

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

**PLANNING & ZONING AND
REGULAR SESSION
OCTOBER 25, 2018**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, October 25, 2018, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan (via telephone at 7:12 p.m.), Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Murguia, Commissioner Third District; was absent. The following officials were also in attendance: Doug Bach, County Administrator; Joe Connor and Melissa Sieben, Assistant County Administrators; Ken Moore, Chief Legal Counsel; Bridgette Cobbins, Unified Government Clerk; Lynn Melton, Assistant to the Mayor; Ken Moore, Chief Legal Counsel; Emerick Cross, Commission Liaison; Rob Richardson, Director of Planning; Zach Flanders and Bryon Toy, Planners; Janet Parker, Administrative Assistant; and Captain Ronald Schumaker, Sergeant-at-Arms.

MAYOR ALVEY called the meeting to order.

ROLL CALL: Philbrook, Bynum, Burroughs, McKiernan, Johnson, Kane, Markley, Walters, Alvey.

INVOCATION was given by Reverend Mann, Bethel Seventh Day Adventist Church.

Mayor Alvey said I'll ask the Clerk if there are any revisions to tonight's agenda? **Bridgette Cobbins, UG Clerk**, said there are no revisions to the agenda.

PLANNING AND ZONING CONSENT AGENDA

Mayor Alvey said tonight we have two parts to our meeting. The Planning & Zoning portion will be handled first followed by our regular commission meeting. I'd ask the Clerk now to read the

statement required by state law governing the Planning & Zoning portion of our meeting followed by the items on the Planning & Zoning Consent Agenda.

Ms. Cobbins read the statement, required by law, governing the Planning and Zoning portion of the meeting.

Ms. Cobbins asked if any members of the Commission wished to disclose any contact with proponents or opponents on any item on the agenda.

Mayor Alvey asked if any member of the Commission or anyone in attendance tonight wish to set-aside any item on the Planning and Zoning Consent Agenda.

Commissioner McKiernan disclosed contact with proponents of SP-2018-81 and proponents of SP-2018-84. **Commissioner Philbrook** disclosed contact with proponents of SP-2018-84.

Ms. Cobbins read the items on the Planning and Zoning Consent Agenda.

Mayor Alvey asked if any member of the Commission or anyone in attendance tonight 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 & Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission. Are there any set-asides? **Michael Snodgrass, 600 North 17th Street**, requested to set-aside PR-2018-23. **Rob Richardson, Director of Planning**, requested to set aside Item A-1, Change of Zone #3165. **Uhmed Saidov, 1603 North 3rd Street**, requested SP-2018-80, be set-aside.

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

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 18481...CHANGE OF ZONE APPLICATION #3165 – ALTON HOLLOWAY

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 3441 North 51st Street, submitted by Robin Richardson, Director of Planning. Mr. Holloway is seeking a rezoning of his 8.25-acre property, to use the property for residential and agricultural processes and have more than one accessory structure on the property. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application #3165, subject to:

Urban Planning and Land Use Comments:

1. How many structures are currently on the property and what are their uses?

Applicant Response at meeting: Four structures that are used for housing of the animals. There was a house on the property but it burned.

2. Do you plan to keep livestock on the property? According to the neighbor there are horses and goats on the property.

Applicant Response at meeting: Yes – There are 10 horses, 8 goats and 5 or 6 chickens.

3. The neighbor concerns regarding animals do not play a direct role here in that the applicant has more than 5 acres and can have animals with or without the zoning approval.
4. The applicant shall keep all livestock 50 feet from the North, South and East property lines.
5. Applicant shall work with the Conservation District to correct issues within six months. Staff will not publish a rezoning ordinance until the Conservation District issues are corrected.

6. Applicant shall provide proper shelter for all animals on site.

Applicant Response at meeting: The shelters on the property are used to house the animals.

Rob Richardson, Director of Planning, said this item comes to you recommend for approval from the Planning Commission. Following that meeting we had a phone call from a neighbor that had concerns about the health and welfare of the animals on the site. Staff did visit the site but couldn't enter the site. They didn't observe anything unusual but it's a significantly large site that they could not see all the animals so staff would like this to be sent back to the Planning

Commission so we would have time to work with the applicant to get in and check on the welfare of the animals.

Alton Holloway, 5701 Parallel Parkway, said I don't know what the deal is. The animals are well taken care of and they have shelter. I have pictures to show you if you want to see them. There's no neglect or anything like that. Animal Control was out there the other day and he said everything looked good. I gave him my number and everything. He wanted to come back but he never did call me or anything. I don't know what the deal is.

Mayor Alvey asked is there anyone else who'd like to speak in favor? Seeing none, is there anyone present in opposition who would like to speak on this item. Seeing none, does any members of the Commission have any questions or comments? Seeing none I'll entertain a motion.

Action: Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to send Change of Zone Application #3165 back to the Planning Commission. Roll call was taken on the motion and there were nine "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 18482...CHANGE OF ZONE APPLICATION #3168 – DR. KELLI MATHER WITH USD 500

Synopsis: Change of Zone from RP-5 Planned Apartment and CP-1 Planned Limited Business Districts to B-P Planned Business Park District for USD 500 central kitchen facility at 5604 State Avenue, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application #3168, subject to:

Urban Planning and Land Use Comments:

General Planning:

1. What are the hours of operation at this facility? What time will trucks be departing to make deliveries and if they return, what time will that occur?

Applicant Response: Hours of operation: 5:30 a.m. to 4:30 p.m. It is estimated that trucks will be departing at 6:30 a.m., returning around 9:30 a.m. and then departing again at 10:00 a.m. and returning around 1:30 p.m.

2. Will trucks be kept overnight on the property in front of the loading docks? a. Sec. 27-464(c)(8). No use is permitted that involves the parking, keeping, storage or continued presence of trucks of over 18,000 pounds GVWR, semitrailer rigs, contractor's equipment or large-scale items or materials. This does not apply to vehicles making normal deliveries of trips to serve the property.

Applicant Response: Trucks used for deliveries are F-550 Chassis, SD Regular Cab with a GVWR of 18,000 lbs.

3. All overhead doors shall be closed when trucks are being loaded and unloaded.

Applicant Response: Overhead sectional doors will be open when trucks are loading, backed up to the dock, and will be closed if a truck is not present.

Building and Architectural Design:

1. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long faces, 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 of the

following techniques:

- a. Divisions or breaks in materials
- b. Building offsets (projections, recesses, niches)
- c. Window bays
- d. Separate entrances and entry treatment; or
- e. Variation in rooflines.

The aforementioned techniques in addition to the building articulation needs to be integrated into the design of each façade. While the building is setback into the site from State Avenue, the residences in the apartments to the northeast can look directly down at the building. The

same level of architectural detail for the USD 500 schools should be incorporated into this building. Precast panels shall be integrally-colored instead of the standard, ashen concrete gray.

Applicant Response: My reading of the Zoning Code is that this requirement is not required for B-P zoning districts. The Commercial Design Guidelines Overlay District per Sec. 27-574 – Boundaries and application only applies to zoning districts with a “C” designation. The design standards for B-P districts is found in Sec. 27-472 – B-P Planned Business Park District. Paragraph 6 defines the requirements:

“6. Buildings are required to exhibit an attractive appearance especially toward the street and any nearby residential areas. Typically, such an attractive appearance would be characterized by significant use of glass, masonry, and other high-quality finish materials and designs with significant offsets and articulation.” We believe we have met these requirements with the proposed design. The building is designed around three functions:

- Receiving and deliveries
- Offices
- Food storage and preparation

The owner requested a secure, low maintenance and cost-effective facility. We agreed a tilt-up concrete panels would make the most sense to enclose this facility. Ease of construction and speed were also a factor. The building incorporates large open, interior spaces for the storage and preparation of food. The site plan lent itself to push the building to the north edge, before the hillside starts, similar to the bowling alley that was previously on the site. Therefore, the building is located approximately 275’ from State Avenue right-of-way.

The loading dock was determined to work best on the east side of the building to provide ease of maneuvering for semi-trucks delivering product for the district as well as delivery trucks entering and leaving the facility. To the north of the loading docks, the trash compactor and cardboard baler is screened by a concrete wall to the south and landscaping to the north.

The office area wanted to be set apart from the functional spaces, so we came up with the concept of a glass box, bounded by concrete panels. This adds interest to the street side view as well as lets visitors know where to enter the facility.

The building is designed to be architectural tilt-up concrete wall panels. The south elevation, partial east and west elevations will have wainscot of striated form liner, to create interest in the building face. Wall panels will have multiple reveals, both horizontally and vertically to break up the face of the concrete. The wall area above the wainscot will be sandblasted to create a textured concrete face. High windows are located around the building to allow natural light into the work spaces.

The owner's first option, for the concrete tilt-up panels, is to leave them as natural grey concrete that has a striated form liner wainscot and sandblasted concrete everywhere else. This does not present an "ashen concrete gray", but a panel that has exposed aggregate causing the panel to take on a slight tan color due to aggregate. We can provide a sample in the future for review.

If the above is not acceptable, we respectfully ask for a variance on the use of integral concrete for the wall panels. The use of integral color is not feasible when using tilt-up panels as the quality control, to create a uniform look, is difficult if not impossible. We propose to use a concrete coating system to add color to the concrete walls. This system is specifically designed to react with concrete and create a uniform color that is long lasting.

The south side of the building street side, is architecturally scaled, has multiple surfaces, offsets, recessed entry, canopies and glazing at the office area. This tilt-up concrete panels will have multiple reveals in the panel design, a striated form liner wainscot, all panels will be sandblasted, and several high windows will serve to break up this elevation.

The east elevation mainly faces the storage facility to the east. The apartments located to the northeast corner of the parking lot and the apartment has heavy vegetation. The floor elevations of the apartments are not substantially higher than the floor elevation of this facility. The view from these apartments to this site, during the summer, is non-existent due to the natural vegetation growth. For the winter months, we propose to add evergreen trees along the northeast corner of the property. This will shield any views of the east parking lot.

This north elevation will be sandblasted tilt-up concrete panels with multiple rustication joints. High windows will be across the entire elevation to allow natural light into interior spaces. This elevation is not visible from any other development or adjacent landowner, due the grade rising to the north. There exists a difference of 4 feet to 37 feet between the elevations of the building parapet to grade at the property line. In addition, this hillside is heavily vegetated with bushes and trees.

The west elevation will be sandblasted tilt-up concrete panels with multiple rustication joints. High windows will be in the south part of the elevation to allow natural light into interior spaces. There are offsets at the northwest corner as well as a recess for a private patio. This patio will have a canopy over it, providing shade to occupants as well as adding relief to the elevation. The south portion will again be glass for the office area. This elevation is not visible from any other development or adjacent landowner, due to the grade rising to the west. This hillside has heavy vegetation with bushes and trees. To clarify these points, see the attached Site Sections and photographs.

Staff Response: Previously staff has been presented with development projects that have used concrete tilt-up panels that when illustrated on a rendering is not reflected in the field. We have seen sandblasted panels remain ashen grey. The applicant referenced using a concrete coating as a second option. Tnemec was used in Frontier Justice as an alternative to integral colored concrete panels.

Staff wants a high-quality, durable building that is reflective of the schools USD 500 has built in the last few years. These schools, while using tilt-up concrete panels have been integrally colored and have used thin-brick inlays at the base. While not a school, this building is a school facility and will be seen on a daily basis by its residents of the district, similar to the District's administrative building at 59th Street and Parallel Parkway.

2. Within the Mixed-Use Design Guidelines of the City-Wide Master Plan, high quality masonry building materials approved for this district are stone, brick cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete

is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required on 65% of the sum total of all building façades.

Applicant Response: We do not believe this applies to a B-P district. When we had our preliminary meeting with Rob Richardson, we discussed the appropriate zoning district that a facility of this nature would be located in. His recommendation was to change the zoning to B-P, which we did. The main factor to do this was to not have “M” district in this area. This is a unique facility that is not generally described by the Zoning Code. The B-P district is generally described to allow a mix of primarily office, research and light industrial uses with limited retail and service uses in a planned business park setting. We are not creating a business park, only one building, so we are not setting a standard to be followed by future buildings.

Staff Response: The Mixed-Use designation within the City-Wide Master Plan is predominately along the State Avenue corridor. When development is proposed, staff reviews the zoning district requirements, Commercial Design Guidelines, if applicable; and the appropriate master plan designation based on the area of the city. In our review of the Mixed-Use Designation, we evaluate the Allowed Uses, Discouraged Uses, Required Infrastructure, Design Guidelines, Recommended Density, Green Principles and Cultural Principles. Within the Design Guidelines, all developments must meet the minimum mixed-use guidelines outlined in the master plan. Not everything within the mixed-use guidelines are applicable to this development, but those that are, landscaping and building materials shall be implemented and incorporated into this development.

3. Utility connections (including transformer boxes) shall be screened with 6’ landscaping or a 6’ architecturally designed screen wall. All utilities mounted on the wall shall be painted to match the building.

Applicant Response: Transformer shall be screened with landscaping; RE: Landscape Plan. All utilities mounted on the wall shall be painted to match the wall color to the extent allowed by utility companies.

Staff Response: Utility meters and piping are permitted to be painted, as staff has stipulated in previous applications and has been carried out in the field during site inspection.

4. Downspouts shall be internalized.

Applicant Response: All roof drainage is via internal roof drains. The only external opening will be the lamb's tongue for the required overflow drainage.

Staff Response: The lamb's tongue opening shall be near grade.

5. Overhead doors shall be painted to match the building.

Applicant Response: Overhead sectional doors shall be painted to match wall colors.

Landscaping and Screening:

1. How will you mitigate residents in the apartments from having to look down at the loading docks?

Applicant Response: The apartments do not sit above the new kitchen facility; see attached site plan and site sections. There is dense vegetation, including tall trees between the apartments and the new kitchen facility. We have added several evergreen trees at the northeast corner of the parking lot to provide additional year-around screening.

2. Based on the landscaping requirements in the B-P Planned Business Park District (one tree per 8,000 square feet of site area) and the Commercial Design Guidelines (at least 75 percent greater than the district requirement), 32 trees are required to be planted for the central kitchen facility. These totals do not include the street tree requirement or trees to be planted in the parking lot islands.

Applicant Response: Please refer to the updated landscape plan. Based on our calculations, 30 trees are required based on site area, 53 counting the 75% increase. We have provided 53 new trees (not counting street trees), and the heavily wooded area to the north and west of the building will remain as well.

Staff Response: In addition to the landscape district requirement is one tree per 8,000 square feet of site area, a six-foot high architectural screening in combination with a 25-foot buffer is to be provided alongside and rear property lines common to or across an alley from residentially zoned property.

3. Within the Mixed-Use Design Guidelines of the City-Wide Master Plan, trees are required in the public right-of-way along streets, at a minimum of one shade tree every 40 feet.

Applicant Response: Please refer to the updated landscape plan. Five shade trees have been added between the street and our property. Because of utility easements and existing underground utilities running in the public right-of-way, we have placed one of these trees within our property line.

4. Sec. 27-577(e)(4) Parking areas that cannot be grouped must include one landscaped island the size of one stall separating each 20 spaces.

Applicant Response: There are no rows of parking with more than 20 continuous spaces. The row closest to the building has 20 spaces. We do not consider the ADA access aisles as parking spaces.

5. All landscaping shall be irrigated.

Applicant Response: Landscape areas will be irrigated – see landscape plan for added irrigation notes.

6. All shade trees shall be at least 2” caliper. All evergreens shall be at least 6’ in height. All shrubs shall be 5 gallons, external to the development and 3 gallons internal to the site when planted.

Applicant Response: Understood and noted on Landscape Schedule.

7. Only decorative lighting can be used on the exterior of the building. No wall pack lights or flood lights are permitted. This includes lights over the exit doors as required by the International Building Code (IBC).

Applicant Response: Understood; proposed wall lighting is shown on Photometric Site Plan, SL1.01.

8. All lighting, whether mounted on the building or in the parking lot shall have 90-degree cutoff fixtures.

Applicant Response: Understood.

9. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent

property or public right-of-way. 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.

Applicant Response: Understood. The residential zoning to the north location is over 180'-0" from the parking lot. In addition, this area is heavily vegetated with tall trees.

10. The trash enclosure shall be heavily landscaped and screened with an architectural wall that is comprised of the same building materials as the primary structure.

Applicant Response: The loading dock for the trash compactor and the cardboard baler is adjacent to the building. The south side shall be screened by a concrete wall. The north side shall be screened with plantings – see landscape plan for added evergreen screening.

11. All roof mounted units shall be screened by the parapet of the building.

Applicant Response: All roof top equipment shall be located in the central part of the roof. A higher roof will shield the equipment from view to the south and east. The adjacent property to the north and south is much higher than the roof of this facility; RE: Site Sections. We respectfully ask that a variance be approved that would allow to not provide any shielding on these two elevations.

Signage:

1. Shall comply with the sign ordinance.

Applicant Response: Understood; signage shown does meet requirements of the sign ordinance.

Public Works Comments:

Change of Zone:

- A. Items that require plan revision or additional documentation before engineering can recommend approval: None
- B. Items that are conditions of approval (stipulations): Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.

- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Plat:

- A. Items that require plan revision or additional documentation before engineering can recommend approval: None
- B. Items that are conditions of approval (stipulations): None
- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Plan Review:

- A. Items that require plan revision or additional documentation before engineering can recommend approval: None
- B. Items that are conditions of approval (stipulations): Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Staff Conclusion:

The applicant has worked with staff to resolve most of the planning and engineering questions and comments. The landscaping and screening along the northeast corner of property line shall be enhanced, as foliage will decrease in the winter leaving the site exposed in view of the apartments. The applicant wants to use tilt-up concrete panels similar to B-Street Collision and East Legends Medical Office Building. Staff requests allowing administrative approval to let staff continue to work with the applicant regarding the material and adding brick inlay or other masonry elements and the color of the integrally-colored, tilt-up concrete panel, as staff wants to ensure the paneling is not natural gray as other projects have been following construction even though the plans showed otherwise.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3168, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 3 – 18483...CHANGE OF ZONE APPLICATION #3169 – JOHN FINNEMORE WITH PRIMROSE SCHOOLS

Synopsis: Change of Zone from RP-5 Planned Apartment District to CP-O Planned Non-Retail Business District for a day care school center at 2205 West 36th Avenue, submitted by Robin Richardson, Director of Planning. The applicant wants to build a 12,550 square foot daycare school center at 2205 West 36th Avenue. The center will cater to KU Medical Center and KU Hospital Authority employees but is open to the public. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application #3169 and Plan Review Application #PR-2018-28, subject to:

And

ITEM NO. 2 – 18484...PLAN REVIEW APPLICATION #SP-2018-28 – JOHN FINNEMORE WITH PRIMROSE SCHOOLS

Synopsis: Preliminary and Final Plan Review for a day care school center at 2205 West 36th Avenue, submitted by Robin Richardson, Director of Planning. The applicant wants to build a 12,550 square foot daycare school center at 2205 West 36th Avenue. The center will cater to KU Medical Center and KU Hospital Authority employees but is open to the public. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone #3169 and Plan Review Application #PR-2018-28, subject to:

Urban Planning and Land Use Comments:

The building will be owned by the applicant on a land lease. There may have been a recent land transaction between the University and The Endowment. The zoning will not be published without the proper owner affidavit.

General Planning:

1. Subject to approval, a \$50.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners meeting. *Applicant Response:* Acknowledged.
2. Per Business Licensing: a. If approved, the day care school will need to file the occupation tax application with our office as they would begin operations. *Applicant Response:* Acknowledged.
3. How many staff members are employed at the school? *Applicant Response:* 24 staff at maximum shift.
4. Will trucks or service vehicles make deliveries to the school? *Applicant Response:* Yes, for food deliveries.
5. What are the proposed hours of operation? *Applicant Response:* Our hours will be 6:00 a.m. to 6:30 p.m. Monday through Friday.
6. Indicate on the site plan how drop-off and pick-up circulation will be handled at peak times? *Applicant Response:* Parents are required to park their car and bring their children into the facility, sign the child in and escort them to their respective classroom(s). Parents then return to their car and exit onto West 36th Avenue. The front 18 stalls closest to the building will be utilized for drop off/pick up with any overflow utilizing the stalls across the front drive aisle.
7. Please give a detailed explanation of parking for this facility and the impact on the medical center parking. *Applicant Response:* Parking in the new Primrose School parking lot will not negatively impact the medical center parking lot.

Building and Architectural Design:

1. Please provide color renderings of the entire building, not just the front façade. *Applicant Response:* See attachments.
2. Provide trash enclosure elevations. *Applicant Response:* See attachments.
3. Utility connections (including transformer boxes) shall be screened with 6' landscaping or a 6' architecturally designed screen wall. All utilities mounted on the wall shall be painted to

match the building. *Applicant Response:* Landscaping will take place around the transformer and there will already be a fence around the HVAC that are typically 4' tall. Along with this, the electrical equipment mounted on the building in the HVAC enclosure is typically painted to match the fascia/trim board. *Staff Response:* As stated previously, utility connections shall be painted to match the building, not the window or building trim.

4. Downspouts shall be recessed in the corners of the building. *Applicant Response:* Downspouts are at the corners already; however, on the longer facades a downspout is required in the middle of the span as well.
5. The building elevations do not depict roof penetrations, so will there be any vents, stacks or other protrusions?

Typically, HVAC units are on the roof, but based on the asphalt shingled roof, they will be located on the ground adjacent to the building. *Applicant Response:* There will be roof penetrations for vents, stacks, and/or other protrusions. All roof mounted equipment will be painted to match the shingle color.

Landscaping and Screening:

1. Based on the landscaping requirements in CP-0 Planned Nonretail Business District (one tree per 7,000 square feet of site area) and the Commercial Design Guidelines (at least 75 percent greater than the district requirement), 14 trees are required to be planted for the new daycare school center. These totals do not include the street tree requirement or trees to be planted in the parking lot islands. *Applicant Response:* Acknowledged. Trees have been added to meet the 14-tree requirement for open space landscaping.
2. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two inches (ornamental) evergreen trees must be (at least six feet tall when planted) provided for every 30 feet of street easement or frontage.

b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart.

Groupings of ornamental trees and shrubs should be placed in between the street trees. *Applicant Response:* Acknowledged. Street trees have been spaced 60' on center along with street frontage trees of 1 tree per 30' of street frontage.

3. Sec. 577(e)(4) Parking areas that cannot be grouped must include one landscaped island the size of one stall separating each 20 spaces. Revise and resubmit the paving plan. *Applicant Response:* Landscape island to separate each 20 spaces has been added to plans.
4. All shade trees shall be at least 2" caliper. All evergreens shall be at least 6' in height. All shrubs shall be 5 gallons, external to the development and 3 gallons internal to the site when planted. *Applicant Response:* See landscape schedule. All trees are 2" and evergreen trees 6' and shrubs 5 gallon. Ornamental grasses are 1 gallon.
5. All landscaping shall be irrigated. *Applicant Response:* See sheet L200 Landscape Notes that all areas must be irrigated.
6. All lighting, whether mounted on the wall or installed in the parking lot shall have 90-degree cutoff fixtures. Light fixtures mounted on the wall shall be decorative, including those above egress doors as required by the International Building Code (IBC). *Applicant Response:* Acknowledged.
7. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. 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. *Applicant Response:* Acknowledged.

8. The trash enclosure shall be heavily landscaped and screened with an architectural screen wall that is comprised of the same building materials as the primary structure. *Applicant Response:* Landscaping around dumpster has been added.

Signage:

1. Shall comply with the sign ordinance. *Applicant Response:* Acknowledged.

Public Works Comments:

- A. Items that require plan revision or additional documentation before engineering can recommend approval: None

- B. Items that are conditions of approval (stipulations):

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

- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3169 & Plan Review Petition #PR-2018-28 subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 4 – 18485...CHANGE OF ZONE APPLICATION #3170 – ANDREA WEISHAUBT

Synopsis: Change of Zone from A-G Agriculture District to R-1 Single Family District to sell the house at 9837 Meeks Road, submitted by Robin Richardson, Director of Planning. The applicant, with Atlas Surveyors, has request a change of zone of 9809 Meeks Road from AG Agriculture District to R-1 Single Family District. This application was submitted in conjunction with an administrative lot line adjustment to move the lot line between Winter Acres Lot 5 and Winter Acres Lot 6 to the east. The resulting Lot 5 would be less than five acres (the minimum lot size in

the Agriculture District), and therefore must be rezoned to R-1 Single Family before the lot line adjustment can be approved. The Planning Commission voted 5 to 0 to recommend approval of Change of Zone Application #3170, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department following the Unified Government Board of Commissioners meeting.

Public Works Comments: None

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application #3170 subject to the stipulations . Roll call was taken on the motion and there were nine “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

SPECIAL USE PERMITS

ITEM NO. 1 – 18486...SPECIAL USE PERMIT APPLICATION #SP-2018-68 – DARRYL BAGLEY

Synopsis: Special Use Permit for the Temporary Use of Land to park a tow truck at the residence at 4100 Haskell Avenue, submitted by Robin H. Richardson, AICP, Director of Planning. The Planning Commission voted 5 to 0 to recommend denial of Special Use Permit Applications #SP-2018-68, subject to:

Urban Planning and Land Use Comments:

The applicant has not responded to staff questions below since August nor has he conducted a neighborhood meeting.

1. Will you park the truck with junk or hauled cars on your property?
2. How long has this been parked on the property?
3. Have you had complaints from your neighbors?
4. What hours do you operate?

5. Is this your truck or a company truck?

This is an active Code Enforcement Case, if denied, they will proceed with the case.

Public Works Comments: None

Business License Comments:

1. D&K Towing has a current occupation tax on file.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to deny Special Use Permit #SP-2018-68. Roll call was taken on the motion and there were nine “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 2 – 18487...SPECIAL USE PERMIT APPLICATION #SP-2018-80 – IIKHOM SAIDOV WITH FRANK MOTORS, INC.

Synopsis: Renewal of a Special Use Permit (#SP-2016-71 - expires 12/1/2018) for used auto sales at 1604 North 3rd Street, submitted by Robin Richardson, Director of Planning. The applicant, has been using the property as a used auto sales business and wishes to continue operating at the current property. The Planning Commission voted 5 to 0 to recommend denial of Special Use Permit Application #SP-2018-80 for the reasons outlined by staff.

Urban Planning and Land Use Comments:

The applicant has not responded to staff questions below since August nor has he conducted a neighborhood meeting.

1. What changes have been made since first receiving the special permit in 2016? (please provide before and after pictures).
2. Has the amount of people you currently employ changed from your original estimation?
3. What are your hours of operation?

4. You originally estimated that you'd plan on keeping 20-40 cars. Is this number still consistent or has your inventory grown/diminished? Is there any anticipation to increase inventory?
5. You stated in your letter that you have invested money in signage, do you have pictures of said signage?
6. Is each automobile in a striped, designated parking space?
7. Do you have any proposed plans/mock ups of the future potential lighting and updated fence?
8. Have you fulfilled all the required actions that were stated in the stop work order issued to your business on September 04, 2018? If not, how do you plan to comply?

Business License Division Comments:

1. #SP-2018-80 Ilkhom Saidov with Frank Motors Inc., Renewal of a Special Use Permit (#SP-2016-71 - expires 12/1/2018) for used auto sales at 1604 North 3rd Street. Frank Motors has filed and maintained a current occupation tax application with the Business License Division.

Public Works Comments: None

Staff Conclusion:

Applicant has not complied to the standards and regulations that are required for the possession of a special use permit. Due to this failure of compliance, staff recommends the denial of this petition.

Ilkholm Saidov, 1604 N. 3rd Street, said we missed our first hearing. As a result, we got recommended for denial. I was just wondering if they can reconsider. **Robin Richardson, Director of Planning**, said when the staff sent out the draft comments, the applicant didn't respond. You'll see in the staff report beginning on page—there's a stop work order from Building Inspection on page 15 that following that on pages 16, 17 and 18 you'll see what is really a salvage operation. It appears there are scrapped cars and scrapped parts. Their special use permit was for auto sales, not for a salvage yard. They haven't complied with the previous stipulations of their approval and the staff recommends denial.

Mayor Alvey said is there anyone that would like to speak in support of this petition? Is there anyone that would like to speak in opposition? Seeing none. Are there any questions or comments from the Commission? Seeing none, I'll entertain a motion.

October 25, 2018

Action: Commissioner Kane made a motion, seconded by Commissioner Johnson, to deny Special Use Permit Application #SP-2018-80. Roll call was taken on the motion and there were nine “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 3 – 18489...SPECIAL USE PERMIT APPLICATION #SP-2018-81 – LAURA SUMMA WITH CHICAGO'S

Synopsis: Special Use Permit for an expansion to the existing bar at 534 Central Avenue, submitted by Robin Richardson, Director of Planning. The applicant is seeking to build a community space, parking and a patio. They are planning a maximum of four live entertainment events which will be permitted through the Business License Division. This will be an area for community space to watch air shows, etc. They are also expanding their area for alcohol service which as an expansion, and also requires a special use permit as they do not meet the 50 percent food sales ratio. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2018-81 for two years subject to:

Urban Planning and Land Use Comments:

1. Please include the roof top area over the future restrooms in the parking calculations.
Applicant Response: The area will be unoccupied after the roof top deck is built. *Staff Response:* Please calculate the restroom and bar area at 1 per 300 per the parking code. One additional space required will be added to the application.
2. Please clarify how many on-street spaces are being added minus the parallel spaces being removed.

<u>PARKING</u>	
PARKING REQUIRED	
NEW PATIO 1250 SF	
1 STALL PER 50 SF =	25 STALLS REQ.
EXISTING PARKING	
OFFSTREET	2 STALLS
ON STREET	20 STALLS
TOTAL EXISTING PARKING	22 STALLS
PROPOSED PARKING	
OFFSTREET	13 STALLS
ON STREET	18 STALLS
LOSS OF 2 ON-STREET STALLS	
TOTAL PARKING PROPOSED	31 STALLS
	GAIN OF 9 STALLS

Applicant Response:

Staff Response: There is

actually one additional space required for the area under the roof deck. That said, the current plan is a net increase of 8 spaces.

3. Please set a meeting and review this plan with Public Works to verify the ability to do the restriping. *Applicant Response:* Completed
4. Please show the new bump outs in concrete with planters for street trees. *Applicant Response:* See Drawings for changes
5. Replace curb and sidewalks as necessary. Speak with Public Works about utilizing the City's 50/50 program to make these improvements. *Applicant Response:* They will take advantage of the program.
6. A Special Use Permit for live entertainment is required for events on the stage. *Applicant Response:* Agreed
7. Please provide elevations of the stage, dumpster screening, future restrooms and proposed fencing. *Applicant Response:* Stage is added on a per event basis. If a permanent stage is built, drawings will be submitted for staff approval. Other details are added to the drawings. *Staff Response:* This is acceptable
8. Please describe the potential noise levels from any live entertainment. *Applicant Response:* Not to exceed 100db due to the size of the area and small crowds. *Staff Response:* Reasonable

hours should be put on these events given that there is a residential unit next door. Staff would suggest ending weekend outdoor music events by 11 p.m. and by 9 p.m. on weekdays.

9. The bus must be secured to a permanent foundation within one year of approval. Improvements requiring electricity, plumbing or other construction will require permits. *Applicant Response:* Acknowledged
10. The use is not in a planned district, so all improvements will be reviewed by DRC for final approvals. *Applicant Response:* Acknowledged

Business License Comments:

Chicago's has filed and maintained a current occupation tax application with the business license division. If approved, all records will need to be updated with new diagrams to reflect expansion changes.

Public Works Comments:

- A. Items that require plan revision or additional documentation before engineering can recommend approval: None.
- B. Items that are conditions of approval (stipulations):
 1. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
 2. The retaining wall will be reviewed by DRC.
- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-81, for two years, subject to the stipulations. Roll call was taken on the motion and there were nine "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 4 – 18480...SPECIAL USE PERMIT APPLICATION #SP-2018-84 – JOHN L. PETERSON

Synopsis: Renewal of a Special Use Permit (#SP-2016-60 - expires 12/1/2018) for an event hall at 713 Osage Avenue, submitted by Robin Richardson, Director of Planning. The applicant, John Peterson, on behalf of the owner, Robert Eickhoff Sr., proposes the approval of a renewal of a Special Use Permit to operate the Park Hall Event and Meeting Center at 713 Osage Avenue. The space is available to rent by interested parties and has hosted a variety of events including wedding receptions, birthday parties, and business meetings. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2018-84, subject to:

Urban Planning and Land Use Comments:

1. Have there been any changes to the operations of the event center since the original approval of the special use permit? *Applicant Response:* Nothing has changed since original permit; it is a popular place in the neighborhood.
2. Have there been any complaints or issues from neighboring property owners? *Staff Response:* See comments from Police Department and neighborhood meeting minutes.
3. Subject to approval for five years.

Business License Comments:

1. Park Hall has obtained and maintained a current occupation tax application with the Business License Division, as well as annual live entertainment license.

Public Works Comments: None

Police Department Comments:

1. 713 Osage has had two calls for service at the location, but there is no concern for recommending approval.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-84 for five years, subject

to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 5 – 18490...SPECIAL USE PERMIT APPLICATION #SP-2018-85 – ANDREW NEHRIG

Synopsis: Special Use Permit for an Airbnb at 3101 South 7th Street, submitted by Robin Richardson, Director of Planning. The applicant wants to operate a short-term rental, Airbnb at 3101 South 7th Street. This is the applicant’s primary residence. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #SP-2018-85, subject to:

Urban Planning and Land Use Comments:

1. How long has the business been in operation? *Applicant Response:* August 2018
2. Were neighbors consulted prior to opening the business? *Applicant Response:* Yes, but not all neighbors.
3. Do you have a business license? *Applicant Response:* No.
4. Have you paid appropriate lodging taxes? *Applicant Response:* No.
5. How many rooms are rented? *Applicant Response:* 3 bedrooms plus a family room and kitchen.
6. What is the maximum number of people that will be staying at any one time? *Applicant Response:* 9
7. What is the maximum number of vehicles and where will they park? *Applicant Response:* 5; the property has plenty of off-street parking in addition to the driveway spots in front of the house.
8. How often are guests in the residence? *Applicant Response:* Estimated 1-2 nights a week.
9. Do you have a rental license from the Unified Government for the facility? *Applicant Response:* No.
10. Describe in detail the areas rented for Airbnb/other rental operations. Include bedrooms, bathrooms common areas, etc. *Applicant Response:* On the first floor there is a living room, kitchen, half bathroom, and outside patio for rented use. On the second floor there are three bedrooms and a full bathroom as well.

11. As this is not your primary residence, where are you located? *Applicant Response:* This is our primary residence.
12. How often do you visit the property? *Applicant Response:* We live full time on the property except for a few days a month due to personal use. *Staff Response:* Could you please clarify “personal use”? Do you travel for leisure, work and the whole home is able to be rented?
13. Who is responsible for issues that may arise when guests are in the unit, if neighbors have concerns, or to clean and prepare the house between guests? *Applicant Response:* I (the homeowner) will be the main contact for the house and will be checking the property between guests.
14. Have you provided your surrounding neighbors with your contact information should they have concerns? *Applicant Response:* Yes.
15. Describe how you will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house
 - i. All smoke detectors are in working order and the house will be checked after each guest for tempering with any of the smoke or carbon detectors
 - b. GFCI outlets are required in bathrooms.
 - i. The house is fully equipped with GFCI’s in the kitchen and bathrooms are up to code
 - c. Double keyed locks are not allowed
 - i. The locks will be to code
 - d. Copper cannot be used for gas supply lines
 - i. There is not copper piping for gas lines
 - e. Windows must be operable, not blocked or boarded
 - i. The windows will be in working order
 - f. Handrails are required at sets of four or more stairs/risers
 - i. There are handrails on the stairs of the property
 - g. Hot water tank and furnace must be vented properly and operational.

i. The hot water heater and furnace are vented properly and located in the basement of the house. Guests will not have access to the basement.

h. Electric panel and circuits must be safe

i. The electric panel and circuits are safe and secure

The house was fully inspected in July 2018 up to FHA lending code.

16. In addition to no parties and events, as associated with AIRBNB and other website bookings, no outside visitors, and only overnight guests who have a reservation are permitted to stay.

17. Weekday and weekend quiet time shall be at 10:00 p.m.

Business License Comments:

If approved, applicant will need to file and maintain the occupation tax application with our office for the business activity

Public Works Comments: None

Stipulations of Approval:

1. Host will maintain a safe environment described above.
2. Host will obtain a business license with the City.
3. Approval is for one year.

Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application #SP-2018-85 for one year, subject to the stipulations. Roll call was taken on the motion and there were nine “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 – 18491...PLAN REVIEW APPLICATION #PR-2018-23 – MONSIGNOR STUART W. SWETLAND WITH DONNELLY COLLEGE

Synopsis: Preliminary and Final Plan Review for an expansion/renovation at 1719 Tauromee Avenue, submitted by Robin Richardson, Director of Planning. The applicant is seeking approval

of a Preliminary and Final Plan Review for the demolition of the existing building at 1719 Tauromee Avenue and the construction of a 24 space surface parking lot with petition #PR-2018-23 and the approval of a Final Plan Review for a 5.02-acre site at 608 North 18th Street that currently features an academic building, residential tower, and supporting parking for a new academic building, open space, parking deck, and surface parking with petition #PR-2018-30 approved on October 8, 2018. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application #PR-2018-23, subject to:

Urban Planning and Land Use Comments:

1. Though this is not a designated historic property, the church, built in 1920 contributes to the historic nature of the area, which is in close proximity to Westheight Neighborhood Historic District and Wyandotte High School, both on the National Register of Historic Places. Demolishing this building in order to build a surface parking lot with 24 spaces does not seem in the best interest of the community and will further degrade our urban core for what is a short-sighted use. *Applicant Response:* We don't believe accommodating the parking needs of Donnelly College and supporting the investment they are making into the area is a short-sighted issue. *Staff Response:* See comments on #PR-2018-30
2. Commercial parking adjacent to one of the urban core's most successful neighborhoods is not a compatible land use. *Staff Response:* This is not an accessory use, it is a primary use on this tract. While keeping parking off the streets in the residential areas is an admirable goal, the current plan provides significant reductions already which will create that benefit without the potential downsides.

Applicant Response: Parking for accessory uses is generally compatible use for churches and universities. We are focused on creating a campus environment within Donnelly College and extending to the larger community campus: Macedonia Missionary Baptist Church across the street, Bishop Ward High School and the Sisters of Servants Mary. All entities share parking to reduce the amount of actual parking on this larger community campus. The larger community campus is focused on keeping parking off of the residential portion of the street.

Staff Response: See comments on #PR-2018-30.

3. If approved, the parking lot shall be built to Commercial Design Guideline standards, including lighting and landscaping. Extra care must be given to screen the lot from the adjacent neighborhood. This may result in a loss of parking spaces. A solid fence or continuous hedge row on the west and north sides of the fence as well as a solid row of columnar Evergreens on the side of the fence adjacent to homes is required. *Applicant Response:* acknowledged, landscaping will be provided

Public Works Comments:

- A. Items that require plan revision or additional documentation before engineering can recommend approval: None.
- B. Items that are conditions of approval (stipulations):
 1. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Tom Coulter, MC Reality Group, 114 West 11th, Kansas City, MO, said we represent Donnelly College. **Mayor Alvey** asked are you going to do a presentation on the proposal? Are you prepared to do that? **Mr. Coulter** said this particular part of the presentation is to build a small parking lot on the side of the church there at 18th & Tauromee. The parking lot, if built, will exit onto 18th Street, not Tauromee and there'll be a crosswalk on 18th Street to allow the students and faculty to get safely across 18th Street over to the main side of the campus. The main goal of our parking initiative is to keep parking off the streets, keep student parking off the streets and have to be in parking lots on our property.

Robin Richardson, Director of Planning, said, Mayor, I would add to that this comes to you recommended for approval from the Planning Commission with some modification and that is that the college would look to provide designated on-street parking in like a diagonal fashion adjacent to their site and spend two years trying to find an adaptive reuse of this building that's part of the

neighborhood. It's not designated a historic building, but it is a pretty cool old building, and maybe more of an asset to everyone than a parking lot. Monsignor and I discussed that at great length and he was very willing to take that on as another project for them to look different ways to provide the parking without having to tear down the structure. We're not sure that having parking lots adjacent to the residences is the best way to foster the long-term health of the neighborhood.

Mayor Alvey said, Rob, it says a preliminary and final plan review for an expansion/renovation at 1719 Tauromee. Is that for renovation of the building or to establish the parking? **Mr. Richardson** said this was a little bit of an odd case because when the legal description came to us at first, we didn't realize that they hadn't included the site at the southeast corner of 18th & Tauromee; and so rather than hold everything back, we put that on a separate track and so that's coming to you. The preliminary plan for the rest of the site has already been done but this is kind of a tagalong piece so they can the rest of the project moving forward. **Mayor Alvey** said but again, is this to renovate the building? Is this the proposal for it? **Mr. Richardson** said the current situation is that they're going to try for two years to find an adaptive reuse. If they don't, they could tear down the building and create the parking lot. **Mayor Alvey** said I see. Okay. Is there anyone else who'd like to speak in support of this? Seeing none. I'd ask if anyone would like to speak in opposition. Please come to the podium, state your name and your address.

Michael Snodgrass, 600 N. 17th Street, said I'm probably the one most affected by the parking lot proposal. My only parking is in the garage on Tauromee kind of almost adjacent to the church now. The church by itself is not—once in a while we come across some parking issues with them parking on the wrong side of the street but for the most part, it's not an issue, but to add another parking lot in a neighborhood is not the best. I read the staff comments the best and highest use, and I saw the applicant's comments. Well, it's another parking lot. There's already three parking lots. That's kind of a nonsense type of comment because you know, you have three liquor stores in a neighborhood, the fourth one doesn't make a difference. They always make a difference when you start to tear down old buildings in a neighborhood.

This is a building that could be a rehabbed. I've worked in a not-for-profit for 26 years doing buildings just like this in lots of neighborhoods so we have—in fact, my first office was in Donnelly College when I started Catholic Housing back in 1999. I have nothing against Donnelly

College or any of the expansion. I love what they're thinking about doing but to add a parking lot even with the two-year stipulation to find something else. You know I think there may not be some real movement towards looking hard at an adoptive reuse if you have that hammer over your head saying, well, if you don't find it within two years...parking lot and that's the ultimate goal it sounds like to me is they want to add 24 parking units which is small.

In addition, I read the staff and applicant response that said, well it's cheaper than to add another story on the existing parking garage that's being proposed. Well that's not necessarily true. I've done a lot of demolition and I know there's going to be environmental hazards inside this and demolition itself is an expensive hazard and then you've got the paving and everything else that goes along with it. It's probably going to be pretty close to a wash to adding an additional level on a parking garage. I come to you saying that I'm not sure that—I appreciate staff and trying to get that adaptive reuse, but to have that hammer of two years and it just automatically becomes a parking. I would like to end—we really haven't been notified much of this. They sent my notification to my work, not to my house. It's hard for me. I didn't find out it until my neighbor told me about it. I appreciate and I'd like to see this actually sent back for further discussion with the neighborhood in particular because my only access is right there onto 18th Street and it's a one way going that way so I have no other way to go but that way.

Tim Byers, 606 North 17th, said I'm his neighbor but two things. In the first place I don't think we need another parking lot. That church is also, I mean I'm not a member, but I live there and it's good for the community. If we're talking a community center, whatever you want to talk it, it's a church. It's good. There's a lot of people there. There's a lot of positive activity. I like the idea of making the neighborhood better. I don't like the idea of sitting back, you know, let's see what happens in two years because I kind of agree with him. Two years is—we don't need a parking lot. I'm sorry if it costs more money to build. We also don't need a parking garage in the future. I think it's a slippery slope. That's what I think.

We've got a good neighborhood there. I've lived all over and I love Wyandotte County and I've only lived here five years. This is the best neighborhood I've ever lived in. I just don't think we need a parking lot.

Mayor Alvey said is there anyone else that would like to speak in opposition? Seeing none. Are there any questions from Commission?

Commissioner McKiernan said, Mr. Snodgrass, you live to the north and to the east of this. You're actually across the street from the proposed parking lot. Your property is actually adjacent to a current parking lot for a different church. **Mr. Snodgrass** said correct. **Commissioner McKiernan** asked and how has that current parking lot negatively affected your access or your egress. **Mr. Snodgrass** said the current parking lot is only used sporadically. It's not used on a daily basis. It's not quite the same I think the Opera House is. I think Donnelly College intends to use it on a daily basis when school is in session so I think there will be a much—and that parking lot, quite frankly, I bought the house back in 2004, 2005. That parking lot was already there. It wasn't like I could do anything. If there would have been a house there I would have preferred it, but to continue to tear down existing structures that actually help my appraised value and helps the neighborhood's appraised value for a parking lot, that doesn't really do anything for appraised values or anything for the neighborhood in general for an improvement. I just think it is a wrong direction to go.

Commissioner McKiernan asked and how do you anticipate that if this were to be a parking lot on the southeast corner, how would it negatively affect your access or egress. **Mr. Snodgrass** said doing school, I can tell you trying to take a left off that street because again that's the only way I can go out of my garage is you go to the west, if you try to take a left out there, there's no stop sign or a stop light. You may have to wait a while then to get out. To add additional parking—and there's going to be additional parking there already with what's being proposed but to add parking then into the other corner, it's just going to make that corner that much more—**Commissioner McKiernan** said and I think Mr. Snodgrass brings up an excellent point with the street configuration in this particular neighborhood given the site lines. If you're coming north on 18th Street, you crest the hill going north and you have almost—you have a very short time to react to any car that is attempting to turn left or go south on 18th Street. Anyone who is sitting west going south runs the risk of turning out in front of somebody. I can definitely see your point on that. In the time you've been there, you said 2004. **Mr. Snodgrass** said yes. **Commissioner McKiernan** asked has anybody used that structure other than the church that has most recently

used it. **Mr. Snodgrass** said I think there's been a couple churches that have used it over the years. The current church has been pretty active. They have actually gone around into the neighborhood and tried to engage the neighborhood a little bit and meet the people. Again, it's more of a Hispanic church, which again we welcome the diversity into the neighborhood.

Commissioner McKiernan said and the current church that parks across the street on the west side in Donnelly's lot. **Mr. Snodgrass** said correct. **Commissioner McKiernan** said because the school isn't in session and they park over there. **Mr. Snodgrass** said or they park adjacent to the church. They'll park on the north side. **Commissioner McKiernan** said I've gotten complaints about parking from the current church. It has not been problem free with the current church parking in that location. If Donnelly builds across the street, which is where they're proposed building is, that's going to take out that existing parking lot. It's going to take out all of the across the street parking that church has. Where are they going to go? **Mr. Snodgrass** said I can't tell you. **Commissioner McKiernan** said and I think that presents a potential problem that amplifies the current problem of parking around in the neighborhoods and generating concerns about blocking driveways and being in the way and it certainly amplifies the left turn onto 18th Street problem.

In the staff report the applicant commented that the building is functionally obsolete, totally non-compliant with ADA, has no parking, contains hazardous construction materials that need to be abated and is in poor repair. Do we have any independent verification of that? **Mr. Richardson** said you and I probably drive by that building a lot. It does need repair and when we say adaptive reuse, we don't necessarily mean a church. It might be for apartments. It might be student housing for Donnelly. Those are things that we talked about but that would give the structure new life. It would reduce the parking requirement for that structure and it would remain an asset to the neighborhood rather than an empty parking lot. That's what I talked about with Monsignor and he seemed to be very amenable to that. I mean we left the meeting smiling shaking hands. I think that they're very willing to work on that but it is oddly configured on the inside. It has a large main area but it has narrow classrooms on the outside. It isn't going to be an easy remodeling job like the school was over on State Avenue that was already kind of divided up into rooms and floors. It'll be more significant than that. I think that they've committed to diligently pursue that. I didn't make any recommendations related to some extraordinary checkup on them doing what they said

they would do. I really think Monsignor is going to pursue that and try to find somebody else to remodel that building and make a different use of it. If it remained as a church for an extended period of time, you're right, there could be some parking issues, but the parking lot will remain on the southwest corner. They're not taking that out so there will be some parking there but there would not probably be enough for a full congregation there.

Commissioner McKiernan said so I've got another question about that. When this was first before the Planning Commission, my understanding was it was going back for discussion to see if there was any possible way to reconfigure their other space on the west side of 18th Street to eliminate the need to put these spots over here. Did that not—**Mr. Richardson** said yes. They're going to do that anyway. They're going to look for ways to put head-in parking along Tauromee and the street to the west of the school that I can't remember which number that is. **Commissioner McKiernan** said 19th would be west of the school. **Mr. Richardson** said yes, 19th, and so there is some extra room there where they could put head-in parking within their site plan. They might be able to add 24 on-street spaces. They would still be on the street but they'd be head in parking like we have along 6th Street or 5th Street so it would still be accessible to the neighborhood and you know at night when the school is not in session the neighbors could use those. **Commissioner McKiernan** asked would that not eliminate the need to raze this structure? **Mr. Richardson** said yes, I think so. That was part of my idea would be they would have enough parking and then they wouldn't need to be—**Commissioner McKiernan** said I think Mr. Snodgrass makes an excellent point that the adjustment or the amendment or the way you phrased it, isn't as I read the action that is before us tonight but that they'll try to find an adaptive reuse. That's not what it says here at least on my sheet and maybe you can help me out with that. I think he makes an interesting point that trying to find an adaptive reuse is great but if you don't find it, oh well. I see what you're saying that there is not necessarily an urgency to find an adaptive reuse if there's just a timeframe to wait out. That's all I have for now.

Commissioner Johnson said my first question is to Rob. Is there an existing congregation in this building right now? **Mr. Richardson** said I don't know the answer to that. **Mr. Snodgrass** said absolutely. **Commissioner Johnson** said there is a congregation in there. How long have they been in there? **Mr. Richardson** said I don't know the answer to that. **Commissioner Johnson**

said it seems to me, because I drive past this building a lot as well, that seems like there's been different congregations in there and I'm just wondering how much parking is an issue for that congregation at this particular time. I guess you're thinking about that.

Mr. Snodgrass, you had put, I think in the memo, something about landscaping perhaps and I think you indicated it says to the south but I think you might be referring to the north, that might be something you might be agreeable to if they decided to make a lot out of that. I just want to get some clarification. **Mr. Snodgrass** said yes. I mean that's the worst-case scenario I guess. If it has to be there, if there's no other alternative than to put parking there, again, because the neighborhood, my backyard is literally right next to the parking lot.



Yes, that's my house. My backyard extends back to the west. We see straight into the church and straight into the other parking lot, although they put a fence and some landscaping to hide as much as possible the church immediately to the west. Worst-case scenario, you can't find a reuse for the building, which I do historic rehabs and have done. We did old Fire Station #9 over here which the city was going to tear down and made it into something different. I know this can be done but you got to protect the neighborhood. You have to be able to find a way to not make it—it's going

to negatively impact. If you tear down a building, it's going to negatively impact appraised values no matter what. Parking lots don't add value to your house. If you have one parking lot next to you and it's negatively impacting it, if you put another one immediately next to it, it's going to negatively impact it. You can pretty it up all you want. It's going to make it a little bit better. It's still going to be a parking lot.

Commissioner McKiernan said I have one more question. Rob, this might be for you. Was Traffic Engineering consulted on this because I keep coming back to this issue of a stop light there at Tauromee & 18th Street. If we have 24 spaces on the east side of the street with students who are going to the west side of the street for classes, they're going to be effectively pulling out into 18th Street walking across the same way a car would. The same problems where you come across the hill going northbound on 18th Street and you have a very short sightline before you, and if you're going any rate of speed at all, you have short time before you could react to someone who was effectively just crossing without protection across that street. **Mr. Richardson** said we have discussed that issue with the applicants and when we came to this resolution we thought we had a way around having that parking lot there. We think the church will stay. It'll be reused and we won't have to address that but they might have—if they go to build it, there might be other conditions that they need to put in there to make sure that the crosswalk is safe. Just to be clear, the recommendation of the staff on page 10 of the staff report is where we talk about the two-year period and the reuse. It's under staff recommendation. **Commissioner McKiernan** asked is that under—oh I see that. Numeral two. **Mr. Richardson** said no. My page 10 it says staff recommendation starts at 1:15:20. It's in part of the minutes. **Commissioner McKiernan** said I found it. I see what you mean. **Mr. Richardson** said sorry that didn't get conveyed over to the main part of the staff report. I was a little confused when you said that because I thought it was there. **Commissioner McKiernan** said I now see it.

Commissioner Philbrook said to me, not knowing as much about this as these two gentlemen but looking at recommendations and looking about some of problems, are we really giving guidelines? I mean what we really want to happen and are there checks and balances in this? I don't see any checks and balances really in this. We're kind of like giving carte blanche, go ahead do what you

want to do, come back and tell us what you decide. I don't know. That's kind of weird to me. Sorry, I just have to say that.

Commissioner McKiernan said you said that, I'm looking for the drawing here. You said that the access for this lot will be onto and off of 18th Street. **Mr. Richardson** said that's correct. The diagrams are on page 17 in the staff report. **Commissioner McKiernan** said I got it. I guess my question would be, doesn't that complicate the issue that we've already discussed about a car that exits southbound onto 18th Street is going to have the same problem that you have at Tauromee only complicated because it's closer to the crest of that hill. **Mr. Richardson** said I agree. The way I approached this was Donnelly College is going to find an adaptive reuse. They're going to provide the other parking that they need without having to tear this building down and the issues related to the parking lot would go away. Obviously, some folks aren't as confident about their ability to do that as I was.

Mayor Alvey said if there are no more comments or questions from Commission, I'd ask the petitioner if you have any further comments you'd like to make.

Mr. Coulter said just in response to a couple of questions. This church has been there for three or four years. Donnelly's owned it since about 2010 I would guess, the property. I think this is the only church that's been there during their ownership. There was a previous congregation there from which Donnelly purchased the building, and as the staff has mentioned, Monsignor did meet with them and it truly is our intention to find another buyer for the property but we do need the flexibility if that doesn't take place in order to meet the growing needs of our campus community.

Commissioner Townsend asked what happens, if despite best efforts, there is no adaptive use found after two years? **Mr. Richardson** said, Commissioner, the college would be able to remove the structure and provide parking or let it remain as a church or they can continue to search for adaptive reuse. It's my belief that they're going to provide extra parking for these 24 spaces closer to their campus where they really want it to be and they won't need this space anymore. They will work actively to try and find some other way for it to be used. **Commissioner Townsend** said I guess I appreciate the comments made earlier that this seems not to be a safe here for what

happens in two years. I'm almost thinking if they're willing to wait two years, you know, come back when we know in two years what's happening.

Commissioner Kane said I think we have too many questions and not enough answers and there's some confusion about the landscaping. There's confusion about the street light. I just as soon send it back, let them work it in more detail because there are a lot of what ifs and I'd rather have some answers than vote on a what if.

Action: **Commissioner Kane made a motion, seconded by Commissioner Philbrook, to send #PR-2018-23 back to Planning & Zoning.** Roll call was taken on the motion and there were nine "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 18488...SPECIAL USE PERMIT APPLICATION #SP-2018-77 - JENNIFER L. RIOS

Synopsis: Special Use Permit for a day care for children ages 2 to 12 at 6601 Leavenworth Road, submitted by Robin Richardson, Director of Planning. Ms. Rios is seeking a Special Use Permit to operate a day care in a home that is not her primary residence. The Planning Commission voted 4 to 1 to recommend approval of Special Use Permit #SP-2018-77 for a maximum of 20 children for one year (does not include use of the basement), subject to:

Urban Planning and Land Use Comments:

1. How many children do you expect to have in your care? *Applicant Response:* 20 (revised from 10).
2. How many employees do you intend to have working at any one time? *Applicant Response:* 2.

3. If approved, the applicant must obtain a business license tax receipt.
4. Please explain how you plan to keep noise down as to not bother neighbors nearby. *Applicant Response:* The applicant will build a privacy fence.
5. How do you plan to ensure parking and traffic is not an issue when parents are dropping off and picking up their children? *Applicant Response:* The drive can accommodate up to 11 cars.
6. Any parking area needs to be striped and meet code requirements for dimensions. *Applicant Response:* The applicant agrees.

Public Works Comments:

- A. Items that require plan revision or additional documentation before engineering can recommend approval:
 1. The Leavenworth Road Improvement project early designs for this section of the road indicates the closure of one of the drive entrances i.e. close to the intersection with N. 65th Street, along with the construction of a new drive entrance to the property on N. 65th Street. The applicant shall adjust access to the site in accordance with the Leavenworth Road improvements. *Applicant Response:* I will have maps for the parents indicating they must come from 72nd Street towards the daycare and my driveway curves like a cul-de-sac and has enough driveway to where they can enter my driveway and then turn left to exit facing head out to Leavenworth Road not backing out into the street. So, this ensures a safe exit to Leavenworth road. This work on Leavenworth road will not be an issue at all.
- B. Items that are conditions of approval (stipulations): None
- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents: None

Mr. Richardson said, Mayor, you'll recall that last month this body sent this case back to the Planning Commission to identify an appropriate number of children for the facility. The site is capable of serving 20 children without using the basement. We've said don't use the basement for this first year and limit it to 20 kids. It comes to you recommended for 20 children for one year.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to approve Special Use Permit #SP-2018-77, for one year, subject to stipulations.

Mayor Alvey said it is a public hearing. I'd have to ask for the petitioner to please present your application. Please present your application. State your name and address.

Jennifer Rios, 6601 Leavenworth Road, said I do have the recommendation and just wanted you to hopefully support that recommendation so that I can move forward with my plan.

Mayor Alvey asked is there anyone who would like to speak in favor of this. There were none.

Mayor Alvey asked if there anyone who would to speak in opposition. There were none.

Action: Commissioner Philbrook made a motion, seconded by Commissioner Johnson, to approve Special Use Permit #SP-2018-77, for one year, subject to stipulations. Roll call was taken on the motion and there were nine "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

REGULAR CONSENT AGENDA

Mayor Alvey said that concludes the Planning & Zoning portion of tonight's meeting. We'll now move to the regular portion of our agenda. Does any member of Commission or anyone in attendance tonight wish to set-aside any item on the regular Consent Agenda? If an item is not set aside, all items on the Consent Agenda will be voted on by one vote.

Darryl Bagley said I've been kind of ill and that was the reason for the last time that you guys met I wasn't present. **Mayor Alvey** said sir, I think that you were to have pulled this item before.

Robin Richardson, Director of Planning, said correct. This was on the previous Consent Agenda and it was voted on and recommended for denial by this body as part of the earlier Consent Agenda.

If you want to reconsider that, you'd have to have a motion to reconsider the motion, then revote on the motion and then hear the case again. **Mayor Alvey** asked which item is this Rob? **Mr. Richardson** said B-1. **Mayor Alvey** said we would need a motion to—**Mr. Richardson** said according to Robert's Rules of Order you'd have to have a motion to reconsider. If that motion past then you could have a vote on that motion to rehear the case and then you could rehear the case and have another vote. It's a little bit complicated but that's the process.

Ken Moore, Chief Legal Counsel, said if you take any action other than the Consent Agenda to deny, you'd have to revisit that issue whether the Commission wants to do that or not. **Mayor Alvey** asked is there a motion. Seeing none. Sorry sir that it was not pulled from the Consent Agenda at the right time. You would have to talk to Mr. Richardson. **Mr. Bagley** said yes, because I've been doing this for four years and bought license to have all this. **Mr. Alvey** said yes. I'm sorry. We have to follow the law. **Mr. Bagley** said yes, that's what I'm trying to do.

Mayor Alvey asked does any member of the Commission or anyone in attendance tonight wish to set-aside any item on the regular Consent Agenda?

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve the Consent Agenda.** Roll call was taken on the motion and there were nine "Ayes," Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 1 – 18478...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Law Enforcement Advisory Board, Joan DeMoss, 10/25/18 to 6/30/20, submitted by Commissioner McKiernan

Law Enforcement Advisory Board, Cherish Cho, 10/25/18 to 6/30/22, submitted by Commissioner Walters

Golf Board, George Hurtado, 10/25/18 to 3/31/20, submitted by Commissioner Markley

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

ITEM NO. 2 – 18479...ORDINANCE: AMENDING PUMP STATION 61 FORCE MAIN IMPROVEMENTS

Synopsis: An ordinance amending Ordinance No. O-34-18, condemning land for Pump Station 61 Force Main Improvements, CMIP 6303, and directing the Chief Counsel to institute legal proceedings to acquire land for said project, submitted by James Bain, Assistant Attorney. On September 13, 2018, the Commission unanimously approved Ordinance No. O-34-18, declaring the project to be a necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired. Due to a clerical error, it is necessary to amend the description and scope of work of the improvements.

Action: **ORDINANCE NO. O-42-18**, “An ordinance amending Ordinance No. O-34-18 condemning land for the construction, maintenance, operation, reconstruction, and improvements of the Pump Station 61 Force Main Improvements – CMIP 6303, all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.” **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, approve the ordinance.** Roll call was taken on the motion and there were nine “Ayes,” Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 3 – MINUTES

Synopsis: Minutes from regular sessions of September 13 and 27, and October 11, 2018.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Bynum, to approve.** Roll call was taken on the motion and there were nine “Ayes,”

Philbrook, Bynum, Burroughs, Townsend, McKiernan, Johnson, Kane, Markley, Walters.

ITEM NO. 4 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated October 11 and 18, 2018.

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

PUBLIC HEARING AGENDA

No items

STANDING COMMITTEES’ AGENDA

No items

ADMINISTRATOR’S AGENDA

No items

COMMISSIONERS' AGENDA

No items

LAND BANK BOARD OF TRUSTEES' AGENDA

No items

PUBLIC ANNOUNCEMENTS

No items

Mayor Alvey said that concludes our meeting for the evening.

October 25, 2018

**MAYOR ALVEY
ADJOURNED THE MEETING AT 7:50 P.M.
October 25, 2018**

Bridgette D. Cobbins
Unified Government Clerk

tpl

October 25, 2018