

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

**PLANNING & ZONING AND
REGULAR SESSION
November 30, 2023**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, November 30, 2023, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. Townsend, Commissioner First District, and McKiernan, Commissioner Second District, were absent. The following officials were also in attendance: David Johnston, County Administrator; Angela Lawson, Acting Chief Counsel; Carl Oakman, Police Chief; Police Command staff; Dennis Rubin, Fire Chief; Mallory Super, Paramedic; Kelly Littlefield, NFIRS Coordinator; Gunnar Hand, Director of Planning and Urban Design; Janet Parker, Planning and Urban Design Department; Dennis Rubin, Fire Chief; Jeff Fisher, Executive Director of Public Works; Alyssa Marcy, Long Range Planner; Monica Sparks, Interim UG Clerk; and Brittnie MacDonald, UG Clerk's Office.

Mayor Garner said this is your Unified Government of Wyandotte County, Kansas City, KS full Commission meeting which includes the Planning and Zoning portion as well as our regular session. Before I call this meeting to order, I want to announce that some commissioners, staff, and the public are attending remotely, also by Zoom, they may be on phone, or they also may be on-site. All participants joining by phone, please mute your phones at this time to avoid any background noise when you're not speaking.

During the meeting, please make sure that you announce yourself by name and title every time that you're allowed to 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 our Kansas Attorney General's Office. When you do speak, make sure that you speak clearly and at a tone and at a level to where you can be heard for those that maybe within site sound or further so that your comments can be captured by our Clerk for record.

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

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

Mayor Garner said tonight, we're going to have our invocation given by Sister Therese Bangert, of Our Lady of Saint Rose Catholic Church, immediately followed by the Pledge of Allegiance.

Mayor Garner asked, Clerk, are there any revisions to tonight's agenda? **Ms. Sparks** said yes. There is a change in order. Under the Planning and Zoning Non-Consent Agenda, Item No. A2-SP2023-042, Matt Thomas with Firm Foundations Ministries, will be heard as the first item on the Non-Consent Agenda.

MAYOR'S AGENDA

Item No. 1 – 212928...RECOGNITION: KANSAS CITY KANSAS POLICE DEPARTMENT

Synopsis: Recognition of the recent recipients of the Award of Valor and the Officer of the Year Award for the Kansas City Kansas Police Department, submitted by Tyrone A. Garner, Mayor/CEO.

Mayor Garner said there's a lot that has been said since I've been mayor about our Police Department. We have men and women outside right now keeping this community safe. They do a great job of keeping this community safe often times missing events with their family, their loved ones, their children, working 24/7 on the streets with great dangers doing things that a lot of us would not want to do; that we pay them to do. They don't walk and shy away from gunfire. They walk into it. They do things that really inspire the hope that we have of a free society. Without them, we could not have our American society.

When you look at the leadership of Chief Oakman and what he has done, when you talk about diversity, inclusion, outreach to the community, embracing 21st Century policing principles. When you look at the work of the men and women under his leadership, take your pick from our detectives, to our patrol officers, to our Victim Services professionals, to our administrative professionals, men and women throughout the organization, be it Dispatch or otherwise, doing things in the service of this community. I can say that good work is being done.

There's a lot of negativity towards law enforcement today. It does not do our Police Department, our community, or our society justice when we try and paint a broad brush over the good work of the good police officers doing good work every day. They come out here and sacrifice and not knowing when they come to their roll call every day whether they're going to go home and see their family. They took that oath and that call to action to keep our community safe and to do so honorably.

We need to recognize those good officers. We need not forget those good officers that are doing good work, and we should not vilify police departments and the officers that are doing good work in our communities. I reject those people that do. I reject those people that do. We know they're doing good work because we have a Police Department, under the Chief, under the leadership of Chief Oakman, that has brought this department and our community to a nine year historic low in violent crime. That's good work.

When you talk about the initiatives of engaging with our community, embracing those 21st Century policing principles that I talked about, bringing police and community together unlike we've seen in a long time. That's good police work. When you talk about saving people's lives by addressing fentanyl and those peddlers of that poison, that deadly poison in our community, that's good police work.

When you look at a homicide solvability rate, at one point that was a 100% solvability rate. Records here in Kansas City, KS, under the leadership of Chief Oakman, the detectives, and the men and women of this Police Department doing that good work. You talk to any of those families, some of them are not sleeping great, but they're sleeping a little easier because they know that those homicides have been solved. Every category of violent crime has been reduced, and they've done so not being fully staffed; not being fully staffed.

So, it's with great honor and pride for me to recognize the good officers that are doing good work under the leadership of probably one of the best chiefs you'll find anywhere right here in Kansas City, KS, doing great things of creating a great and safe and livable Wyandotte Co...or at least Kansas City, KS, for our residents. That's what we need to champion. That's what we need to recognize. We need to reject those voices that try and say that our Police Department and those good men and women are anything other than doing what is honorable and necessary to keep our community safe.

With that being said, it's my honor and pleasure to recognize officers that have gone above and beyond the call of duty and have just been recognized here, locally. I'm not going to steal the thunder from that, but I'll let our Clerk read that highlight.

Ms. Sparks said on April 5, 2023, at 1517 hours, officers with the Kansas City, KS Police Department were conducting an undercover narcotics buy of a large amount of fentanyl. On this day, the KCK Special Operations Unit and the KCK Narcotics Unit were conducting a takedown of these suspected drug dealers. Past narcotic buys with these suspects have shown them to be heavily armed. The suspects backed into a parking spot where members of the KCK SO Unit blocked them in an unmarked van. Before the van was even in position, the suspects opened up on the police van with full automatic rifle fire striking multiple officers. All three suspects were also struck by returning gunfire and were taken into custody. The following is a list of the heroic actions that day.

Sergeant Glenn Carter. Sergeant Carter, after being hit several times in the neck and arm, was able to exit the van and provide return fire back at the suspects. While in the midst of a barrage of gunfire and after being critically wounded, he was still firing several magazines back at the suspects, along with giving commands to other officers. It was only after expending most of his ammunition he realized his injuries were critical and was evacuated from the scene.

Officer Chris Blake. Officer Blake was driving the undercover van this day. Upon taking fire, he was able to draw his own weapon and return fire to the windshield back at the suspects. While engaged in a face-to-face shootout, he was struck in the head. After being struck, he continued fighting for several more seconds until he was able to exit the vehicle. Other officers provided care for him, and he was quickly evacuated from the ongoing firefight.

Officer Wesley Lundgren. Officer Lundgren exited the van and was immediately hit in the hip. While wounded, he managed to deliver a volume of fire back at the suspect's vehicle with his rifle. This counterfire was crucial to neutralizing the suspects. After seeing Officer Blake exit the vehicle with an obvious head injury, he placed himself in the line of fire to provide protection to Officer Blake. Only after realizing he, too, was wounded did he pass along his rifle and moved to the evacuation vehicle.

Officer Chad Shore. Officer Shore was also in the van upon taking fire and received a bullet fragment in his head. He was able to exit the van and return fire back at the suspects. He

quickly moved to a position of advantage to the side of the suspects' vehicle and provided additional return fire from this location. Upon seeing Sergeant Carter injured, he provided life-saving measures to him and made sure he was evacuated. After Sergeant Carter's evacuation, Officer Shore took command of the scene, gave tactical guidance to the officers left, and coordinated additional responding resources. His willingness to step-up and provide leadership was instrumental to the success of the incident.

Officer Greg Hanes. Officer Hanes was also in the van and took bullet fragmentation to his face. He was quickly able to return fire back at the suspects and then exited the van and provided care for the other wounded officers. After taking Officer Lundgren's rifle, he provided covering fire as the wounded were loaded up and taken away from the scene.

Officer Robert Twitchel. Officer Twitchel was designated as a marked vehicle and arrived in the parking lot with his lights and siren on just as the automatic gunfire was erupting. He drove his vehicle to the driver's door of the suspects preventing their escape. He then drew his pistol and returned fire back at the suspects through his windshield. After exiting his vehicle, he retrieved a ballistic shield from his car and passed it to exposed officers still by the van.

Officer Chad Williams. Officer Williams was designated as a marked vehicle and entered the lot as the gunfire was erupting. He exited his vehicle and took up a position of advantage against the suspects. Quickly, upon seeing the critically-wounded officers, he exposed himself to danger by entering back into his vehicle. He repositioned it to load up both Officers Lundgren and Blake then drove them to the hospital.

Officer Angel Silvestre. Officer Silvestre is assigned to the KCK Narcotics Unit and was present when the buy took place. When the SOU officers took fire, he immediately ran toward the gunfire to provide assistance to the downed officers. He took up a cover position near Officer Shore, which allowed Officer Shore to provide first-aid to Sergeant Carter. Officer Silvestre was under threat of direct fire and escorted Sergeant Carter to his unmarked police vehicle and drove him to the hospital.

Detective Jamie Miller. Detective Miller is assigned to the KCK Narcotics Unit and was observing the takedown when the gunfire erupted. Without hesitation or cover, Detective Miller ran toward the injured officers, exposing himself to the suspects. He was instrumental in providing cover and assistance to the officers when they needed it most.

These officers showed the highest level of dedication, proficiency, and courage while performing their duties. These officers' actions helped take three extremely dangerous fentanyl dealers off the street.

At this time as Sergeant Carter and Office Blake could please come forward, as well as the Chief and Command Staff.

Mayor Garner said I'd like to say, as they're coming up, this Chief has done a real good job of bringing reforms that were necessary, diversity that was necessary, as well as community collaborations that have brought about the historic reduction in crime. The Police Department is only as good as the information and the support that they get from this community.

For all those individuals, wherever they may be far and wide, that want to vilify the Kansas City, KS Police Department, I ask for you to take pause and just like you want to go out and throw shade at this Police Department. I challenge you to come out and ride and experience the good work that the good, and I want to stress, the good men and women of the Kansas City, KS Police Department do every single day.

Those good officers represent the overwhelming majority of the Kansas City, KS Police Department. They risk their lives. They put their lives on the line every day. They sacrifice in ways that some of you will never even begin to even recognize. So, I challenge you to come and experience and learn and educate yourself on the good things going on with this Police Department through this leadership of our Chief, this Command Staff, and the hard work of the men and women that keep this community safe.

I'll say it again. I reject any voices out there that want to continue vilifying with a broad brush the good work of the men and women of the Kansas City, KS Police Department.

Ms. Sparks said as a result of their heroic actions, Mayor Garner has issued a proclamation for Officers of the Year. (Ms. Sparks read the following proclamation.



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS, On April 5th, 2023, at 1517 Hours Officers with the Kansas City Kansas Police Department were conducting an undercover narcotics investigation into fentanyl distribution. On this day the KCK Special Operations Unit and the KCK Narcotics Unit were conducting a takedown of the suspected drug dealers; and
- WHEREAS, the suspects were alerted to KCKPD and opened gunfire on the police striking multiple officers. All three suspects were also struck by returning gunfire and were taken into custody; and
- WHEREAS, Sgt. Carter, after being hit several times in the neck and arm, was able to exit the van and provide return fire at the suspects. Amid a barrage of gunfire and after being critically wounded he was still firing several magazines back at the suspect along with giving commands to other officers; and
- WHEREAS, Officer Blake was driving the undercover van that day and upon taking fire he was able to draw his weapon and returned fire through and during the shootout was struck in the head; and
- WHEREAS, Officer Lundgren engaged in gunfire with the suspects but was shot in the hip. This counterfire was crucial to neutralizing the suspects. After seeing Officer Blake exit the vehicle with an obvious head injury, he placed himself in the line of fire to protect Officer Blake; and
- WHEREAS, On November 16th, the Kansas City Metropolitan Area Chiefs and Sheriffs Association held its 52nd Annual Valor Awards ceremony; and
- WHEREAS, Sergeant Glen Carter, Officer Chris Blake, and Officer Wesley Lundgren, as a result of their heroism were each named Officer of the Year – the most prestigious recognition awarded granted.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim November 30th, 2023, as:

“KCKPD Officers of the Year Day”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize KCKPD Officers of the Year 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

Mayor Garner said thanks again to our Officers of the Year, as well as Chief Oakman and all the good men and women doing great work here in Kansas City, KS, to keep us safe.

Action: **Recognitions were made and proclamation was read.**

Item No. 2 – 212932...RECOGNITION: KANSAS CITY KANSAS FIRE DEPARTMENT

Synopsis: Recognition for the Kansas City Kansas Fire Department as the 2023 Gingerbread House winner, submitted by Tyrone A. Garner, Mayor/CEO.

Mayor Garner said last year, I started a Gingerbread Contest at the Mayor’s Christmas Tree Lighting, and last year’s winner of that Gingerbread Contest was Municipal Court. They came in

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a close second this year. The thing that won me over when I had to make the selection was the Fire Department actually had lights that worked on their gingerbread house.

So, Chief, if you could come up with the two young ladies that put that together. If one of my staff members can maybe display the house.

I'm proud to announce that this year's winner—there goes the lights. They work. This year's winner is the Kansas City, KS Fire Department. These two awesome young ladies spent some time really putting together, per the rules, that amazing gingerbread house. It's an honor for me to be able to announce that and to grant you that Golden Gingerbread Man.

Dennis Rubin, Fire Chief, said that was one of our great paramedics, Mallory Super, and the other young lady, Ms. Littlefield, one of our Fire Prevention Inspection officers. So, it's quite an honor to see them getting some recognition this evening.

Mayor Garner said this year, we also recognized a community member. We reached out to our NBRs and our Livable Neighborhood folks. This year's winner, if Ms. Tomi, she is the Executive Director for the Downtown Shareholders. The Downtown Shareholders, this is their first year representing the community with their gingerbread house. She is the recipient and the winner. There were funds that were generated from donations to the Mayor's Christmas Tree Lighting. For all of you that don't know, the Unified Government doesn't spend any tax dollars for the Mayor's Christmas Tree Lighting. Historically, the Christmas Tree Lighting is mostly funded through donations that are given through the Downtown Shareholders, who operate as the fiduciary. Thank you and congratulations for winning.

Tomi Francis-Ramirez, Executive Director of Downtown Shareholders of KCK, said thank you so much. Downtown Shareholders is honored to be part of this event and help raise some money to put on this amazing event.

Action: Recognitions were made.

Item No. 3 – 212933...PRESENTATION: CENTRAL AVENUE BRIDGE

Synopsis: Presentation from Representative Pam Curtis regarding the Central Avenue Bridge, submitted by Tyrone A. Garner, Mayor/CEO.



Pam Curtis said I appreciate this opportunity to come and talk to you about the Central Avenue Bridge. I'm a KCK resident and I also serve as the State Representative for the Kansas House District 32, which includes the area that includes the Central Avenue Bridge.

Multiple contemporaneous bridge closures around Wyandotte County, including the Central Avenue Bridge, have highlighted to residents just how vulnerable and important our infrastructure is in KCK. While KCK has more bridges than other communities our size, we also have a set of unique challenges that make those bridges necessary for residents to move efficiently around the county and region and also for commerce. We're a major railroad hub for the United States sitting at the confluence of two major rivers, one of which is a state line. All of these factors make our bridges critically important. The vast majority of residents and businesses that I have heard from support a plan that repairs and replaces the Central Avenue Bridge.

So why is the Central Avenue Bridge so important? It is a gateway to our city. It provides an essential bistate connection. It is a main artery from West Bottoms and the James Street Central Industrial Area. It provides access to small businesses along Central Avenue, Strawberry Hill, and our downtown area. It is the route that our residents have used for decades to get to work, to medical appointments, to essential services, to visit family and friends. It is also the route that many local businesses depend on to move goods and services. The Central Avenue Bridge connects KCK to the region and to the greater community. Historically speaking, the Central Avenue Bridge has provided an important river crossing since the early 1900s.

The double-decked bridge was constructed in 1918 to replace the original bridge that was destroyed in the 1903 Flood. The portion of the Central Avenue Bridge that crosses over I-70 and the Union Pacific Railroad is state-owned. KDOT is moving forward with their project to replace this portion of the bridge, which has exceeded its useful life. The portion of the Central Avenue

Bridge that extends further to the east connecting Central Avenue to James Street is locally-owned and under the jurisdiction of the Unified Government.

As part of our presentation tonight, we have with us Steven Cross from KDOT and Jarrod Russell with the project team to give us a quick update about the KDOT Central Avenue Bridge Project, which has prompted this larger discussion. Following that, we will hear from Senator Pat Pettey that is going to talk about some of the state's resources that may be able to help. Then we will hear from some businessowners and residents about the importance of the bridge.

At this time, I would like to call up Steven Cross and Jarrod Russell to just give a quick update about the KDOT project on the bridge.

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- KDOT's interest in the Bridge is the interstate ramps to and from the Central Avenue Bridge, which is the responsibility of the State.
- KDOT is in the community engagement part of planning the future of the Central Avenue Bridge.



KDOT Project Updates available at
<https://ike.ksdot.gov/central-avenue-bridge>



Steven Cross, KDOT, said we'll be talking about, as already mentioned, we'll be taking about basically our bridge, which you can actually see up on the screen there. It's the section that's in yellow and the blue area are the ramps. We're going to give you a little bit of a project overview, and then we'll jump in and Jarrod's going to take over and talk to you about what we've done to date on our project and some of the things that are up and coming.

Currently, we're in what's called the discovery phase. For KDOT, a discovery phase is we look at the project and we basically try to get as much input as possible and try to come up with some sort of recommendation on how do we reconstruct this bridge. As you all know, this is a very complicated interchange/intersection. KDOT's hired Benish as a company to look at this bridge. We're looking at—we've had a couple of public meetings where we've met with people and talked about access issues, how to carry traffic through construction, and things like that. So part of the discovery phase is to get all that information and try to come up with a recommendation on this is the way we want to reconstruct this.

If you look on your handout, the third page there, there's a little bit of a timeline. The discovery phase that I'm talking about right now is scheduled to be completed in September 2024. We have a little less than a year to complete that. At that time, there'll be a report that's published and we'll have those findings and some sort of recommendation that we can take on to the next phase, which would be what we call a preliminary engineering phase. That's where the designers really take the details and start digging into what we can actually do with the bridge, how we're going to construct it, and stuff like that. Then that moves us into a final design phase, which basically we get the project ready to be advertised for construction letting.

We're anticipating the letting to be late of 2028, is our goal. With that, that's a little bit of the timeline. I'll open it up to Jarrod. I'll turn it over to Jarrod and he'll talk to you a little bit about more of the project details.

Jarrod Russell, Benish, said like Steven said, this is in what's called the discovery phase portion of this project. It's investigative where we're looking at alternative layouts, sections, things that make the most sense for KDOT's replacement structure. As you can see on the screen, like Steven explained and Representative Curtis, KDOT's portion is owned and maintained there in the yellow. The 670 ramps tie into the KDOT portion. As you move to the east and crossing the river, this is the UG-owned and maintained portion of Central Avenue. The only delineator out in the field you would notice would be an expansion joint right there at the eastern edge of the yellow portion of the structure, otherwise, when you're out in the field, you would not have any idea of the distinction between the KDOT-owned and UG-owned portion.

Some of the major points of our discovery phase are going to include identifying conflicts, namely utilities, railroad coordination, as well as finding a way to maintain traffic through this

area during construction. For those who are familiar with the project site, the businesses down below around the Third Street area, the ramp shadowed by the 670 flyover is about their only way in and out for vehicular traffic which then connects to I-70. Evaluating constructability methods and finding a way to maintain traffic during construction is a high point here in this discovery phase.

The items we've completed to date include topographic survey of the project site. We've held two public meetings to explain, again, the purpose and the need of this project to those interested in attending those meetings, as well as we just completed some repairs to the interstate median for anyone who traveled through that area in the past couple of months.

What's next for the discovery phase, like Steven said, we're going to be wrapping up our report and delivering that to KDOT in September 2024. From there, we will move into preliminary and final design phases for the engineering of the replacement structure. As Steven mentioned, the project will be advertised and let. For now, anticipated in 2028, but that is subject to change.

With that, that wraps up our brief overview of this KDOT project. If there's any questions, I would urge you to point those toward Steven with the email in your handout.

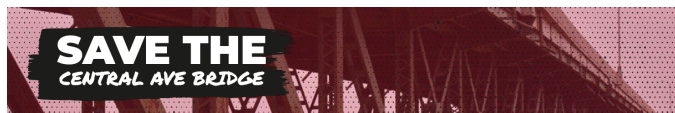
Pat Pettey, Senator 6th District, said I'm a life-long Dotte. You've heard from Pam at the beginning, and also from KDOT, about where this project is at this point. I'm going to just touch on the opportunities that are available mostly from federal funds to the UG. Probably this is something that staff has already dealt with or, hopefully, they are dealing with this.

~~“BIPARTISAN INFRASTRUCTURE LAW”~~

Kansas Infrastructure Hub & Build Kansas Fund provide Kansas communities with the resources they need to avail themselves of the federal dollars made available by the Bipartisan Infrastructure Law.



More information available at KSHub.org.



I hope that you're aware of the Kansas Infrastructure Hub. It was formed in 2022. It serves to connect state agencies to be a resource center for Kansas communities like Wyandotte County and Kansas City, KS.

With the federal funds that were passed last year, Kansas put in place a Build Kansas Fund. It has \$200M in matching funds that will be available through 2027. For communities that apply for federal projects, they could then potentially be eligible for some of those to take the place of the matching funds that we'd be part of. For example, if Kansas City, KS, would be successful in receiving one of the federal grants.

Kansas, as a state, will be receiving up to \$4B in funds from the feds. Those are in multiple categories of infrastructure projects. An applicant must first apply for federal grants under the Bipartisan Infrastructure Bill. Once that's done, we, at the state level, we passed in the '23 omnibus budget that one-time funding, that \$200M; actually it's \$215M. Two hundred million dollars of which is available to cities to provide direct support to communities in accessing technical support and also to potentially help with some of those matching funds that might be required. If awarded a federal grant, a community could receive funds to meet that local match responsibility.

The state started this year accepting applications September 15, 2023. As you already know, the UG's regional point of contact is the Mid-America Regional Council in the past and will continue to work through them with infrastructure projects.

There are two areas that appear to me that there is some possible grant opportunities. One is the Bridge Investment Program. Those applications were to be in by November 27th but that has been extended to Monday for applications. Then there's RISE, which stands for Rebuilding America Infrastructure With Sustainability and Equity. Those are two areas, among the multitude of infrastructure federal grants, that look like we possibly could be applying for grants to help with this Central Avenue Bridge Project.

The state has two resources that I'm sure staff and you have looked at or will continue to look at. One is build@kansas.gov. That is a place where you can see what the requirements are and how to go about accessing those resources. The other is the Build Kansas Fund and the Kansas Infrastructure Hub. Those are two areas to go to for further information. I'm sure that staff is already looking at these. I would encourage them to look at the potential for these federal funds that will only be available through 2027.

With that, I will ask that Dana Company, Shawn Hensley, come up and share with you their project.

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Dana Companies recently announced an expansion at the Cypress Rail Yard. The Central Avenue Bridge is critical infrastructure for their current operations and future plans.



Shawn Hensley, Operations Manager for Dana Container, said we just recently completed a \$3M project on the 402 Central on the UP yard. It's a translator facility. We're in the process of adding another 3,000 feet of rail. We got that bid going out this week. We are located at—we purchased the 402 Central Avenue and we're also at 18th & Central Avenue on both sides of the river, so the Central Avenue Bridge is vital to our needs. We have big plans for that Central area. We're wanting to take that whole valley off from UP and turn into a translator facility that Kansas City can be proud of; Dana can be proud of. Just want to let you know that there's very big progress and projects in mind in that area.

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Historic West Bottoms Kansas City
KCATA Letter of Support



Bruce Holloway said I'm here on behalf of the Historic West Bottoms Association. I'd like to read a brief letter of support. This is to Mayor Garner and the Unified Government Commissioners.

This letter of support is submitted on behalf of the Historic West Bottoms Association. Our association has been in existence since 1927, and our primary mission is advocacy for infrastructure needs and projects in the bi-state area known as the West Bottoms. We're writing to support the resolution to amend an existing Unified Government plan. The proposed change would permit and encourage the rehabilitation of the Central Avenue Bridge. This structure is an important thoroughfare for existing businesses, which are thriving and expanding.

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HWBA members and its Board of Directors and members consist of businesses and property owners from the West Bottoms. We welcome the opportunity to join the effort to reopen and rehabilitate the bridge and if necessary, to work with local, state, and federal officials toward this objective.

Historically, the West Bottoms has been an area where businesses have contributed greatly to the economy, the Kansas City metropolitan region, by connecting the Central Avenue and 9th Street corridors. The Central Avenue Bridge is a critical transportation link between commercial and industrial districts. It's also an important connection between two downtown areas, which are becoming increasingly mixed-use areas in the two Kansas Cities. Reopening the bridge will facilitate this growth and allow existing businesses and area residents to take full advantage of the West Bottoms essential location to our region.

Our support for this change to the existing plan is wholehearted and unqualified, and we ask the Unified Government Commissioners to make this change so the important work of reopening the bridge can begin as soon as possible.

This was signed by our President Tom Esselman.

At this point, I'd like to introduce one of our board members and former president, Mr. John Krumme.

John Krumme, CEO of Cam-Dex Security Corporation, said we operate our company out of our headquarters building at 10 Central Avenue, Kansas City, KS. I am a current board member, as Bruce said, of the Historic West Bottoms and the Kansas City Industrial Council. As a business and property owner on Central Avenue, the Central Avenue Bridge is an important access point to receive inventory shipments multiple times per day and to dispatch our installation and service vehicles to all parts of the city and beyond. We've been headquartered on Central Avenue for over 30 years. We have seen more positive changes and investment in the HWB in the past 7 to 10 years than any time in our previous history.

Our residential community is growing exponentially with the construction of new apartments and the regentrification of historic warehouse buildings that have been repurposed for residential life.

The Rock Island Bridge construction project is underway with plans to open at the latest, early next summer. As I am told from my friend Mike Zeller, the developer of the Rock Island Bridge, it could even be the Spring of 2024. Plans are underway for the development of the river front along the Kaw River to compliment the Rock Island Bridge Project.

Each weekend, youth sports tournaments are being played at the Hy-Vee Arena. Those tournaments comprise teams coming from all over the Midwest. All of that arena traffic does not

These businesses between 6th Street or 5th Street to 10th Street, all of them lost business. Then from 10th Street to 18th Street on Central, the challenge was different and it changed the

whole perspective. But the businesses between 6th Street and 10th Street, they all lost business throughout the construction.

Yes, we all talk about the development that is going on in the Kansas River, and we need that connectivity; definitely we need it. We're looking to large projects, yes, like the Rock Island Bridge, but we're looking at larger than that. Yes, all of these developments are happening and if we're not connected to it, the other side of the river is going to take care of and is going to maximize their opportunities.

We're looking to social work, social spaces, community spaces, small business spaces in all of that development and all of that to come across the bridge to the Central area. We hope and we ask that you rebuild this bridge and do not take it down.

Laura Summa said my husband and I own Chicago's as well as property at 526, 530 Central, and North 6th Street as well. I also grew up here on Strawberry Hill and throughout my lifetime, the housing and business economy have seen its share of trouble in downtown Kansas City, KS. It is not until the last several years that we have really seen organic growth in a big way. We finally have momentum and really need to lean into that. We do lack local density so in order for us to sustain our businesses' growth, it is imperative for our community and customers to have easy access from other areas of the metropolitan.

With all of the money being invested in the West Bottoms new developments, including money Wyandotte County is investing in the Rock Island Bridge Project, we need to make sure there is a main thoroughway to connect us so we can continue to be a part of that growth.

Central Avenue and Minnesota Avenue are our two main entrances into downtown. The Central Avenue Bridge is a major artery into the heart of the community. Since February 2021, I cannot count how many customers and members of the community have asked about the Central Avenue Bridge and when it will be reopened as so many of us have used it for decades.

It would be a major asset for us to be able to seek federal funding to help assist in reopening this transportation avenue. The cost to us as a county from keeping the bridge closed is missed tax revenue. If our businesses are thriving, we increase our tax contributions. We have a very hard time attracting more business and new investment if we are hard to reach.

Chicago's is one of the first things you see when you enter downtown on Central. We do have grand plans for our little corner, but we are waiting to see if and how the I-70 and Central Avenue Bridge issue are resolved before we invest more money into development.

Without access to the bridge and I-70, we are landlocked, and it does greatly affect business. When the I-70 ramp was closed in September and October, we saw a decline in business because of it.

With all the development of old bridges, we wonder if down the road there could be hope in utilizing the beautiful historic bottom section of the bridge built in 1918. It could have great potential. You never know. The bottom portion is our history and the top portion is our future.

We hope you strongly consider plans to reopen the bridge.

Mike Pearce said along with my brother Joe, we own and operate Slap's BBQ at 553 Central. A lot of great things have been said tonight. A lot of them duplicate for what I'm going to say. I think I've made these comments before that it's hard enough in this community to get people to cross the river. We have massive geographic divides if you're coming from the north or coming from the south. People can be five minutes away in North Kansas City and say I'm not going south of the river. They can be in downtown Kansas City and say I'm not crossing our river to come this way. I don't know if that's something we can change, but making it easy for people to cross the river is important. We're simple creatures and if it's complicated, they're not going to do it, so keeping that bridge open for that reason is a big deal for us.

I'm going to talk about the West Bottoms here in a second, but I want to talk about downtown KCMO. We want to be connected to downtown KCMO, right? We get tons of customers that come from downtown Kansas City, MO, and we know tons of people in KCK that go over there. If I have to get on a highway, I'm leaving my neighborhood. If I have to just go round some streets and hit a couple of stop signs and a couple of stop lights, I feel like I'm staying in the same community. That's another reason why the bridge should stay open. It connects us. It makes it part of our neighborhood although it may be three, four, five miles away, it keeps us connected.

The West Bottoms. Talk about neighbors. They are a critical source for us, right? Tons of people that are down there on the weekends and in the evenings, they're coming up. There's great eateries and bars down there. We want them to feel comfortable coming across and, again,

if they have to get on the highway to do that, they're not supporting us and likewise, we're not supporting them.

It's the main entry to the city, right? I know there's other entries to the city, but this is a straight shot into what a lot of business owners on Central Avenue tried to do to make a really pretty entrance to Kansas City, KS. We spend a lot of time keeping our properties up and encouraging customers and keeping them safe over there, and working with each other to make it a great area. You should be able to just come across that bridge and join us in Kansas City, KS.

Commuting and traffic, it's complicated. Kansas City's a complicated place with highways and construction. If folks, I said this earlier, can stay off of the highways and be able to join us, come from the West Bottoms, come from downtown Kansas City, it's a huge thing.

Edgar talked a little bit about numbers and I'm just going to talk about a couple. I'm not a genius when it comes to these traffic maps but I've looked at them in the past and I've looked at them now. The numbers on Fairfax, the numbers on James Street, the numbers on the Central Avenue Bridge, they don't compare to the numbers on I-70 and 670. I get that 30,000 and 40,000 to tens and 5,000 on the Central Avenue Bridge. I want you guys to think about, as you're contemplating this, what 10 more customers, 10 more tickets a day does for Slap's BBQ. It's somewhere between \$108,000 and \$136,000 a year. Take 92% to 98% of that goes to the employees, the cost of goods sold, and taxes. That's just our business how much is lost by not having that bridge opened. It's only income. I would venture to say on a first Friday, we probably get 25, 35, 45 more people, more tickets to come through.

I think that's about it. We are definitely pro keeping that bridge, keeping it alive, and getting it back opened. I appreciate it.

Representative Curtis said we have one resident that's just going to offer us, from a perspective of the residents in the area, the challenges that we're facing, then I will provide a closure.

Jim Schneweis, 434 North 15th, said I'm a retired teacher and coach from the Kansas City, KS area. My wife's a lifetime resident. We've lived in the Wyandotte County area for 42 years. Our three daughters still live in the area raising their families.

I want to look at this from a little bit different perspective. A lot of numbers have been thrown at you from different ways of looking at this. I want to look from a residential perspective.

To do that, a little story. Not long ago the harvest moon was coming up so I had this brainy idea of going down the underbridge and seeing the moon come up. It was a great spot. Unfortunately, I looked over on the Missouri side and saw all those lights and looked down into the West Bottoms area. It was so dark, desolate in certain areas. I looked back in the Wyandotte County area and I'm looking and say we're isolated. I'm isolated. It was just such a moving experience at that time. I wonder just how many other residents in our area are feeling that way.

The reason I bring this up was because I had a conversation recently with a friend that talked about communities and how you build strong communities. One of the ways that communities are important is that communities support each other personally and professionally. The community unites us so we can grow and it leads to a sense of belonging. We can't have this if we're isolated and separated. With so many bridges closing and so many other things going on, it hurts the community and it hurts us individually.

Now, taking it from another perspective, I live, and several other people I know, live in what I call a food desert. We live in an area where our pharmacies, I consider a pharmacy desert, an entertainment desert. There's limited opportunities for our youth in these areas. I have to go to other parts of town to buy clothes, appliances, you name it. So, I have to get out of this community to go get the things that I want. That's kind of a double problem in that I don't want to have to. I'd rather buy it here, but I have to get out and get it. All these other people talk about people bringing in. I have to go out and get things. It shouldn't happen that way. If we had better infrastructure on our bridges, that would help alleviate some of that problem.

I asked some of the people in my community before we came in tonight some of their concerns about it. The big thing that comes up is safety. Number one, a lot of the people in our community don't like driving 670 because there's so many crazy people out there on 670, including some of the I-70 areas down there. My wife tried to get over to North Kansas City today and had to make a detour because of all the work that's going on over across the Broadway Bridge. If we have the increase with all the things that are happening with the West Bottoms, Strawberry Hill, World Cup Soccer coming, potential of getting some World Cup Rugby in here, a new ballpark possibility, there's going to be a lot more confusion as far as traffic congestion goes. The people I talked to are really worried about that.

It will just take me a second here. I asked my daughters to respond to this this afternoon. It took one of my daughters about five minutes to come up with this. If you don't mind, I'll read this short, little thing.

The residents, taxpayers of Wyandotte County, elect you to represent them. To make decisions to sustain a quality of life that is fair, we, the taxpayers who elected you, are standing here today asking you to fix the bridge that has been here for many years in which we, the residents of Wyandotte County, have used to navigate both economically and socially for years. We ask you to fix the bridge and bring it to sustainable life and quality of life that we deserve.

That was a quote from one of my daughters.

What I'd like to see is what is being recommended is prioritize repair or replacement of the locally-owned portion of the bridge, identify possible local, state, and federal partners for the repair or replacement of the bridge, and use best efforts to partner with local and state officials to repair the bridge.

That's all I have for tonight. I really thank you for your time and energy in this project.

Representative Curtis said I just want to thank everybody who came and participated and offered their thoughts, advice, suggestions, and emphasizing the importance of this bridge. I appreciate everybody being here tonight to help provide support that's needed or that will be needed if we are to accomplish this.

One thing I wanted to point out is we know how important infrastructure is to our city's overall health and future prosperity. We know that firsthand. We know that if we don't have certain infrastructure, that certain things will not happen and will not come. We know that from our experience just on our western border. Just think, had we not pressed for federal funding back in 1987 to complete the final loop of I-435 through Wyandotte County connecting us on our western boarder to the greater Kansas City Metropolitan region, what would be there today if we had not completed that? The infrastructure at 435 and I-70 is what made possible the development that we now have in the western part of our county. That is why the Central Avenue Bridge is so important. It is our eastern gateway. It is the connection to the region. It is an investment that we need to make for the future growth of the area. The Central Avenue Bridge is not only important to KCK, but it's also important to the state and to the region.

I have a letter that I'd like to read real quickly. It's from Ride KC from Frank White, the President/CEO. It says:

Dear Mrs. Curtis. The KCATA is happy to provide support for the redevelopment of the Central Avenue Bridge. In previous years, the Central Avenue Bridge served as a corridor for public transit connecting Kansas City, KS, to downtown Kansas City, MO, through the West Bottoms. Whether connecting communities and residents along 7th Street or through Riverview and Kensington neighborhoods along Central Avenue, the Central Avenue Bridge is a critical thoroughfare to allow for access to resources in the West Bottoms and downtown Kansas City, MO.

Due to financial constraints, the public transportation services was discontinued; but new development occurring in the West Bottoms along 9th Street and Forrester Road, as well as Central Avenue, offer encouraging signs of future transportation services returning to the corridor.

The Central Avenue Bridge is a critical component to allow for continued economic development throughout the area. Future opportunities for economic development transportation connectivity are exciting.

KCATA wholeheartedly supports redevelopment efforts of the Central Avenue Bridge.

The last thing I have to share with you tonight is a letter from Commissioner-Elect Bill Burns. He could not be here tonight. I think it's safe to say now that they were having a surprise party for his wife, Nancy, for her retirement as our Register of Deeds. I'm sure it's already in progress, so I don't think I've added anything. Bill delivered a letter to me and asked me to read it. Bill has been supportive of the Central Avenue Bridge. He did say that it would be a priority for him.

Honorable Mayor and Commissioners. Please let this note serve as a very strong endorsement for the funding of the Central Avenue Bridge Project. As Commissioner-Elect of District 2, this would be a catalyst for development of Central Avenue and the entire community. Also, the businesses below the bridge deserve better access. Turning it down is nonsense. The bridge for many years is part of the rich history of Wyandotte County. Please approve funding for the project.

I wish you all a merry Christmas and all the best for 2024. Sincerely, Bill Burns.

We know in Wyandotte County that we're capable of just about anything when we put our minds together and when we put our minds to it. What I say to you all is let's work together and try to rebuild this bridge.

Mayor Garner said thank you, Representative, and thank you to all those who made presentations as well as the letters received.

Action: For information only.

Item No. 4 – 212935...ORDINANCE: AMENDING WYANDOTTE COUNTYWIDE STRATEGIC MOBILITY PLAN

Synopsis: Approval of an ordinance amending the GoDotte Countywide Strategic Mobility Plan approved on August 25, 2023, with regard to the Central Avenue Bridge, submitted by Jeff Conway, Assistant Counsel.

Mayor Garner said this goes hand-in-hand with the presentation that was just made. We've just seen the presentations and we've heard the remarks and we've heard the written comments. The takeaway for me is just how important a transportation hub, the bridge is to Kansas City, KS, and Wyandotte County, and the connectivity that we need to the broader Kansas City region. As such, I just want to make for the record, I do support wholeheartedly finding ways to responsibly open this bridge and improving that infrastructure that could, hopefully, lead to expanded economic development not just in the Bottoms but throughout those areas of downtown, Armourdale, and along Central Avenue.

Angela Lawson, Acting Chief Counsel, said Jeff is absent this evening so I will fill in for him. Representative Curtis relayed to us that KDOT had relayed to her that our local planning policy prevented the state from replacing the bridge. Basically, it was one sentence in the plan that had limited it to bicycles and pedestrians. The revision in the ordinance allows vehicular traffic, and then the feasibility study may consider the lower deck for bicycles and pedestrians. That is the change, and then some of the language was deleted because you wouldn't need to accommodate the traffic, the change, if you're still going to allow the vehicular traffic. So, that is the change in the goDotte Plan being proposed.

Commissioner Bynum said, Counselor Lawson, I did not understand what you just said. Did you reference something with state law that does not allow for a change?

Ms. Lawson said no. The Unified Government goDotte Strategic Plan has a reference to the currently closed Central Avenue Bridge and reopening it for bicycles and pedestrians. That was the plan in the goDotte Plan. This amendment of our own ordinance then opens it up to vehicular traffic. So, the feasibility of reopening it can be studied not just for bicycles and pedestrians on the lower level, but for vehicular traffic on the upper deck.

Commissioner Bynum said my comment is I'm looking at Section 1 amendment, if you will, study, the feasibility of reopening the currently closed Central Avenue Bridge over the Kansas River. Then it goes on to say to all vehicular traffic period. In addition, the feasibility study may consider a lower deck use, etc. My thought would be to amend it to read, study the feasibility of reopening the currently closed Central Avenue Bridge over the Kansas River period. All you need is the one sentence.

Commissioner Ramirez said mine is more a comment to support whatever we can do to open the Central Avenue Bridge. We've heard testimony from state level, from our local businesses, from industrial, and from across the way, the Historic West Bottoms, of how important this bridge is. I think the community member who spoke said it perfectly, if we don't do anything, we isolate ourselves from the region. We're always talking about we need to be part of the region. We need to be part of our neighboring jurisdictions as best as we can. This is only going to make it worse if we don't open it.

I support us in any way, shape, or form of looking at any and all ways to open it back up because it is detrimental to our downtown area, which is already distressed, which has already suffered from years and years of redlining. Let's not make it worse by closing down this bridge.

Commissioner Burroughs said I want to express my sincere appreciation to members of our Wyandotte County Delegation recognizing the significant challenge that we have, as commissioners, to provide what we call thoroughfares in our community and the infrastructure needs that we have. It's very seldom you get neighborhoods, businesses, and government to come together with a conclusion that advances the cause within a community.

It's been mentioned that the ordinance in the goDotte Plan is stated one direction. I want to talk about striking that particular part of the ordinance and not make it for walking or biking, but open the bridge back up for every day vehicle traffic so that it is an open corridor, an artery into our neighbors to the east and allows convenience to those that have invested along our Central Avenue corridor that was so graciously spoken to here.

In light of the discussion that we had of funds being available, the state and feds, we would be remised, as a government, not to at least apply and pursue those grant monies to assist us in opening that bridge.

I want to thank you for bringing that forward on behalf of the community and on behalf of the businesses and the people that were here and speaking to it tonight.

Action: **Commissioner Burroughs made a motion to strike that portion out of the goDotte Plan and replace it with no feasibility study, but work to do what we can to find the funding to reopen the Central Avenue Bridge.**

Mayor Garner said I believe Commissioner Bynum had a motion. **Commissioner Bynum** said I have not made it as a motion.

Commissioner Ramirez said point of clarification to Commissioner Burroughs' motion. In the packet it says the study of the feasibility of reopening it. You just want to say let's just open it and not even have a study of feasibility. Is that correct?

Commissioner Burroughs said thank you for that clarification. I think we've studied this thing to death. The fact that we already have evidence that there's funds out there available, I hate to see those funds, I don't want to say wasted, but utilized to study the project even more. We have an outcry to open the bridge. I'm just asking that east of 635 we have limited development. This is a great opportunity to bring a catalyst back to encourage economic development on the eastern side of our community. East of 635 has been crying out for the last handful of years.

I appreciate the opportunity to answer that question.

Commissioner Bynum said to the point, I imagine we could make it as simple as Commissioner Burroughs' suggests with a substitute sentence, but I think we still have to recognize and come to grips with the fact that we can't just open this bridge. It's a failing bridge, so it would need to come down and be rebuilt. I just think we need to be very realistic. I'm all for applying for any grants that would help us do that, but I just want to be straightforward with the community. This is not going to be a quick or a simple process.

Commissioner Davis said thank you, Commissioner Bynum, for articulating that. I would hate for anybody to walk away here thinking that tomorrow the bridge is just going to open. We are talking about millions, upon millions, upon millions of dollars. If you see us really pondering and

talking to one another it's because this is a very expensive item. To open it is one thing, but maintaining it so that we don't get in this position again in another few years, is another thing.

Commissioner Davis said this was adopted by the Commission last year. It was put together by our Planning staff. If I may, Mr. Hand and Mr. Fisher, I guess for you, Mr. Hand, can you just speak to what the original thought was as to why this was in here in regard to this study. Then, Mr. Fisher, if you can speak to the effort in getting funding for grants for opening this bridge.

Gunnar Hand, Director of Planning and Urban Design, said the intent in goDotte is to balance our transportation system. I think when we were looking at the Central Avenue Bridge, the intent here was to study taking an only vehicular bridge and making it multimodal. This is in conformance with the Complete Streets ordinance that was adopted prior to the mobility plan. I think it speaks to the intent of our entire transportation system to balance it with the automobile.

I think a bridge crossing is one thing. A bridge crossing for vehicles only is one thing, and a multimodal bridge crossing, I think, is the vision. Because this bridge only had one mode of travel, we were looking to study it before the bridge—before goDotte happened and all this was going on, we actually received a grant to convert the underbridge into a bike/ped connection across. In studying that grant was when we discovered that there were structural failures. I think it's also in the spirit of the way that the UG was working to address this issue to begin with to identify it as a truly multimodal bridge.

I'll point out one other thing. What I think I heard tonight were two things: how do we reopen the bridge in the same way that we're doing some temporary work to reopen the Cesar Chavez Campus Kansas Avenue Bridge while also applying to replace that bridge. As your Planner, I would recommend that we look similar to Mr. Burroughs' suggestion here. There's really two things: what do we need to do to open the bridge in the interim as fast as possible, and what do we need to do to make a multimodal connection from Central Avenue. I would argue from 6th & Central all the way to the river and then across the river. I think because they've been broken into these component parts, we miss a much larger opportunity if we don't look at all of those things and potentially bring new development opportunities by rethinking the interchange itself at I-70 as well with KDOT.

To Representative Curtis' point, if she's experiencing resistance in her conservations to seek those funds and advocacy for us, then, yes. I think this is a great demonstration. Less about

the integrity or not of goDotte, but a demonstration of how these long-range plans are living documents and this is an excellent opportunity to make it what we want it to be.

Commissioner Davis said ultimately we want the staff to do the work. This all has to be a giant partnership for this to work out. Mr. Fisher, can you provide just your thoughts on this and the grants, in particular.

Jeff Fisher, Executive Director of Public Works, said first I want to say staff definitely recognizes the impacts and definitely don't want to create any impacts on the businesses. The fact is, there hasn't been any opportunity until this year. The VIP Program is new. The NOFOs are not even out yet. I think the Senator might have mistakenly referenced another program that the deadline did pass, and this bridge doesn't qualify for that one. The BIP, though, is an excellent opportunity and we have taken a look at a couple of options. You could do the Central Avenue Bridge and a 90/10 match for the 5,000 vehicles a day or we could do a package of smaller structures across the city. We've estimated that at 105,000 cars a day for the same money.

Staff has always taken the position—you might remember the subcommittee discussions where based on the data of the entire bridge inventory, the UG would need to spend \$14M a year for 10 years. That's impossible for the UG to do given that we also have to spend \$20M plus a year on street preservation. To get the PCI that's deteriorating from 51 to 65, which is what you all wanted. So, we've been looking for those opportunities.

Absent that, we've got the Kansas Avenue Bridge, which carries twice as much traffic and much more freight, so it's not that we don't want to replace the bridge. I've got engineers and project managers that would love to replace two river crossings in their career. That just doesn't happen, right?

We're here to serve. If the elected body and the community wants us to replace two bridges, we'll replace two bridges. The data just didn't support it given our financial position. That's where Public Works is coming from all along.

Now there is an opportunity. The Hub, that was approved last year, that application process didn't even become available until the last couple of months. We've actually been talking with KDOT about the Hub for the Kansas Avenue Bridge, because that is the priority. It is possible that if the UG wants to replace the Central Avenue Bridge, we can ask for funds from Hub for that

as well. That's only a 90/10 match, so it's a lot better than most from a local match perspective. More affordable for the UG. Given all the other needs across the city and infrastructure that I just gave you an example of, it's tough for me to recommend replacing the Central Avenue Bridge.

Commissioner Davis said I appreciate both of you all's perspective because, again, I mean we're just giving direction. I want to make sure that the work can actually be done, that we actually are applying for the grants, and that we can really make some progress.

I do support reopening the bridge. I would love, just my perspective, if we can make it kind of multimodal transportation just given the climate impact of just it being car only. I think that's quite frankly a little regressive. If it's possible for it to be multimodal, great.

Thank you all for providing that insight.

Commissioner Kane said Troy, Pam, and a bunch of us went out and met KDOT out here just, what, a month or so ago. Actually Troy and I were in the same meeting and had a nice little argument. I'm all for opening the Central Avenue Bridge. I also want to know what it would cost to fix some of the other bridges at the same time to see if more bang for the buck.

I was raised up and everybody thinks I was raised up in Piper. I was raised off of Thorp & Central. I used that bridge to go down to UPS when I worked down there. Everyone has to know that when we apply for this stuff, it takes a while. The Biden Infrastructure Plan is some of this money that we're going to ask for. There is a great deal of money to be asked for across the state. We should have been asking for this a long time ago because it's been there for a while.

I think we need to see what we can get, whatever that is, and then come back here and then make a financial decision that is best for the entire community. Like I said, I want the Central Avenue Bridge open, but I would also like to know the condition and the other bridges that are also out there. I know we've got trouble with some of them.

Commissioner Ramirez said it's a big decision that we're going to have to make. I know we had robust conversations, especially in Commissioner Bynum's subcommittee and the Infrastructure Committee. I believe you guys tackle bridges, streets, sidewalks, and bridges. I know you had robust conversation within your subcommittee. Mr. Fisher, he's right. When I chaired one of the subcommittee's for Parks & Rec and Facilities, we took a vow that we were going to make

decisions based on data. Make sure that it was strategic, and we used our resources the best we could.

I think this decision of me supporting this one, this is the only project where I feel like I can't follow data; that this one project, just of how the impact it could have on our community. Our community members, business leaders, they talked about, they gave us the numbers of what happened within just those two months of being closed down of how that impacted the businesses. We're always talking about we want to support small business owners in Wyandotte County. We can't do that if we have one of their main thoroughfares closed down. We're landlocking them. We're keeping them isolated from rest of the region. Yes, you can get to Central Avenue or downtown from anywhere, from some other places, but it's quicker if we have that thoroughfare open.

I support what we're doing tonight just to changing the language for us to have the ability to open the Central Avenue Bridge. I think we need to understand tonight what we're doing is just changing the language for us to even look at reopening the bridge. I think the harder conversations, the harder decisions are going to come soon and later. I support what we're doing tonight. I'm not sure what motion we're voting on or if any motion has been seconded yet.

Mayor Garner said there's no second.

Commissioner Bynum said, Representative Curtis, I appreciate the time and effort that you've spent on this, and I appreciate the folks that have come to speak to us. I'm, frankly, really glad that the commission chambers is so full, particularly from folks in the Central Avenue area because it's really important that we hear all the data. Mr. Fisher keeps referencing the data. I just want everyone to understand in '22 and '23, the Commission adopted an Infrastructure Strategic Plan that almost every single commissioner worked on in subcommittees. We have 270 bridges in Kansas City, KS; 17 of those bridges are what we would call major. Obviously, Central Avenue is one of them.

One of the findings from our work on the Infrastructure Strategic Plan was that as a Commission, we need to increase our annual spending on just bridges from about \$500,000 to \$14M annually. This gives you a notion of the scope of the infrastructure needs of our community. I say all that just to make everyone aware, which you are aware because you drive around our city

just like we do, but this is the magnitude of the dollars involved in bringing all of our bridges up to what I believe has a rating system associated with it.

We know, as a Commission, that if we're ever going to achieve that, because it feels almost impossible, that we have to create, within our budget, a preventative maintenance line item for annual budgeting purposes. I say all of that to say if we're going to change the goDotte Mobility Plan, I'm fine with it. I want to find a way to reopen or reconstruct or whatever that mechanism is that gets the Central Avenue Bridge opened and operating. I think we're going to have to look into, if we're going to try to go the tactic of Kansas Avenue, then we're going to have to look into what are the short-term immediate costs such as the work we did to work on reopening one lane of Kansas Avenue while we applied for the federal infrastructure money. We're going to have to look into that cost and figure out how we would do that work and pay for it.

Finally, all I would want to know tonight in order to vote affirmatively on the change is what is the language for the singular sentence that we would amend this plan with? If we could have a sense of what that sentence would be, I would be ready to vote.

Ms. Lawson said I'm not sure. The Commission has several options. You could change it. Sections 2 – 4 would still remain, but you could change it so the remaining sentence would be studying the feasibility of reopening the currently closed Central Avenue Bridge over the Kansas River. You could say work toward reopening the currently closed Central Avenue Bridge. Just depending on which route the Commission wish to take.

Mayor Garner said just for some clarity, but before I go, Commissioner Bynum had a motion. You want to clarify that?

Commissioner Burroughs said, body, we have tied the hands of our delegation when they can't go out and seek federal and state funding because our goDotte Plan has language in it that puts them at a distinct disadvantage. It almost shows that we are not supportive of the outcry that we've heard this evening in reference to the Central Avenue Bridge.

The easiest thing to do is take that portion out of the goDotte Plan and we could replace it with—I don't like feasibility studies. We just need to move to allow our delegation and our state to see that we are supportive of finding a way to open the Central Avenue Bridge collectively as

part of our community-wide master plan for the mobility aspect that we've talked about in the goDotte Plan.

This is very simple. All these other bridges are a point of interest. I understand that, but we are talking about one bridge tonight that we have put an anchor around the neck of those advocating for funding for that bridge by not showing them how supportive we are, as a body, so that they can move forward and advocate. The first time somebody looks at that goDotte Plan and sees that we have stated we want it torn down, the discussion is over. We need to allow our extra voices on the state and federal levels to hear our concerns that we want the bridge open, that we feel it's a necessary, vital corridor. So, it's just about the Central Avenue Bridge and that one little line item within the goDotte Plan that limits them from going out seeking funding.

Gunner, you hit it right on the head. You said it very well so thank you for how you communicated how that would work. I hope that gives some clarity.

The motion I stated earlier was strike that language out of the goDotte Plan, the language that limits—that says that we're wanting to take, and counsel read it earlier. I don't have that document in front of me, so I apologize.

Mayor Garner said while Commissioner Burroughs is examining that, Commissioner Markley.

Commissioner Markley said I don't think the intent is to remove it entirely because that doesn't give us the leverage either, right? We still have to say something about it. I think what Attorney Angela said earlier, I think is the right language which is we're going to work toward opening the Central Avenue Bridge, under Section 1.

Mayor Garner said Commissioner Burroughs made a motion. He's trying to get some clarity before he withdraws his motion or modifies it. We'll take a two-minute recess and we'll reconvene. (Recess was called at 8:44 pm. The meeting reconvened at 8:48 pm.)

Mayor Garner said I believe that Commissioner Burroughs has arrived at a motion that he's comfortable with.

Commissioner Burroughs said I'd like to withdraw my original motion and replace it and make a substitute motion.

Action: **Commissioner Burroughs withdrew his previous motion.**

Commissioner Burroughs said, body, in Section 1 where the verbiage starts, I think it says study for feasibility study, I want to replace that language, strike all of that, and put in "Work to reopen the Central Avenue Bridge with necessary emergency repairs, and seek funding to redesign and rebuild a new multimodal bridge connecting Central Avenue to James Street and the Levee Trail System."

Action: **RESOLUTION NO. R-85-23**, "A resolution to amend the Godotte Countywide Strategic Mobility Plan approved on August 25, 2022." **Commissioner Burroughs made a motion, seconded by Commissioner Bynum, to approve the ordinance striking aforementioned language and put in words to reopen the Central Avenue Bridge with necessary emergency repairs, and seek funding to redesign and rebuild a new multimodal bridge connecting Central Avenue to James Street and the Levee Trail System.**

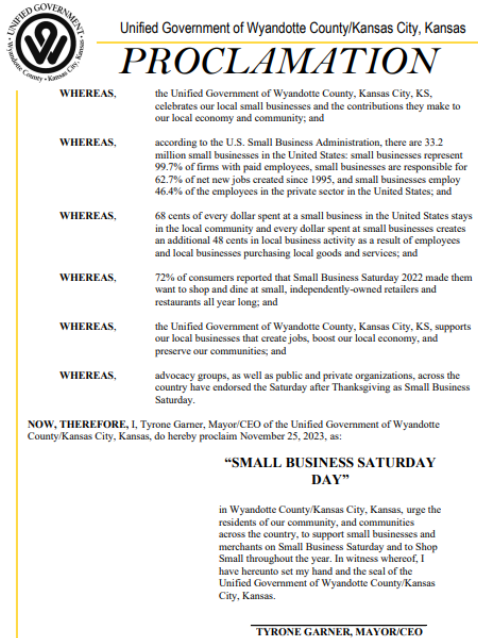
Commissioner Burroughs said this keeps all other sections as presented.

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

Item No. 5 – 212925...PROCLAMATION: WYANDOT CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

Synopsis: Proclamation proclaiming November 25, 2023, as Small Business Saturday Day, 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 said I'll ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda. **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 Ramirez** said disclose receiving communication of proponents of SP2023-079. **Commissioner Bynum** said I heard from opponents and proponents of Non-Consent Agenda Item SP2023-042. **Commissioner Markley** said contact with proponents of 2023-079. **Commissioner Burroughs** said I've been contacted by opponents of 2023-072, that's opponents; and 2023-083 proponents of that one. **Commissioner Johnson** said I've received communication on SP2023-079, proponents. **Commissioner Stites** said communication with COZ2023-027 that would be opponents, and COZ2023-028, proponents. **Commissioner Kane** said I've had contact with COZ2023-027, and then I had Special Use Permit 2023-087. I was reached multiple times by a lawyer working for one of the people with an issue on the Planning and Zoning. This is the first time I've had that in nineteen and a half years. I

wanted people to know that I was reached out by a lawyer, not particularly a constituent, which I've never had happened. **Commissioner Davis** said I've spoken with proponents of SP2023-079.

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 item on the Planning and Zoning Consent Agenda? If an item is not set aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

Gunnar Hand, Director of Planning and Urban Design, said after the agenda was posted, we received two letters, one from Special Use Permit 2023-082, Heidi Tompkins, withdrawing her application; as well as one from SP2023-087, Patricia Zanutin, also withdrawing her application.

Staff would also like to request that Change of Zone 2023-027 be pulled from the Consent Agenda.

Mayor Garner asked, is there anyone in attendance who would like to set aside an item?

Leo Lilts, 506 North 4th St., said I would request that Item No. SP2023-066 be removed from the Consent Agenda.

Carolyn White, Kansas City, KS, said SP2023-042 to be removed from the agenda. **Mayor Garner** said that would be on the Non-Consent Agenda. We haven't gotten there yet.

Richard Jones, on behalf of Brad Hus, said on SP2023-072, we'd like to set that aside.

Commissioner Ramirez said if Mr. Hand can repeat the two withdrawals and the one set aside. **Mr. Hand** said staff requested that we pull off Change of Zone 2023-027 from the Consent Agenda to be heard later this evening, and then we notified that Special Use Permit 2023-082 and SP2023-087 had both been withdrawn by the applicants.

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve all remaining items on the Planning and Zoning Consent Agenda.**

Mayor Garner said just for clarity, based on the information received from our Planning Director, two items have been withdrawn from the petitioners, so that's not going to be part of this consideration of this Commission; however, the Clerk has recorded the set asides.

Roll call was taken and there were eight "Ayes," Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 212891...CHANGE OF ZONE APPLICATION COZ2023-026 - JACK XIONG WITH UG WATER POLLUTION CONTROL

Synopsis: Change of Zone from R-1 Single Family District to MP-3 Planned Heavy Industrial District for a water treatment facility at 2443R South 88th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Jack Xiong with the Unified Government, Public Works Department, Water Pollution Control Division, is requesting a Change of Zone from the R-1 Single-Family District to the MP-3 Planned Heavy Industrial District for an undeveloped property. The purpose of the Change of Zone is to create continuity between the subject property and the adjacent Wastewater Treatment Plant on 32.3 acres at 2443 South 88th Street, also owned by the Unified Government. The subject property currently serves as a landscaping buffer to the parcel where the plant is located, but will be more readily available to accommodate expansion of the plant if the Change of Zone is granted. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2023-026, subject to:

1. While there are no development plans, the existing terrain, vegetation, and trees on the subject property must be preserved;
2. As part of any future development plan, a landscaping plan must be provided. Such a landscaping plan must be in compliance with all relevant landscaping requirements, including Sections 27-470(h), 27-700(b)(4), and 27-702;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
4. Per Section 27-317, electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;

5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. 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. 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, Section 8-610 – Section 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 Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; 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 COZ2023-026, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 2 – 212892...CHANGE OF ZONE APPLICATION COZ2023-027 - TIMOTHY ELLIOTT WITH ATLAS LAND CONSULTANTS

Synopsis: Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District to develop a senior living facility at 9205 Garfield Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The representative, Katie Quigley, seeks a Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District to build three (3), 16-unit buildings in three (3) phases for senior housing (assisted living) on 6.71 acres. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2023-027, subject to:

1. Because this is a planned district and multiple parcels are involved in this development, 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;
2. If necessary, Sec. 27-575(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;
3. Redesign the detention basin to be more natural in shape and size rather than a parallelogram;
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. Install a sidewalk on the south side of Garfield Avenue to North 92nd Terrace;
6. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to standards for the protection of the occupants (FEMA Publication 320 or 361);
7. Sec. 27-459(f) trees are required at not less than one (1) tree per 4,500 square feet of site area;
8. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per 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;
9. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the development from the single-family homes abutting the property along the property line;
10. Landscaping and landscape beds, commons spaces and amenities shall be irrigated;
11. Parking lot islands shall be curbed and landscaped;
12. 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;
13. Lighting cannot exceed one (1) footcandle at the property line;
14. Interior parking lots lights shall have 90-degree cutoff fixtures;
15. 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;
16. All electrical meter banks, typically on the side of the building shall be screened from public view;
17. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running;
18. 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;

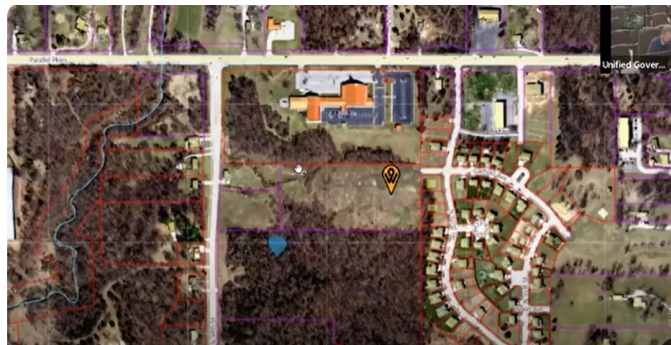
19. Regarding BPU transformer screening, the following applies
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance 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) on the front allowing for 10 feet on the front when gate doors open;
20. 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;
21. All existing and future driveways must feature curb cuts that are constructed to UG standards;
22. 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;
23. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
24. 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,
25. 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.

Case	
COZ2023-027	
Petitioner	Address
Timothy Elliott	9205 Garfield Avenue
Synopsis	
A Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District to build three (3), 16-unit buildings in three (3) phases for senior housing (assisted living) on 6.71 acres.	

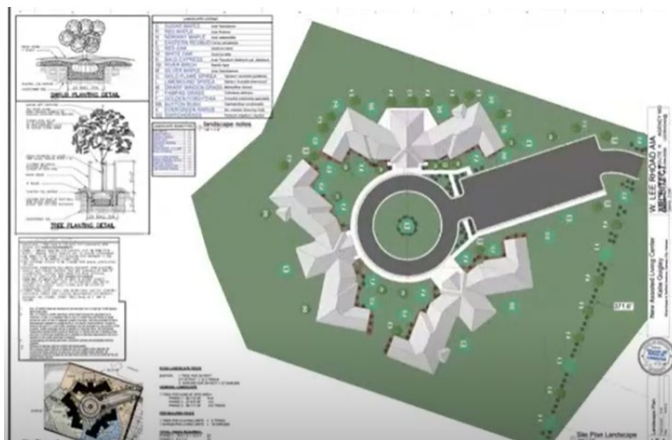
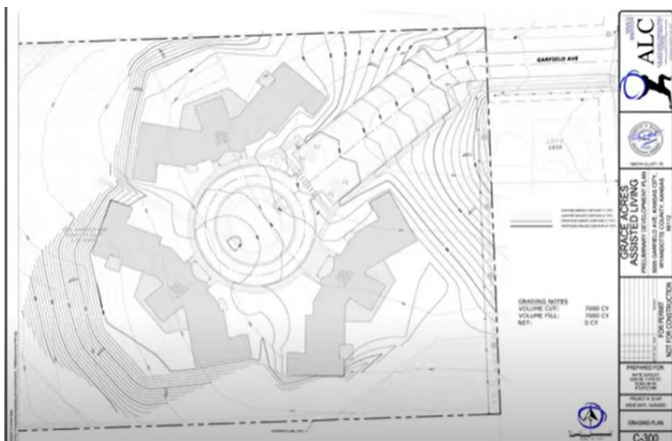
Gunnar Hand, Director of Planning and Urban Development, said this is a change of zone application from R-1 to R-4 for a three-phased project for a senior assisted living complex.



This is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters of support.



There was opposition in attendance at the Planning Commission hearing earlier this evening. I do believe there are members from the public here tonight in opposition as well.





Public Opposition	Public Support
One (1) member of the public attended the 11/13/2023 CPC hearing to speak in opposition to the project.	None to date.
Staff Recommendation	
Approval	

Staff does recommend approval with conditions including open space buffering and additional screening from the subdivision as well as the church to the north, pedestrian connectivity into the existing sidewalk network along Garfield Avenue, as well as this; and all subsequent phases will have to come back for a final development plan.

Staff is asking for a continuance based on the comments that we received at the Planning Commission. We looked a little deeper into the comments by the Fire Department. Typically when we send these cases out, we get some cases that have comments and those that do not provide comments. Again, Fire didn't have comments on those, but based on the comments from the public, we asked Fire to look at that one again. We only recently got back their comments about this case and they'd like to take a harder look at this. So, we would ask for a continuance for 30 days.

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

Timothy Elliott, 14500 Parallel Road, Unit R, Basehor, KS, said I'm the representative with Atlas Land Consulting. As Gunnar said, we actually were talking to Byron, the Planner, and we wanted a continuance anyway. The property owner hasn't sealed the deal with the client yet, and

they don't want it rezoned until that is done. We needed to take a pause on it anyway, so this actually works out really well with it going back to Planning. We'll figure out whatever issues there are at that stage.

Mayor Garner said I'll open the public hearing and ask the 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'd like to speak in favor of the item? (No one appeared.) 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 direct notification 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 there anyone present who would like to speak in opposition of the item?

Gary Johnson, Kansas City resident, said I am in opposition to changing the R-1 to RP-4. That area is the Sunset Ridge area and it is a pretty much closed-in area. As you can see, there's one way in, one way out of there. If you start adding multifamily-type units back there, there's going to be one thing, a lot of traffic. There's been a lot of concerns with the residents of Sunset Ridge about having something like that there.

I spoke with the owner of the property prior to it being changed to R-1. He expressed that he would like to—came to me and expressed that he would like to change it from agricultural to residential R-1. With that, I was good with. When they start talking about putting the multifamily units back there, then that's where I have issues. Not only do I have issues, but I have talked to several of the residents there in our little community and every last one of them have expressed opposition to that being built in that area.

That's all I have right now. They're all willing to sign a petition to that fact.

Lawrence Harvey, Sunset Ridge Addition, 1723 North 91st St., said Mr. Johnson actually lives in the only house right now currently on 92nd St., which will be right before this deal would be put through. My concern is, we don't, like you said, we don't have any way to get in and out; one

way. It is a major intersection coming off Parallel. It's a dangerous deal. If they put that through, there would be more people, more cars. That would cause more congestion and traffic concerns.

I would like for this to be sent back to Planning and Zoning and start the process all over again so that we can inform more residents in Sunset Ridge so we can get more people involved. I've talked to several people, just like Mr. Johnson has, and I have not found one resident that is for this. So, I'd like to see it sent back to Planning and Zoning for total redone so we can all get together on it. The only people that were involved were people within 250 feet. That was only like three houses. All the rest of us, we never got no notification. I'd like to see more people, more notification done so we know more about it. Also, a future study on the traffic in and out of Parallel.

Mayor Garner asked, is there anyone else that would like to speak in opposition? (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, would you like to make some closing comments?

Mr. Elliott said to all those comments about traffic issues, we did—to get to this point in the process, we did have to do a traffic study. With the intended use, even at the final stage where there are three buildings and a total of 48 units, the traffic volume is very low.

Again, this is assisted living. Most of these people won't have vehicles. As you can see, our parking is very small because of the same reason. Most of those people won't have vehicles.

That subdivision doesn't have a two-lane road. It can handle up to a thousand trips per day. That subdivision doesn't have nearly enough houses for it to be an issue. I can't remember off the top of my head what the added trips were, but it was not very many. In the peak hour I think it was like four in the peak hour.

So, basically what I'm saying is we've gone through this process of doing this traffic study already. We presented it to the Planning folks and everything's been good. As far as those concerns, that shouldn't be one of them.

Yes, we already had a public meeting. We had a sign posted on the property advertising that this change was going to take place. At that meeting, we had no one show up in opposition. This is the first time hearing any opposition.

Commissioner Stites said, Gunnar, it's my understanding that it's already going to be sent back, right? That will be sent back to Planning and Zoning.

Mr. Hand said the options before you are approve, deny, holdover, or remand back to Planning Commission. I think the neighborhood sounded like they wanted you to send it back to Planning Commission. Staff asked for a holdover. I think the issue is, because we've only had a chance to preliminarily look at, with Fire, the project in more detail. What is in consideration is that some threshold multifamily uses like this trigger a requirement for two ways in or out. This one, obviously, has one. So, if Fire determines it does need a second entrance and exit, that's enough to trigger it back down to Planning Commission anyway. You could be conservative and send it back now or we could see how it plays out and deal with it later.

Again, the applicant noted that timing is less of an issue, so I defer to your judgment.

Commissioner Stites asked, is there a neighborhood group in that area; a home association? **Mr. Hand** said I think there's a HOA. I don't think that there's an established neighborhood group. I'd have to double-check real quick. The two, believe it's Mr. Allen, I apologize. He did show up at the City Planning Commission and noted that he lives outside of the 200 foot area and didn't receive notice but saw the sign. He was concerned about the 200 foot notice.

I think, again, if we did ever revisit or when we ever re-notice that project, it's going to be within that 200 feet, but staff can work with both Livable Neighborhoods and Mr. Allen to make sure rest of his neighborhood gets the notice.

Commissioner Stites said I agree. We've made it a point up here and emphasized that when there's homeowners associations and community groups, that they are notified and go above just the notification of the 200 foot rule so that people are, especially a development of this magnitude.

Commissioner Stites said the other question that I had, and I apologize. I don't remember the gentleman's name that spoke first, but he said that it was changed originally from Ag to R-1. When was that? When did that happen?

Mr. Hand said the current property owner, Mr. James, I believe is his name, did that about two years ago.

Commissioner Stites asked, did we know at that time what was the reason given? What was supposed to happen? Why did we change it from Ag to R-1?

Mr. Hand said if I remember that one correctly, Mr. James used to own one single large parcel and platted it to—maybe it was just one parcel and he platted it to two. I think this third one is actually not his. But he had one large parcel that went all the way from 94th over to this stub at Garfield Avenue. He subdivided it into two maybe three and wanted to keep one site for his house on 94th and then redevelop it as—well, he wasn't going to do the redevelopment. He wanted to sell it for development for a subdivision. So, he must have found, I'm assuming right now, but he must have found another interested party to do this project as opposed to some extension of Garfield Avenue for more subdivision.

Commissioner Ramirez said what Mr. Hand said about the possibility of Fire needing—this development needing a possible second entrance, I would make the motion to remand back to the Planning Commission with instructions to further study this based on the Fire Department's assessment of traffic flow.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Stites, to remand Change of Zone Application COZ2023-027 back to the Planning Commission to further study this based on the Fire Department's assessment of traffic flow.** Roll call was taken and there were eight "Ayes," Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 3 – 212893...CHANGE OF ZONE APPLICATION COZ2023-028 - CURTIS PETERSON WITH POLSINELLI

Synopsis: Change of Zone from A-G Agriculture District to CP-2 Planned General Business District to construct the Atlas9 interactive art gallery at 9700 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

And

Item No. 20 – 212901...SPECIAL USE PERMIT APPLICATION SP2023-099 - CURTIS PETERSON WITH POLSINELLI

Synopsis: Special Use Permit for grading, fill/removal of earthen fill at 9700 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Curtis Petersen, with Polsinelli PC, wants to rezone a portion of 9700 State Avenue from A-G Agriculture District to CP-2 Planned General Business and create one (1) commercial lot to build a 53,267 square foot interactive art museum on 4.62 acres and a Special Use Permit for off-site grading to the west when this parcel is subdivided. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application COZ2023-028 and Special Use Permit Application SP2023-099 (for 1 year), subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District have not been met, and from which Applicant is requesting a deviation for approval:
 - a. Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block;
 - b. Sec. 27-575(f)(3) Buildings should be oriented primarily to the street;
 - c. Sec. 27-576(c)(2) In order to break up the monotonous appearance of the long facade, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
 - i. Division or breaks in materials;
 - ii. Building offsets (projects, recesses, niches);
 - iii. Window bays;
 - iv. Separate entrances and entry treatments; or,
 - v. Variation in roofline.
 - d. Sec. 27-596(e)(2) Metal paneling may only account for 15% of the exterior building materials per façade. Incorporate various exterior building materials that comply with Sec. 27-576(e)(2);
2. The median along State Avenue allowing full access to the southern entrance/exit will be moved as part of the Interstate 435 interchange improvement;
3. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
4. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be

provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside;

5. Utility easements shall connect with easements established in adjoining properties;
6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
7. Trim the 8 – 9-foot sidewalk adjacent to the grass median and ADA accessible space southwest of the building as it appears to serve minimal function for pedestrians in the parking lot;
8. Crosswalks shall be added to internal drive aisles, driveways, and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where guests and employees walk to the building;
9. Install sidewalk in the southern and eastern medians to facilitate pedestrians through the parking lot;
10. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
11. Sec. 27-466(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. Sec. 57-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent. The subject property is 4.62 acres, requiring 50 trees to be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands;
12. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
13. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
14. Sec. 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
15. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
16. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
17. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for

- each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
18. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
 19. All landscaping shall be irrigated;
 20. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
 21. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 22. Hours of operation for grading shall be Monday through Friday, 8:00 AM – 5:00 PM;
 23. Adhere to the erosion control plan and SWPPP to mitigate dust and reduce mud/dirt on the public right-of-way;
 24. Following the conclusion of the site grading, the site shall be brought the finished grade and seeded until groundcover is established;
 25. Future development will require its own entitlement, which may include, but is not limited to Variances, Change of Zone, Preliminary and Final Development Plan, Preliminary and Final Plat;
 26. Obtain a hauling permit from the Public Works Department;
 27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 28. 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;
 29. 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 Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 30. 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;
 31. 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;

32. 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;
33. 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;
34. Subject to approval, a \$250.00 ordinance publication fee for the Change of Zone and Special Use Permit 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,
35. 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 COZ2023-028 and Special Use Permit Application SP2023-099 for one year, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 212894...SPECIAL USE PERMIT APPLICATION SP2023-025 - WATHIQ KASSIM

Synopsis: Renewal of a Special Use Permit (SP-2020-102 - expired 8/5/2023) for an auto body repair shop at 744 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Wathiq Kassim, is requesting renewal of a Special Use Permit to continue to operate (expires on August 5, 2023) an auto body shop at 744 Kansas Avenue. This auto body shop is an expansion of KCK Automotive at 716 Kansas Avenue. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-025, for five (5) years, subject to:

1. Repair any damaged or missing building materials on the four building walls and the stone perimeter fence. Complete the northern section of fence to attach to the building northwest corner;
2. Do not exceed the limit of 12 vehicles on the property;
3. All vehicles must be parked or stored in designated parking stalls;
4. No outside storage of wrecked or inoperable vehicles at any time;
5. Provide a trash enclosure that provides the required screening as described and with materials that match the main building, or store the trash dumpster inside of the building at all times, except when being serviced;
6. Approval allows no more than 12 vehicles at this site. Since this parking lot is not screened to allow inoperable or wrecked vehicles, wrecked or inoperable vehicles may not be parked outside and must be stored inside the building;
7. No on-street parking of vehicles for this business. All vehicles on-site for repairs or maintenance must be stored on the property and be properly screened from view;
8. No auto repair or servicing is allowed outside or in public view;
9. No storage or warehousing of salvage or wrecked automobile parts on the property. Storage of salvage parts requires M-3 Zoning and a separate Special Use Permit;
10. Vehicles shall not be parked on the right of way of Kansas Avenue in front of the property. Vehicles shall not park on Kansas Avenue or Coy Street at any time;
11. This Special Use Permit applies only to 744 Kansas Avenue. There cannot be any shared work, inventory, storage, or property access with another business or another property under this Special Use Permit;
12. No storage or warehousing of salvage or wrecked automobile parts on the property. Storage of salvage parts requires M-3 Zoning and a separate Special Use Permit;
13. Replace any dead trees and maintain in perpetuity for tree cover;
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation.

Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

15. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
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. If approved, 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 in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
18. 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) 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 SP2023-025 for five years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 2 – 212897...SPECIAL USE PERMIT APPLICATION SP2023-064 - SANTOS ORNELAS

Synopsis: Special Use Permit to operate a drinking establishment with live entertainment at 5235 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Santos Ornelas with Goodmath Inc, seeks to operate a drinking establishment with live entertainment at 5235 State Avenue. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-064, for two (2) years, subject to:

1. Hours of operation shall be Sunday through Thursday from 4:00 PM – 12:00 AM and Friday through Saturday from 12:00 PM – 1:00 AM;
2. The live entertainment shall cease operation by 1:00 a.m.;
3. Off-duty KCK police officer, Gerardo Velasquez, Jr. will be the security personnel for the drinking establishment;
4. Alcohol can only be provided by licensed vendors;
5. Doors and windows must stay closed during any entertainment performance;
6. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104(f)) including:
 - 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;
7. Patrons are not allowed to loiter in their vehicles. If so, they will be asked to leave;
8. An I.D. scanner will be used at all times;
9. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
10. No amplified speakers or entertainment is allowed in outdoor spaces; and,
11. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
12. The dumpster on the east side of the building shall be fully enclosed with an opaque screen (wood privacy fence) and door to screen the dumpster from public view;
13. Resurface the parking lot to remove the potholes and restripe the parking spaces;
14. Stripe one (1) additional parking space in the parking lot to total 96 parking spaces to share between the drinking establishment and liquor store;
15. Sidewalks shall remain clean and clear of trash and debris;
 - a. Create a direct pedestrian access from the sidewalk along State Avenue to the front door of the building. A hatched crosswalk shall be painted in the parking lot linking these two ends together;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102 – (913) 573-8780 or businesslicense@wycokck.org;
18. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the

Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

19. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
20. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
21. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
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; and,
24. 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.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2023-064 for two years, subject to

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

Item No. 3 – 212898...SPECIAL USE PERMIT APPLICATION SP2023-066 - MEGAN DUMA WITH MD RENTAL HOMES, LLC

Synopsis: Special Use Permit to operate a Short-Term Rental at 408 Sandusky Avenue, 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 at 408 Sandusky Avenue. This is not the owner’s primary residence. There was previously a Special Use Permit on the property (SP-2019-106), however, it lapsed in December 2020, nearly three (3) years ago. The applicant continued to operate despite this lapse. This would be the one (1) and only short-term rental on the 400 block of Sandusky. The Planning Commission voted 7 to 0 with 1 abstention to recommend approval of Special Use Permit Application SP2023-066, for one (1) year, subject to:

1. The applicant shall maintain the provided parking agreement throughout the duration of the Special Use Permit;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). No 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	
SP2023-066	
Petitioner	Address
Megan Duma	408 Sandusky Ave
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 a special use permit for a short-term rental, non-owner occupied.



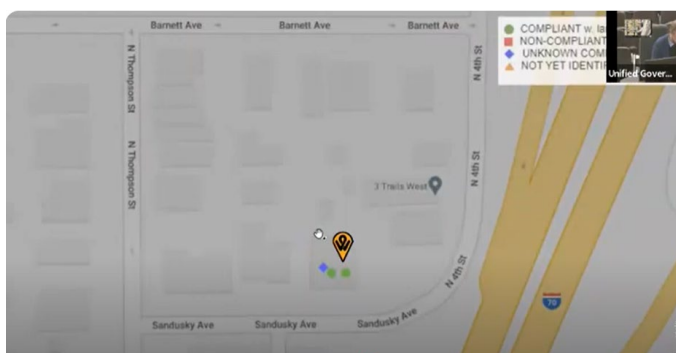
This is in the Central Area Plan.



Staff has received no letters of support; none in opposition.



There are no notices of violation on the property.



Staff does agree with Planning Commission's recommendation for one year with conditions of a maximum of six people on-site, two cars off street, and to retain a parking agreement with the adjacent property owner for those two off-street spaces.



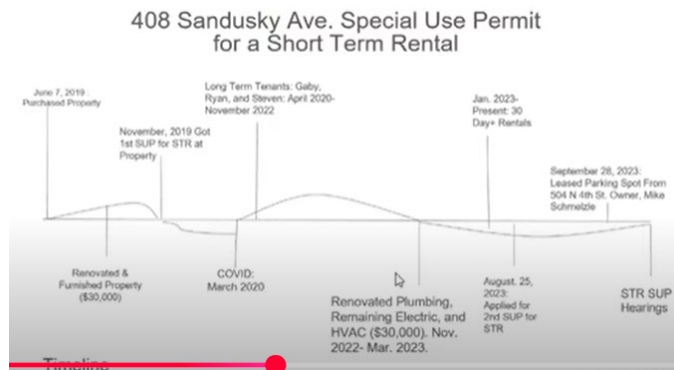


Public Opposition	Public Support
None to date.	None to date.
Staff Recommendation	
Approval	

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

Megan Duma said here speaking to the special use permit for a short-term rental at 408 Sandusky. I don't know, Gunnar, because I was on the Consent Agenda, do all of the slides that I had earlier, are they part of this presentation as well?

Mr. Hand said I can find those in a second.



Ms. Duma said just for everyone, I think it's helpful to have a timeline of how things happened with respect to this short-term rental. I purchased it in June 2019 and then spent about \$30,000 at that time fixing it up; making it better than it was. Then I applied for my first STR, special use permit, in November 2019 and was approved. We really didn't have that many bookings. You can see from the timeline that COVID happened. So, short-term rental land December and January and February were very, very slow. March 2020 is when COVID happened. The first short-term rental permit was pretty much—I didn't get to use it. That's no one's fault; just COVID's fault. When that happened, I decided to go long-term here. I rented long-term to some great tenants that were there for a year and a half. They moved out in November 2022 and that's when we realized there were lots of big problems with the mechanicals of the property, so we spent a lot of money fixing those up: all new plumbing, just taking care of everything, making sure the property was a good and safe place whether it's long-term or short-term. We never illegally rented here whatsoever. We've always been 31 days plus.

We applied for a new permit and there were some issues when I had the neighborhood meeting with respect to parking and just distaste for short-term rentals in general, which I do understand. Because we are bordered by this particular property—it's bordered by business properties, property zoned in business zones, I think it's a really good option for the one per block that KCK has adopted as its policy.

I come to you again not having violated your laws whatsoever with respect to this property and asking for your approval. I'm surprised I'm off of the Consent Agenda, but I'm happy to respond to any neighbors' needs.

Mayor Garner said I'll now open the public hearing. Clerk, have you received any direct 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 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 direct notifications from the public who wish to express their comments in opposition of the item? **Ms. Sparks** said no comments received. **Mayor Garner** asked, is anyone present who would like to speak in opposition to the item?

Leo Eilts, 506 North 4th St., said my property is immediately adjacent to the property in question here. The application does require that she provide two off-street parking spaces for that property. There are no parking spaces. The one that she claims as a parking spot is a 10 foot square slab of concrete. That's not big enough for a car to fit on under any circumstances. I'll be glad to leave these pictures here with you.

The other parking spot that she claims is the one she leases, well, that property is next door to me too. The owner, I know for a fact, is going to be selling that property. I'm sure the lease will not follow the sale because anybody who buys that building, it is zoned as a mixed-use building like commercial and residential, just like mine, is going to want to have complete command of that entire parking lot. In fact, as a practical matter, she has no off-street parking at all. The one spot that she does claim with the slab of concrete here is really inaccessible. It's very hard to get to because it's on a very steep alley, so it's hard to get to anyway, much less get a car fully on that piece of concrete.

There's a property right next door adjacent to hers with the exact same footprint as hers. That is a gentleman who built two parking spaces the right way. It's sufficient size. It's got borders. It's finished. It's got berms. It can be done right. But for her to put two parking spaces

on her property there, I know she doesn't want to do it because it would take up the backyard almost entirely. She wants to use that as an entertainment area for her tenants.

We've gone through this before. I just don't think that she has sufficient parking for this application, and that's my point.

Shall I leave these photographs? **Mayor Garner** said you can give them to the Sergeant-at-Arms.

Mayor Garner asked, is there anyone else present who would like to speak in opposition? (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'll now close the public hearing. Petitioner, would you like to make some closing comments?

Ms. Duma asked, Mr. Hand, do you have the photo that says Leo's parking situation on that same file that I sent to the Clerk? I anticipated this.



I have a lease with Mike Schmelzle who has the parking lot in the building next to Leo's. Leo doesn't actually care about parking. This is Leo's parking situation in front of his property. I anticipated he'd come up and say this so I want to show the Council what we're dealing with. He's parking. There is plenty of parking, A. It's not an issue. And B, he doesn't care. He just wants to stop me from doing what I'm doing. I don't want to host events or anything like that. I'm very

good at hosting short-term rentals and providing for people to come to Strawberry Hill, a place that I love and that I'm from and be part of our community.

I have provided a lease with Mike Schmelzle. Mike has been talking about selling his property for many years. Whether he does or doesn't, I will consent that if there's an issue with parking with me, I will take care of it. My special use permit can be conditioned on that. I have no problem with that whatsoever.

This is in front of Leo's building. He's not only parking in front of his building, he's parking in front of Mike's building. He's also taking up, whoever is part of his group is taking up a lot of the road there. You can also see there's plenty of road left. Right around the corner is my property. I don't think it's fair for him to come up and say what he said. I just want you guys to see what the truth is.

Commissioner Stites asked, Gunnar, the concrete pad that was in the photo that says that it was for an additional parking spot, is it adequate for a parking spot?

Mr. Hand said no. It doesn't meet the required dimensions for a commercial parking space. Again, commercial standards. You could fudge it. It's Strawberry Hill. But no, it doesn't meet the dimensions required as per code.

Commissioner Stites said if and when that property was to sell and now we're looking into the future, the owner of where she has that current lease space, that could be negotiated into the sell of that property that she has that lease. We're looking into the future. She would have to come back in, if I'm not mistaken.

Commissioner Stites said, her recommendation for approval is for how long, one year? **Mr. Hand** said yes. She previously had a short-term rental that had lapsed so this is effectively a brand new, not a renewal, so one year. **Commissioner Stites** said for one year. So if that happens to change, that could be a condition at that time, correct? **Mr. Hand** said that's correct.

Action: **Commissioner Stites made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application SP2023-066 for one year, subject to**

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

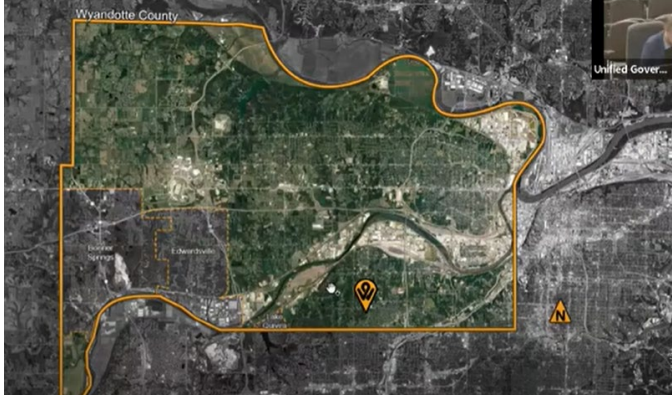
Item No. 4 – 212899...SPECIAL USE PERMIT APPLICATION SP2023-072 - BRAD HUS

Synopsis: Special Use Permit for a Short-Term Rental/Cabin Retreat with an alpaca farm at 2914 South 74th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Brad Hus, is requesting a Short-Special Use Permit to develop and operate short-term rental cabins at 2914 South 74th Street. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 2900 block of South 74th Street. The Planning Commission voted 8 to 0 to recommend denial of Special Use Permit Application SP2023-072, as it is not compatible with the neighborhood.

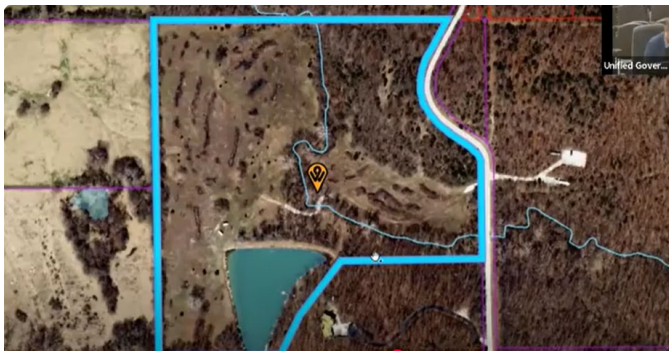
Case	
SP2023-072	
Petitioner	Address
Brad Hus	2914 South 74 th Street
Synopsis	
To approve a Special Use Permit for multiple Short-Term Rental cabins in a campground (“glamping”) setting.	

Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for a non-owner occupied what we’re calling a short-term rental cabin retreat. I’ll say right now that this was one of those short-term rental uses that we did not anticipate when we drafted the short-term rental ordinance that you all adopted last May. So, this one was difficult for staff.

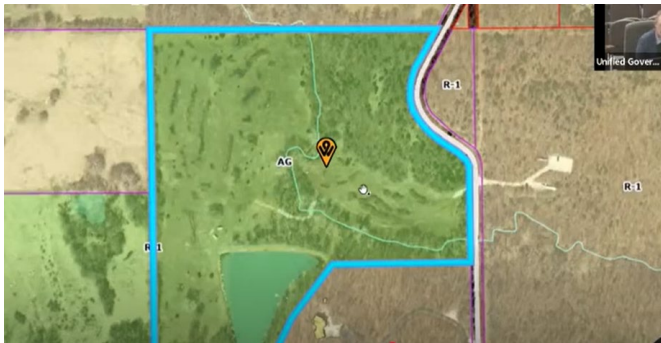
It is proposing a maximum of 17 units at the end of the day. I believe this is a phased project by the applicant. They’re proposing to not build all 17 upfront. The site plan we have is for a maximum of 17 total units on the property.



This is in the Citywide Comprehensive Plan in the Morris-Turner area.

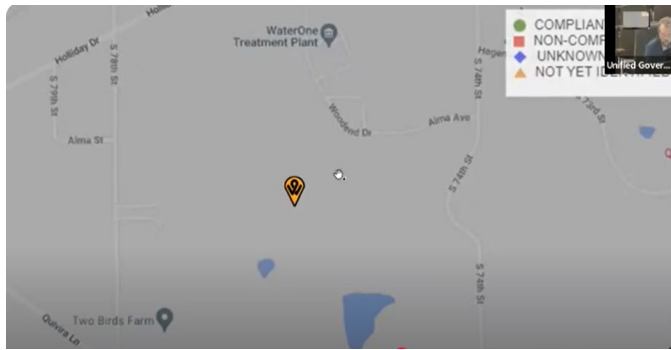


Staff received no letters in support. There was opposition at the City Planning Commission earlier this month. There are no notices of violation on this property.

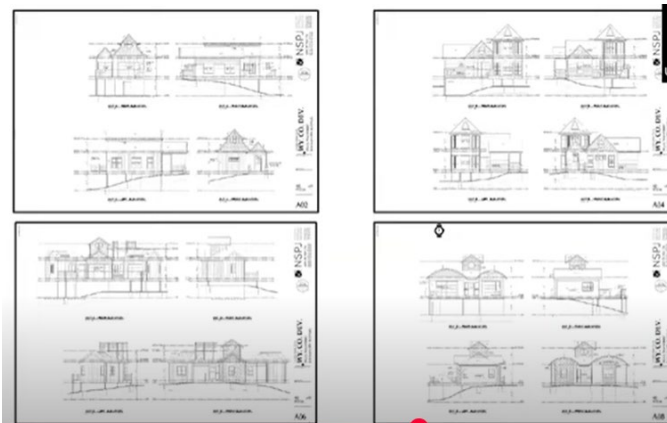
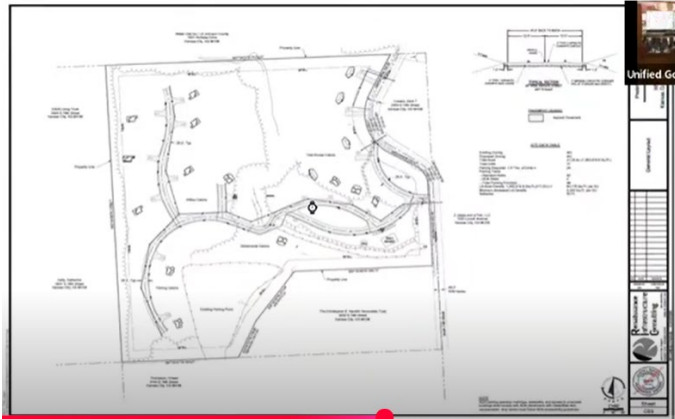


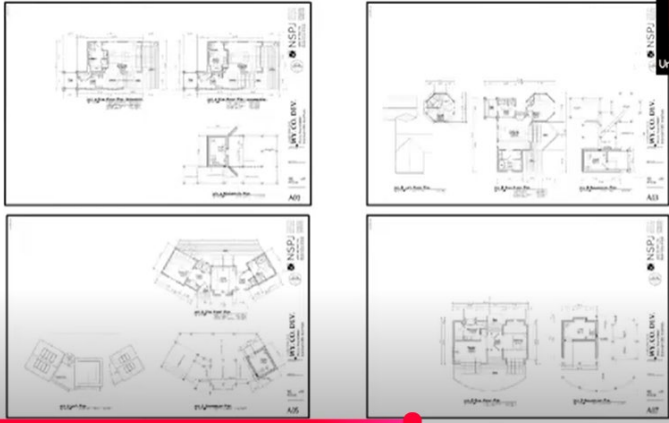
There were a couple of things raised by members of the public that made Planning think twice about our recommendation. We were not able to change it in time for this report. In fact, it's a typo. It should have been changed but it wasn't. So, it still reflects that we are in support.

Staff agrees with Planning Commission and recommends denial. We do have conditions of approval if you need them.



November 30, 2023





Public Opposition	Public Support
There have been several letters and calls in opposition to this proposal. 38 members of the public attended the 11/13/2023 CPC hearing to express opposition to the proposed project.	None to date.
Staff Recommendation Approval	

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

Rich Jones, 10515 Westbrook Drive, Overland Park, KS, said we do understand that based on the feedback that we received from the neighbors that there were great areas of concern. The reason we've asked for this to be remanded back to Planning Commission is we'd like to discuss with the Planning Commission what our options are. We had no intention after the Planning Commission, or even prior to the Planning Commission public hearing, that we had of building the 17 units. The property has the capability to host the 17 units.

Our additional Phase One was to build a barn structure and four of these cabin rentals. These would be in the 650 to 750 square foot range, with the proposed budget about \$250,000 per unit.

We do have a meeting scheduled with Planning Commission on December 4th with Mr. Molloy and Mr. Hand to discuss further options. We were just asking for an extension to go back and look at what we could do to change and then maybe come back and re-present to the public community again at that meeting and then again with the Board of Commissioners.

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

Kate Hauber, Shawnee, KS, said we live just up the road from this site. I go by it virtually every day when I work and not working remote. I just want to start out by saying, and I said this at the Planning meeting as well, it's a very dangerous road. We've got a lot of traffic. We've had a lot of accidents. It's...**Mayor Garner** said let me stop you. Are you in favor of this item or in opposition? **Ms. Hauber** said I'm in opposition. I'm sorry. **Mayor Garner** said okay. We'll get back to you.

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

Mayor Garner asked, Clerk, have you received any direct notification from the public who expressed their comments in opposition of the item? **Ms. Sparks** said no comments received. **Mayor Garner** asked, is there anyone present who'd like to speak in opposition of the item?

Laura Christensen said I own and operate a farm at 2931 South 78th, which is immediately to the west of the proposed development. I was present along with a lot of neighbors and community members at the Planning Commission. I don't know how many of us spoke against it, but a lot of us did. I think we did a pretty good job of going through the aspects that Planning is supposed to consider when they go through approval. I think we kind of knocked it out of the park.

I understand what Mr. Hus would like to have. It's a neat idea. The group, as a whole, was not opposed to development in general, but we really don't want this to happen. We don't feel like it fits in the neighborhood. For our farm, we really feel it affects our ability to farm and feel that we can keep the neighbors safe, our farm safe, and our equipment safe. This is basically a hotel asking to go in and that's not short-term rental. It's a hotel if you're looking at 17 units.

There were a lot of concerns raised and I don't want to speak for all those neighbors. I would encourage you to look at the minutes of that meeting. There was a lot that was brought forward.

I understand that my neighbor is trying to do something with the property, but it's interesting to me that they applied for Ag zoning. They were approved. They haven't done anything to comply with Ag. I'm not going to comment on the feasibility of an alpaca farm. It's very difficult for me not to. I think it's interesting to note that it was just said that we actually had no intention of having 17 units. So, I think it's difficult for the community to support somebody who says we want to get rezoned Ag and we're not going to do anything Ag, though. We're going to put forward a proposal for 17 units. Oh, we didn't actually mean that. That's not what we're going to do. **Ms. Sparks** said one minute remaining.

Ms. Christensen said I just want to state opposition and encourage you to let the Planning Commission's decision stand.

Stephanie Barton, 7243 Forest Drive, said I also attended the last meeting with the City Planning Commission. I do think that we did a great job in explaining all of the issues we see. Specifically, I spoke about the special use permit of the Urban Planning and Land Use in Section 27-253 under Application Requirements, Subsection B-Technical Studies. It lists several different things that should be done. One of those being there is a Class C, high hazardous dam located on this property. We are currently waiting for the results of the inspection that was done. We have heard that possibly that inspection has never been done on this dam, so that was one of the big concerns that we have because the impact of that would be property loss, lives lost, so on and so forth. So, I think that's a really crucial point to make, especially since we're waiting for those results to come back.

Furthermore, we're not quite sure that this harmonizes with the land or the surroundings. There are businesses as you heard Laura speak about. It just doesn't seem that it fits with what they're trying to do because throughout this whole process, I went to the public meeting, both of them that were held, and I went to the public hearing. This plan keeps changing and we're not sure why. So, we bring questions forth. They may be answered; they may not be answered. The issue is, we don't really know what this is or what it looks like.

We would ask that—I'm not sure what we do. Currently, we do not agree with the way that the plan was presented. So, would that be...**Ms. Sparks** said one minute remaining.

Ms. Barton said recommendation to deny. We would ask that the business plan be denied.

Marsha Kent, 2627 South 72nd Terr., said I live right around the corner in the hill from where this is being proposed. Just as Stephanie mentioned, we've had—there's lack of transparency. Answers keep changing. One minute you can have tents there, the next minute you can't. It was going to be called a campground and then they couldn't change the terminology and now it's not a campground. Seventeen units; not seventeen units.

Besides all of that, my taxes have gone up over \$5,000 overnight and they haven't even started. I've asked what value they anticipate this to be. No answer. I don't know if I can even afford to stay. I've been there more than 32 years at the same address. My husband and my father are both retired Kansas City, KS firemen. I've lived here my whole life. I don't want to be uprooted because I can't afford to stay because of the situation.

There's not going to be any security. No security. That's a concern for us. We just talked about what a great job our Police Department is doing and we don't want to be pulling them over here for all these little things because they can't take care of their business if there's issues that arise.

There's been talk about the increase in traffic. The dangerous curve and hill where even today, there was almost a situation. A bus and a truck. You cannot pass at the same time. It's dangerous.

I just wanted to bring a few of our concerns. We are strongly opposed. We don't want it.

Jennifer Lloyd, 3155 Quivira Lane, said I'm to the southwest of this proposed land project, whatever you want to call it. I don't think they're sure what they want to call it. The community has spoken against this in full force. It does not fit with our community, and I think it's pretty evident from the beginning when they—the first meeting that they had was 2:00 in the afternoon on a weekday in a working-class community.

I've said this at the last meeting, I'm third generation on the property that I'm at. I have a fourth and fifth generation coming up on it. It does not fit the community. He said that they did

not propose putting 17 units, yet in the initial information that I received in the mail, it had 17 units on it. So, they doublespeak.

The size of the cabins that they were talking about, if I remember correctly, they were talking about 550 to 600 square feet at the last meeting. Now he's upped it to 650 to 700 square feet, which if I understand right, it's getting closer to what's allowed.

Anyway, just strong opposition to this. We want somebody that's going to work with the community, not against it.

Mayor Garner asked, anyone else who'd like to speak in opposition? (No one appeared.)

Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Ms. Sparks** said we have Kate Hauber who originally thought she was speaking. She's still online.

Kate Hauber, 4708 Mullen Road, Shawnee, KS, said I am speaking—my husband and I live—we've lived here 34 years. We live at the top of the hill, just where Mullen Road turns into 74th Street, right on the Wyandotte County line between Wyandotte and Johnson County. This is one neighborhood from one end of the street down to Holiday Drive. As it has been stated, it is a residential neighborhood. It's a narrow street. There are dangers to the street. We've witnessed many accidents. We've witnessed hill hopping. There's speed issues on this road. There's a blind curve on this road. So, I just would point out that to add any more traffic that would be consistent with this kind of a use of this property, would be very difficult. It is supposed to be a 25 mile an hour zone, and I can tell you that most people don't drive 25 miles an hour going down this road.

As also was stated, if you've got two people coming head-on and one is a larger truck, you just can't get through it. I wanted to point that out because we see it from the perspective of people either trying to gun to get up the hill or really coming down that hill and going so fast you really shouldn't be walking on the road.

But more importantly, what I'd like to do is just to make sure that everyone understands, at least in my reading of this ordinance—and as was stated earlier, this ordinance really was not intended, in reading it, is not intended to cover something like this. Even if you don't put in up to 17 units, this is still not a short-term rental. A short-term rental anticipates the rental of a dwelling. A dwelling is not a motel or a hotel. There's a reason for that, especially for issuing a special use permit in an area that is heavily residential. I think it's critical to note that the ordinance itself

carves out from dwelling any motel or hotel, as does the definition of short-term rental. It carves out...**Ms. Sparks** said one minute remaining.

Ms. Hauber said it carves out any motel, hotel, or lodging.

The one item that I would note, too, is that there are three ways that a short-term rental can be approved. Two of them clearly don't apply. The third would be 1, Subsection C, of the ordinance. Even in that, that anticipates a short-term rental of one unit on one parcel. We're talking multiple units on one parcel. So, I think by that alone, this does not meet the definition. This also, again, there's a reason that we have rezoning that is required to put these in place because there are more protections for land owners, for residents who adjoin the property, and when you're trying to really change the entire character of a neighborhood that has always been heavily and primarily residential.

I appreciate the time in being able to talk.

Jessica Kent Deterding, 2629 South 72nd Terr., said I just wanted to circle back a little bit on the security thing. This property is nestled in between a couple of other properties. There's a huge pond on the property that's kind of shared and used by the neighbors. It's nestled up right next to a farm with cows. It's nestled up right next to a very large water treatment plant. So far, there's not been shown any plans, like business plans, presentations, anything to give us a better idea of what to expect or what's going on.

On top of that, the plan is only to have somebody on-site Monday – Friday during the day, not in the evenings, not on the weekends, which is the main time this will be used. None of the people that are involved in this project live in the area. I don't believe any of them even live in the county. So, it's one of those things of what's going to happen with this? How are we going to monitor to make sure—a lot of us go to that pond and neighborly—I fished there as a kid. My kids fish there. How are we going to keep it family-friendly? How are we going to keep it safe? Those are all things that are just super concerning with this situation on top of the road, and the fact—at the last meeting, there were several of us that did come and like talk. There was a whole presentation that we all had that was more than was even given to us about what we're going into.

I think the biggest thing is this sounds like a commercial property. There's not even any plan of anyone living on the property when this is happening. It doesn't make any sense to us and we're just really, really concerned.

Christopher Handlin, 3000 South 74th St., said I've been a resident in Wyandotte County for 20 years. I've lived at my residence for 10 years. I have 1,100 feet property line with the proposed project. I have two young children, and I have a lot of concerns about this commercial project surrounding my residential setting.

I have many concerns with the amount of zoning laws this currently violates. Quite frankly, I'm pretty upset it's even got this far. These zoning laws are in place to protect the citizens of Wyandotte County. Right now, we're here wasting our time. We shouldn't be here. These zoning laws should be in place to protect us. It shouldn't even got this far.

We have a Class C hazard dam that is a lawsuit waiting to happen. It hasn't even been inspected by the state in over 60 years. Class C hazard dams have to be inspected, per state law, every three years. They have no inspection on record with the state of Kansas. They're still awaiting the first inspection in over 60 years on this large dam.

I would ask you to listen to your Planning Commission, who unanimously thought this was a bad idea as well, and do your due diligence and protect the citizens of Wyandotte County.

Ms. Sparks said there are no other hands raised.

Mayor Garner asked, would the petitioner like to make some closing comments?

Mr. Jones said we have heard all these comments and taking those into consideration. That is why we want to move back to the Planning Commission.

In regard to some of the things that were spoken of. Traffic. We did ask the city about having to do a traffic study. It was deemed not necessary for the area at the time. We are willing to move forward and pay for a traffic study if we move forward with any more of this.

We understand the dam situation. The dam was built in 1955. Two years ago, I believe, Mr. Kemna, the owner of the property, did have the dam inspected by an engineer. It was not inspected by the state. We were not aware of a state permit required. But since the state has come out, they are working on a dam report, and we are waiting on those results to come back. So, we are aware of that situation.

As far as the property and the lake itself, it is private property. The lake is private property to the owner of Mr. Kemna. Moving forward, I would say that we will take the necessary steps to protect that lake for the safety of the neighbors and the people in the area, but the lake is private property, owned by Mr. Kemna.

Again, we'd like you to take into consideration remanding this back to the Planning Commission and letting us have some more conversation, maybe some redevelopment on this project, and then moving forward again.

Commissioner Burroughs said, Mr. Jones, you said you would like to have this referred back to Planning and Zoning. Do you have a different proposal you want to propose for the site?

Mr. Jones said we're thinking we're going to have to have a different proposal, yes. So is that a different number of units? Is that going to be a residential home on the property for Mr. Kemna? We're looking at our options right now, which is why we want to have this meeting again with the Planning Commission.

Commissioner Burroughs said, Mr. Hand, if we refer this back to committee, this same project could advance and come back before us again. Would it go back on a consent calendar for us to review again? I know it'll have to go back through the process, but if it went through the process for denial, would it come back forward on a consent calendar again just like it did tonight?

Mr. Hand said I did two things to that, Commissioner. If you all remanded it back to Planning Commission in December, we'd probably have to continue it because to change the project in the next two weeks would take maybe a little more time than that because it's asking for 17 units. If they were to reduce it, we could probably use the same case number, notification, all that material, and all that information. So, whatever the Planning Commission then decides about a revised project, yes, it would come back to the Board of Commissioners. If it was unanimously recommended one way or another, it would, again, be on the Consent Agenda.

Just a quick point of clarification for everybody. If it were to be denied, the applicant would not be able to file another special use permit for a short-term rental for a year.

Commissioner Burroughs said in light of the fact that we have no short-term rental ordinance that addresses this type of use, I would move for denial, supporting the recommendation of Planning and Zoning.

Action: **Commissioner Burroughs made a motion to uphold Planning Commission's recommendation to deny Special Use Permit Application SP2023-072.**

Commissioner Stites said I time periodically and tune in and watch the Planning and Zoning meetings on a night I don't have anything else going on. Gunnar, if you can, how many people spoke in opposition that night?

Mr. Hand said we recorded 38 people. Not all of them spoke, but we did, I think, it was about 15 or 16 people who spoke, and then we did a show of hands and I counted 38. **Commissioner Stites** said I would say that's pretty accurate. A lot of opposition.

Commissioner Stites asked, how many short-term rentals would we allow right now on a single parcel?

Mr. Hand said the way the ordinance was written, it based a density calculation per parcel on a building typology. So, like if it's a duplex, you could have two short-term rentals in that duplex. As it increased in size, it kind of reduced the amount of majority. The intent of allowing multifamily units: fourplex, sixplex, whatever, to have more than was to add that flexibility, but we did it in a way so that it was less than the majority of the units. We wanted to make sure it was still the spirit of the ordinance was that this was focused on owner-occupation versus having a short-term rental hotel, essentially. So, a multiple number of units could be allowed on a single parcel like this, but we never said it was always based on what the building typology was and there's no building here.

I think one of the biggest concerns staff has for this is let's say you guys approve and then don't renew it in a year, we have 17 dwelling units on a single parcel that can't be there. That would require a subdivision, a rezoning ordinance, all kinds of things. Even if they went just with four, we'd have to subdivide the property and figure it out and/or pull up millions of dollars of infrastructure and investment, which is a waste. **Commissioner Stites** said right.

Commissioner Stites said right now it's currently zoned Ag, correct? **Mr. Hand** said yes, that's correct. **Commissioner Stites** said from what I viewed that night and watching it, it's clearly, to me, an attempt to circumvent the zoning change to commercial. It's 17 VRBOs on one parcel. **Mr. Hand** said correct. **Commissioner Stites** said I listened closely and there was a lot of opposition. I will back up the commissioner that made the motion to support the recommendation for denial.

Action: **Commissioner Stites seconded the motion for denial.**

Commissioner Markley said I just wanted to ask a clarifying question because you mentioned their inability to come back and apply for a short-term rental. I think the applicant said we're not really sure what we would do. Maybe it's a single-family home. They could come back with an application for something totally different after a denial. They just couldn't come back with an application for a short-term rental. Is that correct?

Mr. Hand said correct. The code basically says you can't come back and apply for the same project. It has to be significantly different. So a short-term rental at 17 and a short-term rental at 4, I would interpret as the same thing. So, correct.

Mayor Garner said there's a motion. **Commissioner Stites**, just for clarity, was that a second? **Commissioner Stites** said yes. **Mayor Garner** said there's a motion and a second for denial. Is there any further discussion?

Mr. Hand said point of order. We never got the purpose of the opposition. We have to state the reason for opposition. It can't be public opposition.

Commissioner Burroughs said I believe I made a statement, Gunnar, in reference to the fact that there's not a policy. I had it right here. I apologize. I shut my document here. The fact that we have no short-term rental ordinance to address this type of use, I'm recommending denial.

Mr. Hand said you're right. I'm sorry, Commissioner.

Commissioner Stites said (inaudible).

Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis. (Prior to Commissioner Bynum’s vote, she asked, my aye vote is a vote to uphold the denial, correct?)

Item No. 5 – 212900...SPECIAL USE PERMIT APPLICATION SP2023-074 - WAYNELL HENSON

Synopsis: Special Use Permit to operate a Short-Term Rental at 2501 North Tremont Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Waynell Henson, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2501 North Tremont Street. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 2500 block of North Tremont Street. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-074, for one (1) year, subject to:

1. The applicant shall repair/replace the sidewalk in the front of the property;
2. All additional Property Maintenance Citations shall be addressed and remediated;
3. If the applicant chooses to also rent as a long-term rental, the applicant shall obtain a rental license in addition to the business license;
4. Maximum number of guests shall be six (6);
5. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
6. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
7. 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;
8. Applicant is to maintain liability insurance;
9. The property must remain in proper maintenance and free of hazards, pests, or infestations;
10. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
11. 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);
12. 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;
13. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;

14. 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;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. 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;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. 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;
19. 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;
20. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
22. 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 SP2023-074 for one year, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 6 – 212902...SPECIAL USE PERMIT APPLICATION SP2023-075 - AYA AGATHE M'BRA

Synopsis: Home Occupation Special Use Permit for a wig-making business at 8127 Troup Avenue, #106, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. Applicant, Aya M’Bra, is requesting a home occupation Special Use Permit to operate a wig-making business at the subject property, 8127 Troup Avenue #106. Applicant will make wigs on the subject property and keep wig materials and samples on site. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-075, for two (2) years, subject to:

1. No signs related to the business shall be posted at the property, either at the subject dwelling unit, another dwelling unit or building, or within the common space of the subject property;
2. No customers may come to the subject property;
3. If approved, the applicant must file and maintain a current business occupation tax application with this office;
4. 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;
5. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances (Section 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 parking shared 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;

6. 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, as well as all rules and regulations of the apartment complex and any terms of lease, 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, or other violate the rules and regulations of the property owner or the lease agreement between the property owner and the applicant-tenant;
7. 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;
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; and,
9. 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 SP2023-075 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 7 – 212890...SPECIAL USE PERMIT APPLICATION SP2023-080 - DENISE TOMASIC WITH PURPLE PROPERTIES LLC

Synopsis: Renewal of a Special Use Permit (SP2022-082 - expired 11/3/2023) to operate a Short-Term Rental at 419 North 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Denise Tomasic, is requesting a renewal of a Short-Term Rental Special Use Permit (SP2022-082, which expires 11/03/2023) to operate a short-term rental in both units at 419 North 6th Street. This is not the owner’s primary residence. This would be the first

and only permitted short-term rental on the 400 block of North 6th Street. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit SP2023-080, for one (1) year, subject to:

1. The applicant shall complete their Change of Occupancy/Building Permitting. The Business License will not be issued until the Change of Occupancy is complete;
2. The applicant shall not operate until these requirements have been met;
3. Maximum number of guests shall be six (6) per unit;
4. All parking must be off-street, maximum number of vehicles is two (2) per unit, four (4) maximum. 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.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2023-080 for one year, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 8 – 212905...SPECIAL USE PERMIT APPLICATION SP2023-082 - HEIDI TOMPKINS

Synopsis: Special Use Permit to operate a dog kennel/grooming operation at 9240 Georgia Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Heidi Thompkins, has applied for a Home Occupation Special Use Permit for the operation of a pet grooming and kenneling business at the address of 9240 Georgia Avenue. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-082, for two (2) years, subject to:

1. The applicant shall pave the driveway apron from the roadway to the property line. The applicant does not need to pave the entire driveway;
2. The applicant shall pave any parking spaces within the property;
3. The hours of the salon operation are limited between 7:00 AM and 6:00 PM;
4. Staff requires that the driveway apron from the roadway to the property line is paved as well as any new parking spaces within the property. There may not be an expansion of gravel for customer parking. A new asphalt or concrete pad is required for new parking spaces;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards;
6. Any business or land use in Kansas City, Kansas that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
8. The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
9. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is

compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

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

Action: **Item was withdrawn by the applicant.**

Item No. 9 – 212906...SPECIAL USE PERMIT APPLICATION SP2023-083 - JOHN MCCLELLAND

Synopsis: Special Use Permit to operate a drinking establishment at 412 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, John McClelland with L & B Breit's Inc., seeks to continue to operate a drinking establishment. The business is transferring ownership, necessitating a new Special Use Permit at 412 – 414 North 5th Street. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-083, for five (5) years, subject to:

1. Hours of operation are Monday through Thursday - 11:00 AM to 12:00 AM, Friday and Saturday – 11:00 AM to 2:00 AM, and Sunday - 11:00 AM to 8:00 PM;
2. Outdoor lighting, if any, must be installed so as not to cast light onto neighboring properties. Lighting may not exceed one (1) footcandle at the property line;
3. Sidewalks shall remain clean and clear of trash and debris;
4. Alcohol can only be provided by licensed vendors;
5. 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.
6. Restripe the parking lot in the rear of the property for the apartment units;
7. North of the building, plant small shrubs (Arbor Vitae) along the fence line, inside the outdoor patio;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Subject to approval, the Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than

two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;

12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (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 Special Use Permit Application SP2023-083 for five years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 10 – 212907...SPECIAL USE PERMIT APPLICATION SP2023-084 - JOHN OVERTON

Synopsis: Special Use Permit to operate a drinking establishment at 1200 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, John Overton, seeks to continue to operate a drinking establishment. The building was formerly used as a bar/tavern (Bar None) with a Special Use Permit expiring in 2019. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-084, for two (2) years, subject to:

1. The parking area should be paved with asphalt or concrete and curbs and/or concrete wheel stops be provided around the perimeter with a six (6) foot paving setback along the west. There should also be ADA compliance and 16 spaces must be available;
2. A six (6) wood screening fence shall be maintained along the west line of the property;
3. If a trash dumpster is proposed, it must be completely enclosed by an architectural screen;
4. Remove the shipping container from the parking lot located on the north side of the building;
5. Due to the proximity of residences to the west, north and east, the business shall close by 1:00 AM;
6. Outdoor lighting, if any, must be installed so as not to cast light onto neighboring properties. Lighting may not exceed one (1) footcandle at the property line;

7. Resurface (new sealant) and restriped the parking lot;
8. Sidewalks shall remain clean and clear of trash and debris;
9. Alcohol can only be provided by licensed vendors;
10. 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;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. 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. Subject to approval, the Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2023-084 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 11 – 212908...SPECIAL USE PERMIT APPLICATION SP2023-085 - JON WONDERGEM

Synopsis: Home Occupation Special Use Permit to repair musical instruments at 1108 Shawnee Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. Applicant, Jon Wondergem, is requesting a home occupation Special Use Permit to operate an instrument repair business. Applicant will serve customers who come to the subject property to drop off instruments for repair and to pick up repaired instruments. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-085, for two (2) years, subject to:

1. No signs that advertise for or give directions to the business shall be posted on the subject property;
2. No employees other than family members may work at the subject property;
3. There shall not be any equipment that creates excessive amounts of dust, noise, or light, or otherwise interfere with radio or television reception;
4. No trucks with a gross vehicle weight rating over 10,000 pounds or other heavy equipment shall be parked on the subject property;
5. Approximately 10 customers are anticipated to come to the subject property per month to drop off and/or pick up products;
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 tax application with this office;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
11. 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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances (Section 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 parking shared 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;

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 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;
14. 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;
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
16. 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 SP2023-085 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 12 – 212909...SPECIAL USE PERMIT APPLICATION SP2023-086 - MAKSIM KUNAKHOVICH

Synopsis: Special Use Permit to operate a Short-Term Rental at 4211 South Thompson, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Maksim Kunakhovich, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4211 South Thompson Street. This is not the owner’s primary residence. This would be the

first and only permitted short-term rental on the 4200 block of South Thompson Street. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2023-086, for one (1) year, subject to:

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

16. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
17. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
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.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2023-086 for one year, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 13 – 212910...SPECIAL USE PERMIT APPLICATION SP2023-087 - PATRICIA ZANQUETIN

Synopsis: Special Use Permit to operate a Short-Term Rental at 2110 North 104th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Patricia Zanquetin, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2110 North 104th Terrace. This is not the owner's primary residence. This would be the first and only permitted short-term rental on North 104th Terrace. There is another application for a short-term rental on this block, however, that application must wait until this application has been resolved. The Planning Commission voted 7 to 0 to recommend denial of Special Use Permit Application SP2023-087, for the reasons listed in the staff report and the following:

1. The Petitioner has operated the Short-Term Rental out of conformity; They have had more guests and cars than allowed; This may create issues with noise and illumination; and,
2. The Petitioner has been operating the Short-Term Rental out of conformity with Factor #12. Upon a site visit, Staff noted that the applicant had more than seven (7) guests and more than three (3) vehicles in the driveway.

Action: **Item was withdrawn by the applicant.**

Item No. 14 – 212911...SPECIAL USE PERMIT APPLICATION SP2023-088 - VANESSA NYHUS

Synopsis: Home Occupation Special Use Permit to produce gummies, topicals and a powdered drink at 11411 Hollingsworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Vanessa Nyhus, is requesting a home occupation Special Use Permit at 11411 Hollingsworth Road to operate a business that manufactures and sells gummies, topicals, and powdered drinks in a commercial kitchen within the basement of the applicant's primary residence. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-088, for two (2) years, subject to:

1. No signs that advertise for or give directions to the business shall be posted on the subject property;
2. No employees other than family members may work at the subject property;
3. There shall not be any equipment that creates excessive amounts of dust, noise, or light, or otherwise interfere with radio or television reception;
4. No trucks with a gross vehicle weight rating over 10,000 pounds or other heavy equipment shall be parked on the subject property;

5. No customers shall come to the subject property to place orders or pick up products;
6. Only inventory samples of food products and gummy-, topical-, and powdered drink-manufacturing supplies shall be stored on the subject property;
7. There shall be no parties at the subject property related to the Special Use Permit, including “manufacturing parties” or a “sales parties”;
8. All products must be packaged by Applicant, and all products are sold directly to third-party consumers;
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. 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;
11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
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 at all times be compliant with all applicable local ordinances (Section 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 parking shared 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. 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;

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. 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 SP2023-088 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 15 – 212913...SPECIAL USE PERMIT APPLICATION SP2023-089 - AMANDA TARWATER

Synopsis: Home Occupation Special Use Permit for a dog grooming operation at 10120 Hollingsworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Amanda Tarwater, has applied for a Home Occupation Special Use Permit for the operation of a pet grooming business at the address of 10120 Hollingsworth Road. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-089, for two (2) years, subject to:

1. All cleaning products shall be disposed of in accordance with the products directions;
2. Hours of operation should be limited to Weekdays between 7:00 AM and 6:00 PM;
3. No dogs shall be boarded on the property. If the applicant seeks to expand to boarding, they will be required to amend their Special Use Permit;
4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
5. Any business or land use in Kansas City, Kansas that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the

business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;

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. 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. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office;
9. 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;
10. 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;
11. 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;
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.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2023-089 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 16 – 212914...SPECIAL USE PERMIT APPLICATION SP2023-092 - BRETT JACOBSON

Synopsis: Special Use Permit for semi-truck sales at 1701 South 45th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Brett Jacobson with Used Truck Pros, seeks to operate a used truck dealership at 1701 South 45th Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-092, for two (2) years, subject to:

1. Hours of operation shall be Monday through Friday from 8:00 AM to 5:00 PM;
2. Fencing must comply with all UG ordinances as specified in Chapter 8 of the Unified Government Code of Ordinances;
3. No parking or idling shall be allowed along the driveway stretch from South 45th Street onto the property;
4. Patch the parking lot;
5. Stripe the parking lot for customers, employees and trucks that are on display for sale;
6. If the curb is damaged from trucks rolling onto it, the curb and abutting fence shall be repaired in a timely manner;
7. Install an opaque gate door on the trash enclosure;
8. Replace dead trees along South 45th Street. Trim overgrown and newer volunteer trees. Replant to meet the landscaping code;
9. Landscaping shall be irrigated, or a watering plan shall be provided specifically specifying how the vegetation will be maintained to establish and sustain growth;
10. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;

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. 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;
13. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org;
14. 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;
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. 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;
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. 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;

19. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
20. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27- 676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
21. 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;
22. Subject to approval, 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;
23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
24. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2023-092 for two years, subject to the stipulations.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 17 – 212915...SPECIAL USE PERMIT APPLICATION SP2023-093 - ALISON SCHWARTZ

Synopsis: Special Use Permit to operate a Short-Term Rental at 625 Northrup Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicants, Alison Schwartz and Frederick Hutchison, are requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 625 Northrup Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 600 block of Northrup Avenue. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-093, for one (1) year, subject to:

1. Pull the weeds and other grass from the brick sidewalk;
2. Maximum number of guests shall be three (3);
3. All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, occupying businesses must file and maintain a current business occupation tax application with 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.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2023-093 for one year, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 18 – 212916...SPECIAL USE PERMIT APPLICATION SP2023-095 - RHIANNON CABELLERO WITH NEXT LUXURY

Synopsis: Special Use Permit to operate a Short-Term Rental at 535 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Rhiannon Caballero, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 535 Central Avenue. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 500 block of Central Avenue. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-095, for one (1) year, subject to:

1. The following items from the home inspection report shall be repaired prior to renewal of this Special Use Permit. Proof of repair shall be provided upon renewal of this Special Use Permit.
 - o The garbage disposal shall be repaired or replaced;
 - o The loose toilet shall be tightened and reattached to its base;
 - o Replace all smoke detectors that are non-functional;
 - o Make all identified electrical repairs, including:
 - Reverse polarity identified in the west wall of the east bedroom in an outlet;
 - The outlet in the southeast corner of the laundry room is ungrounded;
 - The outlet under the windows in the east bedroom is loose;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). 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.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2023-095 for one year, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 19 – 212917...SPECIAL USE PERMIT APPLICATION SP2023-097 - AARON LAU

Synopsis: Special Use Permit to operate a Short-Term Rental at 4110 South Minnie Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Aaron Lau, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4110 South Minnie Street. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4100 block of South Minnie Street. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2023-097, for six (6) months, subject to:

1. The applicant has six (6) months to pull a building permit for a residential remodel. The applicant shall contact Building Inspections at BuildingInspection@wycokck.org or (913) 573-8620 to begin this process;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). 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 six (6) months from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
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.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2023-097 for six months, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 20 – 212901...SPECIAL USE PERMIT APPLICATION SP2023-099 - CURTIS PETERSON WITH POLSINELLI

Synopsis: Special Use Permit for grading, fill/removal of earthen fill at 9700 State Avenue, 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 COZ2023-028.

MASTER PLAN AMENDMENT APPLICATION

Item No. 1 – 212919...MASTER PLAN AMENDMENT MPL2023-015 - GUNNAR H. HAND, AICP - UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Synopsis: Master Plan Amendment from Planned Mixed-Residential (Prairie-Delaware-Piper Area Plan) to Planned Entertainment District (Prairie-Delaware-Piper Area Plan) at 1800 Village West Parkway, 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 a Master Plan Amendment from Planned Regional Commercial District to Planned Entertainment District in the Prairie-Delaware-Piper Area Plan to operate an event space and host live entertainment at Legends Field at 1800 Village West Parkway. The Planning Commission voted 7 to 0 to recommend approval of Master Plan Amendment MPL2023-015, subject to:

1. Public rights-of-way may not be blocked by trash enclosures or receptacles;
2. Sidewalks shall remain clean and clear of trash and debris;
3. Alcohol can only be provided by licensed vendors;
4. 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;
5. Vendors are required to obtain a liquor license and they must be maintained with the State Department of Revenue Alcoholic Beverage Control;
6. 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;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Master Plan Amendment MPL2023-015, subject to the stipulations.

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

PLAN REVIEW APPLICATION

Item No. 1 – 212918...PLAN REVIEW APPLICATION PR2023-029 - NICK HANAWAY

Synopsis: Preliminary and Final Development Plan to construct a new Burger King restaurant at 7736 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Nick Hanaway, is requesting approval of a Preliminary and Final Development Plan to construct a new 3,024 square foot Burger King restaurant at 7736 State Avenue. The property is currently utilized as a Burger King restaurant. The Planning Commission voted 7 to 0 to recommend approval of Plan Review Application PR2023-029, subject to:

1. The applicant is seeking the following deviations from the Commercial Design Guidelines.
 - a. Section 27-575(d)(9) states that there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems;
 - b. Section 27-575(f)(3) states that Buildings should be oriented primarily to the street;
 - c. Section 27-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater;
 - d. Section 27-576(i) states that drive-up and drive-through facilities, order stations, pick-up windows, bank teller windows, money machines, etc., shall be located on the side or rear of primary structures to minimize views from public streets. Drive-up and drive-through lanes should not be located between the front of the primary structure and the adjacent streets or sidewalks. Drive up facilities including drive lanes shall not be located within 150 feet of an existing residential structure, all means available should be taken to minimize the impact on adjacent residential structures;
2. All requirements of the Commercial Development Guidelines Overlay District that the Applicant has not requested a deviation from must be met;
3. The applicant shall revise the proposed plan to add non-ADA access from State Avenue into the site prior to filing for a Building Permit.
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. 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. 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;
7. Roof access ladder shall be internalized or hidden by an enclosure of the building;
8. The applicant has filed and maintained a current business occupation tax application;
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. 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;
12. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions;
13. As per the Planning Director's interpretation of the Commercial Design Guidelines, the following architectural standards have been identified as being good design practices and shall be included in the design plans:
 - a. Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized;
 - b. Lighting shall be installed to have a 90-degree cutoff;
14. 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;
15. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06. The City-Wide Master Plan establishes the uses of the Commercial Design Guidelines by their inclusion in the current land use design;

16. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines; and,
17. Sec. 27-211(j) In the event of a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the Unified Government in writing, or in the event the landowner shall fail to commence, as evidenced by receipt of building buildings and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be constructed abandoned, then in either event such final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Plan Review Application PR2023-029, subject to the stipulations.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

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

Item No. 1 – 212862...AN ORDINANCE rezoning property at 7511 Leavenworth Road, (COZ2023-019) from CP-2 Planned General Business and R-1 Single Family Districts to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-134-23**, “An ordinance rezoning property hereinafter described located at approximately 7511 Leavenworth Road, in Kansas City, Kansas, by changing the same from its present zoning of CP-2 Planned General Business and R-1 Single Family Districts to CP-3 Planned Commercial District.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 2 – 212863...AN ORDINANCE rezoning property at 2324 Grandview Boulevard, (COZ2023-022) from CP-O Planned Nonretail Business District to CP-1 Planned Limited Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-135-23**, “An ordinance rezoning property hereinafter described located at approximately 2324 Grandview Boulevard, in Kansas City, Kansas, by changing the same from its present zoning of CP-O Planned Nonretail Business District to CP-1 Planned Limited Business District.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 3 – 212864...AN ORDINANCE rezoning property at 3308 North 75th Street, (COZ2023-023) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-136-23**, “An ordinance rezoning property hereinafter described located at approximately 3308 North 75th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 4 – 212866...AN ORDINANCE rezoning property at 3850 North 55th Street, (COZ2023-015) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-137-23**, “An ordinance rezoning property hereinafter described located at approximately 3850 North 55th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G

Agriculture District.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 5 – 212867...AN ORDINANCE authorizing a Special Use Permit (SP2023-024) for grading of the property at 3850 North 55th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-138-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for grading of the property located at 3850 North 55th Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 6 – 212868...AN ORDINANCE rezoning property at 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue, (COZ2023-020) from R-1 Single Family District to RP-5 Planned Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-139-23**, “An ordinance rezoning property hereinafter described located at approximately 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to RP-5 Planned Apartment District.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 7 – 212877...AN ORDINANCE repealing Ordinance No. 0-91-23 and enacting a new ordinance authorizing a Special Use Permit (SP2022-097) for an event center at the Margaritaville Resort Hotel at 9400 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-140-23**, “An ordinance repealing Ordinance No. 0-91-23 and enacting a new ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for an event center at the Margaritaville Resort Hotel located at 9400 State Avenue, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 8 – 212878...AN ORDINANCE authorizing a Special Use Permit (SP2023-017) for a non-owner-occupied Short-Term Rental at 15 South 17th Street, Apartment #2, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-141-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 15 South 17th Street, Apartment #2, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 9 – 212879...AN ORDINANCE authorizing a Special Use Permit (SP2023-036) to operate an event space with live entertainment and alcohol sales at 600 North 7th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-142-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for an event space with live entertainment and alcohol sales at 600 North 7th Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 10 – 212880...AN ORDINANCE authorizing a Special Use Permit (SP2023-040) to keep livestock at 3425 North 87th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-143-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, to keep livestock at 3425 North 87th Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 11 – 212881...AN ORDINANCE authorizing a Special Use Permit (SP2023-057) for a non-owner-occupied Short-Term Rental at 4436 Cambridge Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-144-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 4436 Cambridge Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 12 – 212882...AN ORDINANCE authorizing a Special Use Permit (SP2023-059) for live entertainment/drinking establishment at an existing restaurant at 4960 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-145-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for live entertainment/drinking establishment at an existing restaurant located at 4960 State Avenue, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 13 – 212883...AN ORDINANCE authorizing a Special Use Permit (SP2023-060) to utilize Legends field as an event center at 1800 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-146-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, to utilize Legends Field as an event center at 1800 Village West Parkway, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis..

Item No. 14 – 212884...AN ORDINANCE authorizing a Special Use Permit (SP2023-061) for a non-owner-occupied Short-Term Rental at 809 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-147-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 809 Central Avenue, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 15 – 212885...AN ORDINANCE authorizing a Special Use Permit (SP2023-062) for a drinking establishment at 612 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-148-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a drinking establishment at 612 North 5th Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 16 – 212886...AN ORDINANCE authorizing a Special Use Permit (SP2023-067) for a non-owner-occupied Short-Term Rental at 2706 Espenlaub Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-149-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 2706 Espenlaub Lane, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 17 – 212887...AN ORDINANCE authorizing a Special Use Permit (SP2023-069) for a non-owner-occupied Short-Term Rental at 2520 North 131st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-150-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 2520 North 131st Street, Kansas City, Kansas.”
Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 18 – 212888...AN ORDINANCE authorizing a Special Use Permit (SP2023-070) for a non-owner-occupied Short-Term Rental at 3008 South 9th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-151-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a non-owner-occupied Short-Term Rental at 3008 South 9th Street, Kansas City, Kansas.”
Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 19 – 212920...AN ORDINANCE rezoning property at 6029 Oak Grove Road and 6019 Woodend Avenue (COZ2023-017), from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-152-23**, “An ordinance rezoning property hereinafter described located at approximately 6029 Oak Grove Road and 6019 Woodend

Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 20 – 212921...AN ORDINANCE authorizing a Special Use Permit (SP2023-065) to operate an automotive repair/painting and used automotive dealership at 402 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-153-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, to operate an automotive repair/painting and used automotive dealership at 402 Osage Avenue, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 21 – 212921...AN ORDINANCE authorizing a Special Use Permit (SP2023-073) for continuation of a kennel/dog day care and boarding operation, at 4001 North 74th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-154-23**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a Home Occupation Special Use Permit for continuation of a kennel/dog day care and boarding operation at 4001 North 74th Street, Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATIONS

Item No. 2 – 212896...SPECIAL USE PERMIT APPLICATION SP2023-042 - MATT THOMAS WITH FIRM FOUNDATION MINISTRIES, INC.

Synopsis: Special Use Permit to operate a group dwelling unit at 1723 Quindaro Boulevard, 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 1723 Quindaro Boulevard. This Special Use Permit is retroactive as the dwelling is currently operating without a Special Use Permit. The Planning Commission voted 6 to 2 to recommend approval of Special Use Permit Application SP2023-042, for two (2) years, subject to:

1. The property owner shall plant two (2) street trees along North 17th Street;
2. There shall be no more than seven (7) guests on site at a time;
3. There shall be one (1) staff member on-site at all times;
4. The following repairs identified in the inspection report shall be performed prior to operation:
 - a. Downspouts shall be installed to direct water away from the basement and foundation;
 - b. The basement egress door shall be unblocked, and the locked gate removed;
 - c. Handrails shall be installed where identified or repaired where identified;
 - d. Outdoor outlets shall be replaced with GFCI outlets;
 - e. Any loose or exposed wiring shall be repaired by a qualified electrician;
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. If approved, the applicant must file and maintain a current business occupation tax application with this office;
8. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property

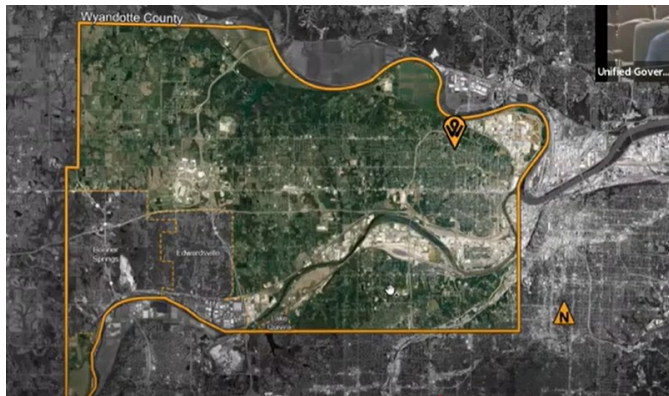
and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;

9. 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. No flood lights are allowed;
10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. 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. 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;
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
16. 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	
SP2023-042	
Petitioner	Address
Matthew Thomas	1723 Quindaro Boulevard
Synopsis	
To approve a Special Use Permit to operate a transitional housing facility for individuals recently released from incarceration.	

Gunnar Hand, Director of Planning and Urban Design, said we have a special use permit for a group home. This was remanded back to the City Planning Commission for more input in October. We had that second hearing at City Planning Commission. The applicant noted some additional input. That was received. I think you can go over that and any other additional input they've received since the City Planning Commission as well.



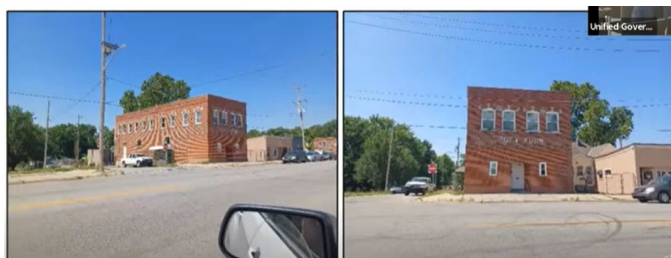
This is in the Northeast Area Plan.



We've received letters both in support and opposition.



There are some old notices of violation related to this property that have been rectified by the applicant.



Public Opposition	Public Support
The applicant provided statements from the neighborhood group (OGP) expressing concerns. Multiple parties spoke in opposition of the proposal at the September 11 and October 9 City Planning Commission hearing as well as the September 28 Board of Commissioners hearing. Two (2) members of the public attended the 11/13/2023 CPC hearing to express opposition to the proposed project.	The applicant provided statements from two property owners who expressed support. Multiple parties spoke in favor of the proposal at the September 11 and October 9 City Planning Commission hearing as well as the September 28 Board of Commissioners hearing. One (1) member of the public attended the 11/13/2023 CPC hearing to express opposition to the proposed project.
Staff Recommendation Approval	

November 30, 2023

Staff agrees with Planning Commission and recommends approval for two years with conditions.

Mayor Garner asked, is the petitioner present?

Matt Thomas, Petitioner, said I apologize. I'm out of town working. What I wanted to do was I wanted to kind of clear up a couple of things. I hope you guys are doing well and I hope your Thanksgiving was well.

I had a great conversation with a gentleman today who's in charge of the community around that area. He had some questions so I want to kind of clear up what we are not. We are not developers. We are not a Johnson County deal trying to come into the community and hurt the people in the community. We are not trying to place a bunch of quote/unquote undesirable problems in the community. That's not our intention. Our intention is not to do any of that. I apologize for any way, shape, or form that we have shown that. I apologize for any way, shape, or form that that has been carried across. We don't have big money in our bank accounts to where we're trying to just come in and take over neighborhoods.

I was the founder of Firm Foundations. I'm a justice involved individual. The opportunity was to provide housing for guys just like me that don't have a place to live. So, I just wanted to kind of clear that up. We only have the property on 5th Street and this one on Quindaro.

I also want to clear up that we have not had more than five men live in the upstairs of 1723 Quindaro since we have owned the property. We have not done anything against having enough people to cause a special use permit. We've always had five or under. So, these are some of the things that we're not.

I lived in Wyandotte County/Kansas City, KS, when we started our first house there.

I also want to clear up some other things. It was notated last time at the last Commission meeting that there was a shooting that involved our house and that wasn't the truth. The truth was two cars were shooting at each other and it was the neighbor's house whose cars got shot. We only had one stray bullet that hit the house. They actually made the report that involved two cars.

I wanted to clear up the fact that we have predators living in our spaces because we do not. Yes, we do help those who have had violent offenses. We help those that have had drug offenses, and we do help those that have had some sexual offenses in nature. By no means is it a matter of we are just trying to find a place to put them, so we found a poor neighborhood and we're going

to exploit it. That is not who we are. That is not what we do. I hope that in time we can show that.

What we are is we are a non-profit that was literally built for the purpose of bringing redemption to people's lives, especially at 1723 Quindaro. Pastor Bailey and his wife ran Love Outreach and Love Fellowship in that building. Two years before I even purchased it, and honestly, I didn't purchase it. There were two churches that came together to help purchase the building because they loved the vision that we had.

I had been upstairs and I taught the men that were living upstairs, under Pastor Bailey, about how to have a healthy re-entry mindset, how to keep a job, and how to learn skills to be able to change the way they think so that they can live differently. It was cool because I was like man, this would be awesome to do what we do when it comes to training leaders, to have a church on the first floor and be able to love and wrap around the community. So, when we actually had the opportunity, it was an interesting way that it happened. It was like a friend that mentored people inside prison was like hey, there's a building for sale. So, that's how that came about.

Pastor Bailey was doing it there. He had a special use permit there. He was providing amazing services that were emergency services for overnight or longer to help men get off the street and be able to start a life. We kind of do the same thing except it's a little more long-term and it's a little different. We take leaders that we have worked with, that we started while they're incarcerated, and we train them to be church planters or just leaders in whatever they want to do and help them not only grow emotionally, but we help them grow spiritually. We help them find a job. We lock them into living. They serve downstairs in the church underneath our awesome Pastor Abe, whose family really is from around that area. It wasn't like we're just coming to ruin somebody's neighborhood or anything.

The reason I share this is because I did not grow up with money. I lived, like I said, I lived in Kansas City. My kids went to Bethel. My older boy actually went to Banneker down there. I don't want there to be any ill-conceived notions that we are trying to hurt the community in any way, shape, or form. I really just want to help these men that have been incarcerated to have a better life. The best way that I have found to do that, after years of doing this, is to empower men who have been incarcerated, to lead other men to go down a different path. So, that's what we're trying to do at 1723 Quindaro. We're not trying to cause problems. We're not trying to push away people that are developing. We are actually carrying on the dream and vision that Pastor Bailey

had. By the way, he even said that himself, when we had our first church service there last August, Pastor Bailey was there and he was just shook because he was so happy to see the building redone and the mission carrying on.

I open this to any of you commissioners that want to come take a look, that want to look through and see what we do. It's an open book. So, please come and do that. But that's who we are. That's what we do. The other stuff is what we are not.

Mayor Garner said I'll now open the public hearing. Clerk, are there any notifications received from the public who wish to express their comments in favor of this item? **Ms. Sparks** said no comments received. **Mayor Garner** asked, is there anyone present who would like to speak in favor of this item?

Chad Phillips, 1723 Quindaro Blvd., said I live at the property in question for the special use permit. I've lived there since May 2023. At this time last year, I was sitting in the Shawnee County Jail. My addiction, which I struggled with for my entire life, had gotten me there. It was probably the lowest I'd ever been. If it wasn't for the organization of Firm Foundations and transitional houses like this that they run, I would probably be in a Kansas penitentiary right now instead of standing in front of you speaking.

What I've done in the time since I've been at the location on Quindaro is I've served in the church downstairs. I've helped run our services on Sunday mornings. I've preached messages on Sunday mornings. I've helped with our mobile food pantry that comes to the building every first and third Monday of the month. I've volunteered up the street at Village Initiative. I've become a part-time employee with Firm Foundations working as their Intake Coordinator, screening the applications for men wanting to join one of our houses throughout Wichita, Topeka, and Kansas City.

I'm able to stand here today because there is an opportunity for me to go to a structured, overseen environment. My other option would have been a structured, overseen environment behind bars.

Whether you approve this permit or not, doesn't mean this building goes away. It means that we simply can't assist two more men. Without a special use permit, we can have up to five individuals in the building. We have four right now. We work with the Freedom Initiative

Program to train guys who are serving in our churches inside the Kansas prison system to train them to be leaders. It's our goal to be able to have additional beds as these guys begin to release so that we can continue to work with them, empower them in the community, and help them to be stable and productive members of our society.

Rachel Russell said I was not planning to talk on this but since I'm here waiting at 10:30 at night like the rest of you, I thought I would share a few things. I know that many of you are no stranger that nimbyism is a thing in our community. It is a thing that runs rampant. For many of you, you know what I do on my day job. You know that housing is an issue. Housing is much more of an issue for individuals who are justice serve in our community, specifically, Black men.

I thank the gentleman who just spoke before me who shared his lived experience. He has almost zero options in our community. A, because we don't have a shelter; B, because many people live in a world of nimbyism where they're not willing to take a chance. So, we oftentimes like to say, do the crime, do the time; but our community has not come around to a place where second chance citizens have an opportunity to truly thrive. What this project is doing is providing an opportunity for two to three more individuals in our community to have that opportunity to thrive with support.

We talk a lot about wraparound services. For many of you who have been around for a while, you know that Love Outreach was the extreme cold weather facility for Wyandotte County, and they are doing some of the same similar work with different leadership to make this possible.

I would urge you to please approve this opportunity for those men, in this situation, who need an opportunity to be supported and have a home in Wyandotte County.

Mayor Garner asked, is there anyone else present that 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 we have a hand raised with the identification of Andrew and Adria.

Adria Medlin, 6005 Horton Place, St. Louis, MO, said I am the Operations Director for Firm Foundations Ministries. As everybody has mentioned, we've been here a few times before. We've presented our case and what we do. We've listened to a lot of tough opinions about who we are

and what we do, and even a lot of testimony about us. As Matt mentioned, that has not been true and yet we have done everything that has been asked of us along the way, even in the face of a lot of opposition and, frankly, some very general unkindness toward the men in our program.

We've heard a lot in previous meetings the refrain, we believe in second chances, but—and I really get it. Second chances shouldn't just be handed out without wisdom, but I really believe that we and our men have continued to prove that we do our very best to act with integrity, care, and with the best interest of the people we come in contact with in mind.

We ask that you approve the special use permit tonight. I'm really struggling at this point to understand what the basis for denial is when we've done everything that has been asked of us. We've provided many voices of community support. The fact that, as Chad mentioned, this permit doesn't even have anything to do with whether or not we can continue to have leadership housing or whether we can continue to have Safe Haven Church there and do outreaches in the community. All of that is going to continue. We already can house up to five men and have four there. This permit is only about us wanting to be able to house the two additional men we have capacity for.

I would really love to hear tonight, we believe in second chances, and we want to make sure there are two more slots available for men who are working so hard to heal, grow, and restore. We appreciate your time.

Ms. Sparks said there are no other hands 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?

Carolyn White, Kansas City, KS, said I'm not against second chances, but what I am against is Quindaro Blvd. Quindaro hasn't had any problems in a while. When you have sex offenders—we need a lot of things on Quindaro, but we don't need sex offenders.

There's people that are talking about Quindaro and about the place there. It's not their neighborhood. They don't live there so it's no bother to them. We have kids that walk up and down Quindaro. There's schools around there and have sex offenders in your neighborhood; this is my neighborhood. What I'm saying is they can speak all they want to, but if they don't open

their own neighborhood up—and this is about money. You get grant money to help sex offenders or people that are coming out of jail or wherever they're coming from. Everybody has somebody that's been in jail.

But like I say, we've been cleaning Quindaro up. We're trying to get businesses. We're trying to get homes. Those are things we're looking for. Speak about that. You already had homes where you are. You have restaurants. You have grocery stores. We have none of that. They can hurry up and want to bring people that are sex offenders or whatever to the neighborhood. This is not their neighborhood. Let them bring them to their neighborhood. So, I speak against this.

I love people. I love everybody, but right now we're trying to grow Quindaro. We're trying to grow our neighborhoods so we need positives. We need homes. We need grocery stores. I have to leave my area to go to a grocery store. There's no reason why I should have to leave where I live and go spend my money in Missouri or Overland Park. We all have to leave because I can't go to Quindaro. I mean, I go up on 5th Street but that's not grocery shopping. I'm glad to have that up there because otherwise, I don't know where I would go. I have to go to 18th Street. I have to go out to Lenexa. I have to go out...**Ms. Sparks** said one minute remaining.

Ms. White said I have to go out to 100th Street, whatever, but I can't shop at my own neighborhood. Help us with that. When we get those things done in our neighborhood, it makes a difference. Then we can help our kids. They can have a place, a safe place. We're looking for a safe place for our kids.

This young man from St. Louis, wherever he lives, this young lady wherever she lives, but they don't live in our neighborhood. I'm speaking for our neighborhood. A safe neighborhood for our kids to walk up and down Quindaro. There's Northwest right around the corner, so think about that. But like I said, we don't need that. We need other things.

Lisa Walker Yeager, Vice President of Parkwood Neighborhood Association, said first of all, when we spoke, I listened to everybody when they had meetings, when they had things got approved, and when they had community meetings.

Since the Love and Care Ministries was closed, I ran Divine Connections. I am the one who did the 500 Homeless down in Bartel Hall. I'm the one who took over all the people, the majority of the men that came out of Loving Care Ministries. It was an emergency shelter that

helped in Wyandotte County. These were not guys that had been incarcerated, so this is a whole total turn in difference. Although he had a special use permit, they should have let the community know because it's a change and it's a difference when you bring in actual people who were incarcerated.

If you just watched the news just two days ago, Al'Ryon Perkins had just raped a five-year-old and had just killed someone in the penitentiary. It's just crazy.

We have too many schools in that neighborhood. The recidivism rate to put someone back in a crime, drug neighborhood that we have been trying to clean up is low. If you're trying to build up our community and raise our—you have already raised our taxes, now you're trying to lower our property values.

Quindaro has just been made nationally known. We put Kansas on the map. Quindaro put Kansas on the map. Now you've got people coming over to come visit. We have students that come visit. I wish you could look at our page, my Facebook page, because you can see the people that are coming over from Missouri, Shawnee Mission, Olathe, everywhere to...**Ms. Sparks** said one minute remaining.

Ms. Walker Yeager said ...come visit our neighborhood. We want to keep our people that are traveling here safe. This is going to be a national heritage trail that's going to be looked at throughout the United States. I need you guys to take that same passion that you have regarding a bridge and to take that for our kids, our elderly that have to walk back and forth to school.

Now, I'm not against second chances, but it cannot be in our community, on 5th Street, and we do not want it on 17th Street. We do not want it in the Northeast District at all. I hear enough gunshots. I'm tired. I'm speaking for my whole complete neighborhood.

I appreciate you all. Please take that same passion because you know I'm passionate.

Victor Harris, Kansas City, KS, said thank you Mayor and commissioners for giving me this opportunity to speak. About five years ago I stood here and made the same speech to the commissioners because of these facilities want to come in the Northeast area. My issue is location, location, location. We had one that was going to try to come into Fairfax. Fairfax opposed that. They were against it. They were even talking about maybe pulling out some businesses. They didn't want it. Thank you, commissioners. Y'all voted and we got it out.

I do not understand why is it that all of these facilities have to be in the Northeast area. I own my property. I've been there 37 years since I came back from the military. I raised my kids there. They've grown and moved on. Now it's just me and my wife.

But why do I have to live with these? I'm not against second chances. Let's get that clear because some of the people that know me, that look at this video, know my family. Let's not get that well, he's against second chances. It's just location. Why we can't have these organizations come in here and research? Find other locations to put these at. Why do you have to come in a centralized area like Quindaro?

Before I came up here to talk, we had three and was working on the fourth when the Fairfax had got approved. Right now, we're looking at two and a possible one on 13th & Parallel. I'm going to find out what it is. Why is it they have to come in? Then the one that's on Quindaro that we're talking about now, they spent thousands of dollars rehabbing that facility. I went in. I toured it. I talked to the minister because at the time, I was the president of OCP in the neighborhood. I worked in that neighborhood. I worked with the kids. I worked with the community. The people know me. It's not like I have not lived in that community and try to do anything to develop and make it better for other people. That's all I have ever done, but location, location, location.

Another one. There's a lady that's got a daycare. **Ms. Sparks** said one minute remaining.

Mr. Harris said she's watching these kids while people go to work that's less than a block away. She takes them out and she walks them down that area and walks there. Northwest is there also. It's a daycare with little, bitty babies. I think the oldest one I've seen running around there was probably maybe 10 years old. Babies.

We got sex offenders inside there. You have no idea how a sex offender's mind clicks. Does anybody here? Psychiatrist? We don't know how they're going to think. One minute they could be perfect, come out, and be this mild citizen and then snap. Five-year old gets murdered, raped. We don't want that in Wyandotte County. I know you guys don't want that on you.

I'm asking you commissioners please, please overturn this and stop them from coming into the Northeast area. I bet you won't be moving out to Mike Kane's district.

Karen Daniels, Kansas City, KS, said I'm the president of Boston Daniels Corporation. We are the project manager for Boston Daniels Park. It's a million-dollar design that's going on at 7th &

Quindaro. I've also obtained property across the street from Boston Daniels Park in hopes of opening a community center there.

I say no to this. We're hoping to bring families into our area, to revitalize our area, and we want our children to feel safe. So, I'm saying no.

Mayor Garner asked, is there anyone else who'd like to speak in opposition? (No one appeared.) Clerk, is there anyone joining us virtually? **Ms. Sparks** said Beverly Easterwood.

Beverly Easterwood, 950 Washington Blvd., said in recognition of Sister Roberta's prayer acknowledging that tonight's meeting agenda is long and in keeping with your request for brief comments, I would simply like to express that the Douglass-Sumner Neighborhood Association supports the position of OCP in opposition to SP2023-042.

Sylvia King, 617 Freeman Avenue, said I'm the president of the Turtle Hill Community Association. I support the organization to oppose this establishment. The reasons are our children are already exposed to too much of society. They do not need to be at risk with those who were released from prison. I do believe in second chances, but everyone is not reformed when they're released from prison. We cannot expose nor take the risk of jeopardizing our children's future. There are elementary schools around, middle school around, and it is too much. Location, location, location. I agree with the gentleman that spoke before. It needs to go somewhere else.

In the north end, we need positivity and this is not one; however, it's a good service, but not here.

Ms. Sparks said there are no other hands raised.

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

Mr. Thomas said I mean no disrespect to anybody anywhere. Crime is a problem. You guys know better than I do, as the commissioners, that no matter what, there is a flood of men returning to these communities. There is a flood of people that are even just—even if you just take the

Wyandotte County people that actually go to prison from Wyandotte County, they're coming home. Statistics say like 92% of people come home from incarceration.

I understand concerns, and I do not want to take any of this lightly. I understand that yes, we work with men that have sexual offenses. I understand the fear of that, but not every person that is a sex offender is a child predator. Not every sex offense has to do with children. There's a wide spectrum of them. The fear, I totally understand so I don't want to shrug that off as it's not a big deal because it is; but at the same time, men that come out of incarceration, whether sexual offense or not, need a place to transition to become successful. There are more problems with men coming out of prison that are smalltime drug offenders and the likes of that and charges like that that have more of a chance of reoffending. That's just statistically speaking. I'm not trying to justify anything. I'm not trying to make light of it.

The men we work with are vetted. We have a 12-page application. They are approved. Chad, that got up and spoke, he is our intake and outtake coordinator. He is the one that looks over the applications and says no. Some of our determining factors are what does their DR history look like. What are the crimes. Are they in and out of prison. These are some of the things we take very serious with what we do.

We can't control how these guys live life, and we can't control what happens after they are done being incarcerated, but we try our best to outfit all of them with a healthy environment, a job, and all the things needed for success and community development.

I just want to say I understand and I appreciate all the concerns, but we're just trying to do something positive. I apologize for offending anybody along this line.

(Ms. White returned to the podium.) **Mayor Garner** said I'm sorry, Ms. White. We were done with that. We closed the public comment. **Ms. White** said just the last word. I don't want to get the last word. **Mayor Garner** said that's just the way this process works. I apologize. **Ms. White** said you've got a swimming pool area. People walk back and forth, back and forth (inaudible). **Mayor Garner** said we've got to stick to the process. Please respect our rules of procedure.

Commissioner Bynum said Commissioner Gayle Townsend sent a statement to me that she asked me to read into the record for the evening since she is not here tonight. It says:

Mayor, fellow Commissioners, and members of the public. Though circumstances related to my family member's recent death prevent my appearance before you tonight, I must again, by this message, voice my unequivocal opposition to the approval of the proposed house at 1723 Quindaro Blvd.

As I stated the last time this item was presented to the Commission for action, this activity is not desired by the neighborhood group located in that area. Furthermore, for at least a decade, similar services have been and are being provided by another organization, The Village Initiative, within several blocks of the applicant's address. Furthermore, the applicant admitted on the record of the Board's September 28th hearing on this matter that there are no limitations on the type of former offenders that will be housed at the location on Quindaro. Of particular concern to me and others is the fact that persons with histories of sexual offenses will be allowed as occupants.

As I stated during that September meeting, I think it is an unacceptable safety risk to that neighborhood to allow such occupancy, especially since Quindaro Elementary School is within blocks of 17th & Quindaro. To allow this application to proceed in light of that fact alone is unconscionable as efforts continue to appeal to potential developers to uplift and revitalize this particular neighborhood area. The activity proposed by this application, if permitted, will only make it more difficult, if not impossible, to uplift this area.

Additionally, it was indeed disrespectful to this neighborhood that the applicant proceeded to operate there without investigating what legal steps would be needed to operate a transition house. For an organization that states it has been in business 10 plus years, they knew or should have known some licensing, etc., would be required. In my opinion, this was merely an attempt to avoid the situation that now confronts them, i.e., having to seek approval for their proposed activity.

Furthermore, there has been no showing of nor guarantee that the occupants at this location will be monitored or overseen as to their activities.

Lastly, this organization, by way of their property at 2204 North 5th St., has been the scene of several documented drive-by shootings before and after this Commission's denial last month of a similar SUP request. This request for the Quindaro property should be denied as well.

Commissioner Gayle Townsend, District One.

Commissioner Ramirez said as I tell my students, for me, just because late at night math is not mathing in my head. At this property, are they currently operating at this property, 1723 Quindaro, Mr. Hand? **Mr. Hand** said yes.

Commissioner Ramirez said the SUP that is before us, what exactly is it doing? **Mr. Hand** said a special use permit is required for a group home for six or more unrelated individuals. You can have five or fewer without a special use permit.

Commissioner Ramirez said so in essence, if we deny this, just so the community is aware—if or when we deny it—if that's the choice of the Commission, this organization is still going to remain there and do the work that they've been doing. **Mr. Hand** said as I understand it, yes. **Commissioner Ramirez** said because it's five or fewer, they don't need a SUP. **Mr. Hand** said correct. If you deny it, they can have a maximum of five unrelated people at this location.

Commissioner Ramirez said and continue the work that they've been doing. That's where I was confused and trying to get it straight in my head.

Commissioner Johnson said I find myself held in tension with regard to this. Where I minister at, we've been dealing with prison ministry for well over 30 years and have also been dealing with those returning citizens back into our communities. That is something that has been near and dear. I also know Reverend Bailey personally. Been knowing him all my life.

I've been over to the building. I've toured the building. I know what they've done in the past.

I'm also pro-development. I have a project right now that is so slow in getting developed because the financing companies, the financiers, the ones that have the money to build different things in the urban core get leery when they think that there is crime in the neighborhood. I think right now that Quindaro Blvd. is ready for economic development. It's not nearly as dangerous as what it used to be. I think it's ready for true economic development. Unfortunately, these types of organizations tend to make those that have the final decision as to the money, not the city government, but the financiers, private developers, private financiers that have nothing to do with the city. I know that because I used to work as a banker. Even to my own dismay, where I worked, they made it very clear on certain elements that caused them to deny financing projects.

This is not in my district. Commissioner Townsend's lines and District Four lines tend to kind of go in and out. I hear her in her comments. I think that right now, I'm going to motion that we deny this request due to the character of the neighborhood.

Action: Commissioner Johnson made a motion, seconded by Commissioner Kane, to deny Special Use Permit Application SP2023-042 due to the character of the neighborhood.

Commissioner Davis said as somebody that's worked pretty closely, I think we all worked with Village Initiative. They do really good work. I hear particularly the folks that live in that area saying it's not never because there are already services there. What we're really talking about is this oversaturation where if we're going to have mixed-income communities, you can't just concentrate one particular development or one particular area of services in one area and not have

it spread out. I agree with that as somebody that I live next to Eileen's place. I live next to a place that does offer affordable housing. It comes with challenges, but it's also a blessing to be a commissioner and to actually say I understand the impact of that.

I agree with my colleague and I will second that. Again, the oversaturation piece is the main concern. I hear you all.

This organization will still be able to operate. I don't want anyone to get confused about that. What this does is it puts a cap on how many. I say that because it's just the truth. I do not want anyone leaving here with false notions of what this vote will do. I just wanted to put that out there.

Mayor Garner said just my comment. I said it last time when this same organization wanted to go on 5th Street. I support Commissioner Townsend, Commissioner Johnson, the comments from really all the commissioners that have spoken tonight, and the community that has spoken in opposition. My opinion is this is not what the Northeast needs when you talk about an area that has been redlined and disinvested and disenfranchised for far too long.

As the mayor, part of my job is to go out and sell our community and to try and get individual developers and people looking to relocate to our community and really sell them on how great and wonderful Wyandotte County is. The challenge for me is to make sure that that's done in a way that is accurate and truthful and looking at both sides, west and east. At some point, I just have to ask that those individuals that may not be as connected to our community groups in those areas in downtown, Armourdale, Argentine, Rosedale, and the Northeast that may not have those cultural connections to start building them here in the Unified Government. I don't mean that as a dig on anybody.

I hear this time and time again of how we keep going backwards to disinvestment and disenfranchising a community that has said we've had enough and we're tired and we're exhausted and we can't take anymore. We pay our taxes. We love our kids. We raise our families. We deserve the same types of opportunities in economic development. Let's talk grocery stores in these areas. Let's talk restaurants in these areas. Let's talk housing that's affordable for all income levels in this area.

I look at Atlanta. I look at Houston. I look at Washington, DC. I look at Dallas. I've seen what these communities have done to really turnaround distressed communities and really with

intention, put the types of policies and economic investments behind those. We have to start seeing our community as one whole community and not partitioning it off to where one part gets benefits and the other part is left to die to its own demise.

East of 635 is a gold mine of opportunities. I believe the residents that live in those areas see it and they know it. People outside of Wyandotte County see it and they know it. We are better than liquor stores, check cashing places, halfway houses. I don't want Wyandotte County to also be considered a home base for homelessness or portal for poverty because that's what other people see, some see our community as.

We can develop and revitalize our neighborhoods in our community today in a way that provides all the amenities and the resources that can provide livable and safe neighborhoods for all our residents, east and west. I think we need to think along those lines. For those individuals that don't live in this community, I reject any type of developments that do not reflect the values and the will of the people that actually live here. If you talk to these people, you've heard them tonight, they don't want this in their community.

I can tell you if you take this same type of development and you talk about putting it at 87th & 435, I believe Lenexa would run you out of town. Try putting the same development in certain parts of Kansas City, MO, where they're seeing a resurgence of activity and development or up north. My point is there's development all around Wyandotte County.

There's a donut hole in the metro and it exists east of 635. That's where the land is cheapest and that's where the land is probably the most, when you talk about the gold mine for opportunities.

When you talk about the name Quindaro and what that means nationally, I don't want anyone that comes to this town and think of Quindaro to be something other than what it started as being. What was a baskem of opportunity and hope and freedom of diversity of American Indians, abolitionists, and African-Americans coming together and creating something great.

I've talked to a lot of older folks and they are brokenhearted to see how the Northeast, especially that area on Quindaro, has went from being something thriving and vibrant to something that is a desolate desert of hopelessness and not much opportunity. I think what this offers us, this conversation and listening to the residents that are saying not only do we want more, we need to see them as being deserving of more. As your mayor, I'm going to keep championing that. I'm going to keep advocating for that.

I appreciate this Commission, the ones that did speak for seeing that. I thank the community for coming out and standing up and letting your voice be heard tonight. Great things are going to happen for Wyandotte County and great things are going to happen east of 635, but we have to see ourselves as more than what others see us as. I'm not going to repeat some of the things that I've heard about Wyandotte County when I was an employee that worked here. A lot of things are shameful of the impressions and perceptions they have of Wyandotte County.

As mayor, I want to work with everyone, Commission, staff, and more importantly, the community to turn that perception around. We are a first-class city and we should be second to absolutely no one nationally. These types of programs hinder economic growth and development and those types of opportunities.

I don't get to vote, but if I could, I would third the vote in opposition.

Roll call was taken on the motion and there were eight "Ayes," Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis. (Prior to Commissioner Johnson's vote, he said I want to make clear an aye is for denial, correct? **Ms. Sparks** said yes.)

Item No. 1 – 212895...SPECIAL USE PERMIT APPLICATION SP2023-038 - ALICIA ARCHAMBAULT

Synopsis: Special Use Permit to operate a Short-Term Rental at 2559 West 46th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The Applicant, Alicia Archambault, is requesting a Special Use Permit to operate a short-term rental at 2559 West 46th Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2500 block of West 46th Avenue. There is one (1) other unpermitted short-term rental on the block. The Planning Commission voted 7 to 1 to recommend approval of Special Use Permit Application SP2023-038, for one (1) year, subject to:

1. The following items from the home inspection shall be repaired prior to renewal of the Special Use Permit.
 - o Install GFCI breakers at all 3-pronged outlets;
 - o Open junction boxes shall be repaired/replaced;
 - o The tree in the rear-yard shall be trimmed so that branches do not interfere with the electrical line;
 - o Install a grounding conductor in the main electrical panel;
2. The applicant shall repair or replace the sidewalk;
3. The applicant shall repair or replace the driveway;

4. The applicant shall plant a tree in the median between the sidewalk and curb along West 46th Avenue;
5. Maximum number of guests shall be six (6);
6. All parking must be off-street, maximum number of vehicles is two (2). 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	
SP2023-038	
Petitioner	Address
Alicia Archambault	2559 West 46 th Avenue
Synopsis	
To approve a Special Use Permit for a short-term rental. This is not the owner's primary residence.	

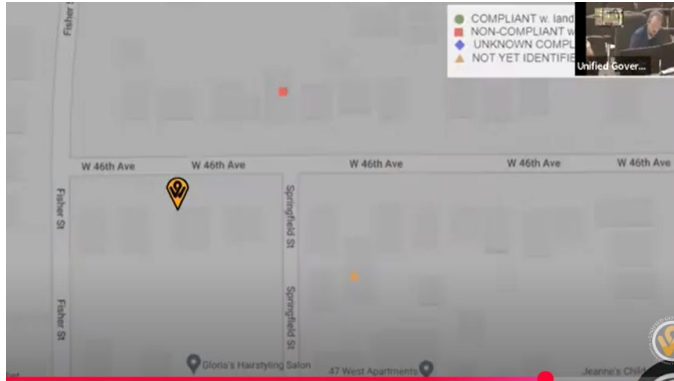
Gunnar Hand, Director of Planning and Urban Design, said this is a special use permit for a short-term rental, non-owner occupied.



This is in the Rosedale Area Plan.



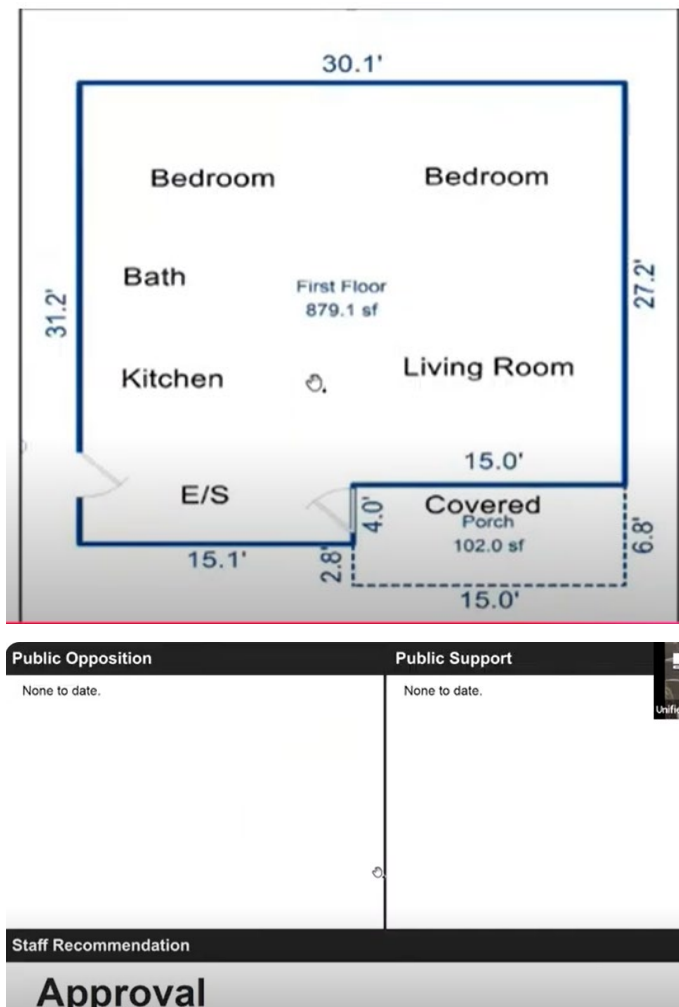
We received no letters of support; no letters of opposition.



There are no notices of violation. There is one other unpermitted short-term rental on this block that we're tracking. Depending on how this proceeds tonight, if it's denied, I believe we're going to see the application across the street. If it's approved, we're going to ask this person to withdraw their application across the street.



Staff agrees with Planning Commission and recommends approval for one year with conditions including a maximum of six people, two cars off street.



We have asked for enhanced landscaping as well as some sidewalk and driveway repairs, accordingly.

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

Brian Archambault said this is my wife, Alicia. Yes, we are applying for the special use permit for the property that was stated. We purchased the property in November of last year. We had tenants at the time who were already in there at the time of purchase who were long-term renters. Their lease ended in June. We realized, I think, in April of last year as we started to look at what we wanted to do with it when their lease was up. Short-term rental was part of our plan. We realized we had to go through and apply for the special use permit. This is part of the process to go through with that, so here we are.

(Mayor Garner stepped out at 10:58 PM. Commissioner Burroughs assumed as Mayor Pro Tem.)

Mayor Pro Tem Burroughs said I will now open the public hearing and ask the Clerk if there's any notification received from the public who wish to express their comments in favor of the item. **Ms. Sparks** said no comments were received. **Mayor Pro Tem Burroughs** asked, is anyone present who'd like to speak in favor of this item? Let the record show no one stepped forward. Is there anyone joining us virtually who would like to speak in favor of this item? If so, raise your hand. Let the record show no hands are raised.

I'll ask the Clerk if any notifications were received from the public who wish to express their comments in opposition to this item. **Ms. Sparks** said no comments received. **Mayor Pro Tem Burroughs** asked, is there anyone present who would like to speak in opposition to this item? Seeing none. Is there anyone joining us virtually who would like to speak in opposition to this item? If so, please raise your hand. **Ms. Sparks** said no hands are raised.

Mayor Pro Tem Burroughs said I will close the public hearing.

Action: Commissioner Stites made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2023-038, as submitted, for one year, subject to the stipulations.

Mayor Pro Tem Burroughs asked, would the petitioner like to make any closing comments? Hearing none.

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

Item No. 3 – 212903...SPECIAL USE PERMIT APPLICATION SP2023-077 - BRIAN GLASSER

Synopsis: Special Use Permit to operate a Short-Term Rental at 508 Ohio Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Brian Glasser, is

requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 508 Ohio Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 500 block of Ohio Avenue. The Planning Commission voted 7 to 1 to recommend approval of Special Use Permit Application SP2023-077, for one (1) year, subject to:

1. The parking in front of the property shall be restriped;
2. All repair items shall be completed prior to operation. Any additional repair items not mentioned in the report shall be repaired and completed prior to renewal of SP2023-077;
3. Maximum number of guests shall be six (6);
4. All parking must be off-street, maximum number of vehicles is one (1);
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

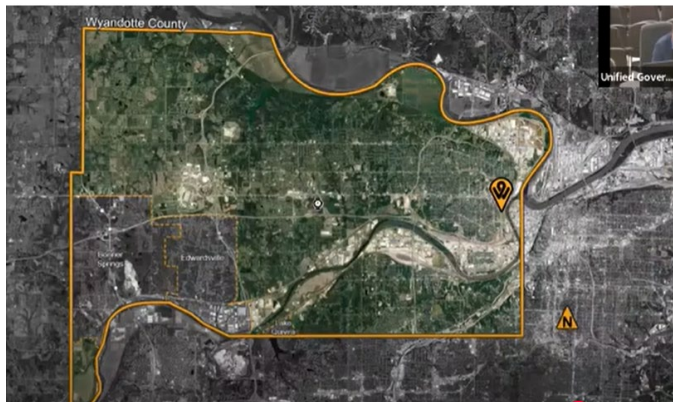
meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

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.

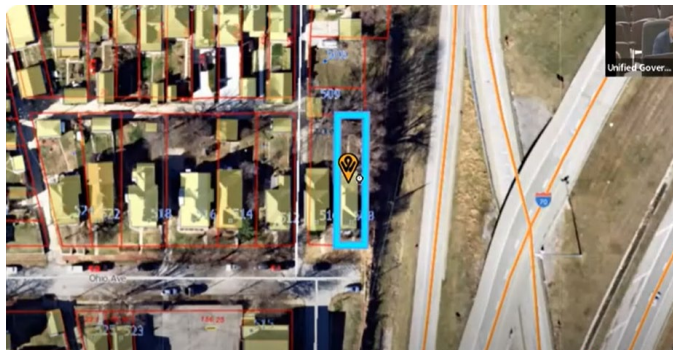
Case		
SP2023-077		
Petitioner	Address	
Brian Glasser	508 Ohio Avenue	
Synopsis		
To approve a Special Use Permit for a short-term rental. This is not the owner's primary residence.		

Gunnar Hand, Director of Planning and Urban Design, said, again, this is another special use permit for a short-term rental, also non-owner occupied. It was a previously lapsed special use permit. I believe it changed ownership hands as well after lapsing, so this is a new special use permit.

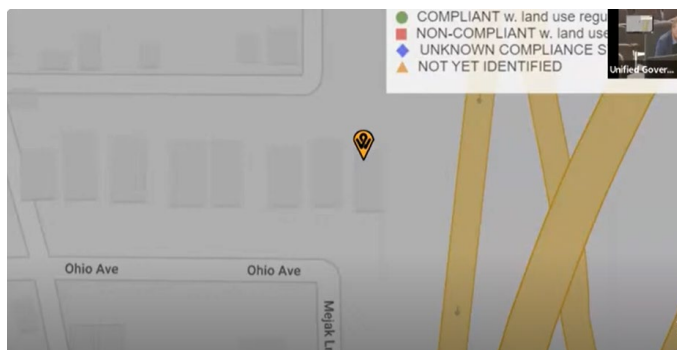
I would like to disclose that I live within the notice area for this case. I did not prepare any of or review any of the staff reports, accordingly; enough just to get it through Planning Commission and Board of Commissioners.



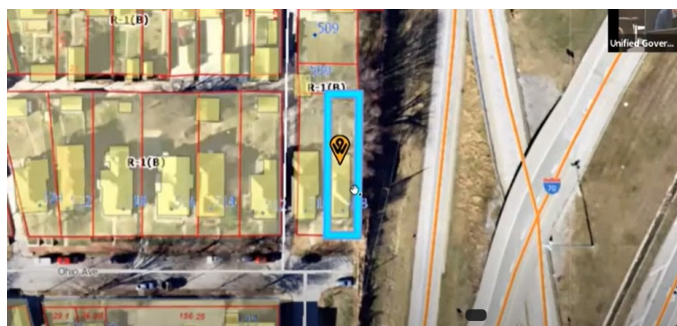
This one is in the Central Area Plan.



We received no letters of support; no letters in opposition. There is a notice of violation for a couch on the front porch which I believe has been rectified by the property owner since the Planning Commission hearing earlier this month.

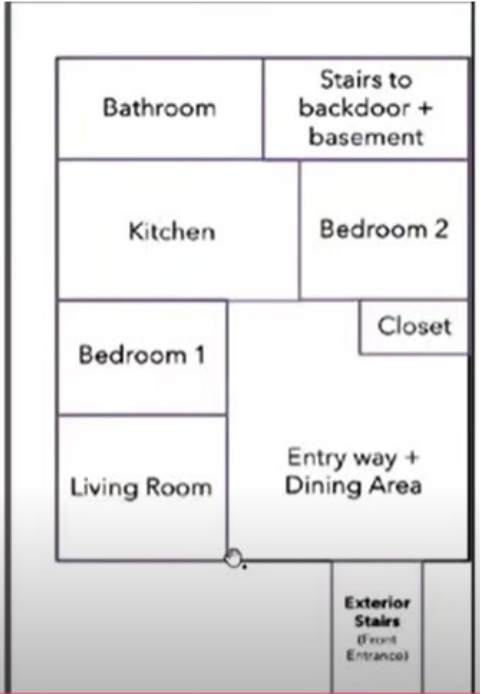


Staff agrees with Planning Commission and recommends approval for one year with conditions of a maximum of six people and one car. If you recall, we reviewed this one. It was one of the first cases I saw four years ago. There is no off-street parking on this location.



You can kind of see it best in this. When the highway came through, it marooned this property from the alleyway access. A lot of houses in this part of the community don't have driveways from the front yard. There is a reserved location that Public Works painted for the previous special use permit that had lapsed, so their one parking spot is on the street.





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

Staff Recommendation

Approval

Mayor Pro Tem Burroughs said I'll now ask the applicant or representative to present the application.

Brian Glasser, 730 Minnesota Avenue, said I submitted for the renewal of the STR at 508 Ohio. As City Planning mentioned, following the ownership transfer, the home's STR permit lapsed. Actually heard by way that there was some major, as aforementioned, changes in the ordinances, which we heard about tonight regarding STRs such as the one per block density. So, I did reach out to a City Planner about my status and that's when I was notified that it had lapsed and I would need to resubmit. I pulled the listing offline and resubmitted. I made sure I maintained proper communication with the city Planners throughout the process.

Since summer, it's been rented out to long-term journeymen here working on the Kansas City street car. All conditions required of me, per staff guidance, are acknowledged, and I have zero issues complying with them. Not tracking any public opposition. I do maintain professional management of the property as I'm also a broker, an agent. I have a friendly working relationship with my neighbor as well. I do maintain security of the property; security cameras on the property.

I find myself here today asking for the renewal of this STR permit.

Mayor Pro Tem Burroughs said I will now open the public hearing and ask the Clerk if there are any notifications received from the public who wish to express their opinions in favor. **Ms. Sparks** said no comments have been received. **Mayor Pro Tem Burroughs** asked, is there anyone present who would like to speak in favor of this item? Let the record show no one stepped forward. Is there anyone joining us virtually who would like to speak in favor of the item? Seeing none.

I'll ask the Clerk if there are any notifications received from the public who wish to express their comments in opposition to this item. **Ms. Sparks** said no comments were received. **Mayor Pro Tem Burroughs** asked, is anyone present who would like to speak in opposition to this item? (No one appeared.) Is there anyone joining us virtually who would like to speak in opposition to this item? (No hands were raised.)

Mayor Pro Tem Burroughs said I will close the public hearing. Would the petitioner like to make any closing comments? **Mr. Glasser** said no, thank you.

Action: **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2023-077 for one year, subject to the stipulations.** Roll call was taken and there were eight "Ayes," Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 4 – 212889...SPECIAL USE PERMIT APPLICATION SP2023-079 - CORINNA WEST

Synopsis: Renewal of a Special Use Permit (SP2021-052 - expired 11/4/2023) to keep ducks on the property at 1921 Nebraska Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Corinna West, is requesting a renewal of a Special Use Permit

to keep eight (8) fowl and an unknown number of ducklings on a residential property. A Special Use Permit is required for more than six (6) fowl kept on a residential property. The applicant has requested to expand the number of fowl from eight (8) to 15. The Planning Commission voted 6 to 2 to recommend approval of Special Use Permit Application SP2023-079, for five (5) years for eight (8) mature ducks and ducklings not to exceed 40 at any one time, subject to:

1. The following conditions from the previous approval of SP2021-052 shall remain in effect:
 - a. Per the conservation plan, up to 8 mature ducks may reside on the subject property. There may also be a revolving number of ducklings, based on the breeding and incubation patterns of those 8 ducks;
 - b. Per the conservation plan, the applicant must maintain the existing shelter for all ducks to get out of the weather and nest;
 - c. Per the conservation plan, the applicant must utilize the beds to the west side of the backyard for rotational grazing. The applicant can use the existing fencing covering over the beds to making moveable fences, which will allow grasses time for regrowth;
 - d. Per the conservation plan, the lagoon in the rear yard will need to be cleaned out on a minimum monthly, or as needed to maintain a healthy environment. With the current number of ducks, it would be suggested to be cleaned out every two (2) weeks. Once the number is brought down to 8 ducks with short-term ducklings monthly clean out should suffice. Waste from the lagoon can be composted with plant or grasses to be used as fertilizer for crop plants in front yard;
 - e. Per the conservation plan, the area around the lagoon must be fully seeded with grass in order to provide the best ground cover, slow runoff and prevent erosion of the soil across the property. A combination of straw and seeding of grasses along the manmade channels in the yard would also help prevent soil loss and filter nutrients;
 - f. Per the conservation plan, fencing the ducks out of areas allowing seed to grow will be necessary, subject to the following conditions
 - i. Fencing should be placed along the south part of the backyard to create a buffer and filter area along the property line. The area created should be three (3) to five (5) feet in width and seeded with grasses and plants tolerant to stand in wet conditions and handle high nutrient levels. Native grasses such as little blue stem, western wheat grass, and Indian grass can provide vital root systems to help infiltrate runoff. Forbs can be added to mix to provide more variety and berries;
 - ii. Fencing should also be added to the east side of the property with another three (3)-foot filter strip to help protect the soil and slow runoff. Cardboard was observed on this path when visited demonstrating the need for seeding and soil protection. The area could also be mulched if it is to be used as pathway only. Mulched path would still need to be about two (2) feet wide and regularly maintain to prevent it from becoming to compacted and no longer slow water movement; and,
 - iii. Most to the above can be completed by repurposing materials on the property;
2. The applicant shall not increase the amount of ducks on the property;
3. 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 Ordinances. 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;

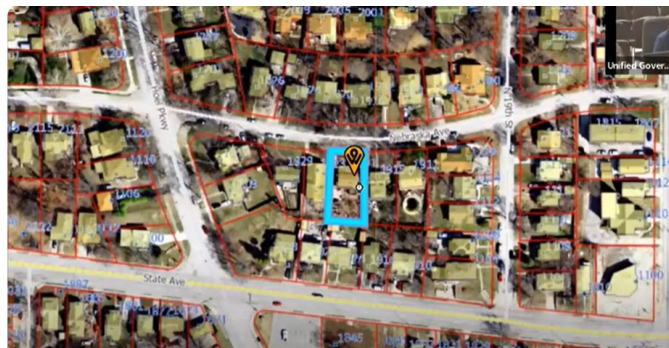
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections 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;
6. 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;
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 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;
8. 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;
9. 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,
10. 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	
SP2023-079	
Petitioner	Address
Corinna West	1921 Nebraska Avenue
Synopsis	
To renew a Special Use Permit to keep eight (8) fowl (and no more than 40 ducklings) on a residential property.	

Gunnar Hand, Director of Planning and Urban Design, said, again, this is a special use permit for more than what right now is allowed, six fowl on a property. The applicant is requesting eight fowl. This will be their second approval; first renewal.



This is in the Northeast Area Plan.



Staff has received both support and opposition. There are some old notices of violation on the property.



Some of which have either been rectified or not germane to this case.



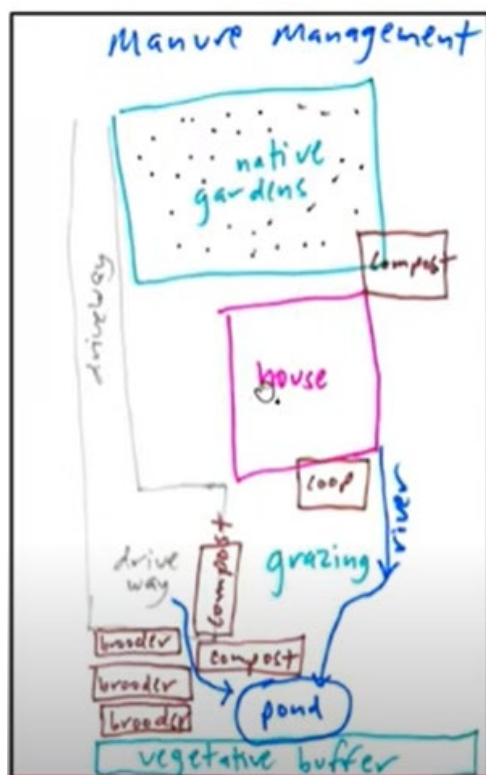
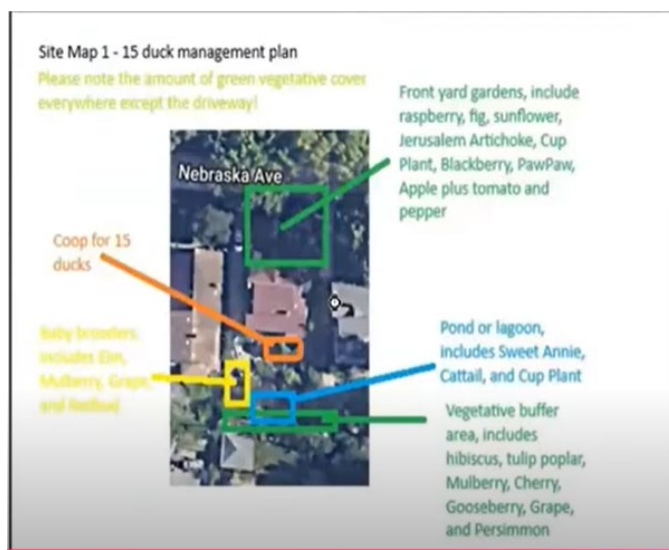
Staff does agree with Planning Commission's recommendation for 8 ducks, no more than 40 ducklings, for 5 years.

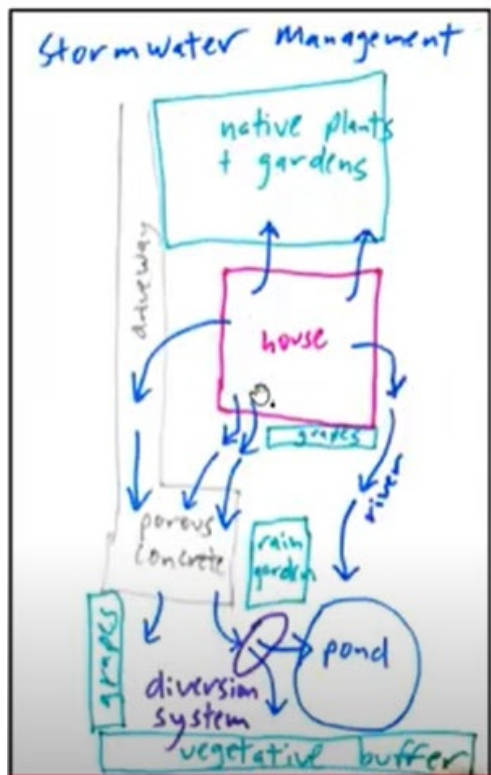


I do believe the applicant is going to request a holdover.



November 30, 2023





Public Opposition	Public Support
Two (2) people attended the 11/13/2023 City Planning Commission hearing to speak in opposition.	Staff received letters in support. There were attendance at the 11/13/2023 City Planning hearing to speak in support.
Staff Recommendation	
Approval	

Corinna West, 1921 Nebraska Avenue, said I sincerely request a holdover. **Mayor Pro Tem Burroughs** asked, you're asking the item be held over? **Ms. West** said correct. **Mr. Hand** said staff has no issue with a holdover.

Action: Commissioner Davis made a motion, seconded by Commissioner Johnson, to holdover Special Use Permit Application SP2023-079 for 30 days for more conversation with the Wyandotte Conservation District.

Commissioner Bynum said I just have a question. The holdover does not remand it back to Planning and Zoning, it brings it back to us. Is that right? **Mr. Hand** said that's correct.

Commissioner Bynum asked, the stated reason is just for more conversation with the Conservation District? **Ms. West** said correct. I received notice on this late last night about what the Conservation District's actual concerns were. The holdover would give me time to remedy those concerns and to provide proof of remedy.

Commissioner Bynum said sorry. First of all, thank you because it's 5 after 11 and you're still here all for the purpose of asking to come back in 30 days. Are you hoping that in 30 days, between your work and your conversation with the Conservation District, that you can successfully request your original number of ducks or are we going to be looking at 8 ducks in 30 days?

Ms. West said with the Planning Commission, I requested 15 ducks. I would be satisfied with the compromise of 12 ducks at this time.

Commissioner Bynum asked, Mr. Hand, what are the rules going to say that we are going to be looking at in 30 days?

Mr. Hand said if the Board of Commissioners in 30 days want to consider more than 8 ducks and 40 ducklings max, you would simply need 8 votes to overturn the recommendation of the Planning Commission.

Commissioner Bynum said thank you very much, and thanks for staying. That's all I have.

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

Item No. 5 – 212904...SPECIAL USE PERMIT APPLICATION SP2023-081 - ERICA SCHUBACH WITH TWOPIN HOMES, LLC

Synopsis: Special Use Permit to operate a Short-Term Rental at 1918 Federal Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Erica Schubach, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 1918 Federal Avenue. This is not the owner's primary residence. This would be the first and only

permitted short-term rental on the 1900 block of Federal Avenue. The Planning Commission voted 7 to 1 to recommend approval of Special Use Permit Application SP2023-081, for one (1) year, subject to:

1. Maximum number of guests shall be six (6);
2. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park the 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 one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
19. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

Case	
SP2023-081	
Petitioner	Address
Erica Schubach	1918 Federal 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, also non-owner occupied.



This is in the Rosedale Area Plan.

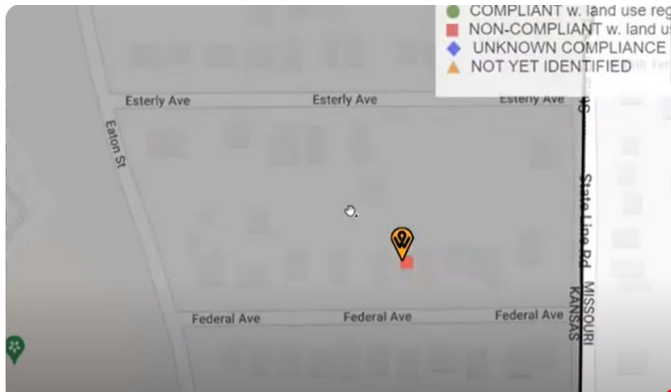


Staff has received no letters of support; no letters in opposition.



I'm sorry. There was opposition. I wrote that down wrong. There was opposition at the City Planning Commission hearing. I apologize.

November 30, 2023



There is a notice of violation applied to this property for operating without a special use permit. This one came to us from the zoning blitz that we did after the adoption of the ordinance this past May 2023.





Public Opposition	Public Support
Two (2) members of the public attended the 11/13/2023 CPC hearing to express opposition to the proposed project.	None to date.
Staff Recommendation Approval	

Staff agrees with Planning Commission and recommends approval for one year with conditions of maximum of six people on-site, two cars off street.

Mayor Pro Tem Burroughs said I'll now ask the applicant or representative to present the application.

November 30, 2023

Erica Schubach, 1918 Federal Avenue, said this property I purchased in 2020. It was a long-term rental. I rented to a family friend through the end of 2022. When the tenant moved out, we decided we would like to have a place to visit. I am from Kansas City, but I live out of state now. Now that I have a young child and my family is living in Kansas City, we would like to have a place where we can stay longer-term. So, we wanted to not have a long-term rental because that wouldn't allow us to do that, so we converted it to an Airbnb early in 2023 and did not know about the permitting process that was required. We were operating, and I did not know that we were in violation of anything until we received the notice on the door.

We did not have any complaints during that time. Our intention is to rent to traveling nurses and to people that are visiting KU Med longer-term for treatment. We are not allowing guests that are doing the instant book that may want a place to stay for one or two nights. We are looking for longer-term, short-term renters; not partyers that are just coming into town for the weekend. We're being picky about who can make a reservation on Airbnb by not allowing them to do the instant booking.

Once we received the notice, I believe it was in September, we took it off Airbnb and we have not been renting since then.

Mayor Pro Tem Burroughs said I will now open the subject to public hearing. Clerk, are there any notifications received from the public who wish to express their comments in favor of this item? **Ms. Sparks** said no comments received. **Mayor Pro Tem Burroughs** asked, is anyone present who would like to speak in favor of this item? Let the record show no one stepped forward. Is there anyone joining us virtually who would like to speak in favor of this item? **Ms. Sparks** said no hands raised.

Mayor Pro Tem Burroughs said I'll ask the Clerk, again, have we received any notice from the public who wish to express their comments in opposition to this item? **Ms. Sparks** said no comments received. **Mayor Pro Tem Burroughs** asked, anyone present who would like to speak in opposition to this item? (No one appeared.) Anyone joining us virtually who would like to speak in opposition to this item? **Ms. Sparks** said no hands are raised. **Mayor Pro Tem Burroughs** said let the record show.

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

Ms. Schubach said no, thank you.

Action: Commissioner Bynum made a motion, seconded by Commissioner Davis, to approve Special Use Permit Application SP2023-081 for one year, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

MISCELLANEOUS

Item No. 1 – 212923...ORDINANCE: PLANKCK CITYWIDE MASTER PLAN

Synopsis: Approval of an ordinance adopting the PlanKCK CityWide Master Plan, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

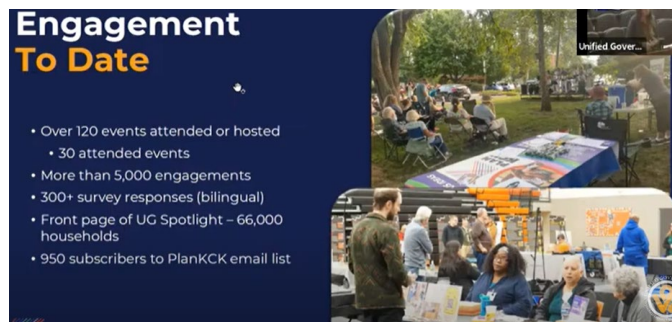
Links to connect to the documents are:

- PlanKCK: wycokck.org/files/assets/public/v/1/planning-amp-urban-design/documents/comprehensive-plan/2023.11.21-plankck_final.pdf
- Appendices: wycokck.org/files/assets/public/v/1/planning-amp-urban-design/documents/comprehensive-plan/2023.11.21-plankck-appendices_final.pdf
- Engagement Summary: [plankck_engagement_summary_final.pdf\(wycokck.org\)](http://plankck_engagement_summary_final.pdf(wycokck.org))



Gunnar Hand, Director of Planning and Urban Design, said this is a very brief presentation as we’ve been here in the last couple of months to do some workshops with you all in special sessions. So, I’ll hand it over to Ms. Alyssa Marcy.

Alyssa Marcy, Long Range Planner, said I'm going to give you just a few quick slides just to set the context for us. We've been here a few times before. Had quite a few special sessions, so these are things that you already know. I just want to add that this was passed unanimously on the 16th by our Planning Commission.



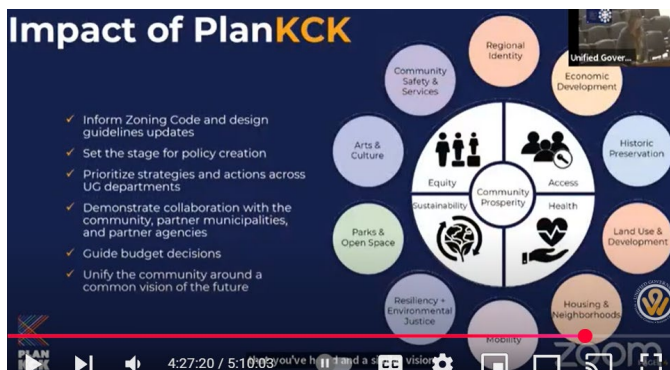
We had a really extensive outreach process as part of this plan. With all of the different elements, we really had to get creative. We met people where they were at. We had in-person meetings, virtual meetings, bilingual engagement materials, and we've reached really more of the community than we ever have before in the long-range planning process. In total, we had approximately 5,000 engagements. KCKPlan was also the cover page of the *UG Spotlight Newsletter*, which went to 66,000 households. In Kansas City, KS, we had a very, very long and growing listserv that had bi-weekly emails and a lot of other opportunities to engage.



It's important to note that PlanKCK is a 30,000 foot view of the future. It's a guide that will set the stage for future conversations and for future decision-making. We weaved together all of these threads but it also is going to serve as an umbrella for things like future policy decisions or area plans.



Here are all of the elements that make PlanKCK truly comprehensive. These are all designed under four lenses. Those are equity, health, access, and regeneration. After going through this process with the community, we found that effectively what we heard reinforced the Board of Commissioners' vision statement here. So very, very similar things that we've heard and that you've heard and a similar vision.



Again, PlanKCK is a road map to guide us to community prosperity. It lays out a destination, community prosperity, and now it's up to the leaders in this room to determine exactly how we get there given all the information that's in this document. It's a NorthStar. So with every action that we take, decision that we make, every grant that we pursue, how are those decisions leading us toward community prosperity.

It can inform our future budget deep dives. It identifies ways that we can better collaborate internally as well as externally with the community. I think it's important to note that this is a flexible, living document. So as we change, as things change in the future, as we meet unknowns and unexpected things that happen, this can adjust with us as we move toward this goal of community prosperity.

I think what happened today with the amendment to goDotte is an example of how these plans are flexible and living.



That's all I have for you.

PROOFREAD 4:28:34

Mayor Pro Tem Burroughs said we'll now go into the public hearing portion. I'll ask the Clerk if we had any notifications that were received from the public in favor. **Ms. Sparks** said no comments received. **Mayor Pro Tem Burroughs** asked, is anyone here who would like to speak in favor? **Mayor Pro Tem Burroughs** said let the record show we do have people approaching.

Rachel Russell said at 11:18 I will not take all three minutes. I'm a proud Rosedalian. I would just like to comment on my immense gratitude to this team and the work that they have done with this PlanKCK engagement. I do community engagement in my day job. I do an all-around type thing. I think what we saw through the level of engagement, both in professional settings and neighborhood settings; reaching out to students, which you saw the artwork and all of the things; I was proud to see at our neighborhood summit; those kids recognized. To see all of the pieces where it truly was situated around bringing community together of all aspects, all backgrounds, all demographics.

I cannot commend this team enough on the work that they've done. I think it is an understatement that I'm giving right now probably because I'm tired, but kudos to this team, the work they've done.

I will also say as long as I've lived in this community, I graduated out of this community, we have not had a plan or a Northstar that was clear where all of the pages were talking to each other. As someone who does the community health improvement plan work, to see how all of

those pieces are incorporated, it was intentional, it was purposeful, and I am proud to be a part of PlanKCK and what is to come for the future of Wyandotte County.

Thank you and thank you to this team for all that they have done.

Mayor Pro Tem Burroughs asked, was there someone else who wanted to speak in favor of this item? **Mayor Pro Tem Burroughs**

Is there anybody joining us virtually? **Ms. Sparks** said no hands are raised.

Mayor Pro Tem Burroughs asked, is there anybody in public that would like to speak in opposition to the plan?

Lisa Walker Yeager, Parkwood neighborhood, said I'm not going to say that I'm in total opposition, but I'm not going to say that I'm for it either. I just think we need some more clarity when it comes to the Northeast end district because I have to agree that Alyssa has done an excellent job trying to reach out. I know in the Northeast end district area, we need more participation, more communication of what we're going to get clarity on, what is going to happen in our historic neighborhoods.

I am a vice president. I have not met with them. Nobody has met with us. I've heard from the majority of our citizens in our neighborhood that are concerned with their roofs. Now it has been designated as historic to replace those roofs now at \$30,000. I don't know. Most people don't have \$30,000 just to sit around. To replace those windows are an arm and a leg. We did go through certain things but, again, we're still in the Northeast district area that is distressed. No one has come to us and say, hey, other than a possible grocery store.

We have a pool that has been around for over 75 years. It has never been redeveloped. Parkwood can offer some more items for our community to help our children. Businesses, we don't see any of that. **Ms. Sparks** said one minute remaining.

Ms. Walker Yeager said no development plans from 18th Street down to 3rd Street. That is where all the history really is. We really need to get that going all the way to the ruins.

I'd like to see a little bit more in detail plan this is what's going to happen because we have been told so many things and nothing has ever occurred and happened in our neighborhood. We're asking, we're pleading. Our taxes have just went up. We're paying the cost and we'd like to see our neighborhood changed. That's why we just need more clarification. That's all.

(Mayor Garner returned to the meeting at 11:22 PM.)

Mayor Garner asked, is there anyone else who'd like to speak in opposition?

Carolyn White, Kansas City, KS, said every year we have a different master plan. We've had so many master plans, but nothing to show. Infrastructure. The house I live in is probably over 100 years old. We've had some streets done back when we had a different county administrator, Doug Bach. As far as the infrastructure, if somebody wants to come in and they want to build a grocery store, they want to build homes, whatever, the infrastructure is not going to be there. So, if there's money that's supposed to come to the inner city, you're going to probably have to start with the infrastructure.

Like I said, every year is a different master plan. I don't really know what east of 10th Street, 18th Street, what's actually designated for the inner city.

Trails, we can put a lot of trails down. That's a lot of money, but that's not what we're looking for. We're looking for development. Trails are not going to help me in a food desert. Trails aren't going to help me with development. Trails aren't going to help me with kids that are in the area.

I've been in that area all my life. My mother died four years ago. She was 110 years old. Her house is still there. What I'm saying is that hasn't a lot been done so what's going to change now with the master plan? Well, actually are they telling us that's actually going to help us?

I know we don't have a community development person, so we probably need to start with a community development person in Community Development so then they will have a plan maybe to develop. But without a community development person...**Ms. Sparks** said one minute remaining.

Ms. White said ...a design person, but community development, then that's when actions can come in and see what needs to be done, what vision needs to be done, and which way we're going to go. If you don't start with the inner city, you got 635, you got I-70, you got all the highways in the inner city. You can go anywhere you want to go, but there's nothing there.

Our taxes are higher than anybody, but we have nothing to show. So, what does that mean? We just got land but nothing to show for the taxes that we have to pay. If you live in my area and

your taxes went up but you had empty land, how's that make you feel? I'm just saying that we've got to start where we start and that's infrastructure, grocery store, development, and then guess what. You all can build everywhere else because you've done what you should have done in the inner city. **Ms. Sparks** said your time has expired.

Pamela Penn-Hicks, Kansas City, KS, said when I heard about PlanKCK, I actually got excited. I had read the Northeast Master Plan and had not seen any indication that there was going to be some actual action placed in that plan. When you said you were going to expand and include the entire KCK area, I thought well surely this time we'll be included as a major focus of an expanded plan for development in this community. I looked for that piece and instead what I saw and what I see in the PlanKCK is, again, a focus on the downtown and Village West and the Northeast is once again an afterthought. It is not included as a viable piece of this community and one that deserves economic development.

My issue is that I don't want the Northeast to become a victim of regentrification where you come in and you put new housing in on Land Bank properties and you raise the values of the property taxes of the area. The people who live there never get assistance with maintaining the properties that they own currently.

We have an economic development desert in that area. No grocery stores. No pharmacies. No retail. You can build it up. I know that eventually the long-term plan will be that you'll include portions of the northside of downtown and that they will become more attractive to people to come back into this area. I don't want us to make the mistake of having to pay a higher price tag in 10 years or 15 years when you have to go back into that area and provide better infrastructure and development for the Northeast area. We deserve better.

I remember what Melissa Bynum said when she was talking about Leavenworth Road. **Ms. Sparks** said one minute remaining.

Ms. Penn-Hicks said we won't live like this anymore. We need help. We need resources directed to the area that will provide the development that all of us deserve to have. I would encourage, although I'm disappointed in this plan, I would like an expansion of the ideas that are in there that will help the Northeast area and areas below 635, not just the downtown area, to become more livable and more amenable to the people who live in Wyandotte County.

Mayor Garner asked, is there anyone else present who'd like to speak in opposition? 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.

Commissioner Bynum said I wanted to compliment the work of the staff on the PlanKCK document, and also echo what Ms. Rachel Russel had said about the extensive engagement that was undertaken in order to bring this plan to reality. I appreciate that very much.

I do think this is another example of a living, breathing document that has a lot of room in it for all of the areas to be embraced. With that, I would just make a motion that we adopt the ordinance approving the PlanKCK Citywide Master Plan.

Action: **ORDINANCE NO. O-155-23**, "An ordinance approving the PlanKCK Citywide Master Plan." **Commissioner Bynum made a motion, seconded by Commissioner Markley, to approve the ordinance.** Roll call was taken and there were eight "Ayes," Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Mayor Garner said this ends the Planning and Zoning portion of our meeting. We will now move to the regular portion of our agenda.

REGULAR CONSENT AGENDA

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

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

Item No. 1 – 212842...RESOLUTION: APPROVING AND AUTHORIZING THE MAYOR/CEO TO EXECUTE A SECOND AMENDMENT TO THE PERFORMANCE AGREEMENT (CRITERION DEVELOPMENT PARTNERS)

Synopsis: Adopt a resolution approving and authorizing the Mayor/CEO to execute a second amendment to the performance agreement with CPC Land Acquisition Company, LLC, submitted by Jeff Conway, Assistant Counsel. On November 13, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.

Action: **RESOLUTION NO. R-70-23**, “A resolution approving and authorizing the Mayor/CEO to execute a second amendment of performance agreement between the Unified Government of Wyandotte County/Kansas City, Kansas, and CPC Land Acquisition Company, LLC.” **Commissioner Davis made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 2 – 212934...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Nikki Richardson to the Advisory Commission on Human Relations and Disabilities Issues from 11/30/2023 to 12/31/2025, submitted by Commissioner Davis.

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

Item No. 3 – 212926...MINUTES

Synopsis: Minutes from the Regular Session meeting on November 17, 2022.

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

Item No. 4 – 212927...WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated October 26, 2023.

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

PUBLIC HEARING AGENDA**Item No. 1 – 212841...RESOLUTION: ISSUANCE OF INDUSTRIAL REVENUE BONDS AND TO ADOPT PERFORMANCE AGREEMENT (CARNATION PARTNERS, LLC)**

Synopsis: Adopt a resolution of intent to issue industrial revenue bonds in the amount not to exceed \$11,500,000 to finance costs of acquiring, constructing, improving and equipping a manufacturing facility for the benefit of Carnation Partners LLC, and to adopt a performance agreement, submitted by Jeff Conway, Assistant Counsel. On November 13, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Angela Lawson, Acting Chief Counsel, said we have Kevin Wempe, as bond counsel. It’s just the intent to issue the revenue bonds. The applicant is present.

Mayor Garner said I’ll ask the applicant or representative to present the application and the information.

Kevin Wempe, Gilmore & Bell, bond counsel to the Unified Government, said I’ll give you the brief summary. This, again, was considered by standing committee earlier this month. Carnation Partners is a local business looking for expansion of their manufacturing and propose an approximately 57,000 sq. ft. manufacturing facility at 4500 Dover. The proposal is for \$11.5M of IRBs for the purpose of providing sales tax exemption on the construction materials and property tax abatement of approximately 55% of property tax abatement.

Like you've seen on plenty of other projects, this will be a bond placed with the applicant, or developer in this case, so there's no UG liability for repayment and no credit impact to the UG on the bonds.

The resolution also approves the performance agreement that has the PILOT schedule and the usual clawbacks that you're used to seeing in these types of projects, including a schedule where they'll be obligated to get underway on construction by next summer and complete by the end of 2025.

Tonight, again, is a public hearing on the resolution of intent approving the performance agreement. As part of the other state law procedures, a cost benefit analysis was prepared by a third party, the provider of that, and came out very favorably. If you choose to approve it tonight, the applicant would go forth with construction of the project and return to you at substantial completion of construction to issue the bonds and affect the tax payments.

Mayor Garner said I'll now open the public hearing and ask the 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'd like to speak in favor of this item?

Greg Kindle, Wyandotte Economic Development Council, resident of KCK, said I'd be remiss after five and a half hours if I didn't at least stand up for a couple of minutes and say that I support this resolution. More importantly, to tell you that this is really the key to economic development in our community, the retention and expansion of companies we already have.

In this particular case, it's a small business by all rights. They're going to be growing by another 30 some employees. It's an entrepreneurial spirit. This is the Ismert family. Many of you probably know them already. Good family. They're here. They've had multiple businesses started. Many of them have been here in Wyandotte County. Striem is the one that we're talking about today. They've been down in Fairfax leasing space, doing a great job, and are now growing and are going to build a facility in our community.

Today, the site that they're looking at generates about \$7,200 a year. When they build this facility, even during the abatement period, they're going to generate about \$72,000 a year. Over

the 10-yr period, they're going to generate almost \$800,000 in net new taxes plus the base taxes they're already paying.

This, to me, is the epitome of what we're trying to do. These are folks that would be, I think, happy to employ folks that are from Wyandotte County. Frankly, as you all know, we need more of our residents to take these kinds of jobs. This is a good company, and we just would recommend that you support this resolution.

Mayor Garner asked, is there anyone else 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 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 to the item? **Ms. Sparks** said no comments received. **Mayor Garner** asked, is there anyone present who'd like to speak in opposition to the item? Seeing none, Clerk, is there anyone joining us virtually who'd like to speak in opposition? **Ms. Sparks** said no hands raised.

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

Mr. Wempe said the applicants are in the back row. I think they're good to go.

Commissioner Burroughs said I just want to draw attention to page 2 on the performance. We look for 1.3 return for the benefit to cost ratio. All of these are above 2. I think that says a lot about the opportunities before us this evening. I would hope my colleagues would take that in consideration. That's a good return.

Action: **RESOLUTION NO. R-71-23**, "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 \$11,500,000 to finance the costs of acquiring, constructing, improving and equipping a manufacturing facility for the benefit of Carnation Partners LLC and its successors and assigns." **Commissioner**

Bynum made a motion, seconded by Commissioner Davis, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

STANDING COMMITTEES' AGENDA

Item No. 1 – 212843...ORDINANCE: AUTHORIZING THE REMOVAL OF PROPERTY FROM PROJECT AREA A IN THE KANSAS SPEEDWAY REDEVELOPMENT DISTRICT

Synopsis: Adopt an ordinance authorizing the removal of property from Project Area A in the Kansas Speedway redevelopment district for the purpose of other development, submitted by Jeff Conway, Assistant Counsel. On November 13, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted 4/2 to approve and fast-track to the full commission on November 16, 2023. This item was removed by the proponents on November 16, 2023. The proponents are requesting this item be returned to the commission for action.

Commissioner Burroughs said the discussion was in reference to some of the history associated to the Kansas Motor Speedway. I believe that has been resolved, and I believe it will be discussed here this evening. I just wanted to report that the two votes were just to have an opportunity to do the research that was requested by the committee.

Pat Warren, President of Kansas Speedway, 400 Speedway Blvd., KCK, said rather than spend your time with me talking at this point, I’d like to introduce Aaron March who’s going to provide the legal analysis that Commissioner Burroughs thankfully asked for and we do have your answers.

Aaron March, Attorney, Rouse Frets White Goss Law Firm, 4510 Belleview, KCMO, said I don’t think any of you were on the Commission back in 1998 when I came before the Commission asking for this speedway to be approved. I was involved in negotiating the development agreement. Commissioner Burroughs was. I’m sorry. This development has done exactly what it had intended to do. There was the vision of the Commission at that time to see what could come of economic development.

The development agreement that was adopted was adopted pursuant to the statute then in place. It allowed the Unified Government to negotiate what terms and provisions it wanted to negotiate as far as subsequent disposition of surplus property. There were no provisions in the 1998 development agreement that curtailed or restricted the disposition of any property that was deemed not necessary for implementation of the redevelopment plan. Twice already the Commission has voted to remove property. Once for the casino and once for Urban Outfitters because you deemed that would benefit the community to do so.

We're here tonight asking you to do what you have already done twice before and do it on an approximately 23-acre site at the southwest corner of the overall Speedway development. That will allow for the future development of this property to generate property taxes, sales taxes. Right now it's vacant property. It's called out in the development plan, the development agreement, as employee parking. It's a green field right now. We ask that you approve the removal of this property from Redevelopment Project A so that it can be sold for subsequent development.

The question came up by Commissioner Burroughs of what about the 2007 amendments and the 2006 amendment before that, that talked about the declaration of surplus property; the need to convey it back to the Unified Government. The law in the state of Kansas is pretty clear that unless a statute is specifically called out to apply retroactively by the legislature, it does not apply retroactively. So, neither the '06 amendment or the '07 amendment talked about applying retroactively. So, prospectively from the 2007 amendment, the property, if deemed surplus, would have to be dealt with pursuant to the statute. That does not apply in our case. We were approved in 1997. The plan, the business deal, the development and operation agreement, the separate acquisition agreement did not have terms and provisions that curtailed the ability to dispose of surplus property other than if it was disposed of, it needed to conform to the redevelopment plan, which is why we're here tonight asking that you consent to its removal.

I'd like to point out that the bond trustee and the bond insurer have been apprised of this request, and they have consented to the removal of the property it having no impact whatsoever on the credit rating, the quality of the revenue stream available to service the debt on the bonds.

I think there may have been a second question about the Kelo case and its application. Economic development was deemed by the Supreme Court to be a public purpose. That's why condemnation was allowed in this case for the possibility of condemnation was allowed way back in 1998. The

Commission believed that this development was for a public purpose even though it involved a private partner participating in that who would also benefit, but the overarching goal was good for the community and economic development.

So, back in 1998, had somebody believed that this project was not serving a public purpose, they might have raised a claim similar to that of Kelo. That was not done. Whatever condemnation took place, took place back in 1998, '99. Any Kelo challenge on this development is way past out of time and would be barred by statute of limitations.

I hope I've answered all of Commissioner Burrough's questions. I apologize. We both have changed a little bit since 1998.

Commissioner Burroughs said thank you for that history lesson. It's always nice to see faces that we haven't had a chance to visit in a while. The *Kelo v. Connecticut*, I just wanted to ensure through the historical factors associated with this property transfer that we, as a community, and we, as a city/as a municipality, weren't going to be held in some kind of litigation associated to the disbursements of that property. I know the bond counsel had already approved and still meet the projections. The history of how that came about, I think, was important to clarify to this full body that we are not going to be in any way, shape, or form legally bound by actions taken this evening.

Mr. March said as a further footnote to that, it's my understanding that none of the property that we're asking to be released actually went all the way through to a final condemnation order. My understanding is that yes, in a couple of cases or maybe three or four within this larger 23-acre parcel, condemnation was filed but settlements and voluntary, if you will, sales of the property were made by the property owners.

Commissioner Burroughs said I sincerely appreciate Kansas Motor Speedway's approach to answering the questions; to do it in the public forum. I do thank you for that. It's always a pleasure. I appreciate it.

Angela Lawson, Acting Chief Counsel, said I did want to clarify for the commissioners that weren't at the standing committee that the amendments referenced were amendments to the state laws pertaining to STAR bonds, not amendments to our development agreements.

Action: **ORDINANCE NO. O-156-23**, "An ordinance making findings and removing certain property from the STAR bond project district within the city of Kansas City, Kansas (Prairie-Delaware Redevelopment Project Area A) contingent upon certain events." **Commissioner Stites made a motion, seconded by Commissioner Davis, to approve the ordinance.** Roll call was taken and there were eight "Ayes," Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 2 – 212838...RESOLUTION: VIOLENCE AGAINST WOMEN'S ACT FISCAL YEAR 2024

Synopsis: Approval of a resolution authorizing acceptance of a Violence Against Women's Act grant via the Kansas Governor's Office in the amount of \$110,604, submitted by Wendy Medina, Police Department. Matching funds will be allocated from the existing department budget. This item was scheduled to appear before the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, on November 27, 2023. It was requested, and approved by the Mayor, to fast-track this item to the November 30, 2023, full commission meeting.

Commissioner Bynum said we've seen this actual grant come through many times and this is the 2024 version, fast-tracking so that we can be ready for 2024. We had about a month or so ago a little gap grant to get us through to this grant. So nothing new here. Just continuing to support the good work of our Victim Services Unit.

Action: **RESOLUTION NO. R-72-23**, "A resolution authorizing the Kansas City, Kansas Police Department through the Unified Government of Wyandotte County/Kansas City, Kansas to submit an application to the Kansas Governor's Office for its federal S.T.O.P. Violence Against Women Act grant and to accept and administer such grant." **Commissioner Bynum made a motion, seconded by Commissioner**

Davis, to adopt the resolution. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 3 – 212774...REPORT: FEMA FLOODPLAIN COMMUNITY RATING SYSTEM 2023

Synopsis: The FEMA Floodplain Community Rating System (CRS) 2023 report is an update of the current 5-year plan. Prior to the development and approval of the next 5-year plan, this update includes a revised repetitive loss area analysis, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. This item was scheduled to appear before the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, on November 27, 2023. It was requested, and approved by the Mayor, to fast-track this item to the November 30, 2023, full commission meeting.

Commissioner Bynum said standard protocol to bring this floodplain community rating system report forward. We had staff do a good amount of work to prepare this and have it ready. I appreciate that and fast-tracked so that we can submit it on time.

Action: **RESOLUTION NO. R-73-23**, “A resolution adopting the 2023-2028 Repetitive Loss Area Analysis Update.” **Commissioner Bynum made a motion, seconded by Commissioner Davis, to adopt the resolution.** Roll call was taken and there were seven “Ayes,” Bynum, Ramirez, Johnson, Kane, Markley, Stites, Davis. (Commissioner Burroughs was not present for the vote.)

Item No. 4 – 212791...RESOLUTION: KAW POINT MODERNIZATION PROJECT

Synopsis: Approval of a resolution authorizing the Public Works Department to accept a grant in the amount of \$17.8M from the United States Department of Agriculture and to implement the grant immediately upon its adoption, submitted by Jeff Fisher, Executive Director of Public Works. This item was scheduled to appear before the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, on November 27, 2023. It was requested, and approved by the Mayor, to fast-track this item to the November 30, 2023, full commission meeting.

Commissioner Bynum said I want to make a motion to approve the acceptance of this federal grant that helps support the Kaw Point Water Treatment Plant.

Action: **RESOLUTION NO. R-74-23**, “A resolution authorizing funding for the Kaw Point Modernization Project.” **Commissioner Bynum made a motion, seconded by Commissioner Davis, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 5 – 212772...RESOLUTION: NORTHEAST KCK HERITAGE TRAIL PHASE I UTILIZING ARPA FUNDS

Synopsis: Approval of a resolution authorizing the use of \$240,000 from ARPA set-aside funds as the local match, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. This item was scheduled to appear before the Administration and Human Services Standing Committee, chaired by Commissioner Markley, on November 27, 2023. It was requested, and approved by the Mayor, to fast-track this item to the November 30, 2023, full commission meeting.

Commissioner Markley said this item was approved unanimously and fast-tracked for timing purposes.

Action: **RESOLUTION NO. R-75-23**, “A resolution for the approval of local set aside ARPA funds to be used as matching funding to secure a grant from the Mid-American Regional Council’s Carbon Reduction Grant Program to fund Phase 1 of the Northeast KCK Heritage Trail.” **Commissioner Markley made a motion, seconded by Commissioner Davis, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

ADMINISTRATOR'S AGENDA

Item No. 1 – 212873...RESOLUTION: HFS ESTOPPEL CERTIFICATE, CONSENT AND RECOGNITION

Synopsis: Approval of a resolution authorizing execution of an Estoppel Certificate, Consent and Recognition Agreement in connection with the Homefield Project, submitted by Jeff Conway, Assistant Counsel.

Angela Lawson, Acting Chief Counsel, said I would pass this to Todd LaSala and remind him if we are done by midnight, we do not have to extend the time.

Todd LaSala said I totally understand. Here's what's going on. This is about the Homefield project and financing of the hotel. There is a lender involved who's going to loan \$105M for the hotel. The lender cares tremendously about what they're getting themselves into. So, an estoppel is really a confirmation from the lender that there aren't a bunch of problems here; that there's not default under their development agreement. So, that is the case. I think that's easy to say.

The part that's interesting about this is that our development agreement requires approval of transfers and assignments and conveyance of property. The lender wants to know that if for some reason the borrower doesn't pay, they can foreclose and they don't need our consent to foreclose. We've always believed that's the case and so we are confirming that here.

The lender also wants to know that if they foreclose, they can then turn and assign to another operator. Have somebody else come in and take this hotel and run this hotel. They are worried about whether they need the UG's consent for that or not. We have given them a limited window—we are proposing to offer them a limited window of two different things: opportunities to transfer to another operator without our consent. One is a pre-approved list of hoteliers. It's some of the top 25 hotel operators in the country, and we did diligence about each of them. We whittled that list down to 19.

The other thing we've said is that if it's somebody who's not on that list, but they have at least \$100M of net worth and at least 10 years of experience operating 10 or more properties that are like this hotel asset, that we would be okay with it. That is essentially what this document does.

Mr. Peterson is also here on behalf of the developer.

Action: **RESOLUTION NO. R-76-23**, “A resolution approving and authorizing execution of the estoppel certificate, consent and recognition agreement by the Unified Government of Wyandotte County/Kansas City, Kansas in connection with the Homefield Project.” **Commissioner Markley made a motion, seconded by Commissioner Stites, to adopt the resolution.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

COMMISSIONERS’ AGENDA

No items

Mayor Garner said that concludes the regular portion of our meeting and I’m going to adjourn us in that capacity. As a result, I’ll entertain a motion to adjourn us as the Unified Government Board of Commissioners and call us back to order as the Land Bank Board of Trustees.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Davis, to adjourn as the Unified Government Board of Commissioners and reconvene as the Land Bank Board of Trustees.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

LAND BANK BOARD OF TRUSTEE’S CONSENT AGENDA

Mayor Garner asked, do any members of the Commission or County Administrator wish to set aside any item on the Land Bank Consent Agenda?

Commissioner Bynum said I’ve had a request that we hold—I need the proper legal terminology—or remand back, I guess, to the standing committee Item C2, 1705 North First Street. What’s the appropriate mechanism, send it back to standing committee?

Angela Lawson, Acting Chief Counsel, said I would request that given the time prior to that, that there be a motion using Rule 723 to suspend Rule 517 so that we can go beyond midnight. **Commissioner Bynum** said we have five minutes. I’m thinking this will take one.

Action: Commissioner Bynum made a motion, seconded by Commissioner Johnson, to remand Item C2, 1705 N. 1st St., back to standing committee. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Action: Commissioner Markley made a motion, seconded by Commissioner Davis, to approve the remaining items on the Land Bank Consent Agenda. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 1 – 212929...LAND BANK OPTIONS

Synopsis: The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, submitted by Jud Knapp, Land Bank Manager.

Please visit the site to review the applications below.

<https://gisapp.wycokck.org/Landbank.html>

A. Single Family Homes – 20 Homes

2. RA Engineering Corp. – 1 home
 - i. 1142 Armstrong Ave. – 080794
3. RA Engineering Corp. – 1 home
 - i. 2933 N. Getty St. – 293005
4. RA Engineering Corp. – 1 home
 - i. 2000 N. 53rd St. – 040100
5. Josh Waits – 1 home
 - i. 1830 S. 10th St. - 127604
6. Whitney Warren – 1 home
 - i. 3050 N. 21st St. – 162475
7. David Jones – 1 home
 - i. 6204 Roswell Ave. – 231610
9. Weston Sparks – 1 home
 - i. 2792 Linden Dr. – 149816
12. Yvette Ford – 1 home
 - i. 3002 Hiawatha St. – 158525
15. Mt. Carmel – 10 homes
 - xv. 1954 N. Valley St. – 213722
 - xvi. 1950 N. Valley St. – 213721
 - xvii. 1948 N. Valley St. – 213720

- xviii. 1944 N. Valley St. – 213719
- xix. 1942 N. Valley St. – 213718
- xx. 1936 N. Valley St. – 098900
- xxi. 1937 N. Valley St. – 213716
- xxii. 1939 N. Valley St. – 213715
- xxiii. 1945 N. Valley St. – 213713
- xxiv. 1947 N. Valley St. – 213712
- xxv. 1949 N. Valley St. – 213711
- xxvi. 1951 N. Valley St. – 213710
- xiii. 1953 N. Valley St. – 213709
- 16. Samia Guess – 1 home
 - i. 725 N. 61st Ter. – 014300
- 17. Terre Kent – 1 home
 - i. 6200 Minnesota Ave. - 193413

C. Commercial – 3 Projects

- 1. Eddie Villanueva – Event space
 - i. 3113 Strong Ave. - 166441
 - ii. 1419 S. 32nd St. – 166404
- 2. Amelia Harshfield – Mushroom farm
 - i. 1705 N. 1st St. – 081672
- 3. Heron Santana – e-commerce business
 - i. 68 S. 7th St. – 121530

Action: Commissioner Markley made a motion, seconded by Commissioner Davis, to approve, excluding Item C2, 1705 N. 1st St., that was previously remanded back to standing committee. Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

Item No. 2 – 212930...LAND BANK TRANSFERS

Synopsis: Request consideration of the following Land Bank transfers, submitted by Jud Knapp, Land Bank Manager.

Please visit the new site to review the applications below.

<https://gisapp.wycokck.org/Landbank.html>

PT -Property Transfers

- 1. Melysa Brown – Yard extension
 - i. 607 Melville St. – 154831
- 2. Transfer into the Land Bank from the Unified Government
 - i. 2507 N. 13th St. – 157521
- 3. Transfer into the Land Bank from the Unified Government
 - i. 1331 R Yecker Ave. – 907114

4. Transfer – Fixing a legal description error
 - i. 1340 Greeley Ave. – 157783
5. Donation
 - i. 1012 Miami - 072821

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

Commissioner Burroughs said before we leave, I know we’ve got the midnight rule. It wouldn’t take very long, but we do have a birthday boy here today and we should recognize that individual. Our new Administrator David Johnston’s birthday is today and he’s hung tight with us today. So, if somebody wants to lead us.

Commissioner Bynum said happy birthday.

Mayor Garner said quickly, is there a motion to sing happy birthday to the Administrator?

Commissioner Davis said move to adjourn. **Mayor Garner** said we can adjourn first.

PUBLIC ANNOUNCEMENTS

No items

ADJOURN

Action: Commissioner Ramirez made a motion, seconded by Commissioner Davis, to **adjourn.** Roll call was taken and there were eight “Ayes,” Bynum, Burroughs, Ramirez, Johnson, Kane, Markley, Stites, Davis.

MAYOR GARNER

ADJOURNED THE MEETING AT 11:58 P.M.

November 30, 2023

Monica L. Sparks
Interim Unified Government Clerk

cg

November 30, 2023