborhood; but, unfortunately, that's not it. It's just shaved ice to a couple of kids in the neighborhood to make amends for the issues that we're having. Unfortunately, the shaved ice will only last one weekend and this isn't going to be an annual affair that we're having.

We want neighbors. We hope that our representatives want us to have neighbors and community. We don't want hotels.

Mayor Garner said I hate to interrupt you. For clarity, are you in opposition or are you in...**Mr. Shipley** said absolutely, yes. Yes, I'm in opposition. **Mayor Garner** said well, standby. We'll circle back to you.

Mayor Garner asked, Clerk, is there anyone online that is in favor of this item? **Mr. Deichler** said seeing none.

Mayor Garner said you're joining us virtually. You can proceed to continue.

Mr. Shipley said so anyways, what I'm getting at is that we're not wanting to live next to hotels. We want to live in a community where we can talk to our neighbors, interact with our neighbors, trust our neighbors to watch our house when we're gone. Let the dogs out. Keep an eye out on our kids, and necessary to call ourselves a community.

I understand this is a great business venture for a lot of people, but Turner's not a place for business ventures of the hospitality community. Turner is a community of neighbors. **Mr. Deichler** said you have one minute remaining.

Mr. Shipley said we need representations from our people in office to make sure that we're taking care of the interests of our neighborhood and not the interest of business.

Mr. Deichler said seeing no others online in opposition.

Mayor Garner said I will now close the public hearing. Petitioner, you can make—I'm sorry. We have someone in the audience that's in opposition.

Barb Kill, 5548 Pawnee Drive, said I'm here tonight representing TCC as the Co-Director. The email that Mr. Janes read I received at 3:09 yesterday afternoon. I had not heard a word from him before then. I'm kind of dismayed at the lack of response I've had from Mr. Janes. At the Commission meeting last month, I believe he expressed an interest in the Turner community and becoming a part of it. During the last month, I have emailed him three times. I was sending him a newsletter. We gave him all of our contact information because I had received information that he didn't think he knew who we were or how to reach us.

Prior to applying for the special use permit, the neighbors said that the telephone number he had given them, they have called and their calls were not returned. It seems he does not want to have contact with many of the neighbors in the immediate area or with others in the Turner area. Going forward, I think reaching Mr. Janes, if need be, will be a big problem.

I was wondering did you get the email that I had sent yesterday that said to whom it may concern? That was in their packet. Okay. You did receive that. I won't repeat myself.

Mayor Garner said point of order. Clerk, is there anyone else virtually or in the audience that would like to speak in opposition? **Mr. Deichler** said seeing no others.

Mayor Garner said I will now close the public hearing. Would the petitioner like to make any closing comments?

Mr. Janes said, Ms. Kill, respectfully, I apologize if you've tried to reach me and I have not gotten back with you. I do not recall receiving any phone calls from you and/or emails. I guess it's possible if an email was sent that it went to my junk or spam. If I would have received a phone call and there was a message left, I can assure you I return all of my phone calls pretty promptly because, and text messages, because I am a financial planner and that's required of my work. The number that I gave you is my business line and I have not received any messages at all; any contact information at all. I will say the number—I've tried to call Barb and the number that I call that

was provided by the Planning Commission, not by Barb, goes directly to a fax machine. It just beeps. I welcome speaking with Barb.

With regards to the letter, it did take me quite some time to send the letter. After the last meeting, I had a couple of family trips that were already planned before that. Obviously, I was not expecting to have the meeting be pushed forward to this Planning event. So, I did my best in trying to put together everything as completely as possible. My understanding, after asking for clarification last time, was that the expectation was to make sure that the community had all of the information. Make sure that they knew all of the steps that we were taking in order to make this a really good property. I think I've done that with my letter. I don't think it was an expectation for me to convince the community. I don't think, obviously, that probably is not possible at this time.

I will say, clearly, I do speak with my neighbors. I do have five signatures right here, neighbors right around me who are in support. That's all I had to say. I care about this community deeply. I'm happy to join the community connection. I've not received the newsletter either. I believe you that you said you sent it, but I have not received it.

Mayor Garner said, please, make your comments to the Commission.

Mr. Janes said that's all. I apologize. I think that's it. Like I said, I do apologize if she's not received that stuff. I did not get it. I'm happy to be a part of this community. I'm more than happy. I mean, I excited to form the relationships and things with the businesses that I already have and I plan on doing more.

Commissioner Stites said I want to be on your side here, but you made it awful tough because I was the one last time that said, just making some suggestions, join up with the groups. You're saying now that you're willing and wanting to join up with those groups. It took a month to get an email sent out. If I was trying to make this happen, if it was me and I got Ms. Kill's fax machine, my next call would have been to Gunnar Hand and said, Gunnar, do you have a better phone number; not sit for 30 days and go well, I tried but it was a fax number. I would have went to her house. I would have mailed her a letter. I would have done anything I could have to reach her so that I could have said I did everything I possibly could to get a hold of her so that we can be on the same page.

I will tell you I also think that you're the model of what a Vrbo in this county should look like. Your cameras, shut off times, letters; that's great. It sounds like you've done everything.

My problem is that the day before you come in front of this Commission is when an email goes out...**Mr. Janes** said I apologize for that. That's entirely my fault. **Commissioner Stites** said I wasn't asking a question. **Mr. Janes** said I'm sorry. **Commissioner Stites** said I just have it. It's just tough for me to—I mean, I want to see people have Vrbos. I'm not opposed to the Vrbos at all. I think throughout our community we have them. We got more and more coming about. I don't think we should have too many on one block or in an area or saturate them and turn it into a destination area, but I think sprinkled out through our community is not a bad thing. I wish there would have been some more outreach in this last 30 days.

Commissioner Ramirez said my first question, and it goes to Director Hand. These next three STRs, which of these follow under the new rules that we passed? Do they all follow under the new rules?

Mr. Hand said under Special Use Permits, Nos. 2 and 3 were in the new ordinances. Mr. Janes's case was the month before we passed the ordinance. **Commissioner Ramirez** said okay. So, he's falling under the old ones.

Commissioner Ramirez said, again, to you, Mr. Hand. I see three Planning commissioners voted no, including my appointment. What were the reasons for those three commissioners voting no?

Mr. Hand said it was due to the complaints about a specific case. There was one issue with one of the guests and that, I think, concerned those three commissioners.

Commissioner Stites said I'm back. I made a note here and I didn't address it. Anytime throughout this one year, because this is an approval for one year, if things go haywire and Mr. Janes doesn't do what he says he's going to do—we have calls, there's parties until midnight, there's police calls—we, as the governing body, can revoke that SUP, correct?

Mr. Hand said correct. The Board of Commissioners has the ability to shut down any SUP at any time. It is a process similar to this one but, yes.

Commissioner Bynum said I just want clarification, Mr. Hand, on that statement. We can revoke a special use permit, but shutting them down, I think, might be an entirely different issue because they exist now without special use permits in a variety of places.

Mr. Hand said our enforcement mechanism for this, and all other zoning or code violations, is the administrative citation process, yes. But short of going on to the Vrbo platform under Mr. Janes's username and password and shutting it down, you can't reach that.

Commissioner Kane said I wish you would have done more but if there is a mistake or something happens, then we can go shut that down, right? **Mr. Hand** said correct. **Commissioner Kane** said so if we approve this for one year, if there's a violation in that one year, we can automatically shut it down. **Mr. Hand** said one quick qualification. We would start the process to end the SUP, special use permit.

Commissioner Kane said I think Commissioner Stites said it. We've never seen anybody do as much work that you have. You've got some communication skills that you're lacking. You're going to have to get along with her and the other groups as well. Boy, you really put us in a spot, but I think we should give you a chance so I make a motion for approval.

Action: **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2023-020 for one year, subject to the stipulations.**

Commissioner Ramirez said I don't think I've ever asked this question. I don't know if any of us have as long as I've been here. Let's say, what is the process to revoke a SUP for an STR? Does it go through both Planning and us or is it just us? **Mr. Hand** said it would be heard by the Board of Commissioners. It's essentially like an appeal.

Commissioner Burroughs said, Gunnar, the question was asked by one of the other commissioners in reference to a complaint. I would assume those would be substantiated complaints and/or substantiated violations; not just to call in and say I'm complaining about somebody even being in the house. So, I would imagine it would be a violation of the SUP or a substantiated complaint, correct?

Mr. Hand said as we discussed when we were updating the short-term rental or creating the short-term rentals, yes, we are operating under trust and verify.

Commissioner Markley said short-term rentals are hard because they're new and the law hasn't really caught up and we haven't caught up in the way that we're handling it. Even the policies we have are more or less experimental at this point because the rest of the world hasn't really caught up with this either.

I think we have approved rentals that have had far more opposition and that have put in far less work than this rental has done. I look forward to the motion. I don't think we have the votes to override so we're going to go forward.

I hope that you will have your shaved ice, and I hope that you will work hard to make friends with the neighbors and that we'll see that this will become our poster child. I would be so happy if our poster child for success were in the Turner neighborhood. Make it happen for me.

Commissioner Davis said I'll just say very, very briefly. Man, this is really a 180 turn. If you could do everything in your power to be a good neighbor and a good business owner. I think we all have taken your presentation and saw how earnest you are to be a good neighbor and to be a good business owner. It's going to be our expectation that you follow up with that. So, please do not make a fool out of this Commission because the Turner neighborhood and TCC do a lot of work, and we would love to see you partner with them and be on the team as opposed to be on the outside. Yes, I look forward to supporting this, but please do not make a fool out of us.

Commissioner Stites said this is the last thing that I want to—would you be able before you leave, no matter what this outcome is, to get Ms. Kill's phone number? **Mr. Janes** said absolutely. I'll cut her a check before I leave here. I got my checkbook. **Commissioner Stites** said la, la, la. I just want you to get her phone number. **Mr. Janes** said to join the community connection. I think there's a fee or something, I'm sure, to join. **Commissioner Stites** said I'm sure they would be glad to have you as an active member. There's no doubt about that.

Roll call was taken on the motion to approve and there were ten "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Mayor Garner said to our Planning Director, as a point of order, I do apologize and stand corrected. I overlooked your opening remarks on COZ2023-009. So, apologies for that. **Mr. Hand** said no problem. Thank you.

(Commissioner Ramirez left the meeting at 8:23 pm.)

Item No. 2 – 212598...SPECIAL USE PERMIT APPLICATION SP2023-026 - ASHLEY GARZA

Synopsis: Special Use Permit for a Short-Term Rental at 31 South Tremont Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Ashley Garza, is requesting a Special Use Permit to operate a short-term rental at 31 South Tremont Street. This is not the owner's primary residence. This short-term rental has been operating without permits since July 2022. This would be the first and only permitted short-term rental on the 100 block on South Tremont. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application SP2023-026 for one (1) year, subject to:

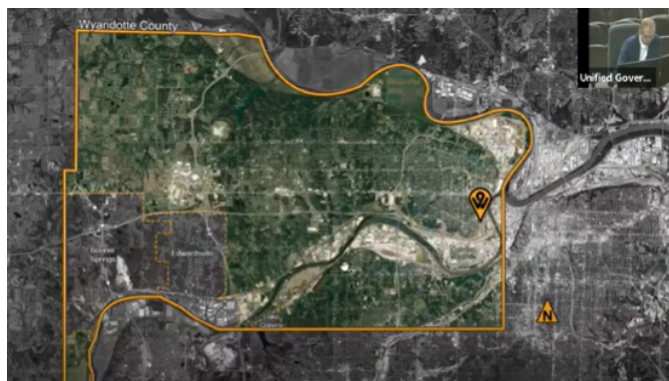
1. Any additional repairs not addressed prior to approval of SP2023-026 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
2. Maximum number of guests shall be six (6).
3. All parking must be off-street, maximum number of vehicles is two (2). No parking is allowed on-street for STR renters or any guests.
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
5. Applicant is to maintain liability insurance.
6. The property must remain in proper maintenance and free of hazards, pests, or infestations.
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
10. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.

11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
12. All existing and future driveways must feature curb cuts that are constructed to UG standards.
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.
17. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; 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.
19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or

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

Case	
SP2023-026	
Petitioner	Address
Ashley Garza DBA Air Haven LLC	31 South Tremont Street
Synopsis	
A Special Use Permit to operate a short-term rental. This is not the owner's primary residence. This would be the only permitted short-term rental on the 100 block on South Tremont. All remaining unpermitted STRs on the block would be required to cease operation. This short-term rental has been operating without permits since July 2022.	

Gunnar Hand, Director of Planning and Urban Design, said, again, this is a short-term rental special use permit. The first for this property. This is a non-owner occupied property.



The subject parcel is in the Central Area Plan in the Russian Hill neighborhood.

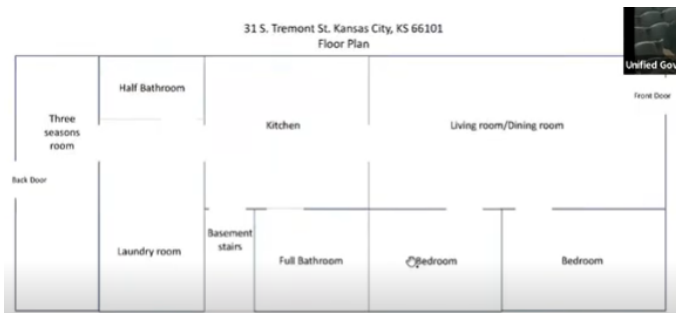
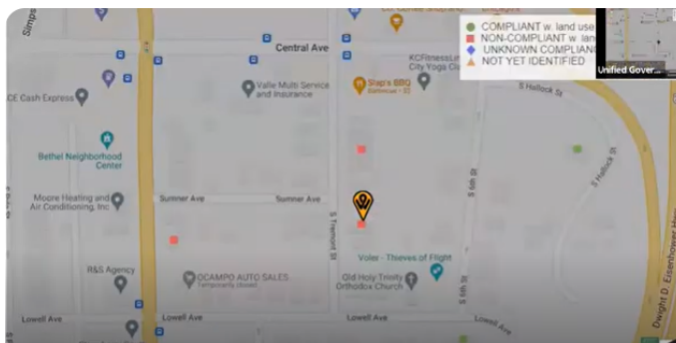


Staff has received no letters in support. There was opposition to this case. There was a notice of violation for the short-term rental operating without a special use permit.

July 27, 2023



Staff agrees with Planning Commission's recommendation for approval for one year with a maximum of six people and two cars off-street.



July 27, 2023

Public Opposition	Public Support
Two (2) members of the public showed up at the Neighborhood Meeting to express opposition. There was public opposition present at the July 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.

Nate Wilson, 14512 Leavenworth Road, Basehor, KS, said I just own the property at 31 South Tremont, and I'm here to answer any questions anybody has. I guess that's just about it. We understand the concerns when it comes to short-term rentals regarding noise, traffic, and a potential impact on the character of the neighborhood; however, we are committed to addressing these concerns by ensuring that our guests adhere to strict rules including maintaining low noise levels, only allowing six people, as Urban Development cites wanting us to do, that stay at the home, and adhering to the parking. I'm just open for any questions or concerns.

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 who would like to speak in favor of this item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who'd like to speak in favor of this item? **Mr. Deichler** said seeing none as well.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition of the item? **Mr. Deichler** said no notifications were received. **Mayor Garner** asked, is there anyone present who'd like to speak in opposition to the item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, Clerk, is anyone joining us virtually who'd like to speak in opposition? **Mr. Deichler** said seeing none as well.

Mayor Garner said I will close the public hearing. Petitioner, you can make some closing remarks.

Mr. Wilson said I appreciate all of you commissioners and just look forward to bettering the community and helping the people that we bring to our Airbnb to spend money at Slaps and Splitlog Coffee and everything just right down the street from us.

Commissioner McKiernan asked, so you are one of the owners of the property? **Mr. Wilson** said yes. **Commissioner McKiernan** asked, was the property occupied before you purchased it? Did you purchase it from an occupant or was it vacant when you purchased that? **Mr. Wilson** said vacant. It was vacant.

Commissioner McKiernan asked, have you improved the property since you've been there? **Mr. Wilson** said we improved the property per the city's guidelines for short-term rental. **Commissioner McKiernan** said I want to ask about that because in reading the minutes of the neighborhood meeting, Ashley says that you all approached the Unified Government to tell them I was going to use it as a short-term rental. You then got instructions to have an inspection. Is that correct? **Mr. Wilson** said yeah. **Commissioner McKiernan** said and you had stipulations or a punch list that resulted in areas—you had a list of things that you needed to fix as a result of that? **Mr. Wilson** said yes. **Commissioner McKiernan** said yet, at that time, we did not connect up the fact that you were going to need a special use permit to operate as a short-term rental. **Mr. Wilson** said somehow we made a mistake or somebody made a mistake and we did not get the information that we needed a special use permit.

Commissioner McKiernan said so this will just be an open comment to staff. I do think that we just need to double check our processes internally so that if somebody comes forward, like this applicant, that we actually say not only is there an inspection required, but there is a special use permit required before you begin operating.

Commissioner McKiernan said you've been operating as a host since July of 2022. In that time, do we have any complaints from neighbors on record? Do we have any police calls for service to this address? Do we have any code violations at this address? In the absence of that, it would

appear that the guests at this address have been good neighbors in terms of noise, trash, parking, and disruption. They've been good neighbors.

Commissioner McKiernan said the neighborhood meeting minutes say that you have strict house rules that you provide to your guests in terms of how to be a good neighbor. Is that true? **Mr. Wilson** said yes. **Commissioner McKiernan** said no complaints or violations. **Mr. Wilson** said we've had no issues or violations or disturbances to speak of. We have cameras as well at the front and the back so we can count the people that go in and out of the door.

Commissioner McKiernan asked, so you're aware of the stipulation about the maximum number of guests and about the fact that parking must be off-street? **Mr. Wilson** said yep. **Commissioner McKiernan** said and you've operated now for a year with guests with no complaints so far. I do notice that the neighbor who did come to the neighborhood meeting who had questions, as noted in your minutes, did not then come to the Planning Commission meeting on July 10th.

On the basis of all the information I have at my disposal, I would move to approve the recommendation of the Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve Special Use Permit Application SP2023-026 for one year, subject to the stipulations.** Roll call was taken and there were nine "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 3 – 212600...SPECIAL USE PERMIT APPLICATION SP2023-030 - ALEXANDRA SALES

Synopsis: Special Use Permit for a Short-Term Rental at 2602 Essex, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Alexandra Sales, is requesting a Special Use Permit to operate a short-term rental at 2602 Essex Ave. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2600 block of Essex Street. If this case is permitted, there are two (2) non-compliant short-term rentals on the block that would be required to cease operation. The subject property has been operating as an unpermitted short-term rental since November 2021. The Planning Commission

voted 5 to 1 to recommend approval of Special Use Permit Application SP2023-030 for one (1) year, subject to:

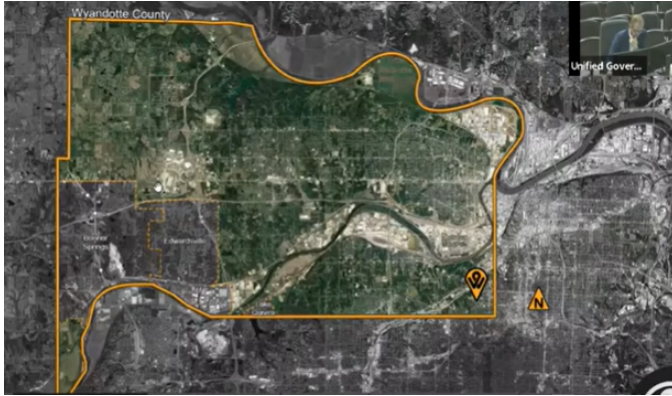
1. The fence identified in the staff report shall be reduced to four (4) feet in the front yard.
2. Any additional repairs not addressed prior to approval of SP2023-030 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit.
3. Maximum number of guests shall be five (5).
4. All parking must be off-street, maximum number of vehicles is two (2). No parking is allowed on-street for STR renters or any guests.
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented.
6. Applicant is to maintain liability insurance.
7. The property must remain in proper maintenance and free of hazards, pests, or infestations.
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website).
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
13. All existing and future driveways must feature curb cuts that are constructed to UG standards.
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.
16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local

ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.

17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. The Special Use Permit shall be valid for (x) 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.
20. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.
21. Driveway must be upgraded to an improved surface (asphalt, concrete or pavers) and the driveway apron must be concrete from the curb to the property line (within the right-of-way) and fix/repair all broken sidewalk sections.

Case		
SP2023-030		
Petitioner	Address	
Alexandra Sales	2602 Essex Avenue	
Synopsis		
A Special Use Permit to operate a short-term rental. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2600 block of Essex Street. If this case is permitted, there are two (2) non-compliant short-term rentals on the block that would be required to cease operation. The subject property has been operating as an unpermitted short-		

Gunnar Hand, Director of Planning and Urban Design, said we have another short-term rental special use permit. This would be their first special use permit if approved this evening. It is not owner occupied.



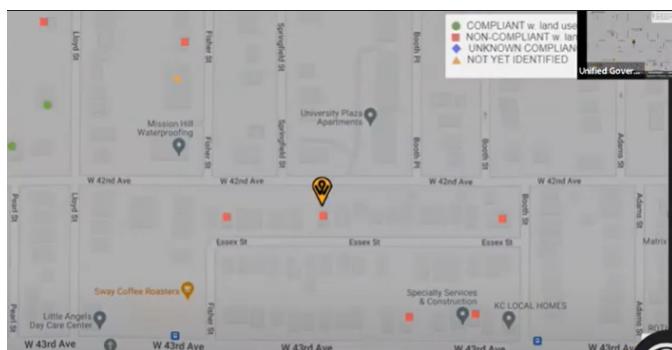
This is in the Rosedale Area Plan.



Staff received no letters in support; no letters in opposition. There are no notices of violation on this property.



Staff agrees with Planning Commission's recommendation for approval for one year with a couple of additional conditions, specifically: that they're limited to five people at the property at one time and two off-street parking spaces; that they reduce the front yard fence to the required four feet height, and that they provide sidewalk repairs, as code required, and driveway apron.



I'd also note that on this block, as you can see in this map, there are two other unpermitted short-term rentals that have been caught into the short-term rental blitz that we're currently on. If this were approved, those other two would need to shut down. They would not get a SUP.





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 the application. Is one present online? **Mr. Deichler** said seeing none.

Mayor Garner said I'll now open the public hearing and ask the Clerk, have you received any notifications from the public in favor of this item? **Mr. Deichler** said no comments were received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of this item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who'd like to speak in favor of this item? **Mr. Deichler** said seeing none as well.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition of this item? **Mr. Deichler** said no notifications were received. **Mayor Garner** asked, is there anyone present who would like to speak in opposition of

this item? **Mr. Deichler** said seeing none. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who'd like to speak in opposition of this item? **Mr. Deichler** said seeing none as well.

Mayor Garner said I will now close the public hearing. I'll give the petitioner one opportunity again to make closing remarks if that individual is available. **Mr. Deichler** said seeing none.

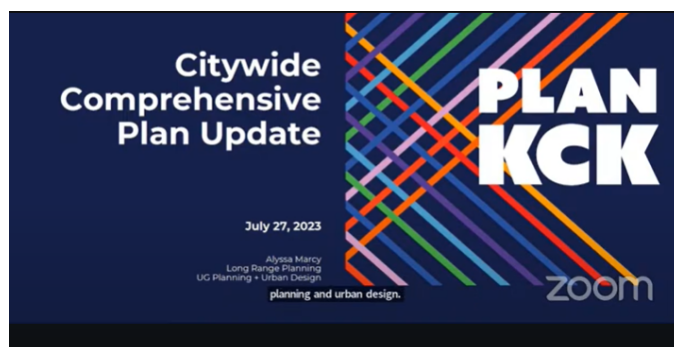
Commissioner Kane said, Gunnar, if this passes and we have two other illegal ones, which I'm having a fit right now with that in my district not following directions no matter what the Unified Government does, I think we need to shut down the illegal ones all across the community because all they're doing is wreaking havoc for the people that live by them.

Action: **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2023-030 for one year, subject to the stipulations.** Roll call was taken and there were nine "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson.

UPDATE: CITYWIDE COMPREHENSIVE PLAN

Item No. 1 – 212614...UPDATE: CITYWIDE COMPREHENSIVE PLAN

Synopsis: A review of the ongoing Citywide Comprehensive Plan update process and next steps, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.



Gunnar Hand, Director of Planning and Urban Design, said we wanted to take a minute this evening to give you all an update on PlanKCK, the update to the Citywide Comprehensive Plan. Quickly, I will defer to the head of our long, advanced Planning Division, Alyssa Marcy.

Alyssa Marcy, Long-Range Planner for Planning and Urban Design, said I'm going to give you a brief update on PlanKCK, our Citywide Comprehensive Plan.



PlanKCK really began in 2022 when we adopted the goDotte Strategic Mobility Plan, which functions as a comprehensive transportation strategy and will, therefore, be the Transportation Chapter of PlanKCK.

There's other components to PlanKCK that we're working on currently. These include our economic development and housing strategies as well as our Historic Preservation Plan. We're also incorporating initiatives from other departments such as the Health Department's Community Health Improvement Plan and UG Forward. All of these elements will formulate PlanKCK, which is a vision for the next 25 years of our city with a 10-year implementation plan. It will also function as an umbrella for our future policies and plans for our zoning code update, as Director Hand has mentioned, and to help prioritize projects for implementation.



I've mentioned a few of the elements. Again, this is really an update of our 2008 Citywide Master Plan which really functioned more of as a land use plan. We will be updating our Land Use Plan.

We're going to amend all of the various land use categories that we have in neighborhoods that aren't consistent and unifying those to all the same kind of category names.

We're also going to cover topics that we've never done. That will be first for the Unified Government. One of those is environmental justice and climate change, which is huge for us when we're in an environment where the federal government has millions of dollars available for environmental justice and resiliency initiatives.

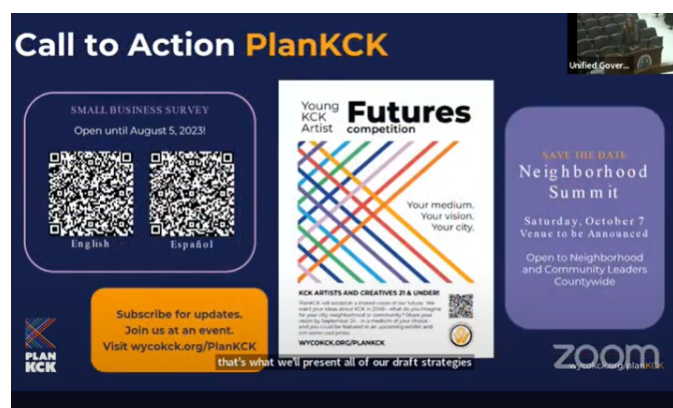
Further, all of these topics that you see here will be developed through these lenses of health, sustainability, equity, and access. That will really make sure that we're holding true to these values for each of these topics.



In terms of engagement, we started in late April with a resiliency roundtable and that was really to talk about what resiliency means to our community. We also held five pizza and planning meetings. This was really a first for us because they were internal staff meetings that we flipped inside out and invited the public to join us for those meetings. That gave us a lot of feedback on how to structure our engagement over the summer. A lot of the feedback we heard from residents was go to us, not, don't ask us to come to you.

We have a lot of events that we're kind of holding as milestones where we're still asking the public to come to us, but we're doing a lot of outreach where we're going to existing events, existing meetings. We're holding focus groups. We're having a lot of multimedia components, bilingual surveys, an online website. We have a bi-weekly email that has over 520 subscribers and is continuing to grow.

As we continue our outreach over the summer, we'll culminate in a final outreach in October and that's when we'll present all of our draft strategies.



Really, today, I just wanted to inform you of what's happening right now that we could use your assistance with. We have a small business survey that's available through August 5th. That's closing because on August 14th, we're having the community Prosperity Summit and that is where you'll hear a presentation from our consultant on the draft economic development strategies. We'll also be covering tools that the community can use for intentional investment such as community benefit agreements. That's closing on the 5th. We'd like to get as much feedback as we can.

We also are doing a Young KCK Artist Competition. This is really an attempt to reach our youth. It's for 21 and under. It's multimedia but that's really trying to get them to think about their future in 25 years because in 25 years, they're going to be older. They might have their own families. It's going to be an entirely different space, so how can we get them to dream about that. That will end slightly before the October 7th event, which will be our final engagement.



Really, my ask for all of you is to go online to our website wycokck.org/planKCK. You can see all the places we're going, all the places we've been invited to. We've been able to reach groups that we haven't before like our refugee community where we've had a meeting that's been in Burmese, Swahili and Shin. We've had our first Spanish only event and hope to have another, but we know that our community is really diverse and it covers a lot of different areas. So, I would

ask each of you if there's one event or meeting that you can think of that you want us to go to that we can get feedback from, please reach out to me. That goes for everyone sitting in this room too. There's cards over there if you want to take it with QR codes to our website. That's our update so far.

Commissioner Davis said you all are doing fantastic work with this so kudos to you and Gunnar. I've heard nothing but positive responses from constituents. They're really, really excited to be valued and listened to, to be included in this process.

For the artist competition, which I think is amazing, have you all engaged school districts, private schools? Has that process started just to get this message out? We know that school is starting here very, very soon so that's a great opportunity to engage students in this process.

Ms. Marcy said yeah. We actually just started reaching out with all those back to school days events that are happening, so we're planning to be there for those and also just sharing this information with as many people as possible. If you have any specific people in mind, we'd love to hear that. We're also partnering with Third Friday Art Walk with this competition as well.

Commissioner Davis said that would be great. School districts, youth-based organizations. I know Turner's having a back-to-school bash next week and stuff. I would just encourage that as much as possible. Thank you all for the work that you're doing. This is great.

Mayor Garner said I have a question. If you could back it up to your first slide. I'm sorry, the second one. The next one.



I guess I'm looking at that and those are great. I concur with this Commission and the public that this is great work. I have no criticism. This is awesome. I just had more of a question. How does

equity in the delivery of goods and services throughout Wyandotte County relate into this? I know you're trying to reach diverse groups, but when you talk about long-term planning and then you look back historically, we had a housing rate for it. We had a health report. We had a heat report that was given last year that really speaks to decades of redlining, discriminatory practices, racism, disinvestment, and disenfranchisements of parts of this community that has caused pockets of poverty and hopelessness and food deserts that exist. So, as part of this long-range planning, how does all of this fit into that, and should equity and inclusion be a part of this to ensure that we're also focusing on the equitable delivery of goods, services, and resources throughout the entire community?

Ms. Marcy said yeah, absolutely. That's really the point of having equity as a lens. The reason why we chose these lenses is because we couldn't just have a chapter on equity. It relates to every single thing that you see on this slide and every decision that we make in relation to those things. I think it also goes back to the idea of the justice 40 community as an environmental justice. We have all these historical challenges that we haven't properly addressed and yet, the federal government is starting to recognize that we have those historical challenges and they're offering funding opportunities. So, how we try to unify what's available to fund projects with what we are seeing in our community, I think, is going to be a huge piece of this.

I think another thing that I'll add too is even in our discussions with Economic Development, for example, you know you can look at our community and pick out the pockets of where development is happening. It's also important to look at where is the absence of activity and how do we change that. So, that's a lot of hard thought process as we look at each individual topic to make sure that equity is involved with every decision that we make.

Mayor Garner asked, when you talk about economic development, is a conversation that would be had because I know you're still at the early stages and I know I'm having conversations. I believe Commissioner Johnson is having conversations with his task force as well. But a WMBE policy as well to make sure that women, minorities, entrepreneurs, and small businesses have a shot of getting to the table, getting contracts and procurements and things; and making sure that if they're at the table, they're not treated like a napkin. They're treated as a partner that has given the same opportunities as historically everyone else. That they have power, influence within the halls of this Unified Government.

Ms. Marcy said yeah, absolutely. We'll definitely be considering that.

Commissioner Stites said the only thing that I would have to say on this is thank you for everything that you've done. I think we're heading in the right direction here. When we say across this county, and, Mayor, you even brought it up saying changes across the county yet this isn't a scope of plan for Wyandotte County. It's a scope of plan for KCK, which really makes the other two cities that are in our county, Bonner Springs and Edwardsville, feel once again, left out like they're not part of the Unified Government. I'm not sure if there could be a KCK/Wyandotte County or just Wyandotte County or why it was just named KCK and not Wyandotte County?

Ms. Marcy said some of those things relate to just what we have within our jurisdictional region. Some cases, however, I will say there are county-wide components that are naturally just ingrained in this. For example, the goDotte Strategic Mobility Plan is county-wide because we provide county-wide transportation services. We are engaging with Edwardsville and Bonner Springs still for those things that do cross those boundaries. One example of that is in Edwardsville. We're launching their new microtransit system, so we'll be out there and doing outreach there, so as much as we can.

Do you work in Edwardsville and Bonner Springs. We are. I don't know if Director Hand has anything to add to that

Mr. Hand said I would just say that it has always been our intent and we think we've been intentional in this effort very similar, as Ms. Marcy mentioned, just like goDotte where we took a partnership approach with all the municipalities in Wyandotte County. That's how this process also started.

I do apologize for the branding if there's some confusing on that. It's not county-wide because there are city-wide components, namely land use, that we cannot tell them what to do. A good example would be our economic development strategy. We're not trying to tell Edwardsville and Bonner Springs what their economic development strategy is. We want to know what it is so that we're operating and working together and going in the same direction. We've reached out to them on those components so that our strategy develops with it. Again, public health's a tough one because that's county-wide. There's other stuff like that as well.

Commissioner Stites said well, I can appreciate that, but also parks. Parks is another thing that's county-wide; not just KCK. Wyandotte County Park. So, I think moving forward that when we look at branding and those types of things, we look at when we're really trying to make things

feel like it's county-wide and that all cities in Wyandotte County are included, that reflects that in the naming also.

Commissioner Bynum said to Commissioner Stites's point, I would agree with that. Commissioner, I'm curious. Do you know, for example, the city of Edwardsville or city of Bonner, do they have a current master plan for their cities? **Commissioner Stites** said yes. **Commissioner Bynum** said so it would be good maybe to fold those in. You wouldn't want to take away from their autonomy in creating their own master plans. Maybe there's a way to merge and reach out and make sure that we're hearing those strategic goals in their plans.

Commissioner Stites said I'll make this real quick. Here's a perfect example. Edwardsville has approved a project that will go on 98th Street, from Kansas Avenue up to I-70. I-70 is the boarder between the city limits of Edwardsville. On the other side of I-70, the same road is Wyandotte County/KCK. So, that would be the perfect meshing together where you could say we're going to have this nice four-lane 98th Street, sidewalks, curbs and gutters all the way up to I-70, but go another hundred yards when you cross under I-70, then it changes back to just a two-lane road. That would be that master plan where we're making sure that we are meshing together on a plan moving forward.

Commissioner Davis said I guess I'm slightly confused on the scope. Is this a city plan or a county-wide plan? **Mr. Hand** said technically it's both because we are both. **Commissioner Davis** said the only reason why I ask that question is because on one hand yes, we need the integration, but there are very specific things like the budget where we do want to make those distinctions on what is county operating and what is city operations. The budget is a great example of that so that's why I'm trying to get some clarity there. If we can integrate it, that's fine; but I would hate that the work that we're doing to get lost or for it to get so wide that we don't necessarily make the impact that we're trying to make.

Thank you all for the work that you're doing.

Mr. Hand said thank you for the feedback and direction. That's great. We'll take that with us and do better.

Mayor Garner said thank you all so much and appreciate your work.

Action: **The presentation was made.**

Mayor Garner said that concludes the Planning and Zoning portion of tonight’s meeting. We will now move to the regular portion of our agenda.

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 no item is set aside, all items on the Regular Consent Agenda will be voted on by one vote.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Stites, to approve as submitted.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 1 – 212577...RESOLUTION: FIRST AMENDMENT TO THE 505 CENTRAL PROJECT

Synopsis: Adoption of a resolution extending various development agreement deadlines, submitted by Jeff Conway, Assistant Counsel. On July 10, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.

Action: **RESOLUTION NO. R-49-23, “A resolution adopting the First Amendment to 505 Central Development Agreement extending an extension to provide additional time to secure private financing for the project; amend the Development Agreement as follows: the conditions date moves from Sept. 1, 2023 to Sept 1, 2024; the commencement date (for construction of the project) moves from Sept. 1, 2023 to Sept. 1, 2024; and the completion date (for construction of the project) moves from Sept. 1, 2025 to Sept. 1, 2026.” Commissioner McKiernan made a motion, seconded by Commissioner Stites, to adopt the resolution.** Roll call was taken

and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 2 – 212617...PLAT: BENNETT ESTATES

Synopsis: Plat of Bennett Estates, located at 2615 Espenlaub Lane, and being developed by Glenn Bennett, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Stites, to approve and authorize the Mayor to sign said plat. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 3 – 212618...PLAT: FAMILY TREE NURSERY ESTATES

Synopsis: Plat of Family Tree Nursery Estates located at 13400 Donahoo Road, and being developed by First Tree Nursery Estates, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Stites, to approve and authorize the Mayor to sign said plat. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 4 – 212619...PLAT: WALKER’S 2ND ADDITION

Synopsis: Plat of Walker’s 2nd Addition, located at 325 Franklin Avenue, and being developed by Damon Walls, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Stites, to approve and authorize the Mayor to sign said plat. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 5 – 212620...PLAT: HOMEFIELD MARGARITAVILLE, FIRST PLAT

Synopsis: Plat of Homefield Margaritaville, First Plat, located at 94th and State Avenue, and being developed by HFS KCK, LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Stites, to approve and authorize the Mayor to sign said plat. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 6 – 212621...PLAT: I-435 LOGISTICS PARK, FIRST PLAT

Synopsis: Plat of I-435 Logistics Park, First Plat, located north of Leavenworth Road on 99th Street, and being developed by Scannell Properties #459, LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Stites, to approve and authorize the Mayor to sign said plat. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 7 – MINUTES

Synopsis: Minutes from the Special Session meeting of June 29, 2023.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Stites, to approve as submitted. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 8 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated June 22 and 29, 2023.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Stites, to receive and file.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson.

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES' AGENDA

No items

ADMINISTRATOR'S AGENDA

No items

COMMISSIONERS' AGENDA

No items

Mayor Garner said that now concludes the portion of our regular meeting and I'm going to adjourn us in that capacity.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to adjourn as the full Commission and reconvene as the Landbank Board of Trustees.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson.

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 Davis made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 1 – 212571...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://gisapp.wycokck.org/Landbank.html>

- A. Single Family Homes – 2 Homes
 - 1. Bi’Anca Smart – 1 home
2530 N. Hallock St. – 292428
 - 2. Beth Dringenberg – 1 home
2745 S. Holmes St. – 137014
- B. Multi Family – 2 Units
 - 1. Marco Sanchez - Duplex
2825 N. 68th St. – 019311

Action: Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson.

Item No. 2 – 212572... 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://gisapp.wycokck.org/Landbank.html>

PT – Property Transfers

- 1. Highland Park Cemetery
40001 State Ave. – 242703
- 2. Mary Ann Barnes
145 N. 61st Ter. - 891983

Action: Commissioner Davis made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson.

PUBLIC ANNOUNCEMENTS

No items

ADJOURN

Mayor Garner said we have no further business on tonight's agenda.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Davis, to adjourn.** Roll call was taken and there were nine "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Johnson.

MAYOR GARNER
ADJOURNED THE MEETING AT 8:52 P.M.
July 27, 2023

Brett A. Deichler, PMP|CPM
Unified Government Clerk

cg

July 27, 2023