

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

**PLANNING & ZONING AND
REGULAR SESSION
October 26, 2023**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, October 26, 2023, with ten 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; and Garner, Mayor/CEO, presiding. Davis, Commissioner Eighth District, was absent. The following officials were also in attendance: David Johnston, County Administrator; Angela Lawson, Acting Chief Counsel; Jeff Conway, Assistant Counsel; Gunnar Hand, Director of Planning and Urban Design; Janet Parker, Planning and Urban Design Department; Randy Greeves, Historic Preservationist; Debbie Jonscher, Interim Chief Financial Officer; Monica Sparks, Interim UG Clerk; and Brittne MacDonald, UG Clerk's Office.

Mayor Garner said today is both the full session of your full Commission meeting of the Unified Government of Wyandotte County as well as your Planning and Zoning regular meeting as well. Before I call this meeting to order, I want to announce that some commissioners, staff, and the public are attending remotely by Zoom or other means. All participants joining by phone should please mute your phones in the audience when not speaking to avoid any background noise.

During the meeting, please make sure that you announce yourself by name, if you're asked to speak, and title every time you speak 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. I ask that you also please speak clearly into the mic at an audible level so the Clerk can capture your comments for record.

Mayor Garner said I will now call this meeting to order. Clerk, roll call.

Roll call: Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Garner. **Ms. Sparks** said we have an absent memo from Commissioner Davis.

Mayor Garner said tonight, we're going to have an invocation given by Reverend George Kemper of the Ebenezer Baptist Church. Immediately after the invocation, we will have the Pledge of Allegiance.

Mayor Garner asked, Clerk, has there been any revisions to tonight's agenda? **Ms. Sparks** said yes, we have one revision. There will be a change in the order of the published agenda. The Mayor's Agenda will be heard first.

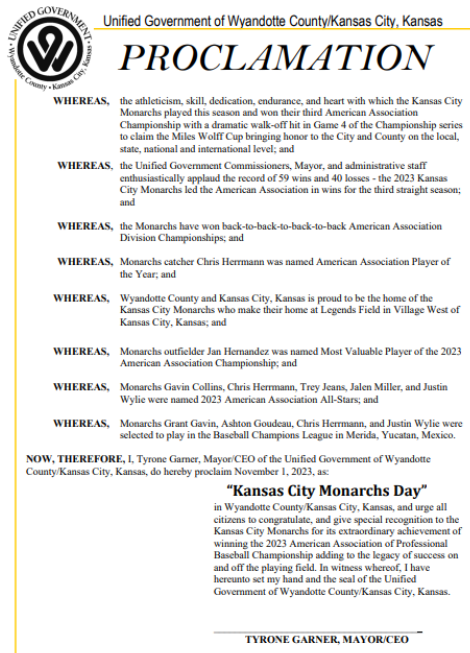
MAYOR'S AGENDA

Mayor Garner said the first item on the Mayor's Agenda, I'm going to let the Clerk read that in its entirety. Before she starts I'll ask, do we have any members of the championship Kansas City Monarchs? Please come forward.

Item No. 1 – 212754...PROCLAMATION: KANSAS CITY MONARCHS DAY

Synopsis: Proclamation proclaiming November 1, 2023, as Kansas City Monarchs Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Interim UG Clerk, read the following proclamation.



October 26, 2023

Mark Brandmeyer, Kansas City Monarchs, said I want to thank Wyandotte County, the Mayor, and all the council people for this honor. I couldn't be happier to represent Kansas City, KS, as the Kansas City Monarchs. It's a special team and this is a special city, and we're honored to be part of it. Thank you very much.

Mayor Garner said there's a lot of history with the Kansas City Monarchs. It really says a lot about our bridge to Kansas City, MO, with the Negro League Museum and the relationship they have with that facility over in Kansas City, MO, at 18th & Vine. We are really excited and happy to have the Monarchs as being our hometown team and champions.

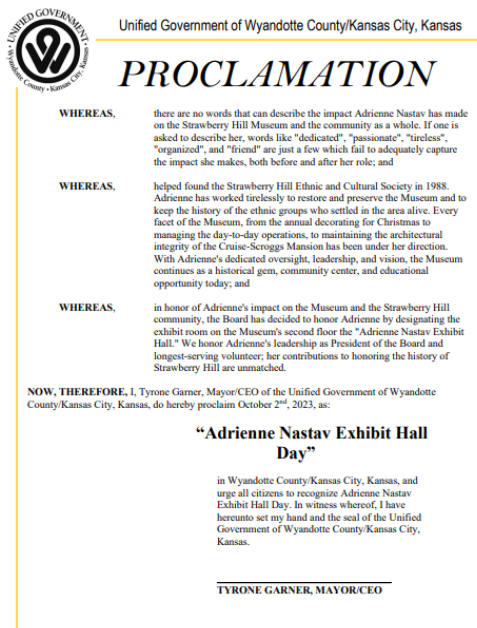
Again, congratulations to our hometown team championship, winning team, baseball team, the Kansas City Monarchs.

Action: **The proclamation was read.**

Item No. 2 – 212825...PROCLAMATION: ADRIENNE NASTAV EXHIBIT HALL DAY

Synopsis: Proclamation proclaiming October 2, 2023, as Adrienne Nastav Exhibit Hall Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Interim UG Clerk, read the following proclamation.



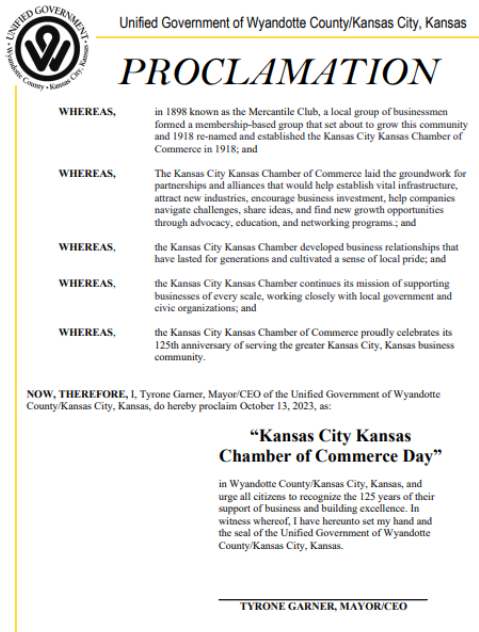
October 26, 2023

Action: The proclamation was read.

Item No. 3 – 212828...PROCLAMATION: KANSAS CITY KANSAS CHAMBER OF COMMERCE DAY

Synopsis: Proclamation proclaiming October 13, 2023, as Kansas City Kansas Chamber of Commerce Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Interim UG Clerk, read the following proclamation.



Action: The proclamation was read.

Item No. 4 – 212829...PROCLAMATION: MARCH4MIA DAY

Synopsis: Proclamation proclaiming October 14, 2023, as March4Mia Day, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Interim UG Clerk, read the following proclamation.



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, Mr. Marlon Chinn and the children of Wyandotte County/Kansas City, Kansas on this day have set it aside as the 1st Annual Mia D. Williams 5K Cancer Walk/Run; and

WHEREAS, this is will the start of an ongoing presence in Wyandotte County, Kansas City, Kansas for years to come; and

WHEREAS, all who are involved, are productive members of Wyandotte County, Kansas City, Kansas. This event will continue to grow throughout time with love, family work, and involvement to be successful; and

WHEREAS, The Chinn and William Families continue to work to make Breast Cancer Awareness alive in Wyandotte County, Kansas City, Kansas; and

WHEREAS, Mr. Marlon Chinn and his Family exemplify our goal of developing a comprehensive plan, that will attract those from all over seeking to bring awareness to all within our community.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim October 14, 2023, as:

“March4Mia Day”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize Mia D. Williams 5K Cancer Walk/Run Day. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO

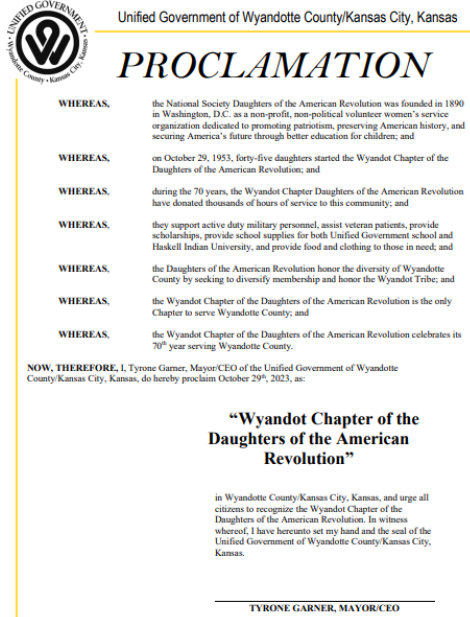
Action: **The proclamation was read.**

Item No. 5 – 212839...PROCLAMATION: WYANDOT CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

Synopsis: Proclamation proclaiming October 29, 2023, as Wyandot Chapter of the Daughters of the American Revolution, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Interim UG Clerk, read the following proclamation.

October 26, 2023

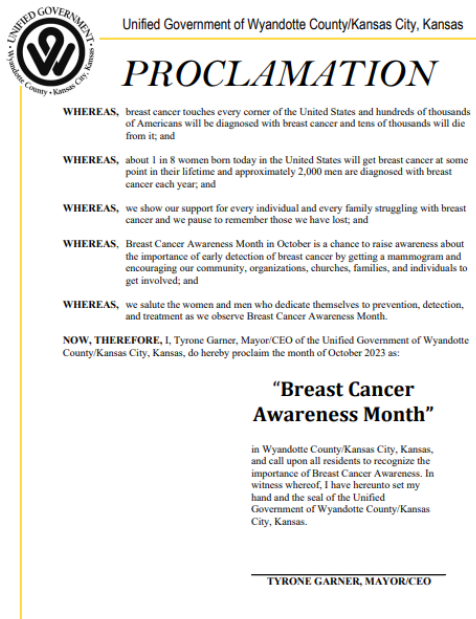


Action: The proclamation was read.

Item No. 6 – 212826...PROCLAMATION: BREAST CANCER AWARENESS MONTH

Synopsis: Proclamation proclaiming the month of October 2023, as Breast Cancer Awareness Month, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Interim UG Clerk, read the following proclamation.



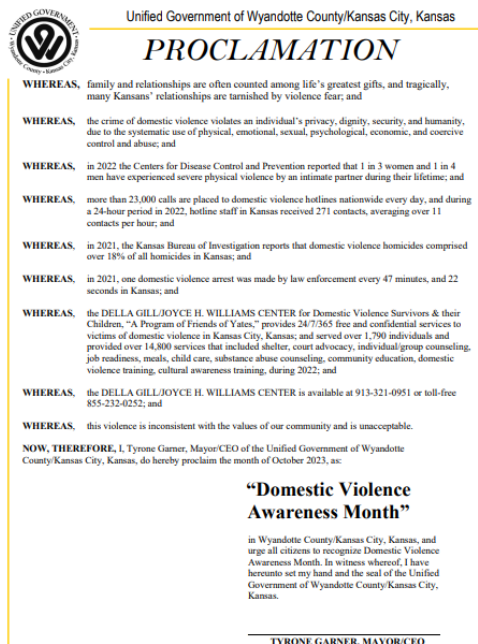
October 26, 2023

Action: The proclamation was read.

Item No. 7 – 212827...PROCLAMATION: DOMESTIC VIOLENCE AWARENESS MONTH

Synopsis: Proclamation proclaiming the month of October 2023, as Domestic Violence Awareness Month, submitted by Tyrone A. Garner, Mayor/CEO.

Monica Sparks, Interim UG Clerk, read the following proclamation.



Action: The proclamation was read.

PLANNING AND ZONING AGENDA

Mayor Garner asked, Clerk, could you read the statement? **Monica Sparks, Interim UG Clerk,** read the statement required by state law.

Ms. Sparks asked, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on the agenda? **Commissioner Markley** said contact with proponents and opponents of SP2023-067, Megan Duma. **Commissioner Townsend** said I wish to disclose contact with those in opposition to SP2023-041. **Commissioner Kane** said I've got a couple of them: COZ2023-017, Special Use Permit SP2023 opposing 041, opposing 014; contacts

on 017 and 067. **Commissioner Bynum** said on Consent Item B3, SP2023-041, opponents. On Non-Consent Item A5, proponents and opponents, SP2023-067. **Commissioner McKiernan** said proponents and opponents of SP2023-067. **Commissioner Ramirez** said proponents and opponents of SP2023-067. **Commissioner Burroughs** said proponents of SP2023-017 and opponents of SP2023-067. **Commissioner Stites** said opponents of SP2023-067.

PLANNING AND ZONING CONSENT AGENDA

Monica Sparks, Interim UG Clerk, 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 items 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 aside any item that was listed. (No one appeared.) Clerk, is anyone joining us virtually who would like to set an item aside? **Ms. Sparks** said yes. We have Matt Thomas online.

Matt Thomas said I would like to set aside SP2023-041. That's on the Shawnee.

Ms. Sparks said there are no other hands raised.

Commissioner Burroughs said I'd like to set aside COZ2023-017. **Commissioner Kane** said same one.

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve items on the Planning and Zoning Consent Agenda, excluding the set asides.** Roll call was taken and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 212796...CHANGE OF ZONE APPLICATION COZ2023-012 - TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP

Synopsis: Change of Zone from CP-O Planned Non-Retail Business District to RP-5 Planned Apartment District to convert a school into apartments at 290 South 10th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 1 – 212795...MASTER PLAN AMENDMENT APPLICATION MPL2023-007 - TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP

Synopsis: Master Plan Amendment from Low-Density Residential to High-Density Residential (City-Wide Comprehensive Plan) to convert a school into apartments at 290 South 10th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The representative, Christine Brewood with HJM Architects, wants to rezone 290 South 10th Street from CP-0 Planned Nonretail Business District to RP-5 Planned Apartment District to convert a vacant school into a three (3) story, 20-unit multi-family apartment building, preliminary plat to subdivide the parcel into two (2) lots and amend the Central Area Plan from Public/Semi-Public to High-Density Residential on 0.93 acres. The Planning Commission voted 7 to 0 to recommend approval of Master Plan Amendment Application MPL2023-007 and Change of Zone Application COZ2023-012, subject to:

1. These City Planning Commission petitions are being heard in conjunction with BOZA2023-019;
2. Because this is a planned district, a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;
3. Because this parcel is designated as a State Historic Landmark, the State Historic Preservation Officer (SHPO) must review and approve the site and building improvement plans prior to receiving a building permit by the Building Inspection Division;
4. Per the Multi-Family Residential Design Guidelines:
 - a. Pedestrian walkways and sidewalks shall be a minimum of six feet (6') wide.
 - b. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - i. The primary entrance or entrances to each principal multi-family building; and,
 - ii. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development.
 - c. Exterior building materials shall not include the following:
 - i. Board and batten wood;
 - ii. Smooth-faced or grey concrete block;
 - iii. Painted concrete block;

- iv. Tilt-up concrete panels;
 - v. Field painted or pre-finished standard corrugated metal siding;
 - vi. Standard single or double tee concrete systems; and,
 - vii. Vinyl siding.
- d. Landscaping is required to screen all parking areas and service entries;
5. Sec. 27-573(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be “stepped”. Four (4) feet of terrace is required every 8 feet of wall. This standard shall be applied to new retaining walls. The existing, historic retaining wall of the school is to be maintained in perpetuity;” and amend Conditions #15 to read “Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public. This standard shall apply to only new construction.
 6. All downspouts that are to be replaced on the historic school will be done so in compliance with the rehabilitation standards of the Director of the Interior
 7. The existing stone retaining wall located in the southwest corner of site, adjacent to Gilmore Avenue shall be preserved with the understanding and agreement that as the wall extends north towards the rear property line, the wall which is between at-grade to one (1) foot shall remain in-place until a development plan is created for Whittier Heights, Lot 1;
 8. As discussed with the applicant and design team, the stairs on the south side of the site off Gilmore Avenue will be preserved and a sidewalk will connect the stairs to the front door on the east side of the building;
 9. The sidewalk along Gilmore Avenue shall extend from the intersection west to the end of the parcel. There will be a small gap between this development and South 11th Street.
 - a. Uncover and clean existing sidewalks. Make repairs or install new extensions where necessary.
 - b. A brick sidewalk would be considered an historic feature of the site;
 10. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361);
 11. Multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;
 12. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 13. Interior parking lots lights shall have 90-degree cutoff fixtures;
 14. Install bike racks near the front door or a high trafficked entrance/exit;
 15. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
 16. Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public. This standard shall apply only to new construction. All downspouts that are to be replaced on the historic school will be done so in compliance with the rehabilitation standards of the Director of the Interior;
 17. Maintain existing trees throughout the site;
 18. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 0.93 acres, which requires 9 trees, three (3) additional evergreen or shade trees and 20 shrubs for buffering per the zoning district;

19. Add street trees along South 10th Street and Gilmore Avenue spaced 40 – 55 feet apart. Maintain a median between the sidewalk and the street. Plant trees in this space.
 - a. Tree species need to be selected that do not have a tall canopy to observe the BPU overhead electrical lines;
20. Remove the falling over volunteer tree along Gilmore Avenue;
21. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
22. All new landscaping shall be irrigated with an in-ground, buried irrigation system;
23. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
24. All utility connections, this includes green electrical boxes and free-standing electrical meters, must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
25. All electrical meter banks, typically on the side of the building shall be screened from public view;
26. All exterior lighting, whether mounted on a building or within a parking lot must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
27. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
28. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum

- of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
29. Satellite dishes shall not be erected on the exterior of window sills. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
 30. 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;
 31. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
 32. 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;
 33. 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;
 34. 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, 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;
 35. 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;

36. 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; and,
37. 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.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2023-012 and Master Plan Amendment Application MPL2023-007, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 2 – 212797...CHANGE OF ZONE APPLICATION COZ2023-015 - BRIAN TERRY

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural farming at 3850 North 55th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 1 – 212798...SPECIAL USE PERMIT APPLICATION SP2023-024 - BRIAN TERRY

Synopsis: Special Use Permit for grading of the property for hay fields at 3850 North 55th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Brian Terry, has filed a Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural farming and a Special Use Permit for on-site grading of hay field on 25.13 acres at 3850 North 55th Street. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2023-015 and Special Use Permit Application SP2023-024, for two (2) years, subject to:

1. Hours of operation for balancing the site for grading shall be Monday through Friday, 8:00 AM to 5:00 PM;

2. The equipment used on the property will be a 955 loader, crusher, dump trucks, excavator and concrete truck. At the conclusion of the on-site grading, this equipment shall be removed as the keeping of industrial equipment is not permitted on the premises without a Special Use Permit for the Temporary Use of Land for industrial purposes. This Special Use Permit is for on-site grading only;
3. Obtain a hauling permit from the Public Works Department;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards.
 - a. The existing driveway does not meet UG standards;
6. 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;
7. 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;
8. A grading permit is required from the Building Inspection Division prior to earthen material is brought in, removed or relocated on the property;
9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
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 Kane made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2023-015 and Special Use Permit Application SP2023-024 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 3 – 212799...CHANGE OF ZONE APPLICATION COZ2023-017 - VICTOR FRANK MARTINY II

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to keep farm animals at 6019 Woodend Avenue and 6029 Oak Grove Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicants, Victor Martiny II and Katie Martiny, are requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 6029 Oak Grove Road and 6019 Woodend Avenue. This change of zone is necessitated by the fact that there is not a dwelling unit on the property, and there are multiple accessory structures on the property, which violates R-1 standards for accessory uses. The applicants are also seeking a preliminary and final plat to combine two (2) lots and vacate a portion of the Woodend Avenue right-of-way. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2023-017, subject to:

1. The following recommendations from the Wyandotte County Conservation District shall be followed, including:
 - a. The stream (Davis Creek) and the drainage areas shall be fenced off, with a buffer of 25 feet on each side to preserve the integrity of the stream.
 - b. Stream crossings with geo-textile and gravel should be installed to provide long-term protection for drainage areas.
 - c. Timber areas should be fenced off as well to keep livestock out.

- d. Any timber areas that are cleared shall be mulched and seeded.
- e. Groundcover shall be enhanced;
- 2. The applicant shall file for a retroactive building permit for any structure that is over 120 square feet that was constructed without a permit;
- 3. No vehicles or trailers shall be parked on an unimproved surface. All parking must be on a paved surface;
- 4. This City Planning Commission case is being heard in conjunction with BOZA2023-028. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-028 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
- 5. 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;
- 6. 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;
- 7. Lighting shall be installed to have a 90-degree cutoff;
- 8. 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;
- 9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
- 10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 11. 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;
- 12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district,

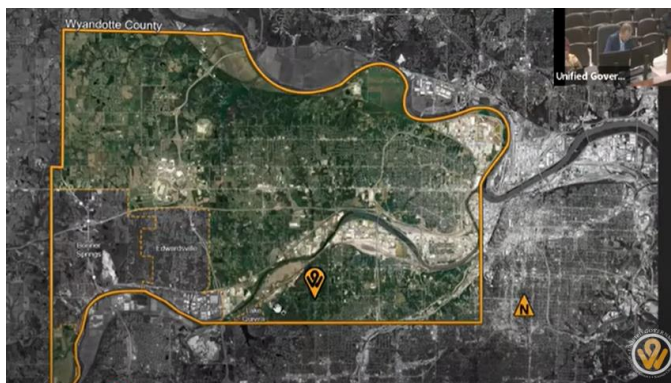
or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,

13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Case	
COZ2023-017	
Petitioner	Address
Victor & Katie Martiny	6029 Oak Grove Road & 6019 Woodend Avenue
Synopsis	
To approve a Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural uses.	

Gunnar Hand, Director of Planning and Urban Design, said this case was heard in conjunction with BOZA 2023-028 for a side and front yard setback variants, which were granted by the Board of Zoning Appeals earlier this month. It's also associated with Plat 2023-027 to combine two parcels into one and vacate a portion of a public right-of-way, which was also approved by the City Planning Commission earlier this month.

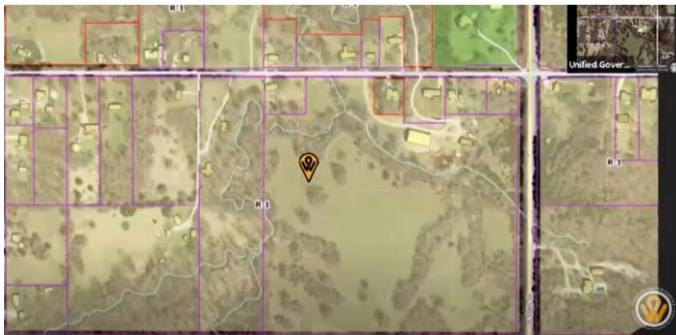
This is a change of zone to maintain a cattle operation on the property.



This is in the Citywide Comprehensive Plan Area in the Turner-Morris neighborhood.

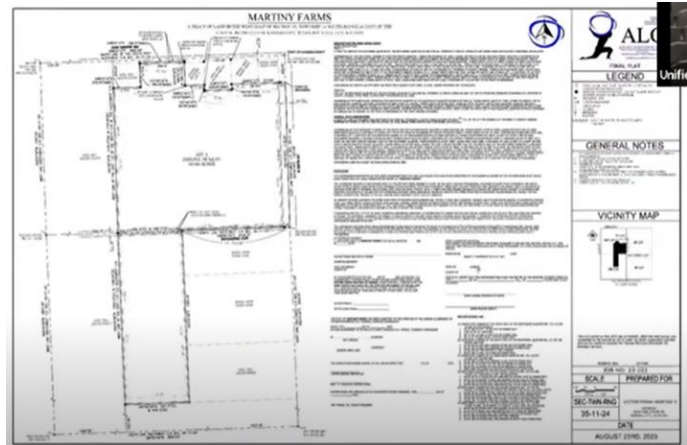
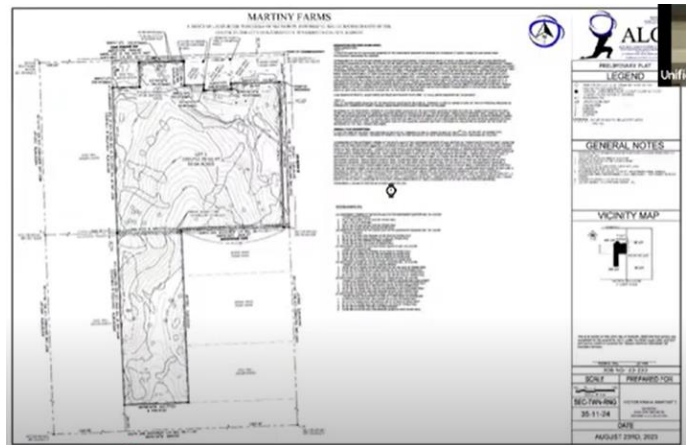


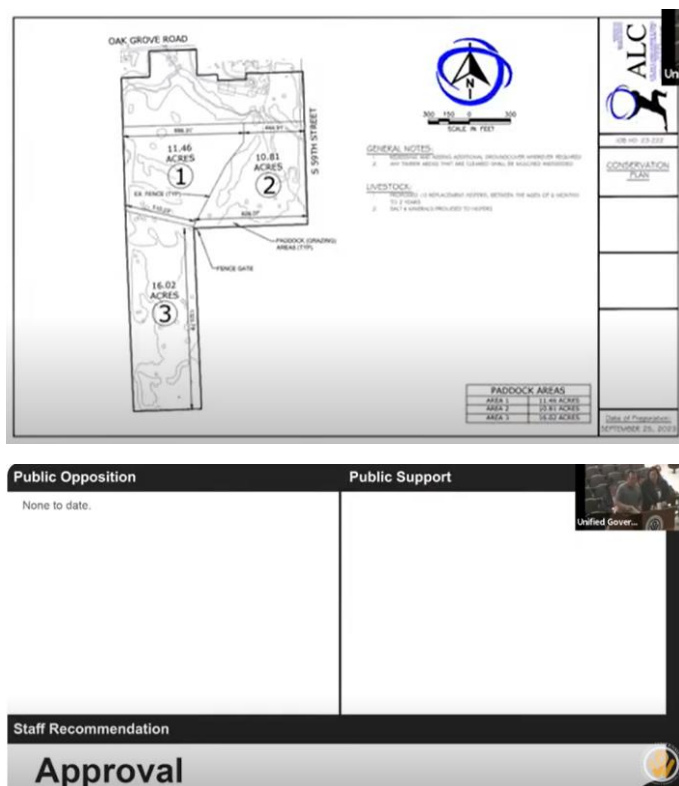
Staff received no letters of support; no letters in opposition.



There was a notice of violation related to unpermitted barn. Staff agrees with Planning Commission and recommends approval. One of those conditions is to retroactively receive a building permit for said barn.







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

Victor and Katie Martiny, 6029 Oak Grove Rd., appeared. **Mr. Martiny** said we would like, like we've discussed, a change of zone. We also had a little issue with the Conservation stipulation of what the Conservation is asking just as far as our setup goes. We'd like to present maybe a different alternative. We also think that it's kind of in between of what Conservation's asking so that we can make this situation work as far as the Conservation's asking for the holding of cattle.

Ms. Martiny said we have a list of what the Wyandotte County Conservation District wanted, and then we have a list of what we would compromise with. We also paid for a private conservation plan to be drawn up by Atlas Land Consulting. When we made our responses back to the county before the last meeting, October 9th, we did not acknowledge to their response on that portion of the conservation. We didn't really know that we had to compromise then on October 9th at that meeting. So, that's what we're here to do tonight.

I have a printout for you guys if you guys need a copy of the WyCo Conservation, if you need to see that. **Mayor Garner** said you can give it to the Clerk for record.

Mr. Martiny said if you guys want to review that and if we could have some further discussion about it just to basically to lay out why we feel that we'd like to take that procedure instead of what Conservation's proposing. **Mayor Garner** said you'll have an opportunity to follow up.

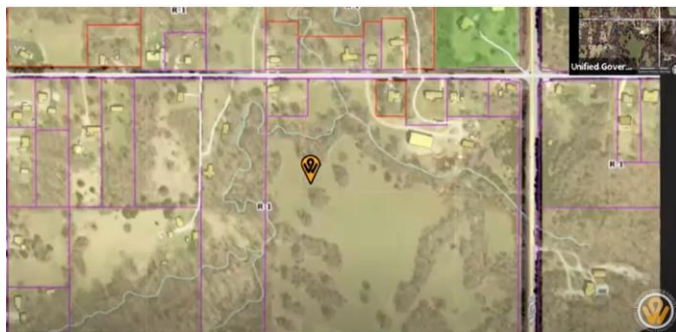
Mayor Garner said I'll now open the public hearing. Clerk, have you received any direct notification from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of this item? Seeing none. Clerk, is there anyone joining us virtually who would like to speak in favor of this item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any direct notification from the public who wish to express their comments in opposition? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present in the audience who would like to speak in opposition of this item? (There were none.) Clerk, is there anyone joining us virtually who would like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I will now close the public hearing. Petitioner, you can come back forward and you can make some closing comments.

Ms. Martiny said you guys have your WyCo Conservation. We feel that their comments are more of an urban list of wants. For our property, it's 50 total acres. We are only housing about ten heifer calves on this property. We're not a commercial operation here. It's just a hobby farm. The things that they're asking not only would be costly, but we would lose, we believe, about half of our property.

The first item is the stream. It really snakes through our property. I don't know if Gunnar, if you can pull up a picture.



It's very heavily treed and heavily brushed around the creek areas.

The picture that I passed around is my son. He's almost 10. He's standing in the creek. That wall of that creek right there is at least 10 feet tall. Our animals aren't in the creek. They only have access at the crossways or you can drive across and on the side that they're on currently, there's only two. The buffer that they're wanting on 25 feet of either side of the creek, the entire property fenced off and in the tree area, we would lose a ton of our property, our pasture for our animals. The timber area that they want crossed off or fenced off, there goes our forage, our shelter, and our shade for our animals. We have done some ground cover and reseeding.

This is our seventh year owning the property. We are willing to do that as needed. We can fence off the crossways to the creek just so they're not able to enter the creek from the low points and then make sure they're not able to wade where the creek comes in on the east side of the property. We are willing to geotextile and gravel where we cross to provide long-term protection for the drainage areas. We already implemented the rotational grazing. It's fenced off in sections and we rotate our cattle to give the pasture a break when they're not on it.

Mr. Martiny said as she stated about the creek, too, the biggest issue that I know that they were concerned about contamination with the creek, which the only way that the cattle would ever contaminate the creek is if they waded in it. The creek runs shallow. The last two years it's been very dry so the creek hasn't run at all. There are natural springs in the creek that I do rely on for water source so I don't have to put out city water. It helps keep my overhead, my costs down, which is nice especially in the winter months when it's cold and it's hard to keep stock tanks open and you're thawing out hoses. It could be a burden.

Like I said, with them wanting to fence off the creek, 25 feet both sides of it, the way the property is laid out with the brushy areas and stuff, because the property is overgrown and it has been since we bought it, we've been slowly mulching and keeping up with it and trying to get it

perfected to our needs so that we can run our animals on it. I've spent a lot of time maintaining. As you can see, the way the creek runs above on the east side, you've got the Highland Crest area so I get a lot of their stormwater. I personally spend the time keeping the creek maintained. I have to clean out brush where we get backfill and it floods. We get debris and trash and stuff that we have to clean up, so we work on that, too.

Like I said, there's no possible way for them to wade in it. If there are eroded places in the creek, I take the time to fix so that there's no issue. Like I said, then they can't swim in it; therefore, contaminate it which makes it nice and it's just a good water source.

As far as the wooded areas go, fencing off the wooded areas, like Katie said, losing shade. In the summer months it's very hot. Cows don't sweat so they rely on the shade to help keep cool. It's much of kind of a process to do outbuildings and shelters for them. The trees provide that natural shelter which is very nice so that we don't have to go through that process of trying to get an outbuilding put in. Then you have the maintenance of the building and cleaning it out, so it's kind of an issue there. Then they provide the forage and everything for it, too.

The other thing I worry about, too, is we have perimeter fences on the property to keep the animals on the property which is well needed. Over excessive on the fencing I worry about the wildlife in the area. I've got a lot of deer on the property. I personally walk the perimeter fences at least once or twice a month. I've countless times helped deer either free from the fence that have been caught up or collecting remains from deer that have been hung up in the fence and died. I'm surprised that the Conservation didn't mention. But it's a burden kind of for the wildlife in the area, too. Worried about that, this over excessive fencing. That's just kind of the issues we're looking at now.

Commissioner Ramirez asked, is staff opposed to this alternative conservation plan?

Mr. Hand said staff relies on the Conservation District as our reviewing agency to provide these conditions of approval. I would recommend that we hold this over for a month so that we confirm this with the Conservation District. I think if you look at the two lists, they're not too far off. I think that, potentially, the most contentious issue would be the fencing off of the creek, otherwise, if the Board of Commissioners wanted to make a motion to accept these new conditions or these conditions within the Conservation District plan, you could do that, but it would take eight votes.

Again, I would recommend we hold it over for a month. I don't think it would put the Martiny's at any disadvantage other than they'd have to come back in a month. They did receive their plat so their parcel, once recorded, will be combined, if it's not recorded already. They've resolved that issue which is really the genesis of all of this. It wouldn't necessarily stop you guys from any operation in the interim. That would be my recommendation.

Commissioner Ramirez asked, is there any opposition from the applicant if that's the route this Commission went?

Mr. Martiny said, like I said, yes, we're close. We're talking about just eliminating a lot of the fence and losing some of our pasture. That's the only thing we're really against on their conservation plan. I don't know why we couldn't find an end to this tonight. I'm not running a cattle operation. Like Katie said, it's a hobby farm. I don't know why we couldn't find some closure on this tonight.

I understand Mr. Hand. He's by the book. He wants to make sure it's right and we have to go by Conservation. I don't have a problem with Conservation at all, like I said, but there's by the book and there's realistic. Realistically, we need to find an alternative here. The way the creek is, it's winding. It would cost a lot to fence. I do use the creek. I do manage the creek so cutting that off, my access, basically. Like I said, inhibiting the wildlife. A lot of deer on the property and over fencing does create a problem for them. I don't know why we couldn't find a little closure here tonight, if we could.

Commissioner Burroughs asked, how many acres are we referring to? **Mr. Hand** said there's 50 acres on the property. **Commissioner Burroughs** said I noticed that you did list that you are implementing rotational grazing to improve pasture health. That clay soil over there's pretty hard with wildlife running through those wooded areas. I'm sure you have what they call traces where the animals run, so I imagine that ground is quite compacted and the fact that you've admitted already to reseeding and trying to make that better. I commend you for that because that's healthy for the animals.

Commissioner Burroughs said the question I have is, how many animals do you plan on having on that 50 acres?

Mr. Martiny said basically what this place is—I have places in other counties that we have cattle on, so basically, at the end of the year when I’ve started weaning off my calves—I select a group of heifers that I like to keep because at the end of the day, cows get old. They don’t have a retirement home. They go to Wendy’s. They go to McDonald’s. That’s the end of it.

When I get rid of these old cows, I’ve got to have replacement heifers. It’s nice to have a place where I can keep a group of heifers that have a lot of characteristic and stuff that I kind of favor for that. I know they’ll be good mothers in the future. They’ll make good cows for me. I keep those heifers at this place here, and I can hold on to them to a certain age and then I introduce them back into the herd. We bring in new bloodlines. We get rid of old bloodlines. Then we reintroduce the calves. We have calves all over again.

So, basically, this place is a holding. It’s a holding place for me. It’s nice to have a place like that. I try to respect my grass. I take proper precautions with fertilizing, seeding. There’s lots of stuff you can do for land management that I’ve done over the years that helped, too. Basically, I try not to overload this place. Like I said, it keeps down with my waste and everything. It’s just 10 replacement heifers is what I’ll call them, sorry.

Commissioner Burroughs said that’s what I was getting to was 10 and 50 acres. These heifers probably run a couple of hundred pounds by the time you get rid of them. They’re running, if I remember correctly, most cattle they like to get rid of them before they reach a thousand pounds. I imagine in that area—I live over in that area. I’m quite familiar with a lot of the deer that are over there. A lot of the deer are bigger than some of those heifers. **Mr. Martiny** said yes, they are. **Commissioner Burroughs** said I imagine that some of those traces that are over there are caused by the wildlife that’s over there. The fact that you walk your fence to make sure the animals are not one, safe; but two, not getting out.

Commissioner Burroughs asked, do you have an idea of what it would cost you if you had to meet the Conservation’s request to fence the stream, just a rough number? That’s quite a bit of property to have to run a fence line down both sides.

Mr. Martiny said yes, sir. I’ve got a piece of fence that I need to repair on the very far north end of my property. I’ve been kind of looking into woven wire, T-posts, and corner posts.

Not figuring in my labor, but if I was to do whatever the Conservation asked, I would say it would be anywhere from \$8 to \$10,000, every bit of it. There's a lot of feet there. It would take a while to do that.

Commissioner Burroughs said I'm a city guy, but I've had families had farms. I do like the compromise that you brought forward and referenced to cutting off those edges where the cattle can get in from the crossways because that does make sense. If that's a 10-foot drop, I can't image a 200 pound heifer even running and jumping off of there that would even survive a fall like that. I do appreciate the information you've brought forward.

Commissioner Burroughs said I have a question for Legal. Legal, if we were to make a motion that the applicant has stated they don't want to send this back; they'd like action on it this evening. If we were to make a motion to approve the alternative, I guess, the conservation comments that they have presented, how many votes would it take to pass that?

Angela Lawson, Acting Chief Counsel, said with the alternative, it would take eight. **Commissioner Burroughs** said eight votes. That's all I have at this particular moment.

Commissioner Stites asked, what triggered the County Conservation comments? **Mr. Hand** said for all cases that are planned to be rezoned to agriculture, we work with the Conservation District on matters of livestock.

Commissioner Stites asked, who are they? I've never heard of them. **Mr. Hand** said the Conservation District is part of the K State Extension Program. **Commissioner Stites** said well, I'm going to tell you. I think it's absolutely ridiculous to think that somebody's going to fence off their creek and fence off their timber where cattle go in. I happen to have a couple hundred head of cattle. Not to dispute Commissioner Burroughs, but if you're holding back 200 pound heifers, you better get out of the business. Those are calves.

Commissioner Stites said I like the compromise. I know when you talk about rotational grazing and what you're doing to maintain the ground—and it's to your benefit to make sure that you're being good stewards of the ground—I think with what you've proposed, you are doing that. I wouldn't want to fence off this amount of space. Trees are going to fall. They're going to tear

down the fence. You're never going to be able to stay on top of that, ever, unless you did a pipe fence. Now you're talking about a couple of hundred thousands of dollars.

I am of the opinion that I want to make, and I will make the motion to take the recommendations that are presented to us tonight and resolve this tonight because if you guys have paid any attention to the weather, next week it's supposed to be freezing. We don't need anybody out there fencing creek off during the winter.

Action: **Commissioner Stites made a motion, seconded by Commissioner Kane, to approve Change of Zone Application COZ2023-017, with the recommendations presented tonight.**

Mayor Garner said let me be sure. Commissioner Stites, can you just be clear on what your motion is? **Commissioner Stites** said yes. I would like to make the motion that would accept the one, two, three, four, five recommendations made by the applicant. **Commissioner Kane** said second. **Mayor Garner** said, and the Clerk has a copy of that for record. That will be presented later so it'll be available to the public.

Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites. (Prior to Commissioner Bynum's vote, she said for clarity, the conservation districts were created by state statute within the Kansas Department of Agriculture. I think a vote aye would be a vote in favor of the motion that has the amendments. Is that correct? **Angela Lawson**, Interim Chief Counsel, said yes.

Item No. 4 – 212800...CHANGE OF ZONE APPLICATION COZ2023-020 - JACKSON TAYLOR WITH TWG DEVELOPMENT

Synopsis: Change of Zone from R-1 Single Family District to RP-5 Planned Apartment District to construct an apartment complex at 745 North 78th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 2 – 212801...MASTER PLAN AMENDMENT APPLICATION MPL2023-010 - JACKSON TAYLOR WITH TWG DEVELOPMENT

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to High-Density Residential (City-Wide Comprehensive Plan) to construct an apartment complex at 745 North 78th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Jackson Taylor with TWG Development, LLC, wants to rezone 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue from R-1 Single Family and to RP-5 Planned Apartment Districts to build five (5) three (3) story apartment buildings totaling 152 units and a clubhouse on 24.47 acres. The Planning Commission voted 7 to 0 to recommend approval of Master Plan Amendment Application MPL2023-010, and Change of Zone Application COZ2023-020, subject to:

1. Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan and Final Plat is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;
2. The City Planning Commission granted a deviation to the retaining wall design standard so that a single slope retaining wall (i.e., NOT “stepped”) can be built. These non-standard retaining walls are to be designed to blend into the landscape as much as possible, provide above standard landscape screening, and either be made of masonry stone or give the appearance, either by stamping concrete or using stacked concrete blocks to mimic natural stone, including staining the concrete to appear more natural”.
3. Extend the sidewalk from the south side of the easternmost apartment building south along the secondary access drive to Tauromee Avenue;
4. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
5. Add a crosswalk across Tauromee Avenue and tie into the existing sidewalk on the south side. This will require coordination with the Public Works Department regarding the specific type of signaling needed for the crosswalk;
6. A sidewalk shall extend from the clubhouse west and connect to the sidewalk on North 78th Street;
7. In the middle of the proposed parking lot, install a new north/south and east/west walking path with trees for shade and reduce parking within the development. This walking path, in the shape of a “T” will be between the two (2) southern buildings orientated north/south and the two (2) northern building orientated east/west;
8. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361).

Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection. The multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;

9. Lighting cannot exceed one (1) footcandle at the property line;
10. Interior parking lots lights shall have 90-degree cutoff fixtures;

11. Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points at the apartments);
12. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, to the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage;
13. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade;
14. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed stone or brick. Board and batten are not permitted and shall be removed from the elevations;
15. Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public;
16. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the apartments from the single-family home abutting to the west, behind the apartment building, to the east and south from the existing single-family homes;
17. The final plat must reflect the following: (i) the land between Buildings 1, 2, the existing detention pond and the northern property line as an open space easement with an independent note stating that buildings, parking lots and/or vehicular drive are not permitted within the open space easement; (ii) a 25' building setback along the project's southern boundary abutting the rear yards of 7706, 7718 and 7640 Tauromee Avenue; (iii) and a 25' building setback along the western property boundary adjacent to 7640 & 7634 Tauromee Avenue.
18. Plant trees around the detention basin;
19. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running;
20. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 24.47 acres, which requires 237 trees, 19 additional evergreen or shade trees and 152 shrubs for buffering per the zoning district;

21. One (1) street tree shall be provided per 30 feet of frontage along a major street. North 78th Street and Tauromee Avenue shall have street trees planted along the sidewalk;

22. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
23. All landscaping shall be irrigated;
24. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
25. All utility connections, this includes green electrical boxes and freestanding electrical meters, must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
26. All electrical meter banks, typically on the side of the building shall be screened from public view;
27. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - a. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
 - b. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - c. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
 - d. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - e. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
28. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6) evergreens or an architectural wall constructed from the same materials as the main building;
29. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
30. 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;
31. All existing and future driveways must feature curb cuts that are constructed to UG standards;
32. 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;

33. 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;
34. 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; and,
35. 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.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2023-020 and Master Plan Amendment Application MPL2023-010, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 5 – 212802...CHANGE OF ZONE APPLICATION COZ2023-025 - LANDON FLIGER WITH ATLAS LAND CONSULTANTS

Synopsis: Change of Zone from R-1 Single Family District to R-2 Two Family District to bring an existing duplex into compliance at 3009 North 57th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 3 – 212803...MASTER PLAN AMENDMENT APPLICATION MPL2023-013 - LANDON FLIGER WITH ATLAS LAND CONSULTANTS

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to Medium-Density Residential (City-Wide Comprehensive Plan) at 3009 North 57th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Landon Fliger, is requesting a Change of Zone from R-1 Single Family District to R-2

Two Family District and a Master Plan Amendment from Low Density Residential to Medium Density Residential in the City-Wide Comprehensive Plan to bring a legal, non-conforming duplex into conformance at 3009 and 3011 North 57th Street. The Planning Commission voted 7 to 0 to recommend approval of Master Plan Amendment Application MPL2023-013 and Change of Zone Application COZ2023-025 subject to:

1. The pull-in gravel parking in the front-yard of the residence shall be removed. Only parallel parking along North 57th Street is allowed. A right-of-way permit shall be obtained for this parking;
2. The storage area shall not be converted into a third unit. If it is converted into an additional unit, a change of zone will be required;
3. 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;
4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
5. 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;
6. 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;
7. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
8. 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 Kane made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2023-025 and Master Plan Amendment Application MPL2023-013, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212798...SPECIAL USE PERMIT APPLICATION SP2023-024 - BRIAN TERRY

Synopsis: Special Use Permit for grading of the property for hay fields at 3850 North 55th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously heard in conjunction with Change of Zone Application COZ2023-015.

Item No. 2 – 212805...SPECIAL USE PERMIT APPLICATION SP2023-036 - GUNNAR HAND WITH UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Synopsis: Special Use Permit for an event space with live entertainment and alcohol sales at 600 North 7th Street (Memorial Hall), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant and property owner, Unified Government of Wyandotte County/Kansas City, Kansas, seeks approval of a Special Use Permit to operate an event space and host live entertainment and sell of alcohol at 600 North 7th Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-036, indefinitely, subject to:

1. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
2. Alcohol can only be provided by licensed vendors;
3. Vendors are required to obtain a liquor license and they must be maintained with the State Department of Revenue Alcoholic Beverage Control;
4. All entertainment shall cease by 12:00 AM;
5. Public rights-of-way may not be blocked by trash enclosures or receptacles;
6. Sidewalks shall remain clean and clear of trash and debris;

7. No amplified speakers are allowed in outdoor spaces;
8. Doors and windows shall remain closed during any entertainment performance;
9. The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. 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 on another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. 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;
13. The Special Use Permit shall be valid indefinitely from the publication date of the associated ordinance; and,
14. 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 Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2023-036 indefinitely, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 3 – 212806...SPECIAL USE PERMIT APPLICATION SP2023-041 - MATT THOMAS WITH FIRM FOUNDATION MINISTRIES, INC.

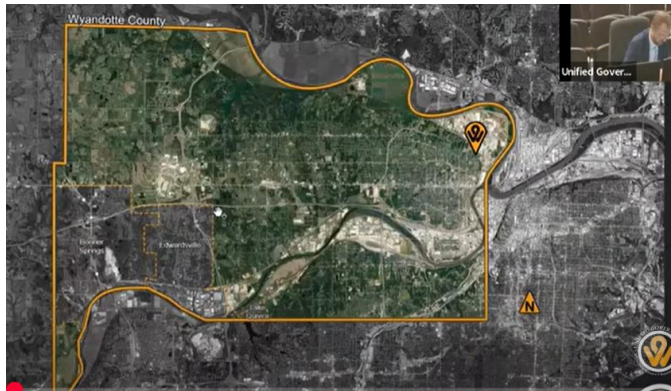
Synopsis: Special Use Permit to operate a group dwelling unit at 2204 North 5th Street. submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Matt Thomas with Firm Foundations Ministries, is requesting a Special Use Permit to operate a group dwelling to provide transitional housing facility for individuals recently released from incarceration at 2204

North 5th Street. This Special Use Permit is retroactive as the dwelling is currently operating without a Special Use Permit for at least three (3) years. The Planning Commission voted 7 to 0 to recommend denial of Special Use Permit Application SP2023-041:

1. The project did not obtain a parking variance, has not met their parking requirement to date, and that the project is not in character with the residential neighborhood.

Case	
SP2023-041	
Petitioner	Address
Matthew Thomas	2204 North 5 th Street
Synopsis	
To approve a Special Use Permit to operate a transitional housing facility for individuals recently released from incarceration.	

Gunnar Hand, Director of Urban Planning and Design, said Special Use Permit SP2023-041 was heard in conjunction with BOZA 2023-039, parking variants, which was denied by the Board of Zoning Appeals earlier this month. This is a special use permit for a group home.



This is in the Northeast Area Plan.

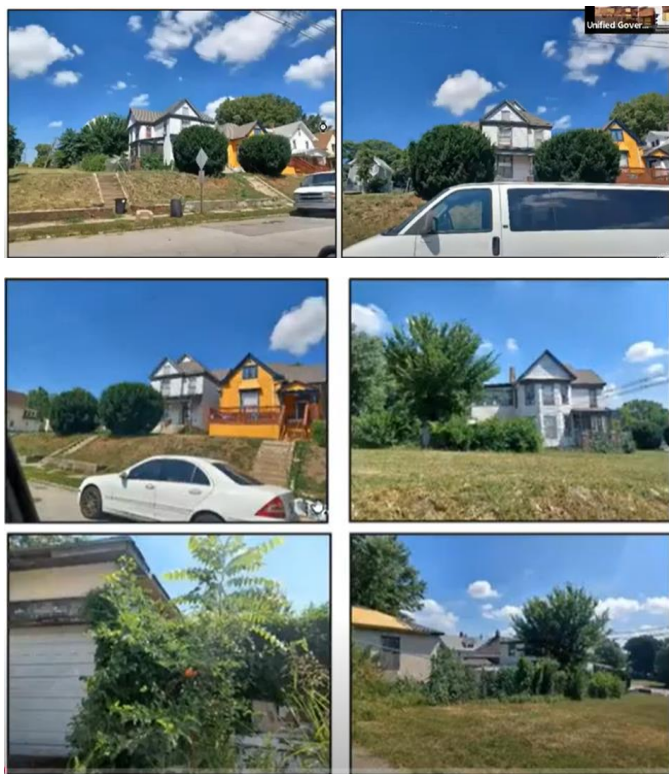


Staff received both support and opposition regarding this case.

October 26, 2023



There were notices of violation related to the maintenance of the property as well as the house, all of which have been rectified at this time.



October 26, 2023

2284 N. 5th Street
Floor Plan

2284 N. 5th Street
Floor Plan

Public Opposition
The applicant provided statements from the neighborhood group expressing concerns. There were 9 people in attendance at the 10/9/2023 CPC hearing who expressed opposition.

Public Support
The applicant provided statements from two property owners who expressed support. There were 10 people in attendance at the 10/9/2023 CPC hearing who expressed support.

Staff Recommendation
Denial

Staff agrees with the Planning Commission and recommends denial.

Mayor Garner said, Applicant, I believe you set that aside. You want to present your application?

Matt Thomas, Shawnee, KS, Firm Foundations Ministries, said we wanted to set it aside for a couple of reasons. Number one, we want to be able to try to build as much community support as we can because we understand that we were behind the eight ball. We understand that we should have done it ahead of time. Even though, obviously, we didn't know that we were to do a special use permit, we should have done it. I don't disagree with any of that. What I'm asking is if we could hold off for a final vote for denial or approval to try to build relationships with the church across the street and with some of the other people to just try to see if we can get a different outcome out of this.

Mayor Garner said I'll now open a public hearing in regard to this matter. Clerk, have you received any notifications from the public who wish to express their comments in favor? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present in

the audience today who would like to speak in favor of this item? Seeing none. Clerk, is there anyone joining us virtually who'd like to speak in favor? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received notification who wish to express their opposition? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present in the audience who'd like to come forward and speak in opposition of this item?

Elnora Jefferson, Kansas City, KS, said I am the neighborhood president of the Oak Grove neighborhood where this proposed group home is situated. I'm here to speak in opposition of the group home. I'm speaking in opposition not because of what the group home does because, certainly, it has a value. There's no one that I know of who would deny anyone a second chance who wants to make amends for wrongs that he or she has committed before, but I'm here tonight to speak in opposition because my neighborhood is also looking for a second chance.

Over the years—and I was born and raised in that particular neighborhood—we've seen a lot of changes anywhere from a model landfill that's no longer a model because it was not done correctly. You heard from people who have not been able to have roofs and other types of home improvements because the value of their property did not come up to the standards as far as the appraisals and so forth. We've also withstood a lot of the drug culture, and the war on crime was not successful in my neighborhood. We've had people who have been denied types of home improvements because money that they got, perhaps of a family member who died, was deemed as income when it actually was not.

Most recently what we've had is that we've had an opportunity to participate in something called a Northeast Area Master Plan. We've never had that in the Northeast. Never. We have it now. That particular investment, plus the investment for the Northeast Kansas City, KS Heritage Trail, I believe, would be close to a half million dollars. This gave people hope. Over 550 people came to participate in the Northeast Area Master Plan. Nowhere in that plan did the citizens, community itself, say that we want to have a cluster, a number of group homes in the neighborhoods where we're trying to actually make a difference. **Ms. Sparks** said one minute remaining.

Ms. Jefferson said we were talking about improved sidewalks. We were talking about raising the density in that particular area, and some of the other things that we all want in the neighborhoods where we live.

The approval of this particular application in my neighborhood would not bring people to that neighborhood. It would not make that particular neighborhood a point of destination. It will not do anything to that neighborhood to raise the value of particular census tracts. Really, it won't do anything that's positive for the neighbors who are there or for the area.

I would implore Mr. Thomas to find another place, maybe where he lives in Shawnee or elsewhere, where he could actually do what he wants to do and we are able to do what we want to do as well.

Marcus Williams, KCMO, said I'm a lifelong member of Trinity AME. The reason I come today is just to—we talk about community and building relationships and how important that is, and how important it is to love and care about one another and really look at one another and see each other as people. When we do that, it's a thing about honesty. It's about going in and trying to do that. I hear Mr. Thomas saying that's what he would like to do.

I want to be fair. I did a little bit of research about his organization. I just looked and I saw that in Topeka, if I have it correctly, his organization did something very similar. They went ahead and they moved into an area and they attempted to have a group home. The city did not approve, I mean, it wasn't approved by the city. The other organization had attempted to do it and they came back and said, oh, I didn't know. I just don't think that's fair for our community for one, to do that. If you care about what you're doing, if you care about it, then go in and do the right thing. Why would it take going before and getting a special use project to actually go and do the home renovations. Who would have a mattress out in front of a group home? What kind of hope does that bring? What kind of hope does it bring when you don't abide by the simple things that our law says to do? Put up safety. Put up railing. There's a new railing now. As this gentleman just said, they're all up to code today, but why couldn't they do that before if they really care about people?

Again, that's what we're talking about, caring about people and trying to build a stronger community.

Roy Fowler, 8600 NE Ave., KCMO, said I'm a long-term member and officer of Trinity AME Church. Trinity has been at 5th & Greeley since 1903. We have been in this community that long.

I'd like to speak to the issue of the location of the house in proximity to existing neighbors. Mr. Adair lives next door. He spoke at the Planning Commission meeting. His house is less than 10 feet from the 2204 house that they wish to make into a group home. Why would you place a house 10 feet from the next door? Mr. Adair can't go out on his porch and feel safe. He has a 14-year-old daughter. We have sex offenders that are residing in this house. It's not safe for him and his family. It bothers me that they feel that they did due diligence in locating the house where it is. That's why I oppose as a member of Trinity.

Leroy Williams said I'm a member and officer at Trinity AME Church, lifelong member. Born there in the north end district. Raised there in the north end district.

What we hear about is one, the way they came in. They didn't come in and knock on our door or come put flyers out and say we are interested in and we want to buy this house. We want to put a group home in. They didn't come to us or anybody in the neighborhood and done this. All they did was come and put the house together and the next thing we know, we got people there.

I'm at the church quite a few times in the evening. We have a ladies group, dance group, praise team, and they were downstairs practicing. So happened I was downstairs and I thought I heard something at the side door downstairs. So happened I did so I went to the door. There's a guy standing there talking about could he get some money to get a bus so he can go up here and catch the bus so he can get to work. Didn't have the problem with lending the money, but never seen him around here before. Come to find out we got a group home here.

We come to say the houses are too close together. People can't live like that. You cough and you can hear somebody next door. You don't need no group home around like that. What we just want to be is like we always have been. The doors open to the church. We welcome everybody. We even had some of their members to come and worship with us. We didn't ask them what they have done or nothing. They volunteered. Some of them sit and talk to us and just tell us what they've done. All we're saying is to just don't come in our neighborhood and think you're just going to force stuff down on us.

Ronald Scroggins said I'm a lifelong member of Trinity AME Church. Actually, I grew up in that neighborhood. I walked to that church ever since I was able to walk.

The comment that I would like to make is all while I was living in that neighborhood, that neighborhood was considered that neighborhood. Nobody thought of it as a positive neighborhood. It was always considered that neighborhood. Really, it's hard to even get contractors to come down there and work on our church because we live in that neighborhood.

My thing is, I don't have a problem with what the project is about. It's about bringing it down there. What it's doing is not helping the neighborhood. It's also putting another negative aspect on the neighborhood. So I oppose it because it doesn't lift the neighborhood up. It actually puts more things against the neighborhood which makes it a negative neighborhood.

Also, I think that's what I wanted to say. It was something else, but I can't think of it right now. It happens when you get older, but I just think it's not really improving our neighborhood. I like the project, the idea of it, but they can move it somewhere else.

Delores Williams said I oppose it only because of the fact that they didn't, as a Christian organization, they didn't do the right thing. What they did not do was look at the best avenue for the people that they are trying to help; to have the resources and establish programs for them. In that neighborhood, if they were really sincere, they would want to have a resource so that they could teach them how to go shop. Have the resources so that they could be able to have transportation and be able to improve their quality of life that maybe they did not have. I have a problem with that.

As a Christian myself, it's good because we have, the Lord gives us second chances. To me, they did not do that. They didn't put forth the very best that they had to help these people. For that, I do not want them there. They should not, as far as I'm concerned, they should not come and offer a program to help somebody and yet not give them the very best that they could give them. That's what I disagree with them for that. Yes, they need help. Yes, they need the services. Yes, they need supervision. They did not do that. For that, I'm ashamed of them to even call themselves that type of organization, a ministry.

A ministry is there to do the work that God has put them there to do. They put them there. Can you even imagine? Have you been there to walk around that area was a beautiful area. Like Mrs. Jefferson was saying, trying to build up the area and that's what we're trying to do. Why would you put somebody there when the grocery stores are too far? **Ms. Sparks** said one minute remaining.

Ms. Williams said other things that they need. Recreation is not there. They don't have that. How can you do that and say I'm putting them in a place so they can get better and they can have those resources that they need to improve their life and to get out of the situation that they're in. They did not do that and shame on them.

Mayor Garner asked, is there anyone else who would like to speak in opposition? (There were none.) Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Ms. Sparks** said no hands are raised.

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

Mr. Thomas said with all due respect, I have not had any problems in Topeka at all. We've actually had two places in Topeka. We sold one because it was an apartment complex that was not in great condition and we didn't want our men living there so we sold that. Bought a newer house, which is a really nice house, and actually have a great relationship with the neighborhood that we live in out there. So, there's never been a problem like that. Anybody can go on the website, firmfoundationministries.org and see what we do. We have a great relationship. As a matter of fact, I was in the *Topeka Capitol*, the newspaper, talking about what we do and it was well received with the Continuum of Care Group that is in Topeka which includes Vallejo, the Housing Authority, and the Shawnee County Jail. So, that is complete untruth.

Last time we had this meeting, they specifically asked during the Planning and Zoning meeting, have you ever had any incidents in this neighborhood. There has not been any incidents. Consistently these brothers and sisters got up and said we just don't like what you do, but there's not been any incidents. My struggle is, if there's not been any incidents, we haven't caused a problem, we rebuilt the house, brought value back to the house, have not had any trouble with the police there, have not done anything bad, I don't understand why we can't build a relationship, help out Elnora with some roofs or with—we have a bunch of able-bodied guys. We're willing to do this.

I reached out to the pastor of the church to try to talk to him. He read my message and didn't respond. So, I am trying to build a relationship. What I don't understand is if we've been

operating there and doing well and not causing a problem, why can't we get a temporary special use permit for a year? See how we do. See if there's a problem and go from there, or at least give us time to really find out who each other are rather than just saying we don't want this in the neighborhood, even though it hasn't caused a problem.

To the point of the other piece, which is hey, this is going to bring the neighborhood value down, it is not. If you look up online who registers, they're all over the place. It's not like all of our houses have this big flag outside that says hey, we put people here that are dangerous for your community, because we don't. We put men there that have changed their lives and are trying to do what's right. That brings value to a community. There is not one place that we have a house that has not added value to the community.

I apologize that I didn't do it the way that I was supposed to. I apologize that I didn't come talk to the church. I apologize for all that, but for that to be the reason that there's going to be men homeless, I don't have a good feeling about that.

Commissioner Ramirez said a couple of questions to staff. I see here in the report that they went without an SUP, or us knowing about them for at least two years. What caused, Director Hand, what caused for them to be brought in the process now? Was it an NOV? A complaint by the community?

Mr. Hand said we received a complaint from the community, looked into it, and provided a notice of violation. They responded to that notice of violation with an SUP application.

Commissioner Ramirez asked, when we approached the applicant and the organization, were they aware that they needed to have an SUP for that type of establishment? **Mr. Hand** said no, until the applicant received the notice of violation letter, they were unaware, according to them, that they needed a special use permit.

Commissioner Ramirez said so they have facilities in Lawrence, or Topeka, sorry. Does Topeka follow the same guidelines of SUPs and zoning that we do as well or is each city different?

Mr. Hand said every city has a unique zoning code. If we are to believe the applicant, who has researched this in the other cities, I believe it's Wichita and Topeka, I could be wrong,

they do not require anything. Our ordinance requires any place with six or more people, unrelated people, is considered a group home and requires a special use permit.

Commissioner Ramirez said it says here staff recommended denial based on one of the parameters by the community that it's too close to residential and interior structure. Also, the parking issue. Can you explain the parking issue?

Mr. Hand said the parking count for a use like this is based on the number of rooms. They have requested, at the Board of Zoning Appeals, a variance. I believe it was seven. The requirement was seven total. That was denied. Depending on the decision tonight and what Mr. Thomas wants to do with his property, if denied, they would still have to meet a parking requirement. We would have to work with staff to figure out what that is. If denied and only five people, unrelated, were to live there, I think it's five parking spaces off street, but I would have to double check.

Commissioner Ramirez asked, are there five parking spaces available on this street for that purpose?

Mr. Hand said, again, the parking requirement is for off street so they have to find it on their parcel. Without seeing a site plan, I couldn't say that for sure. It's a pretty small parcel. It's a pretty tight backyard. It's off of an alley. There is an accessory structure in the backyard. My guess would be that would either have to be rehabilitated or probably removed, and then maybe have to go with some carports because there is a covered parking requirement in that zone district. I think it's plausible, but I couldn't say for sure unless I saw a site plan. It's tight, though. **Commissioner Ramirez** said yeah. I can see here on the picture.

Commissioner Townsend said I'm going to get to the chase. This body, and everyone present listening, has heard what the desires of those people who have lived there, as I do right in that neighborhood, those who worship there. It really just steams me. I can't say it any other way that while those who come from outside the community and seek to do well think they can know better than those who live, worship, work in these neighborhoods every day.

I will let you know that when neighborhood residents brought to my attention that there was work being done on that house back in December 2019, I was given a phone number for Mr. Thomas but I did not hear back. It was a Wichita number. That's not the most disturbing thing.

We heard last month by the same ministry at a different location, again in District One, that although this group has been about this business for ten years, they didn't realize they needed a permit. There is a concept that, certainly, if you've done business that long in a particular area, you should have known. You should have made reasonable inquiries. This is a business. That was not done.

With regard to incidents that have taken place. As recently as May of this year, there was a drive-by with the targets being aimed at that house. There were, I believe, the report said something like 23 shell casings found. Luckily, no one was injured, but bullets don't have eyes. There has never been, to my knowledge, in that area a drive-by. That is what this house and organization have brought to that neighborhood.

Ms. Jefferson eloquently talked about the hope given to that area, specifically that neighborhood, and even on a broader scale throughout District One in the Northeast Master Plan. That was one of the first things that I brought to the Council years ago when I came in. We want to see that followed through on. That plan does not call for any group homes.

Again, it's despairing to see groups who say they mean well, come into areas like District One, in this particular neighborhood, to do good. Deference should be given to those people, as I said before, who live there every day. They deserve to live quietly, peacefully, look forward to the upgrade of their homes without a group home coming in.

I don't know where he is tonight, but previously, Mr. Anthony Adair had testified and talked about, and I followed up and looked at, the number of persons with sexual offenses who have resided and/or currently resided in that home since 2019. This is not the type of situation that we want or need in that neighborhood, as you've heard many of the neighbors and the church say today.

While this is great that you have these organizations, I think they should give more sensitivity to how they go into a neighborhood. I believe it's a little bit late now to try to go back to do what should have been done in 2019. The outcome may have been the same, but at this point, I don't believe that's any reason to go against what the Planning and Zoning and the neighborhood have said they want.

Action: Commissioner Townsend made a motion, seconded by Commissioner Johnson, to uphold the denial of the Planning and Zoning Commission and deny Special Use Permit Application SP2023-041.

Mayor Garner said I'd just like to add to that. I believe the work of some of these non-for-profit groups are great, but I think, just my personal opinion is that Wyandotte County is oversaturated with non-for-profit groups trying to do good work, nevertheless. We support that work because the need is great. The resources in Wyandotte County aren't as great, and you're talking about an area that has been disenfranchised and disinvested for far too long. The Northeast area is more than group homes, potholes that need to be filled, parks that are in disrepair, liquor stores, and things that just wreak of urban blight and decay. These types of initiatives don't do anything to bring the community up.

I can tell you I've heard that there may be sex offenders in these homes. I believe it'd be hard-pressed to find any developers that want to do any extensive economic development in those areas knowing that. You've got schools in the area. You got churches in the area and that is a great concern to the community. I think this community, Wyandotte County in itself, especially Kansas City, KS, we need to move beyond being viewed as the home base for homelessness and the portal for poverty, period. Our residents have sacrificed too much for too long and they deserve better. Reinforcing these types of resources in these areas don't further any type of resurgent, revitalization, or anything of that nature in these areas. What it does is it anchors these areas in poverty and urban decay and the ghetto. Our residents need to move beyond the ghetto. They don't want a hood, they want a neighborhood.

I know a lot of these organizations, a lot of these leaders come from other cities. My question has always been, why Wyandotte County? Why Kansas City, KS? Take these back to your city and see what Shawnee says. Take it to Overland Park. Take it to Shawnee. Wyandotte County and our community is not and cannot continue to be viewed as being the armpit of the metro. We have a huge minority population here between Black and Brown folks and that perception needs to change because our residents deserve better. We cannot be this huge diverse population in the metro and others view us as being this place where you send all the people you don't want and put them in our community.

I stand firm with the community in the Northeast and these neighbors that are saying we don't want this, not because it's not a good program, but you need to just find another location to do your program. I stand with our two commissioners in this regard, and I hope the Commission will see value in those two motions that are made by Commissioner Townsend and, I believe, Commissioner Johnson.

Commissioner Ramirez said just clarification for how we vote. An aye vote is to uphold. A no vote is to not uphold. **Mayor Garner** said correct. **Commissioner Ramirez** said uphold the denial. Is that correct, Counsel?

Angela Lawson, Acting Chief Counsel, said I want to make sure how the motion was made. A yes vote would be to uphold the denial.

Commissioner Townsend said I wanted to say, also, that while we talk about what we don't have but hope to achieve, the one thing that needs to be recognized is the strength of the residents who have been there and have been jewels for the community, as you see tonight, despite what's not there and what we hope to see come. People appreciate and are steadfast in supporting what's there. That is the strength of that community. I want to recognize those who are there tonight who have come to say that this is our community and we want better. We are looking to have better and receive it, and we are going to defend what we have there. Kudos to those residents who came out.

Mayor Garner said I'd just like to add. If there's any developers out there that may be watching, just know, this community wants a grocery store. They want restaurants. They want amenities. They want housing that is affordable at all income levels. They want infrastructure that reflects the rest of vibrant communities. So, any developers out there, let's bring those to the Northeast, in our downtown, and east of 635; not liquor stores and halfway houses. Take it somewhere else.

Ms. Lawson said as the Commission goes through their vote, I would advise them to put their reasoning for their particular vote, perhaps referring back to the golden rules for this vote, even though it's a special use permit. They may wish to articulate their vote based on those reasons.

Commissioner Townsend said a question about that. This is a motion to uphold what the Planning committee has done. I question that any more rationale is needed than that. **Ms. Lawson** said it can also be based on staff's recommendation and the Planning Commission's vote.

Mayor Garner said hold on, Counsel. I believe that the way it's written is that they're just voting, correct? **Ms. Lawson** said but there have been comments made on the reason, so I ask that everyone clarify their reasoning for their particular vote.

Mr. Hand said, Mayor, you could ask the maker of the motion to provide the reasoning. **Mayor Garner** asked, Commissioner Townsend, can you restate your motion with the reason?

Commissioner Townsend said well, let me say on the record, I don't think that really is necessary or appropriate, but since it's been required, yes. The motion was to uphold the denial of this SUP by the Planning committee. You've heard strong, credible support in opposition from the neighborhood. There have been violations already there. There has been detriment to the neighborhood based on testimony made at the previous hearing and tonight. It does not support the growth or benefit of this neighborhood.

Commissioner Burroughs said this is for Legal. Legal, I'm sorry. Let me go to Gunnar first. Gunnar, this facility was not operating with a permit to begin with, correct? **Mr. Hand** said that is correct.

Mayor Garner said just as a point of order and clarity. It just normally in most circumstances, our Commission does not have to give a reason for their vote. I think it was a request from our Legal just in case there were some questions that may have some legal implications and concerns from our Legal Department, but normally, the commissioners do not have to give a rationale, reason for their votes. They either vote yes or they vote no in most instances.

With that being said, are we clear on the motion? I believe, Commissioner Johnson, you seconded it. **Commissioner Johnson** said definitely. I agree with you, Mayor. We should not have to have some reason for it. I do agree with Commissioner Townsend and I seconded her motion.

Ms. Lawson said because it's been clarified with the motion, I don't believe any further clarification is needed.

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

Item No. 4 – 212808...SPECIAL USE PERMIT APPLICATION SP2023-063 - SUMEY RABIE

Synopsis: Special Use Permit to operate an auto repair shop at 927 Kansas Avenue (SP-2020-97 expired 8/5/2023), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Sumey Rabie, seeks a renewal for a Special Use Permit to operate an automotive repair, auto body and used vehicle sales business at 927 Kansas Avenue. The Planning Commission voted 7 to 0 to recommend denial of Special Use Permit Application SP2023-063:

1. The applicant failed to complete SP-2020-97 conditions of approval requiring site improvements, and other mitigation measures to buffer the use from the adjacent residential properties

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to deny Special Use Permit Application SP2023-063.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 5 – 212809...SPECIAL USE PERMIT APPLICATION SP2023-065 - UMED SAIDOV WITH FRANKS MOTORS INC.

Synopsis: Special Use Permit to operate an auto repair shop at 402 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Umed Saidov with Frank Motors, Inc., seeks a Special Use Permit to operate a used automotive dealership in one (1) tenant space of a multi-tenant building at 402 Osage Avenue. The Planning Commission voted 7 to 0 to recommend denial of Special Use Permit Application SP2023-065.

1. The applicant failed to complete SP-2019-98 conditions of approval requiring site improvements, specifically:
 - a. Planting 11 trees to comply with the Commercial Design Guidelines;
 - b. Parking spaces – both for customers and vehicles that are for sale or being repaired are not in striped, designated parking spaces; and,
 - c. Vehicles are double stacked throughout the property, which does not comply with the Parking Code; and,

2. Vehicles are parked on the property, in an unorganized manner on an unimproved surface has resulted in an overcrowding of land thereby violating Factor to Be Considered #12.

Action: Commissioner Bynum made a motion, seconded by Commissioner Kane, to deny Special Use Permit Application SP2023-065. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

(The above item was later set aside and heard before the Public Hearing Agenda with reverse action taken.)

Item No. 6 – 212809...SPECIAL USE PERMIT APPLICATION SP2023-069 - NEAL PALMER

Synopsis: Special Use Permit for a Short-Term Rental at 2520 North 131st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Neal Palmer, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2520 North 131st Street. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 2520 block of North 131st Street. This short-term rental has been operating without permits since 2022. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-069, for one (1) year, subject to:

1. All repairs identified in the home inspection report shall be completed prior to renewal of this Special Use Permit;
2. The driveway apron shall be paved to UG standards by no later than September 1, 2024 and after major construction of the nearby school is nearing completion and major construction traffic is reduced on N 131st Street.
3. Maximum number of guests shall be 7;
4. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include

the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);

11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. If approved, occupying businesses must file and maintain a current business occupation tax application with 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 one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the

associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

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

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2023-069 for one year, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 7 – 212793...SPECIAL USE PERMIT APPLICATION SP2023-070 - SARAH CATHERINE BELARDE

Synopsis: Renewal of a Special Use Permit (SP2022-068, expired 10/6/2023) to operate a Short-Term Rental at 3008 South 9th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicants, Sarah Belarde and Javier Saenz, are requesting a renewal of a Short-Term Rental Special Use Permit (SP2022-068, which expires 10/6/2023) to continue to operate a short-term rental at 3008 South 9th Street. This is not the owner’s primary residence. This will continue to be the only permitted short-term rental on the 3000 block of South 9th Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-070, for two (2) years, subject to:

1. Maximum number of guests shall be 7;
2. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;

6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, occupying businesses must file and maintain a current business occupation tax application with 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 two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2023-070 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 8 – 212794...SPECIAL USE PERMIT APPLICATION SP2023-073 - OSCAR FLORES-URRIITIA

Synopsis: Renewal of a Special Use Permit (SP2021-066, expires 12/9/2023) to operate a dog kennel at 4001 North 74th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Oscar Flores, is requesting a renewal of a Home Occupation Special Use Permit to continue the operation of a dog daycare and boarding facility at the address of 4001 North 74th Street. The applicant utilizes their three-car garage as the daycare and boarding facility with an outdoor, fenced-in, run/play area. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-073, for five (5) years, subject to:

1. The following comments from the Wyandotte County Conservation District remain in effect:
 - a. Some of the area has been covered with gravel. If animals are to be allowed to run here, clean up after them will be harder.
 - b. The sod area looks good. Animal waste needs to be cleaned up on a daily basis and disposed of in a proper manner;
2. The following conditions from the previous approval of SP2021-066 remain in effect:

- a. Applicant maintains proof of Kansas Boarding License and continuously maintains the license through the life of the permit (if approved).
 - b. Ensure the entire area that dogs will access is fenced in to prevent escape or public nuisance;
3. 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;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. 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;
6. 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;
7. 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.
8. Lighting shall be installed to have a 90-degree cutoff;
9. 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;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
13. 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;
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 five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

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

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2023-073 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

MASTER PLAN AMENDMENT APPLICATIONS

Item No. 1 – 212795...MASTER PLAN AMENDMENT APPLICATION MPL2023-007 - TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP

Synopsis: Master Plan Amendment from Low-Density Residential to High-Density Residential (City-Wide Comprehensive Plan) to convert a school into apartments at 290 South 10th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously heard in conjunction with Change of Zone Application COZ2023-012.

Item No. 2 – 212801...MASTER PLAN AMENDMENT APPLICATION MPL2023-010 - JACKSON TAYLOR WITH TWG DEVELOPMENT

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to High-Density Residential (City-Wide Comprehensive Plan) to construct an apartment complex at 745 North 78th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously heard in conjunction with Change of Zone Application COZ2023-020.

Item No. 3 – 212803...MASTER PLAN AMENDMENT APPLICATION MPL2023-013 - LONDON FLIGER WITH ATLAS LAND CONSULTANTS

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to Medium-Density Residential (City-Wide Comprehensive Plan) at 3009 North 57th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously heard in conjunction with Change of Zone

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212804...SPECIAL USE PERMIT APPLICATION SP2023-019 - TIMOTHY OKEOWO WITH REDEEMED CHRISTIAN CHURCH OF GOD

Synopsis: Special Use Permit for the Temporary Use of Land to keep a shipping container in the parking lot of a church at 8155 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Timothy Okeowo, is requesting a Temporary Use of Land Special Use Permit to keep a shipping container in the parking lot of the Redeemed Christian Church of God at 8155 Parallel Parkway. The applicant intends to store furniture in the container for this church as well as potentially for other church locations. This Special Use Permit is the result of an active Notice of Violation. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application SP2023-019, for two (2) years subject to:

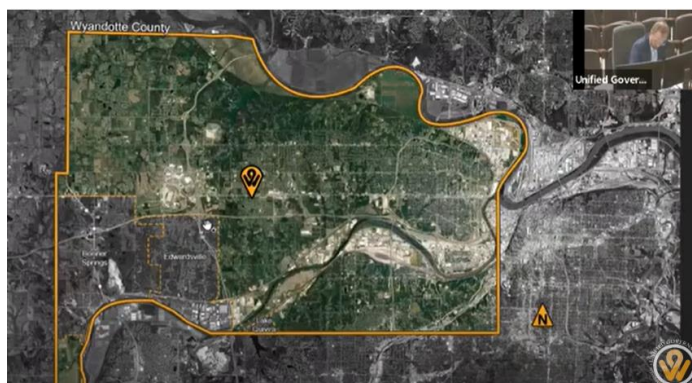
1. The container must be moved to the southwest corner of the property/parking lot;
2. All unpermitted signs on the property must obtain a sign permit;
3. All code enforcement citations must be closed;
4. The applicant shall install additional landscaping along the north and west sides of the property;
5. The abandoned pole sign on the property must be removed;
6. 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;
7. 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;

8. If approved, the applicant must file and maintain a current business occupation application with this office;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
12. 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;
13. 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;
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 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;
15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. Because this is a Temporary Use of Land, this Special Use Permit may not be renewed. The trailer must be removed from the premises;
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; and,

17. 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 unless otherwise determined by the Director of Planning or their designee. The failure to satisfy all conditions of approval after one (1) year or the term identified by the Director of Planning will result in automatic termination of this Special Use Permit. Termination is not subject to the revocation process identified in Section 27-214(i).

Case	
SP2023-019	
Petitioner	Address
Timothy Okeowo	8155 Parallel Parkway
Synopsis	
To approve a Temporary Use of Land Special Use Permit to keep a storage container on the property to store furniture for church operations.	

Gunnar Hand, Director of Planning and Urban Design, said the special use permit is a temporary use of land for a special use permit for a storage container. Again, a temporary use of land. A SUP can only be approved for two years maximum. This is in relation to, again, a storage container for furniture related to a church.



This is in the Citywide Comprehensive Plan area in the Midtown neighborhood. Staff received no letters of support. At the first City Planning Commission hearing, there was a member of the public. The adjacent property owner had issues that staff felt there was a nexus related to it as that shipping container is in a parking spot and the adjacent property owner had some parking issues with this use. The Planning Commission did not agree with that nexus, but I thought it was important to state here.

There are notices of violation on this property that need to be rectified.



Staff agrees with Planning Commission's recommendation for two years maximum with those conditions. Again, the conditions being to rectify the notice of violation to move the container from this corner to the southwest corner, and provide some additional screening, and to remove an illegal sign on the site.



October 26, 2023



On Mon, Sep 18, 2023 at 2:47 PM Molloy, James <jmolloy@wycokck.org> wrote:

Timothy,

It was a pleasure speaking with you on Friday. I just want to follow up and ensure you understand that the following will be conditions of your approval:

1. The container must be moved to the southwest corner of the property/parking lot;
2. You must install additional landscaping, either trees, shrubs, bushes, etc along the west and north property lines;
3. The pole sign must be removed; (if it is replaced, a sign permit application shall be filled out);
4. The remaining drive thru signs and any other new signage on property must be permitted; and,
5. Following all other standard conditions of approval.

Please respond to this email either indicating that you agree or you disagree with what our conditions.

From: Timothy Okeowo
Sent: Monday, September 25, 2023 11:47 AM
To: Molloy, James <jmolloy@wycokck.org>
Subject: Re: SP2023-019 - Follow-Up

Hello James,
This is to notify you that we agree to the terms outlined in your email.
Thank you.

Sincerely,

Timothy Okeowo
Pastor
RCCG Agape House
8155 Parallel Pkwy, Kansas City, KS 66112

On Mon, Sep 18, 2023 at 2:47 PM Molloy, James <jmolloy@wycokck.org> wrote:

Public Opposition	Public Support
There was opposition expressed by the adjacent property owner's representative not related to this application, but to the operation of the church in general at the September 11, 2023 City Planning Commission hearing.	None to date.

Staff Recommendation

Approval

Mayor Garner said I'll ask the representative/petitioner to present the application.

Timothy Okeowo said we have reached an agreement with the county, and we would move the container as we have been asked to do so. So, yes.

Mayor Garner said I'll now open the public hearing. Clerk, have you received any notifications from individuals who wish to express their comments in favor of the item? **Ms. Sparks** said no

October 26, 2023

comments have been received. **Mayor Garner** asked, is there anyone present who'd like to speak in favor of this item? (No one appeared.) Clerk, is there anyone joining us virtually who'd like to speak in favor of this item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present in the audience who'd like to speak in opposition? (No one appeared.) Clerk, is anyone joining us virtually who'd like to speak in opposition to this item? **Ms. Sparks** said no hands are raised.

Mayor Garner said I will close the public hearing. Petitioner, you can make some closing comments if you'd like.

Mr. Okeowo said we have started the operation to move the container. We would abide by every requirement that the Planning Commission has given to us.

Action: **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2023-019.**

Commissioner Townsend said I did have a question for the applicant. What is the long-term plan for the storage of this equipment for the subject church or other churches? These are not the most visually inviting units to have out on property at all. I know from the time that I've been on the Commission, there had been a move for a while to use these storage containers. It doesn't seem like the type of thing we really want to see for Wyandotte County. So, I am wondering what is the long-term plan for this and why didn't the church seek a different type of storage situation?

Mr. Okeowo said we do plant churches regularly. We do get donations and we do procure church items from time to time to be moved to the locations by which the churches have been planted. We didn't know that this was going to be an issue when we brought the container. We have asked for two years. We have been told we could only have this for two years.

We've also been told to move it away from where it's located now. We're in no way in the way of our neighbor. We are in no way obstructing anything because the container is not even on the parking lot. The container, if you look at the picture, the view, if you look at it, it's on the

corner. It is not obstructing anything. It's not in the way of our neighbors. I don't know why this should be an issue, but now that we have been told it's an issue, we would move it. We have been given two years to (inaudible).

We are seeking for two years permit, after which we would look for another home outside of Wyandotte County to be able to keep storing our items for new churches. It was just a lot of surprise for us that we could not have an additional storage, and we will comply with the City Planning Commission. We'll comply with whatever they have said. We would move it accordingly.

Commissioner Townsend said thank you for your explanation. These things are unsightly. I used to work for a freight transportation company so I'm very familiar with what they look like. They don't necessarily add to the beautification of any neighborhood. I think what's important for me that you said that your plan is this will be a temporary situation and you have long-term plans for storage.

Commissioner Burroughs said I appreciate Commissioner Townsend's comments in reference to how they're viewed. I'm quite familiar with this piece of property. I'm also aware that there's a number of businesses that have a frontage on that that face the road. I just don't think it's fair to them to have something as unsightly as a container stuck in the corner of the parking lot. I don't care if it's covered by trees or not available to be seen from the street. It's still not fair to them. If you need storage, we have public storage facilities that can be utilized to store furniture. I'm not trying to sound insensitive. I just believe that this corner business should not have a container on its property to impact the view and/or the presence of the businesses along the storefront. I would hope that we, as a body, be prudent in looking at how we are viewed when we have containers stored all over our property in individual property areas. That's just my comment.

Commissioner Stites said I think two years is a pretty dog-gone gracious amount of time to have an unsightly shipping container sitting there. Does the church have a basement or a garage? Can the applicant answer that? Do any of the churches have basements or a garage?

Mr. Okeowo said we do not have a basement. We have a fellowship hall that we do allow the public whenever they approach us to use. We do not have a basement. Again, we would at the expiration of the two years, we'll make sure that this is removed from the premises.

Commissioner Stites said I can appreciate the answer of two years, but that's two years that other people have to look at it. **Mr. Okeowo** said it will be moved to the southwest corner of our building. It's no longer on Parallel Parkway.

Mr. Hand said, Commissioner, if I may. This Board has the authority to reduce the amount of time, if you can get eight votes to change the recommendation of the Planning Commission.

Commissioner Stites asked, is that an 8 x 20 shipping container; a 20 foot shipping container? **Mr. Hand** said yes. I think that's correct. It's a smaller one.

Commissioner Stites said we have places that have shipping container storage here. As a matter of fact, in Wyandotte County. That can be resolved this weekend. I think a year is too long, to be honest. I think it's unfair to the other businesses around there. We wouldn't allow a dumpster to not be shielded and quite frankly, dumpsters look a little bit nicer when you see the trash that is all around it and it's grown up. I'm not in favor of it being there at all. I know there's already been a motion.

Mr. Hand said what I would say, just as a matter of fact, if this Commission chose to amend their recommendation to a lesser year, or six months, or whatever it may be, the applicant could come back and ask for a renewal for up to that two years still. So, just as a course of action that they hypothetically get six months to get out, three months to get out, he could come back in three months and request an extension of it to two years. You'd either get another bite of the apple or they could come back. Does that make sense? **Commissioner Stites** said yes, it does.

Commissioner Stites said, let me ask you this. So there's multiple churches is what I'm understanding, right?

Mr. Hand said I believe this church, as the applicant mentioned, they plant a lot of other churches. So, he's creating a network of churches, yes.

Commissioner Stites said so maybe there's a location at one of these other churches. I think this kind of goes back to like what we were talking about in the downtown Northeast area, right, of unsightly. Accepting what's not sightly or what the people in the area don't want to see and accepting it. I think this is the same situation. Take it somewhere else. Take it out of Wyandotte County. We don't allow it anywhere else. I'm not in favor of it sitting there at all.

Action: **Commissioner Bynum** said I'm willing to retract my motion. I would ask **Legal** for assistance in how to properly do that. **Commissioner McKiernan** said, **withdraw my second**. **Ms. Lawson** said I think you'd done it.

Commissioner Burroughs said I want to ensure that now we don't have a motion. We could make a motion for denial altogether and that would remedy the situation it would be done, right? **Ms. Lawson** said that is correct.

Action: **Commissioner Burroughs** made a motion, seconded by **Commissioner Stites**, to deny **Special Use Permit Application SP2023-019**. Roll call was taken and there were eight "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites; and one "No," Bynum.

Item No. 2 – 212740...SPECIAL USE PERMIT APPLICATION SP2023-047 - LANCE PIERCE WITH KARAT VACATION RENTAL MANAGEMENT (CONTINUED FROM 9/28/23 MEETING)

Synopsis: Special Use Permit to operate a Short-Term Rental at 3917 Fisher Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 3917 Fisher Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 3900 block of Fisher. The Planning Commission voted 6 to 2 to recommend approval of Special Use Permit Application SP2023-047, for one (1) year, subject to:

1. The sidewalk in front of the property shall be repaired and/or replaced;
2. The utility line hanging above the front yard must be raised or relocated;
3. All steps must have a secured handrail installed;
4. Trees must be trimmed in a manner to not impact the utility line above;

5. Maximum number of guests shall be six (6);
6. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
9. Applicant is to maintain liability insurance;
10. The property must remain in proper maintenance and free of hazards, pests, or infestations;
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
13. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
14. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
15. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
19. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning

Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

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

Case	
SP2023-047	
Petitioner	Address
Lance Pierce & NeShae Wells	3917 Fisher Street
Synopsis	
To approve a Special Use Permit for a short-term rental. This is not the owner's primary residence.	

Gunnar Hand, Director of Planning and Urban Design, said this case was held over from the August agenda, I believe. No, sorry. Last month's agenda. This is a special use permit for a short-term rental. It is non-owner occupied.



This one's located in the Rosedale Area Plan.



Staff had received no letters in support; no letters in opposition.



There are no notices of violation associated with this parcel.



October 26, 2023

Public Opposition	Public Support
None to date. Three (3) members of the public attended the 9/11/2023 City Planning Commission hearing to express opposition to short-term rental and this proposed project.	None to date.
Staff Recommendation Approval	

Mayor Garner said I'll ask the applicant, you can make some comments or remarks.

Lance Pierce, 3917 Bell St., KCMO, said I'm seeking a short-term rental for the Fisher address. We have addressed a lot of the concerns that you guys have raised, so I think we are kind of all in line. What we haven't addressed already, we've got planned to have addressed.

Mayor Garner said I'll now open the public hearing. Clerk, have you received any notifications from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of the item? (No one appeared.) Clerk, is there anyone joining us virtually who'd like to speak in favor of the item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from anyone who would like to express their opposition to this item? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present who would like to speak in opposition to this item? (No one appeared.) Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I will now close the public hearing. Petitioner, you can make some closing comments if you'd like.

Mr. Pierce said I don't have any comments unless you guys have questions.

Mr. Hand said as a point of clarification, I misspoke earlier. I apologize. I said there was no opposition. We didn't receive any letters, but there were people at the Planning Commission hearing that did speak in opposition to it. So, I'm sorry for that mistake.

Commissioner Ramirez said this is in my district. It's literally the street behind where I live. The neighborhood that this is in it's very quiet. It's very family-friendly. I know this will be the first one on the block, which under our new rules would negate no other STRs to apply within this 3900 block. I do see that part of the conditions of approval are repairing the sidewalk or be replaced, the utility line, steps secured, handrail raised or installed. Again, going to the Rosedale Master Plan, this is zoned as a single-family home. Unfortunately, in Rosedale, we have a lot of conforming and non-conforming STRs to our code. I do not think this one should. I think it should remain as it is as this part of Rosedale, this neighborhood, has not been touched yet by an STR as far as we know. I don't want to start that yet.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Burroughs, to deny Special Use Permit Application SP2023-047 based on non-conformity to the neighborhood and non-conformity to the Rosedale Master Plan.**

Commissioner McKiernan asked, Mr. Hand, was this one of the properties that was operating as an unpermitted STR? **Mr. Hand** said no.

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

Item No. 3 – 212744...SPECIAL USE PERMIT APPLICATION SP2023-061 - TATUM PHILLIP (CONTINUED FROM 9/28/23 MEETING)

Synopsis: Special Use Permit to operate a Short-Term Rental at 809 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Tatum Philip, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 809 Central Avenue. This is not the owner's primary residence. This would be the first and only permitted

short-term rental on the 800 block of Central Avenue, though the owner had already been operating a Short-Term Rental without a permit at this address for over two (2) years. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application SP2023-061, for one (1) year, subject to:

1. The entire rear yard of the residence is paved over. The applicant shall modify the driveway to provide the required 60% open space in the rear yard. Demonstrate how the applicant intends to meet this requirement. If the applicant cannot meet this requirement, a variance application shall be filed for;
2. The applicant shall install landscape screening around the air conditioning unit in the rear yard;
3. Maximum number of guests shall be six (6);
4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
12. If approved, occupying businesses must file and maintain a current business occupation tax application with 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 one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
20. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
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.
22. If the basement is to be converted into a fourth bedroom, a building permit must be obtained and subsequently closed out by the applicant to provide an egress window as per building code requirements.

Case	
SP2023-061	
Petitioner	Address
Tatum Philip	809 Central Avenue
Synopsis	
To approve a Special Use Permit for a short-term rental. This is not the owner's primary residence.	

Gunnar Hand, Director of Planning and Urban Design, said this is another special use permit for a short-term rental. This one, as the previous item, was also held over from last month.



This one is in the Central Area Plan.



Staff received no letters of support; no letters of opposition.

October 26, 2023



There are no notices of violation related to this property.



Staff agrees with Planning Commission and recommends approval for one year with conditions including a maximum of six people at any time on the property, and a maximum of two cars off street only at any time.

This property does need to address a violation in the rear yard. It's completely paved in the rear yard violating the open space issue. If you remember, we had a case similar to this with a short-term rental. We made them come in and just do the parking strips, so there is a solution here. We'd have to follow up with that. The applicant may reach out for a BOZA if they want to go

that route as well, but that is part of the conditions of approvals to rectify this, as well as to provide some additional enhanced screening.

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 your comments or application.

Tatum Philip, 809 Central Ave., said I missed everything. I've been on hold for a while. I'm so sorry. I'll just tell you what I know. I purchased this house and I did not realize I needed a permit at the time. When I found out about Kansas City, MO, needing permits for Airbnbs, I looked into Wyandotte. I saw I needed one and I immediately filed. Was there anything else you were wanting to know about my case? **Mayor Garner** asked, what's your request, ma'am? **Ms. Philip** said I am filing or asking for a special use permit to do short-term rental at my property.

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 the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is there anyone present in the audience who would like to speak in favor of this item? (No one appeared.) Clerk, is there anyone joining us virtually who'd like to speak in favor of the item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from anyone who wish to express their comments in opposition? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present who would like to speak in opposition to this item? (No one appeared.) Clerk, is anyone joining us virtually who'd like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I will now close the public hearing. Petitioner, applicant, you can make some closing comments if you'd like.

Ms. Philip said I'm good. Thank you.

Commissioner McKiernan said, Mr. Hand, the applicant just gave her address as 809 Central and that's the address of this STR. Will this be owner occupied? **Mr. Hand** said no, it is not.

Commissioner McKiernan said so the applicant does not live at 809 Central. **Mr. Hand** said no.

Commissioner McKiernan said if I may ask the applicant. What is your home address?

Ms. Philip said it's 701 Berkley Parkway, KCMO.

Commissioner McKiernan said thanks. For the benefit of everybody else who comes before us, that's what we're asking for when we ask for your name and your address, not the address of the property that's under consideration.

Commissioner McKiernan asked, Mr. Hand, was this property operating without a permit? **Mr. Hand** said yes. This one came out in from the cold. It's been operating for about two years.

Commissioner McKiernan asked, during that time, other than the completely paved backyard, which needs to be remediated, were there any other code violations? **Mr. Hand** said no.

Commissioner McKiernan said you said that during the public hearing there were no comments either in favor or in opposition. **Mr. Hand** said that's correct. **Commissioner McKiernan** asked, during the time that it was operating without a permit, were there any neighborhood complaints regarding tenants of this facility? **Mr. Hand** said none reported. **Commissioner McKiernan** asked, were there any police calls for service recorded at this address? **Mr. Hand** said no.

Commissioner McKiernan said I would move to approve this request with the stipulation that the parking in the rear of the building be remediated per the suggestion from Planning and Zoning regarding the parking strips.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2023-061 for one year, subject to the stipulations.** Roll call was taken and there were nine "Ayes,"

Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 4 – 212807...SPECIAL USE PERMIT APPLICATION SP2023-062 - RACHEL MILLS

Synopsis: Special Use Permit to operate a drinking establishment at 612 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Rachel Mills with Dewey's LLC, seeks to operate a drinking establishment in a former restaurant (Sarah's on the Hill and Free State Pizza) at 612 North 5th Street. The Planning Commission voted 5 to 2 to recommend approval of Special Use Permit Application SP2023-062, for two (2) years, subject to:

1. Hours of operation shall be:
 - a. Thursday, Friday and Monday: 5:00 PM – 12:00 AM.
 - b. Saturday and Sunday: 10:00 AM – 12:00 AM.
 - c. Tuesday and Wednesday: Closed;
2. If a commercial dumpster is placed on west side of the building, it shall be fully enclosed with an opaque screen (wood privacy fence) and door to screen the dumpster from public view;
3. Sidewalks shall remain clean and clear of trash and debris;
4. Alcohol can only be provided by licensed vendors;
5. No amplified speakers are allowed in outdoor spaces;
6. Live entertainment – any music that is performed in-person by an individual group, or played through speakers via jukebox, karaoke, etc. is required to have a Special Use Permit;
7. Rideshare will be available for customer transportation;
8. Stripe the parking lot in the rear of the property for the apartment units;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. The office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
11. 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;
12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The

Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
14. 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.
15. No outdoor seating area or drinking outdoors is allowed. All patrons must stay inside of the building in order to minimize noise and other impacts to the surrounding residential neighborhood.

Case	
SP2023-062	
Petitioner	Address
Rachel Mills	612 North 5 th Street
Synopsis	
The applicant seeks to operate a drinking establishment in a former restaurant (Sarah's on the Hill and Free State Pizza).	

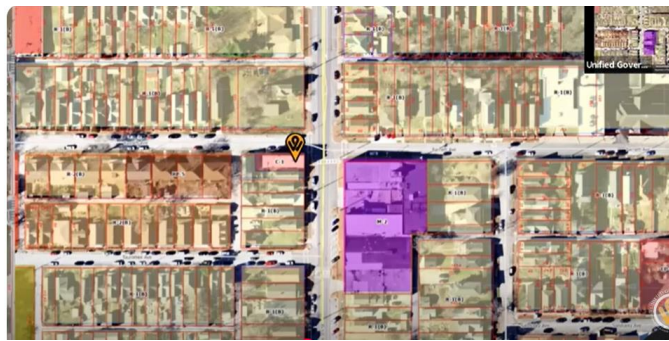
Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for a drinking establishment. This is the old Chente's and formerly Sarah's on the Hill.



This is in the Central Area Plan.



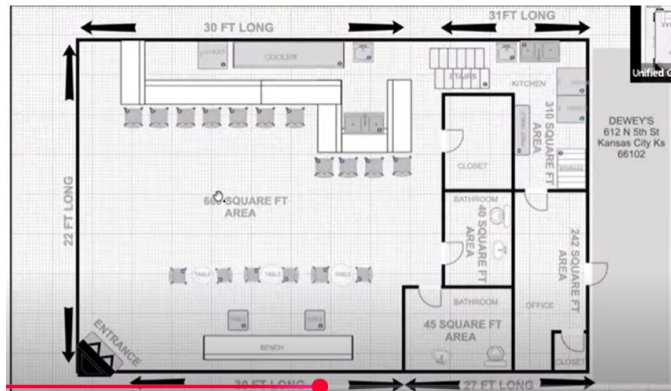
Staff received no letters of support.



There was one member of the public in opposition at the City Planning Commission earlier this month.



There are some older notices of violation on the property. All have been remediated and rectified.



Staff agrees with Planning Commission's recommendation for approval for two years.



October 26, 2023



Public Opposition	Public Support
One (1) member of the public attended the 10/9/2023 City Planning Commission hearing to express opposition.	None to date.
Staff Recommendation	
Approval	

October 26, 2023

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

Rachel Mills, 501 Beach St., KCK, said I'm applying for a special use permit for a drinking establishment at the location of 612 North 5th St., Kansas City, KS.

Mayor Garner said I'll now open the public hearing. Clerk, have you received any notifications from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is anyone in the audience who would like to speak in favor of this item? (No one appeared.) Clerk, is anyone joining us virtually who'd like to speak in favor? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition to the item? **Ms. Sparks** said no comments were received. **Mayor Garner** asked, is anyone present in the audience who's like to speak in opposition to this item? (No one appeared.) Clerk, is anyone joining us virtually who'd like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I'll close the public hearing. Petitioner, applicant, you can make some closing comments if you'd like.

Ms. Mills said I have no closing comments. Thank you.

Commissioner McKiernan said I'd just like to clarify from the applicant. You do live in Kansas City, KS? Is that what I heard? **Ms. Mills** said I live in Edwardsville, KS.

Commissioner McKiernan said, Mr. Hand, remind me. Are there any conditions for this approval in the staff report?

Mr. Hand said yes, sir, there are. There's the standard conditions that we apply to all drinking establishments. At the City Planning Commission hearing, I believe based on the concern of the person in opposition there, they added two conditions. One was to change the hours of

operation to cease at midnight. They were originally proposing 1:00. Again, bars can go till 2 AM in the state of Kansas. The other one was to say that they could not have outdoor seating for this bar. Again, it's not a restaurant anymore, it is a bar, so it's a different use. They didn't want this specific business to have the benefit of the streets for people ordinance.

Commissioner McKiernan said so then this staff request for action does include those two stipulations as you just stated. **Mr. Hand** said that's correct. We carried those over from Planning Commission into there. I should have mentioned in my opening comments. I apologize.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2023-062, as submitted for two years, subject to the stipulations.**

Commissioner Ramirez said just curious before voting. What was Planning Commissioner Miller and Mohler's reasoning for not voting for approval of this item?

Mr. Hand said I think they cited with the applicant and they felt that there were too many—there's a growing concentration of bars on this street.

Commissioner Burroughs asked, do we have an ordinance about how close you can be to a recreational facility? I know we have a lot of young people that are utilizing that area for track practice and outdoor athletics, so I'm just kind of curious if there's an ordinance about how many feet they have to be away from a place like that.

Mr. Hand said the only use that requires a buffer in our ordinance is a liquor store.

Roll call was taken on the motion and there were eight "Ayes," Bynum, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites; and one "No," Burroughs.

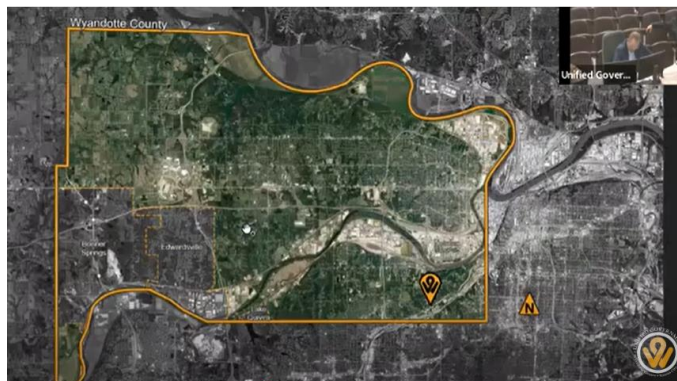
Item No. 5 – 212810...SPECIAL USE PERMIT APPLICATION SP2023-067 - MEGAN DUMA WITH MD RENTAL HOMES, LLC

Synopsis: Special Use Permit for a Short-Term Rental at 2706 Espenlaub Lane (SP2021-028 expired 8/5/2023), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Megan Duma, is requesting a Short-Term Rental Special Use Permit to operate a

short-term rental at 2706 Espenlaub Lane. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2700 block of Espenlaub Lane. There was previously a Special Use Permit on the property (SP2021-028), however, it lapsed in August 2022. The applicant has continued to operate despite this lapse. There is one (1) other unpermitted short-term rental on the block. Staff has informed that operator that they must cease operation. The Planning Commission voted 4 to 4 and provided no recommendation for Special Use Permit Application SP2023-067.

Case	
SP2023-067	
Petitioner	Address
Megan Duma	2706 Espenlaub Lane
Synopsis	
To approve a Special Use Permit for a short-term rental. This is not the owner's primary residence. There is one (1) other unpermitted short-term rental on this block of Espenlaub Lane.	

Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for a short-term rental. It is also non-owner occupied. This use and this owner had a previous approval for a short-term rental but did not apply for the renewal in time, so it is effectively now a new short-term rental application.

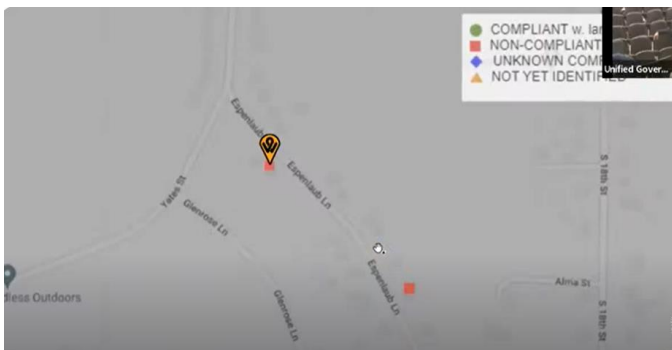


This is within the Citywide Comprehensive Plan area, just outside the Rosedale Area Plan. It's basically in Rosedale.

Staff received no letters of support. There was opposition to this case, I apologize, we have since received letters of support from the applicant after the Planning Commission. We have also received letters in opposition. There was opposition at the City Planning Commission hearing.

There are no notices of violation associated with this property.

Technically, at the Planning Commission, this ended in a 4-4 tie, which is no recommendation which by default, is a recommendation of approval. I'll just say staff sticks by its original recommendation of approval for one year with conditions seven people max, three cars off street max.





2706 Espenlaub Lane Plan With Exits

Public Opposition	Public Support
Two (2) members of the public attended the 10/9/2023 City Planning Commission hearing to express opposition.	None to date.

Staff Recommendation

Approval

Mayor Garner said, Applicant, you can present.

Megan Duma, 4520 West 65th St., Prairie Village, KS, said I'm about a 10-minute drive to this property. I've owned this property since November 2019. I've had no code violations on this property. I have three letters from my neighbors, two of them are directly adjacent to me, that are supporting my continued use because they've had no issues with any of my guests whatsoever.

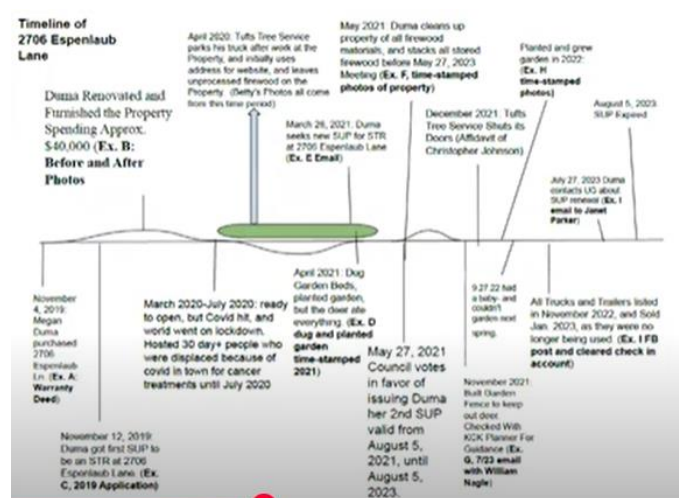
October 26, 2023

I also have planted my own family garden on this property. It's an organic garden. I'm at this property very often with my four children. I just think it's awesome and we like to hang out there because it's very beautiful.

Now, as you can see, I tied at the City Planning Commission meeting. That vote was a tie 4 to 4, which brings me to kind of a long-winded explanation as to how that happened. I have two neighbors, who I believe are present tonight, both live beyond 200 feet beyond my property so I realized that they did not get the neighborhood notification that's required. The list that got sent to me was only for those that are 200 feet within my property. One of them lives up the street on Shawnee Drive and one of them lives closer to Merriam Drive on Espenlaub Lane.

The person who spoke the most at the hearing in front of the City Planning Commission, her name is Bette McGill and she is here tonight. She is the write-in candidate for District 3 and lives on this street. As I was reaching out to the neighbors, who I got letters of support from, I started asking them what's going on with Bette. I am not the only one that she has targeted with false allegations. Before the City Planning Commission, she made false allegations about my family, about this property, and about myself. I have to go in and address these because she's going to stand up before you tonight and say the exact things that she did on October 9th. I have evidence that I've submitted to the City Clerk and I'd like to go through her allegations one by one, and I would like to submit my evidence refuting them.

To begin, I'd like to start with a timeline—is there any way to bring up my exhibits, like the timeline?



I bought the property on November 4, 2019, as you can see. I actually—before I even bought it, I bought it from a 60-year-old womanish named Christy Ferrel. A really nice lady. She was very much in support of me doing a short-term rental. I have other short-term rentals in the Kansas City area. I have this one. I have, hopefully, another one that is operating not as a short-term rental illegally in Strawberry Hill that I'll be in front of you guys with next month. Those are the only two that I have in Wyandotte County. I also have two in Kansas City, MO. I have one in Shawnee, one in Lenexa. I do this all over equally and I, hopefully, do as good of job all over.

I spent \$40,000 renovating this property. I have some before and after photos that you can see what I've done. It was mostly cosmetic renovations: tearing out old carpet, painting, things like that, and then furnishing it. All of these exhibits are part of this file, so if you would like to go through them after so we don't have to go through everything one by one.

I had my first special use permit issued in 2019 because Chris Ferrel, Christy, she let me start the application before I purchased the property. That was great. Then I spent six months renovating. Then I was ready to open, legally, March 2020 and the world shut down because of COVID and we were on lockdown. I ended up housing some people who were in town to do cancer treatments at KU Med. They had gotten kicked out of another more of a group living, not group living in the sense that we've talked about earlier, but a group living for patients seeking treatments. I wasn't sure what I was going to do with the property at that point. We had some short-term, some long-term through COVID. I wasn't sure what was going to happen so I didn't actually seek my new special use permit until March 26, 2021.

Now, about during this period, or just before this period, where it says April 2020 on the timeline, that actually should be April 2021, Tuft's Tree Service. Tuft's Tree Service is a one-man arborist, named Chris Johnson, who's my husband. He sometimes has one employee from time to time that helps him. If you ever had tree work done at your house, take tree limbs down, drag the brush and chip it. He was moving from Lawrence to move in with me in Prairie Village. We had purchased this property to start a garden, to do a short-term rental. We allowed him to park his truck and his trailer there at night. Chris thought it would be a good idea to start processing firewood for our own personal home, for our wood burning stove there. It became a mess. I came before you guys two years ago and I had remedied everything. We had stacked the wood. Chris was not putting any more firewood here. He's here tonight. He's going to testify as well. So, we

took care of everything but this really made Ms. McGill angry, this period of when it was kind of not looking good.

I got my permit despite her complaints last time, but this time she's going to come before you and she's going to show you the same photos from last time.

I got my second special use permit issued August 5, 2021 to August 5, 2023. During that time, Mr. Johnson, my husband, actually decided to shut down his tree business. We work together now. It took him about 11 months or so but he sold that trailer, he sold the truck. It's just hard sometimes for men to let go of trucks that they love. We were able to get that all taken care of. We did not do any of that in anticipation of being before you again asking for another special use permit for a short-term rental.

After this truck and firewood issue was resolved, Ms. McGill takes incredible issue with my garden. She accuses us of never having grown anything there. She says that we put up the world's ugliest fence. What this has to do with my short-term rental special use permit is absolutely nothing. I use this property personally. I use it for my own garden. My children, my dog, we go there and hang out.

My kids did the Endless Outdoors Program with Nick Christianson just across the way, like we're part of the community. We don't live there. We live 10 minutes away, but we are part of the community.

I'm not going to go through every single thing that Bette said, but I do have an exhibit that you guys can reference. Some things that I do want to highlight. If there are concerns about the way that I'm maintaining my property, like I said, the tree issue was resolved before you guys gave me my permit last time. Six months later, Chris completely wrapped up his business. I've never gotten a code violation for any portion of operating a tree service at this property. I do have a valid business license currently to operate a short-term rental.

One of the really troubling things that Ms. McGill accused me of is that she said that I was commenting on my Facebook. Now she's been trolling my Facebook literally. I'm not friends with her. Trolling means bullying online. She'll come in and when I ask my friends a question like hey, I love this Airbnb. Why is it not doing better? She trolls it with a post that says maybe this has something to do with it, and posts these nasty photos and makes nasty comments accusing me of paramilitary training operations, of housing migrant workers for my tree business,

completely absurd things. I'm an attorney. I'm a mother of four. I don't even know what paramilitary training is. She continues with these allegations that are just absurd.

This chart that I have here, she goes through saying I knew I only had a one-year permit. I didn't. I had a two-year permit. She said I had a very large event on Sunday, October 17th, and now she's renting it out as an event space. That never happened. I did have an event from 4 to 8 PM. I hired a local jazz band because this was, again, in the middle of COVID. This is 2021, October 2021. Everyone's in masks. You can't go anywhere. I had friends and family come to the property and we listened to jazz for four hours, kind of like a fall festival, for some of my friends, family, and real estate and law clients. I'm allowed to do that. I'm allowed to invite people to my property. According to her, I was renting it out and she said the police came. The police did come. Guess who called them? I did. I called the non-emergency line and I told them we're going to have—we've got neighbors that are an issue. We're going to have cars here. If you need anything, I'll be here. I spoke to the police when they arrived. They were totally cool. There was no issue whatsoever.

She also accuses me of—I have a garden gnome that has its middle finger up. The name of the garden is called The Gnome Grown Garden. I've got like 12 or 15 gnomes in that garden. I have pictures of them that I've submitted that actually we'll see. We'll go through there. Can you bring up Exhibit O by chance, or are they all the same under Betty's exhibits? **Mr. Hand** said no. They're all different.

4400 College Blvd.
Suite 100
Overland Park, KS 66211
20195755

2019R-16128
NANCY BURNS
REGISTER OF DEEDS
WYANDOTTE COUNTY, KS
11/18/2019 03:58:35 PM
WARRANTY DEED 15.00
PAGES: 3

KANSAS WARRANTY DEED
(Kansas Statutory Form)

THIS INDENTURE Made on 11/18/2019 by and between

Grantor: **Christie Lyle Farrell, a single person**

For One Dollar and other valuable considerations conveys and warrants to

Grantee: **MD KC, LLC**
(stating address of said first named grantee is: 4520 W. 65th St., Prairie Village, KS 66208)

the following described real estate:

Legal Description:
SEE EXHIBIT "A" ATTACHED HERETO
2706 Esperanza Ln., Kansas City, KS 66106

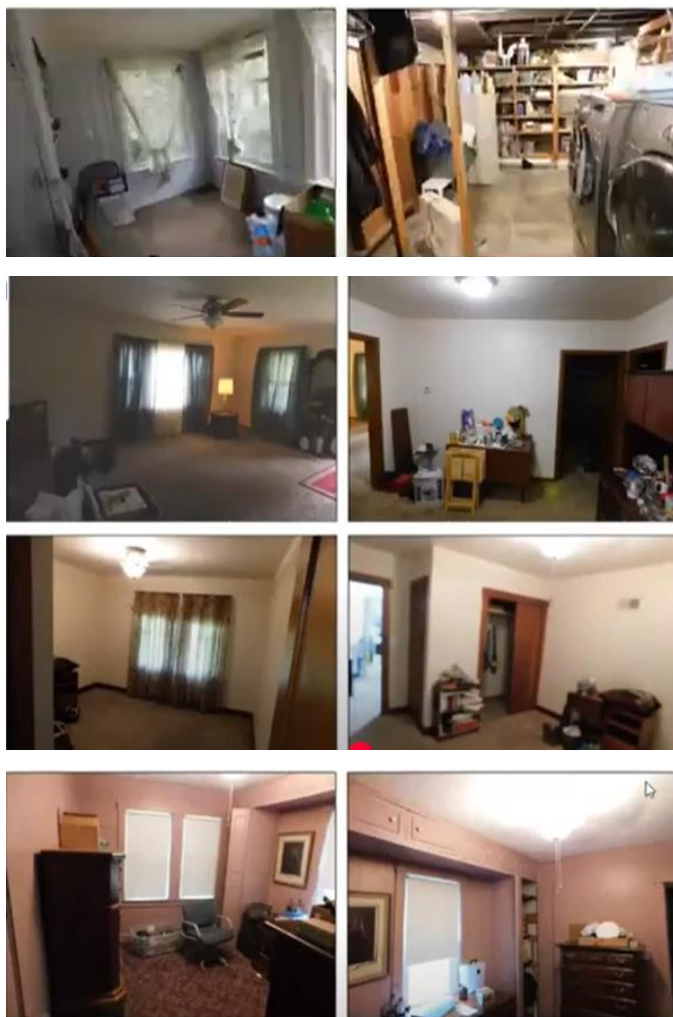
SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS, IF ANY, NOW OF RECORD.

TO HAVE AND TO HOLD The premises aforesaid with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto the said party(ies) of the second part and unto his/her/their heirs/successors and assigns forever; the said party(ies) of the first part hereby covenanting that he/she/they lawfully seized of an indefeasible estate in fee of the premises herein conveyed, that he/she/they hereunto have good right to convey the same, that the said premises are free and clear from any encumbrance done or suffered by him/her/them, or those under whom he/she/they claim; and that he/she/they will warrant and defend the title to the said premises unto the said party(ies) of the second part and unto his/her/their heirs/successors and assigns forever.

This is just the list of exhibits. You can just scroll down a little bit.

These are the before and after photos I was talking about. This is the property before I did the renovations.

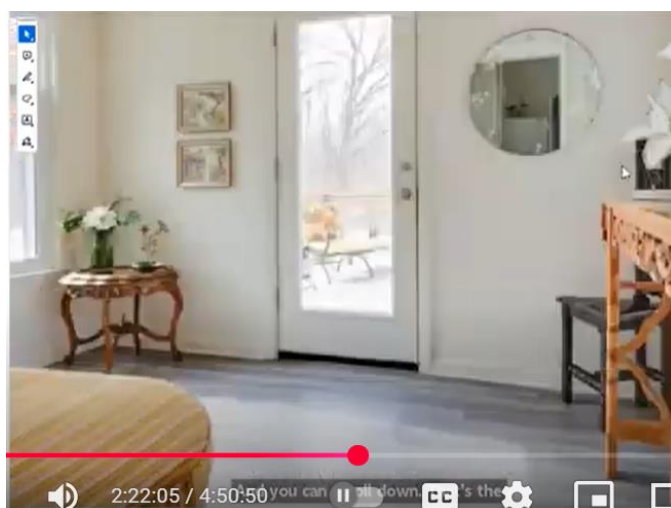




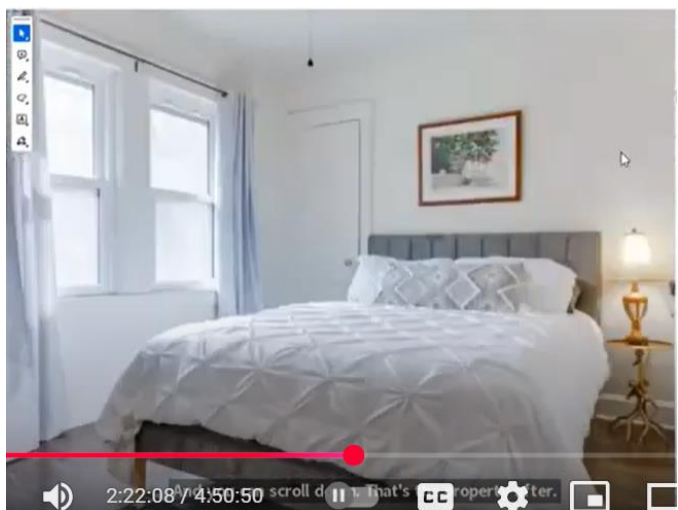
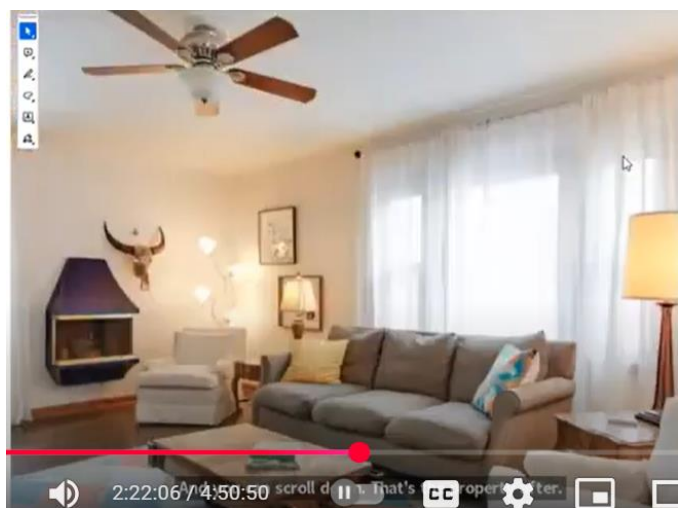
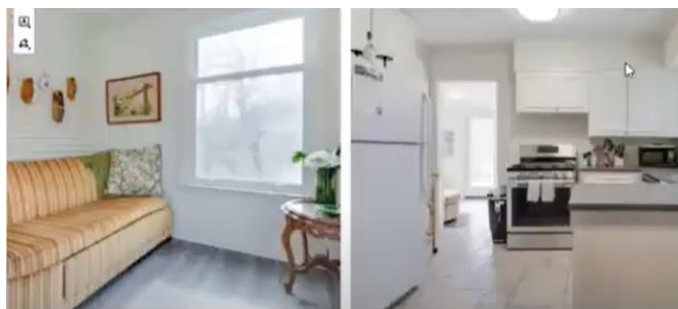
That's the property after.



October 26, 2023



October 26, 2023



October 26, 2023



DEVELOPMENT APPLICATION

Urban Planning and Land Use Department
701 North 7th Street - Suite 423
Kansas City, KS 66101
Phone: 913-573-5750; Facsimile 913-573-5796
Website: www.kccokck.org/planning.aspx; Email: planninginfo@kccokck.org

For Office Use Only: Case Number: 19-2015-00 Staff Planner: _____ Filing Fee: \$018.00
Date Fee Paid: \$925/2019 Anticipated PC Date: 11/12/2019 Anticipated BOC Date: 12/09/2019

- Have you ever worked through a Planning and Zoning process before? ☐ Yes ☒ No
If yes, where? _____
- Have you worked in a UG Planning and Zoning Process in the last year? ☐ Yes ☒ No
If yes, please explain? _____
- Have you worked in a UG Planning and Zoning Process in the last five years? ☐ Yes ☒ No
If yes, please explain? _____

4. Application is hereby made to appear before the Planning and Zoning Commission at the 11/17/2019 meeting requesting:

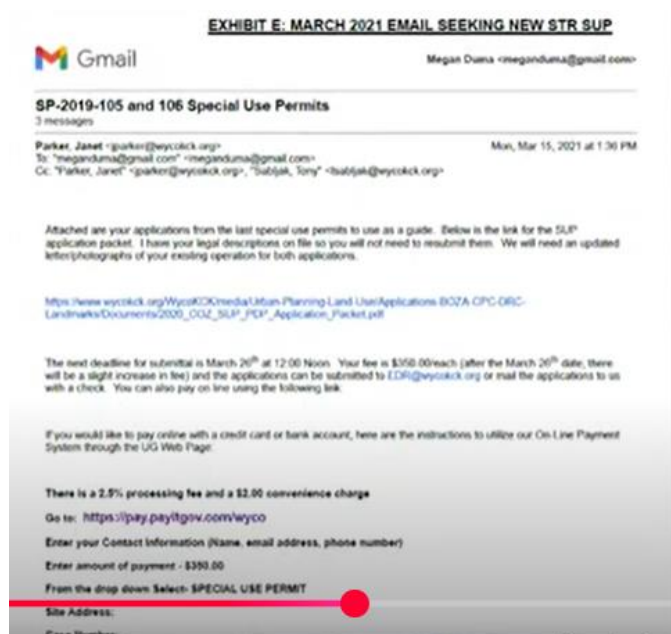
☐ Rezoning from _____ to _____	☐ Master Plan Amendment
☐ Preliminary SDA Development Plan	☒ Special Use Permit (STR)
☐ Final Site Development Plan Approval	☐ Special Use Permit (Home Occ.)

5. Applicant/Property Owner Information

Home Address is: 4520 W 65th St. Rent's Village #5 66201

Applicant(s) Name: Megan Ducca Company: _____
Street Address: 2706 Egan Lane City/State: KC, Kansas Zip: 66106
Telephone: (913) 874-3209 e-Mail: meganquerna@gmail.com
Property Owner(s) Name (if different than applicant): Christie Rydell
Street Address: 7206 S. 10th St. City/State: KC, KS Zip: 66106
Telephone: (913) 334-3565 Fax: _____ e-Mail: woodson@kccokck.org

This is my application in 2019 for the special use permit.



This is just following up with Ms. Parker for my 2021 special use permit.



She made a huge deal about how my fence was the world's ugliest fence and that there's all these fence problems and it was probably illegal and it had nothing to do with gardening. So I just wanted to point out that this is the email that I sent, before I built the fence, to Codes, to Bill Nagle, who's retired since then, just making sure that I was following everything that I was supposed to do when I built this fence. I looked into it. He sent me the setback requirements and everything, and I followed the law.



This is Exhibit H. This is a picture of actually our planted garden. Bette said that we never planted the garden, or we planted it once and all that we grew was green peppers and nobody ever came to harvest them. These are all lies. This is the garden planted in 2021.



This is in June 2021 of the garden growing.



These are cucumbers that we planted, picked, and harvested.



Heirloom tomatoes. Various kinds of squash.

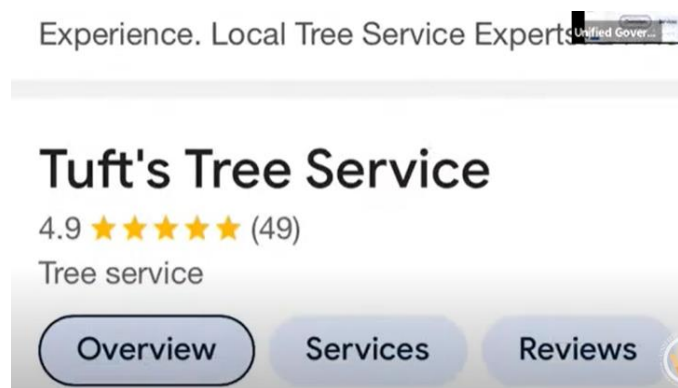


Some serrano peppers. Yes, we did have peppers.

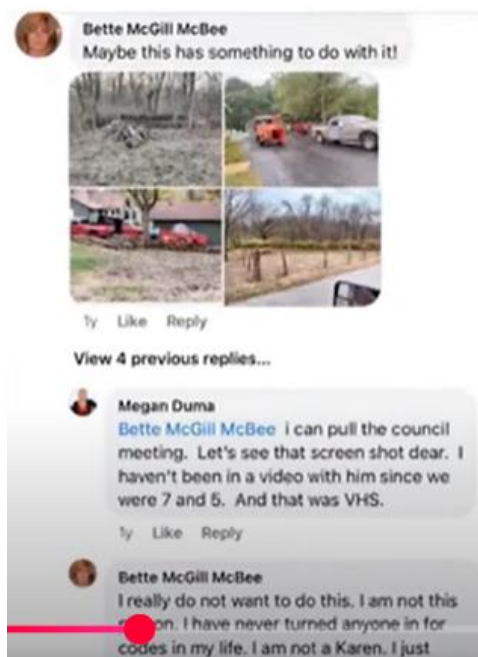


These are pumpkins. The reason—these all came from our garden here and this is our home. This is where we took from our garden to our home. I hate to belabor everything that she said that was not true.

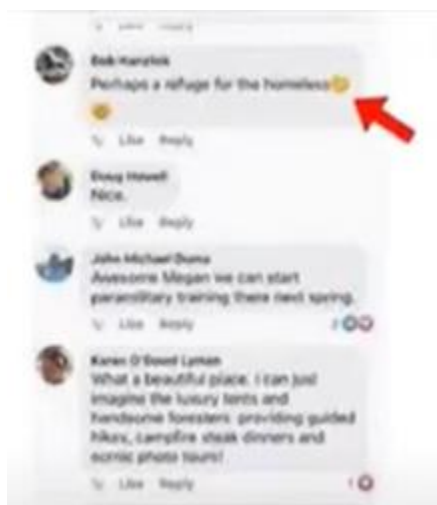
There were a couple of things that were true that I was not aware of. She said that we have a lot of overgrowth on the property. It was the first time I'd heard about overgrowth being a problem for visibility. I come and go from the property often, as I've mentioned. Part of our driveway was blocked. There was a little bit of overgrowth on the road. Immediately after we heard these comments from Ms. McGill on October 9th, we took care of it.



This is just showing that Tuft's Tree Service on Google is permanently closed. They no longer operate and their website has been taken down. They've been closed since November 2021, almost two years.



This is Bette trolling me on Facebook, getting on my Facebook page and posting photos that came from well before that time period just to be nasty. Then accusing me of paramilitary training operations.



This one's hard to see, but this is where supposedly me saying that there's paramilitary training operations happening at the property came from. This is a post I put something like isn't this property beautiful. I love it. I can't wait to do a short-term rental here. This is what I do for a living. My Uncle Bob Hanzlick, who lives in Colby, KS, he commented: perhaps a refuge for the homeless. Funny face, funny face, funny face. This friend says: nice. Then my father, who's

here tonight will testify, said: awesome, Megan. We can start early paramilitary training there next spring. Now for anyone, and I know many of you know my father, it was completely a joke. We did no paramilitary training operations. Bette's getting on my private Facebook page and then making accusations and spreading these rumors around the neighborhood and trying to gain support from other neighbors for whatever she opposes. I'm not the only one that she's done this with. There was another neighbor, who I spoke with, who wanted to rezone to agricultural and she went around to all the neighbors behind him and she told them that he wanted to do a housing development. He busted her doing that and was able to tell them the truth and set the record straight and got his rezoning to agricultural.

The reason I'm going into so much of this about Bette is because she impacted what the City Planning Commission...how they voted. One of the City Planning commissioners said, oh, I remember this case and thought that I was still at it. It was 1:45 in the morning when I, I'm sorry, it was 12:45 in the morning when Bette came to the podium and I was not prepared. I'm prepared now and I submit all these exhibits to protect my record so she cannot do this to me, hopefully, or to anyone else ever again.

There was also an issue that she brought up so we took care of any overgrowth on the property so there could be sightlines. We didn't have any codes for it, just based on her comments from October 9th. Then she took a picture when so oftentimes on many properties on this street, there's a ton of wildlife and they will break into the trash bins if the trash bins aren't completely shut and locked. You have to shut and lock them. We had locks but we had a longer-term tenant that broke the locks and he didn't take the trash out when he should have. Unfortunately for me, on the day that I had the hearing on October 9th, Bette's pictures of the trash being everywhere were true. The trash was everywhere. There was nothing we could do about it. The tenant did it. We picked it up the next day. We've now since moved the trash to the rear of the property where even if the animals do get into it, nobody else can see it. We've resecured locks, but we've taken another step. We've hired a person to come every single week to pick up trash around the property and to make sure that the trash goes out and comes back. His name is Tyson Bonner and Chris will speak to that as well.

We also had an issue come up that is true about we had a dog run. I allow people that rent the property to bring their pets. It's a pet-friendly property. We had one person who had a dog who was off the leash and she wasn't paying attention to it. One of the residents on the street

reached out to me on Facebook. I commented to her. I responded to her immediately and I said no, that's not acceptable. We will get out there right—I'll contact the guest immediately and Chris will go there right now to make sure this dog is taken care of. We do not want—but here's the thing with tenants whether they're long-term or short-term, you're not going to get that kind of responsiveness for long-term tenants, which is the option here. We were there immediately. Chris drove directly there within 15 minutes. Made sure the dog was secured. She was a nurse sleeping at night, so she wasn't paying attention to her animal like she should have been. We talked to her and got it taken care of.

Those go over most of what Bette will be accusing me of tonight. She'll go through it all for you and she'll have her photos. What's so interesting about this is a lot of the things that she's accusing me of, she actually has happening on her own property. She has a nuisance swimming pool that does not have a fence around it that's required. She has a trailer home with a tarp over it that's in the grass against code. She also, on the day that Chris was taking care of the foliage and the blockage, she sent her husband out who's known as smokey, I guess, to the neighbors. He cut down some of the foliage that was blocking the road to the back of their property. Now that road is called Glenrose Lane. It gets trashed by people, not us and it's not the McGill's. They just dump stuff there all the time. Mr. McGill, after he was done cutting, just left all of his branches in the middle of the road. Very dangerous. She's been very adamant about Chris and business licenses and the Tuft's Tree Service thing.

Ms. McGill owns a company called Vital Signs. It has not had a valid business license in KCK for the last two years. Also, today, she has a motorcycle that's parked on grass and a truck that's parked on grass. I don't care about these things and I hate doing this, but I have to show you who is going to stand up and be my opposition.

A reminder that we're talking about a special use permit for a short-term rental. I am local. I am responsive. I have invested in making the property better and I care. I've done my best not to be illegal.

To a question, Commissioner McKiernan, that I know you're going to ask—I have been working way, way, way, way, way too much lately. I went out of town with my family over summer for like two weeks to take a break. It was during that time period that I couldn't get to the first meeting that I needed to get onto the agenda to get legal. That's way I lapsed by like five

days. Now it's been longer, but yeah. For the most part, I haven't even been hosting that many short-term renters. Most of mine have been 2 weeks to 30 days.

Again, I have a good track record except with Bette and the people she's convinced that I'm doing things that I'm not doing. I'd ask, please, that you issue my special use permit for a short-term rental at 2706 Espenlaub Lane.

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? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of this item?

John Duma, 9503 Chestnut, Lenexa, KS, said I've been a practicing lawyer in this town for about 45 years. Been retired about a year and a half ago. I know a bunch of you. I knew Detective Garner when I was a district attorney, and I knew Detective Garner as he went further up when I was a criminal defense attorney in this town.

This woman keeps suggesting that I'm a paramilitary liaison, I guess. My brother-in-law and I were passing jokes back and forth five years ago on a private Facebook. I don't even know how you troll. I don't even know how you get into somebody else's Facebook, but she did it. She keeps claiming that I am in charge of some sort of paramilitary outfit at this property. That is just a gross misrepresentation of the truth. That's all I wanted to say.

I tried to talk my daughter into putting money into this county, and I want her to invest in this county, honest to God. When she does in other places, the values of the properties go around because she takes really, really good care of her short-term rentals. That's all I have to say. I appreciate you listening to me.

Mayor Garner asked, is there anyone joining us virtually, Clerk, who would like to speak in favor of the item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition to the item? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is there anyone present in the audience who would like to speak in opposition to the item?

Bette McGill, 2762 Espenlaub Lane, said I walk this neighborhood all the time because I walk my dog. The first thing I want to bring up is the last Commissioner's meeting where it was four to approve and four to deny, it was said that she had a two-year permit. I have the minutes of that meeting and that is simply not the truth. Anybody can look at them if they want to. Commissioner Bynum right here said that is correct and changing from two years to one. Right here, one year instead of two years. I didn't make that up.

Commissioner Ramirez said in the minutes to the meeting, I would support the new conditions. I would ask Ms. Duma going forward to be forthright with us, continue being forthright with our Planning staff because we wouldn't have found out about the tree service not living in Lawrence anymore, him forwarding his mail to the Airbnb unless I had asked those questions. I think personally, and I'm sure Gunnar and Planning Department would agree as well, that that information was vital. That's very important information that we should have had in the beginning. So, I just ask you going forward that you are forthright with us, and the Planning Department, and your neighbors. Like I said, I support the approval with the conditions. So, thank you, Gunnar, for all that you've done. Thank you, Ms. Duma, for coming before us tonight and presenting this to us.

I am not the crazy lady of the neighborhood as I am depicted. I do not troll Facebook pages. That paramilitary training thing was actually brought to me. I didn't look it up. They were concerned. I had no idea that they were joking. I'm reading that we could make yurts there, tree houses there...**Ms. Sparks** said one minute remaining.

Ms. McGill said ...told that you could do paramilitary training there. So I didn't know that it was a joke, if it was a joke. I didn't know that. So I did have a concern about that because, of course, who would want paramilitary training in their neighborhood.

Now I've sent pictures to everybody of what the property looked like before Ms. Duma bought it, and I sent pictures after Ms. Duma bought it. Yes, she did have a garden one year and I walked by there every single day. I probably know more about her property than she does because I do walk my dog every day past that property. Last year there was probably a ton of green peppers that were never picked. I don't know what she does with this garden, but I know right now it's not a garden. It is fenced in weeds.

The overgrowth that she has now taken care of—it's a shame that I even had to bring it to the attention of her because I had to drive around it every day or it has to rub on...**Ms. Sparks** said your time has expired.

Ms. McGill said ...my truck. I guess my time has expired. All I can say is I am not the only neighbor that does not want this going on. She did have the truck and the trailer there all the way until August when she applied for this permit. The tree service was going on there for months on end and I have every letter...**Mayor Garner** said, Ms. McGill, you can leave that with the Clerk and we can put that in the record for you.

Cheryl Mendez, 2556 Espenlaub, said I thank you, Mayor; and Commissioner Ramirez made a good point tonight. Why do people come to Wyandotte County into neighborhoods that people have lived there for 45 years. They buy a beautiful piece of property that had a beautiful yard and they turned it into a nightmare with cattle fencing and big logs for fence posts. It has not been maintained as has been presented tonight. It was more beautiful—maybe the inside wasn't, but we're looking at the outside—it was more beautiful to the neighborhood at that time before she laid her hands on it. I've been there for 45 years. Bette's been there for 40. Just like Mr. Ramirez, he does not want an Airbnb behind where he lives because it doesn't add to the neighborhood at this time. This is not added to our neighborhood.

The permit did lapse 14 months ago, but because of a commissioner on the Planning Commission the other night saying it had a two-year. I retrieved the minutes from that meeting today from the Clerk and they stated on there, because of the stipulations, they would only give her a year which that expired in 2022. She's been 14 months out on a permit and those are in official minutes of that meeting. It was all voted on by the Commission that's sitting here tonight to pass that for one year. She's gotten away with 14 months of not having a permit. If I ran a business without a permit or a license that long, I would be in deep trouble. I probably would not be allowed to go ahead and operate. It seems like this whimsical picture she has brought forth that she chops up wood and carts it home to burn in her little fireplace and grows vegetables, I don't care about that. If she wants to live in that fairyland, I don't see it there because it's not.

It has absolutely brought the value of our property down. Espenlaub, like many communities in Wyandotte, went downhill for a long time but it's come back up. The neighbors

have taken care in their homes and brought them back up, but this one...**Ms. Sparks** said one minute remaining.

Ms. Mendez said ...went the other way. I ask you tonight to please deny this permit for the sake of our community. It has not added anything to this street in Wyandotte County. I don't know why people have to come from Johnson County, Missouri, and everywhere else to put their Airbnbs in Wyandotte County. There must be something to it. I don't know that it's a vacation destination on anybody's map to come to Wyandotte County and stay at an Airbnb. There has to be some other reason for all of them over here. Either it's the leniency of the city not making them comply, and they know they can get away with it, and that's why the two commissioners put in the rental to have permits is because we had too many slumlords coming into this county. Now its took another turn in its little short-term Airbnbs that are not being kept up and are not adding to the community.

I thank you for your time, and I hope you make a good decision on this.

Mayor Garner asked, Clerk, is there anyone joining us virtually who'd like to speak in opposition to this item? **Ms. Sparks** said yes. The first speaker is James Bain.

James Bain said I would actually like to speak in support. I was just not quick enough. But if I cannot speak and missed my turn, I will stop. But if I can, I would speak in support. **Mayor Garner** said that opportunity has expired. **Mr. Bain** said I appreciate that.

Chris Johnson said I had my hand raised when the chance came up to speak in support but I wasn't called on. Is there any way we can go back and address that? **Mayor Garner** said thank you for your interest. That opportunity has expired.

Mayor Garner asked, Clerk, is there anyone joining us virtually who'd like to speak in opposition on this item? **Ms. Sparks** said no other hands are raised.

Mayor Garner said I'll now close the public hearing. Would the petitioner, the applicant, like to make some closing comments?

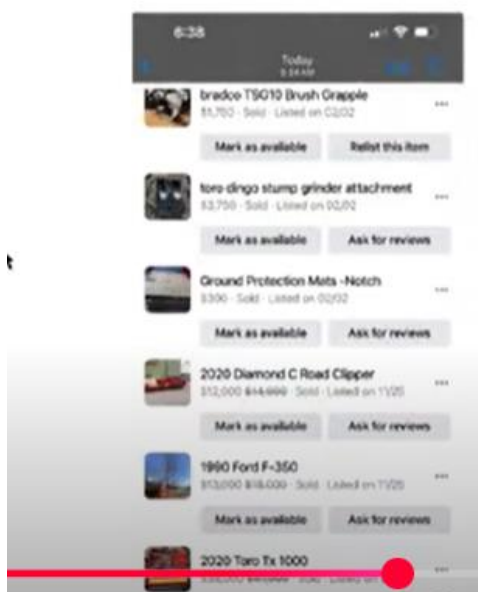
Ms. Duma asked, would it be out of order to allow Chris Johnson to explain the garden? It would be out of order, okay. Then, in that case, I'll do my best. Chris has a degree in biodiversity. He was one of the first gardeners to sell produce at the Brookside organic farmers' market like 15, 20 years ago, something like that. The garden is not just an eyesore, it is a very, very substantial investment actually into the property. They're not just big wood logs that Chris cut down. We bought these hedge posts that are very well known to keep out deer that are in the area around the property.

The first year we planted this garden, and mind you it is a very large garden. It has trenches that are dug three feet deep that we filled with mulch. So when the rainwater comes off of the road, the mulch catches it and allows us to not have to use water and the plants are able to get the water from the mulch in the garden.

The first year that we planted it was 2021, and we went and planted all these sweet potatoes. The next day, literally after like all day's work, deer had come and destroyed all the plants. So we looked into the fencing. We put up the fencing that was appropriate, appropriate fencing to keep out deer from eating these plants. So, that's to speak to the garden.

Bette just said something that I wanted to bring up. Can we just go please, again, to the exhibits, Exhibit K?

AND PROOF OF SALE BY DEPOSIT ON 1/2023



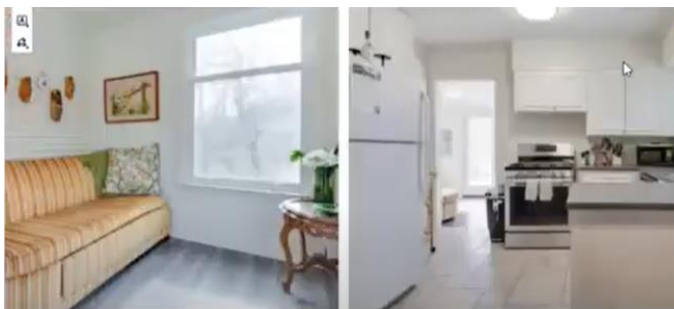
She said that the truck and trailer were there this August. That is not true. The truck is the 1990 Ford F350. It was listed on 11/25 and that was 2022.



It sold for that \$13,000 mark January 20, 2023. So it was almost a year ago. She's not telling the truth. There are so many examples in this documentation where she just did not tell the truth. You should please disregard her comments and those of Cheryl Mendez, who they're obviously very good friends and share a lot of the similarities with respect to Bette's testimony, and allow me to continue to operate, continue to invest in Wyandotte County, continue to be in Wyandotte County. Yes, I do have Airbnbs in Johnson County, too. I have them in Florida, too. It is my business and it's a good business. It brings people here that otherwise wouldn't be here that are families, that are tourists, that are going to spend money in these communities. They're not a threat. They love this property. If you guys have any questions for me, I'm happy to be prepared to answer them. With that, I'll rest.

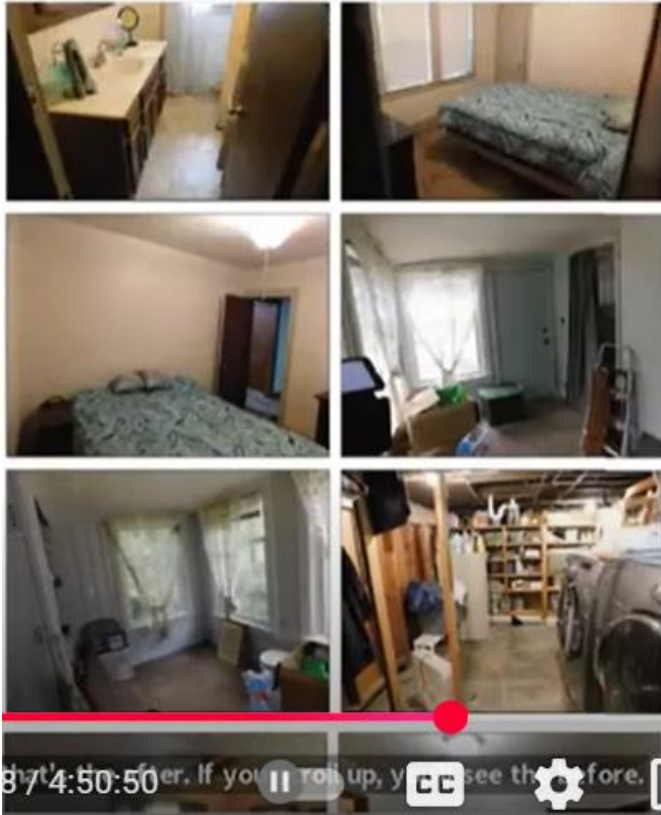
Commissioner Kane asked, Gunnar, can you pull up the inside of the property that we're talking about, before and after? How many Airbnbs do you have total? **Ms. Duma** said eight all over. **Commissioner Kane** said I'd like to have all eight in Wyandotte County. I want to look at these pictures real quick.



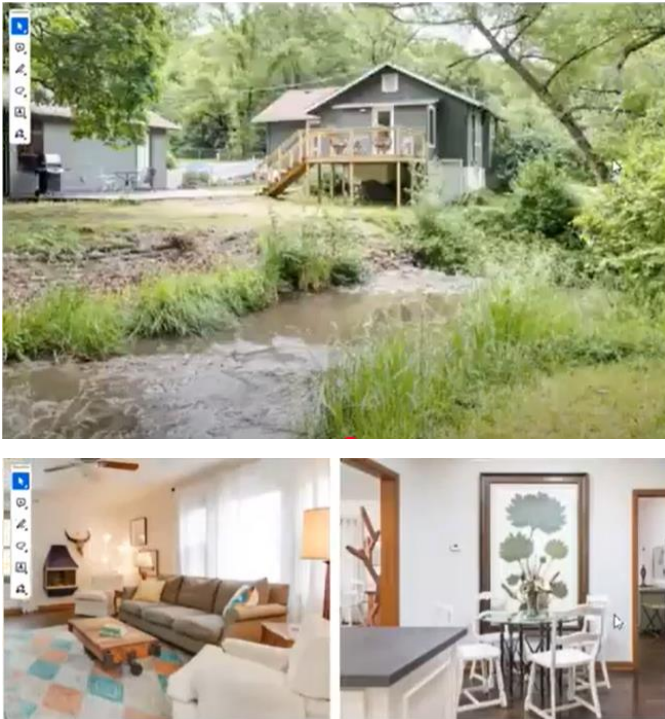


Ms. Duma said that's the after.

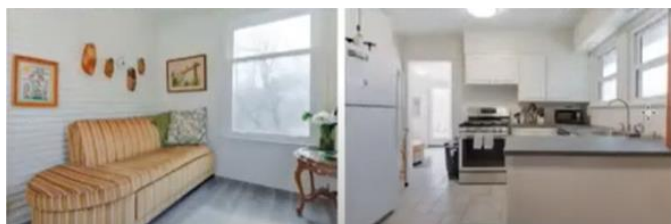
October 26, 2023



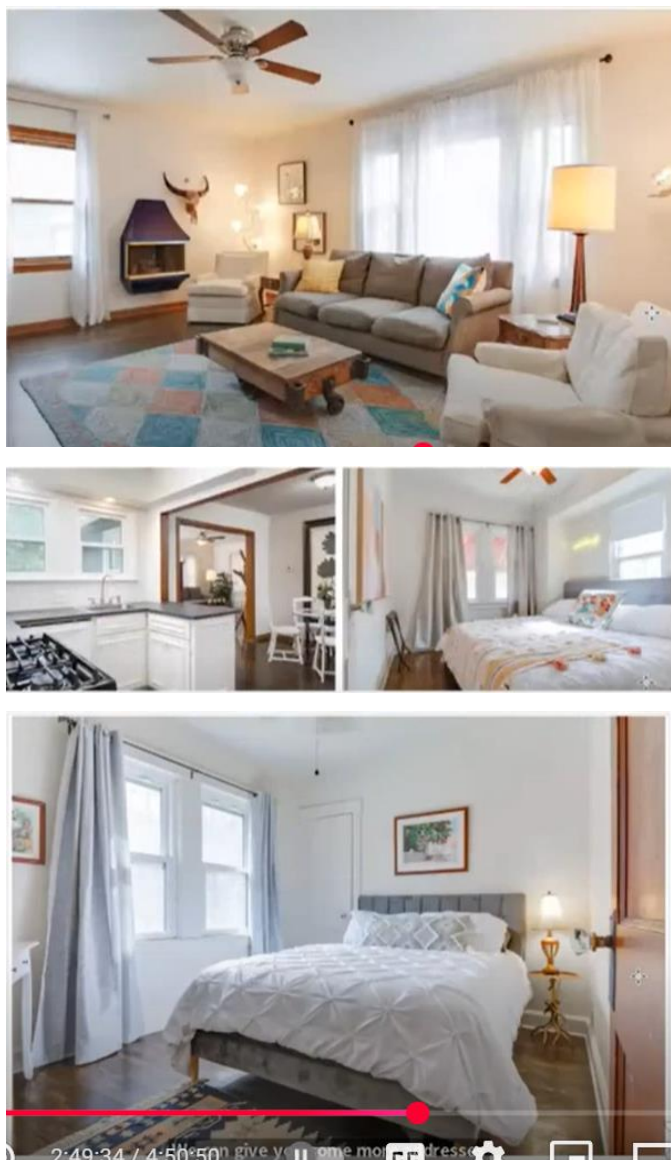
This is how I purchased the property.



October 26, 2023



October 26, 2023



These are the photos of after, when I renovated it.

Commissioner Kane said the reason I had him do that is because look at the transition. Look at the difference that's there. We want people running Airbnbs that can convert the property from nothing to something, and we appreciate you doing that. We can give you some more addresses in Wyandotte County to do the same thing. This is like a model, and I think this is what we need in Wyandotte County.

Gunnar, I don't see a timeframe on how long the special use permit may be. My glasses are fogging up.

October 26, 2023

Mr. Hand said staff is recommending approval for one year, again, to follow our existing ordinance, which was adopted last May. Because this is officially a new application for short-term rental, it's one for the first year to see how it goes. Then they can go from 2, 5, 10 after that if all goes well.

Action: **Commissioner Kane made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2023-067 for one year, subject to the stipulations.**

Commissioner McKiernan said, Ms. Duma, you know I'm going to ask. Tell me, as a lawyer, as someone who knows codes and ordinances how you missed? How did you miss the deadline?

Ms. Duma said I reached out before the deadline. It's been two years. I just forgot that it takes three months from the time that you start the pre-meeting application to how long the process took. I had it on my calendar to do it in July. To be quite honest with you, I'm in a huge federal lawsuit regarding short-term rentals in Kansas City; suing the city of Kansas City, MO. I had been completely overwhelmed with that, so things like this did fall by the wayside. By the time I reached out, which was before my permit expired, I was out of the country and I could not get a meeting like I needed to have. So that's what happened. I literally reached out, I think, July 27th. My permit expired August 5th.

With this new one, I will literally—I'm going to ask Gunnar if you guys approve me, how early I can reach out for my next one because I never will let this happen again. If I do, please deny me. This process takes a long time. It's very expensive because now you have to do an inspection, a home inspection which costs about \$500. The application itself is what, \$450, \$500, something like that. This is a very expensive and time consuming process. Having a neighborhood meeting. Staying up until 12:45 for the last City Planning meeting. I have too much on my plate and that's just God's truth about it.

Commissioner McKiernan asked, how long did this operate without a permit? **Mr. Hand** said as a point of clarification, there was some confusion when the last short-term rental went through. I think at that point, staff had recommended two years and then you all came back and recommended one year. So, it has been out of compliance for over a year.

Ms. Duma said that's not what they told me, right, Gunnar. **Mr. Hand** said it's been out of compliance over a year. We did inform Ms. Duma that she needed that time.

Commissioner McKiernan so during the time it was out of compliance, you know the questions I'm going to ask, were there any police calls for service at this property? **Mr. Hand** said no. **Commissioner McKiernan** asked, were there any code violations recorded at this property? **Mr. Hand** said no. **Commissioner McKiernan** asked, other than the opponents who are here, were there any other letters or people who spoke in opposition at the Planning Commission meeting? **Mr. Hand** said no, but Ms. Miguel represented herself as speaking for others in the community at the City Planning Commission. **Commissioner McKiernan** said, but those others did not show up. **Mr. Hand** said correct.

Commissioner McKiernan asked, Ms. Duma, in your short-term rental in Strawberry Hill, did it operate without a permit for a while? **Ms. Duma** said no, it did not; never has. I will bring the calendar to show you guys. COVID put me out. I went long-term for two and a half years and now I'm 30-days plus. I have a long-term rental license there as well.

Commissioner McKiernan said if you get the permit tonight, we're going to abide by the letter of the law this time and not use, I couldn't get there, as an explanation for not getting it renewed in a year. **Ms. Duma** said absolutely. I'm going to figure out the earliest I can start the application, and I'll be back in front of you as soon as possible.

Commissioner McKiernan said perfect. I also did look up property values in the area. They've all gone up, so second Commissioner Kane's motion.

Commissioner Bynum said, Ms. Duma, just a couple of questions about the way that you advertise. I guess I'll put it that way. So you're on the sites that are like Airbnb and VRBO and whatnot. So, for example, with the pet. On those sites, do you explain what our KCK laws are about animals? **Ms. Duma** said I guess I don't currently, but I sure could. You mean making sure they're on a leash? **Commissioner Bynum** said right. Any guest needs to follow the laws of the municipality, which are not loose, that sort of thing. **Ms. Duma** said of course, yeah. I think that's completely fair. I can add that to the listings without a problem. **Commissioner Bynum** said I

think that would be really important. I do know people want to travel with their pets, so I can understand somebody bringing their animal with them for a short-term rental.

Commissioner Bynum said for me, the short-term rental, the entire situation has just been frustrating because there are pros and there are cons. I do understand coming at it from a business perspective, you are making a living doing this, and I can appreciate that. I have had conversations with people who have assured me in no uncertain terms that in many, if not most cases, if they had to choose a short-term over a long-term rental as a neighbor, they would choose a short-term because short-term rental owners know that if they want business, they have to keep their place nice. Then I have to juxtapose that against the notion, which I think has some truth to it, that short-term rentals can be destructive to the overall general fabric of a certain neighborhood. So for me, it's always a balancing act.

I was aware that Kansas City, MO, had enacted a different ordinance than the one that we had recently adopted. I just read today that the city of Shawnee voted Monday night to say no short-term rentals in any residentially zoned area. So we aren't the only ones grappling with the issue is part of the point I'm trying to make.

Commissioner Bynum said I did also ask Commissioner McKiernan to look up the values of all three of the properties because when I heard the statement that the property values were going down, I just struggled to believe it because that's not what we heard for the entire process of our budget. In fact, all of the property values have increased over the last three, four years, yours and the two that spoke in opposition.

With that, it's really just more of those couple of clarifications and a couple of comments.

(Commissioner Stites left the meeting.)

Roll call was taken on the motion and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley. (Prior to Commissioner Bynum's vote she said sorry. Clarification. It's for one year? **Mr. Hand** said correct.)

Item No. 6 – 212812...SPECIAL USE PERMIT APPLICATION SP2023-071 - JOSH ZERLAN WITH COBALT PROPERTY MANAGEMENT, LLC

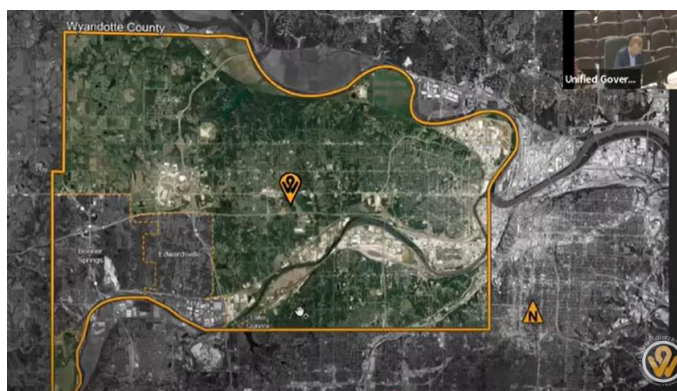
Synopsis: Special Use Permit to operate a Short-Term Rental at 731 North 75th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Josh Zerlan, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 731 North 75th Terrace. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 700 block of North 75th Terrace. This short-term rental has operated without proper permitting since 2018. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application SP2023-071, for one (1) year, subject to:

1. Any repairs not addressed prior to approval of SP2023-071 shall be completed 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 one (1). No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;

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

Case	
SP2023-071	
Petitioner	Address
Josh Zerlan	731 North 75 th Terrace
Synopsis	
To approve a Special Use Permit for a short-term rental. This is not the owner's primary residence. This would be the first and only short-term rental permitted on the 700 block of North 75 th Terrace. This short-term rental has been in operation since 2018 without a permit (2020 by this property owner).	

Gunnar Hand, Director of Planning and Urban Design, said this is another special use permit for a short-term rental. This short-term rental has been in operation since 2018. It's been in operation by this owner since 2020. The applicant bought it from an owner who was also operating it without a special use permit. Mr. Zerlan has only been in non-compliance for two years. Again, this is part of the zoning enforcement blitz. This is also non-owner occupied.



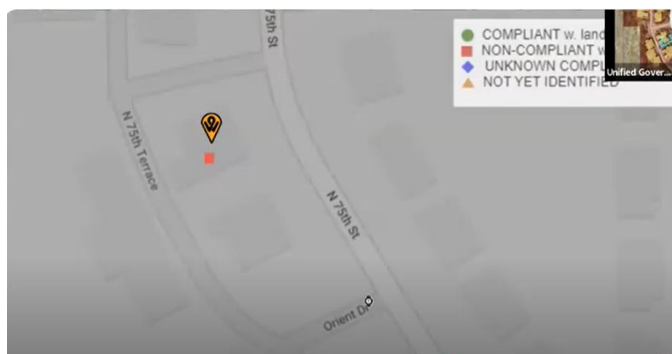
This is in the Citywide Comprehensive Plan area in the Midtown neighborhood.



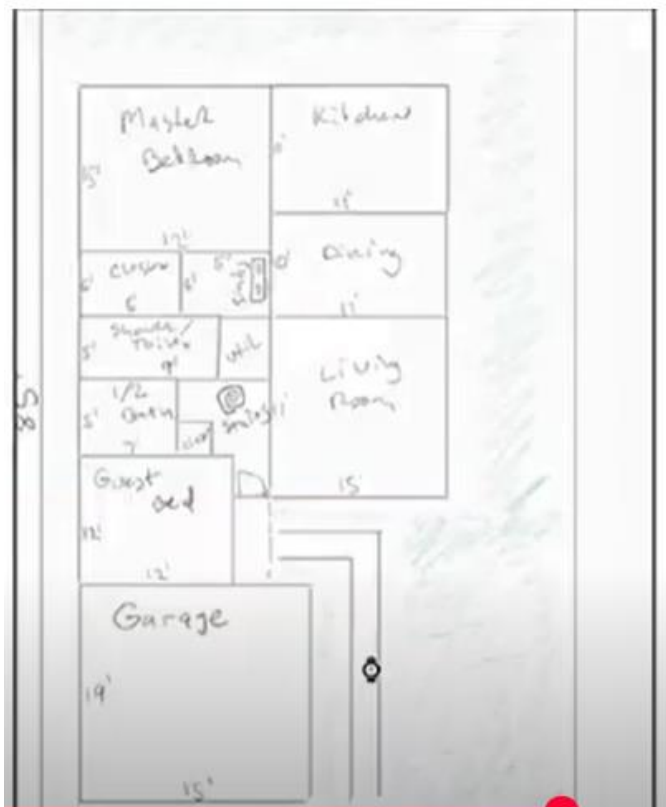
Staff received no letters of support. There was opposition at the City Planning Commission earlier this month. There are no notices of violation related to this property. Staff agrees with Planning

Commission and recommends approval for one year with conditions of six people maximum at any given time on site and one car off street.

Off street's a little difficult here, as you can see in this plat, that's why I paused. This is a duplex. These are private. North 75th Terr. is a private road built to UG standards. The one parking space, as a clarification, is basically right parallel up to the garage. The owner does not allow parking in that garage unit, so there's a space, you can kind of see here, designed for owners to park in front of their space. There's also additional visitor parking adjacent, also on private property. This is a public road. This stuff is not. So just a small clarification, but we moved it to one at the City Planning Commission.



October 26, 2023



Public Opposition	Public Support
Two (2) members of the public were in attendance at the 10/9/2023 CPC hearing to express opposition.	None to date.
Staff Recommendation Approval	

Mayor Garner said, applicant, representative, if you can present your comments for your application.

Josh Zerlan, 725 North 75th Terr., said as Gunnar said, I purchased the property as an STR from the previous owner. I wasn't aware that a license was required. As soon as I was made aware, I halted operations and I have applied, which I'm here now. The proceeds that I did earn with those when I did purchase this, this was an STR that, to be generous to say, it was a budget STR and was renting between \$40 and \$70 a night. You can imagine the state of the unit and the type of guests

it attracted. I spent tens of thousands of dollars to renovate the unit and I continue to do so with the proceeds from the STR such as landscaping, interior renovations, exterior renovations.

There were some issues in the very beginning when I took it over. It was my first STR. I had never done it before. I did have some parking issues which I've since resolved. There was some noise issues. I now have a noise monitor in the unit which alerts me if the noise goes over a certain threshold.

When I received the notice of violation, I got a professional home inspection. I've had all of those issues addressed by a professional company, Creative Renovations. I've clearly marked off the parking spaces with marking paint and stencils so it's obvious where people are supposed to park so it's not to interfere with anybody else.

I do not allow any pets on the property under any circumstances. That's a strict no pet policy. Strict no smoking policy. A very strict no party policy. If there ever are parties or noise complaints or anything, I wouldn't hesitate to kick anybody out.

All the residents, especially the neighbors, have my direct phone number. They can call me any time of the day. They have my email. I am the president of the HOA for that subdivision so everybody has access to me 24/7. My assistant as well is available if I'm for some reason not available. She's empowered to act on my behalf to resolve any issues with this unit. I'm happy to comply with whatever I need to make this a good part of the community.

Mayor Garner said I'll now open the public hearing. Clerk, have you received any notifications from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no notifications have been received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of this item? (No one appeared.) **Mayor Garner** said I think we have someone virtually. **Ms. Sparks** said I have a hand raised by Carolyn Wyatt.

Cherie Wyatt said I'm Josh's neighbor. I would just like to say that we've been here for four years. I support Josh's application. My husband and I support his application for the permit. We have not significantly been bothered by anything, and we know we can get in touch with Josh if there should be any problems. It's not objectionable to us for this permit to be approved.

Mayor Garner asked, Clerk, anyone else virtually? **Ms. Sparks** said no other hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition? **Ms. Sparks** said no comments received. **Mayor Garner** asked, is there anyone present who'd like to speak in opposition to this item? (No one appeared.) Clerk, is anyone joining us virtually who would like to speak in opposition? **Ms. Sparks** said no hands are raised.

Mayor Garner said I'll now close the public hearing. Petitioner, applicant, you can make some closing comments if you'd like.

Mr. Zerlan said I appreciate that. Like I said, I am certainly willing to do whatever it takes to be in compliance. I apologize for not being in compliance. I wasn't aware at the time, and I always try to operate within the confines of the law.

Commissioner McKiernan asked, Mr. Hand, is this an owner-occupied STR? Is it an owner occupied STR? **Mr. Hand** said no. Mr. Zerlan lives in the abutting separate parcel duplex, I believe. **Commissioner McKiernan** asked, does live next door because the property owner is listed in the request for action as Olathe, KS. Am I misreading that? Mr. Zerlan, if you'd like to clarify that.

Mr. Zerlan said I do live next door. That address is my business address, the 119 North Parker St. It's basically a PO box that all my business correspondence go to. **Commissioner McKiernan** said perfect. Thank you very much for clarifying that. Much appreciated.

Commissioner McKiernan said, Mr. Hand, my usual questions. In the time that this was operating as an unpermitted STR, were there any police calls for service at this address? **Mr. Hand** said no. **Commissioner McKiernan** asked, were there any code violations? I thought I heard you say code violations, but the report seems to say there were not any. **Mr. Hand** said there was the notice of violation during the zoning blitz. I apologize if there was a typo in the staff report. **Commissioner McKiernan** said so effectively, there was a notice of violation that has been resolved. **Mr. Hand** said through the application of the special use permit as determined tonight, yes. **Commissioner McKiernan** said that was the violation. Did we have any neighbor complaints in the time it was operating unpermitted? **Mr. Hand** said other than as represented at

the City Planning Commission hearing by the two in opposition, no. **Commissioner McKiernan** said those complaints were not received until the City Planning Commission, correct? **Mr. Hand** said that is correct. **Commissioner McKiernan** said so not prior to it when it was operating unpermitted. **Mr. Hand** said that is correct. Nothing we could see by looking at our records.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2023-071 as submitted for one year, subject to the stipulations.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

PLAN REVIEW APPLICATION

Item No. 1 – 212666...PLAN REVIEW APPLICATION PR2023-014 - CODY BUSICK WITH VINEYARD CHURCH OF PIPER (CONTINUED FROM 9/28/23 MEETING)

Synopsis: Preliminary Development Plan to expand an existing church at 10601 Hutton Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Cody Busick with Vineyard Church of Piper, is requesting approval of a Preliminary Development Plan to expand the Vineyard Church of Piper at 10601 Hutton Road with a 7,508 square foot addition, as well as expansion of the parking lot. The Planning Commission voted 10 to 0 to recommend approval of Plan Review Application PR2023-014, subject to:

1. Because this petition is a Preliminary Development Plan, the applicant shall submit a Final Development Plan for approval, which includes final architectural and civil plans;
2. Per the goDotte County-Wide Mobility Plan, the applicant shall construct a sidewalk in the front of the property;
3. Wheel stops are required for parking spaces where there is no curbing;
4. The sign structures shall be removed as instructed originally;
5. 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;
6. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property

and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;

7. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
9. 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; and,
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

Case	
PR2023-014	
Petitioner	Address
Jacob Hudson	10601 Hutton Road
Synopsis	
To approve a Preliminary Development Plan for a 7,508 square foot expansion of the Vineyard Church of Piper as well as expansion of the parking lot.	

Gunnar Hand, Director of Planning and Urban Design, said this is the preliminary development plan for the expansion of a church. This case has been held over for a couple of months looking for eight members of the Board of Commissioners to amend the Planning Commission's conditions of approval, which I'll get into in just a second.



This is in the Prairie-Delaware-Piper Area Plan.



Staff has received no letters in support; no letters in opposition.

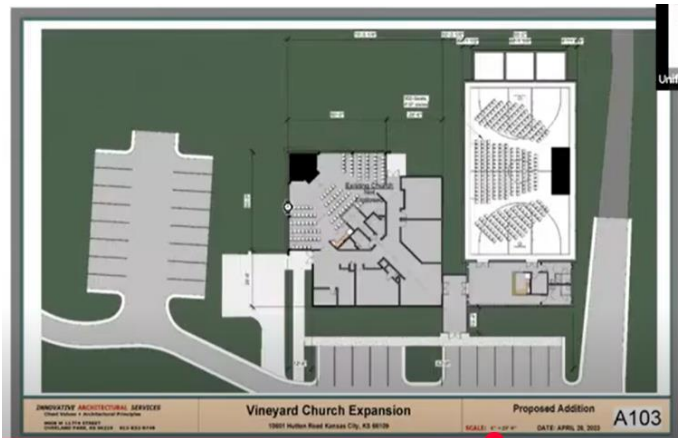


There are no violations on this property.



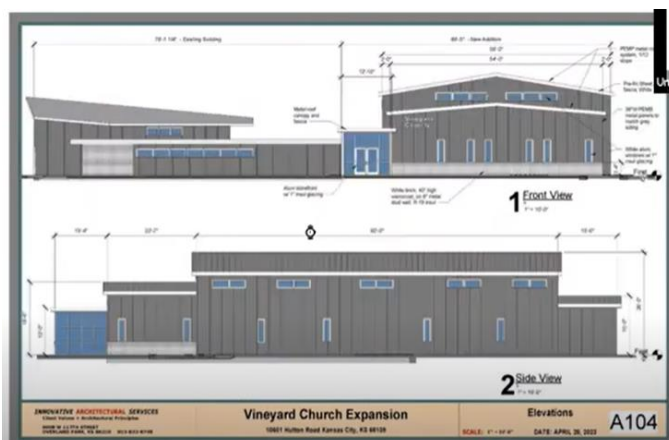
Staff does agree with the Planning Commission and recommends approval with conditions. This will have to come back for a final development plan at some point in the process.

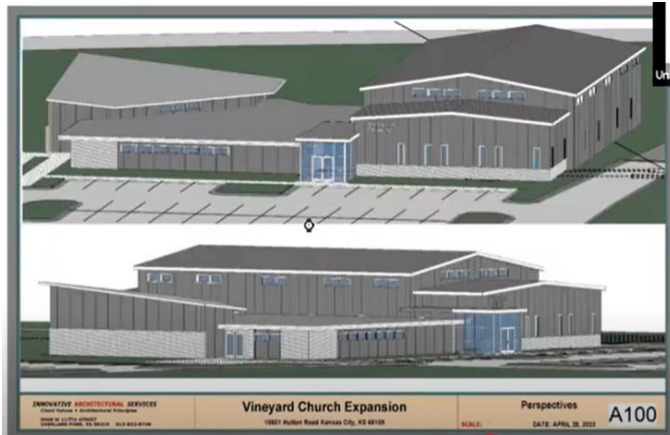
October 26, 2023



They're related to the driveway and the provision of a sidewalk on Hutton Road, which is in the goDotte County-Wide Mobility Plan.

After the Planning Commission, the applicant requested some flexibility on when those things had to be done. As per our ordinance, it would have to be done within six months. They're asking to not build their sidewalk until the UG potentially upgrades that segment of Hutton Road, at which point, they would either build it or pay for it. They're also asking to not update their driveway, as per UG standards, until it's time for them to upgrade their driveway, which is not a part of their proposed project at this time. So, we rewrote those four conditions, maintaining those standard conditions, but allowing that flexibility. We reviewed that with the applicant. Staff agrees with those changes, but it will require eight votes of the Board of Commissioners to approve.





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

Staff Recommendation

APPROVAL

Conditions of Approval

1. Because this petition is a Preliminary Development Plan, the applicant shall submit a Final Development Plan for approval, which includes final architectural and civil plans;
2. Per the goDette County-Wide Mobility Plan, the applicant shall construct a sidewalk in the front of the property. Sidewalks shall be required if and/or when the UG makes major arterial roadway improvements upon Hutton Road;
3. Wheel stops are required for parking spaces where there is no curbing;
4. The sign structures shall be removed as instructed originally;
5. 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;
6. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;

I'm going to get to them right now. Again, this is 2 here regarding the sidewalk. We added that second sentence about when those improvements happen.

Conditions of Approval

7. A Right-of-Way Permit is Required when work in the Right-of-Way is needed. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards. The existing driveway aprons can be maintained as they exist, however, if and when they need to be replaced, they will be required to be brought to current UG standard;
9. 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; and,
1. 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. Sidewalks and improved driveway aprons shall be required if and/or when the UG makes major arterial roadway improvements upon Hutton Road.

*See staff report for full summary of conditions

October 26, 2023

Then 7, 8, and 10 are all related to those two issues. So 7 related to the right-of-way permit for those improvements; 8 the driveway. It says 1, I apologize. That should read 10, and that's, just again, that we'll do those when the time is right.

Mayor Garner said applicant.

Jacob Hodson, 4448 Francis St., said I am acting as the agent for the applicant, Cody Busick, who couldn't be here with us tonight. He is the lead preacher of the Vineyard Church of Piper. He had a short written statement he would like me to read.

The heartbeat of the Vineyard Church is to serve our community. This building expansion will enable the congregation to expand the youth and afterschool programs, and provide flexibility for the church to serve the families of Kansas City, KS.

As Director Hand has told you, we've been working together closely. We've come to an agreement. Now I ask that you vote in favor of the amended recommendations of approval for this church expansion.

Mayor Garner said I'll now open the public hearing. Clerk, have you received any notifications from the public who wish to express their comments in favor of this item? **Ms. Sparks** said no comments have been received. **Mayor Garner** asked, is anyone present who would like to speak in favor of this item? (No one appeared.) Clerk, is there anyone joining us virtually who'd like to speak in favor of this item? **Ms. Sparks** said no hands are raised.

Mayor Garner asked, Clerk, have you received any notifications from the public who wish to express their comments in opposition of this item? **Ms. Sparks** said no comments received. **Mayor Garner** asked, is anyone present who'd like to speak in opposition of this item? (No one appeared.) Clerk, is there anyone joining us virtually who'd like to speak in opposition to this item? **Ms. Sparks** said no hands are raised.

Mayor Garner said I'll now close the public hearing. Petitioner, would you like to make some closing comments?

Mr. Hodson said I'd like to thank you for your time. Once this multi-purpose room is up, they host a party for the after football games at the Piper High School, so you all would be welcome after the home football games. Thank you for your time. I ask that you vote in favor of this application.

Commissioner Kane said you just stole my thunder. About the fifth quarter, a lot of the kids and some of the parents go to the church after every football game. My grandkids go and it's really nice to have a place for them to go and hang out. Now, with the expansion and stuff like that, when it gets cold, they would move inside and facilitate all the kids.

Action: **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Plan Review Application PR2023-014.**

Commissioner Burroughs said I just wanted to compliment Gunnar. I know we have a lot of the stuff comes forward and yet Gunnar has already met with the applicant to come into an agreement prior to us even having to make recommendations. I value that work is done before it gets to us. I sincerely appreciate it. It puts on a good face for our staff. Thank you.

Angela Lawson, Acting Chief Counsel, said I wanted to clarify if the motion to approve was with the amended conditions.

Action: **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Plan Review Application PR2023-014 with the amended conditions.**
Roll call was taken and there were nine "Ayes," Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Townsend.

MISCELLANEOUS

Item No. 1 – 212753...PRESENTATION: PLAN KCK STRATEGIES (CONTINUED FROM 9/28/23 MEETING)

Synopsis: Update regarding Plan KCK strategies, provided by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Mayor Garner said, Mr. Hand, there was a request to, in the interest of time, for me to put you on a special session. So, I'll have to throw you on an agenda at a later date.

Gunnar Hand, Director of Planning and Urban Design, said Mr. Greeves, our Historic Preservationist, has waited a collective 10 hours to give you 10 minutes of his time. This is a very quick five slides. **Mayor Garner** said okay. You've got 10 minutes. **Mr. Hand** said not a problem.



Randy Greeves, Historic Preservationist for the UG, said thank you for hearing me tonight. We're going to give you an update on the historic preservation portion of the Citywide Comprehensive Plan, PlanKCK. During this presentation, I would like for you to think about places in the city that are important to you. This plan aims to protect those places and to preserve them for the enjoyment of future generations.





This is the first historic preservation plan that we will have ever had. Preservation is more than just about history. It touches on nearly aspect of society, and is part of the answer to many of the issues we face including housing and economic development.



There's a great deal of history in Kansas City, KS. Huron Park Cemetery is one of 26 national historic landmarks in the state of Kansas. The Quindaro Ruins are on their way to being the 27th. In total, we have approximately 500 buildings that are listed on one of the registers of historic places: our local register, the state register, and the National Register of Historic Places. These range from prehistoric Native American archaeological sites to modern buildings built in the last 50 years. Every day I walk through our beautiful city, I find more areas of historic importance that have yet to be documented.



Before we know what we need to do, we need to understand what our current situation is. We have a complex system of buildings that are listed on various different registers. Some are on one; some are on all three. We need to consolidate those to make it more cohesive, and make sure everything is getting the same level of respect and the same access to the historic tax credits that can help these buildings so much.



The most important part of this plan is community outreach. This is our engagement summary. We have been at every major planned KCK event. We have hosted our own events. We have gone out of our way to try to reach as many people as possible. One of our most successful events was during a presentation about the history of Sauer Castle in which we reached over 1,100 people. We worked very hard to put as much information out there, both virtually and physically, to make this information accessible and to get as much feedback as possible.



Throughout our entire process, we have heard several repeated themes. People want to know what preservation is. We have not had a preservationist for 10 years until I started here, and people are kind of relearning what these ideas are. They want to know when we're going to do something about the ruins. It is in the forefront of everybody's mind. One of our most historic places, one of our most important places, and what role does preservation play in the future of that site. They want to know how we're going to protect our green spaces, our parks, our historic neighborhoods and commercial areas, and how will this help address blight in the community.

From this, we intend to create a list of action items that will be my main focus for the next 10 years. This is going to include things like educational sessions to teach people about preservation, how to use the tax credits, and how to apply for grants to get money to fix up these buildings. Fixing up buildings will directly help address the issues of blight.

We're going to step up our efforts to survey the city, looking for historic properties that have not been listed to expand the number of buildings that can get those resources and can become useful parts of our community.



We are currently in the draft phase of the plan. Recently received a draft of the State of the City Report created by our historic preservation consultants, the Dakota Group. They've gone through

the community and highlighted its history and what our current known historic resources are, the laws and the ordinances that affect those resources and how we're supposed to take care of them, as well as a multitude of funding opportunities to provide money to the owners of those historic buildings.



This is a timeline that kind of shows what we've been doing so far and how long we've been working.



This is kind of what we should be expecting. We're getting to the end of this process. We're still taking feedback. We're always trying to improve the plan. There's no such thing as too much outreach.



This is kind of the final part. The Historic Preservation Plan is part of a larger city-wide comprehensive plan. All these different chapters are going to work together to create a unified, solid approach that's going to help guide us in the years to come. I encourage everybody to go to the October 28th summit if you can. It's going to be one of our last major events. There's going to be a lot of people there to speak. A lot of information shared. We're always looking for more input.



I'd be happy to answer any questions you may have. Like I said, trying to keep this short. But first, I want to know about some of the places that are important to you. When you think of Wyandotte County, what places come to your mind, or I should say Kansas City, KS?

Commissioner Ramirez said thank you, Mr. Greeves; thank you, Mr. Hand. Historic preservation is something that's important to me. I have one historic district, Hanover Heights. Used to have three historic landmarks, but now have two. St. John the Devine, unfortunately in my first year, I wasn't able to get to it in time before it burned down. I have the Rosedale Arch and I have Sauer Castle, which I was able to get to. I was able to help spearhead the early efforts to get it revitalized and renovated, and look where it's now. We did the hard work. We did the surveying of the

community to see what they would like. We worked through the challenges. It's not easy work especially in the instance of Sauer Castle where we had a property owner who wasn't willing to do what he needed to do to preserve that historic monument, but we were diligent. We kept going.

I want us to keep doing that with all of our historic landmarks across our community because those are pieces of our history. It tells the history of our community, especially in Argentine with unfortunately St. John the Divine had rich, rich history of the Mexican Americans who lived and continue to live there.

I thank you for wanting to make historic preservation a sticking point, a standing point in our planning and how we move forward. I really, really thank you for that.

Mr. Greeves said I appreciate that, Commissioner. Bringing up St. John the Divine kind of—one of the things I'm wanting to do in my time here is create a memoriam page that highlights all these lost historic resources we have so that they're at least preserved digitally if we don't have the physical remains anymore.

Commissioner Markley said I was at your Sauer Castle presentation at South Branch. I just wanted to say you did an excellent job. Your enthusiasm for the site and for historic preservation overall is apparent and was catching, I think, there in that room. He did an excellent activity where he had maps up on the wall and people could go identify places that are important to them that they think have historic value. So, I think you did an awesome job. Like you said, we haven't really had this in the past, so it's exciting to have somebody who's focusing on historic preservation, and especially somebody who's so enthusiastic about it and does a great job presenting as well.

Mr. Hand said I would just say that will be at the Neighborhood Summit this Saturday if you guys want to come and visit us there.

Commissioner Bynum said I think I've put some dots on the map already. I'll say out loud the things that I think I've placed on the map. These are just things off the top of my head since you asked, but the neighborhood where I live has a neighborhood marker now. Sidebar, it took us 10 years. Just FYI. But we have a neighborhood marker now. It says Historic Pomeroy because it's a historic area. I don't think there are any historic buildings left. But just so you are aware, that's a historic area.

White Church Elementary School, which is owned by KCK Public Schools—I'm glad to see they've put it back into use—is of particular interest to me because that's a historic area with a very historic cemetery located right beside it.

All the structures, almost all the structures at Wyandotte County Lake. When the wall failed out there, I was surprised. I'm not advocating for it necessarily, but I was surprised to learn that it's not listed on the register, which for what we need right now, is probably a good thing just in terms of money. It could be a matter of how you look at it.

Memorial Hall, which I think probably has been dotted on your map. Those are the ones I wrote down.

Mr. Hand said if I may real quick. You mentioned a school. One of the things, as we've worked with our consultant on this one and having the expertise of Mr. Greeves, when you do these surveys, you can do them like geographically like this neighborhood or south of the river, whatever it is. One of the recommendations that's coming out from our consultant is that you should maybe start thinking about—because we're such a large county and we've really, in all honesty, the city, the Landmarks Commission was an entity of the city, and so a lot of it is on the east side of our community. There's some out west, but very few.

One of the points of opportunity to collaborate is if we thematically say let's go survey all the churches. We could partner with the cities of Edwardsville and Bonner Springs and bring them into that process. So that's one of the things where we're trying to find those opportunities to both thematically look at properties across our community, but also work with our partner cities as well.

Commissioner Burroughs said one of them has been mentioned. Memorial Hall was one because, I think, it's not only historical, it's also commemorative of those that gave their lives for our community, so I'm in strong support of that.

I like the Strawberry Hill St. John's Church and Orphanage. That has a tremendous amount of history associated. I believe it's called Scroggs Home from years ago.

I do like the school—Wyandotte High School has a tremendous amount of history associated to it over the decades, as well as Washington High School when it was a rural area. I believe those two schools, and I must always throw in Grinter House. Grinter House being one that has a tremendous amount of history.

And let us not forget about the work project that we all know as Wyandotte County Lake. The facilities around Wyandotte County Lake have a tremendous historical value, but they also have a tremendous amount of need. If we're going to invest, let's ensure that we preserve that before we demolish by deterioration. I would hope that we would give strong consideration to those.

I'd be remiss if I didn't mention Ward High School, also. I think Ward High School has a tremendous amount of significance and historical value in the central core of our community. **Commissioner Kane** said glad to hear that. **Commissioner Burroughs** said I won't hold it against some of the graduates from there, but the historical value is...

Commissioner Johnson said I would double down on the attention to the high schools. Wyandotte certainly is just an attraction. I can see it from my house and how the towers are lit up. It is really a marvelous, marvelous piece of architecture there.

I agree with Ward as well. As a Pentecostal minister, I have paid my share of tuition there, so I've been able to see that school as well.

If you're going to pull all those, you might as well pull Sumner Academy into it. I thought Commissioner Bynum might beat me to the punch, but Sumner Academy is another great piece of architecture that sets the standard for that entire area. In fact, the Douglass-Sumner neighborhood uses that very architecture in its sign for the neighborhood. That is something I would highlight.

Finally, one of the great jazz musicians, Charlie Parker, according to my studies, was born at 852 Freeman Avenue right here in Kansas City, KS. I think that is something that we need to memorialize. I do know that we have a little plaque over at Big Eleven Lake, but really it needs to be highlighted, I think, in a much greater way because he was just an all-time great when you talk about jazz music and Kansas City's history as a jazz city. So, I would certainly highlight that.

Mr. Hand said I'd just point out that the Charlie "Bird" Parker homestead site is also on the Northeast KCK Heritage Trail.

Thank you for your time, everybody. Really appreciate it tonight. See you on Saturday.

Action: **For information only.**

REGULAR CONSENT AGENDA

Mayor Garner asked, do any members of the Commission or County Administrator wish to set aside any item on the Regular Consent Agenda? If an item is not set aside, all items on the Regular Consent Agenda will be voted on by one vote.

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

Item No. 1 – 212769...RESOLUTION/ORDINANCE: DEBT PROJECT AUTHORIZATIONS

Synopsis: A resolution and ordinance authorizing 2024 debt projects, submitted by Debbie Jonscher, Deputy Chief Financial Officer. On October 9, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-62-23/ORDINANCE NO. O-130-23, “A resolution and an ordinance authorizing various public improvements; authorizing the issuance of general obligation bonds and/or temporary notes to finance a portion of the costs of such improvements; authorizing the issuance of utility system revenue bonds to finance a portion of the costs of such improvements; requesting the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas to issue its leasehold revenue bonds for the purpose of financing all or a portion of the costs of certain improvements; and authorizing one or more lease purchase agreements to finance the acquisition and installation of certain equipment.” Commissioner Ramirez made a motion, seconded by Commissioner Markley, to adopt the resolution/approve the ordinance, as submitted.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Item No. 2 – 212835...PLAT: ENDLESS OUTDOORS

Synopsis: Plat of Endless Outdoors, located at 2640 Woodend Lane, and being developed by Endless Outdoors, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 3 – MINUTES

Synopsis: Minutes from the Special Session meeting on September 6 and 14, 2023.

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

Item No. 4 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business materials dated October 5 and 12, 2023.

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

(Angela Lawson, Acting Chief Counsel, recused herself. Jeff Conway, Assistant Counsel, sat in as counsel.)

Ben Bortnick asked, may I speak, Mayor? I’ve been here all night. I’ve had cancer and I would really like to be heard. I asked this lady, and it was on there, Frank’s Motors. Can we please pull

that back? **Mr. Hand** said it was on the Consent Agenda. **Mr. Bortnick** said this is just a colossal bunch of errors. I'm sorry. I own the property.

Mayor Garner said just give me a quick second so I can rewind and see where we're at. It was denied. So he wanted to set it aside. What we'd need to do is have a commissioner make a motion to reconsider the vote to approve the Consent Agenda. It was unanimous. I just need a commissioner to reconsider.

Commissioner Bynum said I'll have Legal help me make the motion properly that we reconsider Item SP2023-065, which previously was on the Consent Agenda for denial. My motion would be that we reconsider that one item and remove it from Consent and consider it. Is that a legal enough motion? **Jeff Conway, Assistant Counsel**, affirmed it was.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Ramirez, that we reconsider that one item (Special Use Permit Application SP2023-065) and remove it from Consent and reconsider it.** Roll call was taken and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

Mayor Garner said this takes us to a set aside.

PLANNING AND ZONING CONSENT AGENDA ITEM NO. 5 – 212809...SPECIAL USE PERMIT APPLICATION SP2023-065 - UMED SAIDOV WITH FRANKS MOTORS INC.

Synopsis: Special Use Permit to operate an auto repair shop at 402 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Umed Saidov with Frank Motors, Inc., seeks a Special Use Permit to operate a used automotive dealership in one (1) tenant space of a multi-tenant building at 402 Osage Avenue. The Planning Commission voted 7 to 0 to recommend denial of Special Use Permit Application SP2023-065.

1. The applicant failed to complete SP-2019-98 conditions of approval requiring site improvements, specifically:
 - a. Planting 11 trees to comply with the Commercial Design Guidelines;
 - b. Parking spaces – both for customers and vehicles that are for sale or being repaired are not in striped, designated parking spaces; and,
 - c. Vehicles are double stacked throughout the property, which does not comply with the Parking Code; and,

2. Vehicles are parked on the property, in an unorganized manner on an unimproved surface has resulted in an overcrowding of land thereby violating Factor to Be Considered #12.

Mayor Garner said as a point of order, we will set this aside so this item has been set aside.

Gunnar Hand, Director of Planning and Urban Design, said I apologize. I'm not going to be able to pull up the screen because it's rebooting right now, so we're not going to have the slides, but I think I can handle it from there.

This is a special use permit for an auto repair, paint, and sales. There is a history of special use permits for these types of uses at their site. There appears to be a couple of businesses located, of which Mr. Saidov's is one of them.

This is in the Armourdale Area Plan. We received no letters of support; no letters in opposition. There are notices of violation. Staff recommended denial because there's some previous conditions of approval that have expired but speak to the same use. We have some violations related to how these auto repair in the streets, things of that nature. Some spillover effects at the location. Mr. Saidov was at the City Planning Commission but signed off at midnight. I think this item was heard at midnight, 15:30.

My recommendation would be to remand it back down to Planning Commission so we can have that hearing with the applicant and the Planning Commission and see what comes of it. I tried and asked at the City Planning Commission to hold it over there. The City Planning Commission decided to move forward with a recommendation of denial. We were also going to recommend denial but, again, in the spirit of hearing the case, my recommendation, especially what's going on right now, is just remand it back down to the Planning Commission.

Mayor Garner asked, your request was to set it aside, correct? **Mr. Saidov** said yes.

Umed Saidov, 4311 North 112th St., said I'm the applicant for the special use permit at 402 Osage Avenue, Kansas City, KS 66105. My understanding was, because I logged out last time, me and Mr. Ben were talking about it. We thought it was voted for approval. I was logged in from the beginning of that meeting, and we thought it was voted for later approval that's why we logged out.

We used to run this business with my brother a couple of years ago. The previous special use permit was expired late 2021. He used to run the day-to-day operations and the pandemic time he left because of slow sales. He left for a different job. I was not aware of the expiration of the special use permit until I was approached by the Business License Division earlier this year. When I spoke to Ben about it, it took us some time to put paperwork together to apply for one.

The other problem was, it was mentioned maybe about a week before the meeting, the beginning of October, that double parking on the west side of the building was not allowed. As far as I remember, it was within the property line. Nobody told us that double parking was never allowed. The whole time there were two cars parked on the side of the west side of the building. I was told just about a week before that, and this picture over here is showing since the day it was mentioned about the violation of double parking, I removed all the parking from the front of the building. We don't have anything. I've been taking pictures every day before I come to work and after I leave. There was only single parking on the west side. We don't have anything in front of the building. We have some parking lot on the north side of the building, but there's no double parking on the west side of that building at all; east side of the building.

I remember asking Ben about it. As soon as I took over from my brother, then later on I signed a new lease agreement that if the double parking—and he thought it was allowed too. I remember asking the previous applicant for a special use permit, Maria was like few years prior to 2018, she used to run a dealership. I asked her, she said as long as there's no salvage parking or like outside working in front of the east side of the building then it shouldn't be a problem.

The whole time about double parking, nobody knew about that because it was within the property line. Nothing was outside the property line.

Commissioner Bynum asked, Mayor, do we need to go through those opposed and those in favor? **Mayor Garner** said no.

Commissioner Bynum asked, Mr. Hand, what was the reason for Planning and Zoning recommending denial?

Mr. Hand said the applicant mentioned that he basically inherited a special use permit from when he owned it with his brother. That special use permit, which expired, had conditions of approval that were not met. In the spirit of our protocol with City Planning Commission, if

those conditions of approval for special use permit are not met, staff's recommendation is always for denial. I believe the Planning Commission essentially took that and Mr. Saidov not being present at the Planning Commission, again, to recommend their denial, I had asked that it be held over so that we could have this conversation in a little bit more thorough. So, again, I think this is all part of the things we need to work out, at least in my opinion, at the City Planning Commission.

Commissioner Bynum said I appreciate that. You can't fault somebody for not being online at midnight. That's just, I'm sorry. We ask to do this job and if it's midnight for us, then we should be here. I just think that's outrageous to—and we have people here in the audience that have been here since 7, so I'll shut up about it. But we've been down this road before and it's just not okay to have people sit in this room for five, six, and seven hours, which we have done. Sorry. So that's not a reason, in my opinion, to say no to this. If there are some conditions for approval that can be placed on this that would be satisfactory for any commissioner here that has a concern, I'd like to hear them.

Commissioner Bynum said I would like to make a motion to approve for one year. It's a special use permit, correct? **Mr. Hand** said that's correct. **Commissioner Bynum** asked, what are the conditions that we asked for before? I want to just reiterate those.

Mr. Hand said there were property improvements that haven't happened. There was a parking plan that hasn't been followed. Things of that nature.

Commissioner Bynum said the parking issue, as far as the gentleman speaking to the double parking, is that part of it?

Mr. Hand said it is a part of it, but they also mentioned the rear yard, the rear parking area, which also we asked for improvements on. That has not happened. Again, we see what notice of violation there are for the property. I actually can't differentiate between this business and the other businesses that are there. These are all things that collectively pile up. There are improvements we asked to be done at the property to meet the commercial design guidelines that have not been met. So previously done is we've held over in time to allow, at the Planning Commission level, to allow those uses or improvements to be made before that issue is heard.

Commissioner Bynum said it's currently expired, correct? **Mr. Hand** said it's currently way expired, yes.

Commissioner Bynum said I'm going to ask the applicant, can you commit to the improvements that have been prior requested that have not been done, can you commit to doing those?

Mr. Saidov said yes. The parking lot on the back of the building, there's literally everything—my cars are in a parking lot, but during the day we have like one roof guy, another tenant, and three granite guys. They, all day long, have big trailers to load and unload. So, basically, unless their employees park on the side, everything in the middle, everything else is, during the day, is used by—let's say Tuesday mornings and Friday mornings I have a container where like waste company comes in. I have to ask some guys during the day to move some stuff so they can come in and unload and leave. Sometimes they come in, they take a picture and say...

Commissioner Bynum said we're asking you to comply with the conditions that have been set forward.

Mr. Saidov said yes. I can take pictures weekly if it's needed. **Commissioner Bynum** said I just need to know if you can commit to complying with the conditions that have previously been put forward. **Mr. Saidov** said yes, I can. **Commissioner Bynum** said and if not, special use permits can be revoked. **Mr. Saidov** said yes. Absolutely. **Commissioner Bynum** said by action of this Commission, correct? **Mr. Hand** said that's correct. We do have conditions of approval, even though the recommendation is denial, in the staff report. You could take those conditions and that would be okay with staff. Again, I would recommend it get remanded, but it's your decision.

Action: **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2023-065 for one year, pending the conditions of approval be met.**

Commissioner McKiernan said, Mr. Hand, the improvement that hasn't happened is on the north side of the building. Is that correct? **Mr. Hand** said there's a couple around the property, but that's the main one...**Commissioner McKiernan** said that's the main one on the north side...**Mr. Hand** said previously, SUP, yes. **Commissioner McKiernan** asked, this is a large building with multiple tenants, correct? **Mr. Hand** said yes. **Commissioner McKiernan** asked, who owns the building? **Mr. Saidov** pointed to Mr. Bortnick. **Commissioner McKiernan** said so you would

ultimately be responsible, not this business owner, for making those improvements of that property, correct?

Ben Bortnick, 5000 Rob Creek Lane, Mission, KS, sole proprietor of BDB Properties, said, Commissioner McKiernan, you asked a very good question. It's a multi-tenant building. This man is totally in compliance. In each of my leases, which are gross industrial leases, each tenant must comply with the laws of Wyandotte County. While I understand the spirit of the law, to ask him to be responsible for third parties is really disingenuous to the spirit in which Wyandotte County has. We make every possible effort that there is a fire lane through there. There's no blockage. It's a multi-tenant building. I think there's four tenants on the back. Mr. Saidov occupies about a third of the building.

Brief history in construction. I've owned this building since 1996. It was built originally as a Macco auto repair shop. That is what this man is doing, though he has a dealer's license, he's a wholesaler. He is not a chop shop. Mr. Hand's predecessor thought he was. He's not. I've checked it out with the Department of Transportation. Who did you report to? **Mr. Saidov** said the dealer's license. **Mr. Bortnick** said the dealer licensing. He runs 1,600 cars, approximately, a year. This is a really good operator.

Commissioner McKiernan said I appreciate that. I remember when the last time this was before us for a special use permit. I remember voting to approve that permit and the previous. But what I'm trying to do is determine whether or not we are holding him liable for something that the property owner should take care of. Mr. Hand, help me out here.

Mr. Hand said an applicant requires the approval of the property owner to apply for a special use permit.

Commissioner McKiernan asked, so who's responsible for making the improvements on the north side of the building? **Mr. Hand** said it's the applicant's responsibility. The owner allows them to apply for that use. They sign the affidavit. What we have seen in the past is that some owners require that use which, therefore, needs those standards to do it. Other owners show... **Commissioner McKiernan** said the applicant basically asks permission from the owner to make the improvement, applies for the special use permit. The applicant agrees to make the improvements. What I need the two of you to do is work together. Get it done. **Mr. Bortnick** said yes, sir, we will.

Mr. Hand said just as a clarification, I think the conditions, because the conditions for approval, because they didn't transfer over from the Planning Commission, I believe—I'm looking at you, Mr. Conway—I believe there's a mechanism by which we could apply those conditions of approval from that Planning Commission.

Again, get the eight votes needed to change the recommendation, but you're not going to see those conditions in the report because of that, but we do have them. If there's a way to reference back to that, I can just carry those forward. But they basically are the conditions of approval from that previous SUP plus a few extras.

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

PUBLIC HEARING AGENDA

Item No. 1 – 212767...RESOLUTION: APPROVING ISSUANCE OF INDUSTRIAL REVENUE BONDS (4601 RAINBOW LLC)

Synopsis: Conduct a public hearing and approve the adoption of a resolution determining the intent to issue industrial revenue bonds in the amount of not to exceed \$52,927,000 to finance the costs and equipping a commercial multifamily facility for the benefit of 4601 Rainbow, LLC, submitted by Jeff Conway, Assistant Counsel. On October 9, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.

Jeff Conway, Assistant Counsel, said I believe the proponents are here. Kevin Wempe, with Gilmore & Bell, the bond council, has the presentation and, I think, then you'll do the intro.



Kevin Wempe, Gilmore & Bell, bond counsel to the UG, said thanks for bearing with my voice. I've defeated the sniffles earlier this week. My toddler was nice enough to give to me and it's unclear whether my voice will ever return at this rate.

Just to tee up the project and the action item tonight and then lay out what the actions are for tonight, including the public hearing. This is the multifamily facility at 4601 Rainbow, approximately 149 market rate units, wrapped garage. I think everybody's pretty familiar with the project through the planning process and so forth. The developer representatives are certainly here and can answer any specific questions you might have to that end.

This is arising out of an application for industrial revenue bonds submitted by the developer requesting sales tax exemption on construction materials and property tax abatement for the full 10-year term.

As with most projects you see using IRBs, this is proposed to be a buy your own bond deal, meaning the developer will be purchasing the bonds here. There's no UG liability for repayment of that bond and no credit risk to the UG. It's simply a vehicle to grant the incentives that I know we've talked about on other projects.

Tonight's action is a public hearing required by the statute. In advance of the public hearing, we've accomplished all the state law required items including publication in the newspaper, notifying the school district, and preparation of a cost benefit analysis.

After the public hearing, there'd be consideration of a resolution of intent and also approval of a performance agreement. The contents of that performance agreement are simple development agreement setting forth terms of the project, describing the project, and prescribing the required

development there, as well as setting forth the payment in lieu of tax schedule. In this case, it's approximately a 50% property tax abatement with a 2% annual inflator.

Should you choose to approve tonight, the developer would have access to that sales tax incentive and go on to construct the project. Assuming they have complied with the performance agreement, would return at substantial completion for issuance of the bonds and then triggering that payment in lieu of tax schedule to begin.

Bob Johnson, Polsinelli Law Firm, 900 West 48th Place, KCMO, said I'm representing the joint venture development team. Aaron Mesmer is here of Block Real Estate Services, and Blair Tanner, who is on the Zoom tonight. He was traveling for business and can participate as needed via the Zoom link.

We appreciate being back before you. As Kevin said, I'm sure you recall this project from the land use process. We appreciated your support in that process. As you recall, you provided us the unanimous approval for a rezoning and plan at the time. Obviously, tonight is not relitigating any of those issues or going back through any of the land use items that we went through many times in front of you, so I won't belabor any of those. I will talk about some of the features of the development that we believe are relevant to the application this evening. I'll try to do that in a streamline fashion.

I also appreciate the support of the ED&F Committee as we came out of there with support as well, and had a robust discussion at that meeting.

Site– NECofRainbow& 47th Avenue



This is a refresher of the location of the project. It is at the northeast corner of 47th & Rainbow. It is currently an underutilized site with a vacant building, been vacant prior to this ownership, and a large parking lot adjacent there too, obviously underutilized, non-revenue producing for all intent and purposes with regard to property taxes or sales taxes.

This developer, as discussed ad nauseam through the land use process, is looking to transform that site and turn it into something that we believe was kind of shown through all of those discussions as something that coming from the south, coming from the west, is a gateway to the Unified Government, a gateway to Wyandotte County and Kansas City, KS, and something that we all can be proud of, both this community and developer. Truly something that we think is the right private/public partnership to produce the best possible project that we could arrive at.

A big part of that truly was the community engagement. I think we all remember the extensive community engagement that this development team went through. The multiple iterations of revisions to the project design. Many, many community meetings and discussions beyond that that we believe there were drastic changes to the project through that. We believe that arrived at a project that was responsive to the community, obviously was evidenced by the amount of supporters that we had, both through letters and hearings.



Just something that we had in the last hearing just kind of showing adjacent homes and businesses that supported quite a bit, as you can tell there.

RainbowBefore/After



Hufft TANNER & WHITE

ELCC

Woodside Village - 4

I'd like to get into some of those aspects of the project, again, which we think are relevant because they are unique, they are enhancements, if you will, to the project above and beyond their requirement, and we believe community enhancements. In particular, you can see here, the sidewalk connectivity. The walkability is a major feature of this project both on Rainbow and on 46th.

You can see on Rainbow today there's a dangerous condition on Rainbow. The sidewalk slopes right under the street. The sidewalk will be moved over onto this property to the east; widened. There'll be lighting along the sidewalk dramatically increasing the safety along that corridor. Connecting the neighborhood for the first time ever through the sidewalk on 46th, which I'll show in a second, to the Rainbow corridor there going north/south and then down to the shops and restaurants. People can walk from Francis.

We're going to add a crosswalk. That's something that the city was supportive of with regard to traffic calming. With regard to pedestrian connectivity, we'll add a crosswalk across 46th to lead right to this sidewalk. There's a dramatic, truly dramatic enhancement to pedestrian connectivity and walkability implemented by this project.

46th Avenue Before/After



Before



After

Hufft TANNER & WHITE



Woodside Village - 5

This is the 46th look here. In the upper left corner you can see today's there's no sidewalk. There's cars parked along the street. Creates multiple problematic conditions. One, obviously, there's no pedestrian infrastructure whatsoever. I believe there was quite a bit of discussion during the land use process about folks that live in the neighborhood that would like to walk to Rainbow but feel unsafe doing so. Here we'll, again, create a sidewalk connecting to the 46th sidewalk. There, you'll see that'll be pushed onto our property on the northern side of the property so that it is far from the street. There will be landscape buffers, multiple layers of landscape, so there won't be any safety considerations for pedestrians walking along 46th from the neighborhood.

Also, the cars that are parked on the street there today create kind of a stricture that causes problems for emergency vehicles and other traffic coming through that area. We're going to alleviate that through moving the traffic onto our site. There will be parallel spots on the actual property, and it won't be in the public right-of-way, moving those cars off the street so there's better traffic flow through the area.

SitePlanProposed



Hufft TANNER & WHITE BLOCK

Woodside Village - 6

I'm not a huge fan of the 2D renderings, but it does give a good show of kind of the landscape buffering around the project on all sides. Kind of adding that condition that will produce not only safety, but aesthetics.

The other thing that I think is notable about this slide is the wrapped parking garage. That's one of our extraordinary costs, one of the most substantial costs of the project. The site constraints. Again, we went over this very thoroughly so I won't retread the whole ground but just a reminder that the wrapped parking, which is not able to be seen from any angle from the neighborhood, is internal to the project. As we dropped from 172 to 149 units through the land use process, there were those extraordinary costs that stayed with the project. That didn't decrease the parking garage. A number one of those and this just kind of shows you where that's located.

ExteriorRender



Hufft TANNER & WHITE BLOCK

Woodside Village - 7

This is a great slide that shows some of those landscaping and walkability features, also the bike sharing that'll be at that corner of 46th & Rainbow. That's available to anyone in the public. That's not exclusive to residents of the building. That's something we heard a lot of feedback on and was something desired by the community at large. We think it will be an additive feature and a community enhancement for this project.

Exterior Render- PocketPark



Hufft TANNER & WHITE

BLACK

Woodside Village - 8

This is another feature that was added for kind of the integration of this project into the community. It actually gives kind of two things that I like to talk about on this slide. One is this pocket park in the foreground. It creates an area that as you're crossing Francis there on the crosswalk, it's a place for spontaneous interactions. A place where people can spend time. A place where people can hang out, as depicted here, and really have that community engagement.

The other piece that also lends itself to that is these walkup units, which are unique. This kind of townhome-style walkup unit on the base is meant so that it's not just you enter into a door and then you have to go through a corridor to get to your unit. You can go right onto the sidewalk, right onto the street. You're part of the community. This is not a separate, apart community. It is something, again we talked about this substantially in land use as well, but it's something that all flows together. It all is part of the design that is purposeful, intentional, and is meant to be a facility that is additive not only to the site itself, but the community as well.

Exterior Render- PocketPark



Hufft TANNER & WHITE ELOCC

Woodside Village - 9

You can just see in this one the parking that was pulled off the street and the parallel spots I was talking about before. You can also see the high quality of the facade, the materials that were chosen, all the things that we discussed in land use. Those are all very much still relevant to the project. As we dropped those units, as I discussed, those costs stayed the same. Those added expenses, the quality of the project, which is really one of its harbingers. One of its keystones is the high-quality nature of the project. I know, because I heard it many, many times, and I know the architects heard it many more times from Aaron and Blair that quality wouldn't be sacrificed. It might work with ways to reduce height, reduce units, all of which were done, but they're not going to sacrifice the quality.

Of course, corollary to that is the cost is still substantial. It's still a Class A building. It's still going to be that truly transformative project. As a result, in the times that we live in it doesn't surprise anyone to hear about the cost of capital, cost of labor, and cost of materials being very challenging for not only this project, but any project that comes before you is going to have all of those challenges. It's just a different world than it was four years ago, three years ago. As a result, we're here before you with an application that is market. It is not out of step with applications you have approved in the past. It is not asking more than what is necessary either. We had extensive conversations with your representatives to come to an application request and ultimately a negotiated performance agreement and PILOT program that was the minimum incentive that we felt and we proved up was viable for this project to succeed and that can still produce this level of quality.

As a result of that, we believe, again, just in conclusion, that we have produced what is the highest-quality project, one that will dramatically improve the site, that will turn around a defunct site into something that is revenue producing for all parties, frankly. This is an economic win-win for the taxing jurisdictions, including the city and the county, where we share in the upside of the project. This incentive will get the project to go. Once it does and once it opens, once it starts producing property taxes, once its residents start spending sales tax dollars in the Unified Government and Kansas City, KS, we're all going to dramatically benefit by having this project there as opposed to what's there today.

We ask for your support. I stand for any questions. If you don't have any now, I would reserve the opportunity to come back up if anybody speaks to answer any of that.

Mayor Garner said, I will now open the public hearing. Clerk, have you received any notifications from the public who wish to express comments in favor of the item? **Ms. Sparks** said no comments in favor. **Mayor Garner** asked, is there anyone joining us virtually, Clerk, who would like to speak in favor? **Ms. Sparks** said we have Gail with her hand raised.

Gail Bergman, 4520 Francis St., said I'm a few houses down from the development. I was in support of it and I'm still in support of it now. I view it as a benefit to the community. I think property tax abatements have a place. I don't necessarily fully support them, but I want the project to go forward and I would ask that the commissioners consider. I believe the apartments in Russian Hill got an additional \$300,000 for an intersection improvement, so I would just kind of maybe like a similar commitment in this agreement to get further traffic improvements along 46th, if possible.

Mayor Garner asked, Clerk, anyone else? **Ms. Sparks** said no other hands are raised. **Mayor Garner** asked, is there anyone in the chambers who'd like to speak in favor of the item?

Dan Thompson, 4514 Francis St., said I basically live five houses from this project. I've been involved for what, two years in this, I think. I've been here several times. I'm here to represent many members of our neighborhood that are for this project. We wanted to get it started. We're raring to go. I just want to remind you, I've got 70 to 80 support letters sitting here that I personally

went out and got. We're just ready. Please vote yes. Let's get this thing going. I think what they're asking for is extremely fair and creates a win-win.

Jerry Greer, 4503 Francis St., said I've attended several of these meetings previously in support of the project. I'm here again in support of this project. I'll keep my statement short. I agree with what the others have said. Please consider this and move this project forward.

Greg Kindle, Wyandotte Economic Development Council, said I'm a resident of KCK. We're here in support of the resolution of the issuance of IRBs for the Woodside Rosedale Apartment Project at 4601 Rainbow. This project has been a long time in the making. I was here almost one year ago tomorrow, soon tomorrow, in support of the rezoning.

We've been following this project for a very long time. It's gone through a lot of revisions. At one time it was over 200 units. It's now down to 149 units but the investment is still remaining at \$70 million because of those costs that the developer mentioned. They're still here.

I just want to say this is a good project because it drives revenue we don't already have. The reality is it drives about \$1.7 million in net new taxes over its first 10 years during the abatement period versus \$250,000 if we do nothing. If we do nothing with a blighted piece of property, isn't the highest and best use, it's a vacant building with vacant lot with basically brush growing around it, that's the entrance of our community in that location.

We think this is the kind of project that you've asked for. It does meet a lot of the needs of the community. It meets the needs of KU Med and the medical environment that we have there. We just think it's time to move these projects forward. We think this has been a good project. We think this is a good group and they've done a lot to engage the neighborhoods. It isn't a perfect project. It never will be a perfect project, but we need to move these projects forward a little more rapidly than the two years, I think, we've been working on this. We're just here to support that. We think this is the right project. We think it drives revenue. We think it does good things for the community, so we encourage you to support this as well.

Erin Stryka, Rosedale Development Association, 1403 SW Blvd., said RDA has not made a decision to support or oppose this incentive, but I do have some questions for the commissioners about it, if I may. Is that all right, Mr. Mayor?

Mayor Garner said you really don't ask them questions. They'll ask you questions. **Ms. Stryka** said I have some questions to pose out loud that the Commission can consider. **Mayor Garner** said then they can respond back.

Ms. Stryka said first of all, in the presentation to the Economic Development and Finance Standing Committee, bond counsel described benefits to the community as including women and minority-owned business hiring goals. I asked this at standing committee and got part of the answer but wanted to ask it again. What are those goals and how will we know if they're met? If they're not met, what happens next?

Second, I wanted to—so sorry to read from the Rosedale Master Plan when it's 11 PM, but the Rosedale Master Plan has a section on development incentives. One of the guidelines that is meant to be considered for development incentives in the Rosedale area is public benefit. Projects receiving public funds for eligible public expenses should provide a tangible public benefit. Examples include infrastructure, streetscaping, public spaces and parks, and other amenities.

At the standing committee, the Spring Valley Neighborhood Association requested, as a public benefit, that the developer consider extending the sidewalk to State Line Road along 46th or providing meeting space to the neighborhood association. I think those were meant as examples. The developer stated that they couldn't do that because they don't own that land and that they don't have community meeting space. I wanted to point out that the Commission could request the developer fund that sidewalk through our sidewalk incentive program or the way that the Russian Hill project worked, that there was funding for infrastructure, something like that. **Ms. Sparks** said one minute remaining.

Ms. Stryka said I wanted to ask, will any additional public benefit be considered or requested by the Commission beyond what's already required by our code and our landscape designs and all of that?

Finally, the Rosedale Master Plan states that when market demand is strong enough that more developer interests is coming to Rosedale and projects are becoming more feasible without incentives due to raising rents and values. The use of incentives should be curtailed and are used in a much more targeted manner. There's a lot more to that but the idea is to use these incentives strategically and not make them built into every project. My question for the Commission is, is the market in Rosedale and in KCK, in general, such that it's time for that more strategic approach?

Again, not in support or opposition, but just some points that I hope will be discussed tonight.

Mayor Garner said I catch that you mentioned that the Rosedale Association wasn't a proponent or opponent, correct? **Ms. Stryka** said correct. **Mayor Garner** said so this opportunity for you to speak was basically for those that were in favor of that. So are you, as a resident, I mean, is that your position that you're in favor? **Ms. Stryka** said oh, great question. **Mayor Garner** said that was the question. **Ms. Stryka** said I don't think it's ethical for me to take a personal position when I'm down here representing RDA. I hope that's sufficient.

Mayor Garner asked, is there anyone else that would like to speak in favor of this item? (No one appeared.)

I'll ask the Clerk, have you received any notification from the public who wish to express their comments in opposition? **Ms. Sparks** said yes. I'll read those comments now.

The first one is from Karen Kawa. I attended every neighborhood, Planning, and Commission regarding Woodside. I can tell you the majority of the neighborhood was opposed to this project for several reasons, but specifically, because the developer was going to ask for incentives. They held three meetings with the neighborhood and told us that at each one that was their intention. I noticed at the final meeting, their attorney told the commissioners they did not yet know if they were going to ask for incentives, which was not true. Why would the UG consider giving them just shy of \$53 million while continuing to raise taxes significantly for single home owners?

Our next comment is from Patricia King Stone. Good evening, Commissioners. As a 34-year resident and homeowner in Wyandotte County, I faithfully pay my property taxes each year to help better our community. During this time of economic uncertainty, I respectfully submit my opposition to the proposed tax incentives or gift of nearly \$53 million to the developer of the luxury apartment complex at 4601 Rainbow Boulevard, located directly across the street from my home. Instead, I would suggest a report outlining the benefits to the county be submitted from the Economic Development Department and be submitted to the Commission first before a vote on the proposal. Thank you.

The next comment is from Robert Stone. I am opposed to giving this tax incentive. I would like the committee to pass on this until it can be shown to we, citizens, exactly how our county, which is supposedly going bankrupt, will benefit by giving this developer a gift of \$53 million. This developer will build this project without this gift. He already owns this land. He owns the luxury apartments right next door. He owns the luxury club, pool, and spa complex also next door. Why would our county give him \$53 million to build this project when it is obvious he will build it without it.

Next comment is from Erin Doleshal. Opposed. The developer is asking our county to give them tax exemptions to help them build luxury apartments adjacent to their luxury apartments, which is adjacent to their business in one of the best locations in the city. Unless someone can provide details to the taxpayers as to why this is the UG's best interest, we should not be entertaining the incentive requested.

Final comments are from Patricia and Lester Lawson. We are writing to oppose granting nearly \$53 million in tax abatement for the apartment complex to be located at 4601 Rainbow. While some struggle to pay taxes, the Unified Government is poised to grant millions in abated taxes to the 4601 Rainbow Boulevard, LLC, development project, which is a great thing for the developers, but what does it say to the everyday taxpayers of Wyandotte County? At the very least, the developers should not get a break on sales tax when poor and middle-class people pay taxes day in and day out. We realize there are reasons to assist businesses, but when a city as needy as KCK, we would like to see some sharing of the wealth that will be accumulated. We doubt those who own the property will build it elsewhere since they own adjoining properties.

Ms. Sparks said those are all the comments we received.

Mayor Garner asked, Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Ms. Sparks** said no hands are raised. **Mayor Garner** asked, is there anyone here that would like to speak in opposition?

Jacob Hodson, 4448 Francis St., said I am the President of the Spring Valley Neighborhood Association, the neighborhood which this building resides in. For the record, I am for the building of the apartments. I am against giving the developer tax incentives to do so. I would request that if you do consider tax incentives, that you would ask for a community benefit and for the developer to pay for a pedestrian infrastructure along 46th Street to keep our residents safe moving through the neighborhood from State Line to Rainbow Boulevard.

I'd also ask if there is a community space inside that building at all that we'd be able to use it for our neighborhood association meetings as we do not have any public spaces in Spring Valley in order to hold those. We typically hold them either at Westwood City Hall or in the church across the way in Hanover Heights.

Kelly White, 4410 Francis St., said I'm glad it was brought up again, the support, what the developer and the other gentleman is saying with regard to the support because that's been brought up several times. I went to the packet of the January 26th meeting where all of the letters of support and opposition were there for your review. I printed all of them. It's interesting to know that there were 57 signatures in support of this. When I say signature, some of them were letters, some of them were the forms that they sent in. Five of them were from the same people. One of them was from a Woodside employee, so that brought it down to 51.

I would like to also point out that the developer found someone in our neighborhood to go around and pass out packets to some houses and some area businesses with a description of the project. Obviously, it was biased in their favor, explaining the project in their favor, not necessarily showing the pros and cons of the project with the document for people to sign.

I have 99 signatures. Some of them in letters, some of them in just the form that I went around with explaining to everyone what the project was about, the pros and the cons. I made sure to speak to everyone with regard to this. I wanted to make sure they understood the project because I wanted them to sign if they were against it with all of the information. I can tell you I'm bringing this up because it's important to note that as soon as I said there were two things that made them sign this without question, respectively, incentives and the cost of the rent of these apartments.

This request for tax exemption to build high-rent apartments, as the other comment said, next to their high-rent apartments, next to their business feels gross. It is a system that they know how to play. **Ms. Sparks** said one minute remaining.

Ms. White said when they tell you they will not build anything without the incentives, it is a bluff. They will build apartments there because they will not sell this land to someone else and risk having no control over what is built next to them. They do not want a dilapidated building, their words, next to their current apartments.

A yes vote for this incentive request is a vote to allow them to take advantage of Wyandotte County taxpayers.

Mayor Garner asked, is there anyone else who'd like to speak in opposition? Seeing none, I will close the public hearing.

Commissioner Kane asked, how many times have you guys been in front of us? **Mr. Johnson** said too many to count. Probably over five. **Commissioner Kane** said I'm not sure, but I think you guys met with more people than any other project that I can remember. I wish all of them would take the time and make the adjustments that you guys did from x amount of apartments to x amount of apartments. The improvements that's to be done over in that area are unbelievable.

Action: **RESOLUTION NO. R-63-23**, "A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its industrial revenue bonds in the amount of not to exceed \$52,927,000 to finance the costs of acquiring, constructing, improving and equipping a commercial multifamily facility for the benefit of 4601 Rainbow, LLC and its successors and assigns."
Commissioner Kane made a motion to adopt the resolution.

Commissioner Ramirez said this is my district, of course. Everyone knows this project very well. I've supported the project. When the development agreement came through, I voted to support it. It was brought to my attention by community members that I did make the statement that I would support the project but wouldn't support incentives for the project. If I said it to my community, I'm going to stand by that statement. It is not saying that I don't support the project, I do. It's something that is needed as the Rosedale Master Plan housing across all price points, but, and this is where I'm going to ask Legal for help.

I want to make an adjustment because I know when we get PILOT payments, they go straight to the General Fund. Counsel, am I able to make an adjustment that the PILOT gets set aside for community benefit for the Spring Valley be it a sidewalk? **Mr. Conway** said I think Kevin had probably wanted to address it.

Mr. Wempe said good question. To be clear, the payments in lieu of tax will be the 10-year period after bonds are issued once construction is completed. The first PILOT payment is three-ish years away. I think what you're suggesting—those payments in lieu of tax are basically property taxes that will come into your coffers and be subject to the budgetary process of a future governing body and so forth. I think the short answer is no. We can't earmark those today for future use.

Commissioner Ramirez said that is why I had asked before I made any adjustment or what have you. I guess I will keep my comments at that.

Commissioner Ramirez said going back to one of, quickly, one of Ms. Erin Stryka's comments about the MWBE goals. We, here at the UG, how do we track that? How do we ensure that we're following those goals? What enforcement mechanism do we have to make sure projects are making those goals? All these development agreements, all of these projects that are out in our community have these goals, but us, as commissioners, we don't know if any of these projects are meeting those goals and why they are not meeting those goals.

Debbie Jonscher, Interim CFO, said I did just want to say in the performance agreement, there is a section that talks about developer compliance. We do check that. They are required to submit documentation for their contracts to our Procurement. I think it used to go to Economic Development, but then it would be checked with our Procurement Department to ensure that they have met those guidelines that are within the performance agreement.

Commissioner Ramirez said and it takes the time that it needs.

Commissioner Ramirez said a request to our Administrator. If we can have a report of projects if they've met their goals, why they haven't met their goals. I think that's something that would be very beneficial not only for the Commission, but for the community as well to know. That's a request I make.

Action: Commissioner Stites seconded Commissioner's Kane motion for approval.

Commissioner Bynum said I appreciate the project. I think in general, you know, the Commission supports the project. Bond counsel, I was going to ask you to come back. I was going to ask you to come forward. I heard multiple folks either being read into the record or speaking in opposition to the incentives. I think what I would appreciate very much is just a brief overview of what IRBs are, number one, because I heard multiple references of people saying \$52 million giveaway. I just think that's inaccurate, so if you wouldn't mind clarifying for us and the public exactly what the IRB component is.

Furthermore, I heard Mr. Kindle say that it's \$1.7 million net new over the 10-year life, which means I don't think over the 10-year life it was going to pay \$52 million. So, I just want you to give us that detail again, please, so that we and the public can understand this better.

Mr. Wempe said one quick detour because it was brought up, also, several times before. Going back to the local, minority, and women-owned business, the penalty for that is built into the contract. It's been the case on the majority of your IRB projects and property tax abatement where the annual inflators doubled if they should fail to meet those goals. It slides more property tax revenue to jurisdictions and decreases the incentive. So, that's the response to that. Thanks for letting me handle that first.

Mr. Wempe said also, some of the statements about gifting \$52, \$53 million to the developers is incorrect. The size of the bonds is dictated by the estimated construction cost of the project. The reason for that is that the statute requires anything to which the two incentives run under IRBs should be bond financed.

On these buy your own bond deals where the developer is purchasing its own bonds, the IRBs are simply used as a tool for providing property tax abatement for a maximum term of up to 10 years and sales tax exemption on their construction materials and (inaudible). It's a common misconception when we talk about IRBs or any type of bond. Most people's general idea of a bond is we're borrowing money or someone's writing a check, or something loan-like on these deals where it's simply for the purpose of branding the incentive. That's not the case. There's not money going out the door on the front end to fund construction costs by the UG. Instead, the

developer will privately finance these construction costs. They'll realize the savings by not paying sales tax on those construction materials. Then, of course, the property tax incentive is that 10-year term following completion.

Commissioner Bynum asked, is it also a common misconception that—it's gone from my brain. Sorry.

Commissioner Burroughs said during the discussion within the Economic Development Committee, it was strongly suggested that the staff and/or the local unit of government form a listing of MLB, MBE, and WBE so that we have that listing available for developers when they come in so they don't have to take that burden upon themselves to reach out and do that. That listing is already here. Many of them are Wyandotte County residents, Wyandotte County small businesses, and can be utilized by the developers. That was a suggestion that came forward from the discussion within the Economic Development Committee. It was met wholeheartedly.

Commissioner Burroughs said if I remember correctly, it was stated that the ownership of the prior development to the south is still owned by those that invested in it. If that's the case, I would anticipate that being the same situation moving forward with this development. I don't know how many developers in this community develop and stay and continue to be a good partner in our community through development. Many times they come forward, take the incentives, within three years they sell the project, take the incentives and sell them off and we are left with new owners or new vendors we do not know about.

I just want to say thank you. I just wanted my colleagues to hear how much of a discussion we had in reference to your development in Economic Development Committee.

Mayor Garner said I will close the public hearing. Are there any further comments or questions? (There were none.)

Roll call was taken on the motion and there were eight "Ayes," Bynum, Burroughs, Townsend, McKiernan, Kane, Markley, Stites, Johnson; and one "No," Ramirez.

(Angela Lawson, Acting Chief Counsel, returned to the meeting.)

Item No. 2 – 212833...ORDINANCE: DOWNTOWN CAMPUS PROJECT (LANIER UNITED LLC)

Synopsis: Conduct a public hearing and approve the adoption of a resolution determining the intent to issue industrial revenue bonds in the amount of not to exceed \$52,927,000 to finance the costs and equipping a commercial multifamily facility for the benefit of 4601 Rainbow, LLC, submitted by Jeff Conway, Assistant Counsel. On October 9, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission. Resolution R-56-23 was adopted by the governing body on September 14, 2023, setting the public hearing.

Ordinance to Amend TIF District for Lanier Project (Downtown Campus) and Adopt New TIF Project Plan

Unified Government of Wyandotte County/Kansas City,
Kansas

October 26, 2023

STINSON LLP STINSON.COM

Todd LaSala, Stinson LLP, said I'll be very brief. I do have a presentation. It's very short. I think the visuals will be helpful.

Your public hearing tonight on the Lanier Downtown Project requires public hearing and there's essentially three things this ordinance does.

STINSON

What are We Considering Tonight?

An Ordinance re: the Lanier Downtown TIF that would:

- Remove the Athletic Field Property (and connecting ROW) from the TIF District
- Termination of the Original TIF Project Plan adopted by the UG on July 30, 2020
- Adopt a New TIF Project Plan with a Number of Differences

These are the three things that we would accomplish if you were to vote for this. One, it would remove the athletic field property from the existing TIF district. I'll show you exactly what that looks like in a minute. Two, it would terminate the TIF plan that was approved in July 2020, the original TIF plan. Third, it would adopt a brand new TIF plan with a number of important differences.

STINSON

1. Removal – This is the Original TIF District (2020)"



3

This area you see in blue is the original TIF district for this project from 2020. If you keep that in your mind, you'll see the Reardon Center kind of on the right-hand side of this slide, and then it's connected through the right-of-way. That other site on the left-hand side of the slide was originally to be the athletic fields portion of the project. That's the part, along with the right-of-way, that's going to be removed.

STINSON

1. Removal -- The Proposed Amended TIF District (2023)



4

If you were to approve this, the portion you see in blue that remains, that would be the new TIF district for this project.

STINSON

1. Removal – The Removed Property



5

This is the area that is removed. Hopefully, all of that is clear. Those are the adjustments that you would make to the TIF district tonight if you were to approve the ordinance.

STINSON

2. Termination of Original TIF Project Plan

- Original TIF Project Plan was adopted on July 30, 2020
- Has never been implemented and no TIF Proceeds Disbursed under existing TIF Project Plan
- The Original Project Plan is no longer desired or feasible

6

Termination of the original plan. This original plan was adopted in July 2020, but it's never really been implemented. There are no TIF proceeds that have been dispersed under this plan, and the developer wants to abandon this plan and move to a new, adjusted plan.

STINSON

3. Approval of new TIF Project Plan

Key Differences in New TIF Project Plan (vs. 2020 TIF Plan)

All previously reviewed and approved in Amended Development Agreement (approved on April 13, 2023)

- Removal of 38,000 s.f. recreational fields concept
- Removal of 6,000 s.f. fitness center
- Increase in Apartments from 75-85 units up to 85-100 units

7

The new TIF plan that you have in front of you, which, by the way, is really sort of laid out in the development agreement that you approved in April. This entire process is frankly laid out and road mapped in that development agreement.

Here are the major differences. The athletic fields concept and that portion of the project that is being removed, it goes away. You may remember that portion of the land that is leaving is really going to be used by the community college in their project. Secondly, it removes a 6,000 s.f. fitness center, and it increases the number of units, the apartment units, in the project from a range that was originally 75 to 85 units up to 85 to 100 units.

STINSON

3. Approval of new TIF Project Plan (continued)

Other Key Differences in New TIF Project Plan (vs. 2020 TIF Plan)

- Original TIF Project Plan for sharing TIF increment: Developer gets 100% of incremental had a scaled structure eal property taxes for first 12 years, then decreasing by 10% each year thereafter:
 - 100% for years 1 through 12
 - 90% in year 13
 - 80% in year 14
 - 70% in year 15
 - Etc., down to 20% in year 20
- New Project Plan provides for 85% share of TIF increment every year for 20 years

8

This is really the last key difference. It really changes the structure of the TIF. The original TIF was a fairly complicated sharing structure where the developer really got 100% of the increment and the proceeds from the TIF for the first 12 years of the project. Then starting in year '13, started sharing that increment and rationing down so that the UG would keep 10% a year starting in year '13, growing to 80% in year '14, 70% in year '15, and so on until you get to 20% of the TIF that the developer would see in year '20.

The new plan is a straight 85% across the board. The developer gets 85% of the increment. The UG starts sharing in 15% of the increment in year one and gets that every year of the 20 years.

STINSON

DISCLAIMER: This presentation is designed to give general information only. It is not intended to be a comprehensive summary of the law or to that, exhaustively the subjects covered. This information does not constitute legal advice or opinion. Legal advice or opinions are provided by Stinson LLP only upon engagement with respect to specific factual situations.

STINSON LLP STINSON.COM

Those are the differences. Those are really the things that are embedded in this ordinance. I'll also say Mr. Lanier could not be available tonight. He is available online.

Commissioner Bynum asked, in these agreements where we have tax increment financing and we are giving the...**Mayor Garner** said, Commissioner Bynum, I'm sorry. I've gotten ahead of myself. I have to open the public hearing.

Mayor Garner asked, Clerk, have you received any notification from the public who wish to express their comments in favor of the item? **Ms. Sparks** said no comments received. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who would like to speak in favor of the item? **Ms. Sparks** said no hands are raised. **Mayor Garner** asked, is there anyone joining us in the chambers who would like to speak in favor of the item? Seeing none.

Clerk, are there any notifications received who wish to express their comments in opposition? **Ms. Sparks** said no comments received. **Mayor Garner** asked, Clerk, is there anyone joining us virtually who'd like to speak in opposition of the item? **Ms. Sparks** said no hands are raised. **Mayor Garner** asked, is there anyone in the chambers who'd like to speak in opposition to this item? (No one appeared.)

Mayor Garner said I'll now close the public hearing.

Commissioner Bynum said when we have a TIF, the original tax amount on whatever we're providing a TIF for is collected.

Mr. LaSala said that's right. It remains collected by the taxing jurisdiction. You retain it. You keep it.

Commissioner Bynum said the question is, when it's a publicly-owned place like this is, the tax collected is actually zero but it doesn't mean there isn't a value. My question for you is, do we create a base value and collect the tax on that base value before the developer receives the abatement on the increment?

Mr. LaSala said the answer is yes. There is a retained base value that is scheduled in the TIF project plan. It starts at about \$341,000 a year is retained.

Commissioner McKiernan said I would just like to thank Mr. Lanier for not only sticking with us online in our meeting tonight, but for sticking with us over the long haul for the development and execution of this project.

Action: **ORDINANCE NO. O-131-23**, “An ordinance of the Unified Government of Wyandotte County/Kansas City, Kansas removing area from a redevelopment district, terminating a redevelopment project plan, and adopting a redevelopment project plan pursuant to K.S.A. 12-1770 et seq., and amendments thereto, for the project area within the Downtown Campus Redevelopment District.”
Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites.

STANDING COMMITTEES' AGENDA

No items

ADMINISTRATOR'S AGENDA

Item No. 1 – 212832...RESOLUTION: AMENDING ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR LANIER UNITED

Synopsis: Approval of an amendment to the resolution authorizing the Unified Government of Wyandotte County/Kansas City, Kansas to issue taxable industrial revenue bonds for the benefit of Lanier United LLC, in a principal amount not to exceed \$23,260,000, submitted by Jeff Conway, Assistant Counsel. This commission previously adopted Resolution No. R-86-20 on December 17, 2020, authorizing issuance of bonds.

Kevin Wempe, Gilmore & Bell, bond counsel for the UG, said I'll be very brief. Just tacking on to what Todd had just said. As contemplated in the development agreement from earlier this year, another piece of the financing was IRBs for the purpose of granting sales tax exemption on construction materials. Three years ago, this Commission approved a resolution that was set to expire at the end of this year. Due to the nature of the project and that it's now getting underway,

the only amendment here is to actually extend that end date out several years to provide them time to utilize that part of the incentive.

Action: **RESOLUTION NO. R-64-23**, “A resolution amending Resolution No. R-86-20 previously adopted by the Unified Government of Wyandotte County/Kansas City, Kansas relating to the issuance of industrial revenue bonds in the amount not to exceed \$23,260,000 to finance the costs of acquiring, constructing, and equipping multi-use commercial facilities for the benefit of Lanier United, LLC and its successors and assigns (sales tax exemption only).” **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to adopt the resolution.**

Commissioner Stites said if you can answer this. I know this was the previous item that we just handled, but the recreation of that new TIF district and the new plan resets the 20-year clock, correct? **Mr. Wempe** said that’s correct. **Commissioner Stites** asked, when does that 20-year clock start, today? (**Mr. Wempe** shook his head in an affirmative manner.)

Commissioner Burroughs said I think somewhere along the discussion we had a drop-dead date that construction was supposed to begin, the project was supposed to start. Is that date today? **Todd LaSala, Stinson LLP**, said no. **Commissioner Burroughs** asked, when is that date? **Mr. LaSala** said January 22, 2024. **Commissioner Burroughs** said quickly approaching. **Mr. LaSala** said correct. **Commissioner Burroughs** said the middle of winter. **Mr. LaSala** said correct.

Mr. LaSala said, Commissioner, you’re remembering this exactly right. That’s our date for satisfying all our conditions and closing. He would have a little time after that to commence construction after we close on the financing and transfer the property.

Commissioner Burroughs said I just want to remind you to remind your client that we are aware there is...**Mr. LaSala** said I’m your client. I don’t represent Mr. Lanier. I don’t. We are in communication with the developer. We have and will continue to remind them about that date.

Administrator Johnston asked, could you reiterate the closing date from the transfer from our ownership to the developer ownership would happen? **Mr. LaSala** said the deadline for that is January 22, 2024.

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

Item No. 2 – 212834...ORDINANCE: APPROVING ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR MILHAUS PROPERTIES LLC

Synopsis: Approval of an ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to issue taxable Industrial Revenue Bonds (94th and State, LLC Project) Series 2023, in a principal amount not to exceed \$45,000,000, submitted by Jeff Conway, Assistant Counsel. Resolution R-20-21 was adopted by the governing body on March 11, 2021, authorizing intent to issue bonds.

Kevin Wempe, Gilmore & Bell, bond counsel for the Unified Government, said I fully acknowledge this is the last item on the agenda. It’s the third IRB item so I will give the abbreviated version here. We’ve covered a lot of this ground.

This is the Milhaus Apartments at the old Schlitterbahn site. Whereas earlier tonight you did a public hearing and considered step one of an IRB project, this is step two, post-construction. They’re nearing completion. Pursuant to the PILOT agreement that was entered into two years ago, they’re now approaching this Commission to actually issue the industrial revenue bonds. The effect of that will be that they’ll pay all closing costs, including the origination fee owed to the Unified Government. The bonds would be issued meaning starting in 2024, their payment in lieu of tax schedule would begin under that 2021 agreement.

Like we talked about with other projects tonight, it’s a buy your own bond deal. Again, no UG liability, no UG credit risk, developer purchase bond.

Action: **ORDINANCE NO. O-132-23**, “An ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to issue taxable Industrial Revenue Bonds (94th and State, LLC project), Series 2023, in a principal amount

not to exceed \$45,000,000, for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing and equipping a commercial multifamily development, including land, buildings, structures, improvements, fixtures, machinery and equipment; authorizing the issuer to enter into certain documents and actions in connection with the issuance of said bonds.”

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

COMMISSIONERS’ AGENDA

No items

LAND BANK BOARD OF TRUSTEE’S CONSENT AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

ADJOURN

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

MAYOR GARNER

ADJOURNED THE MEETING AT 11:50 P.M.

October 26, 2023

Monica L. Sparks
Interim Unified Government Clerk

cg

October 26, 2023