

**JUNE 27, 2019 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND ARTRELL HARRIS, ROSWELL CHURCH OF CHRIST**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, JUNE 27, 2019 AGENDA**
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**
- XV. LAND BANK BOARD OF TRUSTEES' AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

SERGEANT-AT-ARMS: CAPTAIN RONALD SCHUMAKER

PLANNING AND ZONING AGENDA

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **#3187 - VERONICA WESSELHOFT**

Synopsis: Change of Zone from C-1 Limited Business District to C-2 General Business District for a used car lot at 2120 Park Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR DENIAL)**

Tracking #: 19812

2. **#3194 - TOM NOLTE WITH NOLTE AND ASSOCIATES, PA**

Synopsis: Change of Zone from C-1 Limited Business District to CP-3 Planned Commercial District for a contractor's office at 8525 Parallel Parkway, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19813

B. SPECIAL USE PERMIT APPLICATIONS

1. **#SP-2019-3 - BLAKELUND MORONEY WITH MORONEY MOTORS, LLC**

Synopsis: Special Use Permit for automotive sales at 3131 Merriam Lane, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR DENIAL)**

Tracking #: 19814

2. **#SP-2019-35 - LOLITA SANDERS**

Synopsis: Special Use Permit for a child educational center (previous Special Use Permit #SP-2016-31 expired 5/26/2018) at 1316 Armstrong Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 19815

3. **#SP-2019-38 - THOMAS W. MORGAN III**

Synopsis: Home Occupation Special Use Permit for an AIRBNB at 431 North Thompson Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 19816

4. **#SP-2019-41 - IRVIN JACKSON, JR. WITH JACKSON TRUCKING**

Synopsis: Special Use Permit for the Temporary Use of Land to park two semi-trucks at 3232 Sewell Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 19818

5. #SP-2019-43 - DENNIS COVINGTON WITH USD 500

Synopsis: Renewal of a Special Use Permit (#SP-2017-15 - expired 3/30/2019) for modular classrooms for Lindbergh Elementary School at 641 North 57th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

Tracking #: 19819

6. #SP-2019-44 - DENNIS COVINGTON WITH USD 500

Synopsis: Renewal of a Special Use Permit (#SP-2017-16 - expired 3/30/2019) for modular classrooms for Eugene Ware Elementary School at 4820 Oakland Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

Tracking #: 19820

7. #SP-2019-45 - DENNIS COVINGTON WITH USD 500

Synopsis: Renewal of a Special Use Permit (#SP-2017-17 - expired 3/30/2019) for modular classrooms for Sumner Academy at 1610 North 8th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 2 YEARS**)

Tracking #: 19821

8. #SP-2019-47 - VERONICA WESSELHOFT

Synopsis: Special Use Permit for a used car lot at 2120 Park Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR DENIAL**)

Tracking #: 19822

9. #SP-2019-48 - JOHN L. PETERSON WITH PETERSON LAW

Synopsis: Renewal/Expansion of a Special Use Permit (#SP-2009-38 - expires 6/30/2019) for a restaurant and bar at 412 North 5th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR APPROVAL FOR 10 YEARS**)

Tracking #: 19823

10. #SP-2019-49 - SYLVIA BEDOLLA

Synopsis: Special Use Permit for the Temporary Use of Land to park a business truck at 835 Splitlog Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 (**RECOMMENDED FOR DENIAL**)

Tracking #: 19829

11. #SP-2019-53 - JAMES ALLEN BOGERT

Synopsis: Home Occupation Special Use Permit for a short-term rental/AIRBNB at 217 Orchard Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774

(RECOMMENDED FOR APPROVAL FOR 1 YEAR)

Tracking #: 19830

12. #SP-2019-59 - KELLY AND JAMES HORMANN WITH A BILLION BUBBLES

Synopsis: Home Occupation Special Use Permit for a pet grooming operation at 7114 Parallel Parkway, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 19831

13. #SP-2019-60 - MATT GALLINGER WITH AMERICAN CONCRETE PRODUCTS

Synopsis: Special Use Permit for the Temporary Use of Land for an office trailer at 6945 Inland Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 19832

14. #SP-2019-61 - DAVID AND DEBORAH BEAUCHAMP

Synopsis: Home Occupation Special Use Permit for an AIRBNB at 11827 Marxen Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 19833

15. #SP-2019-63 - STEVE BEAUMONT WITH BEAUMONT ENTERPRISES LLC

Synopsis: Renewal of a Special Use Permit (#SP-2017-29 - expired 5/25/2019) for live entertainment in conjunction with Chateau Avalon at 701 Village West Parkway, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 19824

16. #SP-2019-64 - MICHAEL RHODES

Synopsis: Special Use Permit for a dirt fill at 13742 Polfer Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 19834

17. #SP-2019-65 - CIARAN MOLLOY WITH WOODYARD SOUTHSIDE HOLDING, LLC

Synopsis: Special Use Permit for live entertainment in conjunction with existing restaurant at 3001 Merriam Lane, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 19835

18. **#SP-2019-66 - AMBER HEATHER WITH PIPER UNIFIED SCHOOL DISTRICT #203**

Synopsis: Special Use Permit for the Temporary Use of Land for a greenhouse at 3131 North 122nd Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 19836

19. **#SP-2019-67 - JOHN L. PETERSON FOR KAW VALLEY COMPANIES, INC.**

Synopsis: Renewal of a Special Use Permit (#SP-2009-17 - expired 6/25/2019) for a sand plant/dredging operation at 2400 South 78th Street, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 10 YEARS)**

Tracking #: 19825

20. **#SP-2019-68 - BILLY COBB WITH BEAR REAL ESTATE, LLC**

Synopsis: Renewal of a Home Occupation Special Use Permit (#SP-2018-60 - expires 6/28/2019) for an AIRBNB at 2810 West 42nd Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 19826

21. **#SP-2019-69 - LAUREN LUECK WITH KVC FOUNDATION, INC.**

Synopsis: Renewal of a Special Use Permit (#SP-2017-64 - expired 5/31/2019) for twelve (12) non-violent adult patients at 4300 Brenner Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL UNTIL 12/31/2019)**

Tracking #: 19827

22. **#SP-2019-72 - JOHN L. PETERSON FOR KAW VALLEY COMPANIES, INC.**

Synopsis: Renewal of a Special Use Permit (#SP-2008-30 - expired 6/25/2019) to continue extracting material and fill with State approved rubble and recycling at 8300 Gibbs Road and 8205 Kaw Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR 10 YEARS)**

Tracking #: 19828

C. VACATION APPLICATION

1. **#U/E-2019-4 - AMY LUNGU WITH D & A HOMES, INC.**

Synopsis: Vacation of utility easements at 11330 Webster Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19837

D. PLAN REVIEW APPLICATION

1. **#PR-2019-13 - MATT GIBBS WITH STATE4, LLC**

Synopsis: Preliminary and Final Plan Review for Aspen Dental at 7524 State Avenue, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774

(RECOMMENDED FOR APPROVAL)

Tracking #: 19838

E. MISCELLANEOUS

1. **#MP-2019-4 - TOM NOLTE WITH NOLTE AND ASSOCIATES**

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide) to Community Commercial (City-Wide Master Plan) at 8525 Parallel Parkway, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19839

F. MISCELLANEOUS - ORDINANCE (Final action on previously approved item)

1. **AN ORDINANCE** rezoning property at 647 Southwest Boulevard (#3184) from M-2 General Industrial District to CP-3 Planned Commercial District, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19840

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATION

1. **#SP-2018-54 - R. SCOTT BEELER**

Synopsis: Revocation of Special Use Permit for the Temporary Use of Land for storage of motor vehicles, including cars, SUVs, pick-up trucks and semi-truck trailers at 9700 Leavenworth Road, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL FOR CONTINUATION OF THE SPECIAL USE PERMIT WITH THE MODIFIED STIPULATIONS - 7/2 VOTE)**

Tracking #: 19715

2. **#SP-2019-85 - FRANK LAVENDER, JR.**

Synopsis: Short-Term Special Use Permit to host the Kansas City, Kansas Street Blues Festival on June 29, 2019 at 3924 North 49th Drive, submitted by Robin H. Richardson, AICP, Director of Planning, 573-5774 **(RECOMMENDED FOR APPROVAL)**

Tracking #: 19841

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR JUNE 27, 2019

Properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes as follows:

COZ #3194 and #MP-2019-4: 2017 - \$20.63

#SP-2019-3: 2017 - \$8,381.31

#SP-2019-35: 2017 - \$1,212.34

#SP-2019-63: 2017 - \$138,197.36

NOTE: This information cannot serve as the basis for approval or denial of an application. It is not among the factors to be considered as set by ordinance or among accepted zoning factors and criteria. However, such information in certain cases might be relevant to evaluating accepted factors or as an accompaniment to other valid purposes and/or factors.

REGULAR AGENDA

IX. MAYOR'S AGENDA

X. REGULAR CONSENT AGENDA

1. ADOPTION: 2019 FEDERAL LEGISLATIVE PROGRAM

Synopsis: Request adoption of the 2019 Federal Legislative Program, submitted by Mike Taylor, Public Relations Director.

The legislative program was presented to the Commission during a special session on June 13, 2019.

Tracking #: 19844

2. RESOLUTION: 131ST & LEAVENWORTH ROAD IMPROVEMENTS FOR PIPER ELEMENTARY SCHOOL - CMIP 1615

Synopsis: A resolution declaring the necessity and authorizing a survey of lands for the 131st & Leavenworth Road Improvements for Piper Elementary School, CMIP 1615, submitted by James Bain, Assistant Counsel.

*On June 17, 2019, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 19791

3. RESOLUTION: EASTERN KANSAS MULTI-COUNTY TASK FORCE AGREEMENT

Synopsis: A resolution approving a Reciprocal Investigation Intergovernmental Local Agreement with the Eastern Kansas Multi-County Task Force, submitted by John Droppelmann, Fire Marshal. This task force provides investigative assistance for large, complex fire incidents.

*On June 17, 2019, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 19793

4. REQUEST: FISHER PARK FITNESS COURT

Synopsis: Request to construct a national fitness court at Fisher Park, located at 39th Street and Fisher Avenue, submitted by Jeremy Rogers, Director of Parks & Recreation.

*On June 17, 2019, the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.*

Tracking #: 19806

5. ORDINANCE: PURPOSES OF COMMISSION ON HUMAN RELATIONS & DISABILITIES ISSUES

Synopsis: An ordinance outlining the purposes of the Commission on Human Relations

and Disabilities issues, amending Section 18-23, submitted by Phyllis Wallace, Director of Human Services.

*On June 17, 2019, the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.*

Tracking #: 19794

6. ORDINANCE: COMMISSION ON HUMAN RELATIONS & DISABILITIES

Synopsis: An ordinance designating what constitutes a quorum for the Commission on Human Relations and Disabilities Issues meetings, amending Section 18-25, submitted by Phyllis Wallace, Director of Human Services.

*On June 17, 2019, the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.*

Tracking #: 19787

7. NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Mindy Janelle Wills Fugarino - Juvenile Corrections Advisory Board, 6/27/19 - 6/27/22
submitted by Mayor David Alvey

Matt Warner - UG Board of Park Commissioners, 6/27/19 - 3/31/20, submitted by
Commissioner Ann Murguia

Daniel Serda - Board of Zoning Appeals/City Planning Commission, 6/27/19 - 3/31/20,
submitted by Commissioner Melissa Bynum

Anne McDonald - Housing Authority Board, 6/27/19 - 3/31/20, submitted by
Commissioner Brian McKiernan

Tracking #: 19808

8. MINUTES

Synopsis: Minutes from regular session of May 30, 2019.

Tracking #: MINUTES

9. WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated June 13 and 20, 2019.

Tracking #: WEEKLY BUSINESS MATERIAL

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

1. **RECOMMENDATIONS: UG/HOLLYWOOD CASINO/SVV GRANTS**

Synopsis: Recommendations from the Mayor and Commissioners for the 2019 UG/Hollywood Casino/Schlitterbahn Vacation Village grants, submitted by Emerick Cross, Assistant County Administrator.

Tracking #: 19807

XV. LAND BANK BOARD OF TRUSTEES' AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

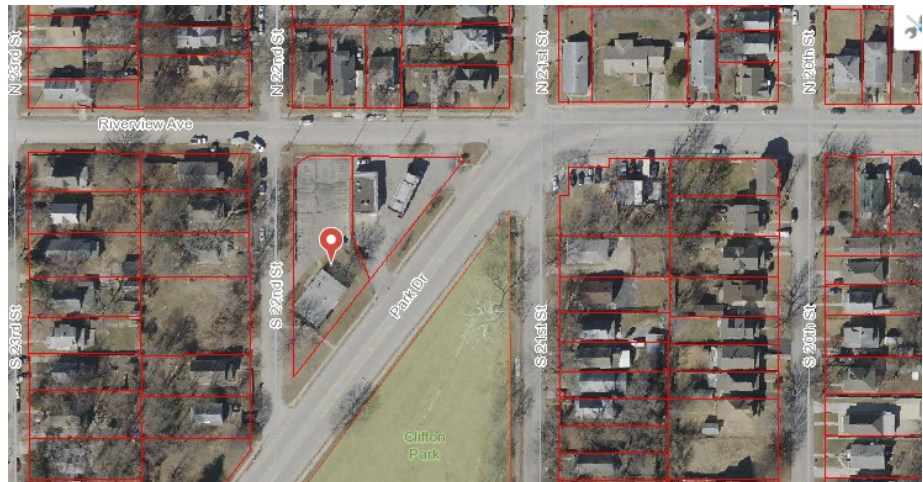
To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-47 and COZ-3187

GENERAL INFORMATION

Applicant:
Veronica Wesselhoft

Status of Applicant:
Owner
7240 Kansas Avenue
Kansas City, Kansas

Requested Action:
Request Change of
Zone from C-1
Limited Business
District to C-2
General Business
District and a Special
Use Permit



Date of Application:
March 22, 2019

Purpose:
Change property from C-1 Limited Business District to C-2 General Business District and a Special Use Permit in order to operate a used car lot.

Property Location: 2120 Park Drive

Commission Districts:

1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Harold Johnson

Existing Zoning: C-1 Limited Business District

Existing Surrounding Zoning: **North:** R-1(B) Single Family District
South: R-1(B) Single Family District
East: C-1 Limited Business District
West: R-1(B) Single Family District

Existing Uses: **North:** Single-Family Residences
South: Park
East: Self-Service Gas Station
West: Single Family Residences and Land Bank Lot

Total Tract Size: 0.39 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Urban Residential

Major Street Plan: The Major Street Plan designates Park Drive as a Class C Thoroughfare, and designates South 22nd Street and Riverview Avenue as local/neighborhood streets

Advertisement: The Wyandotte Echo – April 18, 2019
Letters to Property Owner – April 15, 2019, May 22, 2019 and June 19, 2019

Public Hearings: May 13, 2019, June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the May 13, 2019 or June 10, 2019 City Planning Commission meetings.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting a change in zone from C-1 Limited Business District to C-2 General Business District, and a Special Use Permit in order to operate a used car lot on the property

City Ordinance Requirements: Sections 27-196 through 27-208, 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is predominantly residential in nature. It is a mix of single-family and two-family lots, with a few commercial properties in the neighborhood and a commercial strip a few blocks away on Central Avenue.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The immediate surrounding properties to the north and west are residential. Property is on a small street island triangle with another automotive business zoned as C-1. There are other businesses zoned for greater commercial intensity (C-2 and C-3) within 1,000 feet of the property. Overall, a used car lot is compatible where it is, at the boundary of the residential and commercial areas.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.

The property is less than half an acre but it has 26 parking spaces, which will be sufficient for staff, customers, and vehicles for sale. The applicant states that she is only using five parking spaces to store and promote vehicles for sale and that "my sales will be done for appointments", which should keep the number of customers coming and going relatively low and predictable. As mentioned before, the property is in a transitional space between single-family residences, two-family residences, and commercial buildings. Therefore, a small used car lot would not detrimentally affect nearby properties.

4. The length of time the property has remained vacant as zoned.

The property is not vacant.

5. The degree of conformance of the proposed use to the Master Plan.

Car lots are a discouraged use in urban residential areas by the Master Plan.

6. Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

The applicant has stated that customers will come by appointment. Furthermore, the applicant has stated that she will only use five of the current parking spaces for sale vehicles. This will reduce the potential number of customers arriving by car, and when such customers do arrive,

they will probably not arrive in high numbers or frequency due to the appointment system. Therefore, there will not be a large increase in vehicular traffic.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

This use is not a necessary convenience to the public, nor adds to the public welfare. Having a used car lot in the neighborhood is not often an expected or anticipated convenience for residents.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

There is the potential for some additional noise from cars due to the nature of the proposed business.

9. *Whether the proposed use will pollute the air, land or water.*

This question will be better answered when applicant responses to relevant engineering comments. As of now, there is not an expectation of pollutants beyond the typical air pollution that cars cause. Because there is expected to be so few cars and customers at any one time, there is no cause to believe air pollutants would be any worse than average.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This is not an issue.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The property is already zoned for limited business use; an incremental change in intensity will not have a major detrimental effect on the nearby landowners and public. However, because there is already a business on the property, the applicant would not face as much of a hardship if the property either could not be zoned as C-2 or did not receive a Special Use Permit.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The anticipated size of the used car lot appropriately reflects the size of the property. There is no concern for overcrowding or undue concentrations of population.

PREVIOUS ACTIONS

Held over from the May 13, 2019 City Planning Commission meeting. Staff recommended denial of the application due to unresponsiveness but, when the applicant appeared at the meeting, staff changed the recommendation to hold over for one month.

NEIGHBORHOOD MEETING

The applicant has not given any indication that she or a representative held a neighborhood meeting by May 31, 2019, or any time after. Hosting a neighborhood meeting is a requirement of completing a change of zone and obtaining a Special Use Permit, and failure to do so is a basis for a staff recommendation of denial.

KEY ISSUES

Traffic, parking, noise and light

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **DENIAL** of Change of Zone Application #3187 and Special Use Permit Application #SP-2019-47 **due to non-response and non-compliance from the applicant.**

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

Urban Planning and Land Use Comments:

1. How many cars for sale do you anticipate having on-site at any one time?
Will all the cars be in the outdoor parking spaces?

Applicant Response: No response provided.

2. Do you anticipate changing the total number of parking spaces?

Applicant Response: No response provided.

3. What will be the days/hours of operation of the used car lot?

Applicant Response: No response provided.

4. Applicant needs to provide a dimension site plan that designates and gives measurements for parking spaces, new and pre-existing buildings, and setbacks. Be sure to include the following:

- a) Four parking space for employees or customers (not for used cars) for every 1,000 square feet of commercial space. Although the land is zoned M-3, it has a commercial use and therefore is considered commercial (Code of Ordinances, Sect. 27-464(e)). More parking requirements and guidelines can be found in Sect. 27-577(e).
- b) Dimensions and façade design of pre-existing buildings.
- c) Landscape design compliant with commercial landscaping requirements. Note that landscaping requirements shall exceed typical code requirements (found in Sect. 27-464(g)) by 75%. (Sect. 27-577(a)(5)). Full requirements can be found in the Code of Ordinances, Sect. 27-577.

Applicant Response: No response provided.

June 10, 2019 Update:

Application was initially recommended for denial leading up to the May 13th City Planning Commission meeting because she had not respond to staff comments and had not produced the required neighborhood meeting documentation. In fact, the applicant had not been in connect with staff at all, and staff could not get ahold of the applicant. When the applicant appeared at the May 13th meeting claiming they had not received any of the emails, staff adjusted their recommendation to that of hold over. The applicant was granted a one-month hold over by the Planning Commission, with instructions to contact staff the next day in order to receive the proper materials.

The applicant did not call until a week later, on May 21st. The applicant provided her correct email address; applicant had miswritten her email address on the application, which is why her emails were not going through. However, the applicant has not been in contact with staff since calling on May 21st to address the hold over. When staff called the applicant on May 30th, her representative stated that the applicant was out of town and had not completed the neighborhood meeting nor had she responded to staff comments. Failure to hold a neighborhood meeting and failure to respond to staff comments in a satisfactory manner are both grounds for denial.

Public Works Comments:

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

1) None

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petitions **#3187** and **#SP-2019-47** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

May 13, 2019 City Planning Commission Minutes
June 10, 2019 City Planning Commission Minutes
Photos of Business and Property
Incorrect Email Address on Application

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 13, 2019	
COZ	Held Over	
SUP	June 10, 2019	June 27, 2019
	Denial	

STAFF CONTACT: Mike Farley
 mfarley@wycokck.org

MOTIONS

CHANGE OF ZONE:

I move the Unified Government Board of Commissioners **DENY** Petition **#3187**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **#3187** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And

3. _____.

SPECIAL USE PERMIT:

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-47**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-47** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____.

May 13, 2019 City Planning Commission Minutes:

Hearing Starts 10:20:

CHANGE OF ZONE APPLICATION #3187 – VERONICA WESSELHOFT – SYNOPSIS: Change of Zone from C-1 Limited Business District to C-2 General Business District for a used car lot at 2120 Park Drive.

SPECIAL USE PERMIT APPLICATION #SP-2019-47 – VERONICA WESSELHOFT – SYNOPSIS: Special Use Permit for a used car lot at 2120 Park Drive

Detailed Outline of Requested Action: The applicant is requesting a change in zone from C-1 Limited Business District to C-2 General Business District, and a Special Use Permit in order to operate a used car lot on the property

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 17, 2019;
7. The Notices to property owners dated April 15, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Ms. Rivera, 78 South 17th Street, Kansas City, Kansas, representing the applicant
- ❖ Veronica Wesselhoft, applicant, 2120 Park Drive, Kansas City, Kansas

The Commission asked the applicant if she was aware that she needed to hold a neighborhood meeting and she replied yes, but she has not held one. Chairman Carson stated that the Commission only has two options tonight and that would be to hold over the application for a neighborhood meeting to be held or deny the application. The applicant stating that they would request that the application be held over. Chairman Carson stated that the applicant will need to contact the staff concerning the neighborhood meeting and the items in the staff report that need to be addressed.

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts 14:24: Planning Director Richardson stated that the staff would recommend holding over this case and will give the applicant contact information. The staff has sent all communication through email and there may have been a language barrier.

Motion and Vote Starts 14:42:

On motion by Mr. Miller, seconded by Mr. Ernst, the Planning Commission voted as follows to **HOLD OVER Change of Zone Application #3187 and Special Use Permit #SP-2019-47 until the June 10, 2019 meeting for the applicant to meet with staff concerning the items that need to be addressed in the staff report and to hold a neighborhood meeting:**

Carson	Chairman
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Aye
Neal	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye

Motion to HOLD OVER Passed: 9 to 0

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 11:12 and the applicant was not present. The application was recalled at 1:29:40 and the applicant was not present:

CHANGE OF ZONE APPLICATION #3187 – VERONICA WESSELHOFT – SYNOPSIS: Change of Zone from C-1 Limited Business District to C-2 General Business District for a used car lot at 2120 Park Drive.

SPECIAL USE PERMIT APPLICATION #SP-2019-47 – VERONICA WESSELHOFT – SYNOPSIS: Special Use Permit for a used car lot at 2120 Park Drive

Detailed Outline of Requested Action: The applicant is requesting a change in zone from C-1 Limited Business District to C-2 General Business District, and a Special Use Permit in order to operate a used car lot on the property

The following items were included as part of the record for this case:

8. The City's currently adopted zoning and subdivision regulations;
9. The official zoning map for the area in question;
10. The City's currently adopted Master Plan for the area in question;
11. The staff report and attachments dated June 10, 2019
12. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
13. The Notice in the Wyandotte Echo dated April 17, 2019;
14. The Notices to property owners dated April 15, 2019 and May 22, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Recording Secretary Parker stated that these applications were held over from the May meeting for the applicant to meet with staff to address the items in the staff report and to hold a neighborhood meeting. Neither of those items have been accomplished this past month.

Present in Support:

- ❖ No one appeared

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 1:30:51: Planner Toy stated that it has been an ongoing issue with the applicant in not responding. The staff's recommendation has not changed and staff recommends denial. Planning Commissioner Serda stated that in the staff report it states that the applicant's representative contacted staff on May 30, 2019 to say the applicant was out of town (indefinitely) and asked if staff had had any further communication. Planner Toy stated no. Planning

Commissioner Miller asked if the staff believes that if it is held over there will be further communication. Planner Toy stated no as there has been a history with this applicant. He stated that this applicant had another application in the past and staff had the same issues.

Motion and Vote Starts 1:32:19:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **DENIAL** of Change of Zone Application #3187 due to non-response and non-compliance from the applicant:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

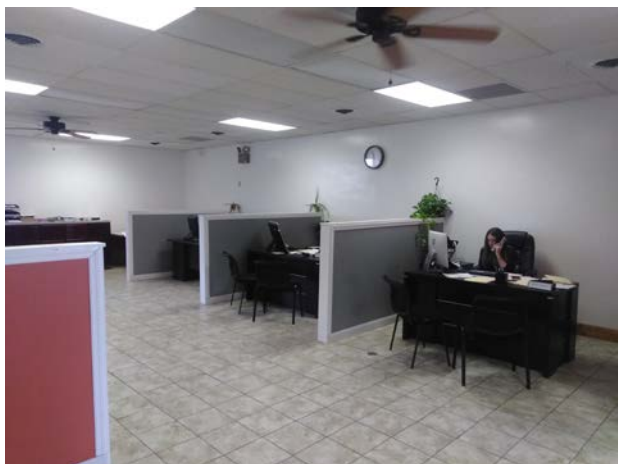
Motion to recommend DENIAL Passed: 5 to 0

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **DENIAL** of Special Use Permit Application #SP-2019-47 due to non-response and non-compliance from the applicant:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend DENIAL Passed: 5 to 0

PHOTOS OF BUSINESS AND PROPERTY



INCORRECT EMAIL ADDRESS ON APPLICATION

2. Applicant/Property Owner Information

Applicant(s) Name <u>VERONICA WESSELHOFF</u>		Company _____	
Street Address <u>7240 KANSAS AVE</u>		City/State <u>Kansas city KS</u>	Zip <u>66111</u>
Telephone () _____	E-Mail <u>9752242@gmail.com</u>		
Property Owner(s) Name (if different than applicant) _____			
Street Address _____		City/State _____	Zip _____
Telephone () _____	Fax () _____	E-Mail _____	
Firm Preparing the Plan: _____		Contact: _____	
Street Address _____		City/State _____	Zip _____
Telephone () _____	Fax () _____	E-Mail _____	
Cellular Telephone () _____			
* All correspondence on this case should be sent to (check one): Applicant ☐ Property Owner ☐ Firm ☐			



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners

From: City Staff

Date: June 27, 2019

Re: **Change of Zone Petition #3194 and Master Plan Amendment #MP-2019-4**

GENERAL INFORMATION

Applicant:
Tom Nolte

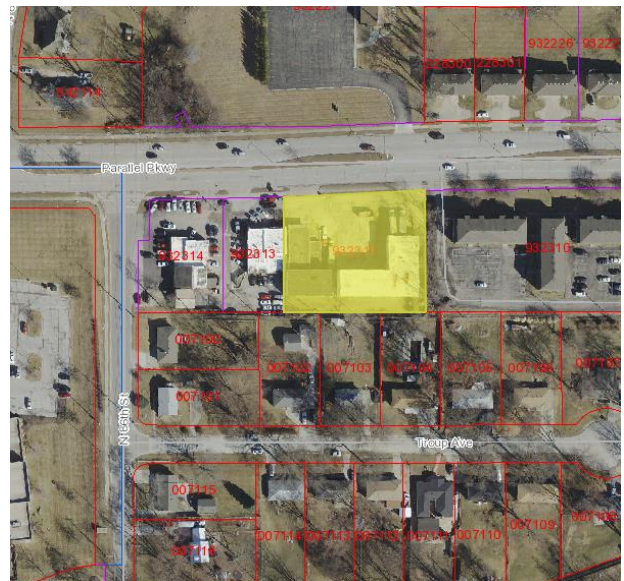
Status of Applicant:
Representative
Nolte and Associates, PA
9400 Reeds Road, Suite 200
Overland Park, KS 66207

Requested Actions:
Change of Zone from
C-1 Limited Business District to CP-3
Planned Commercial District

Master Plan Amendment from Low
Density Residential (City-Wide Master
Plan) to Community Commercial (City-
Wide Master Plan)

Date of Application:
April 26, 2019

Purpose:
To operate a concrete contractor's office



Property Location: 8525 Parallel Parkway

Commission Districts: 1. Commissioner At-Large: Melissa Bynum
2. District Commissioner: Michael (Mike) Kane

Existing Zoning: C-1 Limited Business District

Surrounding Zoning:

North:	R-1 Single Family District
South:	R-1 Single Family District
East:	C-1 Limited Business District
West:	C-1 Limited Business District

Existing Uses:

North:	Church
South:	Single family home
East:	Apartments
West:	Retail business and an automotive repair shop

Total Tract Size: .85 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Low Density Residential.

Major Street Plan: The Major Street Plan classifies Parallel Parkway as a Class A Thoroughfare.

Advertisement: The Wyandotte Echo – May 16, 2019
Letters to Property Owners – May 16, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant and representative, Tom Nolte with Nolte and Associates, PA on behalf of the owner wants to rezone 8525 and 8529 Parallel Parkway from C-1 Limited Business District to CP-3 Planned Commercial District and amend the City-Wide Master Plan from Low Density Residential to Community Commercial to use the eastern building (8525 Parallel Parkway) as a contractor's office, formerly an auto repair business.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The character of the neighborhood is truly mixed use with a mixture of commercial businesses, apartments, duplexes, single family homes and a church.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The zoning and their uses of properties nearby are set out above. Given the fact that there is an automotive business to the west and the site was formerly a repair shop, a contractor's office is compatible with them.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?*

The removal of the restrictions will not detrimentally affect nearby property.

4. *The length of time the property has remained vacant as zoned.*

The property has been vacant for 4 years.

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

The proposed use is not reasonably necessary except for the owner and those that will use his services and will not substantially injure the appropriate use, visual quality or marketability of nearby property if the owner follows the district's regulations.

6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.*

The proposed use will not increase traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems.

7. *The degree of conformance of the proposed use to the Master Plan.*

The proposed use does not conform to the Master Plan and an amendment has been filed from Low Density Residential to Community Commercial (City-Wide Master Plan).

8. *The extent to which the proposed use could cause environmental harm or enhance the environment.*

This should not be an issue.

9. *The extent to which utilities and public services are available and adequate to serve the proposed use.*

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To be designed to meet City Code

d. *Police*

Police service is provided by West Patrol, District #222

e. *Fire*

Fire service is provided by Station #19

f. *Transit*

Kansas City ATA provides transit service along Parallel Parkway, Route #116.

g. *Schools*

Kansas City, Kansas USD 500

h. *Streets*

See item #6 above

10. *The economic impact of the proposed use on the community.*

The proposed use will have a minimal economic impact on the community.

11. *The capability of the proposed use to meet applicable ordinance requirements.*

The proposed use is capable of meeting applicable ordinance requirements.

12. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner is minimal. If the application is denied, the applicant may apply for a special use permit or find another location to operate his business.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 22, 2019. According to the applicant, attendees at the meeting did not oppose the project. General discussion included business operation and fencing.

KEY ISSUES

Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Master Plan Amendment #MP-2019-4 and Change of Zone Application #3194, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Unified Government Board of Commissioners meeting.
2. A variance for parking reduction has been applied for both buildings, 8525 and 8529 Parallel Parkway even though the owner is only going to occupy 8525 Parallel Parkway.

Applicant Response: Agreed, the second will be leased or sold in the future and the owner wants to apply for variance on both lots to have them approved now instead of waiting.

3. The building has been vacant since 2014, where previously an automotive repair shop operated for 12 years.

Applicant Response: Agreed.

4. Please provide a floor plan of the buildings.

Applicant Response: Agreed. Refer to plans of buildings 8525 attached digitally sheet A-101, and A-102. There are no current plans for the building at 8529 because there is no work scheduled for that building at this time but will be at a future date.

5. What type of contractor's business will operate in the building?

Applicant Response: The contractor is a concrete contractor.

6. Will work vehicles be parked outside in front of the overhead doors during the day and/or overnight?

Applicant Response: Vehicles will be parked at various times during the day outside. They can be parked inside overnight.

7. Per Sec. 27-467(c)(6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.

There site plan depicts a gravel drive leading to the rear of the building. Do you intend to have any outside storage in the rear of the property?

A 6' privacy fence with masonry columns every 32' on center shall be constructed along the rear property line to screen any materials from the residences to the south.

Applicant Response: There shall be no storage of any kind at the rear of the building, therefore no need for a screen wall.

8. The trash enclosure shall be comprised of a 6' solid architectural screen wall with masonry column posts.

Applicant Response: Refer to the digitally attached screen wall detail 4 / A-200 showing materials and height. Refer to digitally attached sheet AS-100 for location and size of closure.

9. Any lighting proposed on the building or in the parking lot shall have 90-degree cutoff fixtures and not exceed one (1) footcandle at the property line in all directions.

Applicant Response: Agreed. 90 degree cut offs will have to be installed for compliance with lighting comment.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

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

1) Provide handrail calculations in accordance with UG retaining wall checklists i.e. guardrail shall resist overturning by 50 pounds per linear foot (plf) load and a 200-pound concentrated load applied at the top of the rail (42" above top of wall)

- 2) 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:
 - 1) None

Staff Conclusion:

The applicant has worked with staff to answer questions pertaining to site screening and the general business operation. The owner and operator, Jon Chambers with Polished & Decorative Concrete wants to operate a contractor's business office where there will be no outside storage of work vehicles or equipment and employees will park in the lower lot. The representative, Tom Nolte with Nolte and Associates, PA has provided as much parking on site as possible without sacrificing the 15-foot green space that will be enhanced with fencing and trees between the single-family homes to the south and the rear of the building.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petitions #3194 and #MP-2019-4 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Landscape Plan
Building Elevations
Site Photographs

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	June 10, 2019	June 27, 2019
Rezoning	Approval	
Public Hearing	June 10, 2019	June 27, 2019
Master Plan	Approval	
Amendment		

STAFF CONTACT: Byron Toy, AICP, btoy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Master Plan Amendment, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Master Plan Amendment, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition #3194 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3194, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

Hearing Starts At 13:00:

CHANGE OF ZONE APPLICATION #3194 – TOM NOLTE WITH NOLTE AND ASSOCIATES, PA – SYNOPSIS: Change of Zone from C-1 Limited Business District to CP-3 Planned Commercial District for a contractor's office at 8525 Parallel Parkway.

MASTER PLAN AMENDMENT APPLICATION #MP-2019-4 – TOM NOLTE WITH NOLTE AND ASSOCIATES, PA – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) at 8525 Parallel Parkway

Detailed Outline of Requested Action: The applicant and representative, Tom Nolte with Nolte and Associates, PA on behalf of the owner wants to rezone 8525 and 8529 Parallel Parkway from C-1 Limited Business District to CP-3 Planned Commercial District and amend the City-Wide Master Plan from Low Density Residential to Community Commercial to use the eastern building (8525 Parallel Parkway) as a contractor's office, formerly an auto repair business.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated May 16, 2019;
7. The Notices to property owners dated May 16, 2019; and
8. The testimony given at the Board of Zoning Appeals meeting this evening.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Tom Nolte, applicant, Nolte and Associates, 9400 Reeds Road, Suite 200, Overland Park, Kansas 66207
- ❖ John Chambers, owner and operator of Polished & Decorative Concrete

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 17:10: Planner Toy stated that the staff recommends approval subject to the stipulations outlined in the staff report.

Motion and Vote Starts 17:24:

On motion by Dr. Serda, seconded by Dr. Neal, the Planning Commission voted as follows to recommend **APPROVAL** of Master Plan Amendment Application #MP-2019-4:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application #3194:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Unified Government Board of Commissioners meeting.
2. A variance for parking reduction has been applied for both buildings, 8525 and 8529 Parallel Parkway even though the owner is only going to occupy 8525 Parallel Parkway.

Applicant Response: Agreed, the second will be leased or sold in the future and the owner wants to apply for variance on both lots to have them approved now instead of waiting.

3. The building has been vacant since 2014, where previously an automotive repair shop operated for 12 years.

Applicant Response: Agreed.

4. Please provide a floor plan of the buildings.

Applicant Response: Agreed. Refer to plans of buildings 8525 attached digitally sheet A-101, and A-102. There are no current plans for the building at 8529 because there is no work scheduled for that building at this time but will be at a future date.

5. What type of contractor's business will operate in the building?

Applicant Response: The contractor is a concrete contractor.

6. Will work vehicles be parked outside in front of the overhead doors during the day and/or overnight?

Applicant Response: Vehicles will be parked at various times during the day outside. They can be parked inside overnight.

7. Per Sec. 27-467(c)(6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.

There site plan depicts a gravel drive leading to the rear of the building. Do you intend to have any outside storage in the rear of the property?

A 6' privacy fence with masonry columns every 32' on center shall be constructed along the rear property line to screen any materials from the residences to the south.

Applicant Response: There shall be no storage of any kind at the rear of the building, therefore no need for a screen wall.

8. The trash enclosure shall be comprised of a 6' solid architectural screen wall with masonry column posts.

Applicant Response: Refer to the digitally attached screen wall detail 4 / A-200 showing materials and height. Refer to digitally attached sheet AS-100 for location and size of closure.

9. Any lighting proposed on the building or in the parking lot shall have 90-degree cutoff fixtures and not exceed one (1) footcandle at the property line in all directions.

Applicant Response: Agreed. 90 degree cut offs will have to be installed for compliance with lighting comment.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Provide handrail calculations in accordance with UG retaining wall checklists i.e. guardrail shall resist overturning by 50 pounds per linear foot (plf) load and a 200-pound concentrated load applied at the top of the rail (42" above top of wall)
 - 2) 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:
 - 2) None

Staff Conclusion:

The applicant has worked with staff to answer questions pertaining to site screening and the general business operation. The owner and operator, Jon Chambers with Polished & Decorative Concrete wants to operate a contractor's business office where there will be no outside storage of work vehicles or equipment and employees will park in the lower lot. The representative, Tom Nolte with Nolte and Associates, PA has provided as much parking on site as possible without sacrificing the 15-foot green space that will be enhanced with fencing and trees between the single-family homes to the south and the rear of the building.



NOLTE & ASSOCIATES, P.A.
ARCHITECTS/PLANNERS

May 24, 2019

Tony S. Sabljak
Urban Planning & Land Use Annex
Neighborhood Resource Center
4953 State Avenue
Kansas City, KS 66102
Phone: 913-573-8620

Re: **Polished and Decorative Concrete
Application #19300-00126
Address: 8525 Parallel Parkway**

Petition #3194

Dear Mr. Sabljak,

Please find the following responses, with applicable attachments, to the comments supplied on the change of zoning submittal for the Polished and Decorative Concrete project, and original comment letter.

Urban Planning and Land use Comments:

1. A variance for parking reduction has been applied for both buildings, 8525 and 8529 Parallel Parkway even though the owner is only going to occupy 8525 Parallel Parkway.

Response: **Agreed, the second will be leased or sold in the future and the owner wants to apply for variance on both lots to have them approved now instead of waiting.**

2. The building has been vacant since 2014, where previously an automotive repair shop operated for 12 years.

Response: **Agreed.**

3. Please provide a floor plan of the buildings.

Response: **Agreed. Refer to plans of building 8525 attached digitally sheet A-101, and A-102. There are no current plans for the building at 8529 because there is no work scheduled for that building at this time, but will be at a future date.**

4. What type of contractor's business will operate in the building?

Response: **The contractor is a concrete contractor.**

5. Will work vehicles be parked outside in front of the overhead doors during the day and / or overnight?

9400 REEDS ROAD, SUITE 200, OVERLAND PARK, KANSAS 66207
OFFICE: 913. 322. 2444 FAX: 913 . 322. 6277

Response: **Vehicles will be parked at various times during the day outside. They shall be parked inside overnight.**

6. Per Sec. 27-467 (c)(6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.

Their site plan depicts a gravel drive leading to the rear of the building. Do you intend to have any outside storage in the rear of the property?

A 6' privacy fence with masonry columns every 32' on center shall be constructed along the rear property line to screen any materials from the residences to the south.

Response: **There shall be no storage of any kind at the rear of the building, therefore, no need for a screen wall.**

7. The trash enclosure shall be comprised of a 6' solid architectural screen wall with masonry column posts.

Response: **Refer to digitally attached screen wall detail 4/A-200 showing materials and height. Refer to digitally attached sheet AS-100 for location and size of enclosure.**

8. Any lighting proposed on the building or in the parking lot shall have 90-degree cutoff fixtures and not exceed one (1) footcandle at the property line in all directions.

Response: **Agreed, 90 degree cut offs will have to be installed for compliance with lighting comment.**

Public Works Comments:

- A. Items that require plan revision or additional documentation before engineering can recommend approval:

1. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

Response: **Engineering comments have been responded to and resubmitted.**

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

Response: **Permit has been issued to Owner / Contractor.**

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

1. None

- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1. None

MEETING MINUTES - NIEGHBORHOOD MEETING

Application Number: #2331 & #3194

Date & Location: Wednesday, May 22nd at the YMCA

Meeting called to order at: The YMCA at 6:00 p.m.

Names of people in attendance: See attached sign in sheet

Presentation was made by Thomas Nolte and Bryan Hethcoat as Architects of the project and Applicants for Jon Chambers, Owner of Polished & Decorative Concrete, for the application associated with 8525 & 8529 Parallel Parkway.

There were six people in attendance, plus the Applicants and the Owner, for a total of nine present.

As per phone conversation with Lou Braswell at Leavenworth Road Association she stated that she has no opposition to the project, she feels it is a thumbs up on the site development and wished us good luck. Her phone number is 913-788-3980 or cell phone 913-220-8266.

Presentation boards were presented showing elevations, site plan and floor plans.

Questions were asked and answered as follows:

What kind of business will it be? It is a Polished and Decorative Concrete business owned by a contractor, also the owner of the building.

What is the difference in the zoning? The difference is the type of use allowed for the structure. Changing it to match the adjacent building zoning types will allow it to be used by the business and brought up to standards based on code requirements.

Are they putting a fence up? Yes per the city requirements there will be trees planted, and a fence placed just inside the property line on the property owner's side.

Will the owner be there? Yes the owner will be there for much of the business hours running his business.

Why did we receive a letter? You received a letter because it is a city requirement for a property owner changing zoning types to hold a meeting for individuals that live within a certain proximity to speak and ask questions about the property being rezoned.

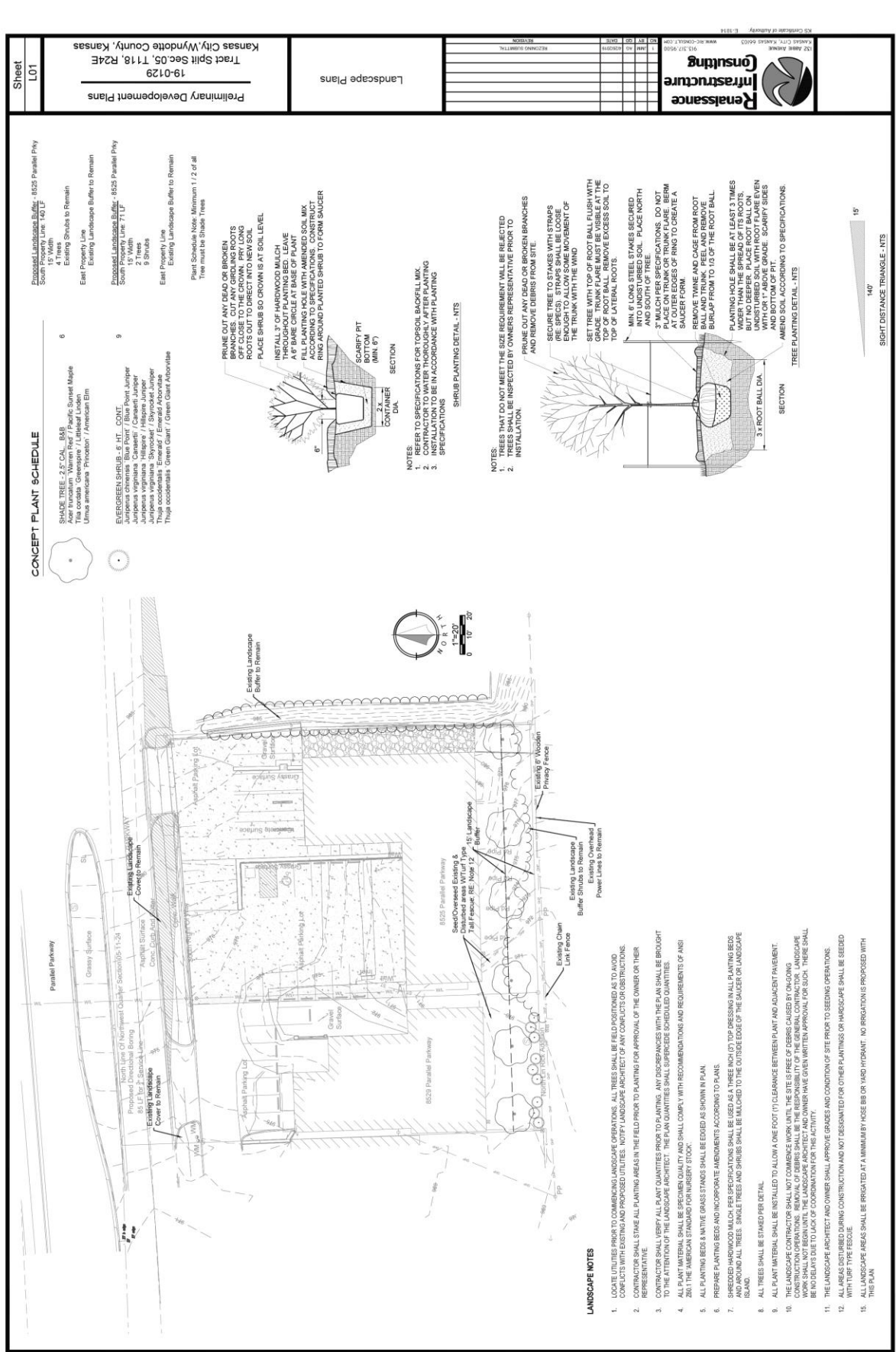
Meeting adjourned at: 6:45 p.m.

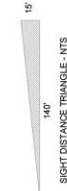
Minutes taken by: Bryan Hethcoat



















Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-3

GENERAL INFORMATION

Applicant:
Blakelund Moroney

Status of Applicant:
Moroney Motors, LLC
8424 Tomahawk Rd.
Overland Park, KS

Requested Action:
Approval of a Special Use Permit

Date of Application:
November 30, 2018

Purpose:
To operate a used car dealership

Property Location:
3123-3135 Merriam lane

Existing Zoning:
M-2 General Industrial District



Existing Surrounding Zoning: **North:** MP-1 Planned Light Industrial District and C-1 Limited Business District
South: Johnson County, BNSF Railway
East: M-2 General Industrial District
West: M-2 General Industrial District

Existing Uses: **North:** Light Industrial Uses
South: BNSF Railway
East: Light Industrial Uses
West: Light Industrial/Office Uses

Total Tract Size: 1.66 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Business Park

Major Street Plan: The City-Wide Master Plan designates Merriam Lane as Class C Thoroughfare

Advertisement: The Wyandotte Echo – December 20, 2018
Letters to Property Owner – December 14, 2018, January 30, 2019, February 20, 2019, April 2, 2019 and June 19, 2019

Public Hearings: January 14, 2019, February 11, 2019, March 11, 2019, March 28, 2019, June 10 and June 27, 2019

Public Opposition: No one has appeared in opposition at any of the hearings.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Blakelund Moroney, has submitted an application for a special use permit to open a used car dealer at the properties located at 3123-3135 Merriam Lane.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

Merriam Lane has a mix of commercial and light industrial uses.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

A used car lot may not be compatible with the business park aesthetic that the Merriam Lane Corridor Plan aims to establish in this area and may present a compatibility issue by lowering the aesthetic quality of the area.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

The property is suitable for general industrial uses. Removal of the restrictions on used car lots may reduce the aesthetic quality of the area and thus detrimentally affect nearby property.

4. *The length of time the property has remained vacant as zoned.*

This property is not vacant. The owner wants to expand the existing use to include used car sales.

5. *The degree of conformance of the proposed use to the Master Plan.*

A used car dealership may not conform to the aesthetics of a business park that the Southwest Boulevard Merriam Lane Corridor Plan aims to establish in this area.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

This is not foreseen to be an issue.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The compatibility issues addressed above are primarily related to the visual quality of a used car lot injuring neighboring properties and preventing the area from developing into a business park use.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

This is not foreseen to be an issue.

9. *Whether the proposed use will pollute the air, land or water.*

This is not foreseen to be an issue.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This is not foreseen to be an issue.

11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The proposed use would not result in a gain to the public health, safety or welfare.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not foreseen to be an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting December 22, 2018. No one from the public attended the meeting.

KEY ISSUES

Compliance with the Commercial Design Guidelines

PREVIOUS ACTIONS

This application was heard by the City Planning Commission on March 11, 2019 and was recommended for **DENIAL as the applicant did not comply with the hold over stipulations from the February 11, 2019 meeting which were for the applicant and staff to have a face-to-face meeting and bring an architect and engineer that could provide adequate plans.**

The Unified Government Board of Commissioners at its March 28, 2019 referred this application back to the June 10, 2019 City Planning Commission meeting **for the applicant and staff to have a face-to-face meeting and bring an architect and engineer with adequate engineering plans.**

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to uphold its previous recommendation and recommends **DENIAL** based on the failure of the applicant to meet with staff and submit engineering plans.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

It should be noted that last month the applicant indicated that he had sent Zach Flanders an updated plan. He used that as the basis to request a hold over. The reality is the file had been sent after the Planning Commission meeting had begun.

Urban Planning and Land Use Comments:

1. Please provide a dimensioned site plan sealed by a professional engineer, surveyor, or other design professional that includes utilities.

Applicant Response:

Working with designer to get more detailed plan and eliminate the second property that is no longer part of the application.

Staff Response:

The updated site is not sealed by a professional and does not include utilities or property lines making it difficult to accurately review.

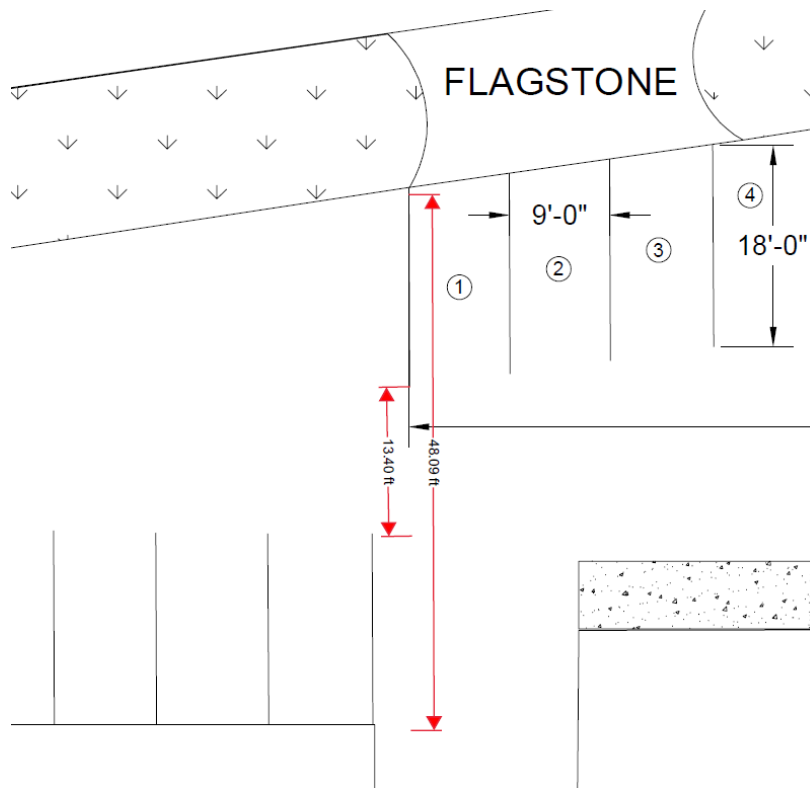
2. All parking and drive aisles must meet the UG dimensional standards. Parking spaces must be 9' by 18'. All parking spaces must be painted.

Applicant Response:

I will show correct dimensions in new plan.

Staff Response:

The drive aisles do not meet the UG's dimensional standards. Doubled loaded 90 degree parking aisles require 60 feet (24 feet of aisle space) to allow cars to back up and maneuver.



Staff Note: The updated site plan resolves the aisle width issue by removing parking spaces. Please note that as a stipulation of approval, cars may only be parked in individually marked parking spaces. This applies to cars for sale, customer parking, employee parking, and all other parking for the entire property. Cars may not be parked anywhere on the property that is not an individually marked space.

3. Cars may not block the drives into the property. In the included site plan, this includes the spaces marked 1, 2, 3, 4, and 5.

Applicant Response:

Drive containing spots 1,2,3 is not used as a driveway. I can make updates to close off driveway if needed. Is this necessary though because as I drive down Merriam Lane there are numerous auto dealers with vehicles parked in some driveways.

4. Cars for sale must not be placed in required parking spaces for customers. With a total building area of 6,569 square feet according to the submitted site plan, 27 parking spaces are required. The submitted site plan only shows 12 parking spaces for customers. However, the submitted site plan appears to have scale errors, and the actual building area and parking requirement may be greater.

Applicant Response:

Building area will be much less with 3133 removed from application. The wrong calculation was also made for required parking. M2 requires 1 space per 500ft. I will use less than 500ft at 3123 so we can go with the minimum customer parking required for M2.

Staff Response:

The updated site plan shows 6,243 square feet of building space on the property. The appraiser's datasheet includes 5882 square feet. With 500 square feet for the used car retail use and between 5743 and 5382 square feet for M-2 use, between 13 and 14 parking space are required. The resubmitted site plan shows 4 parking spaces for customers. Please include an additional 10 parking spaces on the site plan or submit a variance for the number of off-street parking spaces.

5. Landscaping

- a. Provide one street tree for every 30' of street frontage. The landscape areas may need to be expanded by removing paved areas in order to meet this requirement.
- b. Parking areas must be screened by continuous rows of shrubs. Please indicate landscaping on site plan.

Applicant Response:

I do not agree with tearing out brand new pavement installed by the city in the recent past. I will take care of planting a row of shrubs in the city turf ROW. I can add shrubs to the new plans.

6. No Inoperable vehicles shall be stored anywhere on the property.

Applicant Response:

Agree

7. Pavement areas must be kept in excellent condition at all times.

Applicant Response:

Agree. Zach said current pavement is in acceptable condition.

8. All signs must meet the sign code (sec. 27-727) and be properly permitted.

Applicant Response:

Briefly read over the sign requirements and don't see this as being an issue.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) Provide revised site plan showing all dimensions, existing driveway widths, drive aisles, parking areas, distances from property lines, etc., in accordance with UG standards and criteria. Please discuss further with staff if there are any questions.
 - 2) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

Business License Comments:

1. If approved, applicant will need to file and maintain a current occupation tax application.

Staff Conclusion:

In the Southwest Boulevard Merriam Lane Corridor Plan, the community set forth a vision to improve the appearance of this corridor. The Unified Government made a large investment in rebuilding Merriam Lane. The Commercial Design Guidelines and the Special Use Permit requirement is intended to ensure used car dealers do not detract from the appearance of the community. The applicant has refused to make adequate improvements to the property or landscaping to meet the commercial design guidelines or the base zoning code. The number of parking spaces reserved for customers does not meet the zoning code and cannot be approved as is without a zoning variance. For these reasons, staff recommends denial of this application.

Update for March 11, 2019 Meeting:

This application was held over for applicant and staff to have a face-to-face meeting and bring an architect and engineer that can provide adequate plans. A meeting was set with the applicant and he said that he could not attend. Applicant also refused to prepare the required site plan with a scale and engineer/architect seal. The applicant does not understand staff cannot review without a proper plan.

Update for June 10, 2019 Meeting:

The applicant has not contacted staff to set up a meeting to discuss this application and formally submit engineering plans as directed by the City Planning Commission and Unified Government Board of Commissioners.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition #SP-2019-3 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

February 11, 2019 City Planning Commission Minutes
Site Photos
Site Plan
March 11, 2019 City Planning Commission Minutes
March 28, 2019 Board of Commissioners Meeting
June 10, 2019 City Planning Commission Minutes

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 14, 2019	March 28, 2019
Special Use	Held Over	Referred Back
	February 11, 2019	June 27, 2019
	Held Over	
	March 11, 2019	
	Denial	
	June 10, 2019	
	Denial	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-3**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-3** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

February 11, 2019 City Planning Commission Minutes:

Hearing Starts At 2:21:54:

SPECIAL USE PERMIT APPLICATION #SP-2019-3 – BLAKELUND MORONEY WITH MORONEY MOTORS, LLC – SYNOPSIS: Special Use Permit for automotive sales at 3131 Merriam Lane. **Detailed Outline of Requested Action:** The applicant, Blakelund Moroney, has submitted an application for a special use permit to open a used car dealer at the properties located at 3123-3135 Merriam Lane.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated February 11, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 20, 2018; and
7. The Notices to property owners dated December 14, 2018 and January 30, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Recording Secretary Parker stated that this application was heard last month in detail and was held over as the applicant stated he submitted a revised plan and staff had not seen it so it was not reviewed. (Note: The plan was submitted after the Planning Commission meeting started.)

Present in Support:

- ❖ Blake Moroney, applicant, 8424 Tomahawk Road, Overland Park, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 2:34:02: Planning Director Richardson stated that first of all the staff has requested code compliance drawings on this project from the beginning. He stated that if you look at pages 9, 10 and 11 in the staff report (plans) the right-of-way is not shown which is part of a code compliant drawing so the staff can see where the right-of-way is located and what they are doing. For instance, on page 9 they have measured a couple of the parking spaces from the edge of the landscaping which is not the edge of the right-of-way. The staff has a hard time evaluating any of this when they do not have drawings that cannot be measured or accessed. He further stated that a commercial use has to meet the Commercial Design Guidelines. Those say that commercial activity can be done pursuant to the regulations attached to the use. He further stated that they have to comply with the commercial property; you cannot combine properties and say this goes with that and this goes with that. They need a parking variance in the parking regulations if they are going to do this. Director

Richardson stated that this has been a very troublesome case because information has not been forthcoming and has not been presented in a way required by code. He stated that this does not meet code, needs a variance and the staff recommends denial.

The Planning Commission directed questions to the staff/ Planning Director Richardson stated that the applicant has been meeting/working with Zach Flanders and the correspondence has detailed what is needed. The staff has relayed to the applicant what needed to be submitted and why the plans submitted were deficient.

Chairman Carson allowed the applicant to speak again and he stated that he submitted plans about 6 weeks ago. Chairman Carson asked if he was told that they were sufficient. Mr. Moroney stated that when he submitted them Zach was out of the office (he submitted on 1/14/2019 at 6:38 p.m. – during the Planning Commission meeting) and when he got out of the meeting he told Zach that there was a problem as the plans were not given to everyone.

The applicant continued with his comments regarding what he was told (which is disputed by staff.) Additional comments/questions were directed to staff and the applicant. The applicant requested a hold over so he can meet with staff because he is getting mixed signals on the phone. Planning Director Richardson stated that from the beginning the applicant has stated that he was not going to comply with the stipulations.

Motion and Vote Starts at 2:44:47:

On motion by Dr. Neal, seconded by Mr. Connelly, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit Application #SP-2019-3 based on staff comments:**

Carson	No
Connelly	Aye
Ernst	No
Huey	Aye
Jones	No
Miller	No
Neal	Aye
Pauley	Aye
Reasons	No
Serda	Aye

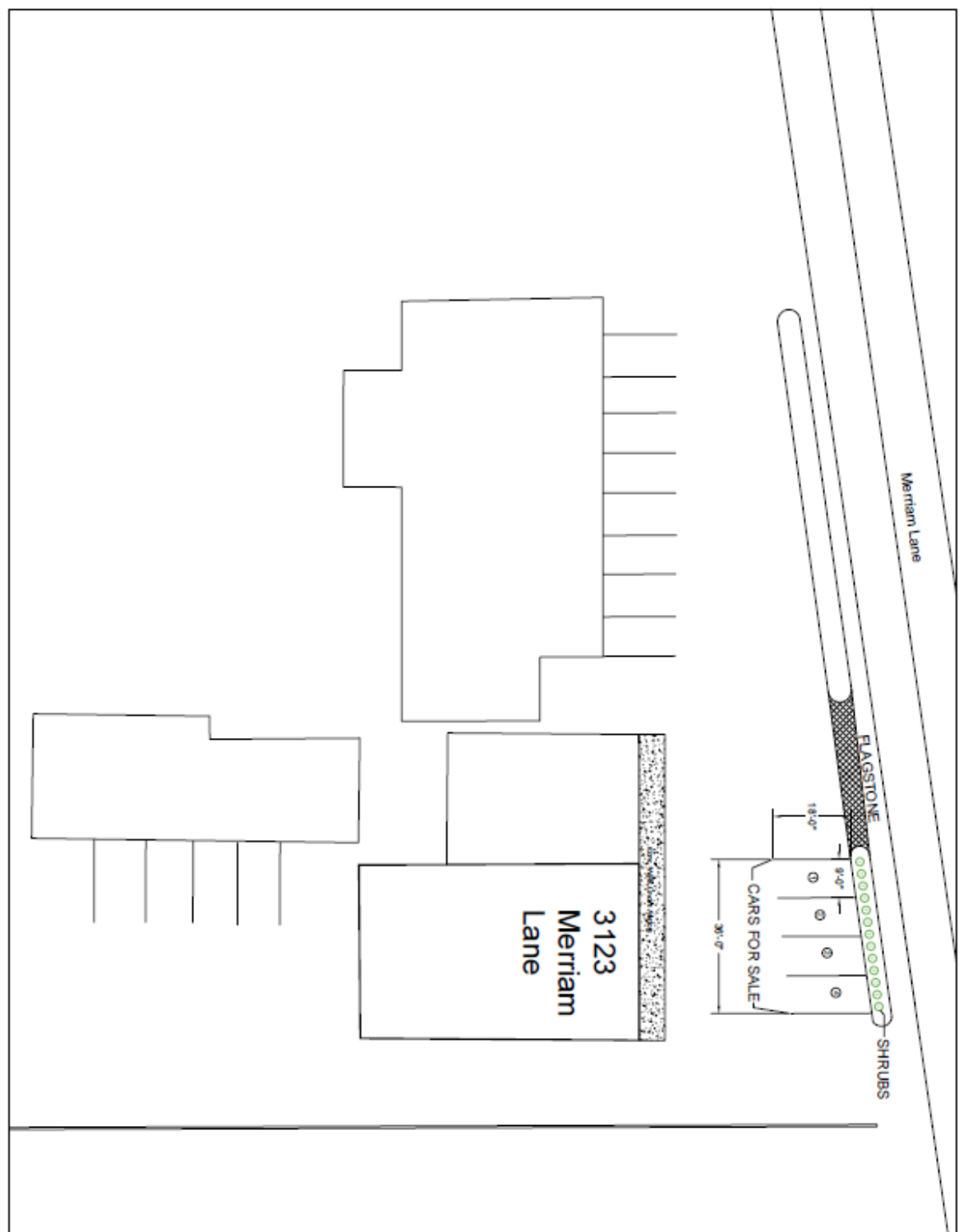
Motion to DENY Failed: 5 to 5

On motion by Mr. Miller, seconded by Mr. Reasons, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2019-3 for applicant and staff to have a face-to-face meeting and bring an architect and engineer that can provide adequate plans:**

Carson	Chairman
Connelly	No
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Aye

Neal	Aye
Pauley	Aye
Reasons	Aye
Serda	No

Motion to HOLD OVER Passed: 7 to 2



PLAN

**Site
Layout & Design**

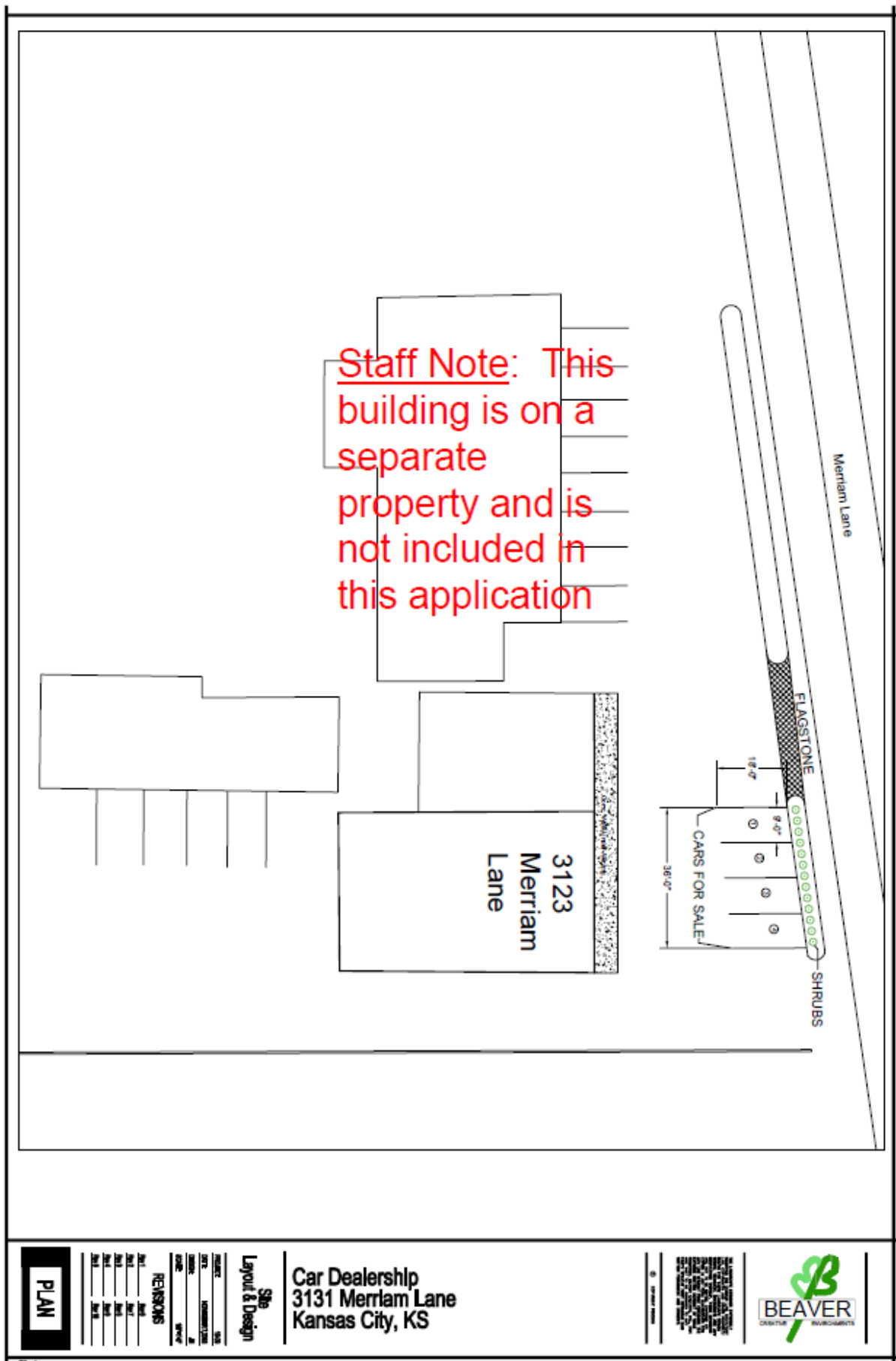
PROJECT	3131
DATE	11/11/2019
DESIGNER	BEAVER
SCALE	1/4" = 1'-0"

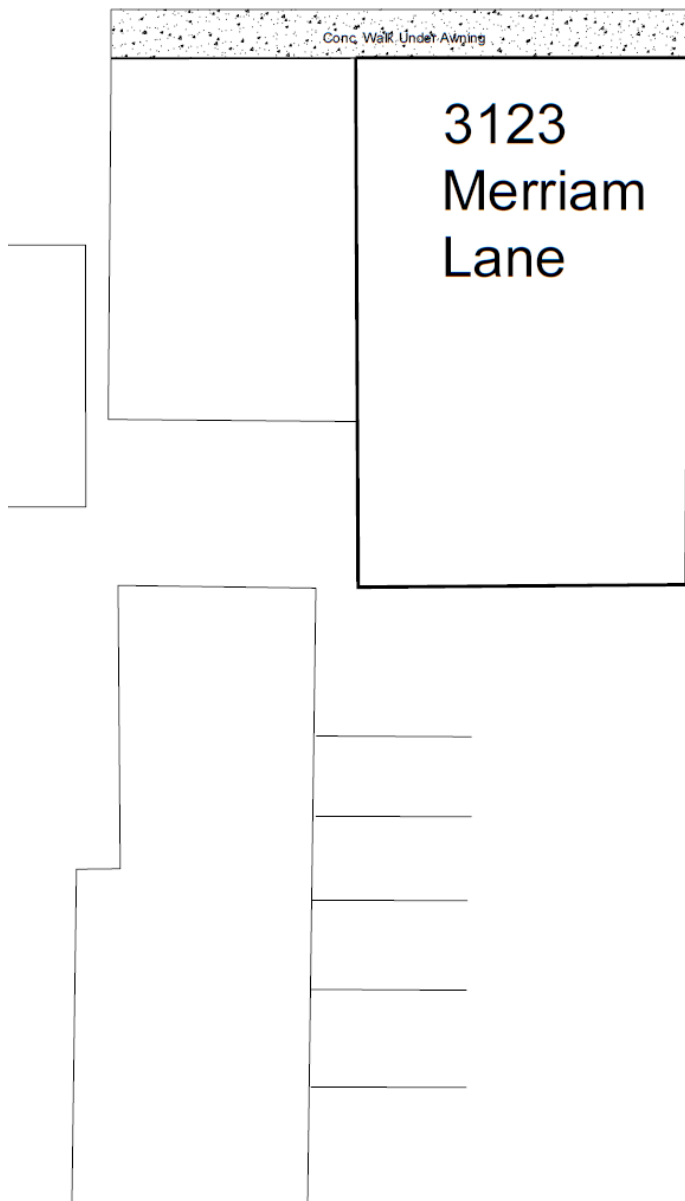
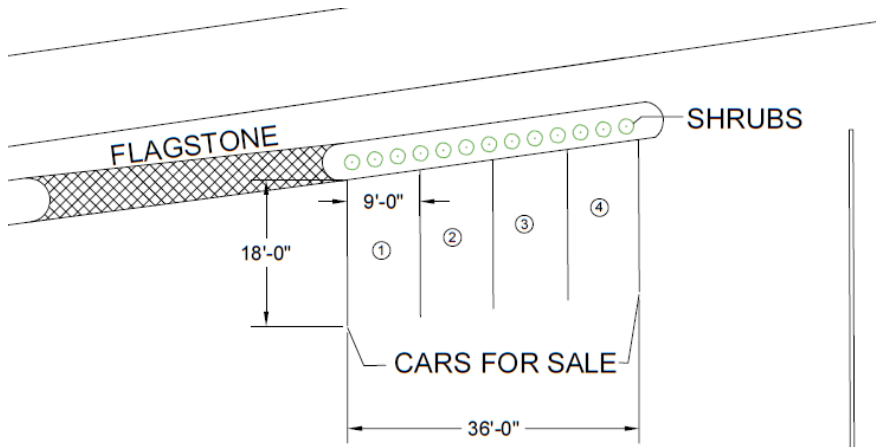
REVISIONS

REV	DATE	DESCRIPTION
01	11/11/2019	INITIAL DESIGN
02	11/11/2019	FINAL DESIGN

Car Dealership
3131 Merriam Lane
Kansas City, KS

© Beaver Creek





March 11, 2019 City Planning Commission Minutes:

Hearing Starts At 1:50:00:

SPECIAL USE PERMIT APPLICATION #SP-2019-3 – BLAKELUND MORONEY WITH MORONEY MOTORS, LLC – SYNOPSIS: Special Use Permit for automotive sales at 3131 Merriam Lane. Detailed Outline of Requested Action: The applicant, Blakelund Moroney, has submitted an application for a special use permit to open a used car dealer at the properties located at 3123-3135 Merriam Lane.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 11, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 20, 2018;
7. The Notices to property owners dated December 14, 2018, January 30, 2019 and February 20, 2019; and
8. Additional information submitted to the Commission from staff this evening.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Carson stated that he communication with the applicant via email today.

Recording Secretary Parker stated that this application was heard in detail last month and was held over for one month **for applicant and staff to have a face-to-face meeting and bring an architect and engineer that can provide adequate plans**

Present in Support:

- ❖ Blake Moroney, applicant, 8424 Tomahawk Road, Overland Park, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 1:32:15: Planning Director Richardson stated that the paperwork the applicant was given was the special use permit application that showed the requirement for the site plan. The first time that this application was on the Planning Commission agenda the staff was going to hold it over because staff did not have the information needed to review it. He further stated that Zach (Flanders) walked to Janet's (Parker) desk and told her that the applicant said that he is not going to comply and wants to be on the agenda. He stated that it has been hard for him to take the applicant seriously once statements like that are made. However, if he is willing to have a site plan prepared the staff will help him through the process. Director Richardson stated that he does not have a scaled site plan that he can look at so he cannot advise the applicant until he has the particulars. With regard to the tree it is hard

to tell from the last site plan because the right-of-way is not shown. When the applicant says that Zach said he had to take out concrete by the street he is not talking about the green space near the street, he is talking about the parking lot. There are street trees on private property especially in utility heavy corridors. Director Richardson stated that there has been a lot of miscommunication but he believes that it stems from the applicant thinking that there does not need to be any improvements done here. He stated that is what Zach has conveyed to him but if the applicant is willing to change that and come back with a site plan (prepared by a professional) that the staff can evaluate he is happy to meet with him and guide him through the process to give him his best chance to get approved. Director Richardson further stated the site plan that was submitted was not drawn to scale and was deceptive. He is probably going to need a variance because of how the parking and drive aisles need to be done. Those have to be very specific so he needs to have a plan to review.

Chairman Carson asked if a site plan can be done in 30 days. Director Richardson stated that within 60 days a site plan could be submitted and staff could determine if there variances that are needed. If it is determined that variances are needed, he would request that staff be able to extend the hold over an additional 30 days to publish for variances.

Planning Commissioner Connelly stated that the Commission has asked him to bring an architect or engineer to a face-to-face meeting with the staff and he did not do that so if the Commission asks him to submit a site plan (done by a professional) how long would it take him to get it to Rob or Zach? Mr. Moroney stated that he has consulted an engineer but he is not sure of the timeline. Mr. Connelly asked him how long it would take him to get a site plan? Mr. Moroney stated that within the 60 day hold over he would hope 30 to 45 days. Chairman Carson asked if he can commit to getting an engineer to do the site plan. Mr. Moroney stated that he has already contacted an engineer. Mr. Moroney stated that it is his fault as he thought that he was just supposed to meet with staff; he did know that he was supposed to have an engineer. He knew that was coming but he wanted to meet with staff first. Mr. Connelly asked when he needs the site plan. Director Richardson stated that he would need it by May 1, 2019 at 12:00 Noon. As far as meeting with a design professional (architect or engineer), he needs to be told to prepare a site plan. Staff needs a scaled site plan showing all the site improvements and proposed improvements by May 1, 2019 at 12:00 Noon. Commissioner Connelly asked if he can have this done by May 1st with the existing improvements and proposed improvements. He stated that he wants to make sure the applicant understands. Mr. Moroney stated yes.

Motion and Vote Starts at 1:41:50:

On motion by Mr. Connelly, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application #SP-2019-3 as the applicant did not comply with the hold over stipulations from the February 11, 2019 meeting which were for the applicant and staff to have a face-to-face meeting and bring an architect and engineer that could provide adequate plans:**

Carson	Chairman
Cho	Aye
Connelly	Aye

Ernst	Aye
Jones	Aye
Miller	No
Neal	Not Present
Reasons	No
Serda	Aye
Huey	Not Present
Pauley	Not Present

Motion to recommend DENIAL Passed: 5 to 2

March 28, 2019 Board of Commissioners Minutes:

ITEM NO. 1 – 19662...Special Use Permit Application #SP-2019-3 - BLAKELUND MORONEY WITH MORONEY MOTORS, LLC. **Synopsis:** Special use permit for automotive sales at 3131 Merriam Lane, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 5 to 2 to recommend denial of Special Use Permit Application #SP-2019-3 as the applicant did not comply with the hold over stipulations from the February 11, 2019 meeting which were for the applicant and staff to have a face-to-face meeting and bring an architect and engineer that could provide adequate plans.

Rob Richardson, Director of Planning, said the applicant has had a difficult time providing information needed for the Planning Commission and staff to make a favorable recommendation. The staff's recommendation to the Planning Commission was actually to hold this over to give him one more chance to provide the adequate information so we could understand exactly what the application was and what potential other actions such as variances might be needed for the parking. Given the history of the case, the Planning Commission voted, as you noted, to deny the case.

Blakelund Moroney, 8424 Tomahawk Rd., Overland Park, KS, said as Rob stated, the recommendation discussed by his staff and I was to hold this over for more time for me to meet with the engineer or architect to get the proper plans, variances, and needed materials. There's miscommunication, a lot of it my fault, which is kind of why, I think, the Commission voted for denial. Since then, Rob and I have spoken again and he thinks having some more time to meet with engineering or architect would be sufficient. I forget if he said 60 or 90 days, but whatever is recommended should be sufficient for me getting in touch with the proper people.

Mayor Alvey opened the public hearing and asked is there anyone present who would like to speak in favor of the application. No one stepped forward.

Mayor Alvey asked if anyone present would like to speak in opposition. No one stepped forward.

Mr. Richardson said, Mayor, this might be a bit unusual, but I think he needs to have an engineer prepare plans before we go back to Planning Commission so I can tell the Planning Commission what it is that they would be voting on. I think it would be appropriate—do you think you can do it for the second week of May or second week of June? Let's refer this back to the June Planning Commission meeting.

Action: Commissioner Murguia made a motion, seconded by Kane, to refer Special Use Permit Application #SP-2019-3 back to the Planning Commission for reasons stated above for the June Planning Commission meeting. Roll call was taken and there were nine “Ayes,” Murguia, Johnson, Kane, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan.

Commissioner McKiernan said you’re going to keep hearing this from me until I no longer see this on this agenda. We have a tax status report that comes at the end of every Planning Commission agenda. We are prevented by state statute from using non-payment of taxes as a deciding factor in any case that comes before us, and we did not tonight. I still find it just appalling that folks who come before the Planning Commission asking the Planning Commission to work on their behalf have not supported the work of that Planning Commission by not paying their taxes.

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 18:30 and the applicant was not present. The applicant was recalled at 1:33:44 and the applicant still was not present:

SPECIAL USE PERMIT APPLICATION #SP-2019-3 – BLAKELUND MORONEY WITH MORONEY MOTORS LLC – SYNOPSIS: Special Use Permit for automotive sales at 3131 Merriam Lane. ***Detailed Outline of Requested Action:*** The applicant, Blakelund Moroney, has submitted an application for a special use permit to open a used car dealer at the properties located at 3123-3135 Merriam Lane.

The following items were included as part of the record for this case:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated December 20, 2018; and
7. The Notices to property owners dated December 14, 2018, January 30, 2019, February 20, 2019 and April 2, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Recording Secretary Parker stated that the Unified Government Board of Commissioners at its March 28, 2019 referred this application to the June 10, 2019 City Planning Commission meeting for the applicant and staff to have a face-to-face meeting and submit adequate engineering plans. This has not been done.

Present in Support:

- ❖ No one appeared

Present in Opposition:

❖ No one appeared

Staff Recommendation Starts 1:34:04: Planner Toy stated this application was referred back to the Planning Commission from the Board of Commissioners for the applicant to meet with staff and submit engineering plans. That has not happened; the applicant has not been in contact with the staff since March. Commissioner Serda asked if the Planning Commission originally recommended denial of this application. Planner Toy stated that the Planning Commission had recommended denial of the application and the Board of Commissioners referred it back to the Planning Commission.

Motion and Vote Starts 1:34:50:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **DENIAL** of Special Use Permit Application #SP-2019-3 based on the failure of the applicant to meet with staff and submit engineering plans:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend DENIAL Passed: 5 to 0



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-35

GENERAL INFORMATION

Applicant:
Lolita Sanders

Status of Applicant:
Owner
3202 West Barker Circle
Kansas City, Kansas

Requested Action:
Renewal of a Special Use
Permit

Date of Application:
February 22, 2019

Purpose:
To operate a child educational
center in a residential property
in which the applicant does not
reside.



Property Location: 1316 Armstrong Avenue

Commission Districts:

1. Commissioner At Large: Tom Burroughs
2. District Commissioner: Brian McKiernan

Existing Zoning: R-1(B) Single Family District

Existing Surrounding Zoning: **North:** C-3 Commercial District

South: R-1(B) Single Family District

East: R-1(B) Single Family District

West: R-1(B) Single Family District

Existing Uses: **North:** Restaurant

South: McKinley Elementary

East: Single family residential

West: Single family residential

Total Tract Size: 0.14 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Urban Density Residential

Major Street Plan: The Major Streets Plan designates Armstrong as a local street

Advertisement: The Wyandotte Echo – March 14, 2019
Letters to Property Owner – March 13, 2019, May 16, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 27, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicants are requesting renewal of a Special Use Permit for the temporary use of land for commercial purposes in order to use a residential structure as a child development center.

City Ordinance Requirements: Article VIII Sections 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is primarily residential in nature.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The zoning and uses of nearby properties are set out above. Though we often allow day cares to operate in residential neighborhoods, this case is unique in that the applicant does not reside in the house and it is only used in a commercial fashion.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

The property was developed as a residence and is located in an exclusively residential neighborhood. By allowing a solely commercial use in the neighborhood, there are some changes to the neighborhood to be expected.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant.

5. *The degree of conformance of the proposed use to the Master Plan.*

This sort of operation is not addressed by the Master Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

There likely has been an increase in traffic in both the mornings and the evenings when parents are dropping off and picking up their children each day. Though it is unlikely to exceed the capacity of the street, it is not unreasonable to assume there are times when there would be traffic backed up or a lack of parking spaces near the property due to the increased traffic.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

This use is not a necessary convenience to the public. Having a day care in a neighborhood can be helpful to some nearby residents. The use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

- 8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

Noise could become an issue if not properly managed. Children playing outside can be quite noisy where there are many of them together.

- 9. *Whether the proposed use will pollute the air, land or water.***

This has not been an issue.

- 10. *Whether the use would damage or destroy an irreplaceable natural resource.***

This has not been an issue.

- 11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.***

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner is minimal.

- 12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.***

This has not been an issue.

PREVIOUS ACTIONS

#SP-2016-31, approved for special use permit to operate as a childcare facility.

NEIGHBORHOOD MEETING

Applicant held a neighborhood meeting at 7:00 PM on May 15, 2019 at 625 Minnesota Avenue. Applicant states that no neighbors attended the meeting.

KEY ISSUES

Traffic and parking, noise, yard appearance

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-35, subject to:

Urban Planning and Land Use Comments:

1. Since being granted the Special Use Permit, have there been any complaints from the neighbors, especially related to excessive noise from cars or children, traffic congestion/street parking issues, or appearance of the yard or structure?

Applicant Response: After receiving the special use permit and due to a change in my life the daycare was not up and running. Unfortunately I don't have any information regarding the traffic/congestion or any parking issues. As I stated before I don't foresee an issue regarding traffic or parking since drop off and pick up will be staggered based on the parents work hours.

2. On the Development Application for renewal, Applicant's comments regarding proposed uses (Question 4) and additional information (Question 6) were identical to the comments made on the original Development Application from 2016. In light of that, what is the current number of children attending the day care, and how many staff members/volunteers currently work at the day care?

Applicant Response: The capacity that I will be licensed for will be 10 to 12. I will be the only provider/worker and I may have 1 volunteer.

Staff Response: It should be noted that Applicant never used the Special Use Permit issued in 2016. This explains why her application responses were the same, and also allows for those answers to be used for this staff recommendation.

3. If renewed, application will be held to the following stipulations:
 - a. Applicant must be licensed by State of Kansas and approved by Wyandotte County Health Department.
 - b. Parking in designated areas only to minimize traffic issue.
 - c. Structure (outside and inside) and yard must be code complaint at all times (lawn mowed, free of debris, etc.).
 - d. Special Use Permit approval for two (2) years.

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-35** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Update Letter

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Board of Commissioners
Public Hearing	June 10, 2019	June 27, 2019
Special Use	Approval	

STAFF CONTACT: **Mike Farley**
 mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-35** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____ ;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-35**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 20:20:

SPECIAL USE PERMIT APPLICATION #SP-2019-35 – LOLITA SANDERS–

SYNOPSIS: Special Use Permit for a child educational center (previous Special Use Permit #SP-2016-31 expired 5/26/2018) at 1316 Armstrong Avenue. **Detailed Outline of Requested Action:** The applicants are requesting renewal of a Special Use Permit for the temporary use of land for commercial purposes in order to use a residential structure as a child development center.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated March 14, 2019;
7. The Notices to property owners dated March 13, 2019 and May 16, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Lolita Sanders, applicant, 1316 Armstrong Avenue, Kansas City, Kansas 66102

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 22:20: Planner Toy stated that staff recommends approval subject to the stipulations outlined in the staff report.

Motion and Vote Starts 22:29:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application #SP-2019-35:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present

Pauley Not Present
Reasons Not Present
Motion to recommend APPROVAL Passed: 5 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Since being granted the Special Use Permit, have there been any complaints from the neighbors, especially related to excessive noise from cars or children, traffic congestion/street parking issues, or appearance of the yard or structure?

Applicant Response: After receiving the special use permit and due to a change in my life the daycare was not up and running. Unfortunately I don't have any information regarding the traffic/congestion or any parking issues. As I stated before I don't foresee an issue regarding traffic or parking since drop off and pick up will be staggered based on the parents work hours.

2. On the Development Application for renewal, Applicant's comments regarding proposed uses (Question 4) and additional information (Question 6) were identical to the comments made on the original Development Application from 2016. In light of that, what is the current number of children attending the day care, and how many staff members/volunteers currently work at the day care?

Applicant Response: The capacity that I will be licensed for will be 10 to 12. I will be the only provider/worker and I may have 1 volunteer.

Staff Response: It should be noted that Applicant never used the Special Use Permit issued in 2016. This explains why her application responses were the same, and also allows for those answers to be used for this staff recommendation.

3. If renewed, application will be held to the following stipulations:
 - e. Applicant must be licensed by State of Kansas and approved by Wyandotte County Health Department.
 - f. Parking in designated areas only to minimize traffic issue.
 - g. Structure (outside and inside) and yard must be code complaint at all times (lawn mowed, free of debris, etc.).
 - h. Special Use Permit approval for two (2) years.

Public Works Comments:

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

4. What is the proposed use(s) for the applicant's property?

The property at 1316 Armstrong Ave is currently a residential property that consists of 2 bedrooms, 2 baths and approx. 840 sq ft. We intend to use the lower level of the property as classrooms and eating area. The upper level will be used as an office.

The facility will be divided into groups: Infant, toddler class and School age class. 15 children will be serviced at this facility. The ages of the children being serviced will be between the ages of newborn to eight years of age. 70% of the children will attend full day sessions the other 30% will attend on a part-time basis. The hours of operation will be from 6 a.m. to 10 p.m. Pick up and drop off will be between those hours and this will be staged pick up and drop off. At this time we will have 3 full time employees and 2 volunteers. Staffing patterns will vary for each employee.

6. Additional information, Please note any additional information that may assist in reviewing this request.

In the near future we intend to add on an additional room with half bathroom for a nursery. This will bring the total number of children to 25. We will also add 1 more employee for a total of 4 employees and 2 volunteers. Parking will be on the street but will be temporary to allow each parent 5-10 minutes to drop off or pick up their children. Employees will park in the driveway.



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-38

GENERAL INFORMATION

Applicant:
Thomas W. Morgan III

Status of Applicant:
Property Owner
431 North Thompson Street
Kansas City, KS 66101

Requested Action:
Approval of a Special Use Permit

Date of Application:
February 26, 2019

Purpose:
To operate a Bed and Breakfast/AIRBNB at the applicant's primary residence

Property Location:
431 North Thompson Street

Commission Districts: Commissioner At Large: Tom Burroughs
District Commissioner: Brian McKiernan



Existing Zoning: R-1(B) Single Family District

Existing Surrounding Zoning: **North:** R-1(B) Single Family District
South: R-1(B) Single Family District
East: R-1(B) Single Family District
West: R-1(B) Single Family District

Existing Uses: **North:** Single family residences
South: Single family residences
East: Single family residences
West: Single family residences

Total Tract Size: 0.08 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Urban Density.

Major Street Plan: The Major Street Plan classifies Thompson Street as a local street.

Advertisement: The Wyandotte Echo – March 14, 2019
Letters to Property Owner – March 13, 2019, May 16, 2019 and June 10, 2019

Public Hearings: April 8, 2019, June 10, 2019 and June 27, 2019

Public Opposition: There were four persons present in opposition at the April 8, 2019 City Planning Commission meeting and one person present in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Thomas W. Morgan III, is applying to use the property at 431 North Thompson Street as a Bed and Breakfast/AIRBNB. This is the applicant's primary residence; however, he intends to rent out the entire home when he is out of town or not staying at the residence. The applicant lists both bedrooms (two-bedroom residence) are available for short-term rental.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature, primarily comprised of single-family homes with the Strawberry Hill neighborhood.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of the properties are set out above. The proposed use might be compatible with the surrounding residences if operated properly. Operating this property as a bed and breakfast has the potential to create issues related to noise, parking, and other concerns related to overcrowding. The fact that this property is the primary residence of the host mitigates these concerns to some extent.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?*

Removal of the restrictions may not detrimentally affect nearby property. Potential detrimental effects such as noise and parking are mitigated by some extent by the fact that this property is the primary residence of the house.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special use permits are not addressed in the Master Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use will not increase vehicular traffic to the point where it exceeds the capacity of the street network.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use provides convenient lodging for the public and will not likely substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

This is not foreseen to be an issue.

9. *Whether the proposed use will pollute the air, land or water.*

This is not foreseen to be an issue.

10. Whether the use would damage or destroy an irreplaceable natural resource.

This is not foreseen to be an issue.

11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain or loss to the public health, safety, and welfare is likely to be minimal. If denied, the landowner would not be able to use the property as a bed and breakfast but may use the property as a single-family house.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on March 24, 2019. According to the applicant, there were concerns expressed about the availability of off-street parking and the vetting process of potential renters.

KEY ISSUES

Neighborhood Preservation
Quality of Life
Housing Availability
Economic Development
Safety
Regulatory Consistency

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-38, subject to:

Urban Planning and Land Use Comments:

1. Describe how you will communicate with neighbors.

Applicant Response: I currently have contact information for the neighbors around me – they also have my contact information. I am sending out

written notice to each of them regarding the status of the Airbnb and will include my contact information again in case they need it.

2. Describe how you will pay appropriate lodging taxes.

Applicant Response: Taxes are to be collected by Airbnb and HomeAway.

3. How many rooms are rented?

Applicant Response: The entire house, which includes two bedrooms will be rented.

4. What is the maximum number of vehicles and where will they park?

Applicant Response: Unknown due to the circumstances of each individual renter, however a private parking space in my garage will be available for use as well as off-street parking, which is typically readily available.

Staff Response: The guests need to park in the garage and be offered one (1) space on the street, where available for a total of two (2) spaces.

5. How often are guests in the residence?

Applicant Response: When I am out of town or not staying at the residence, which varies depending on month and my work schedule. Expecting a maximum of 10-15 days per month.

6. Do you have a rental license from the Unified Government for the facility?

Applicant Response: No, I spoke with the Unified Government regarding this issue and since I am not expecting anyone to be renting for 28 or more consecutive days, I did not need to obtain a rental license.

7. Provide a detailed description of the area(s) rented for Airbnb/other rental operations. Include bedrooms, bathrooms, common areas, etc.

Applicant Response: The entire single-family residence will be available to rent. This includes two (2) bedrooms, two (2) full bathrooms, a living room, dining area and kitchen. Also included is a back deck, fenced in private back yard and one (1) detached garage. The property was recently renovated and is extremely safe and well-constructed, including an alarm system.

8. Describe how you will maintain a safe environment including:

- i. Working smoke detectors in each bedroom plus each level of the unit/house.
- ii. GFCI outlets are required in bathrooms.
- iii. Double keyed locks are not allowed.
- iv. Copper cannot be used for gas supply lines.

- v. Windows must be operable, not blocked or boarded.
- vi. Handrails are required at sets of 4 or more stairs/risers.
- vii. Hot water tank and furnace must be vented properly and operational.
- viii. Electric panel and circuits must be safe.

Applicant Response: Whole home was renovated from the studs out in 2017 and 2018 and all required permits and inspections were completed. This provides that the home is very safe with modern upgrades including new electrical, new roof, new plumbing, new HVAC. All of the above requirements needed for a safe rental have been met.

9. Who is responsible for issues that may arise when tenants are renting the house, if neighbors have concerns, or to clean and prepare the house between tenants? Who is responsible when you are out of town or staying away from the home?

Applicant Response: I will be the go-to contact for this property if any issues arise. I am also in the process of finding a cleaner who will clean between tenants if I am unable to do it myself. I will personally try to do it as often as possible, though. If I am out of town and there is an issue, I have family who are willing to help out if necessary.

10. Per Business Licensing: If approved, the applicant will need to file the occupation tax application with our office for the business activity.

Applicant Response: Not a problem regarding the occupation tax application.

11. Approval for one (1) year.

Public Works Comments:

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

Staff Conclusion:

Subject to approval, staff stipulates the following:

- (1) Host will maintain a safe environment described above.
- (2) Host will obtain a business license with the City.
- (3) The maximum number of guests is limited to five (5) people.

(4) Parking for renters shall be in the garage and/or parking pad off the alley.

(5) Approval is for one (1) year.

UPDATE – June 10, 2019:

The City Planning Commission asked for the applicant to complete three issues:

- 1) Install gutters on the residence;
- 2) Meet with the neighbors regarding the operation; and
- 3) Improve the off-street parking issues for prospective guests and neighbors.

The applicant has contacted staff to inform that the aforementioned issues have been addressed. The applicant installed gutters on the home, had phone conversations with Justine Underwood-Jones, President of the Strawberry Hill Neighborhood Association and online application chats (NextDoor) with neighbors and has updated their postings to restrict guest parking to two (2) vehicles.

Subject to approval, staff stipulates the following:

- (1) Host will maintain a safe environment described above and included in their summary update.
- (2) Host will obtain a business license with the City.
- (3) The maximum number of guests is limited to five (5) people.
- (4) Online listings regarding the short-term rental shall list guest parking restrictions to two (2) vehicles, limiting one in the rear garage and one in front of the home on the street.
- (5) Approval is for one (1) year because the applicant will not be present when guests are staying (to allow parking in the garage and in front of the residence).

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-38 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

April 8, 2019 City Planning Commission Minutes
June 10, 2019 City Planning Commission Minutes
Summary of Updates from the Applicant – June 10, 2019
House Rules for Guests – June 10, 2019
Photos of Gutters – June 10, 2019
Screenshot of Conversation with Neighbors – June 10, 2019
Letters of Support – June 10, 2019
Applicant Response Letter
Neighborhood Meeting Minutes
Google Street View of Residence
Building Floor Plan
Site Photographs

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 8, 2019	
Special Use	(Held Over) June 10, 2019	June 27, 2019
	Approval	

STAFF CONTACT: **Byron Toy, AICP**
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-38** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-38**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

April 8, 2019 City Planning Commission Minutes:

Hearing Starts 1:43:00:

SPECIAL USE PERMIT APPLICATION #SP-2019-38 –THOMAS W. MORGAN III –

SYNOPSIS: Special Use Permit for an AIRBNB at 431 North Thompson Street.

Detailed Outline of Requested Action: The applicant, Thomas W. Morgan III, is applying to use the property at 431 North Thompson Street as a Bed and Breakfast/AIRBNB. This is the applicant's primary residence; however, he intends to rent out the entire home when he is out of town or not staying at the residence. The applicant lists both bedrooms (two-bedroom residence) are available for short-term rental.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated April 8, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated March 14, 2019; and
7. The Notices to property owners dated March 13, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Thomas (Trey) Morgan, applicant, 431 North Thompson, Kansas City, Kansas 66101
- ❖ Jay Fenton, applicant, 431 North Thompson, Kansas City, Kansas 66101

Present in Opposition:

- ❖ Cori Williams, 429 North Thompson, Kansas City, Kansas 66101
- ❖ Justine Underwood-Jones, 431 Ann Avenue, Kansas City, Kansas 66101 and President of Strawberry Hill Neighborhood Association
- ❖ Callie Brinton, 421 Sandusky Avenue, Kansas City, Kansas 66101
- ❖ Aaron Kilgore, 419 Sandusky Avenue, Kansas City, Kansas 66101

Chairman Carson asked if they are currently operating and the applicants stated yes, they were under the impression that they could operate if they filed this application.

Staff Recommendation starts 2:05:10: Planning Director Richardson asked if the applicants said that their driver's licenses and car tags are registered in another state. The applicants stated yes, in Missouri. Director Richardson asked if they realize that is illegal. The applicants stated that they do now. Director Richardson stated that this is different than what was originally presented to the staff as the staff was not aware this was already operating illegally. In their written responses, they said that there was a garage and off-street parking pad and they have indicated that they only have the

garage. He further stated that he is not confident or comfortable about what is going on at this location at this time. It does not appear that their commitment to Kansas City, Kansas is very strong as they have not changed their driver's licenses or car tags. If this application is recommended for approval, he would recommend that the gutters be added and pointed away from the neighbors appropriately. Director Richardson stated that he is going to change the staff recommend to denial.

Director Richardson further stated that the Unified Government has contracted with a company for \$12,000 to keep track of the AIRBNBs in the city, how many days they operate, etc.

Chairman Carson opened the public hearing for the applicant to address the issues of parking. The Commission discussed the parking issue with the staff.

Motion and Vote Starts 2:13:50:

There was a motion/second and vote to hold over for 6 months that did not pass (0/7).

On motion by Ms. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2019-38 until the June 10, 2019 meeting for the applicant to address parking, gutters, and neighborhood issues; they cannot operate while this application is pending:**

Carson	Chairman
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	No
Pauley	Aye
Reasons	No
Serda	Aye
Cho	Not Present
Connelly	Not Present
Neal	Not Present

Motion to HOLD OVER Passed: 5 to 2

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 23:00:

SPECIAL USE PERMIT APPLICATION #SP-2019-38 – THOMAS W. MORGAN III –

SYNOPSIS: Home Occupation Special Use Permit for an AIRBNB at 431 North Thompson. **Detailed Outline of Requested Action:** The applicant, Thomas W. Morgan III, is applying to use the property at 431 North Thompson Street as a Bed and Breakfast/AIRBNB. This is the applicant's primary residence; however, he intends to rent out the entire home when he is out of town or not staying at the residence. The applicant lists both bedrooms (two-bedroom residence) are available for short-term rental.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated March 14, 2019;
7. The Notices to property owners dated March 13, 2019 and May 16, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. Chairman Carson stated that he has had a couple of conversations with the applicants concerning their project.

Recording Secretary Parker stated that this application was held over from the April meeting for the applicant to complete three issues:

- 1) Install gutters on the residence;
- 2) Meet with the neighbors regarding the operation; and
- 3) Improve the off-street parking issues for prospective guests and neighbors.

She stated that it is the staff's understanding that these items have been completed.

Present in Support:

- ❖ Thomas Morgan, applicant, 431 North Thompson, Kansas City, Kansas 66101
- ❖ Jake Patton, 431 North Thompson, Kansas City, Kansas 66101
- ❖ Corey Hamilton, 500 North Thompson, Kansas City, Kansas 66101

Present in Opposition:

- ❖ Cori Williams, 429 North Thompson, Kansas City, Kansas 66101

Staff Recommendation starts 33:11: Planner Toy stated that the three things that were requested by the Planning Commission: making sure the gutters were installed; talking with the neighbors and making sure they figured out the parking situation. He stated that on the applicant's listing they have put that only two (2) cars are allowed (one in the back and one on the street.) It is no different than if it was a long-term rental with two (2) cars. Planner Toy stated that the staff recommends approval subject to the stipulations outlined in the staff report.

Motion and Vote Starts 34:28:

On motion by Dr. Neal, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application #SP-2019-38:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye

Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Describe how you will communicate with neighbors.

Applicant Response: I currently have contact information for the neighbors around me – they also have my contact information. I am sending out written notice to each of them regarding the status of the Airbnb and will include my contact information again in case they need it.

2. Describe how you will pay appropriate lodging taxes.

Applicant Response: Taxes are to be collected by Airbnb and HomeAway.

3. How many rooms are rented?

Applicant Response: The entire house, which includes two bedrooms will be rented.

4. What is the maximum number of vehicles and where will they park?

Applicant Response: Unknown due to the circumstances of each individual renter, however a private parking space in my garage will be available for use as well as off-street parking, which is typically readily available.

Staff Response: The guests need to park in the garage and be offered one (1) space on the street, where available for a total of two (2) spaces.

5. How often are guests in the residence?

Applicant Response: When I am out of town or not staying at the residence, which varies depending on month and my work schedule. Expecting a maximum of 10-15 days per month.

6. Do you have a rental license from the Unified Government for the facility?

Applicant Response: No, I spoke with the Unified Government regarding this issue and since I am not expecting anyone to be renting for 28 or more consecutive days, I did not need to obtain a rental license.

7. Provide a detailed description of the area(s) rented for Airbnb/other rental operations. Include bedrooms, bathrooms, common areas, etc.

Applicant Response: The entire single-family residence will be available to rent. This includes two (2) bedrooms, two (2) full bathrooms, a living room, dining area and kitchen. Also included is a back deck, fenced in private back yard and one (1) detached garage. The property was recently renovated and is extremely safe and well-constructed, including an alarm system.

8. Describe how you will maintain a safe environment including:
- i. Working smoke detectors in each bedroom plus each level of the unit/house.
 - ii. GFCI outlets are required in bathrooms.
 - iii. Double keyed locks are not allowed.
 - iv. Copper cannot be used for gas supply lines.
 - v. Windows must be operable, not blocked or boarded.
 - vi. Handrails are required at sets of 4 or more stairs/risers.
 - vii. Hot water tank and furnace must be vented properly and operational.
 - viii. Electric panel and circuits must be safe.

Applicant Response: Whole home was renovated from the studs out in 2017 and 2018 and all required permits and inspections were completed. This provides that the home is very safe with modern upgrades including new electrical, new roof, new plumbing, new HVAC. All of the above requirements needed for a safe rental have been met.

9. Who is responsible for issues that may arise when tenants are renting the house, if neighbors have concerns, or to clean and prepare the house between tenants? Who is responsible when you are out of town or staying away from the home?

Applicant Response: I will be the go-to contact for this property if any issues arise. I am also in the process of finding a cleaner who will clean between tenants if I am unable to do it myself. I will personally try to do it as often as possible, though. If I am out of town and there is an issue, I have family who are willing to help out if necessary.

10. Per Business Licensing: If approved, the applicant will need to file the occupation tax application with our office for the business activity.

Applicant Response: Not a problem regarding the occupation tax application.

11. Approval for one (1) year.

Public Works Comments:

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

Staff Conclusion:

Subject to approval, staff stipulates the following:

- (1) Host will maintain a safe environment described above.
- (2) Host will obtain a business license with the City.
- (3) The maximum number of guests is limited to five (5) people.
- (4) Parking for renters shall be in the garage and/or parking pad off the alley.
- (5) Approval is for one (1) year.

UPDATE – June 10, 2019:

The City Planning Commission asked for the applicant to complete three issues:

- 1) Install gutters on the residence;
- 2) Meet with the neighbors regarding the operation; and
- 3) Improve the off-street parking issues for prospective guests and neighbors.

The applicant has contacted staff to inform that the aforementioned issues have been addressed. The applicant installed gutters on the home, had phone conversations with Justine Underwood-Jones, President of the Strawberry Hill Neighborhood Association and online application chats (NextDoor) with neighbors and has updated their postings to restrict guest parking to two (2) vehicles.

Subject to approval, staff stipulates the following:

- (1) Host will maintain a safe environment described above and included in their summary update.
- (2) Host will obtain a business license with the City.
- (3) The maximum number of guests is limited to five (5) people.
- (4) Online listings regarding the short-term rental shall list guest parking restrictions to two (2) vehicles, limiting one in the rear garage and one in front of the home on the street.
- (5) Approval is for one (1) year because the applicant will not be present when guests are staying (to allow parking in the garage and in front of the residence).

Summary of Updates for Special Use Permit 2019-38

1. House rules have been updated to ask guests to bring no more than two (2) vehicles. One (1) vehicle should be parked in the garage, limiting one (1) vehicle to on street parking in front of the house.
2. The maximum number of guests allowed to stay at the house has decreased from six (6) guests to only allow five (5) guests.
3. We have purchased and installed NoiseAware, a noise monitoring device that will alert our phones if noise on the premises reaches an unacceptable level. We do not anticipate renting our house to disruptive guests. We will make guests aware that noise levels are monitored.
4. We have purchased and installed a Ring 2 Video Doorbell in order to monitor anyone coming into the house.
5. New gutters have been installed on the house per the recommendation of the Planning Committee.
6. We have reiterated to our neighbors that this is our home and our property and we have no intention of renting it to anyone who would disrespect our home or our property. We have shared our phone numbers and have let neighbors know they can reach out to us anytime.
7. We have been approved by AirBnB to be listed as an AirBnB Plus property. AirBnB has sent a representative to our home and inspected the property to make sure it meets the higher standard required by AirBnB to be listed as an AirBnB Plus property.
8. We have put together a City Guide which includes recommendations for various local Strawberry Hill and KCK businesses.

Attachments:

- Letters of recommendation
- Copy of house rules left for guests.
- Information regarding NoiseAware
- Information regarding Ring 2 Video Doorbell
- Photos of gutter installation on home
- Screenshots of public dialogue from NextDoor app
- Memo regarding follow up phone call with Justin Underwood Jones (President of SHNA)
- Information about AirBnB Plus
- Email correspondence with staff

Check In Instructions & Rules

-Absolutely NO SMOKING.

-2 Car maximum. Parking is tight in the area so please limit one car to the front of the house and one car to the garage out back.

-The houses are very close to one another so please be respectful of the neighbors regarding noise. No loud music please. NoiseAware monitor will send an alert to me should noise reach an unacceptable level.

-If you need the microwave it's under the cabinet next to the oven. Help yourself to available paper plates and cups.

-If you have any issues with the television please contact me. Please do not order any PPV movies. Netflix and Prime movies are available for your use. Please use guest account.

-There is a SimpliSafe alarm system. If you'd like to use it during your stay contact me and I'll give code info.

-Toilet paper/paper towels are under the sink in the kitchen.

-Ironing board and iron are in the blue room closet.

-If everything doesn't look perfect or if you need assistance please do not hesitate to reach out to me directly at 816.645.9470 Enjoy your stay!





Hi all, I just wanted to clarify that the meeting tonight will begin at 6:30, this item will be the 8th item on the non-consent agenda and so might be heard later into the meeting. Interested parties are advised to still arrive as punctually as possible out of respect for the zoning commission, but if you need to arrive late you are still encouraged to come, whether in support or in opposition. If you are unable to make it tonight, it will also be heard before the full commission at a later date where a final decision will be made by the board of commissioners, but it is advisable to be a part of the conversation early, whatever your position is.

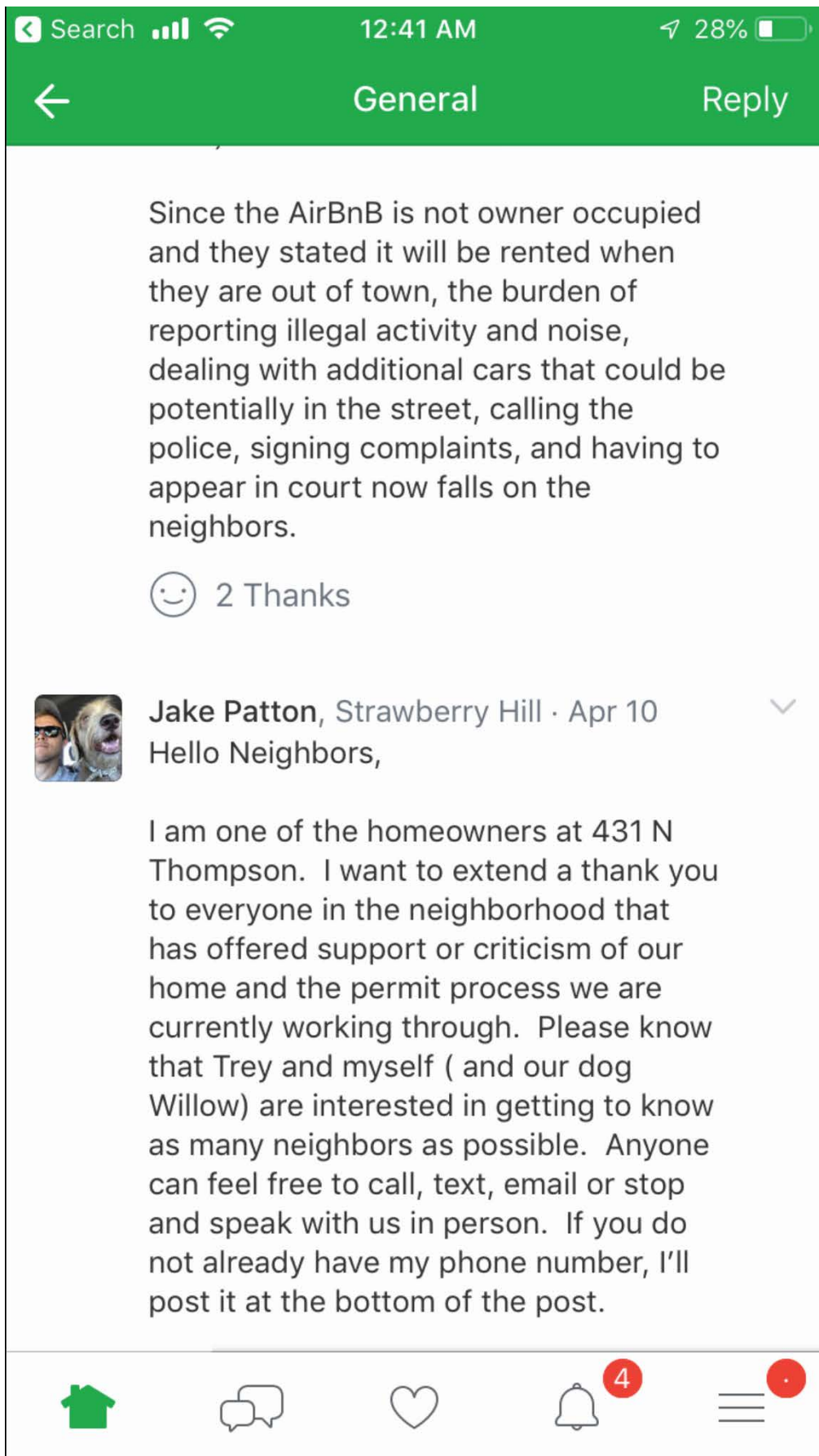


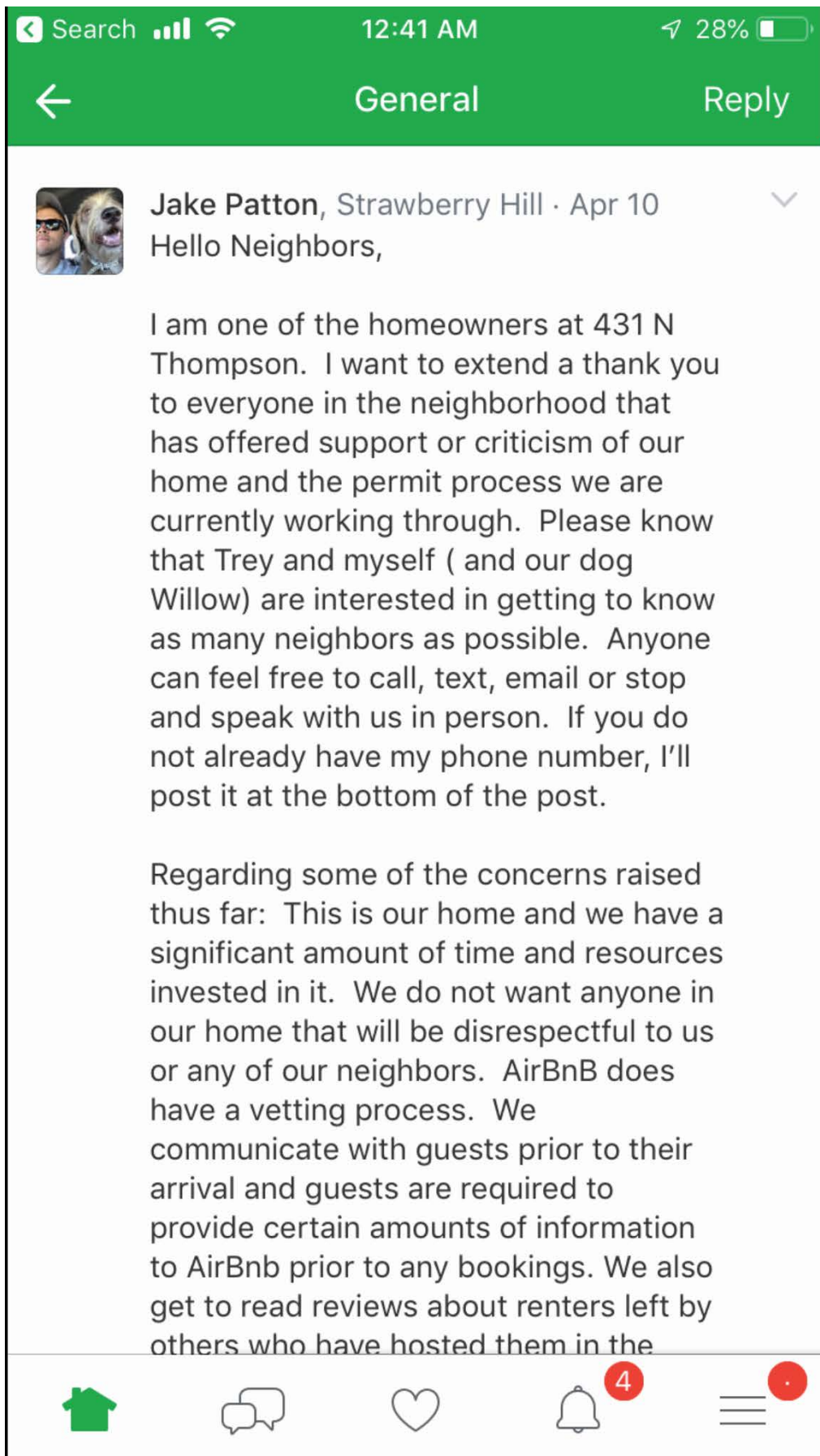
😊 3 Thanks

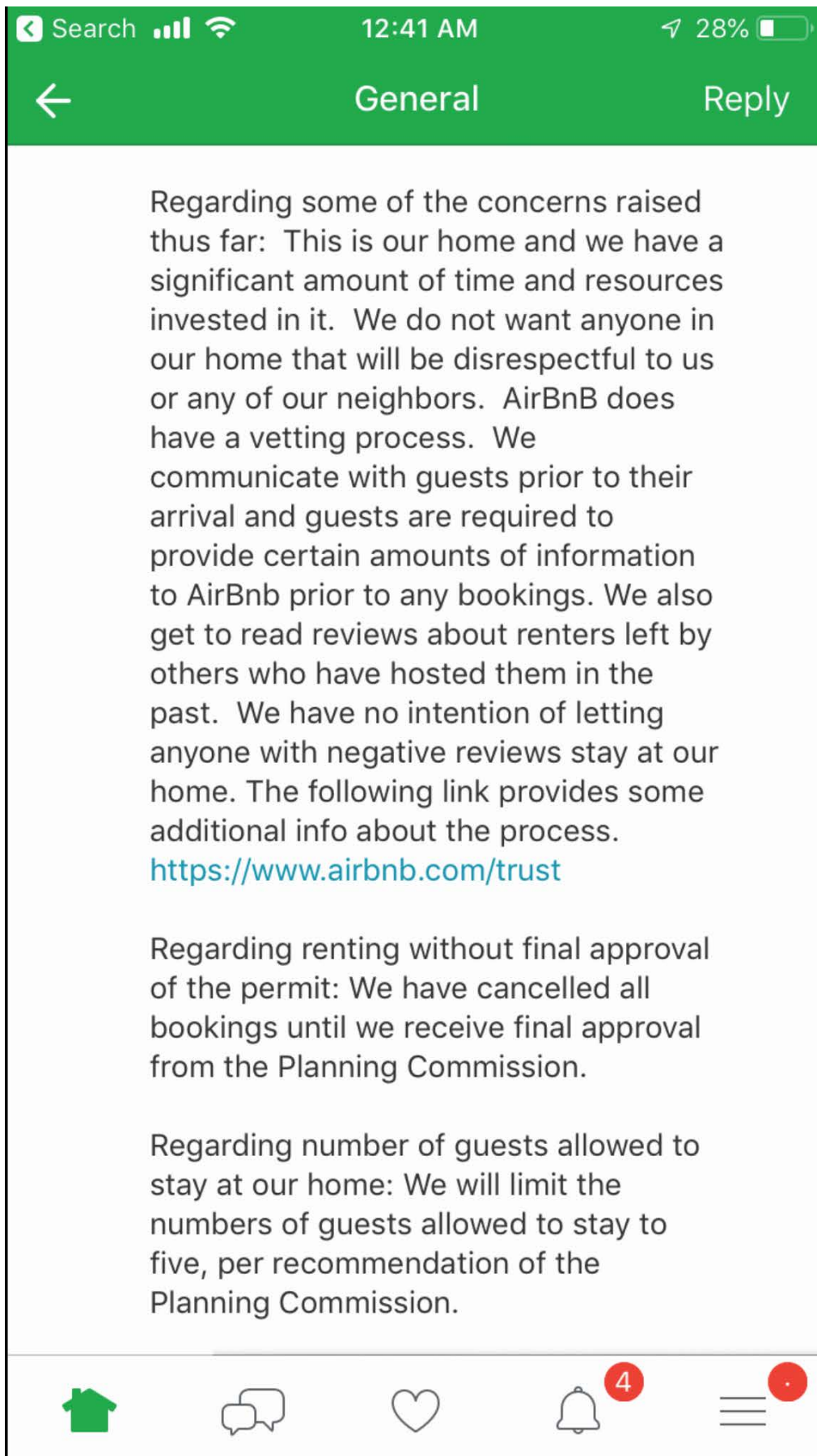


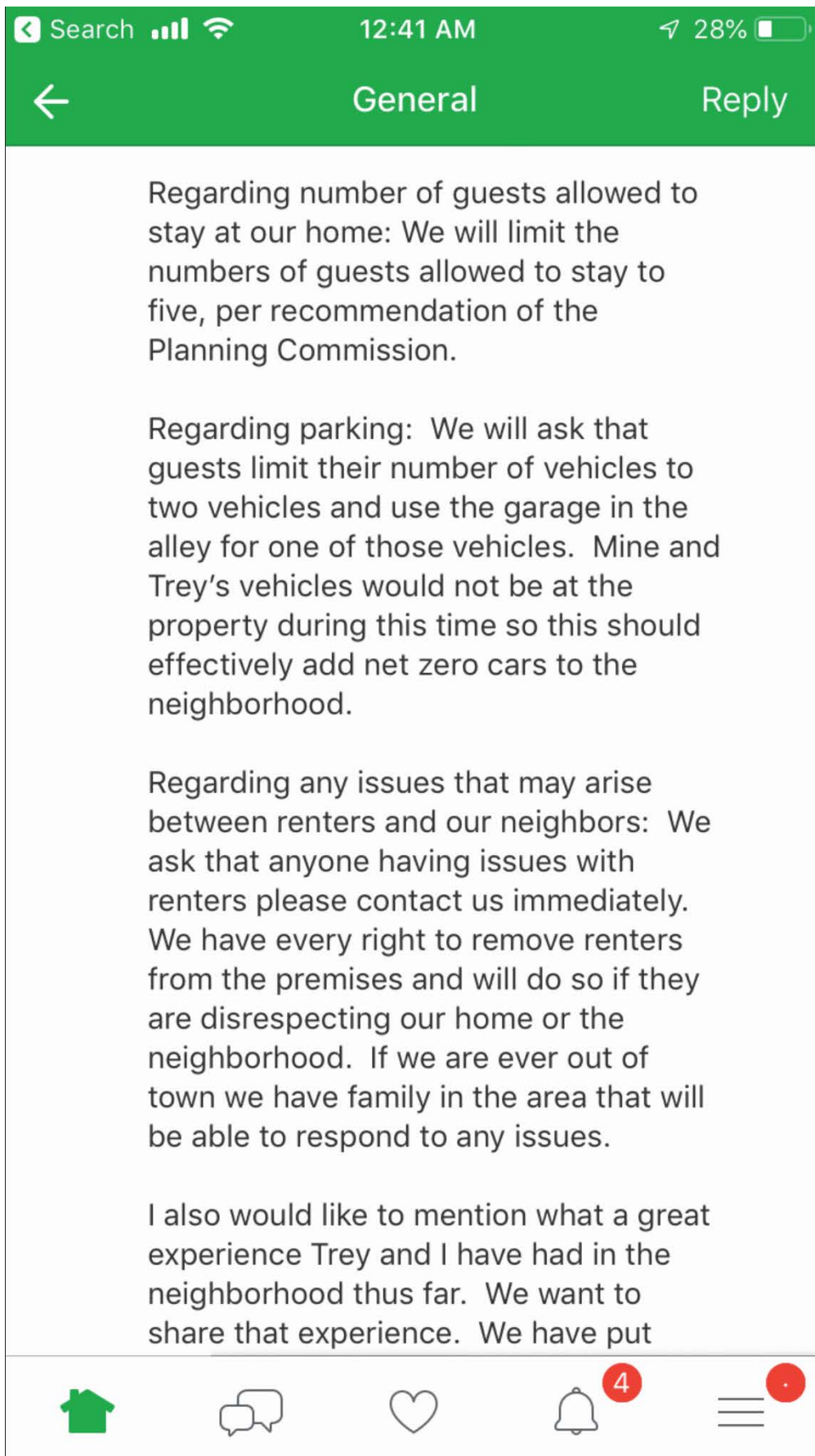
Resolution to the hearing: the permit was declined, the owner was told to cease renting it out, and they were to resolve issues with neighbors and parking, and to put gutters on the house. There will be another permit hearing in two









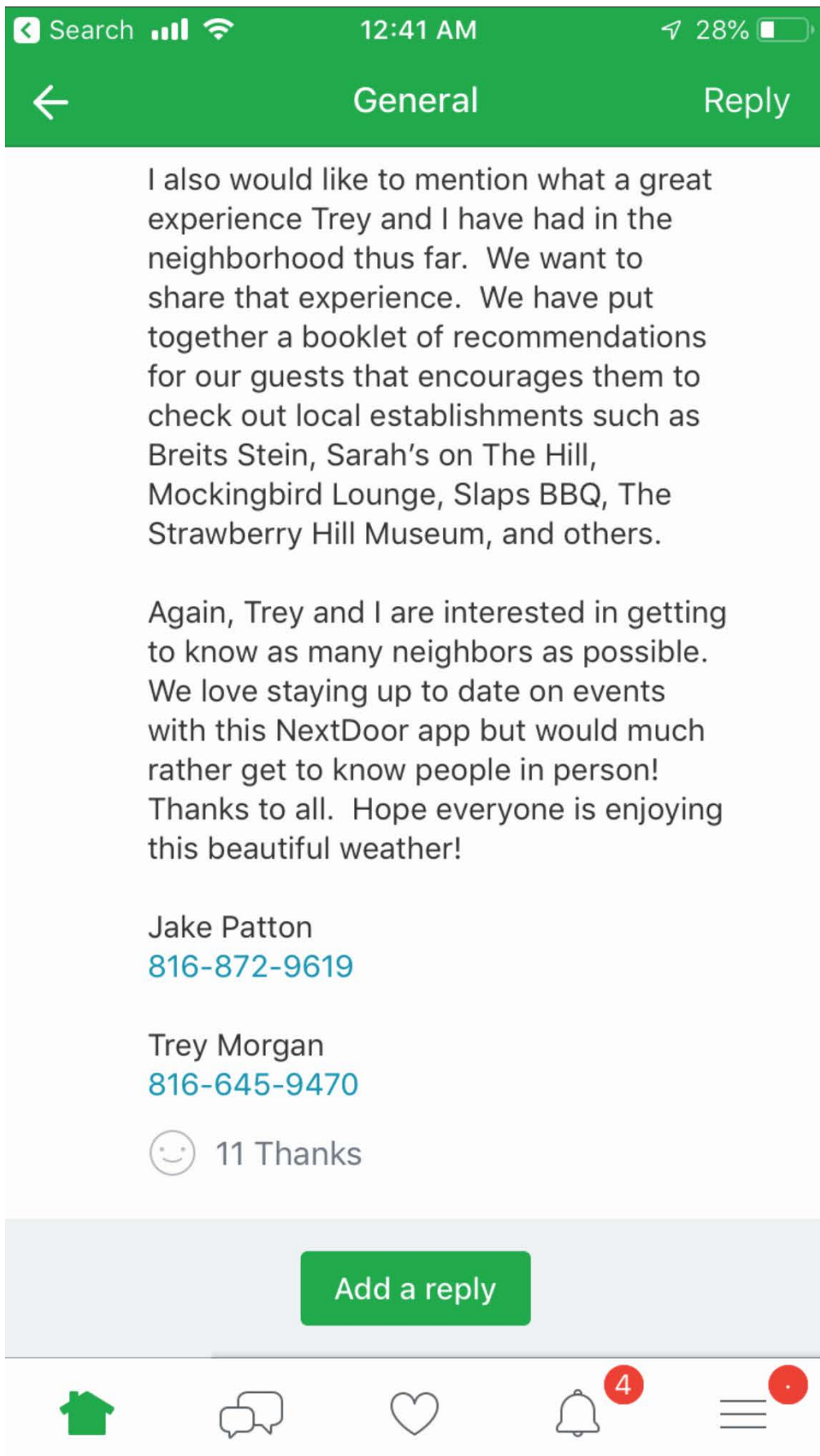




Regarding any issues that may arise between renters and our neighbors: We ask that anyone having issues with renters please contact us immediately. We have every right to remove renters from the premises and will do so if they are disrespecting our home or the neighborhood. If we are ever out of town we have family in the area that will be able to respond to any issues.

I also would like to mention what a great experience Trey and I have had in the neighborhood thus far. We want to share that experience. We have put together a booklet of recommendations for our guests that encourages them to check out local establishments such as Breits Stein, Sarah's on The Hill, Mockingbird Lounge, Slaps BBQ, The Strawberry Hill Museum, and others.

Again, Trey and I are interested in getting to know as many neighbors as possible. We love staying up to date on events with this NextDoor app but would much rather get to know people in person! Thanks to all. Hope everyone is enjoying this beautiful weather!



Memo regarding phone call with Justine Underwood Jones on 4/24/2019.

Called initially at 4:51pm and left a voicemail.

Justine returned my voicemail at 5:04 pm and we spoke for 28 minutes.

Topics of the phone conversation included measures we are taking to address concerns raised by neighbors (adding gutters, limiting number of cars per group to two cars, limiting numbers of guests per group to 5). We also discussed the history of the neighborhood and why some residents are weary.

Justine also reiterated that the official stance taken by the Neighborhood Association was neutral in regards to supporting or not supporting the Special Use Permit.

The tone of the conversation was very friendly.

Dear Unified Government of Wyandotte County,

As a neighbor of Mr. Morgan at 411 SANDUSKY AVE in Strawberry Hill,
I **SUPPORT** Mr. Morgan using his home as a short term rental / Airbnb. I expect it will
be used responsibly and with respect toward the neighborhood.

Sincerely,

JUSTIN STURGIS & LAURA CLAY-STURGIS

Signature  Date 5/1/19

Support Letter for SP-2019-38 located at 431 N Thompson Street

Steven Sudekum <sudekums@gmail.com>

Tue 4/30/2019 2:11 PM

To: Trey Morgan <trey@ReeceNichols.com>

April 30, 2019

To whom it may concern,

I would like to extend my public support for the special use permit, SP-2019-38 located at 431 N Thompson Street in Kansas City Kansas to be used as a short term rental. As a property owner in the Strawberry Hill community I view this as a positive improvement to a previously vacant and abandoned home and have no problem with this home being responsibly run as an Airbnb/short term rental.

Thank you,

Steven S. Sudekum

President, Distant Vista Properties, LLC

Property Owner at 418 Sandusky Avenue, KCK 66101 &

Property Owner at 410 Sandusky Avenue, KCK 66101

913-980-2235

Fwd: Reference

Trey Morgan <t_morgan4@hotmail.com>

Tue 4/30/2019 12:42 PM

To: Trey Morgan <trey@ReeceNichols.com>

Begin forwarded message:

From: Shawn Fitzgerald <shawnftz@gmail.com>

Date: April 25, 2019 at 4:47:20 PM CDT

To: t_morgan4@hotmail.com

Subject: Reference

To whom it may concern,

I am a next door neighbor to one of Trey Morgan's Airbnb properties. He is a great neighbor and cares for his home beautifully. It is well maintained and has been good at vetting potential renters. I have never any problems or issues, and if I did, I am sure that Mr Morgan would handle them promptly.

Thank you for your time.

Sincerely,

Shawn Fitzgerald
(901)461-5902

Fwd: Property Referance

Trey Morgan <t_morgan4@hotmail.com>

Tue 4/30/2019 2:26 PM

To: Trey Morgan <trey@ReeceNichols.com>

Begin forwarded message:

From: "Jimmie Kay Finch" <finchj@comcast.net>

Date: April 30, 2019 at 2:25:51 PM CDT

To: <t_morgan4@hotmail.com>

Subject: Property Referance

To whom it may concern:

I own a vacation property next door to Trey Morgan.

He uses his property for VRBO/AirBnB rentals.

His house stays rented most of the time and I have never had an issue with any of the renters.

The renters are properly vetted and treat the property and neighborhood with respect.

The housekeeper comes and goes and does not bother anyone.

Overall the property is well maintained and blends perfectly well with the owner occupied properties.

Trey handles his properties with a professional approach and I am happy to have him as a neighbor.

Fondly,
JK

Jimmie Kay Finch, Vice-President

#1 East Memphis Agent

Top 1% of Agents at Crye-Leike

CRS, ABR, SRS, e-PRO, AHWD, CRA

Multi-Million Dollar Club

Crye-Leike, Realtors

To whom it may concern,

I am very pleased to write you a formal letter of reference regarding Trey Morgan's Airbnb properties. My wife and I purchased a property over a year ago that neighbors Mr. Morgan's Airbnb property in Drasco, AR.

Right from the first interaction, my wife and I had a positive perception of Mr. Morgan. In general Mr. Morgan comes across as a person that is trustworthy, easy to talk to, and has a friendly demeanor. In our case, since we were new to the area, Mr. Morgan was extremely helpful in getting us connected to local contractors that could provide services to help us get our home in great shape. One of the reasons we chose this neighborhood was because of Mr. Morgan's Airbnb property. It was impeccably clean and well-manicured. This made me feel good about the purchase, because I knew the owner (my new neighbor) cared about their property.

Since owning my property, I have never had any issues with any renters utilizing Mr. Morgan's Airbnb. If any issues were to arise, I would contact Mr. Morgan and I trust he would handle them quickly and professionally.

Overall, Mr. Morgan takes very good care of his property. If I personally had the means to purchase a property for Airbnb usage I would try and hire Mr. Morgan to manage it for me.

Regards,

Corey Dildine

Written Responses / 431 N Thompson

Describe how you will communicate with neighbors.

I currently have contact information for neighbors around me - they also have my contact information. I am sending out written notice to each of them regarding the status of the Airbnb and will include my contact information again in case they need it.

Describe how you will pay appropriate lodging taxes.

Taxes are to be collected by airbnb and homeaway.

How many rooms are rented?

The entire house which includes two bedrooms will be rented.

What is the maximum number of people that will be staying at one time?

No more than a group of 6 people will be allowed to rent at one time.

What is the maximum number of vehicles and where will they park?

Unknown due to circumstances of each individual renter, however, a private parking space in my garage will be available for use as well as off street parking which is typically readily available.

How often are guests in the residence?

When I'm out of town or not staying at the residence which varies depending on month and my work schedule. Expecting at a maximum 10-15 days per month.

Do you have a rental license from the unified government for the facility?

No - I spoke with unified government regarding this issue and since I'm not expecting anyone to be renting for 28 or more consecutive days I did not need to obtain a rental license.

Provide a detailed description of the area(s) rented for Airbnb / other rental operations. Include bedrooms, bathrooms, common areas etc.

The entire single family residence will be available to rent. This includes 2 bedrooms, 2 full bathrooms, a living room, dining area and kitchen. Also included is a back deck, fenced in private back yard and 1 car unattached garage. The property was recently renovated and is extremely safe and well constructed including an alarm system.

Describe how you will maintain a safe environment including:

- Working smoke detectors in each bedroom plus each level fo the unit/house**
- GFCI outlets are required in bathrooms**
- Double keyed locks are not allowed**
- Copper cannot be used for gas supply lines**
- Windows must be operable, not blocked or boarded**
- Handrails are required at sets of 4 or more stairs/riser**
- Hot water tank and furnace must be vented properly and operational**
- Electric panel and circuits must be safe**

Whole home was renovated from the studs out in 2017 and 2018 and all required permits and inspections were completed. This provides that the home is very safe with modern upgrades including new electrical, new roof, new plumbing, new HVAC. All of the above requirements needed for a safe rental have been met.

Date: 3/24/19

Name: Thomas W. Morgan III
Address: 431 N Thompson St
Kansas City, KS 66101

Application Number: SP-2019-38
Date & Location: 3/24/19 at subject property (431 N Thompson St KCK 66101)

Meeting called to order at 4:57 PM

Names of people in attendance:

Thomas W. Morgan III
Mary Zeljeznjak
Nick Zeljeznak
Callie Brinton
Frank Cindrich
Alex Ingram
Joe Pineda
Teresa Kovak

Introductions:

Presentation by applicant consisted of a tour of the home along with further explanation of what Airbnb is and how the property will be used.

Questions & Answers:

Conversations about parking were the main concern from attendees Callie Brinton & Frank Cindrich. Thomas W. Morgan expressed that there was off-street parking available in the garage detached from the house and that Airbnb tenants would be encouraged to use this to prevent parking congestions on the street.

Other questions from Teresa Kovak were regarding how Airbnb worked and whether or not there would be vetting of tenants. Thomas W. Morgan expressed that there would in fact be vetting and anyone without a positive review from previous airbnb stays would not be allowed at the residence.

Mary & Nick Zeljeznjak commented support and also requested information about parking. Thomas W. Morgan reiterated the garage out back and mentioned the home only has two bedrooms which limits the amount of tenants / cars that would be arriving.

Several attendees requested information on whether there would be rules and regulations in place. Thomas W. Morgan expressed that there would in fact be multiple rules restricting noise, parties, more than 6 people in the house at one time, smoking, drug use, bonfires, etc.

Frank Cindrich expressed concern that neighbors didn't want an investor who was there to make money and not be personally vested in the neighborhood. Thomas W. Morgan expressed this was not the case, that this was a personal home and that he would be occupying the property, not just renting it.

Alex Ingram & Joe Pineda both voiced support and asked if the rental would be dog friendly. Thomas W. Morgan expressed that although he loves animals there would be no pets permitted on the property.

Several attendees maintained small talk and discussed development in the neighborhood, recent flooding and local connections to the area among other topics. Meeting was adjourned at 6:35.



Figure 1. Photograph of 431 North Thompson Street (provided by Google Street View).

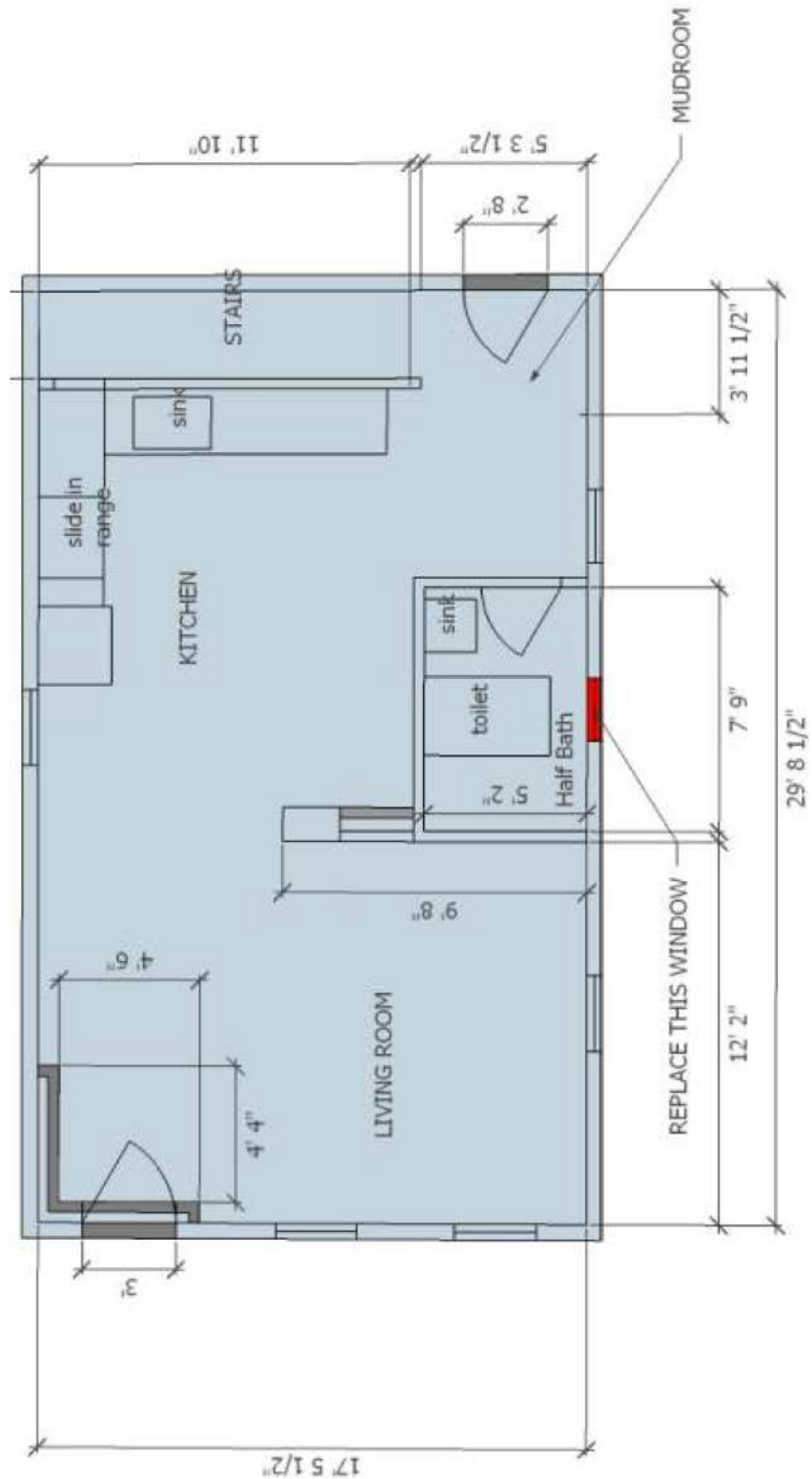
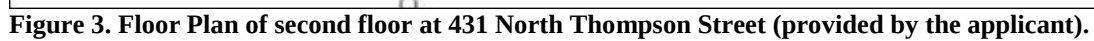
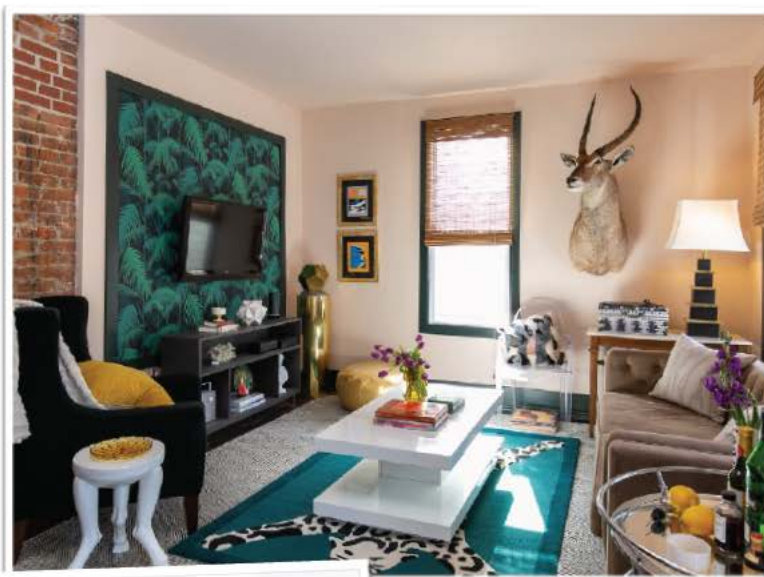
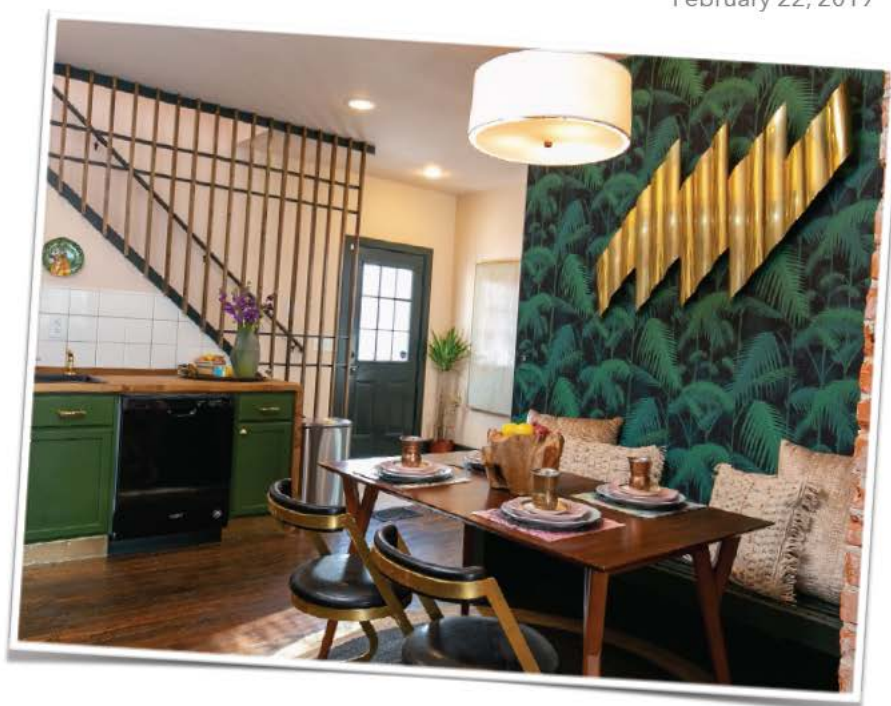


Figure 2. Floor Plan of first floor at 431 North Thompson Street (provided by the applicant).



431 N Thompson St KC, KS







Strawberry Hill Neighborhood Association, Inc.

P.O. Box 171117, Kansas City, KS 66117

913.802.4758 | SHNASecretary@gmail.com

www.strawberryhillkck.org



26 March 2019

To the Department of Urban Planning and Land Use:

We are writing to inform the department that Tuesday, the 26th of March 2019, the board of the Strawberry Hill Neighborhood Association met and discussed petition #SP-19402-00029 / #SP-2019-38, Thomas W. Morgan III/AirBNB or Short Term Rental, to discuss the proposed special use permit to allow the use of a residential unit as a short term rental, AKA AirBNB.

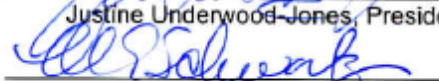
On Thursday, March the 21st, our president contacted the applicant to discuss concerns that had been brought to her by a neighbor residing on N. Thompson St., very near to the property in question. The applicant became upset and proceeded to adopt a hostile posture with our president, who was forced to end the call. The concerned neighbor later contacted our president and advised that he had been in touch with the applicant, who did smooth over the concerns and that he was tentatively okay with the special use permit, as it can be revoked or not renewed if this use proves to be a concern.

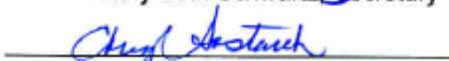
Our board prefers not to adopt a stance on special use permits for AirBNBs unless a neighbor contacts us with a specific concern that cannot be resolved. Despite the hostile exchange with our president, the applicant did engage with the neighbor in question and was ultimately able to allay his concerns, thus we have chosen to maintain a neutral stance on this application and leave this to the Board of Zoning Appeals and UG staff to work out with the applicant and any residents who choose to weigh in on the matter.

However, it should be the case that, as a show of respect for the property being used as a short term rental, and for the incredibly nearby, adjacent properties, we kindly ask that staff require the applicant to install guttering on the property in a reasonable amount of time if the application is approved. This will ensure that his property does not affect the neighbor's foundations due to watershed from the applicant's roof, and will avoid future conflict between the residents, while protecting Mr. Morgan's investment.

Kindest regards,


Justine Underwood-Jones, President


Mary Beth Schwartz, Secretary


Cheryl Sostarich, Board Member


Francie Sachse, Treasurer


Curtis Roderick, Board Member


Erin Guthrie, Board Member



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-41

GENERAL INFORMATION

Applicant:
Irvin Jackson, Jr.

Status of Applicant:
Owner
Jackson Trucking
3232 Sewell Avenue
Kansas City, KS 66104

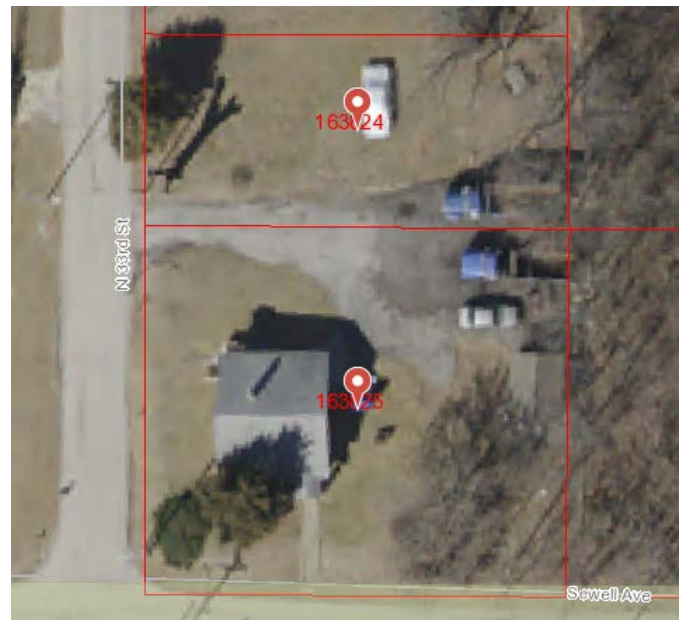
Requested Action:
Approve Special Use Permit

Date of Application:
March 12, 2019

Purpose:
Temporary use of land to park two
dump trucks at a residential property.

Property Location:
3232 Sewell Avenue

Existing Zoning:
R-1(B) Single Family District



Existing Surrounding Zoning: **North:** R-1(B) Single Family District
South: R-1(B) Single Family District
East: R-1(B) Single Family District
West: R-1(B) Single Family District

Existing Uses: **North:** Undeveloped Lots
South: Quindaro Park
East: Undeveloped Lots
West: Single Family Homes

Total Tract Size: .4 acre

Master Plan Designation: The City-Wide Master Plan designates this area as Low-Density Residential.

Major Street Plan: The Major Street Plan designates North 33rd Street and Sewell Avenue as local streets.

Advertisement: The Wyandotte Echo – April 18, 2019
Letters to Property Owner – April 15, 2019, May 16, 2019 and June 19, 2019

Public Hearings: May 13, 2019, June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the May 13, 2019 or June 10, 2019 City Planning Commission meetings.

PROPOSAL

Detailed Outline of Requested Action: The applicant, James Jackson with Jackson Trucking has requested a special use permit for a temporary use of land to park two dump trucks at 3232 Sewell Avenue.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature, comprised of single-family homes. There are several empty lots and wooded areas in the neighborhood. Quindaro Park is directly south of the property in question, across Sewell Avenue.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of properties nearby are laid out above. The primary concern would be compatibility with the residential properties on the opposite side of North 33rd Street which could be impacted by visual hardship.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

The removal of the restrictions could be done without detrimentally affecting nearby property due to the surrounding tree coverage that would provide some visual screening.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant and is being used as a single-family residence.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special use permits are not addressed in the Master Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

This is not an issue.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use is not reasonably necessary for the convenience and welfare of the public and will not permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

This is not an issue.

9. *Whether the proposed use will pollute the air, land or water.*

Vehicles must be maintained in an operable and legal condition.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This is not an issue.

11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety and welfare as compared to the hardship of the applicant having to rent a space to store the trucks would be minimal.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not an issue.

PREVIOUS ACTIONS

This application was held over at the May 13, 2019 Planning Commission meeting because the applicant was not present.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 28, 2019. Affidavit, sign-in sheet and minutes are attached. No one was in attendance.

KEY ISSUES

Compliance with allowable paved area requirements

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-41, subject to:

Urban Planning and Land Use Comments:

1. Jackson Trucking has no current record for business activity located in the city. If approved, applicant will need to file and maintain a current occupation tax application. Jackson Trucking will file a current occupation tax application.

Applicant Response: Jackson Trucking has no current business activity located in the city.

2. Provide photos of the vehicles and photos of the area they will be parked.

Applicant Response: Photos provided.

3. With both semi-trucks parked on site, how many off-street spaces are available for passenger vehicles? Provide a site drawing to indicate proposed structures, truck parking, and passenger vehicle parking.

Applicant Response: Jackson Trucking has two spaces for trucks and 6 offsite vehicle parking spaces available.

4. Submit notarized signature of ownership/applicant page.

Applicant Response: Submitted.

5. How often are the vehicles parked at the home?

Applicant Response: Two trucks are parked at the site every evening.

6. Staff has concerns about the volume of air-braking and general noise the trucks would make. What hours are you proposing for departure and returns? How will you combat potential noise concerns of neighbors?

Applicant Response: Air brake noise is small to minimum when brakes are applied, pre-trip inspections are required daily. Trucks are very well maintained. Trucks leave at 8:00 am return time 5:00 pm. No noise complaints from neighbors in 25 plus years.

7. Vehicles must be parked on an improved hard surface.

Applicant Response: Vehicles are parked on hard asphalt surface.

8. What times do the trucks depart and arrive at the home.

Applicant Response: Trucks leave at 8:00 am from property and return by 5:00 pm.

9. Approval for one (1) year, if approved.

Applicant Response: Jackson Trucking understands the (1) year permit if approved

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:

- 1) None.

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

- 1) None.

- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

- 1) None

Staff Conclusion: Photos and aerial images appear to show that the applicant has paved more than the allowable amount in the rear yard (the north side of the property). Section 27-675 b (3) states that the rear yard may be improved for parking so long as the improved area includes less than 40 percent of the rear yard and less than 1,000 square feet in area. Staff believes the rear yard has been paved more than 40 percent and 1,000 square feet. To correct this issue, staff discussed with the applicant the possibility of combining the parcel at 3232 Sewell with the adjacent empty lot parcel to the north, 3431 North 33rd Street. This lot combination would provide a larger yard area and thus the 40 percent requirement could be met. The applicant was amenable to this suggestion. The applicant would also need to remove a portion of the paved area to bring it under 1,000 square feet. If the site issues are corrected, staff recommends approval for one (1) year.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-41 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

May 13, 2019 City Planning Commission Minutes
June 10, 2019 City Planning Commission Minutes
Photo
Site Layout
Aerial Image
Zoning Map

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 13, 2019	June 27, 2019
Special Use	Held Over June 10, 2019 Approval	

STAFF CONTACT:

Kimberly Portillo
kportillo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-41** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-41**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 13, 2019 City Planning Commission Minutes:

Hearing Starts 1:57:15 (and the applicant was not present) The application was recalled at 2:30:55 and the applicant was not present:

SPECIAL USE PERMIT APPLICATION #SP-2019-41 – IRVIN JACKSON, JR. WITH JACKSON TRUCKING – SYNOPSIS: Special Use Permit for the Temporary Use of Land to park two semi-trucks at 3232 Sewell Avenue. ***Detailed Outline of Requested Action:*** The applicant, James Jackson with Jackson Trucking has requested a special use permit for a temporary use of land to park two dump trucks at 3232 Sewell Avenue.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 18, 2019;
7. The Notices to property owners dated April 15, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ No one appeared

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts 2:31:15: Planning Director Richardson stated that as this application needs some modification of the property, even though it is recommended for approval, the staff recommends that this application be held over so the applicant has a chance to understand that before the Planning Commission sends a recommendation to the Board of Commissioners.

Motion and Vote Starts 2:31:36:

On motion by Dr. Serda, seconded by Ms. Pauley, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2019-41 until the June 10, 2019 City Planning Commission meeting for the applicant to be present:**

Carson	Chairman
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Aye
Neal	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye

Motion to HOLD OVER Passed: 9 to 0

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 35:00:

SPECIAL USE PERMIT APPLICATION #SP-2019-41 – IRVIN JACKSON, JR. WITH JACKSON TRUCKING – SYNOPSIS: Special Use Permit for the Temporary Use of Land to park two semi-trucks at 3232 Sewell Avenue. ***Detailed Outline of Requested Action:*** The applicant, James Jackson with Jackson Trucking has requested a special use permit for a temporary use of land to park two dump trucks at 3232 Sewell Avenue.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 18, 2019;
7. The Notices to property owners dated April 15, 2019 and May 16, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Recording Secretary Parker stated that this application was held over last month as the applicant was not present at the meeting.

Present in Support:

- ❖ Irvin Jackson, Jr., applicant, Jackson Trucking, 3232 Sewell Avenue, Kansas City, Kansas 66104

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts 37:30: Planner Toy stated that the staff recommends approval subject to the stipulations outlined in the staff report.

Motion and Vote Starts 37:40:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application #SP-2019-41:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Jackson Trucking has no current record for business activity located in the city. If approved, applicant will need to file and maintain a current occupation tax application. Jackson Trucking will file a current occupation tax application.

Applicant Response: Jackson Trucking has no current business activity located in the city.

2. Provide photos of the vehicles and photos of the area they will be parked.

Applicant Response: Photos provided.

3. With both semi-trucks parked on site, how many off-street spaces are available for passenger vehicles? Provide a site drawing to indicate proposed structures, truck parking, and passenger vehicle parking.

Applicant Response: Jackson Trucking has two spaces for trucks and 6 offsite vehicle parking spaces available.

4. Submit notarized signature of ownership/applicant page.

Applicant Response: Submitted.

5. How often are the vehicles parked at the home?

Applicant Response: Two trucks are parked at the site every evening.

6. Staff has concerns about the volume of air-braking and general noise the trucks would make. What hours are you proposing for departure and returns? How will you combat potential noise concerns of neighbors?

Applicant Response: Air brake noise is small to minimum when brakes are applied, pre-trip inspections are required daily. Trucks are very well maintained. Trucks leave at 8:00 am return time 5:00 pm. No noise complaints from neighbors in 25 plus years.

7. Vehicles must be parked on an improved hard surface.

Applicant Response: Vehicles are parked on hard asphalt surface.

8. What times do the trucks depart and arrive at the home.

Applicant Response: Trucks leave at 8:00 am from property and return by 5:00 pm.

9. Approval for one (1) year, if approved.

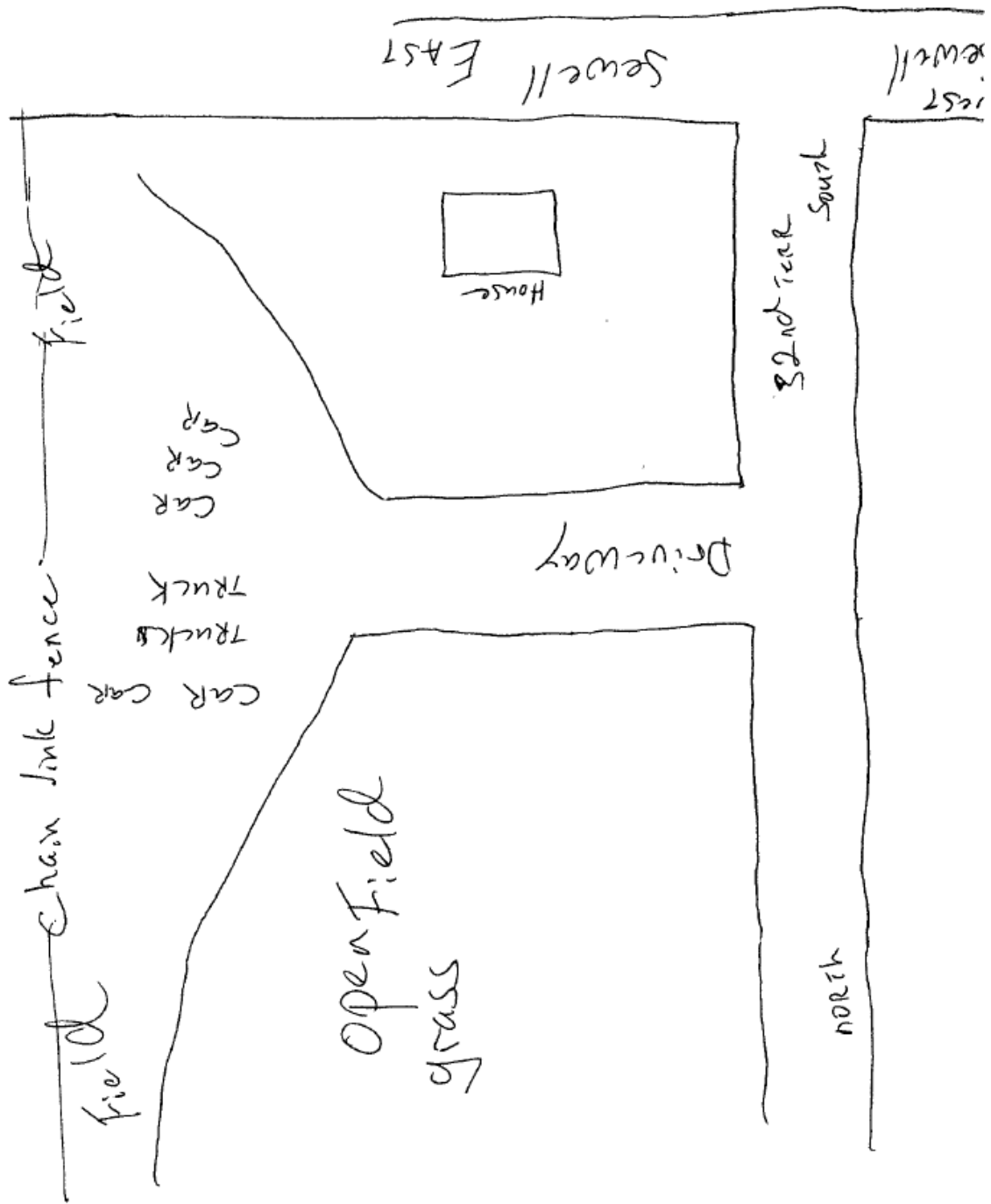
Applicant Response: Jackson Trucking understands the (1) year permit if approved

Public Works Comments:

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

Staff Conclusion: Photos and aerial images appear to show that the applicant has paved more than the allowable amount in the rear yard (the north side of the property). Section 27-675 b (3) states that the rear yard may be improved for parking so long as the improved area includes less than 40 percent of the rear yard and less than 1,000 square feet in area. Staff believes the rear yard has been paved more than 40 percent and 1,000 square feet. To correct this issue, staff discussed with the applicant the possibility of combining the parcel at 3232 Sewell with the adjacent empty lot parcel to the north, 3431 North 33rd Street. This lot combination would provide a larger yard area and thus the 40 percent requirement could be met. The applicant was amenable to this suggestion. The applicant would also need to remove a portion of the paved area to bring it under 1,000 square feet. If the site issues are corrected, staff recommends approval for one (1) year.











Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-43

GENERAL INFORMATION

Applicant:
Dennis Covington

Status of Applicant:
Representative
USD #500
Kansas City, Kansas Public School
District

Requested Action:
Renewal of Special Use Permit for
modular classrooms

Date of Application:
March 18, 2019

Purpose:
To continue operating two modular classrooms for Lindbergh Elementary School

Property Location:
641 North 57th Street

Existing Zoning:
R-1 Single Family District



Existing Surrounding Zoning: **North:** R-1 Single Family District
South: R-1 Single Family District
East: R-1 Single Family District
West: R-1 Single Family District

Existing Uses: **North:** Single family residences
South: Single family residences
East: Single family residences
West: Single family residences

Total Tract Size: 6.21 acres

Master Plan Designation: The City Wide Master Plan designates this property as Public/Semi-Public

Major Street Plan: North 57th Street is designated as a local street

Advertisement: The Wyandotte Echo – April 18, 2019
Letters to Property Owner – April 15, 2019, May 7, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is hoping to continue the use of modular classrooms at Lindbergh Elementary School

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The surrounding area is mainly low density residential

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of properties nearby are laid out above.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.

The property is a suitable use for a school

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the Master Plan

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

This should not be an issue

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The purpose of the modular classrooms is to provide a temporary solution to the overcrowding of normal classrooms. Due to them being temporary in nature, there should be no permanent injury to the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

This should not be an issue.

9. *Whether the proposed use will pollute the air, land or water.*

This should not be an issue.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This should not be an issue.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

There is no significant gain to the public health, safety, and welfare from this special use permit being denied. If the application is denied, this could impose a possible hardship on the applicant due to not having enough space within the school.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This should not be an issue.

PREVIOUS ACTIONS

Approval of #SP-2017-15

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 23, 2019. According to the applicant, no one attended the meeting.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-43, subject to:

Urban Planning and Land Use Comments:

1. Have the modular classrooms continued to remain in the same place since the issuing of your last special use permit in 2017?

Applicant Response: Yes, no revisions or modifications.

2. A modular classroom is typically temporary in nature, with this in mind is there an anticipated end date? Are there currently any plans to add on to the school?

Applicant Response: There are currently no plans for additions; it will remain a desire of the District to remove modular units as resources allow.

3. Provide current pictures of the temporary classrooms.

Applicant Response: Pictures submitted.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:

- 1) None.

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

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

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-43** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Aerial Image (Google Maps)
Zoning Map
Conservation District Comments
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	June 10, 2019	June 27, 2019
Special Use	Approval	

STAFF CONTACT: **Alex Hufft**
 AHufft@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-43** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2019-43, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-43 – DENNIS COVINGTON/USD #500 – SYNOPSIS: Renewal of a Special Use Permit (#SP-2017-15– expired 3/30/2019) for modular classrooms for Lindbergh Elementary School at 641 North 57th Street. ***Detailed Outline of Requested Action:*** The applicant is hoping to continue the use of modular classrooms at Lindbergh Elementary School

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?” (No one responded in the affirmative.)

“Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present

Pauley Not Present
Reasons Not Present
Motion to APPROVE Passed: 5 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Have the modular classrooms continued to remain in the same place since the issuing of your last special use permit in 2017?

Applicant Response: Yes, no revisions or modifications.

2. A modular classroom is typically temporary in nature, with this in mind is there an anticipated end date? Are there currently any plans to add on to the school?

Applicant Response: There are currently no plans for additions; it will remain a desire of the District to remove modular units as resources allow.

3. Provide current pictures of the temporary classrooms.

Applicant Response: Pictures submitted.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:

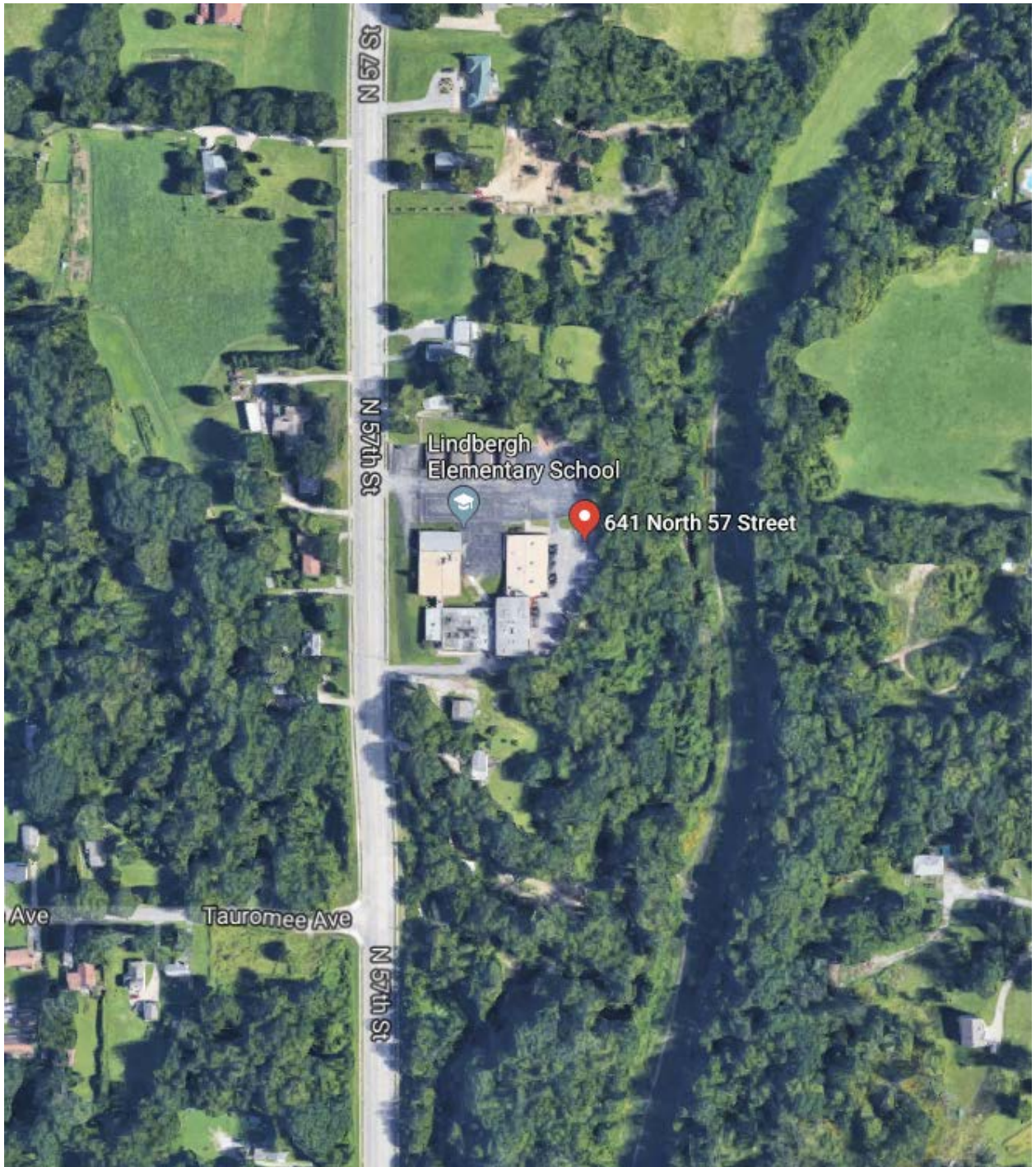
- 1) None.

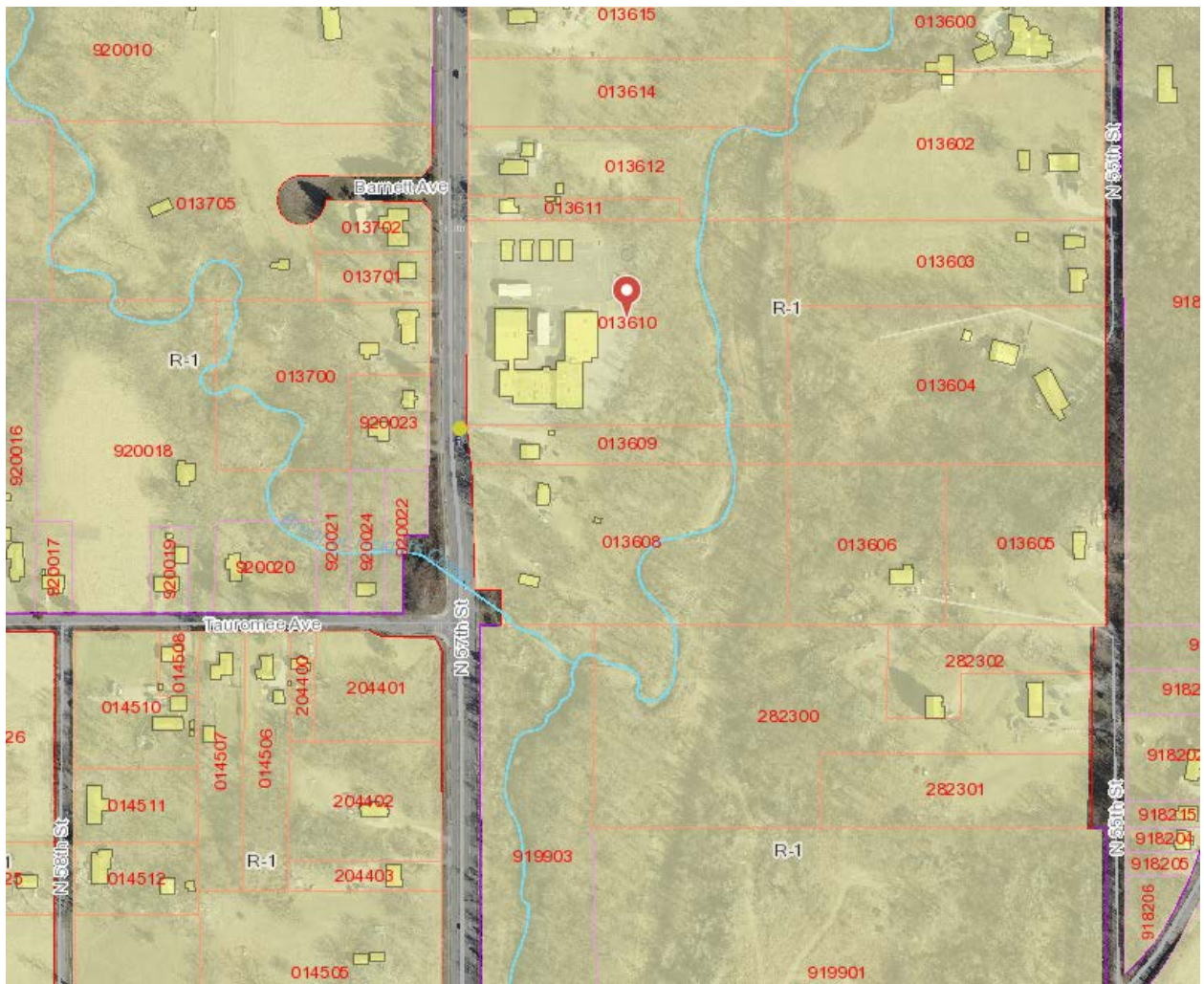
- B) Items that are conditions of approval (stipulations):

- 1) None

- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

- 1) None







Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservaion@gmail.com

Rob Richardson
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

April 19, 2019

RE: SP 2019-43 Dennis Covington with USD 500 Modular Classroom 641 North 57 Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site for SP 2019-43 Dennis Covington with USD 500 Modular Classroom 641 North 57 Street.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are three major soil types that were identified: Kennebec silt loam, Frequently flooded, Knox silt loam, 7 to 12 percent slopes and Knox silt loam, 18 to 30 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- This site should have no problems. The area is all paved so soil erosion is not a concern. If there is any concentrated flows off the paved area, they need to be checked to ensure that gully erosion is not becoming a problem.
- Shrink Swell potential has been identified as a limiting factor for the development of dwellings. Shrinking and swelling can cause damage to buildings, roads and other structures and to plant roots. Special design commonly is needed.



WELCOME

SIGN IN SHEET

SPECIAL USE PERMIT: SP-19402-00034

SCHOOL: Lindbergh, 641N 57th KCK

DATE: 5/23/19

NAME	ADDRESS	PHONE
<u>Kurt Wagon</u>	<u>2220 W 59th</u>	<u>913-627-3851</u>

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Doug Clements, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP-19402-00034.
2. That I conducted a neighborhood meeting on May 23, 2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

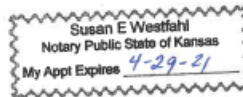
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of May, 2019.

My commission expires 29 of April, 2021.


Notary Public





Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-44

GENERAL INFORMATION

Applicant:
Dennis Covington

Status of Applicant:
Representative
USD #500
Kansas City, Kansas Public School
District

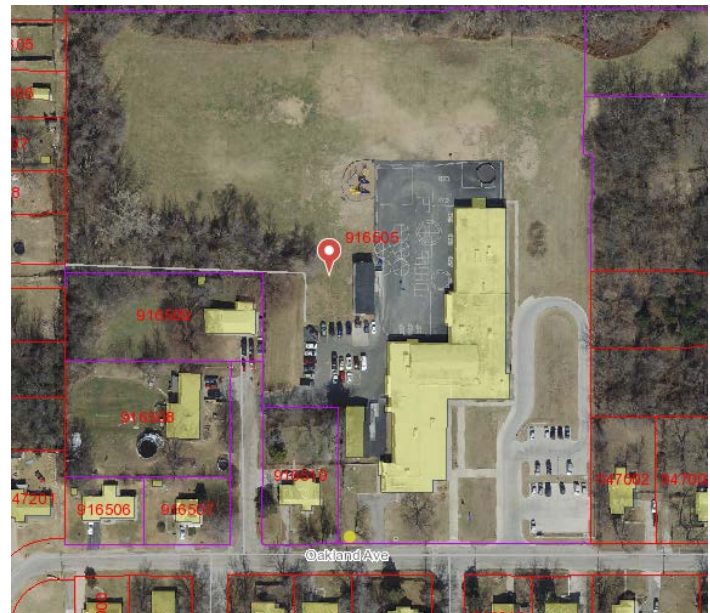
Requested Action:
Renewal of Special Use Permit for
modular classrooms

Date of Application:
March 18, 2019

Purpose:
To continue operating two modular classrooms for Eugene Ware Elementary School

Property Location:
4820 Oakland Avenue

Existing Zoning:
R-1 Single Family District



Existing Surrounding Zoning: **North:** R-1 Single Family District
South: R-1 Single Family District
East: R-1 Single Family District
West: R-1 Single Family District

Existing Uses: **North:** Single family residences
South: Single family residences
East: Single family residences, Wyandotte Baptist Church
West: Single family residences

Total Tract Size: 7.75 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Public / Semi-Public

Major Street Plan: Oakland Avenue is designated as a local street

Advertisement: The Wyandotte Echo – April 18, 2019
Letters to Property Owner – April 15, 2019, May 7, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is hoping to continue the use of modular classrooms at Eugene Ware Elementary School

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The surrounding neighborhood is predominantly residential

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of properties nearby are set out above.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.

The property is a suitable use for a school

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the Master Plan

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

This should not be an issue.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The purpose of the modular classrooms is to provide a temporary solution to the overcrowding of normal classrooms. Due to them being temporary in nature, there should be no permanent injury to the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

This should not be an issue.

9. *Whether the proposed use will pollute the air, land or water.*

This should not be an issue.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This should not be an issue.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

There is no significant gain to the public health, safety, and welfare from this special use permit being denied. If the application is denied, this could impose a possible hardship on the applicant due to not having enough space within the school.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

This should not be an issue.

PREVIOUS ACTIONS

Approval of #SP-2017-16

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 23, 2019. According to the applicant, no one attended the meeting.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-44, subject to:

Urban Planning and Land Use Comments:

1. Have the modular classrooms continued to remain in the same place since the issuing of your last special use permit in 2017?

Applicant Response: Yes, no revisions or modifications.

2. A modular classroom is typically temporary in nature, with this in mind is there an anticipated end date? Are there currently any plans to add on to the school?

Applicant Response: There are currently no plans for additions; it will remain a desire of the District to remove modular units as resources allows.

3. Could you please provide current pictures of the modular buildings?

Applicant Response: Pictures submitted

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) None

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-44** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Aerial Image (Google Maps)
Zoning Map
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	June 10, 2019	June 27, 2019
Special Use	Approval	

STAFF CONTACT: **Alex Hufft**
 AHufft@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-44** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2019-44, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-44 – DENNIS COVINGTON/USD #500 – SYNOPSIS: Renewal of a Special Use Permit (#SP-2017-16– expired 3/30/2019) for modular classrooms for Eugene Ware Elementary School at 4820 Oakland Avenue. ***Detailed Outline of Requested Action:*** The applicant is hoping to continue the use of modular classrooms at Eugene Ware Elementary School

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?” (No one responded in the affirmative.)

“Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present

Pauley Not Present
Reasons Not Present
Motion to APPROVE Passed: 5 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Have the modular classrooms continued to remain in the same place since the issuing of your last special use permit in 2017?

Applicant Response: Yes, no revisions or modifications.

2. A modular classroom is typically temporary in nature, with this in mind is there an anticipated end date? Are there currently any plans to add on to the school?

Applicant Response: There are currently no plans for additions; it will remain a desire of the District to remove modular units as resources allows.

3. Could you please provide current pictures of the modular buildings?

Applicant Response: Pictures submitted

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

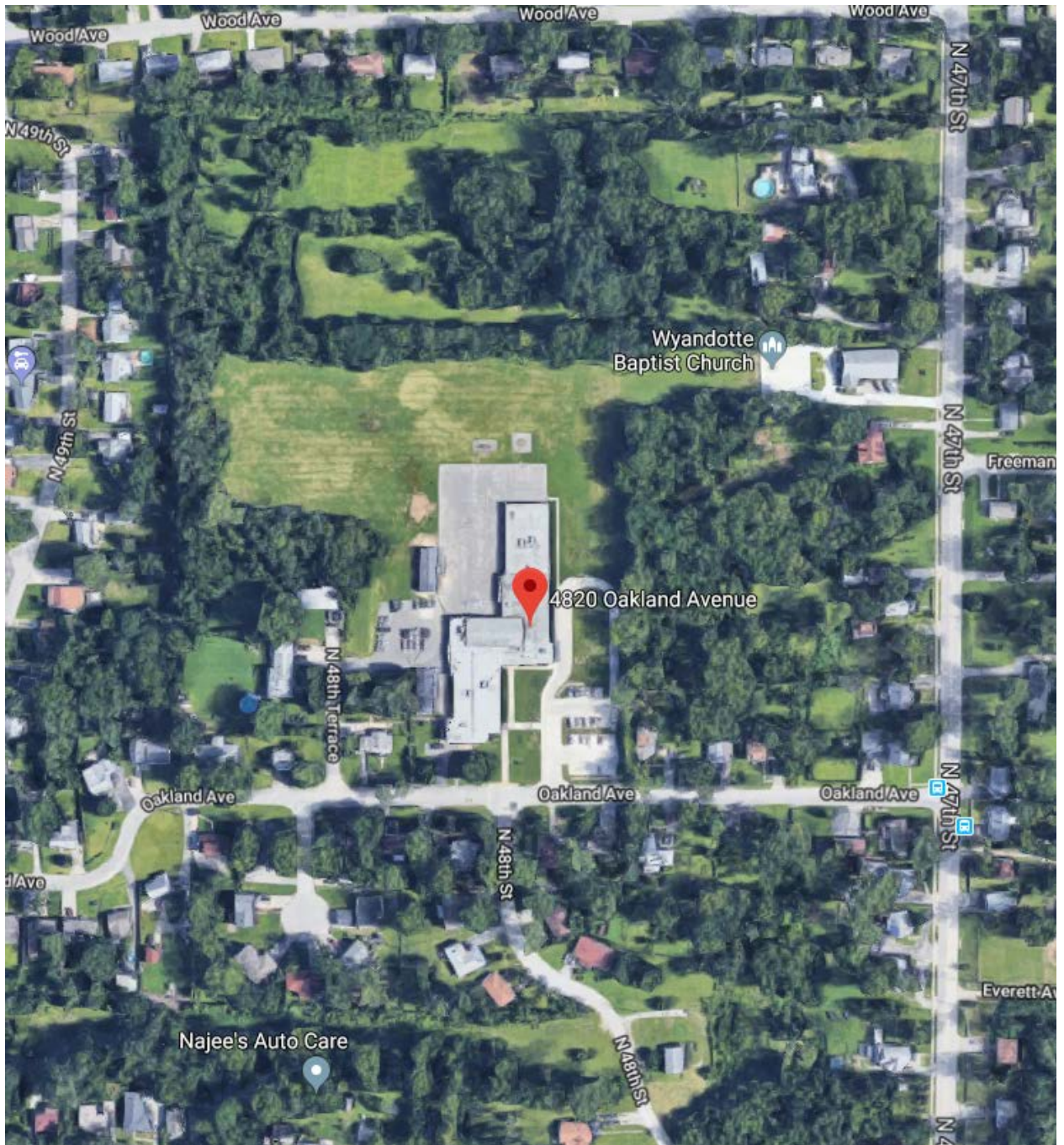
- 1) None.

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

- 1) None

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

- 1) None







Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservation@gmail.com

Rob Richardson
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

April 16, 2019

RE: SP-2019-44 Dennis Covington with USD 500 Modular Classroom 4820 Oakland Avenue

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site for SP-2019-44 Dennis Covington with USD 500 Modular Classroom 4820 Oakland Avenue.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are two major soil types that were identified: Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- There is a small problem along the west drive on the south side with some erosion. The concentrated flows off the modular classroom is causing a gully to form. Gully erosion can be a problem if left uncontrolled.

Technical assistance is available from our office. Limitation maps, detail soils reports and a conservation plan can also be requested for this site from our office.



WELCOME

SIGN IN SHEET

SPECIAL USE PERMIT: SP-19402-00035

SCHOOL: Eugene Ware 4820 Oakhurst Dr KC12

DATE: 5/23/19

NAME	ADDRESS	PHONE
<u>Kurt Wynn</u>	<u>2220 N 59th</u>	<u>913-627-3851</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Doug Clements, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP-19402-00036.
2. That I conducted a neighborhood meeting on May 28, 2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

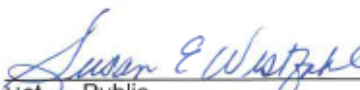
Further affiant saith not.



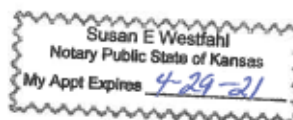
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of May, 2019.

My commission expires 29 of April, 2021.



Notary Public





Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-45

GENERAL INFORMATION

Applicant:
Dennis Covington

Status of Applicant:
Representative
USD #500
Kansas City, Kansas Public
School District

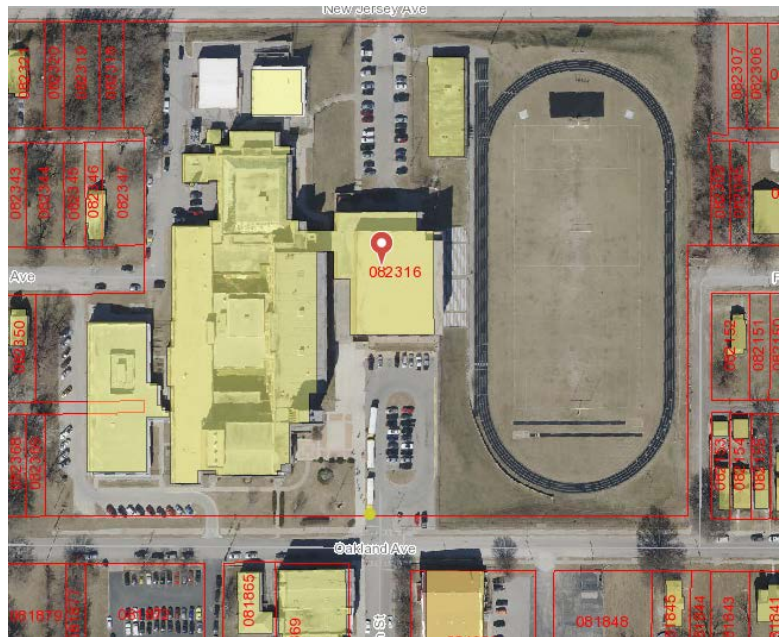
Requested Action:
Renewal of Special Use Permit
for modular classrooms

Date of Application:
March 18, 2019

Purpose:
To continue operating two
modular classrooms for Sumner Academy

Property Location:
1610 North 8th Street

Existing Zoning: RP-5 Planned Apartment District



Existing Surrounding Zoning: **North:** RP-5 Planned Apartment District
South: RP-5 Planned Apartment District
East: RP-5 Planned Apartment District
West: RP-5 Planned Apartment District

Existing Uses: **North:** Single family residences, New Bethel Church
South: Single family residences, St. Peters Church, Eighth Street Baptist Church
East: Single family residences
West: Single family residences

Total Tract Size: 11.21 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Public/Semi-Public

Major Street Plan: 8th Street is designated as a Class B Thoroughfare

Advertisement: The Wyandotte Echo – April 18, 2019
Letters to Property Owner – April 15, 2019, May 7, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is hoping to continue the use of modular classrooms at Sumner Academy

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The character of the surrounding neighborhood is high density multi-family homes.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The zoning and uses of nearby properties are set out above.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

The property is suitable for use as a school

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the Master Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

This should not be an issue.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The purpose of the modular classrooms is to provide a temporary solution to the overcrowding of normal classrooms. Due to them being temporary in nature, there should be no permanent injury to the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

This should not be an issue

9. *Whether the proposed use will pollute the air, land or water.*

This should not be an issue

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This should not be an issue

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

There is no significant gain to the public health, safety, and welfare from this special use permit being denied. If the application is denied, this could impose a possible hardship on the applicant due to not having enough space within the school.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This should not be an issue

PREVIOUS ACTIONS

Approval of #SP-2017-17

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 28, 2019. According to the applicant, no one attended the meeting.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-45, subject to;

Urban Planning and Land Use Comments:

1. Have the modular classrooms continued to remain in the same place since the issuing of your last special use permit in 2017?

Applicant Response: Yes, no revisions or modifications.

2. A modular classroom is typically temporary in nature, with this in mind is there an anticipated end date? Are there currently any plans to add on to the school?

Applicant Response: There are currently no plans for additions; it will remain a desire of the District to remove modular units as resources allow.

3. Could you please provide current pictures of the modular buildings?

Applicant Response: Pictures Submitted

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None.

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

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

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-45** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Aerial Image (Google Maps)
Zoning Map
Conservation District
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	June 10, 2019	June 27, 2019
Special Use	Approval	

STAFF CONTACT: **Alex Hufft**
 AHufft@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-45** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2019-45, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-45 – DENNIS COVINGTON/USD

#500 – SYNOPSIS: Renewal of a Special Use Permit (#SP-2017-17– expired 3/30/2019) for modular classrooms for Sumner Academy at 1610 North 8th Street.

Detailed Outline of Requested Action: The applicant is hoping to continue the use of modular classrooms at Sumner Academy

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?” (No one responded in the affirmative.)

“Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in *The Echo* for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present

Reasons Not Present
Motion to APPROVE Passed: 5 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Have the modular classrooms continued to remain in the same place since the issuing of your last special use permit in 2017?

Applicant Response: Yes, no revisions or modifications.

2. A modular classroom is typically temporary in nature, with this in mind is there an anticipated end date? Are there currently any plans to add on to the school?

Applicant Response: There are currently no plans for additions; it will remain a desire of the District to remove modular units as resources allow.

3. Could you please provide current pictures of the modular buildings?

Applicant Response: Pictures Submitted

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

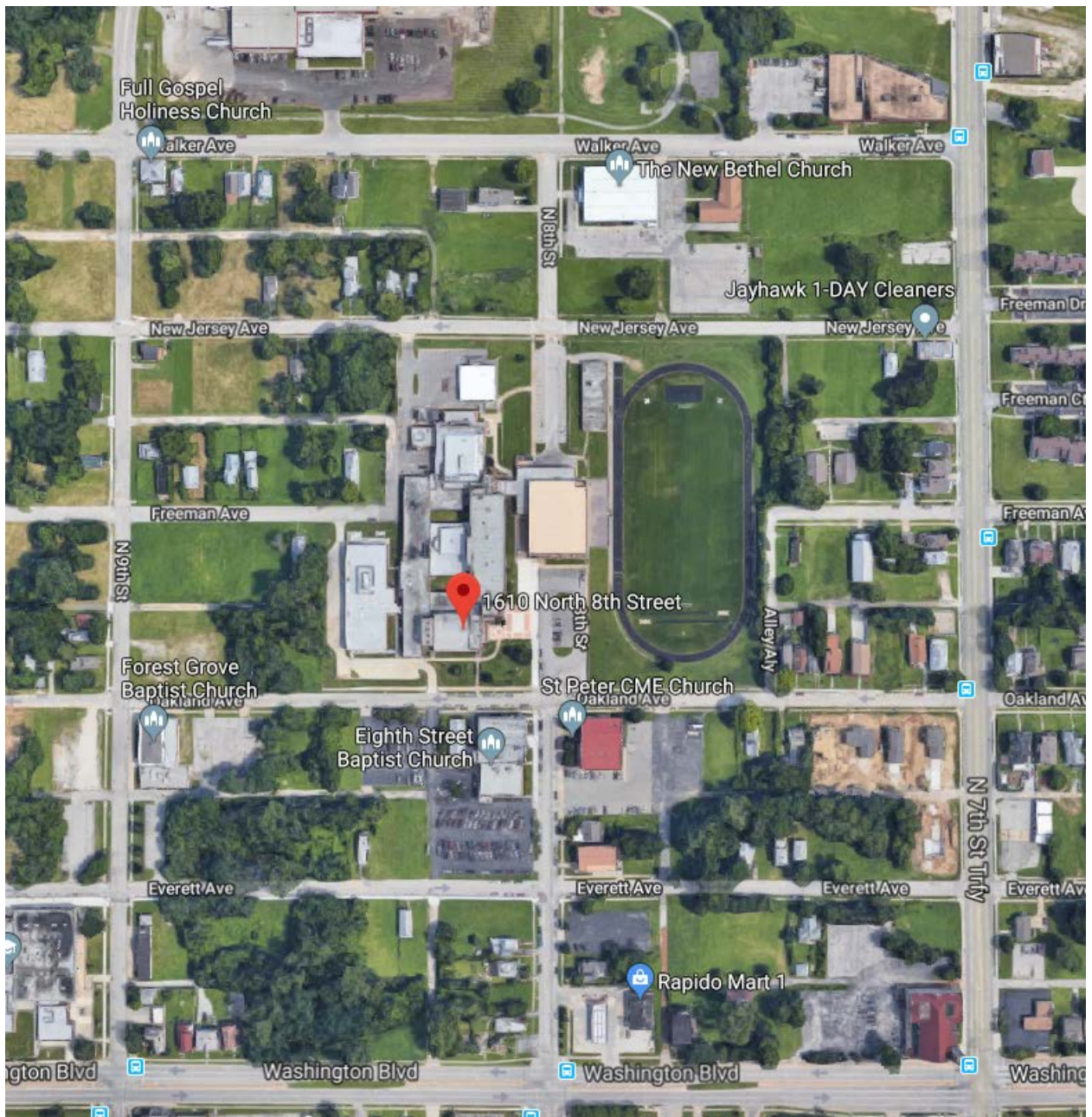
- 1) None.

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

- 1) None

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

- 1) None







Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservaion@gmail.com

Rob Richardson
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

April 16, 2019

RE: SP 2019-45 Dennis Covington with USD 500 Modular Classroom 1610 North 8th Street

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site for SP 2019-45 Dennis Covington with USD 500 Modular Classroom 1610 North 8th Street.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are two major soil types that were identified: Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered highly erodible when the surface is denuded of a protective cover.
- This site as a problem on the northwest corner of the paved area. This area has concentrated flows off the paved area that can cause gully erosion. The grass is weak will continue to get worse as time goes on. The seeding needs some inter seeding and mulch. When seeding is established it could stand to be fertilized to help keep grass growing well.
- In time this will also cause a siltation problem on the street if not addressed.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Doug Clements, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition #SP-19402-00036.
2. That I conducted a neighborhood meeting on May 28, 2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

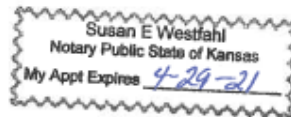
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of May, 2019.

My commission expires 29 of April, 2021.


Notary Public





WELCOME

SIGN IN SHEET

SPECIAL USE PERMIT: SP-19402-00036

SCHOOL: Summer Academy 1610 N 8th KC2

DATE: 5/28/19

NAME	ADDRESS	PHONE
<u>Keith Wayne</u>	<u>2220 W 59th</u>	<u>913-627-3851</u>



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

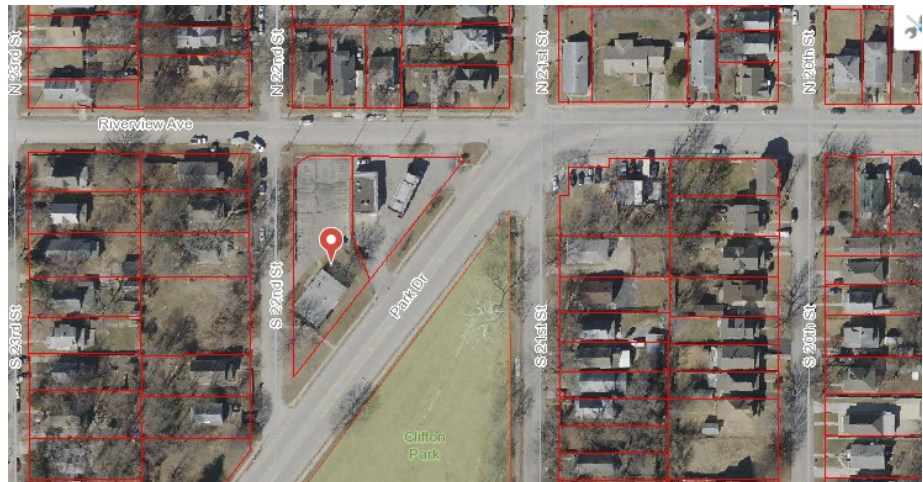
To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-47 and COZ-3187

GENERAL INFORMATION

Applicant:
Veronica Wesselhoft

Status of Applicant:
Owner
7240 Kansas Avenue
Kansas City, Kansas

Requested Action:
Request Change of
Zone from C-1
Limited Business
District to C-2
General Business
District and a Special
Use Permit



Date of Application:
March 22, 2019

Purpose:
Change property from C-1 Limited Business District to C-2 General Business District and a Special Use Permit in order to operate a used car lot.

Property Location: 2120 Park Drive

Commission Districts:

1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Harold Johnson

Existing Zoning: C-1 Limited Business District

Existing Surrounding Zoning: **North:** R-1(B) Single Family District
South: R-1(B) Single Family District
East: C-1 Limited Business District
West: R-1(B) Single Family District

Existing Uses: **North:** Single-Family Residences
South: Park
East: Self-Service Gas Station
West: Single Family Residences and Land Bank Lot

Total Tract Size: 0.39 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Urban Residential

Major Street Plan: The Major Street Plan designates Park Drive as a Class C Thoroughfare, and designates South 22nd Street and Riverview Avenue as local/neighborhood streets

Advertisement: The Wyandotte Echo – April 18, 2019
Letters to Property Owner – April 15, 2019, May 22, 2019 and June 19, 2019

Public Hearings: May 13, 2019, June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the May 13, 2019 or June 10, 2019 City Planning Commission meetings.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting a change in zone from C-1 Limited Business District to C-2 General Business District, and a Special Use Permit in order to operate a used car lot on the property

City Ordinance Requirements: Sections 27-196 through 27-208, 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is predominantly residential in nature. It is a mix of single-family and two-family lots, with a few commercial properties in the neighborhood and a commercial strip a few blocks away on Central Avenue.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The immediate surrounding properties to the north and west are residential. Property is on a small street island triangle with another automotive business zoned as C-1. There are other businesses zoned for greater commercial intensity (C-2 and C-3) within 1,000 feet of the property. Overall, a used car lot is compatible where it is, at the boundary of the residential and commercial areas.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.

The property is less than half an acre but it has 26 parking spaces, which will be sufficient for staff, customers, and vehicles for sale. The applicant states that she is only using five parking spaces to store and promote vehicles for sale and that "my sales will be done for appointments", which should keep the number of customers coming and going relatively low and predictable. As mentioned before, the property is in a transitional space between single-family residences, two-family residences, and commercial buildings. Therefore, a small used car lot would not detrimentally affect nearby properties.

4. The length of time the property has remained vacant as zoned.

The property is not vacant.

5. The degree of conformance of the proposed use to the Master Plan.

Car lots are a discouraged use in urban residential areas by the Master Plan.

6. Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

The applicant has stated that customers will come by appointment. Furthermore, the applicant has stated that she will only use five of the current parking spaces for sale vehicles. This will reduce the potential number of customers arriving by car, and when such customers do arrive,

they will probably not arrive in high numbers or frequency due to the appointment system. Therefore, there will not be a large increase in vehicular traffic.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

This use is not a necessary convenience to the public, nor adds to the public welfare. Having a used car lot in the neighborhood is not often an expected or anticipated convenience for residents.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

There is the potential for some additional noise from cars due to the nature of the proposed business.

9. *Whether the proposed use will pollute the air, land or water.*

This question will be better answered when applicant responses to relevant engineering comments. As of now, there is not an expectation of pollutants beyond the typical air pollution that cars cause. Because there is expected to be so few cars and customers at any one time, there is no cause to believe air pollutants would be any worse than average.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This is not an issue.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The property is already zoned for limited business use; an incremental change in intensity will not have a major detrimental effect on the nearby landowners and public. However, because there is already a business on the property, the applicant would not face as much of a hardship if the property either could not be zoned as C-2 or did not receive a Special Use Permit.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The anticipated size of the used car lot appropriately reflects the size of the property. There is no concern for overcrowding or undue concentrations of population.

PREVIOUS ACTIONS

Held over from the May 13, 2019 City Planning Commission meeting. Staff recommended denial of the application due to unresponsiveness but, when the applicant appeared at the meeting, staff changed the recommendation to hold over for one month.

NEIGHBORHOOD MEETING

The applicant has not given any indication that she or a representative held a neighborhood meeting by May 31, 2019, or any time after. Hosting a neighborhood meeting is a requirement of completing a change of zone and obtaining a Special Use Permit, and failure to do so is a basis for a staff recommendation of denial.

KEY ISSUES

Traffic, parking, noise and light

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **DENIAL** of Change of Zone Application #3187 and Special Use Permit Application #SP-2019-47 **due to non-response and non-compliance from the applicant.**

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

Urban Planning and Land Use Comments:

1. How many cars for sale do you anticipate having on-site at any one time?
Will all the cars be in the outdoor parking spaces?

Applicant Response: No response provided.

2. Do you anticipate changing the total number of parking spaces?

Applicant Response: No response provided.

3. What will be the days/hours of operation of the used car lot?

Applicant Response: No response provided.

4. Applicant needs to provide a dimension site plan that designates and gives measurements for parking spaces, new and pre-existing buildings, and setbacks. Be sure to include the following:

- a) Four parking space for employees or customers (not for used cars) for every 1,000 square feet of commercial space. Although the land is zoned M-3, it has a commercial use and therefore is considered commercial (Code of Ordinances, Sect. 27-464(e)). More parking requirements and guidelines can be found in Sect. 27-577(e).
- b) Dimensions and façade design of pre-existing buildings.
- c) Landscape design compliant with commercial landscaping requirements. Note that landscaping requirements shall exceed typical code requirements (found in Sect. 27-464(g)) by 75%. (Sect. 27-577(a)(5)). Full requirements can be found in the Code of Ordinances, Sect. 27-577.

Applicant Response: No response provided.

June 10, 2019 Update:

Application was initially recommended for denial leading up to the May 13th City Planning Commission meeting because she had not respond to staff comments and had not produced the required neighborhood meeting documentation. In fact, the applicant had not been in connect with staff at all, and staff could not get ahold of the applicant. When the applicant appeared at the May 13th meeting claiming they had not received any of the emails, staff adjusted their recommendation to that of hold over. The applicant was granted a one-month hold over by the Planning Commission, with instructions to contact staff the next day in order to receive the proper materials.

The applicant did not call until a week later, on May 21st. The applicant provided her correct email address; applicant had miswritten her email address on the application, which is why her emails were not going through. However, the applicant has not been in contact with staff since calling on May 21st to address the hold over. When staff called the applicant on May 30th, her representative stated that the applicant was out of town and had not completed the neighborhood meeting nor had she responded to staff comments. Failure to hold a neighborhood meeting and failure to respond to staff comments in a satisfactory manner are both grounds for denial.

Public Works Comments:

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

1) None

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petitions **#3187** and **#SP-2019-47** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

May 13, 2019 City Planning Commission Minutes
June 10, 2019 City Planning Commission Minutes
Photos of Business and Property
Incorrect Email Address on Application

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 13, 2019	
COZ	Held Over	
SUP	June 10, 2019	June 27, 2019
	Denial	

STAFF CONTACT: Mike Farley
 mfarley@wycokck.org

MOTIONS

CHANGE OF ZONE:

I move the Unified Government Board of Commissioners **DENY** Petition **#3187**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **#3187** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And

3. _____.

SPECIAL USE PERMIT:

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-47**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-47** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____.

May 13, 2019 City Planning Commission Minutes:

Hearing Starts 10:20:

CHANGE OF ZONE APPLICATION #3187 – VERONICA WESSELHOFT – SYNOPSIS: Change of Zone from C-1 Limited Business District to C-2 General Business District for a used car lot at 2120 Park Drive.

SPECIAL USE PERMIT APPLICATION #SP-2019-47 – VERONICA WESSELHOFT – SYNOPSIS: Special Use Permit for a used car lot at 2120 Park Drive

Detailed Outline of Requested Action: The applicant is requesting a change in zone from C-1 Limited Business District to C-2 General Business District, and a Special Use Permit in order to operate a used car lot on the property

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 17, 2019;
7. The Notices to property owners dated April 15, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Ms. Rivera, 78 South 17th Street, Kansas City, Kansas, representing the applicant
- ❖ Veronica Wesselhoft, applicant, 2120 Park Drive, Kansas City, Kansas

The Commission asked the applicant if she was aware that she needed to hold a neighborhood meeting and she replied yes, but she has not held one. Chairman Carson stated that the Commission only has two options tonight and that would be to hold over the application for a neighborhood meeting to be held or deny the application. The applicant stating that they would request that the application be held over. Chairman Carson stated that the applicant will need to contact the staff concerning the neighborhood meeting and the items in the staff report that need to be addressed.

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts 14:24: Planning Director Richardson stated that the staff would recommend holding over this case and will give the applicant contact information. The staff has sent all communication through email and there may have been a language barrier.

Motion and Vote Starts 14:42:

On motion by Mr. Miller, seconded by Mr. Ernst, the Planning Commission voted as follows to **HOLD OVER Change of Zone Application #3187 and Special Use Permit #SP-2019-47 until the June 10, 2019 meeting for the applicant to meet with staff concerning the items that need to be addressed in the staff report and to hold a neighborhood meeting:**

Carson	Chairman
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Aye
Neal	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye

Motion to HOLD OVER Passed: 9 to 0

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 11:12 and the applicant was not present. The application was recalled at 1:29:40 and the applicant was not present:

CHANGE OF ZONE APPLICATION #3187 – VERONICA WESSELHOFT – SYNOPSIS: Change of Zone from C-1 Limited Business District to C-2 General Business District for a used car lot at 2120 Park Drive.

SPECIAL USE PERMIT APPLICATION #SP-2019-47 – VERONICA WESSELHOFT – SYNOPSIS: Special Use Permit for a used car lot at 2120 Park Drive

Detailed Outline of Requested Action: The applicant is requesting a change in zone from C-1 Limited Business District to C-2 General Business District, and a Special Use Permit in order to operate a used car lot on the property

The following items were included as part of the record for this case:

8. The City's currently adopted zoning and subdivision regulations;
9. The official zoning map for the area in question;
10. The City's currently adopted Master Plan for the area in question;
11. The staff report and attachments dated June 10, 2019
12. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
13. The Notice in the Wyandotte Echo dated April 17, 2019;
14. The Notices to property owners dated April 15, 2019 and May 22, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Recording Secretary Parker stated that these applications were held over from the May meeting for the applicant to meet with staff to address the items in the staff report and to hold a neighborhood meeting. Neither of those items have been accomplished this past month.

Present in Support:

- ❖ No one appeared

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 1:30:51: Planner Toy stated that it has been an ongoing issue with the applicant in not responding. The staff's recommendation has not changed and staff recommends denial. Planning Commissioner Serda stated that in the staff report it states that the applicant's representative contacted staff on May 30, 2019 to say the applicant was out of town (indefinitely) and asked if staff had had any further communication. Planner Toy stated no. Planning

Commissioner Miller asked if the staff believes that if it is held over there will be further communication. Planner Toy stated no as there has been a history with this applicant. He stated that this applicant had another application in the past and staff had the same issues.

Motion and Vote Starts 1:32:19:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **DENIAL** of Change of Zone Application #3187 due to non-response and non-compliance from the applicant:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

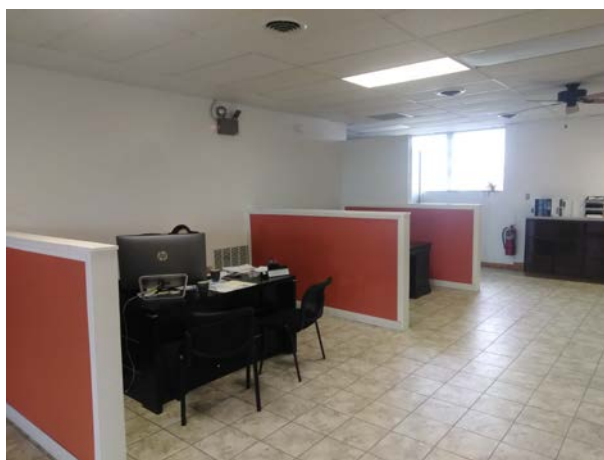
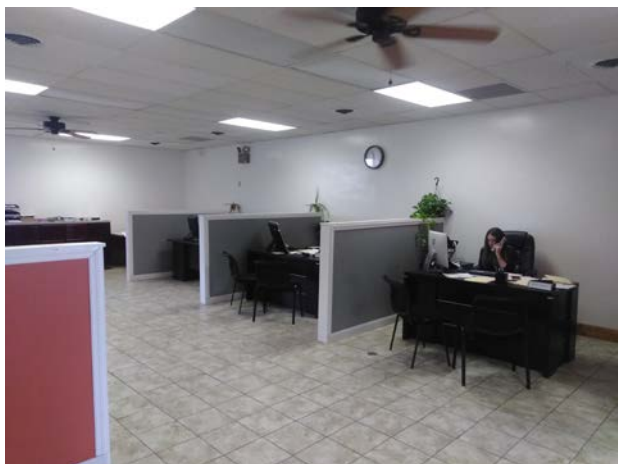
Motion to recommend DENIAL Passed: 5 to 0

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **DENIAL** of Special Use Permit Application #SP-2019-47 due to non-response and non-compliance from the applicant:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend DENIAL Passed: 5 to 0

PHOTOS OF BUSINESS AND PROPERTY



INCORRECT EMAIL ADDRESS ON APPLICATION

2. Applicant/Property Owner Information

Applicant(s) Name <u>VERONICA WESSELHOFF</u>		Company _____	
Street Address <u>7240 KANSAS AVE</u>		City/State <u>Kansas city KS</u>	Zip <u>66111</u>
Telephone () _____	E-Mail <u>9752242@gmail.com</u>		
Property Owner(s) Name (if different than applicant) _____			
Street Address _____		City/State _____	Zip _____
Telephone () _____	Fax () _____	E-Mail _____	
Firm Preparing the Plan: _____		Contact: _____	
Street Address _____		City/State _____	Zip _____
Telephone () _____	Fax () _____	E-Mail _____	
Cellular Telephone () _____			
* All correspondence on this case should be sent to (check one): Applicant ☐ Property Owner ☐ Firm ☐			



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: **Petition #SP-2019-48**

GENERAL INFORMATION

Applicant:
L & B Breit, Inc.

Status of Applicant:
Representative
Breit's Stein and Deli
412 North 5th Street
Kansas City, KS 66101

Requested Action:
Renewal/Expansion of Special Use
Permit

Date of Application:
March 26, 2019

Purpose:
Special use permit to continue
operation as a bar and delicatessen.

Property Location:
412 North 5th Street

Existing Zoning: C-3 Commercial District



Existing Surrounding Zoning: **North:** C-3 Commercial District
South: C-3 Commercial District
East: R-1(B) Single Family District
West: R-1(B) Single Family District

Existing Uses: **North:** Downtown Row Store
South: Commercial Uses
East: Single Family Homes
West: Single Family Homes

Total Tract Size: .1 acre

Master Plan Designation: The Downtown Masterplan designates this property as Neighborhood Residential.

Major Street Plan: The Major Street Plan designates North 5th Street as a Class B Thoroughfare and Elizabeth Avenue as a local street.

Advertisement: The Wyandotte Echo – April 18, 2019
Letters to Property Owner – April 15, 2019, May 16, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, L & B Breit, Inc have requested a special use permit for continuation of a bar and restaurant at 412 North 5th Street. This will be their fourth Special Use Permit for this use. A variance application has also been filed to allow reduced parking requirements needed due to expansion of the seating area onto the back patio.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is a dense mix of smaller single-family homes and commercial establishments.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of properties nearby are laid out above. The use has been coexisting as compatible with these properties for several years.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

Removal of the restrictions could have a detrimental effect on nearby property if not properly managed. This is an established location.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special use permits are not addressed in the Master Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use is already existing, and approval of this renewal will not increase vehicular traffic more than it already is.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use is not reasonably necessary for the convenience and welfare of the public however it will not substantially or permanently injure the appropriate use, visual quality or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

If not properly managed, noise and rowdy behavior could be an issue for nearby property owners.

9. *Whether the proposed use will pollute the air, land or water.*

This is not an issue.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This is not an issue.

11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner would be minimal.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not an issue.

PREVIOUS ACTIONS

Three special use permits have been approved for this drinking establishment; the first in 2002, second in 2004 and third in July 2009.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 22, 2019. Meeting minutes, sign-in sheet and affidavit are attached. No one was in opposition.

KEY ISSUES

Parking Variance

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-48, subject to:

Business License Comments:

1. Applicant has filed and maintained a current occupation tax application filing for the business activities since 2002.

Urban Planning and Land Use Comments:

1. Staff has become aware that there have been increased areas accessible to patrons. Please explain the use of the outdoor areas to the west and north of the building. A variance will likely be needed through Board of Zoning Appeals.

Applicant Response: There has been a minor increase in the accessible areas to patrons to the west and north of the existing building. The west area is used in conjunction with the existing patio; the north area is used perhaps once a year. A variance will be applied for as of this date for these areas.

Staff Comment: Variance application #2330 has been submitted for this issue.

2. Have there been any police calls or disturbances at the site within the term of the last special use permit?

Applicant Response: The term of the last renewal has been 10 years and there have been no police calls or disturbances during that time.

3. Provide updated photos showing the condition of the exterior of the property.

Applicant Response: Will be provided.

4. Provide an updated business plan that explains how you handle the following:
 - a. Hours and days of operation
 - b. Break down of hours and days of food service and alcohol sales
 - c. Security plan
 - d. Site maintenance and upkeep plan
 - e. Consideration of concerns relating to noise pollution onto neighboring properties.
 - f. Plans for expansion, i.e. outdoor seating area.

Applicant Response:

- a. Monday through Thursday, 11 am to 12 midnight. Friday and Saturday, 11am to 2 am.
 - b. Referenced in A above.
 - c. Provided if needed
 - d. Will continue to maintain cleanliness and order of the patio area.
 - e. Always aware of noise pollution but have had no complaints.
 - f. No further plans other than what is described herein.
5. Outdoor lighting, if any, must be installed so as not to shine onto neighboring properties. Provide detail on how you will accomplish this. Lighting may not exceed 1 foot candle at the property line.

Applicant Response: Strings of patio lights sometimes illuminated, agree to any stipulation herein.

6. Recommended for approval for 10 years, not contingent on approval of variance application #2330 because the variance is for the patio expansion.

Public Works Comments:

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

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

1) None.

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-48** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes

Aerial Image

Neighborhood Meeting Minutes, Sign-in and Attachments

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	June 10, 2019	June 27, 2019
Special Use	Approval	

STAFF CONTACT:

Kimberly Portillo

kportillo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-48** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;

2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2019-48, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 44:40:

SPECIAL USE PERMIT APPLICATION #SP-2019-48 – JOHN L. PETERSON WITH PETERSON LAW – SYNOPSIS: Renewal/Expansion of a Special Use Permit (#SP-2009-38 – expires 6/30/2019) for a restaurant and bar at 412 North 5th Street.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 18, 2019;
7. The Notices to property owners dated April 15, 2019 and May 16, 2019; and
8. The testimony from the Board of Zoning Appeals meeting this evening.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Pete Peterson, applicant, 748 Ann Avenue, Kansas City, Kansas 66101
- ❖ Bob and Linda Breitenstein, 412 North 5th Street, Kansas City, Kansas 66101

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 47:06: Planner Toy stated that the staff recommends approval subject to the stipulations outlined in the staff report.

Motion and Vote Starts 37:16:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application #SP-2019-48:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye

Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Business License Comments:

1. Applicant has filed and maintained a current occupation tax application filing for the business activities since 2002.

Urban Planning and Land Use Comments:

1. Staff has become aware that there have been increased areas accessible to patrons. Please explain the use of the outdoor areas to the west and north of the building. A variance will likely be needed through Board of Zoning Appeals.

Applicant Response: There has been a minor increase in the accessible areas to patrons to the west and north of the existing building. The west area is used in conjunction with the existing patio; the north area is used perhaps once a year. A variance will be applied for as of this date for these areas.

Staff Comment: Variance application #2330 has been submitted for this issue.

2. Have there been any police calls or disturbances at the site within the term of the last special use permit?

Applicant Response: The term of the last renewal has been 10 years and there have been no police calls or disturbances during that time.

3. Provide updated photos showing the condition of the exterior of the property.

Applicant Response: Will be provided.

4. Provide an updated business plan that explains how you handle the following:

- a. Hours and days of operation
- b. Break down of hours and days of food service and alcohol sales
- c. Security plan
- d. Site maintenance and upkeep plan

- e. Consideration of concerns relating to noise pollution onto neighboring properties.
- f. Plans for expansion, i.e. outdoor seating area.

Applicant Response:

- a. Monday through Thursday, 11 am to 12 midnight. Friday and Saturday, 11am to 2 am.
 - b. Referenced in A above.
 - c. Provided if needed
 - d. Will continue to maintain cleanliness and order of the patio area.
 - e. Always aware of noise pollution but have had no complaints.
 - f. No further plans other than what is described herein.
5. Outdoor lighting, if any, must be installed so as not to shine onto neighboring properties. Provide detail on how you will accomplish this. Lighting may not exceed 1 foot candle at the property line.

Applicant Response: Strings of patio lights sometimes illuminated, agree to any stipulation herein.

6. Recommended for approval for 10 years, not contingent on approval of variance application #2330 because the variance is for the patio expansion.

Public Works Comments:

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



JOHN L. PETERSON, P.A.
Attorney at Law
748 Ann Avenue Kansas City, KS 66101
(913) 371-1930, Ext. 118 Fax (913) 371-0147
pete@jlpetersonlaw.com

April 26, 2019

Janet Parker
c/o Urban Planning & Land Use
Unified Government of WyCo/KCK
701 North 7th St., Ste. 423
Kansas City, KS 66101

Re: #SP-2019-48
Renewal of #SP-2009-38

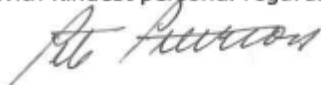
Dear Janet:

I am writing as a follow-up to the Neighborhood Meeting that was held Monday April 22, 2019 in the above-captioned matter. Seventy notices were mailed on April 10, 2019 to the adjoining property owners. I have attached hereto the sign-in sheet and will explain each individual by number:

1. Attorney for Applicant
2. Owner of property.
3. Manager of Breit's Stein and Deli.
4. Interested neighbor in full support.
5. Interested neighbor in full support.
6. Interested neighbor in full support.
7. Representative of Central Avenue Business Association in full support.

There were no individuals appearing in opposition to the proposed SUP renewal. If you have further questions or comments, please contact me.

With kindest personal regards, I remain sincerely,



John L. Peterson

JLP/cp

Attachment

cc: Rob Richardson
Kim Portillo
Bob Breitenstein

Neighborhood Meeting Sign-in

Date 4/22/19

Page 1

<u>Name</u>	<u>Street Address</u>	<u>Phone</u>
① <u>Pat Patterson</u>	<u>748 Ann Ave</u>	<u>571-1930</u>
② <u>Bob Baudin</u>	<u>412 N 5th St</u>	<u>342.5311</u>
③ <u>Stephenie Stewart</u>	<u>412 N. 5th St.</u>	<u>(9) 461-8207</u>
④ <u>Angela Turner</u>	<u>428 N. 5th St.</u>	<u>810-507-9363</u>
⑤ <u>Mike Wiber</u>	<u>404 N 5th St.</u>	<u>913.396-1812</u>
⑥ <u>JOE HOTADAG</u>	<u>404 N 5th St</u>	<u>913-444-7111</u>
⑦ <u>Esperanza</u>	<u>1821 Central Ave</u>	<u>959 677 5855</u>

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now JOHN L. PETERSON of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2019-48.
2. That I conducted a neighborhood meeting on 4/22/19.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

John L. Peterson
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of APR, 2019
My commission expires 3/31 of JAN, 2019

CATHY A. PETERSON
Notary Public - State of Kansas
My Appt. Expires 1/31/21

Cathy Peterson
Notary Public



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-49

GENERAL INFORMATION

Applicant:
Sylvia Bedolla

Status of Applicant:
Owner
835 Splitlog Avenue
Kansas City, KS 66101

Requested Action:
Approve Special Use Permit

Date of Application:
March 29 2019

Purpose:
Temporary use of land to park a
business truck at a residence.

Property Location:
835 Splitlog Avenue

Existing Zoning:
R-1(B) Single Family District



Existing Surrounding Zoning: **North:** R-1(B) Single Family District
South: R-1(B) Single Family District
East: R-1(B) Single Family District
West: R-1(B) Single Family District

Existing Uses: **North:** Greater Pentecostal Temple and Single Family Homes
South: Single Family Homes
East: Single Family Homes
West: Single Family Homes

Total Tract Size: .18 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Urban Density.

Major Street Plan: The Major Street Plan designates Splitlog Avenue as a local street.

Advertisement: The Wyandotte Echo – April 18, 2019
Letters to Property Owner – April 15, 2019, May 16, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Sylvia Bedolla, has requested a special use permit to keep a commercial vehicle for a mobile auto-detailing business parked at a residential property at 835 Splitlog Avenue.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential in nature, comprised of narrow, small lot single family homes.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of properties nearby are laid out above. The primary concern would be compatibility with the residential properties immediately adjacent to the east. Allowing the truck to be parked in the drive results in a loss

of off-street parking available for the homeowner and their guests, which would increase on-street parking along Splitlog Avenue.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

Removal of the restrictions could have an impact on the visual quality and curb appeal of adjacent properties.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant and is being used as a single-family residence.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special use permits are not addressed in the Master Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use is not expected to increase the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use is not reasonably necessary for the convenience and welfare of the public. The lots in this area are small with homes very close to one another. Having this vehicle parked in the drive may detract from the overall appearance of the neighboring properties.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

This is not an issue.

9. *Whether the proposed use will pollute the air, land or water.*

Truck shall be required to be maintained in an operable and legal condition at all times.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This is not an issue.

11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner would be minimal.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant has not held a neighborhood meeting.

KEY ISSUES

Availability of off-street parking for residents
Conservation District Comments

STAFF COMMENTS AND SUGGESTIONS

The Planning Commission meeting voted 5 to 0 to recommend **DENIAL** of Special Use Permit Application #SP-2019-49 due to the failure of the applicant to communicate with staff.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

Urban Planning and Land Use Comments:

1. Review and respond to the attached comments from Conservation District.
2. Business License Department has commented that the applicant has filed a current occupation tax application for mobile detail business with Ford F350 work truck. What, if any, other business activities will take place at the home?
3. Provide photos of the area the vehicle will be parked.
4. Provide a site layout drawing indicating location of structures, proposed truck parking, and proposed passenger vehicle parking.
5. With the truck parked on site, how many off-street parking spaces are available for residents and their guests?
6. How often are the vehicles parked at the home? How frequently and at what times of day are they used?

7. Vehicles must be parked on an improved hard surface.

Staff Comment: The applicant requested to be held over from May 13th to June 10th Planning Commission in order to have more time to hold the neighborhood meeting. To date, staff has not received responses to the staff report nor the required documentation from a neighborhood meeting. For these reasons, staff recommends denial.

Public Works Comments:

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition #SP-2019-49 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Conservation District Comments
Zoning Map
Aerial Image
Photo of truck

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	June 10, 2019	June 27, 2019
Special Use	Denial	

STAFF CONTACT: Kimberly Portillo
kportillo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-49**, as it is not in compliance with the City Ordinances and as it will not promote the public

health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-49** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 47:49 and the applicant was not present. The application was moved to the end of the agenda and recalled at 1:35:30 and the applicant was not present.

SPECIAL USE PERMIT APPLICATION #SP-2019-49 – SYLVIA BEDOLLA – SYNOPSIS: Special Use Permit for the Temporary Use of Land to park a business truck at 835 Splitlog Avenue. ***Detailed Outline of Requested Action:*** The applicant, Sylvia Bedolla, has requested a special use permit to keep a commercial vehicle for a mobile auto-detailing business parked at a residential property at 835 Splitlog Avenue.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 18, 2019;
7. The Notices to property owners dated April 15, 2019 and May 16, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ No one appeared

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 1:35:48: Planner Toy stated that the applicant did not respond to the staff report and did not have a neighborhood meeting; she is also not present at the meeting this evening. Chairman Carson asked if this is the first meeting she has missed. Planner Toy stated that prior to the meeting last month, she requested that the application be held over for one month so it did not appear on the agenda.

Motion and Vote Starts 1:36:33

On motion by Mr. Ernst, seconded by Dr. Neal, the Planning Commission voted as follows to recommend **DENIAL** of Special Use Permit Application #SP-2019-49 due to the failure of the applicant to communicate with staff:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend DENIAL Passed: 5 to 0



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservation@gmail.com

Rob Richardson
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

April 16, 2019

RE: SP 2019-49 Silva Bedolla park business truck 835 Splitlog Avenue

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site for SP 2019-49 Silva Bedolla park business truck 835 Splitlog Avenue.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There is one major soil type that were identified: Knox silt loam, 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- This site has some erosion problems. There needs to be a wall around the parking area. The dirt walls will not stand for long without the wall being installed.
- If there or any fluid leaks unto the paved areas, they need to be cleaned up immediately to prevent contaminating water runoff from the site.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is









Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-53

GENERAL INFORMATION

Applicant:
James Bogert

Status of Applicant:
Owner
217 Orchard Street
Kansas City, Kansas 66101

Requested Action:
Approve Special Use Permit for
short-term rental

Date of Application:
March 29, 2019

Purpose:
To use permanent residence as a
short-term rental

Property Location:
217 Orchard Street

Existing Zoning:
R-1(B) Single Family District



Existing Surrounding Zoning: **North:** R-1(B) Single Family District
South: R-1(B) Single Family District
East: M-3 Heavy Industrial District
West: R-1(B) Single Family District

Existing Uses: **North:** Single family residences
South: Single family residences
East: I-70, Kansas River
West: Single family residences

Total Tract Size: 0.17 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Urban Density

Major Street Plan: Orchard Street is designated as a local street

Advertisement: The Wyandotte Echo – April 18, 2019
Letters to Property Owner – April 15, 2019, May 22, 2019 and June 19, 2019

Public Hearings: May 13, 2019, June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the May 13, 2019 or June 10, 2019 City Planning Commission meetings.

PROPOSAL

Detailed Outline of Requested Action: The applicant, James Bogart, is looking to apply for a special use permit for a short-term rental at the owner's primary residence.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is majority residential within the historical landmarks environs of the Mathias Splitlog Residence. The property sits directly on the west side of I-70, with the river directly to the east.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of properties nearby are set out above. The proposed use will be suitable with the surrounding residences as long as it is operated in a professional manor. Short-term rentals, such as AIRBNB or VRBO, can

sometimes lead to excessive noise, parking issues and other commercial activities within residential dominant areas.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

The removal of the restrictions may not detrimentally affect nearby property as long as the rental property is properly maintained and monitored.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant

5. *The degree of conformance of the proposed use to the Master Plan.*

Special Use Permits are not addressed in the Master Plan

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use should not increase vehicular traffic where it would exceed the capacity of the street network.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use provides a short-term housing situation for the public. This use should not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

This should not be an issue.

9. *Whether the proposed use will pollute the air, land or water.*

This should not be an issue.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This should not be an issue.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain or loss to the public health, safety, and welfare is likely to be minimal. If the owner is denied this renewal, they would not be able to operate their short-term rental but will still continue to live in the home seeing that it is their normal residence.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This should not be an issue

PREVIOUS ACTIONS

The application was held over from the May 13, 2019 City Planning Commission meeting for the applicant to hold a neighborhood meeting.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 26, 2019 with no one present in opposition.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-53, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for one (1) year
2. Have you consulted the neighbors prior to applying for the special use permit?

Applicant Response: I have consulted with my immediate neighbors and there are no issues or concerns to report

3. How many people can your rental accommodate?

Applicant Response: 2 – 6 people

4. What is the maximum number of vehicles & where will they park?

Applicant Response: I'm going to limit the number of vehicles to two. They can park in my driveway in front of my two-car garage off the street. They could also park one vehicle on Orchard St. if needed.

5. Do you have a business license?

Applicant Response: No, it's going to be my primary residence. If I'm required to get one, then I will.

6. Have you paid the lodging taxes associated with a short-term rental?

Applicant Response: I've ran a short-term rental before and am familiar with the taxes, i.e. transit occupancy tax, associated with it.

7. How often do you anticipate renting out your residence?

Applicant Response: Probably just on the weekends and/or when its desired

8. Describe how you will maintain a safe environment including:

- a. Working smoke detectors in each bedroom plus each level of the unit/home
- b. GFCI outlets are required in bathrooms
- c. Double keyed locks are not allowed
- d. Copper cannot be used for gas supply lines
- e. Windows must be operable, not blocked or boarded
- f. Handrails are required at sets of 4 or more stairs/risers
- g. Hot water tank and furnace must be vented properly and operational
- h. Electric panel and circuits must be safe

Applicant Response: All electrical and plumbing has been done to code by licensed professionals. Everything is in working order and I plan on mounting two cameras on the exterior of the house for security. Parties and any illegal activity are not going to be allowed according to the house rules.

Business Licensing Comments:

1. If approved, applicant will need to file and maintain a current occupation tax application.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) None

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-53** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

May 13, 2019 City Planning Commission Minutes
June 10, 2019 City Planning Commission Minutes
Aerial Image (Google Maps)
Zoning Map
Pictures of home
Neighborhood Meeting Information

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 13, 2019	June 27, 2019
Special Use	Held Over June 10, 2019	
	Approval	

STAFF CONTACT: **Byron Toy, AICP**
 btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-53** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #SP-2019-53, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 13, 2019 City Planning Commission Minutes:

Hearing Starts 2:04:22:

SPECIAL USE PERMIT APPLICATION #SP-2019-53 – JAMES ALLEN BOGERT –

SYNOPSIS: Home Occupation Special Use Permit for a short-term rental/AIRBNB at 217 Orchard Street. ***Detailed Outline of Requested Action:*** The applicant, James Bogart, is looking to apply for a special use permit for a short-term rental at the owner's primary residence.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 18, 2019;
7. The Notices to property owners dated April 15, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Planning Director Richardson stated that the applicant was inadvertently told by staff that he did not need to hold a neighborhood meeting, when in fact he does for this type of special use permit (he was put in the wrong category.) The error was caught today and the staff is changing its recommendation to hold over this application for one month (so the applicant can hold his neighborhood meeting.)

Present in Support:

- ❖ James Bogert, applicant, 217 Orchard Street, Kansas City, Kansas 66101

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts 2:07:15: Planning Director Richardson stated that again the staff apologizes for the error; the staff recommends that this application be

held over for the applicant to hold his neighborhood meeting. He further stated that the staff will get him the information tomorrow.

Motion and Vote Starts 2:07:30:

On motion by Mr. Miller, seconded by Ms. Jones, the Planning Commission voted as follows to **HOLD OVER Special Use Permit Application #SP-2019-53 until the June 10, 2019 meeting for the applicant to hold a neighborhood meeting:**

Carson	Chairman
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	Aye
Neal	Aye
Pauley	Aye
Reasons	Aye
Serda	Aye

Motion to recommend HOLD OVER Passed: 9 to 0

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 50:29:

SPECIAL USE PERMIT APPLICATION #SP-2019-53 – JAMES ALLEN BOGERT – SYNOPSIS: Home Occupation Special Use Permit for a short-term rental/AIRBNB at 217 Orchard Street. ***Detailed Outline of Requested Action:*** The applicant, James Bogart, is looking to apply for a special use permit for a short-term rental at the owner's primary residence.

The following items were included as part of the record for this case:

8. The City's currently adopted zoning and subdivision regulations;
9. The official zoning map for the area in question;
10. The City's currently adopted Master Plan for the area in question;
11. The staff report and attachments dated June 10, 2019
12. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
13. The Notice in the Wyandotte Echo dated April 18, 2019; and
14. The Notices to property owners dated April 15, 2019 and May 22, 2019

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Recording Secretary Parker stated that this application was held over from the May meeting to allow the applicant to hold a neighborhood meeting, which has been done.

Present in Support:

- ❖ Nate Bogert, representing his brother (who is out of the country)

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 53:44: Planner Toy stated the staff recommends approval subject to the stipulations outlined in the staff report.

Motion and Vote Starts 53:52:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application #SP-2019-53:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for one (1) year
2. Have you consulted the neighbors prior to applying for the special use permit?

Applicant Response: I have consulted with my immediate neighbors and there are no issues or concerns to report

3. How many people can your rental accommodate?

Applicant Response: 2 – 6 people

4. What is the maximum number of vehicles & where will they park?

Applicant Response: I'm going to limit the number of vehicles to two. They can park in my driveway in front of my two-car garage off the street. They could also park one vehicle on Orchard St. if needed.

5. Do you have a business license?

Applicant Response: No, it's going to be my primary residence. If I'm required to get one, then I will.

6. Have you paid the lodging taxes associated with a short-term rental?

Applicant Response: I've ran a short-term rental before and am familiar with the taxes, i.e. transit occupancy tax, associated with it.

7. How often do you anticipate renting out your residence?

Applicant Response: Probably just on the weekends and/or when its desired

8. Describe how you will maintain a safe environment including:

- a. Working smoke detectors in each bedroom plus each level of the unit/home
- b. GFCI outlets are required in bathrooms
- c. Double keyed locks are not allowed
- d. Copper cannot be used for gas supply lines
- e. Windows must be operable, not blocked or boarded
- f. Handrails are required at sets of 4 or more stairs/risers
- g. Hot water tank and furnace must be vented properly and operational
- h. Electric panel and circuits must be safe

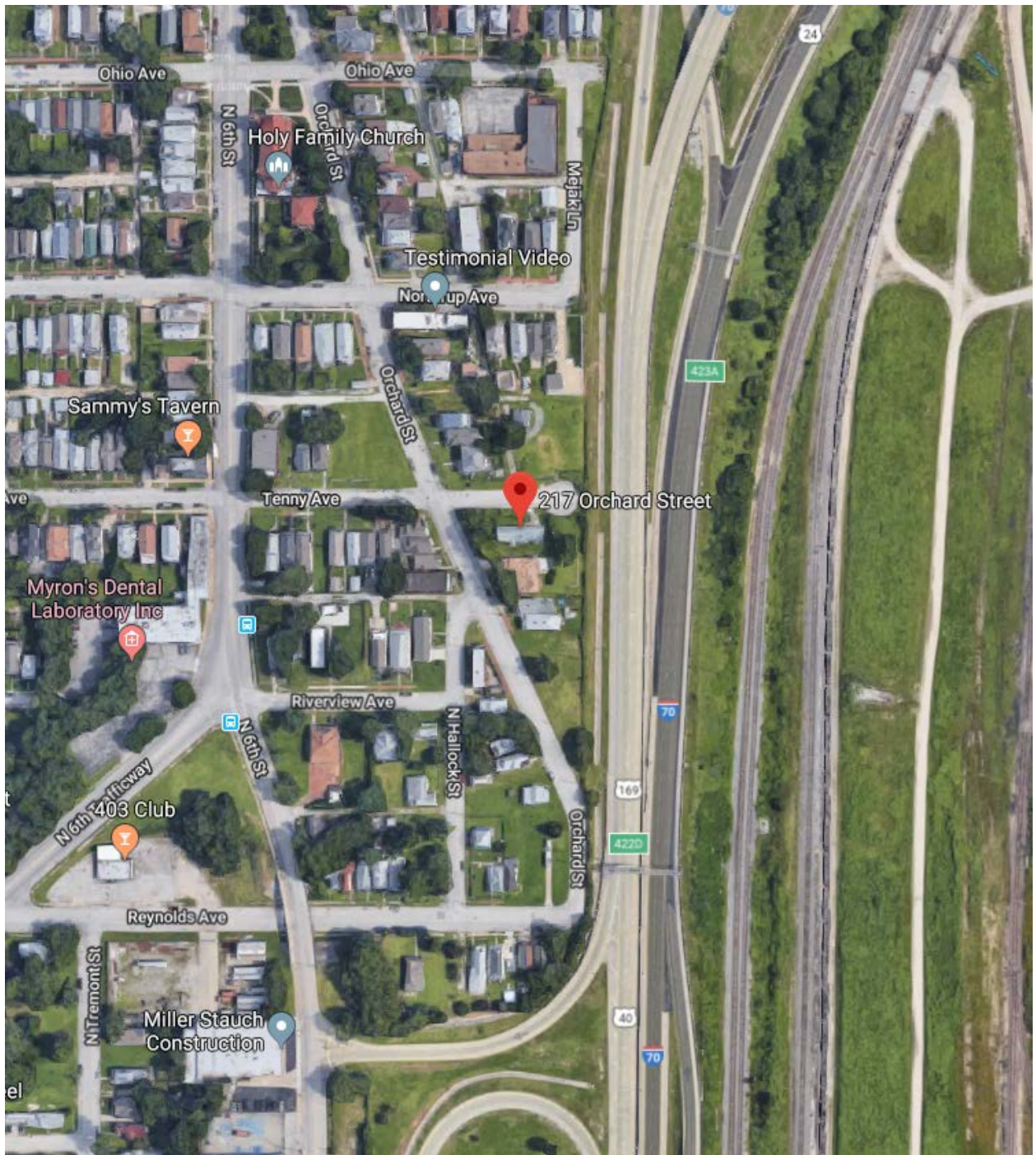
Applicant Response: All electrical and plumbing has been done to code by licensed professionals. Everything is in working order and I plan on mounting two cameras on the exterior of the house for security. Parties and any illegal activity are not going to be allowed according to the house rules.

Business Licensing Comments:

- 1. If approved, applicant will need to file and maintain a current occupation tax application.

Public Works Comments:

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









Sunday, May 26, 2019

Neighborhood Meeting Minutes

Location: 217 Orchard Street Kansas City, Kansas 66101

Time: 6:09pm

Minutes Prepared By: Anna Cole

Attendees:

James Bogert (217 Orchard St. KCKS 66101),

D.Nate Bogert (261 Orchard KCKS 66101)

Anna Cole (245 Orchard St, KCKS 66101)

Meeting Called to Order by James Bogert

Agenda

1.) James Bogert, Property Owner of 217 Orchard Street, KCKS, 66101 to asses the opinion of near-by Property Owners and the immediate neighborhood with regard to the Pending Land Use Action Case #- SP-2019-53 to seek a Special Use Permit for Short Term Rental.

Remarks

James explained that he will allow only two vehicles to be parked off street in his driveway, and will fully vet any potential Renter prior to providing them with a Short Term Lease for the property. James then gave a tour of the property while explaining the extensive improvements that he made to both the structure and surrounding property. It was remarked by Anna Cole that his efforts were a significant improvement to the property.

Motions

A motion to approve the Special Use Permit for Short Term Rental was brought by D. Nate Bogert, and seconded by Anna Cole. Motion was approved.

Meeting Adjourned

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Jackson) SS:

Comes now James Bogert, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2019-53
2. That I conducted a neighborhood meeting on 26 May 2019
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

James Bogert
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of May, 2019

My commission expires 05 of Mar, 2021

Cristina M. Clay
Notary Public





Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-59

GENERAL INFORMATION

Applicant:
Kelly and James Hormann

Status of Applicant:
Property Owner
7114 Parallel Parkway
Kansas City, KS 66112

Requested Action:
Approval of Special Use
Permit

Date of Application:
April 4, 2019

Purpose: Special use permit
for a home occupation pet
grooming business.

Property Location:
7114 Parallel Parkway



Commissioner Districts:

Commissioner At Large: Melissa Bynum

District Commissioner: Dr. Jane Winkler Philbrook

Existing Zoning: R-1 Single Family District

Existing Surrounding Zoning: **North:** R-1 Single Family District

South: R-1 Single Family District

East: R-1 Single Family District

West: R-1 Single Family District

Existing Uses: **North:** Single Family Residence

South: Painted Hills Golf Course

East: Single Family Residence

West: Single Family Residence

Total Tract Size: .76 acre

Master Plan Designation: The City Wide Master Plan designates this property as Low Density Residential.

Major Street Plan: The Major Street Plan designates Parallel Parkway as a Class A Thoroughfare and North 71st Street as a local street.

Advertisement: The Wyandotte Echo – May 16, 2019

Letters to Property Owner – May 16, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Kelly and James Hormann, are requesting approval of a Special Use Permit to operate a full-service pet grooming salon in the basement of their home at 7114 Parallel Parkway.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is comprised of primarily single-family households to the north of Parallel Parkway, with a golf course on the south side of Parallel Parkway.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The zoning and uses of nearby properties are laid out above. The proposed use could be compatible with them if operated properly.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

The removal of restrictions will not detrimentally affect nearby property.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant and is being used as a single family home.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special use permits are not addressed in the Master Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

This is not expected to be an issue. Staff has recommended that if approved, no more than two customers be present at any given time, and that customers must park on private property.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use would provide a convenience to the public by offering a pet grooming service. It is not expected that the proposed use would substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

The noise could become an issue for nearby property owners. Staff has asked for clarification regarding how noise will be managed.

9. *Whether the proposed use will pollute the air, land or water.*

Staff has asked for further clarification regarding the use of any hazardous materials or chemicals and how they will be disposed of. The applicant stated that no hazardous materials will be used for clean-up or other purposes.

10. Whether the use would damage or destroy an irreplaceable natural resource.

This is not an issue.

11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

The relative gain to the public health, safety and welfare is minimal.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

A neighborhood meeting was held on May 23, 2019. The minutes, sign-in sheet and affidavit are attached. No opposition was expressed.

KEY ISSUES

Waste disposal
Noise

STAFF COMMENTS AND SUGGESTIONS

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-59, subject to:

Business License Comments:

1. If approved, applicant will need to file and maintain a current occupation tax application

Urban Planning and Land Use Comments

1. The operations letter states that you will have a kennel area. How many animals will be kenneled at a time, and for how long? Will there be any overnight kenneling or long-term boarding?

Applicant Response: I would only want to groom five animals a day.

So only five would be kenneled. But not all five would be kenneled at the same time. I would book them on the hour starting at 8 am and the last appointment at 12 or 1 pm. Each dog may take up to 2 to 3 hours. And there would be only one customer dropping off at a time. No overnight or long-term boarding will be provided.

2. How many clients would you have per day?

Applicant Response: Four to five clients a day.

3. How will you dispose of animal waste, fur trimmings and soap/ chemical runoff?

Applicant Response: Animal waste and fur trimmings will be disposed of in the weekly trash pickup. And the grooming shop will have its own trash can. Soap runoff will be washed down the drain.

4. Will any hazardous materials or chemicals be used in the grooming process, clean up, or other operations?

Applicant Response: No hazardous materials will be used at any time.

5. Parallel Parkway is a Class A thoroughfare that experiences high traffic volume. The potential for loose animals in this area could be both dangerous for drivers and a nuisance for residents. Describe the drop-off and pick-up process and how you will ensure no animals are let loose at any time.

Applicant Response: Because Parallel is such a busy road I will have a strict leash/travel kennel policy of all clients.

6. Describe how you will keep noise at a manageable level so as not to disturb neighboring residences.

Applicant Response: I truly believe noise will not be an issue because my neighbors on both sides are a great distance away from the kennel space.

7. All clients must park on the private property of the residence.

Applicant Response: Yes, all of my clients will park in the lower driveway. And have access to use my turn around for exiting.

If approved, recommended for one (1) year, subject to:

1. No signs.
2. No employees other than members of the immediate family residing on the premises.
3. No more than two (2) clients doing drop-off or pick-up at any one time.

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-59** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-59** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 54:25:

SPECIAL USE PERMIT APPLICATION #SP-2019-59 – KELLY AND JAMES HORMANN WITH A BILLION BUBBLES – SYNOPSIS: Home Occupation Special Use Permit for a pet grooming operation at 7114 Parallel Parkway. ***Detailed Outline of Requested Action:*** The applicants, Kelly and James Hormann, are requesting approval of a Special Use Permit to operate a full-service pet grooming salon in the basement of their home at 7114 Parallel Parkway.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated May 16, 2019; and
7. The Notices to property owners dated May 16, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Kelly Hormann, applicant, 7114 Parallel Parkway, Kansas City, Kansas 66112

❖ George Beard, 7126 Parallel Parkway, Kansas City, Kansas 66112

Present in Opposition:

❖ No one appeared

Staff Recommendation Starts 58:58: Planner Toy stated that the staff recommends approval subject to the stipulations outlined in the staff report.

Motion and Vote Starts 59:06:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application #SP-2019-59:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Business License Comments:

1. If approved, applicant will need to file and maintain a current occupation tax application

Urban Planning and Land Use Comments

1. The operations letter states that you will have a kennel area. How many animals will be kenneled at a time, and for how long? Will there be any overnight kenneling or long-term boarding?

Applicant Response: I would only want to groom five animals a day. So only five would be kenneled. But not all five would be kenneled at the same time. I would book them on the hour starting at 8 am and the last appointment at 12 or 1 pm. Each dog may take up to 2 to 3 hours. And there would be only one customer dropping off at a time. No overnight or long-term boarding will be provided.

2. How many clients would you have per day?

Applicant Response: Four to five clients a day.

3. How will you dispose of animal waste, fur trimmings and soap/ chemical runoff?

Applicant Response: Animal waste and fur trimmings will be disposed of in the weekly trash pickup. And the grooming shop will have its own trash can. Soap runoff will be washed down the drain.

4. Will any hazardous materials or chemicals be used in the grooming process, clean up, or other operations?

Applicant Response: No hazardous materials will be used at any time.

5. Parallel Parkway is a Class A thoroughfare that experiences high traffic volume. The potential for loose animals in this area could be both dangerous for drivers and a nuisance for residents. Describe the drop-off and pick-up process and how you will ensure no animals are let loose at any time.

Applicant Response: Because Parallel is such a busy road I will have a strict leash/travel kennel policy of all clients.

6. Describe how you will keep noise at a manageable level so as not to disturb neighboring residences.

Applicant Response: I truly believe noise will not be an issue because my neighbors on both sides are a great distance away from the kennel space.

7. All clients must park on the private property of the residence.

Applicant Response: Yes, all of my clients will park in the lower driveway. And have access to use my turn around for exiting.

If approved, recommended for one (1) year, subject to:

1. No signs.
2. No employees other than members of the immediate family residing on the premises.
3. No more than two (2) clients doing drop-off or pick-up at any one time.
4. Hours of operation being 8:00 a.m. to 5:00 p.m.
5. No overnight boarding of animals.
6. Applicant must file and maintain an occupation tax application.

Public Works Comments

A) Items that require plan revision or additional documentation before engineering can recommend approval:

- 1) None.

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

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

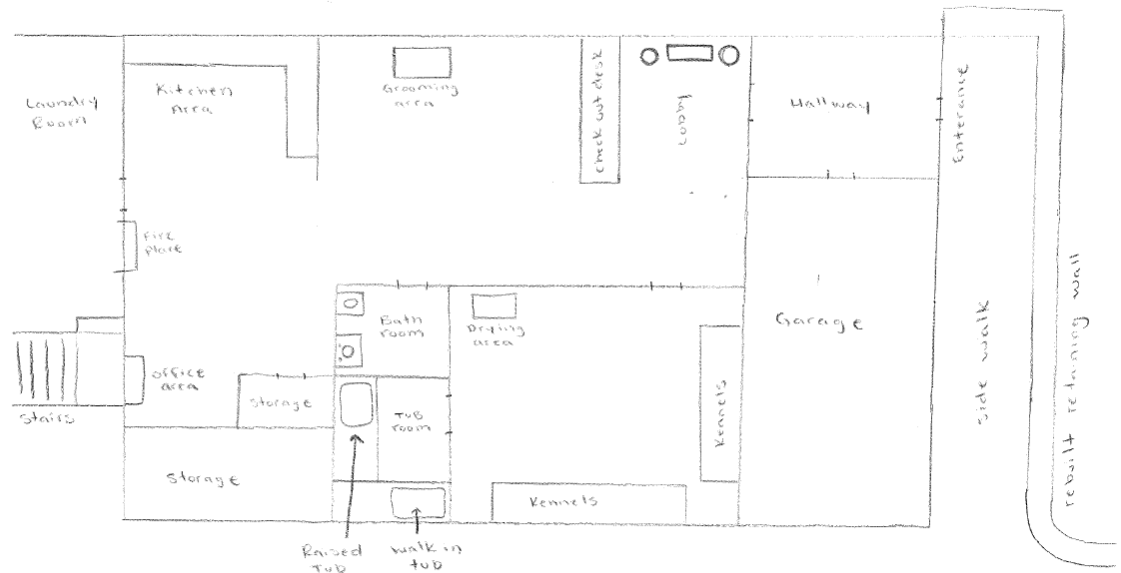








A Billion Bubbles Pet Salon



Sign In Sheet

George Beard

Anders Beard

Winnie Miller

Kyle Hauer

Sam Sory

Jim Liza

A Billion Bubbles
Application No. #SP-2019-59
Neighborhood Meeting Minutes – May 23, 2019
7114 Parallel Parkway, Kansas City, KS

Meeting called to order at 5:00 PM

People in attendance:

- Kelly Hormann
- James Hormann
- Alice Miller
- Sara Spaedy
- George Beard
- Andrea Beard

Kelly presented A Billion Bubbles Vision Board including photographs and drawings of business plans. The visual presentation featured aesthetic finishes for business interiors and exteriors. Kelly included details regarding client drop-off structure, business hours, services and products.

Mr. Beard, a next-door neighbor, is able-bodied and attended the meeting. Because Mrs. Andrea Beard, his wife, is disabled, at the conclusion of her presentation Kelly visited Mrs. Beard in her home to accommodate her participation in the neighborhood meeting.

No questions or concerns from attendees.

Meeting adjourned at 5:30 PM

It should be noted that in response to the notice sent by Certified U.S. Mail to neighbors, Kristie Grimes, Valerie Cherry, and Derald and Wilma Lind called to indicate they would not be able to attend the neighborhood meeting but did not have any opposition or concerns. In fact, Ms. Grimes and Ms. Cherry inquired about prices for grooming services.

Minutes taken by Sara J. Spaedy.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)
) SS:
COUNTY OF Jackson)

Comes now Kelly L Hormann, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition #SP-2019-59.
2. That I conducted a neighborhood meeting on May 23 2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Kelly L. Hormann
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23rd day of May, 2019.
My commission expires Feb of 15th, 2021

SARA JEAN SPAEDY
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires Feb. 15, 2021
Commission # 13432851

[Signature]
Notary Public



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-60

GENERAL INFORMATION

Applicant:
Matt Gallinger

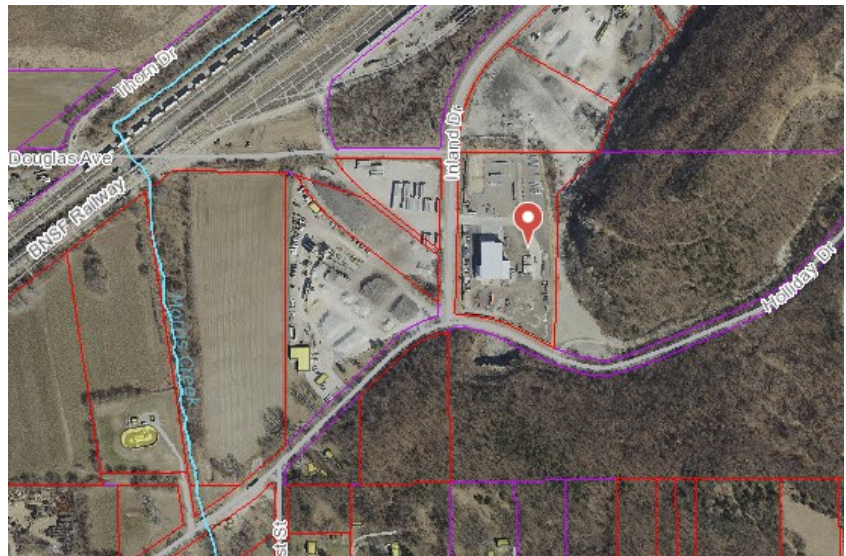
Status of Applicant:
Representative
American Concrete
Products

Requested Action:
Request a Special Use
Permit

Date of Application:
April 8, 2019

Purpose:
Obtain a Special Use
Permit for temporary use of an office trailer.

Property Location:
6945 Inland Drive



Commission Districts:

1. Commissioner At Large: Tom Burroughs
2. District Commissioner: Angela Markley

Existing Zoning: MP-3 Planned Heavy Industrial District

Existing Surrounding Zoning: North: MP-3 Planned Heavy Industrial District

South: R-1 Single-Family District

East: R-1 Single-Family District

West: MP-3 Planned Heavy Industrial District; M-3 Heavy Industrial District

Existing Uses: North: Gravel pit

South: Vacant land, wooded

East: Vacant land, wooded

West: Industrial area

Total Tract Size: 6.78 acres

Master Plan Designation: The City-Wide Master Plan designates this property Industrial

Major Street Plan: The Major Street Plan designates Inland Drive and Holliday Drive as Class B Thoroughfares

Advertisement: The Wyandotte Echo – May 16, 2019
Letters to Property Owner – May 16, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Obtain a Special Use Permit for temporary use of a trailer office on the property to support the precast concrete product manufacturing taking place on the property and adjacent properties owned by the applicant company. The site was developed in 2017, and a trailer office is a transitory step to a full constructed office building or addition to the current building.

City Ordinance Requirements: Article VIII Sections 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The property and surrounding properties are either zoned for heavy industrial or are seemingly held in reserve for industrial uses.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

A temporary trailer office is a common feature of industrial and construction sites. Given the heavy industrial uses of some of the neighboring properties, the addition of an office trailer will most certainly be compatible.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

This use is suitable to the property. The presence of a temporary office trailer on the property will not affect the nearby properties.

4. *The length of time the property has remained vacant as zoned.*

Property is not vacant.

5. *The degree of conformance of the proposed use to the Master Plan.*

A temporary trailer office is not directly referenced in the City-Wide Master Plan, but its use is or should be reasonable anticipated as a support need for an industrial operation.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

Applicant has stated that the concrete and material shipments are presently occurring; a trailer office would simply help manage the shipping and on-site operations.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

While not reasonably necessary for the convenience and welfare of the community, a trailer office would be quite beneficial to American Concrete Products, and would otherwise have no effect, positive or negative, on adjoining properties.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Any issue with dust or noise would come from the deliveries and concrete operations, not with the presence of a trailer.

9. *Whether the proposed use will pollute the air, land or water.*

The trailer office itself would generate little pollution to the air, land, or water.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

For the trailer office itself, this is not a concern.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

Lack of access to an on-site office would be detrimental to the concrete process, as applicant has stated the difficulties of monitoring shipping and site activities from a remote location.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use will not result in overcrowding. Applicant gave no indication that any more persons, much less a large amount of people, would be working on site because of the trailer office.

PREVIOUS ACTIONS

Enterprise Properties

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 28, 2019. Applicant stated that no neighbors attended the meeting.

KEY ISSUES

Occupation tax delinquency, on-site safety

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-60, subject to:

Urban Planning and Land Use Comments:

1. How long does applicant expect to utilize the trailer office? Is there a timeline or current plan for construction of a permanent office space? When did this come about as it was not part of original discussions with staff.

Applicant Response: We expect to use the trailer office until the market demand for additional manufacturing space is required. The 2017 site development was phase 1. Market conditions will dictate the timeline for Phase 2, which will include an expansion with permanent office space. Best forecasting would be 2-3 year timeline for the development of an additional phase.

Managing deliveries is a challenge and logistically something needed to change. The office trailer will be in a much better position to monitor goods in and out. Another reason is to provide additional space for customers & visitors to feel welcome at our plant.

2. Is the trailer currently on site and in use?

Applicant Response: Yes, the trailer is onsite, but it is not in use. Final installation is waiting on consideration of the Special Use Permit.

3. Records show that American Concrete Products is delinquent on its occupational taxes for the 2019 tax year. Taxes must be paid to the County in full, or the company must supply the County with a payment schedule. Full payment of outstanding taxes or compliance with the minimum requirements of an acceptable payment schedule is a stipulation of obtaining and maintaining a valid Special Use Permit.

Applicant Response: Occupational tax payment was completed on May 23, 2019.

Staff Response: Applicant has provided receipt of payment.

4. Trailer office must be established on a structurally sound and level surface and a safe distance from all heavy machinery or concrete operations.

Applicant Response: Noted, and the proposed location complies with the request.

5. All power sources for the trailer office must be in compliance with all relevant electrical codes and county ordinances.

Applicant Response: Noted, permits will be obtained for power source to comply with the request.

6. Approval is for two (2) years.

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-60 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Photos of Site
Photos of Trailer

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	June 10, 2019	June 27, 2019
SUP	Approval	

STAFF CONTACT: Mike Farley
 mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-60** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-60**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 59:39:

SPECIAL USE PERMIT APPLICATION #SP-2019-60 – MATT GALLINGER WITH AMERICAN CONCRETE PRODUCTS – SYNOPSIS: Special Use Permit for the Temporary Use of Land for an office trailer at 6945 Inland Drive. ***Detailed Outline of Requested Action:*** Obtain a Special Use Permit for temporary use of a trailer office on the property to support the precast concrete product manufacturing taking place on the property and adjacent properties owned by the applicant company. The site was developed in 2017, and a trailer office is a transitory step to a full constructed office building or addition to the current building.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated May 16, 2019; and
7. The Notices to property owners dated May 16, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Dan McGee, representing the applicant, American Concrete Products, representing the applicant, 9001 State Line Road, Suite 200, Kansas City, Missouri

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 1:01:36: Planner Toy stated that the staff recommends approval subject to the stipulations outlined in the staff report.

Motion and Vote Starts 1:01:46:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application #SP-2019-60:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Urban Planning and Land Use Comments:

1. How long does applicant expect to utilize the trailer office? Is there a timeline or current plan for construction of a permanent office space? When did this come about as it was not part of original discussions with staff.

Applicant Response: We expect to use the trailer office until the market demand for additional manufacturing space is required. The 2017 site development was phase 1. Market conditions will dictate the timeline for Phase 2, which will include an expansion with permanent office space. Best forecasting would be 2-3 year timeline for the development of an additional phase.

Managing deliveries is a challenge and logistically something needed to change. The office trailer will be in a much better position to monitor goods in and out. Another reason is to provide additional space for customers & visitors to feel welcome at our plant.

2. Is the trailer currently on site and in use?

Applicant Response: Yes, the trailer is onsite, but it is not in use. Final installation is waiting on consideration of the Special Use Permit.

3. Records show that American Concrete Products is delinquent on its occupational taxes for the 2019 tax year. Taxes must be paid to the County in full, or the company must supply the County with a payment schedule. Full payment of outstanding taxes or compliance with the minimum requirements of an acceptable payment schedule is a stipulation of obtaining and maintaining a valid Special Use Permit.

Applicant Response: Occupational tax payment was completed on May 23, 2019.

Staff Response: Applicant has provided receipt of payment.

4. Trailer office must be established on a structurally sound and level surface and a safe distance from all heavy machinery or concrete operations.

Applicant Response: Noted, and the proposed location complies with the request.

5. All power sources for the trailer office must be in compliance with all relevant electrical codes and county ordinances.

Applicant Response: Noted, permits will be obtained for power source to comply with the request.

6. Approval is for two (2) years.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None.

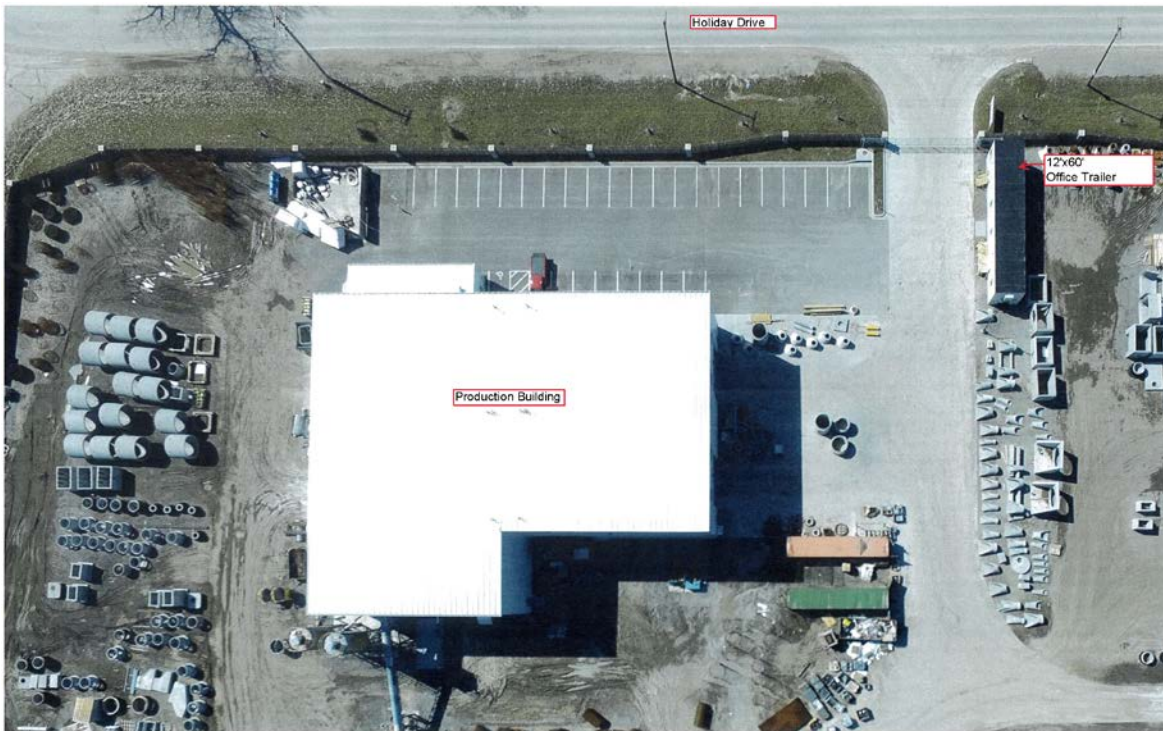
B) Items that are conditions of approval (stipulations):

1) None.

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

2) None

Photos of Site



Above: Aerial view of site
Below: View of site from the north



Photos of Trailer



Above: Side view of the trailer office
Below: Front view of the trailer office





Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-61

GENERAL INFORMATION

Applicant:

David and Deborah Beauchamp

Status of Applicant:

Owners
11827 Marxen Road
Kansas City, KS 66109

Requested Action:

Approval of Special Use Permit

Date of Application:

April 12, 2019

Purpose:

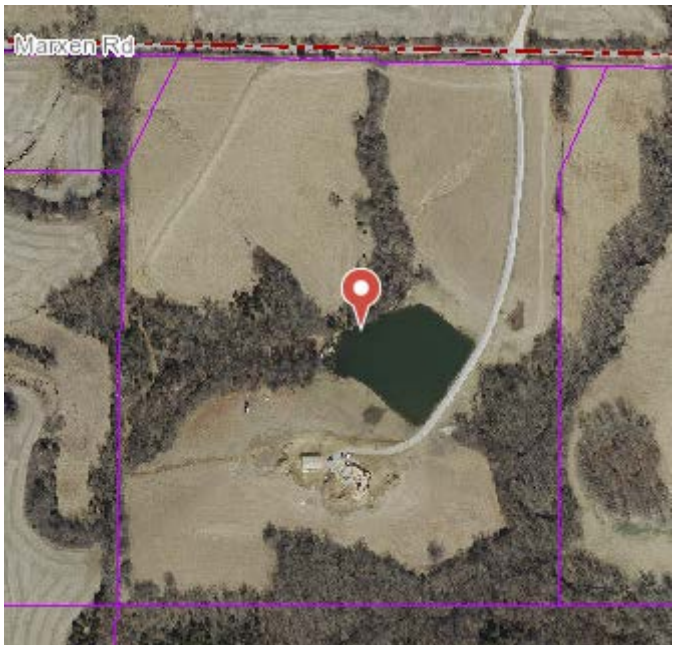
Home Occupation Special Use Permit
to operate a short-term rental/ AIRBNB

Property Location:

11827 Marxen Road

Commission Districts:

Commissioner At Large: Melissa Bynum
District Commissioner: Mike Kane



Existing Zoning: R (WYCO) Rural Residence District and AG (WYCO) Agriculture District

Existing Surrounding Zoning: **North:** City Limit
South: AG (WYCO) Agriculture District
East: R (WYCO) Rural Residence District and AG (WYCO) Agriculture District
West: R (WYCO) Rural Residence District and AG (WYCO) Agriculture District

Existing Uses: **North:** City Limit
South: Farming/Ranch Operation
East: Farming/Ranch Operation
West: Farming/Ranch Operation

Total Tract Size: 50.16 acres

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Planned Low Density Residential District.

Major Street Plan: The Major Street Plan designates Marxen Road as a local street.

Advertisement: The Wyandotte Echo – May 16, 2019
Letters to Property Owner – May 16, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicants, David and Deborah Beauchamp, have requires a special use permit to rent two guest rooms in their primary residence through short-term rental services such as AIRBNB.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is rural in nature with very large lots and surrounding farming/agricultural uses.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of nearby properties are laid out above. Due to the large size of this parcel it is expected that the proposed use would be compatible with surrounding parcels.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

The removal of restrictions will not detrimentally affect nearby property.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant and is being used as a single family home.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special use permits are not addressed in the Master Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

This is not expected to be an issue. Staff has recommended that if approved, customers must park on private property.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use would provide additional short-term rental options in the area. It would not substantially or permanently injure the appropriate use, visual quality or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

This is not an issue.

9. *Whether the proposed use will pollute the air, land or water.*

This is not an issue.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This is not an issue.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain to the public health, safety and welfare is minimal.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not an issue. The applicant has over 50 acres of land.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 21, 2019. Sign-in sheet, minutes and affidavit are attached. No opposition was expressed.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-61, subject to:

Business License Comments:

1. If approved, applicant will need to file and maintain a current occupation tax application.

Urban Planning and Land Use Comments

1. How will you communicate with the neighbors?

Applicant Response: We held a neighborhood information meeting on Monday, May 20, 2019. We also reached out to other neighbors in the area, other than the property owners that share our property line, to invite them to the meeting just to keep everyone informed. We posted the required sign in front of our home prior to the meeting. Our phone numbers are shared with our neighbors.

2. How will you pay appropriate lodging taxes?

Applicant Response: We will use the AIRBNB application not pay appropriate lodging taxes. We also will arrange to pay the required occupation tax through Business License Department.

3. How many rooms are rented?

Applicant Response: Two. Specifically, our two downstairs bedrooms.

4. What is the maximum number of people that will be staying at any one time?

Applicant Response: Four

5. What is the maximum number of vehicles and where will they park?

Applicant Response: Two vehicles in addition to our vehicles. We have available parking on our concrete driveway between our house and barn.

6. How often are guests in the residence?

Applicant Response: We plan to make the rooms available approximately 80 percent of the year. We will see what the occupancy rate is after we open.

7. Do you have a rental license from the Unified Government?

Applicant Response: We don't plan to have long-term guests of over 30 days. If that changes, we will make arrangements for a rental license.

8. Provide a detailed description of the areas rented for AIRBNB

Applicant Response: Our two guest bedrooms on the lower level of our home will be the areas rented for AIRBNB. Guests will also have use of common space on our lower level, lower patio, front porch, and property. Please see floor plans and pictures for additional information.

9. Describe how you will maintain a safe environment including:

- a. Working smoke detectors in each bedroom plus each level of the unit/house
- b. GFCI outlets re required in bathrooms
- c. Double keyed locks are not allowed
- d. Copper cannot be used for gas supply lines
- e. Windows must be operable, not blocked or boarded
- f. Handrails are required at sets of 4 or more stairs/ risers

- g. Hot water tank and furnace must be vented properly and operational
- h. Electric panel and circuits must be safe

Applicant Response: Yes to all.

If approved, recommended for two (2) years, subject to:

- 1. No signs.
- 2. No employees other than members of the immediate family residing on the premises.
- 3. Applicant must file and maintain current occupation tax application.
- 4. Above responses made by applicant.

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.
e

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-61 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Zoning Map
Floorplan
Photos
Neighborhood Meeting Sign-in, Minutes and Affidavit

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	June 10, 2019	June 27, 2019
Special Use	Approval	

STAFF CONTACT: **Kimberly Portillo**
 kportillo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-61** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-61** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 1:02:17:

SPECIAL USE PERMIT APPLICATION #SP-2019-61 – DAVID AND DEBORAH BEAUCHAMP – SYNOPSIS: Home Occupation Special Use Permit for an AIRBNB at 11827 Marxen Road. ***Detailed Outline of Requested Action:*** The applicants, David and Deborah Beauchamp, have requires a special use permit to rent two guest rooms in their primary residence through short-term rental services such as AIRBNB.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019

5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated May 16, 2019; and
7. The Notices to property owners dated May 16, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ David Beauchamp applicant, 11827 Marxen Road, Kansas City, Kansas 66109
- ❖ Deborah Beauchamp, applicant, 11827 Marxen Road, Kansas City, Kansas 66109

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 1:04:21: Planner Toy stated that the staff recommends approval subject to the stipulations outlined in the staff report.

Motion and Vote Starts 1:04:28:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application #SP-2019-61:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Business License Comments:

1. If approved, applicant will need to file and maintain a current occupation tax application.

Urban Planning and Land Use Comments

1. How will you communicate with the neighbors?

Applicant Response: We held a neighborhood information meeting on Monday, May 20, 2019. We also reached out to other neighbors in the area, other than the property owners that share our property line, to invite them to the meeting just to keep everyone informed. We posted the required sign in front of our home prior to the meeting. Our phone numbers are shared with our neighbors.

2. How will you pay appropriate lodging taxes?

Applicant Response: We will use the AIRBNB application not pay appropriate lodging taxes. We also will arrange to pay the required occupation tax through Business License Department.

3. How many rooms are rented?

Applicant Response: Two. Specifically, our two downstairs bedrooms.

4. What is the maximum number of people that will be staying at any one time?

Applicant Response: Four

5. What is the maximum number of vehicles and where will they park?

Applicant Response: Two vehicles in addition to our vehicles. We have available parking on our concrete driveway between our house and barn.

6. How often are guests in the residence?

Applicant Response: We plan to make the rooms available approximately 80 percent of the year. We will see what the occupancy rate is after we open.

7. Do you have a rental license from the Unified Government?

Applicant Response: We don't plan to have long-term guests of over 30 days. If that changes, we will make arrangements for a rental license.

8. Provide a detailed description of the areas rented for AIRBNB

Applicant Response: Our two guest bedrooms on the lower level of our home will be the areas rented for AIRBNB. Guests will also have use of common space on our lower level, lower patio, front porch, and property. Please see floor plans and pictures for additional information.

9. Describe how you will maintain a safe environment including:
- a. Working smoke detectors in each bedroom plus each level of the unit/house
 - b. GFCI outlets re required in bathrooms
 - c. Double keyed locks are not allowed
 - d. Copper cannot be used for gas supply lines
 - e. Windows must be operable, not blocked or boarded
 - f. Handrails are required at sets of 4 or more stairs/ risers
 - g. Hot water tank and furnace must be vented properly and operational
 - h. Electric panel and circuits must be safe

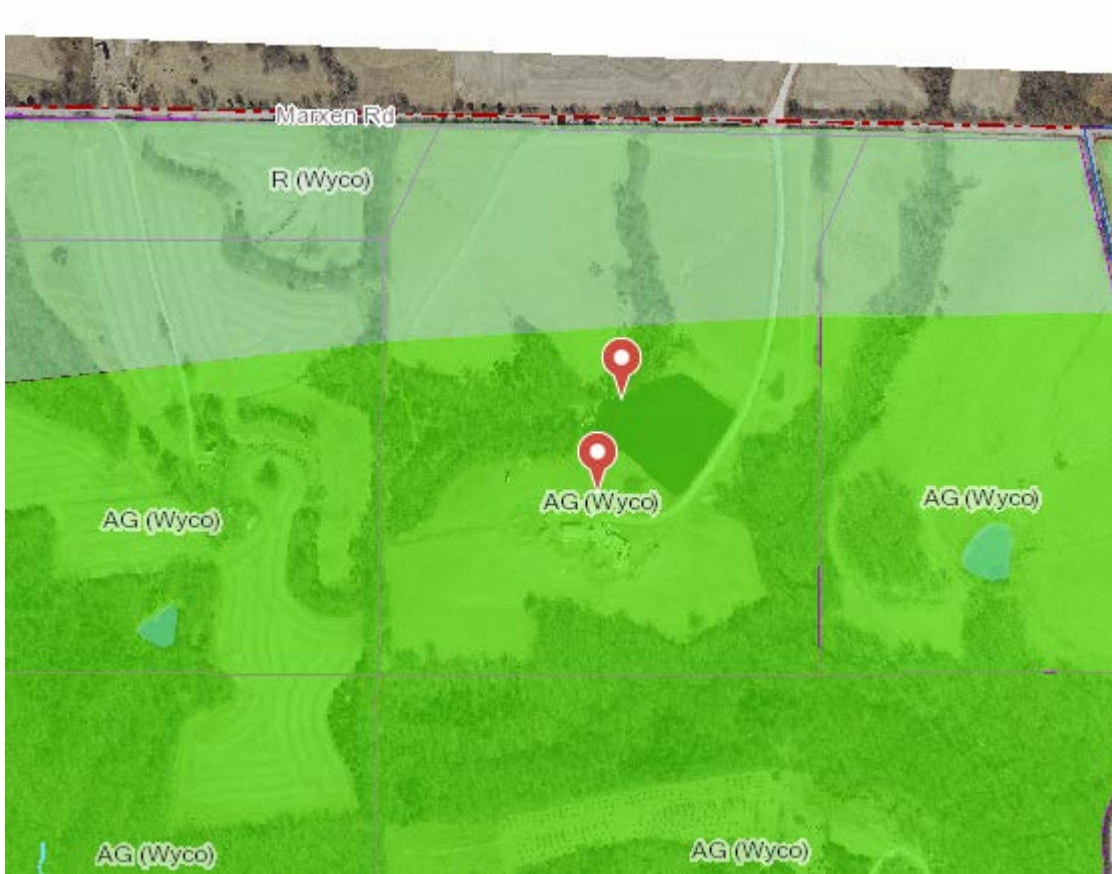
Applicant Response: Yes to all.

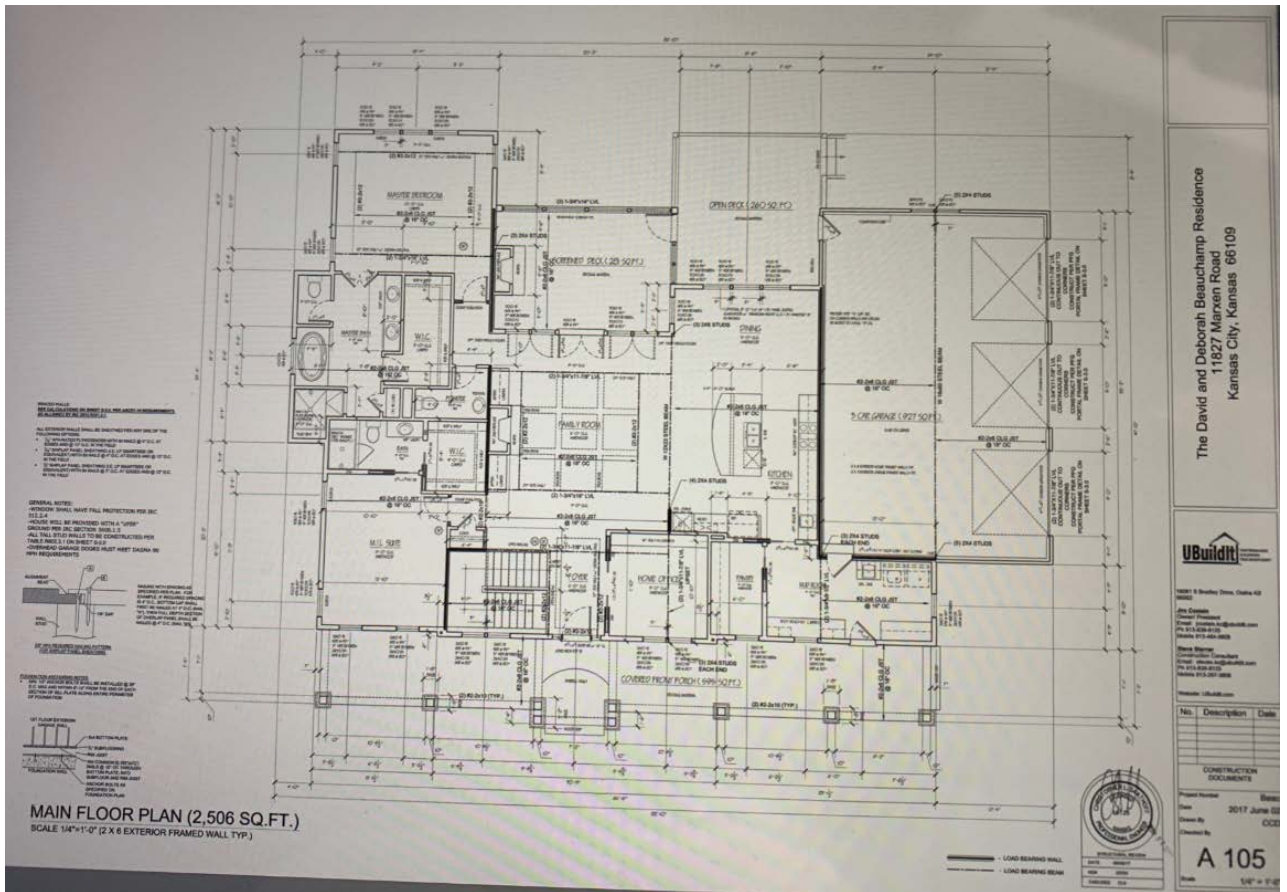
If approved, recommended for two (2) years, subject to:

- 1. No signs.
- 2. No employees other than members of the immediate family residing on the premises.
- 3. Applicant must file and maintain current occupation tax application.
- 4. Above responses made by applicant.

Public Works Comments:

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



















Beauchamp Neighborhood Meeting Minutes

May 21, 2019, 6:30 pm

11827 Marxen Rd., Kansas City, KS 66109

For the purpose of informing neighbors about Special Use Permit to have an AIRBNB

ATTENDEES (see sign-in sheet for non-owners who attended meeting):

1. David Beauchamp, Owner
2. Deborah Beauchamp, Owner
3. Betty Wurtz, Owner
4. Shirley Boles, Property Owner to East, 816-587-2690
5. Sharon Blaine, Daughter of Shirley Boles, 763-248-3623
6. Steve Miller, Nephew of Shirley Boles and rents Shirley Boles' property, 913-749-7885
7. Linda Miller, wife of Steve Miller, 913-484-9466

INVITED BUT DID NOT ATTEND:

1. Commissioner Melissa Bynum
2. Commissioner Mike Kane
3. Bedrock Aqua Farms, Inc., Property Owner to South, called and had conflict with meeting time
4. Darrel Boles, husband of Shirley Boles, could not attend
5. Thomas Davis & Margaret Huycke, Property Owners to West

MINUTES OF MEETING:

- 6:30-7:00 pm – Socialized and waited for possible late comers.
- 7:00-7:10 pm – Deborah Beauchamp shared the vision of using AIRBNB to rent the two downstairs bedrooms. She identified her passion of serving guests over the years of serving in the military. She also shared about her plans for serving breakfast to guests.
- 7:10-7:20 pm – Tour of downstairs. Deborah gave a tour of the downstairs guest rooms and common areas. She identified that guests could have use of the pool table, the card table, and the patio.
- 7:20-7:30 pm – David addressed the following questions asked by the Unified Government:
1. How will you communicate with the neighbors? *We held a neighborhood information meeting on Monday, May 20, 2019. We also reached out to other neighbors in the area, other than the property owners that share our property line, to invite them to the meeting just to keep everyone informed. We posted the required sign in front of our home prior to the meeting. Our phone numbers are shared with our neighbors.*
 2. How will you pay appropriate lodging taxes? *We will use the AIRBNB application to pay appropriate lodging taxes. We also will arrange to pay the required occupation tax through the Business License Department.*
 3. How many rooms are rented? *Two. Specifically, our two downstairs bedrooms.*

4. What is the maximum number of people that will be staying at any one time? *Four*
5. What is the maximum number of vehicles and where will they park? *Two vehicles in addition to our vehicles. We have available parking on our concrete driveway between our house and barn.*
6. How often are guests in the residence? *We plan to make the rooms available approximately 80 percent of the year. We will see what the occupancy rate is after we open.*
7. Do you have a rental license from the Unified Government? *We don't plan to have long-term guests of over 30 days. If that changes, we will make arrangements for a rental license.*
8. Provide a detailed description of the areas rented for AIRBNB. *Our two guest bedrooms on the lower level of our home will be the areas rented for AIRBNB. Guests will also have use of common space on our lower level, lower patio, front porch, and property. Please see floor plans and pictures for additional information.*
9. Describe how you will maintain a safe environment including:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house. *Yes.*
 - b. GFCI outlets required in bathrooms. *Yes.*
 - c. Double keyed locks are not allowed. *Yes.*
 - d. Copper cannot be used for gas supply lines. *Yes.*
 - e. Windows must be operable, not blocked or boarded. *Yes.*
 - f. Handrails are required at sets of 4 or more stairs/ risers. *Yes.*
 - g. Hot water tank and furnace must be vented properly and operational. *Yes.*
 - h. Electric panel and circuits must be safe. *Yes.*

7:30-7:40 – David and Deborah answered the following additional questions:

1. Addressed how AIRBNB works.
2. Got feedback on dealing with issues. Addressed if there are any issues with neighbors who live in the area that we can talk it out and address any concerns.

7:40 – Meeting adjourned with no further questions and no opposition to the AIRBNB plans.

Neighborhood Meeting on May 21, 2019 at 6:30 pm
11827 Marxen Rd., Kansas City, KS 66109
for purpose of Special Use Permit for AIRBNB

Attendee Sign In Sheet

<u>Printed Name</u>	<u>Signature</u>	<u>Phone Number</u>
1. LINDA MILLER	Linda Miller	913-484-9466
2. STEVE MILLER	Steve Miller	913-799-7885
3. Sharon Blaine	Sharon R. Blaine	763-248-3623
4. Shirley Boles	Shirley Boles	816-587-2690
5.		

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Deborah J. Beauchamp of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # SP-19402-00052
2. That I conducted a neighborhood meeting on May 21, 2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Deborah J. Beauchamp
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 22nd day of May, 2019.

My commission expires 02 of 22, 2019.

Wyatt Preston
Notary Public
WYATT PRESTON Notary Public
Notary Public-State of Kansas
My Appt. Expires 02/23/23



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-63

GENERAL INFORMATION

Applicant:
Steve Beaumont

Status of Applicant:
Representative
Chateau Avalon
701 Village West Parkway
Kansas City, KS 66111

Requested Action:
Approve special use permit
renewal

Date of Application:
April 26, 2019

Purpose:
To allow live entertainment at the
hotel

Property Location:
701 Village West Parkway

Existing Zoning: CP-2 Planned
Commercial District



Existing Surrounding Zoning: **North:** CP-2 Planned General Business District
South: CP-2 Planned General Business District
East: CP-2 Planned General Business District
West: AG Agriculture District

Existing Uses: **North:** Cerner Office Park
South: Undeveloped
East: Interstate I-435
West: Hollywood Casino

Total Tract Size: 3.91 acres

Master Plan Designation: The Piper Prairie Delaware Master Plan designates this property as Planned Entertainment District

Major Street Plan: Village West Parkway is classified as a Class A Thoroughfare

Advertisement: The Wyandotte Echo – May 16, 2019
Letters to Property Owner – May 16, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant is requesting renewal of a special use permit to have live entertainment on the patio from 11 a.m. to 11 p.m. on Friday and Saturday nights.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is commercial in nature with other large attractions nearby including Hollywood Casino, Legends Shopping Outlet, Schlitterbahn Waterpark, and Kansas Speedway.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and use of the surrounding properties are laid out above. The use would be compatible with the entertainment focused areas surrounding, such as Hollywood Casino and Legends Shopping Outlet.

- 3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.***

The removal of the restrictions will not detrimentally affect nearby property.

- 4. *The length of time the property has remained vacant as zoned.***

The property is not vacant.

- 5. *The degree of conformance of the proposed use to the Master Plan.***

The Master Plan does not address special use permits.

- 6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.***

The proposed use will not result in an increase of vehicular traffic to where it exceeds capacity.

- 7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.***

The proposed use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property. Since the area is entertainment focused the use will fit in.

- 8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.***

The outdoor patio will cause additional noise but there are no adjacent properties that will be affected. Hours of live entertainment will also be restricted from 6 pm to 11 pm on Fridays and Saturdays.

- 9. *Whether the proposed use will pollute the air, land or water.***

This is not an issue.

- 10. *Whether the use would damage or destroy an irreplaceable natural resource.***

This is not an issue.

- 11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.***

This is not an issue.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not an issue.

PREVIOUS ACTIONS

Special use permit for live entertainment #SP-2015-19, approved.
Special use permit for live entertainment #SP-2017-29, approved.

NEIGHBORHOOD MEETING

The applicant had a neighborhood meeting on May 28. No one from the neighborhood attended the meeting.

KEY ISSUES

None.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-63, subject to:

Urban Planning and Land Use Comments:

1. Will the types of entertainment performances (live bands) remain the same?

Applicant Response: Thank you for the review of Staff Report. The vast majority of the business activity at the Chateau Avalon is on the weekends. This is why our primary use of the SP entertainment is for Friday and Saturday. However there are some occasions where we would need to have live entertainment on other days of the week. These include special events for customers like Cerner and others that visit us on weekdays. While we host events and live entertainment rarely on weekdays we would ask that the permit be made for seven days a week to accommodate for these occasions.

2. Approval will be for two (2) years.
3. Live entertainment shall be limited to the patio from 11 am to 11 pm all days for the week.

Public Works Comments:

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

Business License Comments:

- 1. Applicant has maintained a current license with this office for annual entertainment

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-63 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Aerial View
Surrounding zoning and uses
Photos
Letter from applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	June 10, 2019	June 27, 2019
Special Use	Approval	

STAFF CONTACT: **Zach Flanders**
 zflanders@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-63** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-63**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-63 – STEVE BEAUMONT WITH BEAUMONT ENTERPRISES LLC. – SYNOPSIS: Renewal of a Special Use Permit (#SP-2017-29 – expired 5/25/2019) for live entertainment in conjunction with Chateau Avalon at 701 Village West Parkway. ***Detailed Outline of Requested Action:*** The applicant is requesting renewal of a special use permit to have live entertainment on the patio from 11 a.m. to 11 p.m. on Friday and Saturday nights.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?" (No one responded in the affirmative.)

"Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in *The Echo* for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda."

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to APPROVE Passed: 5 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Will the types of entertainment performances (live bands) remain the same?

Applicant Response: Thank you for the review of Staff Report. The vast majority of the business activity at the Chateau Avalon is on the weekends. This is why our primary use of the SP entertainment is for Friday and Saturday. However there are some occasions where we would need to have live entertainment on other days of the week. These include special events for customers like Cerner and others that visit us on weekdays. While we host events and live entertainment rarely on weekdays we would ask that the permit be made for seven days a week to accommodate for these occasions.

2. Approval will be for two (2) years.
3. Live entertainment shall be limited to the patio from 11 am to 11 pm all days for the week.

Public Works Comments:

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

Business License Comments:

1. Applicant has maintained a current license with this office for annual entertainment



Figure 1. Aerial view of 701 Village West Parkway. Photo provided by UG Maps



Figure 2. Surrounding uses and zoning. Photo provided by UG Maps





Tony Sabljak

Development Review Coordinator
Department of Urban Planning and Land Use
Neighborhood Resource Center
4953 State Ave, Kansas City, KS 66102

RE: Chateau Avalon Permit

Dear Mr. Sabljak,

The Chateau Avalon Hotel Spa and Bar wishes to continue with its Entertainment License and its Special Use Permit. The hotel has been growing its business as both bar destination for guests, western Wyandotte County residents and often host groups from Cerner and Dairy Farmers of America. Our patio and music, both live and recorded, has been instrumental in this growth. We are proud to have won our 6th Kansas City Visitors Choice award. In addition, our d’Nile Bar with its secluded patio have been listed among the best bars in Kansas for tourists.

Beginning in 2018 the Chateau Avalon also began hosting weddings, receptions and corporate events. The patio and our rustic setting in the middle of all the action in Village West is perfect for bringing these groups to the western part of Wyandotte County. Because we are in an isolated location, no neighbors are disturbed. In fact, we work closely with our neighbors at Cerner and Hollywood Casino and even offer discounts to their staffs.

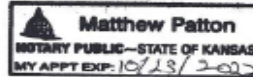
Please find attached pictures of the grounds from last year. Since landscaping isn’t in full bloom, these pictures represent the guest experience. We hope to continue to have such events and bring more visitors to the county over the coming years. The permit to continue live as well as recorded music caters to the desires of our guests and provides a memorable, entertaining experience.

Thank you for your consideration.

Steve Beaumont

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:



Comes now Joe Braumont, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP 19402-00054
2. That I conducted a neighborhood meeting on May 28, 19.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Joe Braumont
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of May, 2019.

My commission expires 23rd of October, 2022.

Matthew Patton
Notary Public

MINUTES:

Application Number: #SP-19402-00054

Date and Location: May 28th at 6:00pm at Chateau Avalon Hotel, 701 Village West Pkwy, Kansas City, KC 66111

Names of people in attendance:

Shuk Kholtaev - Chateau Avalon

Introductions:

Presentation by applicant and/or team:

Questions/answers:

Meeting adjourned at: *6:40*

Minutes taken by: *Dee Braumant*



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-64

GENERAL INFORMATION

Applicant:
Michael Rhodes

Status of Applicant:
Owner
10800 Donahoo Road
Kansas City, KS 66109

Requested Action:
Request a Special Use Permit

Date of Application:
April 24, 2019

Purpose:
Obtain a Special Use Permit to add soil in order to create a level pad for future development

Property Location:
13742 Polfer Road

Commission Districts:
1. Commissioner At Large: Melissa Bynum
2. District Commissioner: Mike Kane



Existing Zoning: AG (WYCO) Agriculture District

Existing Surrounding Zoning: **North:** AG (WYCO) Agriculture District
South: CP-2 (WYCO) Planned General Business District
East: R (WYCO) Rural District
West: Right of Way (North 139th Street)

Existing Uses: **North:** Open field
South: Gas station and convenience store
East: Open field
West: Right of way

Total Tract Size: 3.11 acres

Master Plan Designation: The Prairie-Delaware-Piper Master Plan designates this property Planned Small Commercial.

Major Street Plan: The Major Street Plan designates Polfer Road as Class C Thoroughfare. North 139th Street is concurrent with US Highway 73 at the point it passes the property in question

Advertisement: The Wyandotte Echo – May 16, 2019
Letters to Property Owner – May 16, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Obtain a Special Use Permit to add additional soil to the property in order to create a level pad, which is necessary in order to allow for future development.

City Ordinance Requirements: Article VIII Sections 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is at the western edge of Wyandotte County and is mainly rural, with a gas station-convenience store business on the southern side of Polfer Road. The rest area is mostly undeveloped open fields and large single-family lots.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

Adding soil to create a level field in anticipation of future commercial development, which is compatible with both the Prairie-Delaware-Piper Master Plan and with the properties to the south of Polfer Road. Before any development occurs, however, the land will be planted with row crops after being made level, which is compatible with the properties to the north and east.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

So long as the additional soil is added in a manner that prevents excess dust or topsoil runoff, there is expected to be little effect on the nearby properties.

4. *The length of time the property has remained vacant as zoned.*

The property is zoned AG (WYCO) Agriculture District. It was vacant or used for crops since 2004.

5. *The degree of conformance of the proposed use to the Master Plan.*

The property has been marked in the Prairie-Delaware-Piper Master Plan for future commercial development, as part of a strip of current and planned commercial strip along the east side of North 139th Street.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The Special Use Permit request is simply to allow for extra soil to be added to the property in preparation for future development. The temporary act of adding soil may involve several large dump trucks, but this will be an occasional and temporary increase of traffic. Future commercial developments may lead to increased traffic, but that is not within the purview of this analysis and would be addressed in a plat review for commercial development.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The addition of soil to the property will likely not have a substantial or permanent effect on adjoining properties. The only foreseeable issue would be the recently added topsoil blowing into other properties. However, there are several ways this problem could be mitigated beforehand, and furthermore this would only be a problem until this season's crops are planted or construction begins on the anticipated commercial development.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

As previously mentioned, there may be an issue with dust, but there are ways to mitigate such issues. It is the responsibility of the applicant to provide the planning staff with such measures before a final recommendation is made.

9. *Whether the proposed use will pollute the air, land or water.*

This concern is related to the two previous entries. Again, there is no major concerns at this time, but the applicant must provide adequate prevention techniques in order to ensure the soil stays where it is and is not blown away or entering the water system at a rate greater than the land would in a natural state.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

There is a low chance of damaging irreplaceable natural resources so long as soil retention techniques are in place.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

Adding soil to create a level pad on the property is a necessary step for any construction. So long as the proper steps are taken to prevent the soil from leaving the property, the relative gain to the public is minimal.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The property and several of the surrounding properties are vacant lots or used for agricultural purposes; the addition of a commercial development on the property will not cause overcrowding or undue concentrations of population.

PREVIOUS ACTIONS

N/A

NEIGHBORHOOD MEETING

Applicant held a neighborhood meeting on May 15, 2019. Applicant stated that two neighbors attended the meeting; Applicant answered all their questions and there did not seem to be any opposition to the plan. Due to extenuating circumstances,

KEY ISSUES

Dust and runoff prevention, traffic, fill material

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-64, subject to:

Urban Planning and Land Use Comments:

1. Hauling permits are required for all trucks bringing in fill material or leaving the site with removed fill material.

Applicant Response: Emery Sapp will pull the necessary hauling permits before work commences.

Staff Response: Hauling permits for the trucks can be obtained through the Public Works Department.

2. The process of bringing in the soil and incorporating it into the property's existing soil composition brings up several questions.
 - a. How much soil (cubic feet) is expected to be brought in?

Applicant Response: Around 18,000 cubic yards will be imported to the site.

- b. How will the soil be transported to the site, i.e. what is the expected axle weight of the vehicles coming to the site?

Applicant Response: The soil will be transported by end dumps & tandem axle dump trucks. The single axle weight will vary between 12k & 18K.

- c. Will it be transported by several trucks in one day, or will it be brought in over the course of several weeks as more soil becomes available?

Applicant Response: The dirt import trucking operation should take several weeks to complete.

- d. What times of day and days of the week would the soil be brought to the site?

Applicant Response: Daily operations will take place between 7:30 am to 5:00 pm.

- e. Will the soil be dumped on-site and spread out at a later time, or will each load of soil be spread out right after it is dumped?

Applicant Response: The dirt will be dumped, spread & compacted daily.

3. What methods will be employed to ensure that no excessive dust caused by adding the soil will blow off the property and affect the neighbors?

Applicant Response: Emery Sapp will install a temporary construction entrance and water the dirt to prevent excess dust on the project.

4. If Applicant will charge entities for use of the site to drop fill loads, Applicant will need to file an occupation tax application with this office for that business activity. However, if there is no charge made for entities to drop fill loads, there is considered to be no associated business activity.

Applicant Response: The 2019 Occupational Tax receipt has been provided.

5. Subject to approval, the applicant is required to obtain a grading permit from the Building Inspection Department.
6. Approval is for two (2) years.

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-64** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Existing Conditions
Grading Plan
Photos of Current State of the Property
Future Land use plan in Prairie-Delaware-Piper Master Plan
Neighborhood Meeting Minutes, May 15, 2019

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	June 10, 2019	June 27, 2019
Special Use	Approval	

STAFF CONTACT: **Mike Farley**
 mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-64** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-64**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 1:05:1:

SPECIAL USE PERMIT APPLICATION #SP-2019-64 – MICHAEL RHODES –

SYNOPSIS: Special Use Permit for a dirt fill at 13742 Polfer Road. ***Detailed Outline of Requested Action:*** Obtain a Special Use Permit to add additional soil to the property in order to create a level pad, which is necessary in order to allow for future development.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated May 16, 2019; and
7. The Notices to property owners dated May 16, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Michael Rhodes, applicant, 10800 Donahoo Road, Kansas City, Kansas 66109

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 1:08:34: Planner Toy stated that he wanted to remind the applicant hauling permits and a land disturbance permit will be required from the Public Works Department and a grading permit from the Building Inspection Department. He further stated that the staff recommends approval subject to the stipulations outlined in the staff report.

Motion and Vote Starts 1:09:17:

On motion by Mr. Miller, seconded by Dr. Neal, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application #SP-2019-64:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present

Jones Not Present
Pauley Not Present
Reasons Not Present
Motion to recommend APPROVAL Passed: 5 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Hauling permits are required for all trucks bringing in fill material or leaving the site with removed fill material.

Applicant Response: Emery Sapp will pull the necessary hauling permits before work commences.

Staff Response: Hauling permits for the trucks can be obtained through the Public Works Department.

2. The process of bringing in the soil and incorporating it into the property's existing soil composition brings up several questions.
 - a. How much soil (cubic feet) is expected to be brought in?

Applicant Response: Around 18,000 cubic yards will be imported to the site.

- b. How will the soil be transported to the site, i.e. what is the expected axle weight of the vehicles coming to the site?

Applicant Response: The soil will be transported by end dumps & tandem axle dump trucks. The single axle weight will vary between 12k & 18K.

- c. Will it be transported by several trucks in one day, or will it be brought in over the course of several weeks as more soil becomes available?

Applicant Response: The dirt import trucking operation should take several weeks to complete.

- d. What times of day and days of the week would the soil be brought to the site?

Applicant Response: Daily operations will take place between 7:30 am to 5:00 pm.

- e. Will the soil be dumped on-site and spread out at a later time, or will each load of soil be spread out right after it is dumped?

Applicant Response: The dirt will be dumped, spread & compacted daily.

3. What methods will be employed to ensure that no excessive dust caused by adding the soil will blow off the property and affect the neighbors?

Applicant Response: Emery Sapp will install a temporary construction entrance and water the dirt to prevent excess dust on the project.

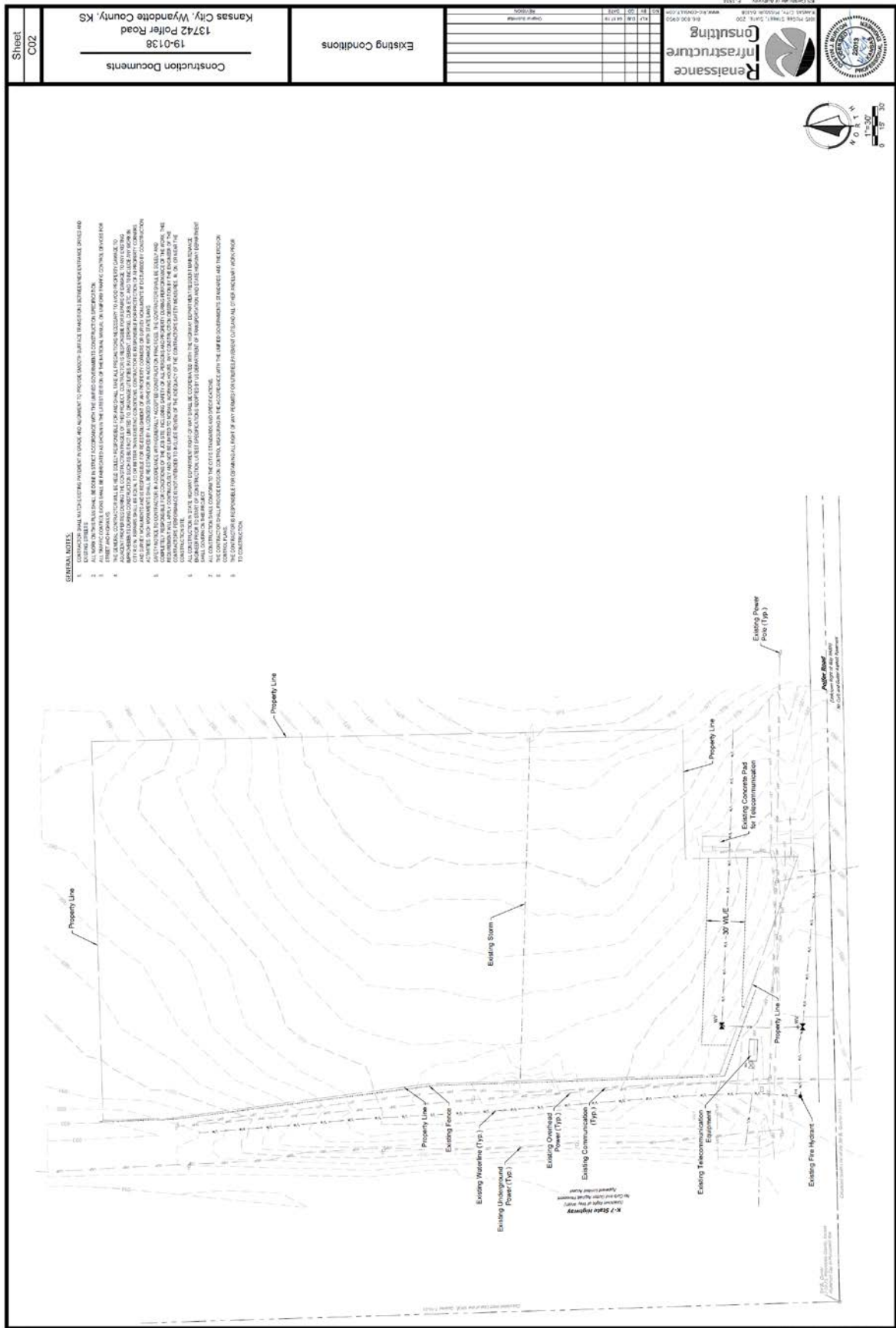
4. If Applicant will charge entities for use of the site to drop fill loads, Applicant will need to file an occupation tax application with this office for that business activity. However, if there is no charge made for entities to drop fill loads, there is considered to be no associated business activity.

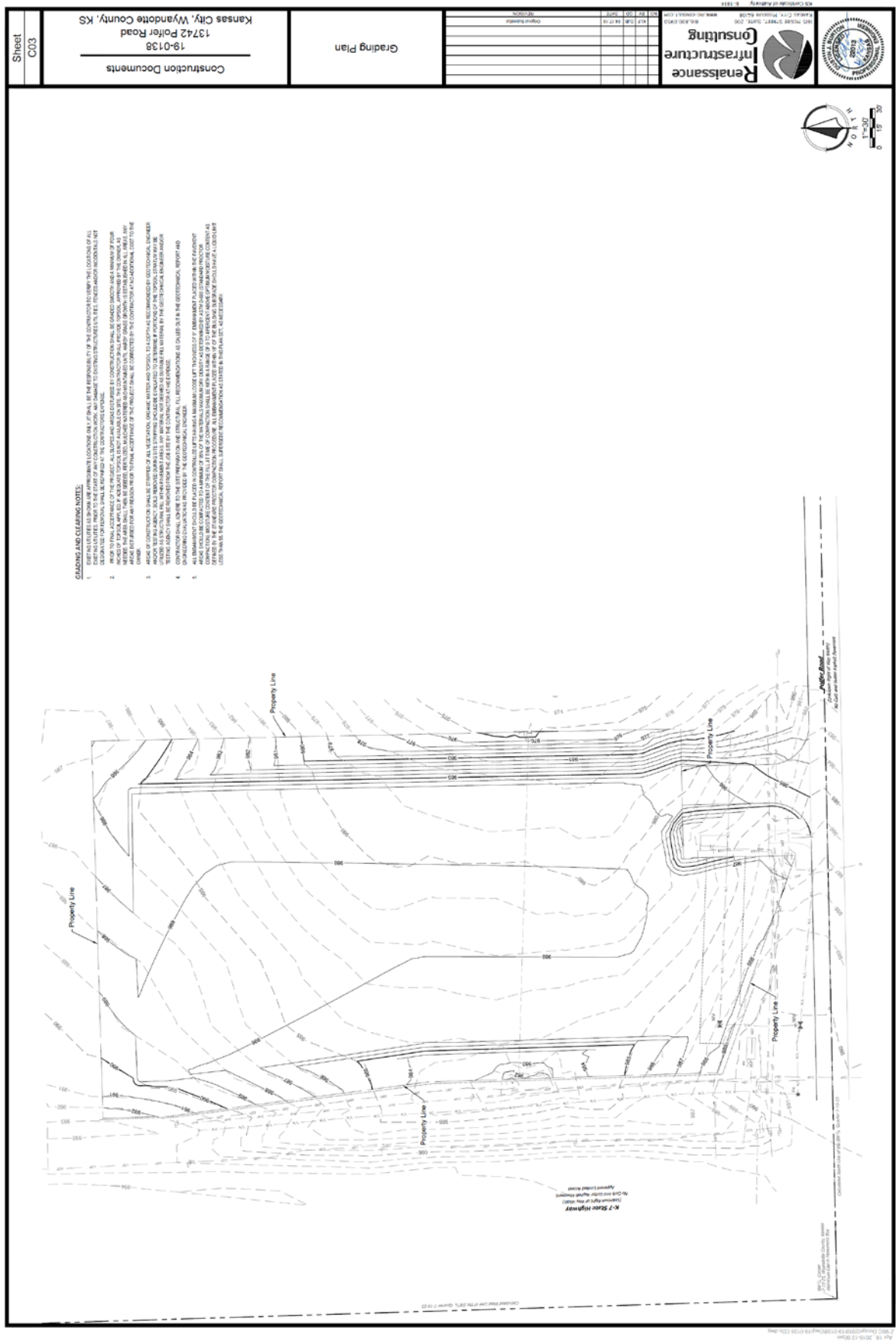
Applicant Response: The 2019 Occupational Tax receipt has been provided.

5. Subject to approval, the applicant is required to obtain a grading permit from the Building Inspection Department.
6. Approval is for two (2) years.

Public Works Comments:

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





Photos of Current State of the Property



Above: Southeast corner of the property, looking northwest.
Below: Northwest corner of the property, looking southeast.



Photos of Current State of the Property, cont.



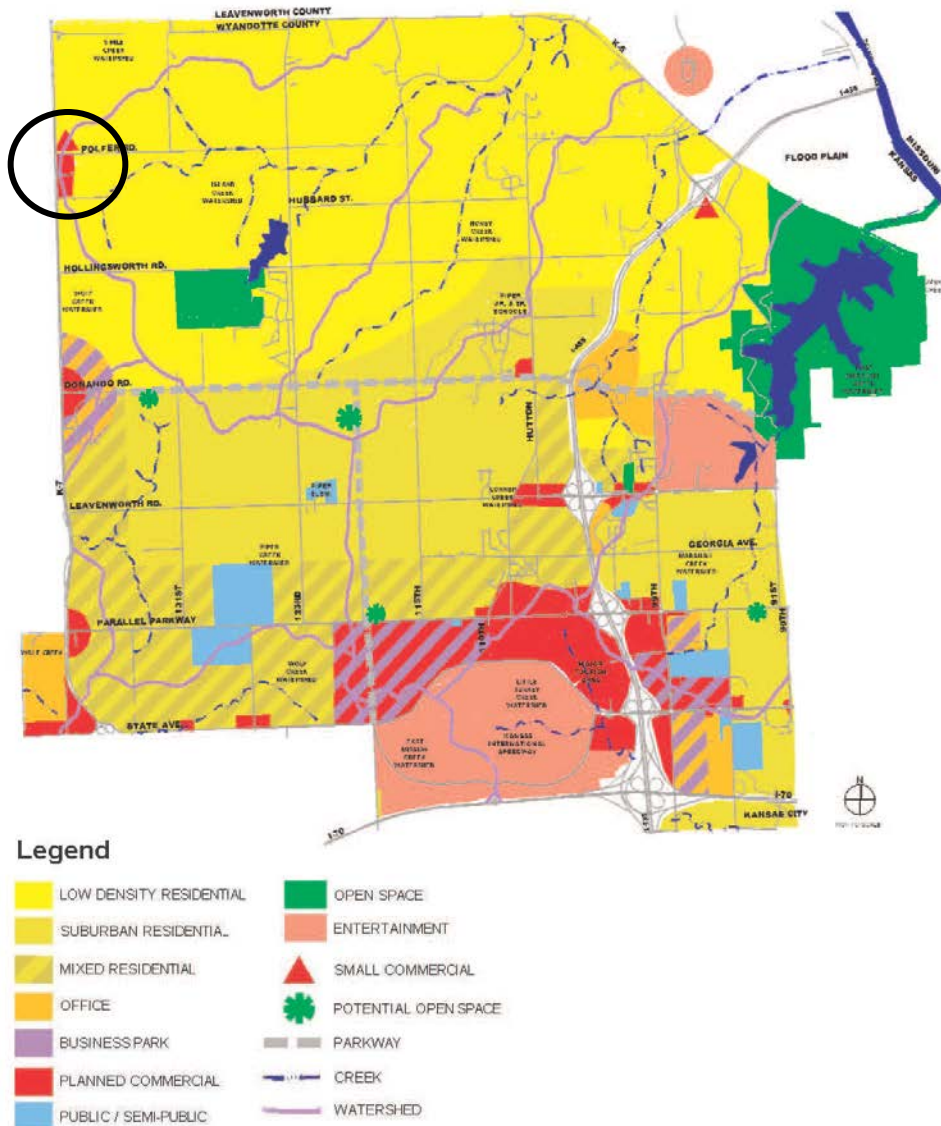
Above: Northeast corner of the property, looking southwest.
Below: Southwest corner of the property, looking northeast.



Note the Small Commercial designation area over 13742 Polfer Road

Prairie Delaware Piper Master Plan

Map 11: Future Land Use



Neighborhood Meeting Minutes, May 15, 2019

MINUTES:

Application Number SP-2019-64

Date and Location: May 15, 2019; Patricia Diane Kane Community Center 3130
N 122nd Street, Kansas City, Kansas 66109

Meeting called to order at: 6:00pm

Names of people in attendance:

Randy & Barbara Wiehe
Mike & Cheri Rhodes

Introductions:

Presentation by applicant Mike Rhodes.

Questions and answers:

The following questions were asked by Randy Wiehe and answered by Mike Rhodes.

1. What is the final elevation?
I showed him the grading plan and told him the proposed elevation was 988
some areas to be about 10' of fill.
2. Is the dirt contaminated?
No, the dirt is what I call clean fill and can be inspected at the new Menards
construction site at 98th and France Family Dr next to the Dairy Farmers of
America building.
3. What about the drain tube?
I told him it was substantial enough to stay in place without replacement, it is a
24-inch re-enforced concrete pipe. Randy said his Uncle put that pipe in in the
late 1980's.
4. Is dirt going to be removed?
No, we intend to strip the topsoil, stockpile it and replace it when we are
complete with the fill so that grass will grow.
5. What is the lot going to be used for later?
I told him I wasn't sure at this point, but it could be used for small commercial
retail, I have no plans to develop it at this time.
6. When is the meeting with planning and zoning?
June 10th is the planning meeting and June 27th in front of the full commission.

Meeting adjourned at: 7:00pm

Minutes taken by: Cheri Rhodes



Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

GENERAL INFORMATION

Commission Districts:

1. Commissioner At Large: Tom Burroughs
2. District Commissioner: Angela Markley

Existing Zoning: M-2 General Industrial District

Existing Surrounding Zoning: North: CP-2 Planned General Business District; R-1 Single-Family District

South: M-2 General Industrial District

East: M-2 General Industrial District

West: M-2 General Industrial District

Existing Uses: North: Commercial business, storage space; single-family residences

South: Industrial space

East: Merriam Lane Apartments

West: Commercial businesses

Total Tract Size: 1.35 acres

Master Plan Designation: The City-Wide Master Plan designates this property Business Park

Major Street Plan: The Major Street Plan designates Merriam Lane as a Class C Thoroughfare.

Advertisement: The Wyandotte Echo – May 16, 2019
Letters to Property Owner – May 16, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Obtain a Special Use Permit to host live acoustic music for entertainment on weekend nights in the summer. Music would be performed on an outside patio area at the applicant's BBQ restaurant. Performances are expected to run from about 8pm to 11pm.

City Ordinance Requirements: Article VIII Sections 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

Along Merriam Lane, the majority of the properties are zoned for industrial purposes. South of the property is solely industrial, but to the north and northwest there is a single-family residential neighborhood.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

This should not be an issue. Live music will not have an effect on industrial businesses, which will not be open during proposed entertainment hours. Live music could have an effect on the nearby residential properties, but Applicant has reassured the planning staff that the music will not be loud enough to disrupt nearby residents.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.

Due to the live music outside, there is a possibility the nearby residents would be able to hear the music. If not properly controlled, the noise and music could disrupt the quiet enjoyment of local families.

4. The length of time the property has remained vacant as zoned.

The property is not vacant.

5. The degree of conformance of the proposed use to the Master Plan.

The type of restaurant allowed in business parks is the "supporting restaurant", one that serves employees and customers of the nearby industrial businesses. Woodyard Bar-B-Que itself is the type of business that was anticipated in the "Business Park" designation by the Master Plan. Although live entertainment on weekend nights only has a small degree of conformance to the Master Plan., Woodyard Bar-B-Que's daytime hours allow it to serve the local businesses during the lunch and dinner hours.

6. Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

By applying for a Special Use Permit to host live entertainment at his restaurant, applicant presumably wants to attract more customers. Unless all new customers carpool, more customers will lead to more cars and traffic. However, most businesses on Merriam Lane within a few blocks of the restaurant operate regular business hours, so they would be closed during the times that live entertainment would be performing. There is still a slight concern that increased traffic to the restaurant could detrimentally affect the residential neighbors, but

the realized effects would be reassessed when the Special Use Permit comes up for renewal.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

Live music is not necessary for the convenience and welfare of the public, but when done well it is a nice touch to the dining experience. However, almost all adjoining properties are businesses that operate during typical 9-5 hours, so even loud music from 8-11 pm on weekend nights would not affect these businesses. It should be noted, however, that the live music should not be audible much beyond the patio area.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Noise is the greatest concern stemming from this particular Special Use Permit. The fact that applicant stated the music would be acoustic eases worries of excessive noise, but other conditions must be in place in order to ensure there are no problems for nearby properties.

9. *Whether the proposed use will pollute the air, land or water.*

This is not a concern.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This is not a concern.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

When properly fostered, incorporating live music to the restaurant experience could greatly promote the arts and music scene in Wyandotte County. There has been a recent trend of food establishments hosting live music performances on their premises, and the aggregate effect of these efforts is a community with greater access to the arts in everyday life. With reasonable restrictions in place, live acoustic music would benefit the community without substantially effecting nearby homes and businesses.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

Unless the live music nights cause lines out the door, this would not be a concern.

PREVIOUS ACTIONS

N/A

NEIGHBORHOOD MEETING

Applicant held an on-site neighborhood meeting at 3001 Merriam Lane on May 27, 2019. According to Applicant's statement, no one attended the meeting and it was adjourned at 6:30 PM.

KEY ISSUES

Noise, space, entertainment license, parking

STAFF COMMENTS AND SUGGESTIONS

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-65, subject to:

Urban Planning and Land Use Comments:

1. Who do you anticipate will be performing (e.g. solo artists, bands, local artists, music students, relatives, open mic performers, etc.)?

Applicant Response: Performers will be local musicians from KC Metro, no open mics or students etc.

2. Will live music performances be aided by any sound simplifiers (i.e. microphone, speakers, etc.)? What types and how many devices do you anticipate that there will be?

Applicant Response: Live performance will have a small PA system with Mics. Again this is really just to augment the sound, so it can be heard clearly in an outside venue. We will not, by any means be "blowing anybody out" (not what we want at all).

3. What are the dimensions of the stage/performance area?

Applicant Response: The stage is a low 1-foot stage, that is about 15 X 20 all wood, looks like a deck.

4. Is there a contingency plan in place for additional parking spaces in the event that live music nights become quite popular and attracts a large number of additional customers?

Applicant Response: We have in the past asked our neighbor to the East if we could use his big back lot for overflow and he is amenable to that.

Again, I don't really see this being an issue with big crowds. These are small local acts.

5. Provide pictures of Woodyard Bar-B-Que, with particular focus on the outdoor patio area.

Applicant Response: Pictures of back patio attached.

6. Provide pictures or rendering of the stage/performance area.

Applicant Response: Pictures of stage attached.

7. Be sure to keep all performances acoustic, as per the application.

Applicant Response: All performances will not be strictly acoustic; I must have put that in app by mistake. However 80-90% will be. Any electric guitar, again, will be in the quiet style (think bluesy for example). Not the loud rock and roll, to which I think that you may be concerned about. This is going to be cool, laid back, good music. NOT loud blow your face off rock and roll. We want a laid back vibe to coincide with the nice setting and some good 'cue. I also don't want the type of crowd that would come with loud, rock and roll type music.

Staff Response: The amendment to the Special Use Permit has been noted. Not all performances will be acoustic.

8. Be sure to end all performances (including warmup and equipment testing) by 11 pm on Friday and Saturday. No performances are allowed Sunday through Thursday.

Applicant Response: All acts will be Fri and Sat and will all be done no later than 11:00, generally before that.

9. If approved, applicant will need to file and maintain current annual entertainment license.

Applicant Response: No direct response.

Staff Response: Applicant sent a thorough email responding to all other questions and comments. The email as a whole will be understood to be a response to and acceptance of all questions and comments.

10. Additional parking has been expanded in gravel without a permit; this must be improved to comply with City Code.

Applicant Response: We have added tons of gravel to back area for parking.

Staff Response: The issue with the additional gravel that has been used for parking is that it is not in compliance with City Code. Paving the gravel parking lot will be a stipulation of receiving the Special Use Permit.

11. Approval would be for two (2) years.

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-65 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Sketch of Property with Selected Dimensions
Outdoor Patio Distance to Closest Residence
Photos of Outdoor Patio and Stage

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	June 10, 2019	June 27, 2019
Special Use	Approval	

STAFF CONTACT: Mike Farley
mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-65** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-65**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 1:09:50:

SPECIAL USE PERMIT APPLICATION #SP-2019-65 – CIARAN MOLLOY WITH WOODYARD SOUTHSIDE HOLDING, LLC – SYNOPSIS: Special Use Permit for live entertainment in conjunction with existing restaurant at 3001 Merriam Lane. ***Detailed Outline of Requested Action:*** Obtain a Special Use Permit to host live acoustic music for entertainment on weekend nights in the summer. Music would be performed on an outside patio area at the applicant's BBQ restaurant. Performances are expected to run from about 8pm to 11pm.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated May 16, 2019; and
7. The Notices to property owners dated May 16, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Ciaran Molloy, applicant, Woodyard BBQ, 3001 Merriam Lane, Kansas City, Kansas

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 1:12:50: Planner Toy asked if the performances on the stage will face southeast directing noise that way? Mr. Molloy stated that they will be facing towards the parking lot. Planner Toy stated that the staff recommends approval subject to the stipulations outlined in the staff report.

Motion and Vote Starts 1:13:28:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application #SP-2019-65:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Who do you anticipate will be performing (e.g. solo artists, bands, local artists, music students, relatives, open mic performers, etc.)?

Applicant Response: Performers will be local musicians from KC Metro, no open mics or students etc.

2. Will live music performances be aided by any sound simplifiers (i.e. microphone, speakers, etc.)? What types and how many devices do you anticipate that there will be?

Applicant Response: Live performance will have a small PA system with Mics. Again this is really just to augment the sound, so it can be heard clearly in an outside venue. We will not, by any means be "blowing anybody out" (not what we want at all).

3. What are the dimensions of the stage/performance area?

Applicant Response: The stage is a low 1-foot stage, that is about 15 X 20 all wood, looks like a deck.

4. Is there a contingency plan in place for additional parking spaces in the event that live music nights become quite popular and attracts a large number of additional customers?

Applicant Response: We have in the past asked our neighbor to the East if we could use his big back lot for overflow and he is amenable to that. Again, I don't really see this being an issue with big crowds. These are small local acts.

5. Provide pictures of Woodyard Bar-B-Que, with particular focus on the outdoor patio area.

Applicant Response: Pictures of back patio attached.

6. Provide pictures or rendering of the stage/performance area.

Applicant Response: Pictures of stage attached.

7. Be sure to keep all performances acoustic, as per the application.

Applicant Response: All performances will not be strictly acoustic; I must have put that in app by mistake. However 80-90% will be. Any electric guitar, again, will be in the quiet style (think bluesy for example). Not the loud rock and roll, to which I think that you may be concerned about. This is going to be cool, laid back, good music. NOT loud blow your face off rock and roll. We want a laid back vibe to coincide with the nice setting and some good 'cue. I also don't want the type of crowd that would come with loud, rock and roll type music.

Staff Response: The amendment to the Special Use Permit has been noted. Not all performances will be acoustic.

8. Be sure to end all performances (including warmup and equipment testing) by 11 pm on Friday and Saturday. No performances are allowed Sunday through Thursday.

Applicant Response: All acts will be Fri and Sat and will all be done no later than 11:00, generally before that.

9. If approved, applicant will need to file and maintain current annual entertainment license.

Applicant Response: No direct response.

Staff Response: Applicant sent a thorough email responding to all other questions and comments. The email as a whole will be understood to be a response to and acceptance of all questions and comments.

10. Additional parking has been expanded in gravel without a permit; this must be improved to comply with City Code.

Applicant Response: We have added tons of gravel to back area for parking.

Staff Response: The issue with the additional gravel that has been used for parking is that it is not in compliance with City Code. Paving the gravel parking lot will be a stipulation of receiving the Special Use Permit.

11. Approval would be for two (2) years.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None.

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

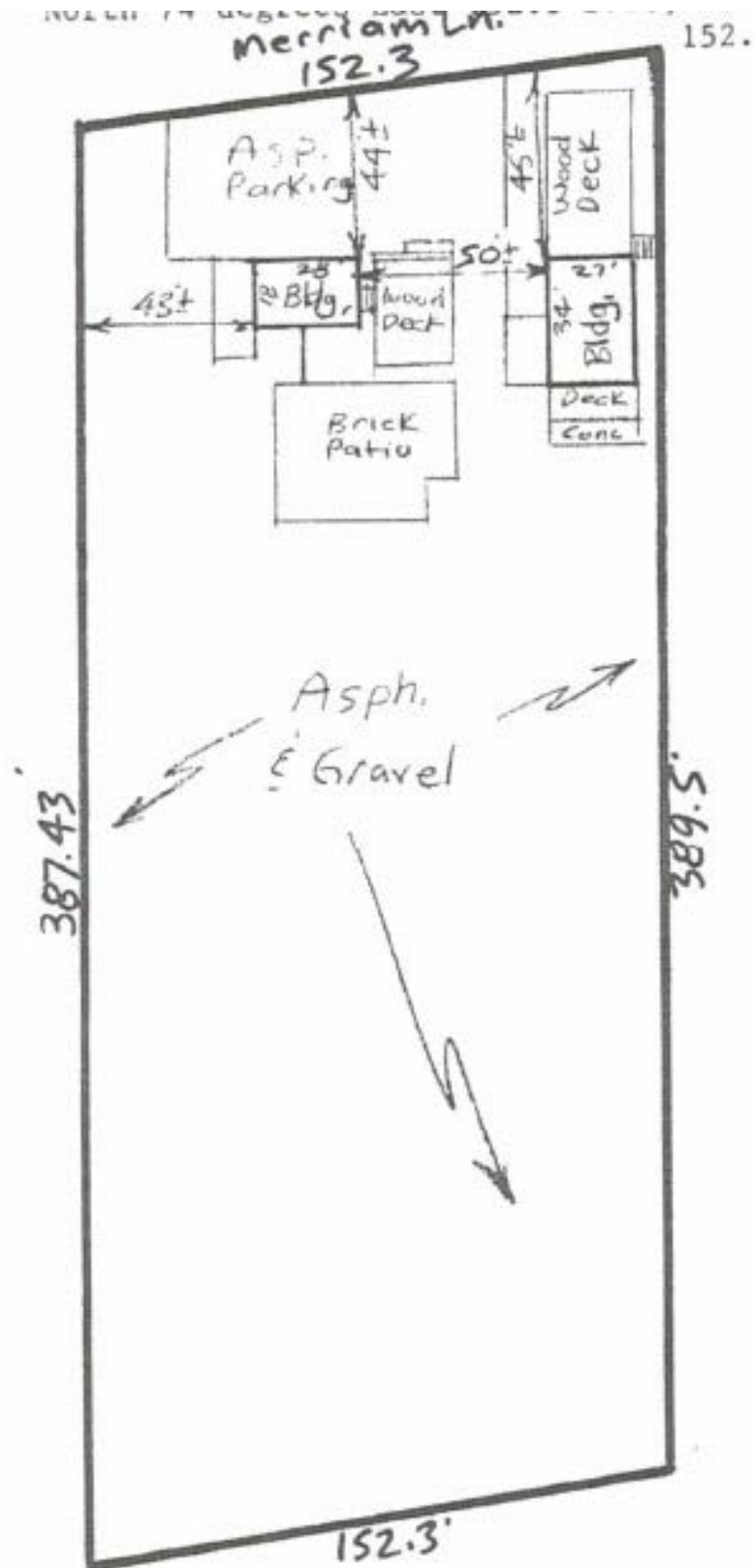
1) None.

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

2) None

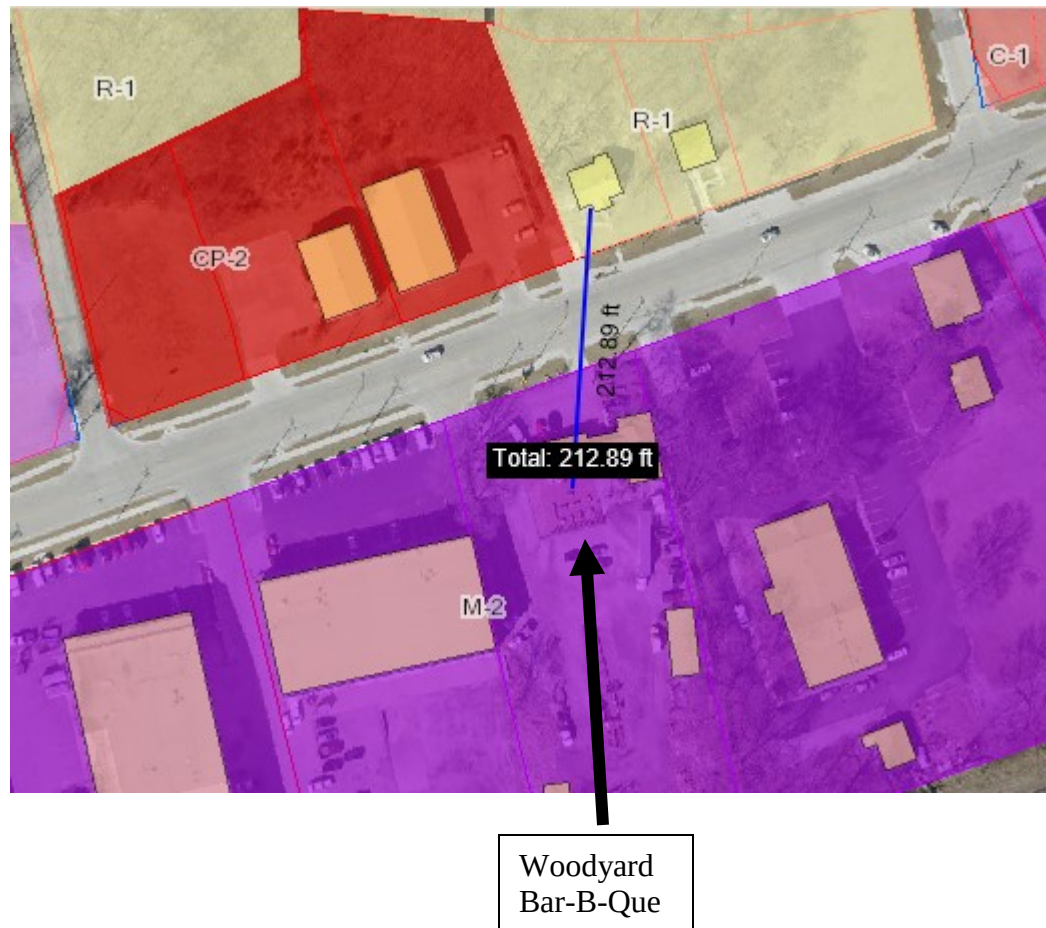
Mr. Molloy stated that the staff has been good to work with; they are efficient.

Sketch of Property with Selected Dimensions



3001 Merriam Lane

Outdoor Patio Distance to Closest Residence



Photos of Outdoor Patio and Stage



Photos of Outdoor Patio and Stage, cont.





Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-66

GENERAL INFORMATION

Applicant:
Amber Heather

Status of Applicant:
Representative
Piper Elementary School
3131 North 122nd Street
Kansas City, KS 66109

Requested Action:
Approval of Special Use Permit

Date of Application:
April 26, 2019

Purpose:
Special use permit for the
temporary use of land for an
educational greenhouse.

Property Location:
3131 North 122nd Street



Commission Districts:

Commissioner At Large: Melissa Bynum
District Commissioner: Mike Kane

Existing Zoning: R-1B (WYCO) Standard Single Family District and R (WYCO) Rural Residential District

Existing Surrounding Zoning: **North:** A-G (WYCO) Agriculture District
South: R-1B (WYCO) Standard Single Family District and R-2 (WYCO) Two Family District
East: A-G (WYCO) Agriculture District
West: R (WYCO) Rural Residence District and R-1B (WYCO) Standard Single Family District

Existing Uses: **North:** Municipal Utilities Operation
South: Single and Two-Family Homes
East: Undeveloped Land
West: Single Family Homes

Total Tract Size: 19.85 acres

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Public/Semi-Public.

Major Street Plan: The Major Street Plan designates Leavenworth Road as a Class A Thoroughfare and North 123rd Street as a Class B Thoroughfare.

Advertisement: The Wyandotte Echo – May 16, 2019
Letters to Property Owner – May 16, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Amber Heather on behalf of Piper Elementary School, has applied for a special use permit for the temporary use of land to build a greenhouse, to be used for educational purposes, at Piper Elementary School.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The neighborhood is rural residential with mostly single-family homes and some large, undeveloped lots.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The zoning and uses of nearby properties are laid out above. This use is expected to be compatible.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

The removal of restrictions will not detrimentally affect nearby property.

4. *The length of time the property has remained vacant as zoned.*

The property is an elementary school.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special use permits are not addressed in the Master Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use is not expected to increase traffic to or from the school.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use would provide an educational experience for students at the school and would not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

This is not an issue.

9. *Whether the proposed use will pollute the air, land or water.*

This is not an issue. The applicant has stated no hazardous chemicals will be used.

10. Whether the use would damage or destroy an irreplaceable natural resource.

This is not an issue.

11. The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.

There would be a gain to the public welfare by increasing educational opportunities of students. There would be minimal hardship on landowners.

12. Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.

This is not an issue.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 20, 2019. Meeting minutes and affidavit are attached. No one was in attendance.

KEY ISSUES

Runoff

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-66, subject to:

Business License Comments:

1. **Agricultural and Public Educational entities are exempt from paying the occupation tax. If approved, applicant should still file with this office as an exempt entity.**

Urban Planning and Land Use Comments:

1. **Will any hazardous materials or chemicals be used in the growing process?**

Applicant Response: No

2. How will you handle water runoff so as to prevent the potential release of chemicals into the storm sewer system?

Applicant Response: We will not have any hazardous chemicals.

3. Provide further detail regarding what will be done with the items that are grown. Will there be any selling of products?

Applicant Response: We will not be selling any products grown only for student use and learning.

4. Will anyone other than school employees or students participate in the greenhouse activities?

Applicant Response: No

5. If approved, applicant must obtain necessary permits through Building Inspections Department.
6. Approval for two (2) years

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-66 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Zoning Map
Site Plan
Representative Photo
Neighborhood Meeting Minutes and Affidavit

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	June 10, 2019	June 27, 2019
Special Use	Approval	

STAFF CONTACT: **Kimberly Portillo**
 kportillo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-66** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-66** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 1:14:10:

SPECIAL USE PERMIT APPLICATION #SP-2019-66 – AMBER HEATHER WITH PIPER UNIFIED SCHOOL DISTRICT #203 – SYNOPSIS: Special Use Permit for the Temporary Use of Land for a greenhouse at 3131 North 122nd Street. ***Detailed Outline of Requested Action:*** The applicant, Amber Heather on behalf of Piper

Elementary School, has applied for a special use permit for the temporary use of land to build a greenhouse, to be used for educational purposes, at Piper Elementary School.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated May 16, 2019; and
7. The Notices to property owners dated May 16, 2019;

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Planner Toy recused himself from this application as Ms. Heather is his son's teacher.

Present in Support:

- ❖ Rebecca Martin, representing the applicant, USD #203

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 1:16:45: Planner Portillo stated that the staff recommends approval subject to the stipulations outlined in the staff.

Motion and Vote Starts 1:16:58:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application #SP-2019-66:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Business License Comments:

1. Agricultural and Public Educational entities are exempt from paying the occupation tax. If approved, applicant should still file with this office as an exempt entity.

Urban Planning and Land Use Comments:

1. Will any hazardous materials or chemicals be used in the growing process?

Applicant Response: No

2. How will you handle water runoff so as to prevent the potential release of chemicals into the storm sewer system?

Applicant Response: We will not have any hazardous chemicals.

3. Provide further detail regarding what will be done with the items that are grown. Will there be any selling of products?

Applicant Response: We will not be selling any products grown only for student use and learning.

4. Will anyone other than school employees or students participate in the greenhouse activities?

Applicant Response: No

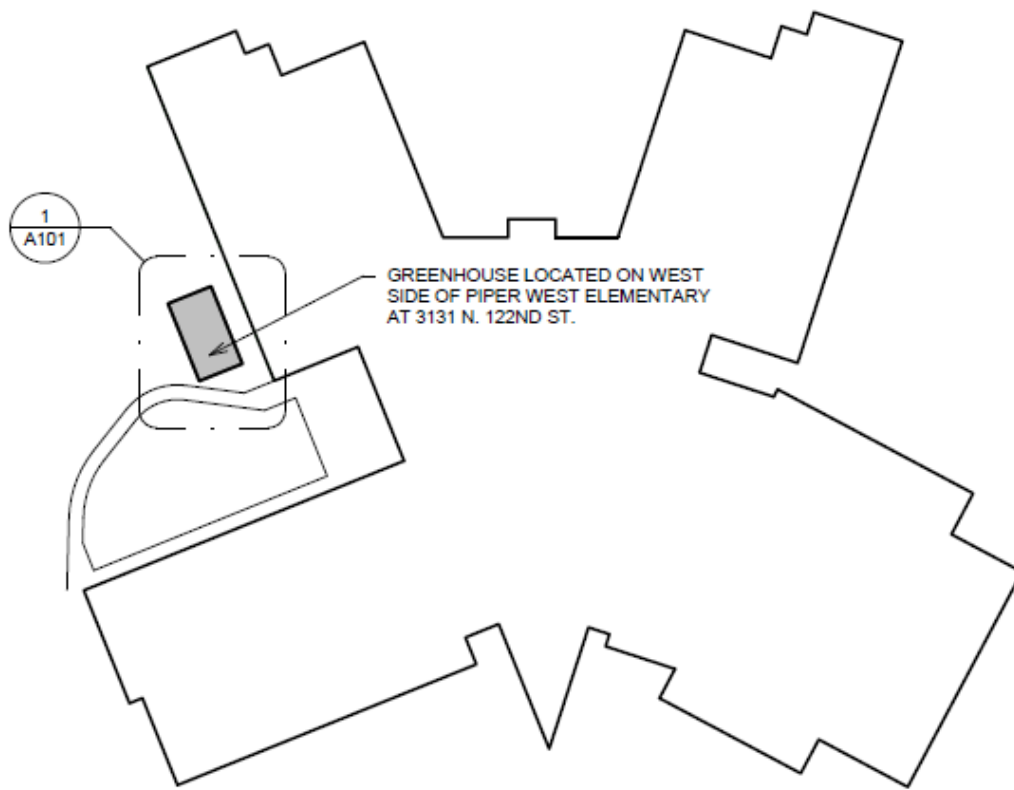
5. If approved, applicant must obtain necessary permits through Building Inspections Department.
6. Approval for two (2) years

Public Works Comments:

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

Planner Toy rejoined the Commission at 1:17:45







AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) ss:
COUNTY OF Wyandotte

Comes now Amber Heather, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2019-66
2. That I conducted a neighborhood meeting on May 20th @ 6:30pm
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



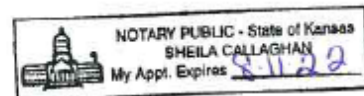
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 20th day of May, 2019.

My commission expires 11th of Aug, 2020.



Notary Public



Piper Elementary School Greenhouse
Neighborhood Meeting Notes May 20, 2019 at 6:30pm.

I, Amber Heather, conducted a neighborhood meeting for a special use permit for a greenhouse at Piper Elementary school on May 20th, 2019 at 6:30pm. I was the only person who showed up along with my principal Jason Malaschak. After 30 minutes of no one showing up we concluded the meeting.



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-67

GENERAL INFORMATION

Applicant:
John L. Peterson

Status of Applicant:
Representative
748 Ann Avenue
Kansas City, KS
66101

Kaw Valley
Companies, Inc
5600 Kansas Ave,
Kansas City, KS



Requested Action:
Renewal of a Special Use Permit

Date of Application:
April 12, 2019

Purpose:
Renew a Special Use Permit for sand production

Property Location: 2400 South 78th Street

Commission Districts:

1. Commissioner At Large: Tom Burroughs
2. District Commissioner: Angela Markley

Existing Zoning: R-1 Single-Family District

Existing Surrounding Zoning: **North:** R-1 Single-Family District
South: AG Agriculture District
East: R-1 Single-Family District
West: ROW

Existing Uses: **North:** Water treatment/management plant
South: Undeveloped land
East: Water treatment/management plant
West: Kansas River

Total Tract Size: 16.19 acres

Master Plan Designation: The City-Wide Master Plan designates this property Industrial

Major Street Plan: The Major Street Plan designates South 78th Street as a local/neighborhood street

Advertisement: The Wyandotte Echo – May 16, 2019
Letters to Property Owner – May 16, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Renew a Special Use Permit for sand production. Applicant states that sand production has been covered under a Special Use Permit for the past 20 years and is requesting a renewal of 10 years. There were a few years recently in which operations ceased, but sand production has resumed now.

City Ordinance Requirements: Article VIII Sections 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

This is an industrial part of the city, with several production or treatment plants operating nearby, or otherwise undeveloped land.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

Nearby properties are undeveloped or consist of large bodies of water. Undeveloped land is compatible with a sand production operation. Precautions and preventative measures will need to be taken to ensure dust and runoff do not pollute any of the nearby bodies of water.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

There is very little activity in the nearby properties. Therefore, the proposed activity will have little effect on the nearby properties.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant.

5. *The degree of conformance of the proposed use to the Master Plan.*

The Master Plan designates this area for industrial purposes and allows for mining/mineral extraction.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

This is a request for a renewal of a Special Use Permit. Staff will rely on several metrics, including applicant's testimony, complaints filed against the address in question, and neighbor feedback in order to determine if and the extent to which the current permit has affected vehicular traffic.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

While sand production is not reasonably necessary for the convenience and welfare of the public, it is within the land use anticipated by the City-Wide Master Plan. Staff will determine whether sand production under the previous Special Use Permit caused any substantial or permanent injury to the appropriate use, visual quality, or marketability of adjoining properties.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

There is certainly noise, dust, and vibration created in sand production. However, it is unclear if this would be enough to disturb nearby properties, as the property

at the address in question is large, and the surrounding properties are either undeveloped or not permanently occupied.

9. *Whether the proposed use will pollute the air, land or water.*

Sand production near a river, especially a river as vital as the Kansas River, must be undertaken with regard for the nearby bodies of water. Industry-standard precautions and preventative measures must be taken or remain in place in order to prevent sand or sand production by-product from entering the river.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

A small stream runs through the property and enters the nearby Kansas River. Improper sand production and by-product disposal could cause irreversible damage to the stream and greatly affect the ecosystem of the river.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

If the sand production operation were not permitted, public health, safety, and welfare would be improved. It is unclear if the hardships imposed on Applicant would exceed the gain in public health, safety, and welfare.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

Staff will determine if the previous Special Use Permit caused overcrowding or undue concentrations of population. However, it appears that a permit for sand production has not cause anything of the sort.

PREVIOUS ACTIONS

Renewal of SP-2008-30, approved for special use permit to operate as a sand production plant.

NEIGHBORHOOD MEETING

The applicant held a meeting at 2:00 PM on May 22, 2019 at 748 Ann Avenue. The address is applicant's law office, 10 miles away from the property in question. Applicant states that no neighbors or anyone from the public attended the meeting; the only attendees were applicant and Dan Hays, a corporate representative.

KEY ISSUES

Pollution/runoff, noise, truck traffic, safety

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-67, subject to:

Urban Planning and Land Use Comments:

1. Has applicant or landowner received any complaints in the past 10 years related to sand production or transportation? This includes complaints about truck, machinery, or equipment traffic in and out of the site, noise at excessive volumes or inappropriate times, excessive dust, or sand runoff?

Applicant Response: No.

Staff Response: Renewal of the Special Use Permit relies on the fact that no complaints have been made. The discovery of complaints previously made may affect the status of the renewed Special Use Permit, including revocation.

2. Has applicant or landowner received any citations or notices from the UG or other governments or government agencies related to sand runoff entering bodies of water, or related to other environmental issues?

Applicant Response: No.

Staff Response: Renewal of the Special Use Permit relies on the fact that no citations or notices have been given. The discovery of previously undiscovered citations may affect the status of the renewed Special Use Permit, including revocation.

3. Applicant and sand production operation must follow all applicable local, State, and Federal regulations regarding sand production, mining/mineral extraction, and by-product disposal.

Applicant Response: Yes.

4. Kaw Valley should ensure it continues to file and maintain a current occupation tax application with the County for the sale of sand and rock materials.

Applicant Response: Yes.

5. Provide current photographs from the sand operation site, including the sand plant building(s) and evidence of runoff prevention/mitigation techniques.

Applicant Response: Will provide.

Staff Response: Applicant has provided photos of the sand mining operation.

6. Renewal of a Special Use Permit for 10 years.

Applicant Response: Yes.

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-67** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Ground View of Site Entrance
Aerial Photo of Current Sand Mining Operation

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	June 10, 2019	June 27, 2019
Special Use	Approval	

STAFF CONTACT: **Mike Farley**
 mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-67** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-67**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-67 – JOHN L. PETERSON FOR KAW VALLEY COMPANIES, INC. – SYNOPSIS: Renewal of a Special Use Permit (#SP-2009-17 – expires 6/25/2019) for a sand plant/dredging operation at 2400 South 78th Street. ***Detailed Outline of Requested Action:*** Renew a Special Use Permit for sand production. Applicant states that sand production has been covered under a Special Use Permit for the past 20 years and is requesting a renewal of 10 years. There were a few years recently in which operations ceased, but sand production has resumed now.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?" (No one responded in the affirmative.)

"Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in *The Echo* for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present
Motion to APPROVE Passed: 5 to 0	
Subject to:	

Urban Planning and Land Use Comments:

1. Has applicant or landowner received any complaints in the past 10 years related to sand production or transportation? This includes complaints about truck, machinery, or equipment traffic in and out of the site, noise at excessive volumes or inappropriate times, excessive dust, or sand runoff?

Applicant Response: No.

Staff Response: Renewal of the Special Use Permit relies on the fact that no complaints have been made. The discovery of complaints previously made may affect the status of the renewed Special Use Permit, including revocation.

2. Has applicant or landowner received any citations or notices from the UG or other governments or government agencies related to sand runoff entering bodies of water, or related to other environmental issues?

Applicant Response: No.

Staff Response: Renewal of the Special Use Permit relies on the fact that no citations or notices have been given. The discovery of previously undiscovered citations may affect the status of the renewed Special Use Permit, including revocation.

3. Applicant and sand production operation must follow all applicable local, State, and Federal regulations regarding sand production, mining/mineral extraction, and by-product disposal.

Applicant Response: Yes.

4. Kaw Valley should ensure it continues to file and maintain a current occupation tax application with the County for the sale of sand and rock materials.

Applicant Response: Yes.

5. Provide current photographs from the sand operation site, including the sand plant building(s) and evidence of runoff prevention/mitigation techniques.

Applicant Response: Will provide.

Staff Response: Applicant has provided photos of the sand mining operation.

6. Renewal of a Special Use Permit for 10 years.

Applicant Response: Yes.

Public Works Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

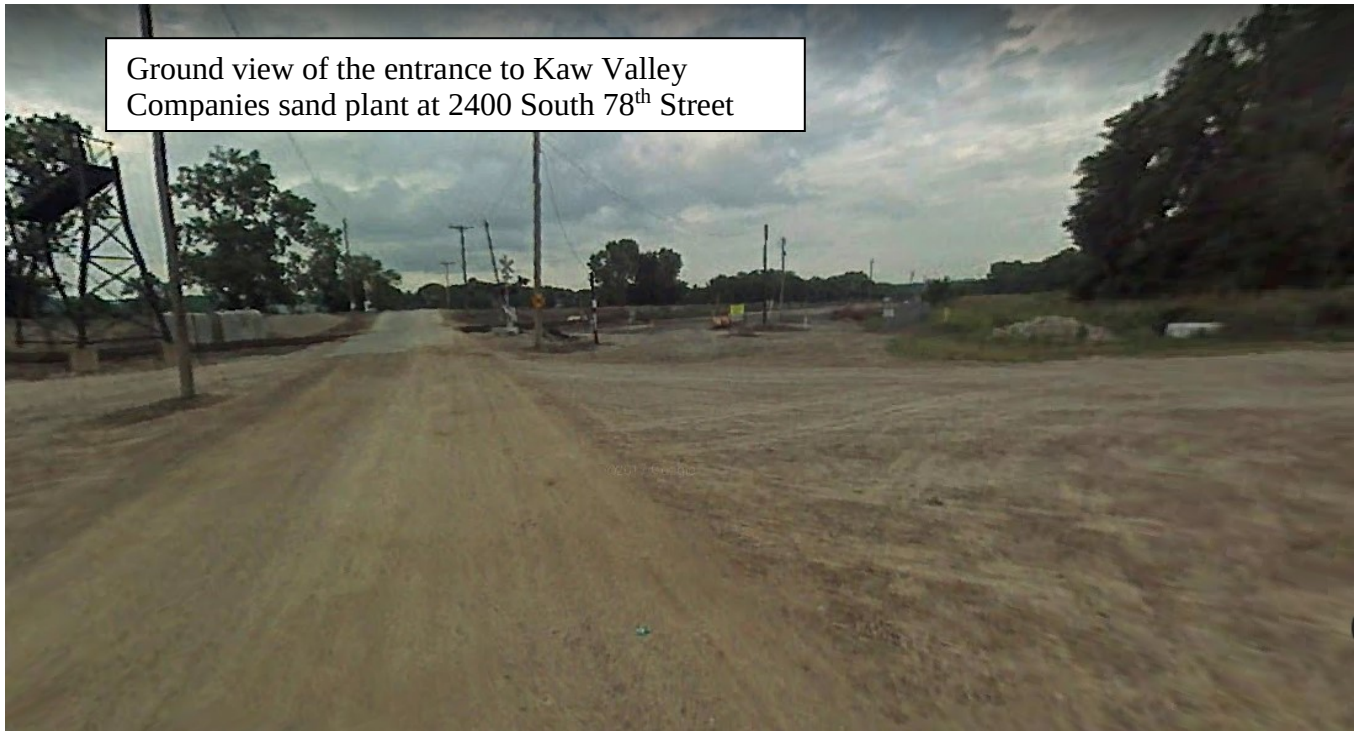
B) Items that are conditions of approval (stipulations):

1) None

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

Ground View of Site Entrance



Aerial Photo of Current Sand Mining Operation





Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-68

GENERAL INFORMATION

Applicant:
Billy Cobb

Status of Applicant:
Representative
Bear Real Estate, LLC
P.O. Box 1366
Lee's Summit, MO 64063

Requested Action:
Renewal of Special Use
Permit.

Date of Application:
April 26, 2019

Purpose:
To operate a Short-Term Rental/AIRBNB at a multi-family apartment building.

Property Location:
2810 West 42nd Avenue, Apt. 7 & 11



Commission Districts:

Commissioner At Large: Tom Burroughs District

Commissioner: Ann Brandau Murguia

Existing Zoning: RP-5 Planned Apartment District

Existing Surrounding Zoning: North: R-1(B) Single Family District

South: R-1(B) Single Family District, R-2(B) Two Family District, RP-5 Planned Apartment District

East: R-1(B) Single Family District, RP-5 Planned Apartment District

West: R-1(B) Single Family District, RP-5 Planned Apartment District

Existing Uses: North: Single Family Homes

South: Single and Multi-Family Homes

East: Single and Multi-Family Homes

West: Single and Multi-Family Homes

Total Tract Size: .23 acre

Master Plan Designation: The Rosedale Master Plan designates this property as General Urban.

Major Street Plan: The Major Street Plan classifies West 42nd Avenue as a local Street.

Advertisement: The Wyandotte Echo – May 16, 2019
Letters to Property Owner – May 16, 2019 and June 19, 2019

Public Hearing: June 27, 2019

Public Opposition: No one

PROPOSAL

Detailed Outline of Requested Action: The applicant, Billy Cobb with Bear Real Estate, LLC is requesting renewal of a special use permit to use two studio units in a multi-family apartment building as short-term rentals through sites such as AIRBNB and VRBO. The applicant does not live at the apartment building, located at 2810 West 42nd Avenue.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is comprised of single family and multi-family homes. The area has experienced increased investment in the past few years as KU Medical Campus has expanded and improvements have been made along nearby Rainbow Boulevard.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and uses of nearby properties are laid out above. A short-term rental use could be compatible with apartment uses, provided appropriate measures are taken to ensure there are no issues.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.

The removal of restrictions will not detrimentally affect nearby property.

4. The length of time the property has remained vacant as zoned.

The property was acquired by the applicant in late 2016. Prior to this the property was less than 50% occupied and a blight in the neighborhood.

5. The degree of conformance of the proposed use to the Master Plan.

Special use permits are not addressed in the Master Plan.

6. Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

The proposed use is not expected to increase vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

7. Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

The proposed use provides the convenience of additional short-term rental options for the community and will not likely substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.

This is not an issue.

9. *Whether the proposed use will pollute the air, land or water.*

This is not an issue.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This is not an issue.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain or loss to the public health, safety and welfare is minimal. If denied, the applicant would not be able to use the units for AIRBNB but could use them for long-term rentals.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

This is not an issue.

PREVIOUS ACTIONS

BZA #2227, Variance allowing parking within one foot of the property line and spaces that are 8 feet by 16 feet, approved December 12, 2016.
PR-2016-40, Final Plan Review for parking lot addition approved December 12, 2016. SP-2018-60, Special Use Permit for Short Term Rentals, approved June 2018 for one year.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 28, 2019. Sign-in, meeting minutes and affidavit are attached. No opposition was expressed.

KEY ISSUES

None

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-68, subject to:

Business License Comments:

1. Bear Real Estate filed and renewed their occupation tax application for the Air BNB after their initial approval.

Urban Planning and Land Use Comments:

1. Have there been any issues with other tenants, neighbors or guests in the past year?

Applicant Response: We have not had many issues with these short term rentals. The overwhelming majority of guests find our place to be a good value. It is well equipped, priced fairly and well maintained. The one guest we had an issue with did not affect anyone else in the building or neighborhood. They did not follow our rules regarding check-out time, they smoked cigarettes in the unit, left it very messy and I think stole a few small items. Through this, we discovered that if we place our price too low, we increase our chance of getting a bad renter...rather than passing on a good deal to someone. The risk of getting a bad short term tenant is not worth the extra income. In this specific instance, we dropped our price to around \$30-35/for the night because it was available and there was a major winter storm that wiped out power for many, many people in KC. We continued to hear about several people who did not have power for almost a week and needed a place to stay for a short time period. We ended up with a one night rental from this individual that took advantage of our space. This is the only stay at either studio's that I gave the tenant a 1 star review. All other reviews have been 5 star.

2. Describe how you have made yourself available to handle any concerns that arise in relation to the short-term rental units, and how you will continue to do so.

Applicant Response: There have been very few instances that have required us to intervene because we maintain our property. However, when they have happened, we have responded quickly:

- a. Smoke alarm beeping in the unit- we changed the battery within an hour of the tenant telling us about it
- b. Stopped up toilet- coordinated with the tenant about fixing it and repaired within the same day.
- c. Parking- 2 times in the last year we have had an Airbnb tenant park in one of our regular tenants' spots by mistake. These instances were both taken care of and this is not an issue.
- d. We live locally and will continue our quick response to any issues that may arise. We take pride in what we do and want to be a great host, landlord and neighbor

3. Applicant must continue to maintain occupation tax application through Business License Department.

Applicant Response: We will do this.

4. Have any tenants complained about the AIRBNB?

Applicant Response: I have not had any complaints from long term tenants about the AIRBNB.

5. If approved, recommended for 2 years

Applicants Response: Agreed. Thank you.

Public Works Comments

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

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **#SP-2019-68** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Update Letter
Photos
Floorplan
Neighborhood Meeting Sign-In, Minutes and Affidavit

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	June 10, 2019	June 27, 2019
Special Use	Approval	

STAFF CONTACT: Kimberly Portillo
kportillo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-68** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-68** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-68 – BILLY COBB WITH BEAR REAL ESTATE, LLC. – SYNOPSIS: Renewal of a Home Occupation Special Use Permit (#SP-2018-60 – expires 6/28/2019) for an AIRBNB at 2810 West 42nd Avenue. **Detailed Outline of Requested Action:** The applicant, Billy Cobb with Bear Real Estate, LLC, is requesting renewal of a special use permit to use two studio units in a multi-family apartment building as short-term rentals through sites such as AIRBNB and VRBO. The applicant does not live at the apartment building, located at 2810 West 42nd Avenue.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?" (No one responded in the affirmative.)

"Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in *The Echo* for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present
Motion to APPROVE Passed: 5 to 0	
Subject to:	

Business License Comments:

1. Bear Real Estate filed and renewed their occupation tax application for the Air BNB after their initial approval.

Urban Planning and Land Use Comments:

1. Have there been any issues with other tenants, neighbors or guests in the past year?

Applicant Response: We have not had many issues with these short term rentals. The overwhelming majority of guests find our place to be a good value. It is well equipped, priced fairly and well maintained. The one guest we had an issue with did not affect anyone else in the building or neighborhood. They did not follow our rules regarding check-out time, they smoked cigarettes in the unit, left it very messy and I think stole a few small items. Through this, we discovered that if we place our price too low, we increase our chance of getting a bad renter...rather than passing on a good deal to someone. The risk of getting a bad short term tenant is not worth the extra income. In this specific instance, we dropped our price to around \$30-35/for the night because it was available and there was a major winter storm that wiped out power for many, many people in KC. We continued to hear about several people who did not have power for almost a week and needed a place to stay for a short time period. We ended up with a one night rental from this individual that took advantage of our space. This is the only stay at either studio's that I gave the tenant a 1 star

review. All other reviews have been 5 star.

2. Describe how you have made yourself available to handle any concerns that arise in relation to the short-term rental units, and how you will continue to do so.

Applicant Response: There have been very few instances that have required us to intervene because we maintain our property. However, when they have happened, we have responded quickly:

- a. Smoke alarm beeping in the unit- we changed the battery within an hour of the tenant telling us about it
- b. Stopped up toilet- coordinated with the tenant about fixing it and repaired within the same day.
- c. Parking- 2 times in the last year we have had an Airbnb tenant park in one of our regular tenants' spots by mistake. These instances were both taken care of and this is not an issue.
- d. We live locally and will continue our quick response to any issues that may arise. We take pride in what we do and want to be a great host, landlord and neighbor

3. Applicant must continue to maintain occupation tax application through Business License Department.

Applicant Response: We will do this.

4. Have any tenants complained about the AIRBNB?

Applicant Response: I have not had any complaints from long term tenants about the AIRBNB.

5. If approved, recommended for 2 years

Applicants Response: Agreed. Thank you.

Public Works Comments

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

We originally acquired this property in late 2016. Prior to this time the property was in receivership for almost 1 year. It was severely neglected by the previous owner and in complete disrepair. The property was less than 50% occupied, had drug traffic within it and was a blight to the neighborhood. We renovated the property over a 9-month period and completely changed the exterior and interior condition of the property, eliminated dangerous drug traffic and enhanced the neighborhood. This property has 11 units, two of which are studio apartments.

We have been doing Airbnb in studio apartment 11 since our approval to do so June 28, 2018 and we would like to continue to do so. We began in studio apartment 7 on October 16th, 2018. My wife has a strong gifting in hospitality and she really enjoys hosting people. We would like to extend that gift to people who need a short term stay in a high-quality apartment. She handles the communication with prospective guests and I make sure any maintenance issues that may come up are appropriately handled. These apartments offer a very good combination of size, price and convenience for Airbnb. They are tastefully renovated, conveniently located on the NE corner of the building and fairly separated from the front half of the building via a masonry wall. The units face the back parking lot.

- We manage the entire property and would also manage these two Airbnb units.
- We are very hands on, responsive to tenant requests and proactive in solving problems.
- We have invested a lot of money into this building and we intend to maintain it well.
- We are local owners living in the Kansas City area.
- We respond to any issues in the building quickly and also have an on-call maintenance person in the Kansas City area.
- Each unit in the building has 1 dedicated parking spot, including these two units. It is located in the back of the building on the east side of the parking lot.
- CCTV Security Cameras are located in all hallways and in parking lots
- Secured Entry into the building
- Rental inspections took place in 2017 in every single unit when we performed the renovations.

We have superhost status and consistently receive 5 star reviews from our guests.

As of 4/11/19:

Studio Apartment 11 has 70 reviews from guests with an overall rating of 4.9 stars.

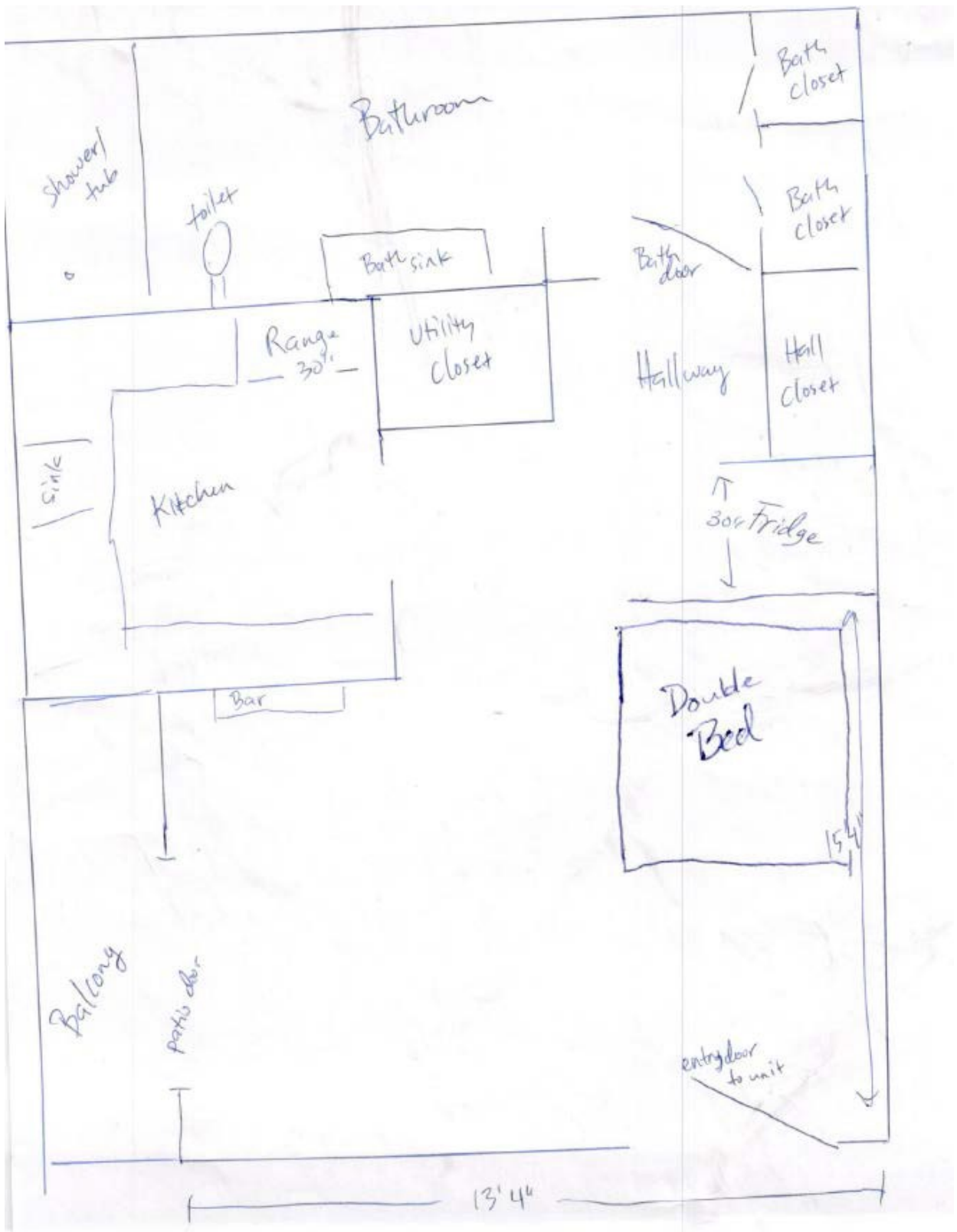
Studio Apartment 7 has 36 reviews from guests with an overall rating of 4.9 stars.

Studio 7 has not been active on Airbnb as long as 11 because I had a regular tenant living there. I received approval to operate it as an Airbnb unit but did not intend to move forward with it because of my long-term tenant. He abruptly broke his lease and moved out of KC in approximately August of 2018 because of legal issues related to incident he was involved in. We converted it to an Airbnb listing afterwards and began hosting on October 16th, 2018.

Answers to Additional Questions:

1. Business has been in operation since we received approval on June 28, 2018.
2. Neighbors were consulted prior to its opening. We went through the formal application process in 2018
3. Business license is active
4. Airbnb pays any lodging taxes
5. 2 separate studio apartments
6. Maximum guests are 3, no pets allowed
7. 1 Maximum vehicle. The property has 1 dedicated parking spot for each unit.
8. We expect 75% occupancy
9. Yes we have a rental license from Unified Government
10. The studio units are located on the 2nd and 3rd floors of the building in NE Corner of the building. Below the studio units on the ground floor is a common laundry/maintenance room. The Building has a masonry wall separating the front half of the building from the back half of the building so it feels more separated from the rest of the building. Building has 2 entry doors from the outside which leads you into the hallways. Each unit has its own entry door from the hallway. The studio units have a living/dining room, full kitchen, full bathroom and a balcony facing the parking lot. There is a small bar opening into the kitchen from the living/dining room. The units are approx.. 400 sq ft. All finishes are new – kitchen, flooring, windows, bathroom fixtures. HVAC and HW heater is also new. Smoke/Carbon monoxide alarm is near the living/dining room/kitchen. The only common area in the building would be any hallways and the laundry room on the first floor – which also has a security camera. All hallways and exterior parking lots have CCTV Security Cameras.
11. We will maintain a safe environment by:
 - a. Only rent to AirBNB guests who have good reviews
 - b. Limited to 3 guests maximum
 - c. No pets
 - d. No parties whatsoever
 - e. Deadbolt to the unit is a keypad and the code is changed after each guest
 - f. CCTV Security Cameras in every hallway and parking lot
 - g. Rental licensing inspected all units in the building after renovations were complete in 2017





Billy – I explain to Teresa that we would like to continue doing Airbnb with the two studios that we have been doing. She is familiar with this because she came to the neighborhood meeting last year about it.

Teresa – She is in support of continuing Airbnb. She would like to be able to book it for when family comes into town for the holiday. She explains that in previous years, family has had to get hotel rooms that cost more than \$150 per night. She also explains that this coming September they might have a family get together for her mothers 92 year old birthday. They could potentially use the units then. She says she will talk with her brother, Kenny, about this. Also, for Christmas this year when they have family come into town they might want to use it.

Billy – I text her links to the units and tell her that she should book it. I remind her that any guests will need to be respectful of the space and the neighbors. She acknowledges and agrees. She was interested in the possibility of having family stay so close and for much cheaper than a hotel. She thinks this will be helpful for them during holidays and family comes in to town.

5/28/19

Neighborhood meeting

Sign in sheet

1. TERESA HALL
Name

5/28/19
Date

913-626-6032

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Billy Cobb, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP-2019-68
2. That I conducted a neighborhood meeting on 5/28/19.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

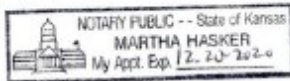
Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28th day of May, 2009.

My commission expires 20 of Dec, 2002020





Notary Public



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-69

GENERAL INFORMATION

Applicant:
Lauren Lueck

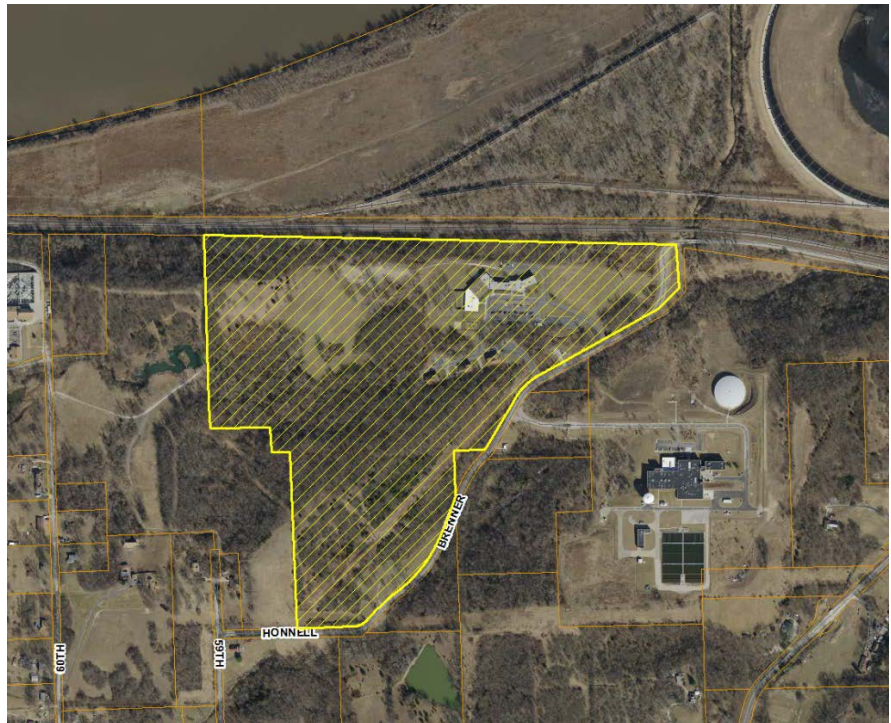
Status of Applicant:
Representative
KVC Foundation, Inc.
4300 Brenner Drive
Kansas City, KS 66104

Requested Action:
Approval of a special
use permit renewal

Date of Application:
April 26, 2019

Purpose:
To continue to allow a
maximum of 12 adult
patients from June 30,
2019 until December 31, 2019.

Property Location:
4300 Brenner Drive



Existing Zoning: R-1 Single Family District

Existing Surrounding Zoning: **North:** AG Agriculture District
South: R-1 Single Family District
East: R-1 Single Family District
West: R-1 Single Family District

Existing Uses: **North:** Vacant, Union Pacific Railway, Nearman Creek Power Station, and Missouri River.
South: Vacant/Single Family Houses
East: BPU Nearman Water Facility
West: Vacant/Residential

Total Tract Size: 70.63 acres

Master Plan Designation: The City-Wide Master Plan designates this property as Agricultural.

Major Street Plan: The City-Wide Master Plan designates Brenner Drive as a local street.

Advertisement: The Wyandotte Echo – May 16, 2019
Letters to Property Owner – May 16, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019.

Public Opposition: Neighbors have expressed concern about this use in the past. Concerns were expressed during the neighborhood meeting for this renewal (see attached neighborhood meeting minutes.) No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: This property was approved in 1984 for an indefinite special use permit “to provide residential and treatment care to older children and adolescents referred for care by the Social Rehabilitation Service of Kansas.” Wyandotte House was the original applicant for this special use permit. In a letter dated April 8, 2003, the Legal Department’s Deputy Chief Counsel, N. Carson Boudreau, stated that the Kaw Valley Center facility continues to be used for the same purpose and “under these circumstances no additional zoning permit is required.” The letter also states that “if, in the future, the actual use or purpose of the facility is to be modified, it is recommended that the proposal be discussed with the zoning division or this office so that the permitting requirements may be determined.” The proposed use of the property to provide services to adult patients does not fall within the conditions set by the original special use permit, and an amendment to the special use permit was approved January 11, 2018 to allow for 12 adult patients for a time period not to exceed June 30, 2019. The applicant is now requesting to extend this time period that 12 adults would be allowed at the facility to not exceed December 31, 2019.

FACTORS TO BE CONSIDERED

1. *The Character of the Neighborhood.*

The area is rural in nature.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The zoning and their uses are set out above. The proposed use is expected to be compatible.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

The property is suitable for the proposed use and removal of the restrictions should not detrimentally affect nearby properties.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant.

5. *The degree of conformance of the proposed use to the Master Plan.*

This particular use is not addressed in the Master Plan

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use would expand the type of services offered by KVC and should not substantially injure the appropriate use, visual quality, or marketability of the adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

The proposed use will not create problems for near-by properties.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use will not pollute the air, land, or water.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

This is not applicable.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

This is not applicable.

PREVIOUS ACTIONS

May 31, 1984 – Approval of an indefinite special use permit to provide residential and treatment care to older children and adolescents referred for care by the Social Rehabilitation Service of Kansas.

June 29, 2017 – Approval of a two-year special use permit for a temporary trailer for storage.

January 11, 2018 – Amendment to the special use permit to allow 12 adult patients for a time period not to exceed June 30, 2019.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting May 27, 2019. The meeting minutes are attached to this report.

KEY ISSUES

Amendment of the Special Use Permit to continue to allow adult patients

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-69, subject to:

Urban Planning and Land Use Comments:

1. Please explain why the expansion of the time limits for adult patients is necessary.

Applicant Response: KVC is in partnership with the University of Kansas Health System to provide treatment for adults at our 4300 Brenner Dr. location. In late summer or early fall of 2019, KU intends to relocate their adult treatment beds to their Strawberry Hill campus. The beds are a necessity for the state of Kansas and the Northeast region. The expansion of time will allow us to ensure resources and access to appropriate treatment isn't disrupted, while KU finishes construction at their new location.

2. Has anything changed in regards to the average length of stay for adults, the background and circumstances of the adults placed at this location, the area of the building for this use, how adults and youth are separated, or any other aspect of how this use is operated since the approved of the Special Use Permit allowing adult patients was approved on January 11, 2018?

Applicant Response: There are currently no updates to provide regarding the treatment services or operating procedures between KVC and the University of Kansas Health System.

3. Have there been any complaints from neighbors since the original permit was approved?

Applicant Response: Neighbors continue to be concerned with providing treatment to adults at our 4300 Brenner location. We don't have specific complaints since the approval of the permit related to the adverse events directly impacting our neighbors.

Public Works Comments:

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

Business License Comments:

1. KVC is an exempt entity for paying the occupation tax. They have filed application with supporting documentation for their exempt status.

Staff Conclusion:

The extension of this permit is to allow KU to continue to treat 12 non-violent adults, while KU finishes their facility at 5th and Minnesota Avenue (formerly the EPA building.) Construction should conclude and be available Fall of 2019. Therefore the special use permit shall expire on December 31, 2019.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-69** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Zoning map
Site Plan
Floor Plan
April 8, 2003 letter from N. Carson Boudreau
May 25, 1984 Report on Special Use Permit #SP-1984-13
Letter from Mr. Kovac

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	June 10, 2019	June 27, 2019
Special Use	Approval	

STAFF CONTACT: **Zach Flanders**
 zflanders@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-69** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-69**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-69 – LAUREN LUECK/KVC FOUNDATION, INC. – SYNOPSIS:

Renewal of a Special Use Permit (#SP-2017-64 – expired 5/31/2019) for twelve (12) non-violent adult patients at 4300 Brenner Drive.

Detailed Outline of Requested Action: This property was approved in 1984 for an indefinite special use permit “to provide residential and treatment care to older children and adolescents referred for care by the Social Rehabilitation Service of Kansas.” Wyandotte House was the original applicant for this special use permit. In a letter dated April 8, 2003, the Legal Department’s Deputy Chief Counsel, N. Carson Boudreau, stated that the Kaw Valley Center facility continues to be used for the same purpose and “under these circumstances no additional zoning permit is required.” The letter also states that “if, in the future, the actual use or purpose of the facility is to be modified, it is recommended that the proposal be discussed with the zoning division or this office so that the permitting requirements may be determined.” The proposed use of the property to provide services to adult patients does not fall within the conditions set by the original special use permit, and an amendment to the special use permit was approved January 11, 2018 to allow for 12 adult patients for a time period not to exceed June 30, 2019. The applicant is now requesting to extend this time period that 12 adults would be allowed at the facility to not exceed December 31, 2019.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?” (No one responded in the affirmative.)

“Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City’s currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City’s currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in The Echo for the special use permits; and

7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda.”

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present
Motion to APPROVE Passed: 5 to 0	
Subject to:	

Urban Planning and Land Use Comments:

1. Please explain why the expansion of the time limits for adult patients is necessary.

Applicant Response: KVC is in partnership with the University of Kansas Health System to provide treatment for adults at our 4300 Brenner Dr. location. In late summer or early fall of 2019, KU intends to relocate their adult treatment beds to their Strawberry Hill campus. The beds are a necessity for the state of Kansas and the Northeast region. The expansion of time will allow us to ensure resources and access to appropriate treatment isn't disrupted, while KU finishes construction at their new location.

2. Has anything changed in regards to the average length of stay for adults, the background and circumstances of the adults placed at this location, the area of the building for this use, how adults and youth are separated, or any other aspect of how this use is operated since the approved of the Special Use Permit allowing adult patients was approved on January 11, 2018?

Applicant Response: There are currently no updates to provide regarding the treatment services or operating procedures between KVC and the University of Kansas Health System.

3. Have there been any complaints from neighbors since the original permit was approved?

Applicant Response: Neighbors continue to be concerned with providing treatment to adults at our 4300 Brenner location. We don't have specific complaints since the approval of the permit related to the adverse events directly impacting our neighbors.

Public Works Comments:

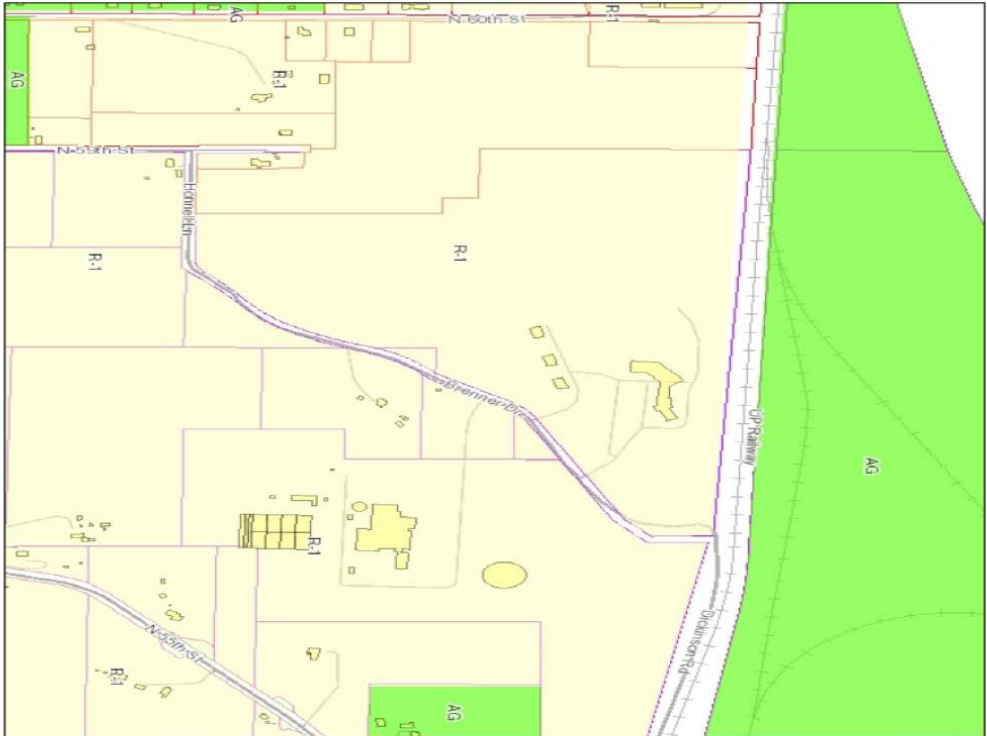
- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None.
- B) Items that are conditions of approval (stipulations):
 - 1) None.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be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

Business License Comments:

1. KVC is an exempt entity for paying the occupation tax. They have filed application with supporting documentation for their exempt status.

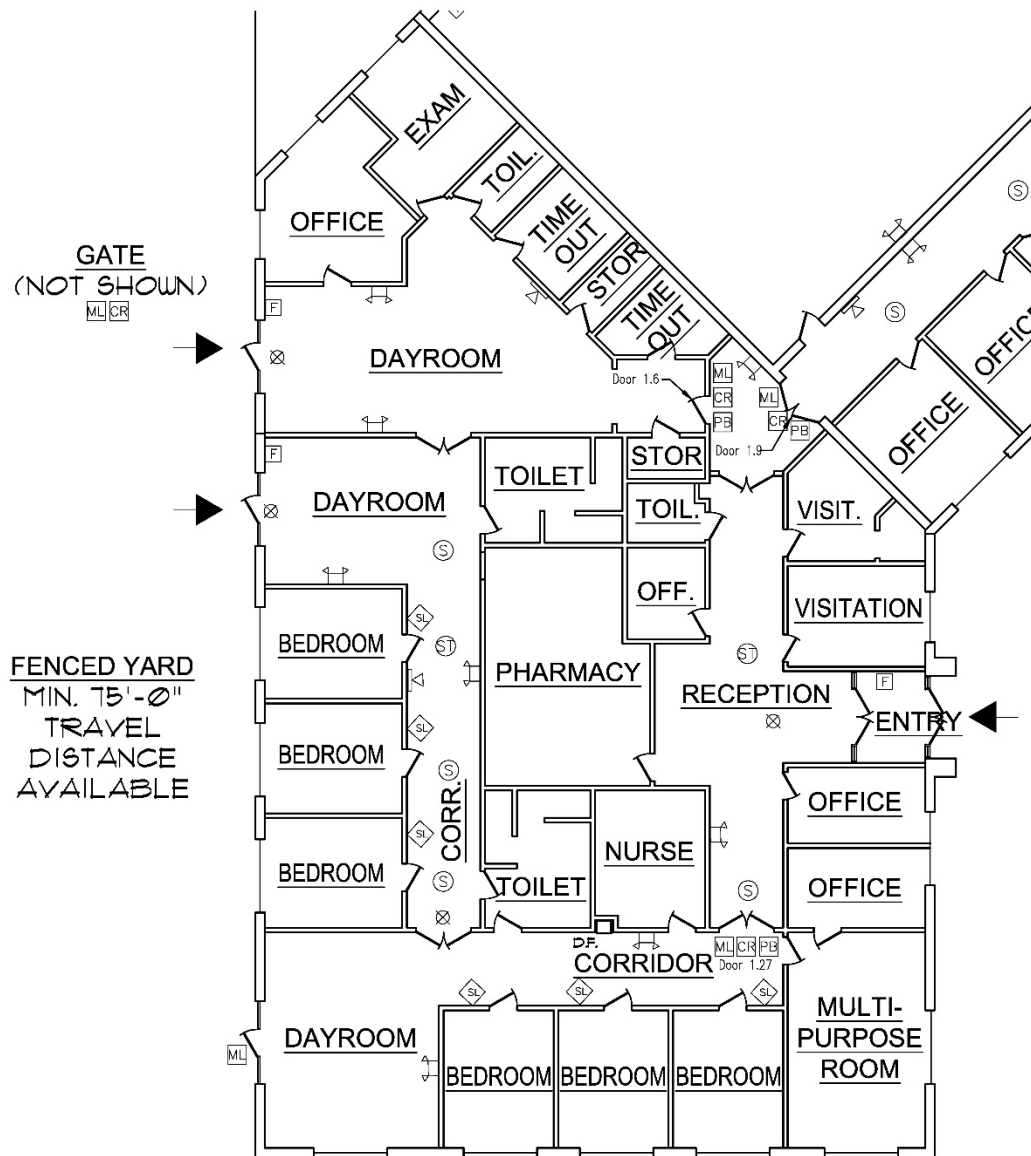
Staff Conclusion:

The extension of this permit is to allow KU to continue to treat 12 non-violent adults, while KU finishes their facility at 5th and Minnesota Avenue (formerly the EPA building.) Construction should conclude and be available Fall of 2019. Therefore the special use permit shall expire on December 31, 2019.



Legend

- Buildings
- Points of Interest
- "Paved"
- Kansas City Zoning
- AG
- AG (Paved)
- B-1
- C-1
- C-2
- C-3
- C-4
- C-5
- C-6
- C-7
- C-8
- C-9
- C-10
- C-11
- C-12
- C-13
- C-14
- C-15
- C-16
- C-17
- C-18
- C-19
- C-20
- C-21
- C-22
- C-23
- C-24
- C-25
- C-26
- C-27
- C-28
- C-29
- C-30
- C-31
- C-32
- C-33
- C-34
- C-35
- C-36
- C-37
- C-38
- C-39
- C-40
- C-41
- C-42
- C-43
- C-44
- C-45
- C-46
- C-47
- C-48
- C-49
- C-50
- C-51
- C-52
- C-53
- C-54
- C-55
- C-56
- C-57
- C-58
- C-59
- C-60
- C-61
- C-62
- C-63
- C-64
- C-65
- C-66
- C-67
- C-68
- C-69
- C-70
- C-71
- C-72
- C-73
- C-74
- C-75
- C-76
- C-77
- C-78
- C-79
- C-80
- C-81
- C-82
- C-83
- C-84
- C-85
- C-86
- C-87
- C-88
- C-89
- C-90
- C-91
- C-92
- C-93
- C-94
- C-95
- C-96
- C-97
- C-98
- C-99
- C-100
- R-1
- R-2
- R-3
- R-4
- R-5
- R-6
- R-7
- R-8
- R-9
- R-10
- R-11
- R-12
- R-13
- R-14
- R-15
- R-16
- R-17
- R-18
- R-19
- R-20
- R-21
- R-22
- R-23
- R-24
- R-25
- R-26
- R-27
- R-28
- R-29
- R-30
- R-31
- R-32
- R-33
- R-34
- R-35
- R-36
- R-37
- R-38
- R-39
- R-40
- R-41
- R-42
- R-43
- R-44
- R-45
- R-46
- R-47
- R-48
- R-49
- R-50
- R-51
- R-52
- R-53
- R-54
- R-55
- R-56
- R-57
- R-58
- R-59
- R-60
- R-61
- R-62
- R-63
- R-64
- R-65
- R-66
- R-67
- R-68
- R-69
- R-70
- R-71
- R-72
- R-73
- R-74
- R-75
- R-76
- R-77
- R-78
- R-79
- R-80
- R-81
- R-82
- R-83
- R-84
- R-85
- R-86
- R-87
- R-88
- R-89
- R-90
- R-91
- R-92
- R-93
- R-94
- R-95
- R-96
- R-97
- R-98
- R-99
- R-100
- R-101
- R-102
- R-103
- R-104
- R-105
- R-106
- R-107
- R-108
- R-109
- R-110
- R-111
- R-112
- R-113
- R-114
- R-115
- R-116
- R-117
- R-118
- R-119
- R-120
- R-121
- R-122
- R-123
- R-124
- R-125
- R-126
- R-127
- R-128
- R-129
- R-130
- R-131
- R-132
- R-133
- R-134
- R-135
- R-136
- R-137
- R-138
- R-139
- R-140
- R-141
- R-142
- R-143
- R-144
- R-145
- R-146
- R-147
- R-148
- R-149
- R-150
- R-151
- R-152
- R-153
- R-154
- R-155
- R-156
- R-157
- R-158
- R-159
- R-160
- R-161
- R-162
- R-163
- R-164
- R-165
- R-166
- R-167
- R-168
- R-169
- R-170
- R-171
- R-172
- R-173
- R-174
- R-175
- R-176
- R-177
- R-178
- R-179
- R-180
- R-181
- R-182
- R-183
- R-184
- R-185
- R-186
- R-187
- R-188
- R-189
- R-190
- R-191
- R-192
- R-193
- R-194
- R-195
- R-196
- R-197
- R-198
- R-199
- R-200
- R-201
- R-202
- R-203
- R-204
- R-205
- R-206
- R-207
- R-208
- R-209
- R-210
- R-211
- R-212
- R-213
- R-214
- R-215
- R-216
- R-217
- R-218
- R-219
- R-220
- R-221
- R-222
- R-223
- R-224
- R-225
- R-226
- R-227
- R-228
- R-229
- R-230
- R-231
- R-232
- R-233
- R-234
- R-235
- R-236
- R-237
- R-238
- R-239
- R-240
- R-241
- R-242
- R-243
- R-244
- R-245
- R-246
- R-247
- R-248
- R-249
- R-250
- R-251
- R-252
- R-253
- R-254
- R-255
- R-256
- R-257
- R-258
- R-259
- R-260
- R-261
- R-262
- R-263
- R-264
- R-265
- R-266
- R-267
- R-268
- R-269
- R-270
- R-271
- R-272
- R-273
- R-274
- R-275
- R-276
- R-277
- R-278
- R-279
- R-280
- R-281
- R-282
- R-283
- R-284
- R-285
- R-286
- R-287
- R-288
- R-289
- R-290
- R-291
- R-292
- R-293
- R-294
- R-295
- R-296
- R-297
- R-298
- R-299
- R-300
- R-301
- R-302
- R-303
- R-304
- R-305
- R-306
- R-307
- R-308
- R-309
- R-310
- R-311
- R-312
- R-313
- R-314
- R-315
- R-316
- R-317
- R-318
- R-319
- R-320





LEGAL DEPARTMENT of the UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Chief Counsel
Harold T. Walker

Deputy Chief Counsel
N. Cason Boudreau
April 8, 2003

Ninth Floor - Municipal Office Building
701 North Seventh Street
Kansas City, Kansas 66101
Phone (913) 573-5060
Fax (913) 573-5243

Assistants:
Jody Boeding
Kenneth J. Moore
Robert P. Burns
Delia M. York
Angela J. Lawson
Henry E. Couchman Jr.
F. Charles Dunlay

Maureen Mahoney
General Counsel
Kaw Valley Center
759 Vermont
Kansas City, Kansas

Re: Special Use Permit—Wyandotte House, 4200 Brenner Drive

Dear Maureen:

You have informed me that Kaw Valley's facility at 4200 Brenner Drive (apparently currently addressed at 4300 Brenner Drive) has been licensed as a hospital but the use and activity at the facility is unchanged. You asked if this changed mandated any additional permitting or approval under the Unified Government's zoning ordinance.

I have discussed this issued with Steve Speise. In 1984 Special Permit Petition # SP-1984-13, Wyandotte House, Inc., was approved for a special use permit "to provide residential and treatment care to older children and adolescents referred for care by the Social and Rehabilitation Services of Kansas." You have indicated that the facility continues to be used for that same purpose. Under these circumstances no additional zoning permit is required.

If, in the future, the actual use or purpose of the facility is to be modified, it is recommended that the proposal be discussed with the zoning division or this office so that the permitting requirements may be determined.

Please contact me if you have any questions concerning this matter.

Sincerely,

N. Cason Boudreau
Deputy Chief Counsel

CC: Steve Speise



LEGAL DEPARTMENT of KANSAS CITY, KANSAS

Ninth Floor - Municipal Office Building
One Civic Center Plaza
Kansas City, Kansas 66101
Phone (913) 573-5060

M E M O R A N D U M

TO: Council Members
David T. Isabell
City Administrator
City of Kansas City, Kansas

Board Members
V. Eugene Miller
General Manager
Board of Public Utilities

FROM: Michael P. Howe *MPH*
Assistant City Attorney

Kathryn Pruessner Peters *KP*
Assistant City Attorney

DATE: May 13, 1986

SUBJECT: Agreement between BPU and City -- Wyandotte House

Attached please find for approval, an agreement between the BPU and the City regarding donation of the land for Wyandotte House. Also attached for approval, is a Declaration of Reservation of Use, a document which will be filed in the Courthouse, recording the donation of the real property, and the reservation of the transmission line and water main easements. Governing body approval is necessary because an interest in public lands is involved. Therefore, we attach a resolution for each governing body, approving the execution of these two documents by the City Administrator and General Manager.

These documents formally effect the donation of the land which was approved in principle in 1984. (For your information, we attach a copy of BPU Resolution No. 4897, expressing the BPU's willingness to release its interest in the land for use by Wyandotte House.) As you will recall, before any release of interest in the land could be made, it was required that a Special Use Permit be obtained for the use of the property by Wyandotte House, Inc., and that the project be implemented. These requirements have now been met: the Permit has been issued, the issuance of the Permit was upheld by the Wyandotte County District Court, and the lease between Wyandotte House and the City is ready for final

approval to implement the project. Therefore, it is timely that the release of interest in the land be made.

The key points of the agreement are as follows:

1. The BPU releases its interest in and thereby in effect donates approximately 55 acres to the City by BPU for use by Wyandotte House and/or a compatible user, which is defined as a residential and treatment facility serving older children and adolescents who receive help in functioning in a normal society through shelter, supervision, and rehabilitation.

2. BPU reserves two easements, one for the existing 161-KV transmission line coming out of the Nearman Plant, and one along Dickinson Road for any future electric line and any future water main. No structure can be built on the easements.

3. If Wyandotte House does not go through with the project, or if the project commences but subsequently the property is no longer used for the purpose for which it is being donated, the property will revert to the use and benefit of the BPU. Likewise, should the property ever be sold to someone other than Wyandotte House or a compatible user, the BPU will have the right of first refusal to have the land revert to the use and benefit of BPU.

4. The lease between the City and Wyandotte House provides for lease proceeds to go to reimburse the City for its capital contributions to the project, and the lease contemplates that the land will eventually be sold to Wyandotte House. The City/BPU agreement therefore provides that upon such sale, if there are more than minimal proceeds, BPU will share in any such proceeds based on the value of the land contributed in proportion to the unrecovered costs of the City. The value of the land at the time of the donation will be established through appraisal by the City Right of Way Department.

Please let us know if you have any questions.

KPP/ev

CC - Harold T. Walker
City Attorney

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
MUNICIPAL OFFICE BUILDING 701 NORTH 7TH STREET
KANSAS CITY KANSAS 66101



May 25, 1984

CITY PLANNING DIVISION 573-5750

Mr. M. James Medin
City Administrator

RE: SPECIAL PERMIT PETITION #SP-1984-13 - WYANDOTTE HOUSE, INC., to request a special permit to provide residential and treatment care to older children and adolescents referred for care by the Social and Rehabilitation Services of Kansas, located at 4200 Brenner Drive.

On May 14, 1984, subject special permit petition was given a duly advertised public hearing by the Planning Commission at their regularly scheduled meeting.

Mr. Pete Pomeranke, a member of the Executive Board of Wyandotte House, Mr. Ray Byers, architect, Mr. Wayne Sims, Executive Director of Wyandotte House, appeared in support of this petition. Mr. Pomeranke stated that they have been before the Commission previously and decided to abandon the project. The Mayor then volunteered the services of the City and the Council in helping Wyandotte House secure ground to come up with a adequate place to house 50 children. Through the help of several people and the Board of Public Utilities, a 55 acres plot was found. They have met with all the appropriate Board and the BPU has agreed to lease the land to the City, on a long-term lease and the City has agreed in purpose to lease the land to Wyandotte House pending zoning and some other legal ramifications which the attorneys are working on at the present time. He stated that Wyandotte House is a home for predelinquent children. They have 56 children in their care now. Fifty of them are from Wyandotte County and 48 of them are from Kansas City, Kansas. Wyandotte House is truly taking care of its own. He stated that they have been in existence for over 13 years providing residential treatment and care to children who are battered and abused and neglected. It is their hope that they can eliminate 4 of the 6 locations which they now occupy in downtown Kansas City, Kansas for this more rural atmosphere to raise these children in a more spacious atmosphere to give them some room to recreate and move around that they are unable to do at the present time. He stated that the Commission will hear from the people in opposition, something that he heard over and over again at Councilman Mears' informational meeting for the people in the 4th District. These people were misled, in their minds, of the benefits and liabilities involved with the Nearman Power Plant, the way the high power lines would be run and now the Johnson County Water Line. It is unfortunate that they feel as though they have been put into a position of having to again make a big sacrifice. Mr. Byers stated that this process of trying to find a site has been going on over two years. They have tried zoning on other sites and ran into so much opposition that they continued looking at site to try and find some place where there were less objections. The Mayor was a help to them in finding this location. This location overlooks the Nearman Plant. It is on a hillside and the only thing that you can see is the Nearman Plant. There is a big hill behind that property and they have a grade elevation at the top of 990 and they are down at about 30 or 40, so all the houses within seeing distance of this property, you cannot see. This property was also purchased from the BPU some years ago to get dirt off for the construction of the Nearman Plant so that has a large flat area and the hillside overlooks this flat area and they have no homes whatsoever to the north. He stated that they have found the least objectionable site that could be found in Wyandotte County in relation to the terrain and to the location of the homes adjacent to it.

Mrs. Martha Gann, 3959 North 60th Street, appeared in opposition to this petition. She stated that when BPU acquired the lands for the Nearman Plant several landowners from this area attended meetings in regard to rerouting the high power lines. They failed, but at all the meetings, BPU assured the people that the land would be used for BPU facilities only. It is her understanding that this land donation was requested by the City and approved by the BPU Board members at the last BPU Board meeting. She stated that it is her understanding that Mayor Reardon, Pete Pomerence and someone affiliated with the Wyandotte House met with the Board. The people had not been contacted at this time regarding this matter. As a matter of fact the first time they noticed it was Easter Sunday morning in the Kansas City, Kansas. Does this mean that the BPU Board can donate the land for whatever nonprofit cause is necessary. This land was more or less taken from them by eminent domain, changed their lifestyle and now the land is being donated to change their lifestyle once again with no guarantees for the future. At the meeting that was held at the Welborn Community Church May 8th, she found out that the Wyandotte House has grown from 8 to 56 in the last 10 years. Does this mean that in the next 10 years the institution will grow to 116? Or what if it fails. What nonprofit making organization would move in then. There are no guarantees. She stated that Johnson County Water District is at the end of 60th. Their lifestyle has changed somewhat because of this project. They built their home in this area for the country lifestyle it offers. They have been forced by law of eminent domain to change their lifestyle for the BPU Plant and the Johnson County Water District No. 1. How much more will be forced on them? She stated that she contacted BPU to see if the land that was taken from them could be donated for something like this. They referred her to the lawyer and she referred her to the BPU members. She contacted three of them who stated that Mayor Reardon met personally with them and privately briefing them on this subject. Now he is covered by some type of Sunshine Law or something like this that this can be done. She stated that one member was not even aware that people lived in this area. The Board Member apologized to her and said that no one asked the people's feelings in this area. Two of the other Board Members said they were led to believe that the people within the area of the project were in favor of the project. As she stated before, they knew nothing of this project until Easter morning and they feel that they have BPU Power Plant on one side, Johnson County Water District #1 and have changed their lifestyle because of these plans and they feel that they have paid their dues to the community. Ms. Pat Burke, 3948 North 59th Street, appeared in opposition to this petition. She stated that she did some research on the funding of this project. She stated that she attended the May 8th meeting and questioned the financing and could not get any definite answer on the funding. She stated that she did some research on her own and found out that Wyandotte House, Inc. is indeed majorly funded by the United States Government and the State of Kansas. She stated that she found one organization that does fund them privately, United Way. She stated that she called the Federal Government and asked how much of the grant is given each year to neutral ground. The answer was that it is not given to neutral ground incorporated. It is given to Wyandotte House, Inc. who distributes the money. That grant is \$57,600 fiscal year 1984. The State informed her that \$36/day per child is the average money that they pay each day. Figuring 56 children, it totals up to \$735,840. She stated that the reason she is giving these figures is because they are planning to build 5 houses down on the property. To this date the only funding that has been made available to the neighbors as far as this property is the Junior League has committed \$30,000. Each one of the houses at \$40/square foot at approximately 3,000 square foot per house, is \$120,000 for the house alone. That does not talk about anything else. She stated that their concern is that the Federal Government and State of Kansas have their foot in the door, what can happen with this project. How far can it go? You cannot tell the State and Federal Government that it is just for Wyandotte County when they are putting their money into it. Mr. Keith Gann, 3959 North 60th Street, stated that they have

endured two municipally funded projects in their area in the last 5 years. Originally, five years ago this land was promised and guaranteed to them by the realtors that bought their property that it would be left and seeded and grass planted with trees and left strictly as a buffer zone to isolate them from the power plant. Now five years later they find that it is to be used for a partially municipally funded organization again. He stated that they would urge the Commission to deny this petition. Ms. Helen Kovack appeared in opposition to this petition. She stated that when BPU came through for the easement, they told them then that there would only be the three arms on the pole and when Mr. Crockett came back after everyone had signed up, then there were the four arms on the poles. She stated that she asked what was going to be done to the land after it was filled. He told her that it would be graded, seeded and it would be a beautiful site. She stated that she would hope that the Board would leave the property as it is.

Ms. Jean Magdaleno, 5504 Sutton, appeared in support of this petition. She stated that all she has heard tonight is inconvenience. Time changes everything. She has heard dollars and cents. She has not heard one thing about the children. There are four year old children, boys as well as girls, with gonorrhea of the mouth. You think that they don't need a place to stay? They need housing and it is up to the community to help. Someone has to help the children. Ms. Joan Soverns, 36 North 59th, appeared in support of this petition. She stated that they have lived there for 10 years. When they bought the property, they felt that it was a good place to raise kids. When she heard this (about Wyandotte House) she said it was a good place to raise kids. She is for it.

Mr. Davis of the Commission asked if the City has leased this property or entered into any lease with this property at this time? Mr. Michael P. Howe, Assistant City Attorney, stated that nothing has happened except for the negotiations. Mr. Davis stated that nothing is going to happen until both hearings are held and the special permit is granted. Until that time that is when the City will enter into the agreement with BPU. Mr. Howe stated that is correct. Mr. Davis stated that these people feel that BPU has done some things that they shouldn't have, then the people still have time to go back and talk to the BPU and discuss these matters because the City has not entered into an agreement and it doesn't sound like from Legal Counsel that they are going to until this special permit is taken care of. The Planning Commission does not have anything to do with these agreements; they are basically here to hear if this is a good site for this particular issue. Mr. Mahany asked if Wyandotte House ever looked at property that is owned by the city and used to be a hospital called the Pest House? It is right close to this property here. Mr. Sims stated that he does not remember looking at that particular site. They did look at many sites. Mr. Mahany stated that if they used this property, then they would not be using property that is in breach of an agreement. Mr. Sims stated that the BPU is property of the City and shared ownership of that property. Mr. Byers stated that the City gave them 6 city-owned sites to look at and this was picked as the most logical site.

A gentleman in the audience stated that the BPU Plant and Johnson County Water District 1 happened to them and now this is happening to them. He wanted to know if the children can be isolated down here just to themselves and give them the type of learning and training that they should have not associating with the neighborhood of ordinary people that haven't been abused and such. Now they are out in different houses scattered around the City. He doesn't think that it is a place and institution they are putting there; they say that it is a home. He stated that in addition to the five houses, there will be recreational buildings, baseball field and all this sort of thing. They are going to make a small city out of it like a Boys Town and in time five houses is not going to cover. He stated that it will not just be these abused children, but it will be all the children that the government is taking care of the delinquents

and all and they will be down in their neighborhood. Mr. Sims stated that the young people will live down there but will attend public schools. They will not be isolated down there. They have young people in the band, choir, some compete on the various athletic teams. They function as a unit, 8 to 10 people per home. They have a family type home. They do provide supportive education services for every person that comes to them, along with other services.

Mr. Davis asked how many supervisors there are per child. Mr. Sims stated that they have 30 staff. Mr. Davis asked the supervisor to child ratio. He stated that there are 2 staff to 8 children. Mr. Adams asked those in opposition if they are opposed to Wyandotte House being put in or anything being put in this area. They stated that they are opposed to anything municipally funded. One of the ladies in the audience stated that two of the people present have asked BPU if they could be allowed to buy their land back. Mr. Adams asked if they would be opposed to a housing project. They stated that they want to buy their property back. One of the gentlemen in the audience stated that the scenery in this area is the most appealing portion of it because these are not grand homes in there. Those of them who own homes there, it is their piece of heaven. During the May 8th meeting, the neighbors raised a number of questions. The cost of this facility will be at least 1/2 million dollars. One of their concerns is when the land does become City property through this long-term lease, the neighbors lose control over their futures because they understand eminent domain very well and whether this is a short term project or a long-term project they do not know the future of it. Their real concern is where it goes from here. What happens if it does lose its federal grants or state funding. He stated that there are no guarantees in the future. He stated that this is one of the main issues.

The Planning Commission, after reviewing this special permit petition, was of the opinion that this petition should be approved.

By a vote of 7 in favor, 1 opposed, and 2 abstentions, the Planning Commission recommends that this petition be approved.

STAFF OPINION

GENERAL COMMENTS

This is a request by Wyandotte House, Inc. to allow it to establish a facility that would provide residential and treatment care to older children and adolescents referred for care by the Social and Rehabilitation Services of Kansas. The facility would be located at 4200 Brenner Drive on about 45 acres of property. Wyandotte House, Inc. currently has four residential facilities in Kansas City at 711 Sandusky, 11 North Thorp, 708 North 9th and 30 South Bethany. The operation is the same as that proposed last year on 61st Street.

The plans submitted indicate a small administration building, a small complex of five houses and a recreation building. The site is quite isolated with none of the proposed houses any closer than 600' to any existing residence.

UTILITIES AND DRAINAGE

Sewers are not immediately available so a waste stabilization lagoon is the most likely alternative.

STREETS AND TRAFFIC

It is our understanding that Dickinson Road and Brenner Drive will be improved

south to the property and that accordingly the main access will be from 55th Street.

NEIGHBORHOOD CONCERNS

Area residents have indicated serious misgivings to the project and seem to be especially concerned about future use of the property if Wyandotte House should leave.

SUMMARY

Economic Development - The City went through great pains to find a remote location for Wyandotte House. The location is very remote and not visible to those few residents who lie nearby. The Staff believes that this is an ideal location for Wyandotte House and recommends approval.

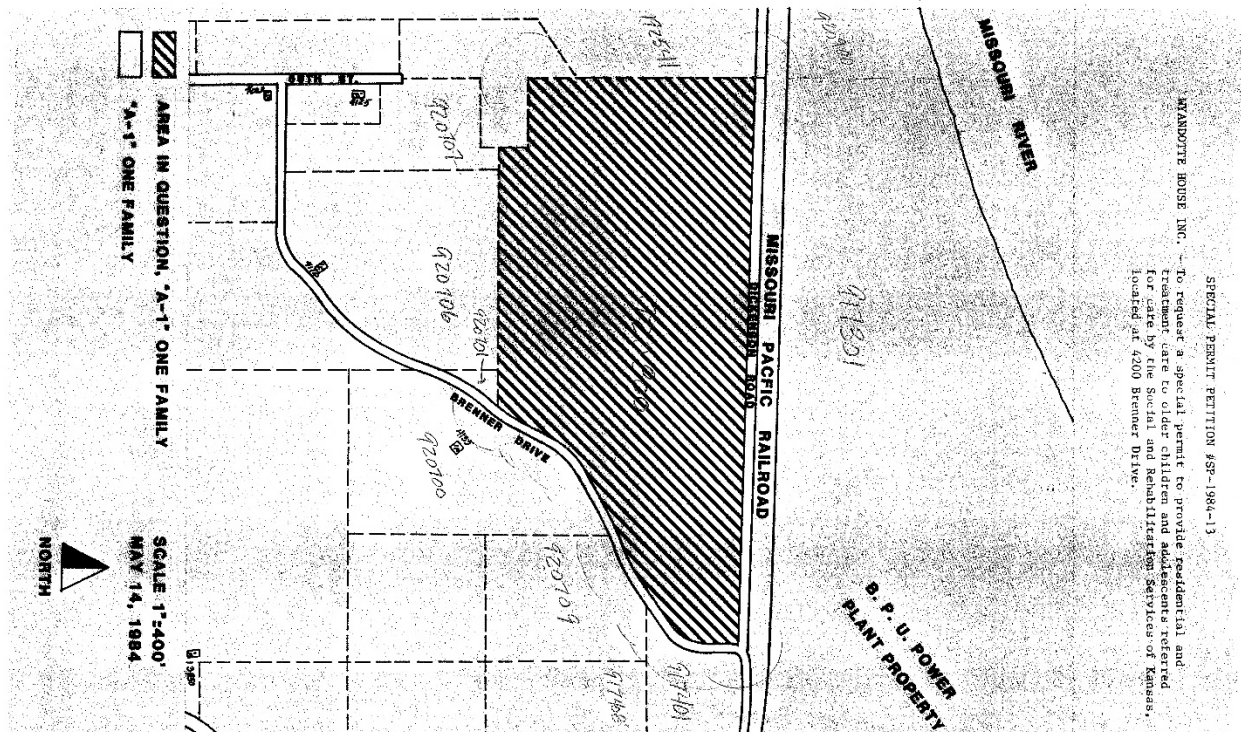
Planning - With proper supervision, the site would seem capable of handling the proposed use. A commitment to a certain minimum level of staffing for so many children would be desirable to help assure proper supervision.

Subject petition and sketch are attached hereto.

Gilbert A. Pintar

Gilbert A. Pintar
Director of City Planning

JLP



Neighborhood Meeting- Minutes

May 27, 2019

4300 Brenner Drive, Kansas City, KS 66104

Application #SP-2019-69

Meeting called to order at 3:55 pm by James Roberson.

Attendees: Peter Kovac, Andy Cooksey, James Roberson (Executive Director, KVC Hospitals KC), and J'Amber Wilson (Administrative Coordinator, KVC Hospitals).

Presentation: James Roberson discussed KVC connection/partnership with Unified Government of Wyandotte County and KVC's partnership with University of Kansas Health Systems (UKHS). The current proposal to City Planning is requesting 6 additional months for UKHS to service adults on our campus. UKHS have purchased a building on Strawberry Hill, currently renovating the building and the plan is for them to relocate from KVC after construction is complete.

Questions: *(all questions answered by James Roberson)*

A. Cooksey- *How long have you worked at this campus.*

Started in 2004 with KVC, moved to KVC Hays for a while and then back to KVC Kansas City.

A. Cooksey - *How many adults? All men?*

No more than 12 adults at any time. The adult unit is co-ed.

A. Cooksey - *How long is their stay?*

Average length of stay is 14 days.

P. Kovac- *Where do they go after they leave? Are all patients from Osawatomie?*

Most are residence of Wyandotte and Johnson Counties. Where they go after depends on what is ordered by the judge on their case.

P. Kovac- *When will it stop? There was not supposed to be an expansion. Received a letter stating that the facility will not expand.*

This is not an expansion, nothing has changed or will change. Just asking for additional time as the current permit will expire soon.

P. Kovac- *Will KVC have any ownership in the new UKHS facility on Strawberry Hill?*

No, our partnership with UKHS is only to use our facility. They have their own employees, leadership, etc.

A. Cooksey - Are all the youth patients from Wyandotte County?

Not all

A. Cooksey - What crimes have the adults committed?

Various

A. Cooksey - Do you vet your employees for the adult unit?

As of today, those are not KVC employees.

A. Cooksey - Is the Farmhouse (house on KVC property) for sale?

Would have to look in to that. Not sure.

A. Cooksey - 3-4 cottages on the hill? How many kids? What's the turnaround?

3 cottages, each gender specific, 36 total kids between the 3 houses, 2-month intervals.

P. Kovac- Is there another 6 months after this 6 months?

That is not the intention. Not in authority to guarantee anything.

A. Cooksey - Are you sure they are going to get those adults out of here?

Yes. Again, I cannot make any guarantees, but the intension is for UKHS to leave within the next 6 months.

P. Kovac- Who can we meet with to get an understanding and agreement before the City Commission meeting?

I don't want something that is temporary to get in the way of our mission. Our goal is not to continue adult services. Will need to get with our President to see what we can do.

P. Kovac- Will you need the permit through 12/31/19?

Yes, to ensure that no UKHS patient is left without treatment or a place to go.

A. Cooksey - If UKHS can't handle the services at their new facility, will there be another sign for a new adult unit at 4300 Brenner?

Not our intention at all.

J. Roberson- Would you prefer the City come in and build a new road 59th or close the road all together to through traffic?

It will cost too much to build and the City will never do it. (Peter)

Comments:

J. Roberson- Our client population has changed. Our clients are here because they need mental/behavioral support. They are here for treatment.

P. Kovac- voiced concerned with Adults being placed on campus without notice to neighbors years ago.

Concerned about traffic. The road is not made for the amount of traffic that the road sees on 59th. His understanding was that KVC traffic would use 55th Street.

A private conversation took place with KVC President where it was voiced that the neighbors recommend there is no expansion to the property on 4300 Brenner Drive. No building on to the property or expansion of services.

Suggests a Neighborhood Newsletter from KVC to be distributed to neighbors with KVC updates and to inform neighbors of what's happening at the Brenner Drive campus. A meeting with the KVC Communications rep took place where it was discussed, developing a monthly newsletter. This has not happened.

Charter was violated when KU moved in. KVC was not permitted to house adults. Adults should not be here. Would like to schedule a meeting with the decision makers of KVC to gain reassurance that the adults are leaving as soon as possible.

The fear is that UKHS will push its way in the neighborhood and place 5-6 buildings for Osawatomie criminal adults in this neighborhood. Osawatomie criminals are the not the people you want as your neighbor.

An agreement was completed in the past with KVC leaders that there would be no expansion. The agreement was typed and signed on KVC letterhead.

The house on 59th and Honnell has been broken in up to 10 times. Bars have been placed on the windows (not the best look) and you can see where there have been attempts to pry the bars open.

3 Commissioners are not happy with KVC. Can gather the neighbors to fight this petition at the Commission meeting if an agreement is not made to ensure no more than 6 months for UKHS and no expansions.

Also concerned with the water waste. My property is adjacent to the pond. There are bugs due to the amount of waste water.

KVC will need to check in on getting the grass cut 7 feet in from the road. New City rules.

A. Cooksey - voiced concern regarding escapees and the type of criminals that are being housed in a facility with youth. Facility has turned into a business venture with KU.

Meeting adjourned at: 5:12 pm

Minutes taken by: J'Amber Wilson with KVC Hospitals, Inc.

6/10/19

Dear Mr. Richardson,

As head of zoning staff would you please add the enclosed to the KVC special use permit 6 mos. extension request file. Thank you!

I have met with their representative May 27, 2019 and agreed to their request if they would put their final intent in writing. Their response is one of the enclosed documents. They assured me this would be the last and final extension they will pursue.

Having this in the permanent file will aid in future developments. Thank you for your assistance.

F. Peter Kovac
4023 N. 59th St.
4250 N 60th St





KVC Hospitals

Children's Psychiatric Treatment

people matter

www.kvchospitals.org

Kansas City
4300 Brenner Dr.
Kansas City, KS 66104
(913) 334-0294

Wichita
1507 W. 21st St. N.
Wichita, KS 67203
(316) 221-7310

Hays
205 E. 7th St.
Hays, KS 67601
(785) 624-6000

KVC Niles
1911 E. 23rd St.
Kansas City, MO 64127
(816) 241-3448

LEADERSHIP

Ryan Speier, L.M.S.W.
President

Robert Eklote, M.H.S.A.
*Vice President of
Behavioral Health Operations*

Astra Garner, L.P.C., L.C.P.C., R.P.T.
*Vice President of
Clinical Advancement*

Vishal Adma, M.D., M.S., C.M.Q.
Medical Director

Dr. Anh Vinh
Director of Integrated Services

BOARD OF DIRECTORS

Jason R. Hooper
Erin Stucky
Marilyn L. Jacobson
Chad E. Anderson
Lonnie Johnson



June 3, 2019

Peter F Kovac
5809 Spinaker PT
Parkville, MO 64152

To Whom It May Concern,

You are receiving this letter in response to the KVC Hospitals Kansas City Neighborhood Meeting held Monday, May 27, 2019 in regard to our Special Use Permit application (SP-2109-69).

KVC Hospitals would like to ensure you as our neighbor, that it is not our intention to request an extension past the current proposal with City Planning. The current proposal is requesting 6 additional months for University of Kansas Health Systems (UKHS) to service adults on our campus at 4300 Brenner Drive. UKHS has purchased a building in the Strawberry Hill area, the building is currently under renovation. UKHS will relocate from our KVC Hospitals Kansas City location after construction is complete.

If you have any questions, please feel free to give us a call at 913-334-0294.

Regards,

KVC Hospitals Administration



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-72

GENERAL INFORMATION

Applicant:
John L. Peterson

Status of Applicant:
Representative
748 Ann Avenue
Kansas City, KS 66101

Kaw Valley Companies, Inc
5600 Kansas Avenue
Kansas City, KS

Requested Action:
Renewal of a Special Use
Permit

Date of Application:
April 12, 2019

Purpose:
Renew a Special Use Permit for fill operation of approved rubble

Property Location:
8300 Gibbs Road and 8025 Kaw Drive



Commission Districts: 1. Commissioner At Large: Tom Burroughs
2. District Commissioner: Angela Markley

Existing Zoning: R-1 Single-Family District

Existing Surrounding Zoning: **North:** R-1 Single-Family District
South: ROW
East: R-1 Single-Family District; ROW
West: MP-3 Planned Heavy Industrial District

Existing Uses: **North:** Wooded, undeveloped land
South: Kansas River
East: Wooded, undeveloped land; Kansas River
West: Industrial operation; Parking lot

Total Tract Size: 51.53 acres (total)

Master Plan Designation: The City-Wide Master Plan designates this property Industrial

Major Street Plan: The Major Street Plan designates Kaw Drive as a Class A Thoroughfare and designates Gibbs Road as a local/neighborhood street.

Advertisement: The Wyandotte Echo – May 16, 2019
Letters to Property Owner – May 16, 2019 and June 19, 2019

Public Hearings June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: Renew a Special Use Permit for a fill operation. The pit on the property was previously used for dredging for periods in the past 15 years. A fill operation is now necessary for the property, and Applicant is requesting a renewal of the existing permit for a period of 10 years.

City Ordinance Requirements: Article VIII Sections 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This is an industrial area consisting of established operations, undeveloped land, and parking lots. The Kansas River lies to the south and east of the property in question.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The properties nearby also seem to be engaged in mining or extraction operations. A fill operation is just the "cleanup" from a mining operation. While the juxtaposition of land zoned R-1 next to land zoned MP-3 is seemingly incompatible, the similar uses of the properties make them compatible neighbors. Precautions and preventative measures will need to be taken to ensure dust and runoff do not pollute the nearby Kansas River.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

Removal of restrictions will actually benefit the neighboring properties, and a Special Use Permit for a fill operation will address large depressions in the ground and make the property in question more visually appealing and safe.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant.

5. *The degree of conformance of the proposed use to the Master Plan.*

The Master Plan designates this area for industrial purposes and allows for mining/mineral extraction operations. Presumably this anticipates the fill work at the end of a mining operation.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

It is possible that a fill operation would cause increased traffic on Gibbs Road and on collector roads used to access the site. However, the Special Use Permit is only for the fill operation—once the operation is completed there will be no need for material to be transported to the site, and traffic will likely drop back to pre-operation levels. However, there is no indication that Gibbs Road is close to exceeding the level of traffic that it was designed for, and the area is heavy industrial, so this sort of traffic has been anticipated and is to be expected.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

A fill operation is reasonably necessary to return the property back to its natural state. If all proper fill protocols, law, ordinances, and planning and engineering staff comments are followed, then there should be little chance of substantial or permanent injury to adjoining properties.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

There is certainly noise, dust, and vibration created by a fill operation. However, proper precautions can be put in place in order to ensure that these by-products of the fill operation do not extend beyond the bounds of the property.

9. *Whether the proposed use will pollute the air, land or water.*

The proximity of the property to the Kansas River is cause for some concern, but proper runoff prevention measures should mitigate this issue. Industry-standard precautions and preventative measures must be taken or remain in place in order to prevent rubble, recycled material, or other fill material from entering the river.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

A small stream runs through the property and enters the nearby Kansas River. Improper sand production and by-product disposal could cause irreversible damage to the stream and greatly affect the ecosystem of the river.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

Failure to renew a Special Use Permit would not only place a large hardship on the landowner but would arguably be detrimental to the public welfare as the property would not be returned to a more natural condition.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

Staff will determine if the previous Special Use Permit caused overcrowding or undue concentrations of population. However, it appears that a permit for a fill operation has not caused anything of the sort.

PREVIOUS ACTIONS

Renewal of SP-2008-30, approved for special use permit allowing a fill operation.

NEIGHBORHOOD MEETING

The applicant held a meeting at 2:00 PM on May 22, 2019 at 748 Ann Avenue. The address is Applicant's law office, 12 miles away from the property in question. Applicant states that no neighbors or anyone from the public attended the meeting; the only attendees were Applicant and Dan Hays, a corporate representative.

KEY ISSUES

Pollution/runoff, noise, truck traffic, safety

STAFF COMMENTS AND SUGGESTIONS

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application #SP-2019-72, subject to:

Urban Planning and Land Use Comments:

1. Has applicant or landowner received any complaints in the past 10 years related to the fill operation or transportation of fill material? This includes complaints about trucks, machinery, or equipment traffic in and out of the site, noise at excessive volumes or inappropriate times, excessive dust, or runoff?

Applicant Response: No.

Staff Response: Renewal of the Special Use Permit relies on the fact that no complaints have been made. The discovery of complaints previously made may affect the status of the renewed Special Use Permit, including revocation.

2. Has applicant or landowner received any citations or notices from the UG or other governments or government agencies related to fill material and runoff entering bodies of water, or related to other environmental issues?

Applicant Response: No.

Staff Response: Renewal of the Special Use Permit relies on the fact that no citations or notices have been given. The discovery of previously undiscovered citations may affect the status of the renewed Special Use Permit, including revocation.

3. Applicant and sand production operation must follow all applicable local, State, and Federal regulations regarding the fill operation, rubble, recyclable material, and by-product disposal.

Applicant Response: Yes.

4. Provide current photographs from the fill operation site.

Applicant Response: Will provide.

Staff Response: Applicant has provided photos of the fill operation site.

5. Kaw Valley should ensure it continues to file and maintain a current occupation tax application with the County for the sale of sand and rock materials.

Applicant Response: Yes.

6. Renewal of a Special Use Permit for 10 years.

Applicant Response: Yes.

7. Provide a plan to keep mud or dirt from tracking onto public streets.

Applicant Response: There will be a maintenance program in place.

Staff Response: Renewal of the Special Use Permit relies on a maintenance program being in place and in use. The Special Use Permit could be revoked if it is discovered that a maintenance program is not being followed.

Public Works Comments:

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

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #SP-2019-72 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Map of Erosion Prevention Plan
Aerial Photo of Fill Operation Site

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	June 10, 2019	June 27, 2019
Special Use	Approval	

STAFF CONTACT: Mike Farley
 mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-72** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-72**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION #SP-2019-72 – JOHN L. PETERSON FOR KAW VALLEY COMPANIES, INC. – SYNOPSIS: Renewal of a Special Use Permit (#SP-2008-30 – expires 6/25/2019) to continue extracting material and fill with State approved rubble and recycling at 8300 Gibbs Road and 8205 Kaw Drive. ***Detailed Outline of Requested Action:*** Renew a Special Use Permit for a fill operation. The pit on the property was previously used for dredging for periods in the past 15 years. A fill operation is now necessary for the property, and Applicant is requesting a renewal of the existing permit for a period of 10 years.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items?" (No one responded in the affirmative.)

"Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The notice in *The Echo* for the special use permits; and
7. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone comes forward and asks that an item be removed from the Consent Agenda."

Chairman Carson asked if anyone wished to remove an item from the Consent Agenda. (No one responded in the affirmative.)

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present
Motion to APPROVE Passed: 5 to 0	
Subject to:	

Urban Planning and Land Use Comments:

1. Has applicant or landowner received any complaints in the past 10 years related to the fill operation or transportation of fill material? This includes complaints about trucks, machinery, or equipment traffic in and out of the site, noise at excessive volumes or inappropriate times, excessive dust, or runoff?

Applicant Response: No.

Staff Response: Renewal of the Special Use Permit relies on the fact that no complaints have been made. The discovery of complaints previously made may affect the status of the renewed Special Use Permit, including revocation.

2. Has applicant or landowner received any citations or notices from the UG or other governments or government agencies related to fill material and runoff entering bodies of water, or related to other environmental issues?

Applicant Response: No.

Staff Response: Renewal of the Special Use Permit relies on the fact that no citations or notices have been given. The discovery of previously undiscovered citations may affect the status of the renewed Special Use Permit, including revocation.

3. Applicant and sand production operation must follow all applicable local, State, and Federal regulations regarding the fill operation, rubble, recyclable material, and by-product disposal.

Applicant Response: Yes.

4. Provide current photographs from the fill operation site.

Applicant Response: Will provide.

Staff Response: Applicant has provided photos of the fill operation site.

5. Kaw Valley should ensure it continues to file and maintain a current occupation tax application with the County for the sale of sand and rock materials.

Applicant Response: Yes.

6. Renewal of a Special Use Permit for 10 years.

Applicant Response: Yes.

7. Provide a plan to keep mud or dirt from tracking onto public streets.

Applicant Response: There will be a maintenance program in place.

Staff Response: Renewal of the Special Use Permit relies on a maintenance program being in place and in use. The Special Use Permit could be revoked if it is discovered that a maintenance program is not being followed.

Public Works Comments:

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

Map of Erosion Prevention Plan



Aerial Photo of Fill Operation Site





Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Vacation Petition #U/E-2019-4

GENERAL INFORMATION

Applicant:
Amy Lungu

Status of Applicant:
Representative
D & A Homes Inc
20732 Tonganoxie Road
Tonganoxie, KS 66086

Requested Action:
Approval of utility easement
vacation

Date of Application:
April 26, 2019

Purpose:
To reduce a 10 foot utility
easement to 5 feet to build a
house.

Property Location:
11330 Webster Avenue



Commission Districts:

Commissioner At Large: Melissa Bynum
District Commissioner: Mike Kane

Existing Zoning: R-1 Single Family District

Existing Surrounding Zoning: **North:** A-G Agriculture District
South: R-1 Single Family District
East: R-1 Single Family District
West: R-1 Single Family District

Existing Uses: **North:** Farmland District
South: Single Family Homes
East: Single Family Homes
West: Single Family Homes

Neighborhood Characteristics: This is a residential neighborhood with newer homes and surrounding agricultural uses.

Total Tract Size: .19 acre

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Planned Suburban Residential District.

Major Street Plan: The Major Street Plan designates Webster Avenue as a local street.

Advertisement: Wyandotte Echo – May 16, 2019
Letters to Property Owners – May 16, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: One person appeared with questions at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Amy Lungu representing D & A Homes, Inc, has requested a reduction of a 10 foot utility easement along the west property line, to 5 foot. The lot is currently undeveloped and the applicant would like the additional space to build a new home that is larger than what they could build if the easement is not reduced.

City Ordinance Requirements: Article XXI Sections 27-502 – 27-709 and K.S.A. 12-504 to 12-506 and 12-512b.

FACTORS TO BE CONSIDERED

1. ***Development of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or other adversity.***

Development would be of such character that it can be done safely without danger to health or peril from fire, flood, erosion, excessive noise or other adversity.

2. ***The extent to which utilities and public services are available and adequate to serve the proposed use.***

- a. ***Water service***

Available

- b. ***Sanitary sewer service***

Available

- c. ***Storm water control***

To meet code

- d. ***Police***

Police service provided by the West Patrol, District #223

- e. ***Fire***

Fire service provided by Station #4

- f. ***Transit***

KCATA does not provide transit to this area.

- g. ***Schools***

Piper USD 203

3. ***Streets are designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land and building uses.***

This does not apply.

4. ***Assurance that buildings, lots, blocks, parcels and streets are so***

arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

This would reduce the amount of open space by allowing the applicant to build closer to the property line. Neighbors have expressed opposition about this; however the required side-yard setback would still be enforced.

5. ***Development patterns are designed with due regard to topography, so that the natural features of the land and vegetation shall be protected and enhanced.***

This does not apply.

6. ***Adequate sites are provided for schools, parks, playgrounds, and other community services so that residents of all neighborhoods shall have convenient access to such facilities.***

This does not apply.

7. ***Vacation will not create utility conflicts.***

This vacation would not create any utility conflicts.

KEY ISSUES

Neighborhood Opposition

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Utility Easement Vacation Application #U/E-2019-4, subject to:

Urban Planning and Land Use Comments:

1. **Opposition has been expressed by Atmos Gas. Currently Atmos has a gas line that runs through the easement. Removal of this easement would cause a conflict with this existing line.**

Applicant Response: The gas line in question is graphically shown 0.26 feet into the easement area. Kansas one call markings have a tolerance that is greater than this distant and could easily be off in excess of the 0.26 feet placing the line 100% in the existing 10' utility easement along the south side of the existing property. If it is marked correctly then the existing gas line is also outside of the platted 10 foot easement along the said south side. Possibly the gas company can mark the line again in its exact location and I will locate it. If it is in the existing 5 foot easement area to be vacated/reduced we can stop the reduction just short of the gas line or can create an additional 2 foot easement area to cover the gas line that

is within the 5 foot area and outside the 10 foot utility easement. I cannot answer if the owners would want compensation if the line is truly as marked and outside of the platted easement.

Staff Comment: A representative from Atmos Gas confirmed that the gas line is not within the 10 foot utility easement in question. The easement proposed to be vacated is on the west side of the property and the gas line is in the southeast corner. An email confirming this has been included in the attachments.

2. This lot was platted as an exterior lot in the Piper Landing Third Plat. A 10 foot utility easement is required for all exterior lots on a plat and thus was required on this lot. Interior lots are required to have a 5 foot utility easement on each side of the property line so that combined there is a 10 foot easement. This lot functions as an interior lot adjacent to the lots of Piper Landing First Plat. The abutting lot, Lot 26 of Piper Landing First Plat has an existing 5 foot easement. Reducing the easement of this lot, Lot 122 of Piper Landing Third Plat, to 5 feet would equal a combined easement of 10 feet, which is equivalent to the other interior lots of both plats. Opposition has been expressed from neighbors regarding a concern that the applicant will be allowed to build closer to the property line. If the applicant were to submit a building permit for a home, they would still be required to meet the 7 foot setback as required for side yard interior in the R-1 District, which is the standard that other interior lots on the street have been held to. For these reasons, staff recommends approval of the utility easement from 10 feet to 5 feet.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) The County Surveyor makes separate technical review of the vacation documents and submits comments directly to the preparer of the vacation. Provide revised documents in accordance with County Surveyor comments.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATIONS

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Vacation Petition #U/E-2019-4 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Vacation Survey Exhibit
Email from Atmos Gas
Email in Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	June 10, 2019	June 27, 2019
Vacation	Approval	

STAFF CONTACT: **Kimberly Portillo**
 kportillo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #U/E-2019-4 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #U/E-2019-4 as they are not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 1:17:46:

VACATION APPLICATION #U/E-2019-4 – AMY LUNGU WITH D & A HOMES, INC. – SYNOPSIS: Vacation of utility easements at 11330 Webster Avenue. **Detailed Outline of Requested Action:** The applicant, Amy Lungu representing D & A Homes, Inc, has requested a reduction of a 10 foot utility easement along the west property line, to 5 foot. The lot is currently undeveloped and the applicant would like the additional space to build a new home that is larger than what they could build if the easement is not reduced.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notices to property owners dated May 16, 2019; and
7. The publication in The Echo dated May 16, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Joe Herring, Herring Surveyor, representing the applicant

Present in Opposition/Question:

- ❖ James Justus, 2843 North 114th Street, Kansas City, Kansas

Staff Recommendation Starts 1:24:20 Planner Toy stated that this lot is part of Phase 3 and there are 10' easements around the perimeter of that phase. The house of the person who submitted the letter in opposition has a 5' easement. If these properties had been platted together in the same phase there would have been a 5' easements for a total of 10'. That is why they are vacating 5' of the easement. The staff recommends approval subject to the stipulations in the staff report.

Motion and Vote Starts 1:26:10:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Vacation Application #U/E-2019-4:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye

Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 5 to 0
Subject to:

Urban Planning and Land Use Comments:

1. Opposition has been expressed by Atmos Gas. Currently Atmos has a gas line that runs through the easement. Removal of this easement would cause a conflict with this existing line.

Applicant Response: The gas line in question is graphically shown 0.26 feet into the easement area. Kansas one call markings have a tolerance that is greater than this distant and could easily be off in excess of the 0.26 feet placing the line 100% in the existing 10' utility easement along the south side of the existing property. If it is marked correctly then the existing gas line is also outside of the platted 10 foot easement along the said south side. Possibly the gas company can mark the line again in its exact location and I will locate it. If it is in the existing 5 foot easement area to be vacated/reduced we can stop the reduction just short of the gas line or can create an additional 2 foot easement area to cover the gas line that is within the 5 foot area and outside the 10 foot utility easement. I cannot answer if the owners would want compensation if the line is truly as marked and outside of the platted easement.

Staff Comment: A representative from Atmos Gas confirmed that the gas line is not within the 10 foot utility easement in question. The easement proposed to be vacated is on the west side of the property and the gas line is in the southeast corner. An email confirming this has been included in the attachments.

2. This lot was platted as an exterior lot in the Piper Landing Third Plat. A 10 foot utility easement is required for all exterior lots on a plat and thus was required on this lot. Interior lots are required to have a 5 foot utility easement on each side of the property line so that combined there is a 10 foot easement. This lot functions as an interior lot adjacent to the lots of Piper Landing First Plat. The abutting lot, Lot 26 of Piper Landing First Plat has an existing 5 foot easement. Reducing the easement of this lot, Lot 122 of Piper Landing Third Plat, to 5 feet would equal a combined easement of 10 feet, which is equivalent to the other interior lots of both plats. Opposition has been expressed from neighbors regarding a concern that the applicant will be allowed to build closer to the property line. If the applicant were to submit a building permit for a home, they would still be required to meet the 7 foot setback as required for side yard interior in the R-1 District, which is the standard that other interior lots on the street have

been held to. For these reasons, staff recommends approval of the utility easement from 10 feet to 5 feet.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) The County Surveyor makes separate technical review of the vacation documents and submits comments directly to the preparer of the vacation. Provide revised documents in accordance with County Surveyor comments.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

Joe,

Sorry for the confusion that I created on this. However as I said in our phone conversation for some reason no map came across with the vacation request. Therefore I didn't want to lose our easement on the south property line. I see that you cc'd Kimberly with the city on this. After seeing your map of the proposed vacation Atmos would not have a problem with the vacation. If you need me to contact anyone else with the city I would be happy to do that for you. Again I apologize for the confusion.
Thanks and have a good evening.

Richard A Yunghans

Project Specialist
Atmos Energy Corporation
COKS-Kansas-Engineering-Design [3130]

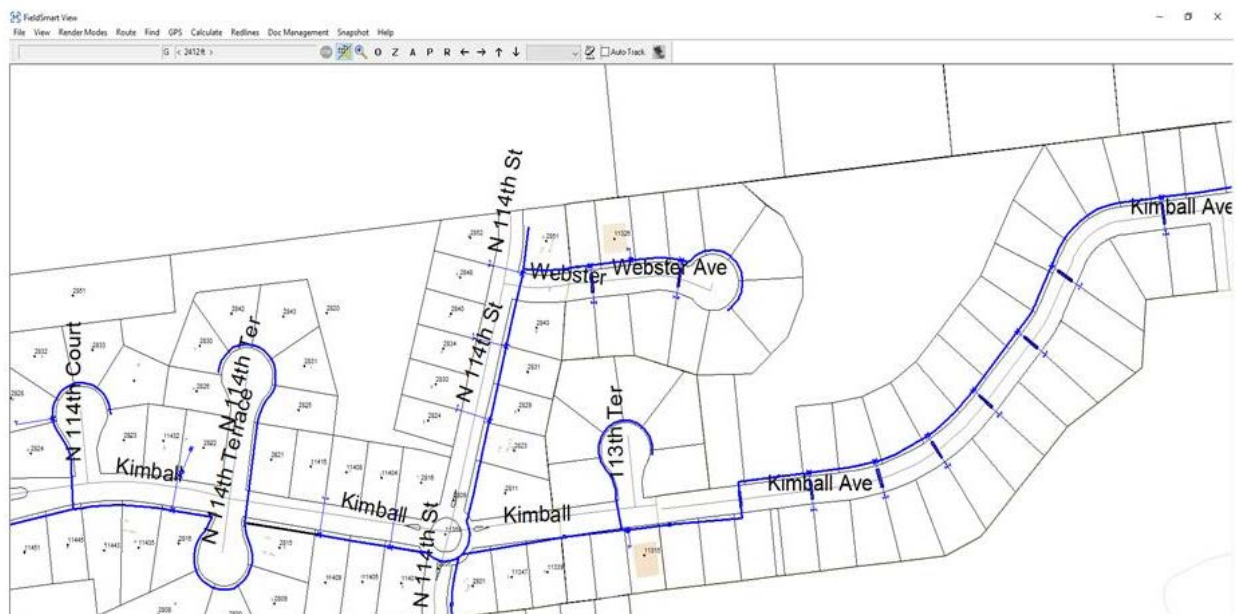
Janet,

I just wanted to notify you that Atmos is opposed to the vacation of the utility easement for the following:

VACATION APPLICATION

#U/E-2019-4 AMY LUNGU WITH D & A HOMES, INC., Vacation of utility easements
at 11330 Webster Avenue

Atmos does have a gas main running across the south side of the property in the U/E. Please let me know if you require any other information from me.
Thanks.



Richard A Yunghans

Project Specialist
Atmos Energy Corporation
COKS-Kansas-Engineering-Design [3130]
913-254-6355 Office
913-768-4924 Fax
Richard.Yunghans@atmosenergy.com



Opposition for VC-19403-00003 11330 Webster Ave

To Portillo, Kimberly

 You replied to this message on 5/20/2019 4:51 PM.

I am writing because I am opposed to the house being built on the easement since the lot is already so small and that would be so close to our house. Please let me know if you have any questions.

Thanks,

Danielle



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #PR-2019-13

GENERAL INFORMATION

Applicant:
Matt Gibbs

Status of Applicant:
Representative
State4, LLC
5925 Beverly Avenue
Mission, KS 66202

Requested Action:
Approval of Preliminary and
Final Development Plan

Date of Application:
April 26, 2019

Purpose:
To develop a dental office.

Property Location:
7524 State Avenue



Commission Districts:

Commissioner At Large: Melissa Bynum
District Commissioner: Mike Kane

Existing Zoning: CP-2 Planned General Business District

Surrounding Zoning:	North:	CP-2 Planned General Business District
	South:	CP-2 Planned General Business District
	East:	CP-2 Planned General Business District
	West:	CP-2 Planned General Business District

Existing Uses:	North:	Self-Service Car Wash
	South:	Restaurant
	East:	Restaurant
	West:	Retail Store

Total Tract Size: .63 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Mixed-Use.

Major Street Plan: The Major Street Plan designates State Avenue as a Class A Thoroughfare and North 75th Place as a local street.

Advertisement: Property Owner Letters – May 16, 2019, June 19, 2019
Wyandotte Echo – Not Required

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Matt Gibbs with State4, LLC, has submitted a preliminary and final plan review to operate a Dental Clinic at 7524 State Avenue. The existing building will be demolished and replaced.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is commercial in nature with significant development existing along the high-volume thoroughfare of State Avenue.

- 2. The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.**

It is not expected that the proposed use would increase traffic or parking in a way that would adversely affect road capacity, safety or create parking problems.

- 3. The degree of conformance of the proposed use to the Master Plan.**

The proposed use conforms with the City-Wide Master Plan.

- 4. The extent to which utilities and public services are available and adequate to serve the proposed use.**

a. Water service

Available

b. Sanitary sewer service

Available

c. Storm water control

To meet code

d. Police

Police service is provided by the West Patrol, District #222

e. Fire

Fire service is provided by Station #4

f. Transit

KCATA provides bus service along State Avenue, Route 101

g. Schools

USD 500 Kansas City, Kansas

- 5. The capability of the proposed use to meet applicable ordinance and other requirements.**

The proposed use is capable of meeting applicable ordinance requirements.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 28, 2019. No one was in attendance.

KEY ISSUES

Compliance with Commercial Design Guidelines

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Plan Review Application #PR-2019-13, subject to:

Urban Planning and Land Use Comments:

Site/Parking

1. Review and respond to the attached Conservation District Comments.

Applicant Response: Conservation requirements have been reviewed. We understand and acknowledge the comments and will incorporate as required.

2. Parking and paved areas are required to be not less than 6 feet from the property line. On the east side of the parking lot the separation provided is 5'7". Revise.

Applicant Response: Paved area has been revised to meet the 6' requirement.

3. Provide a connection between the proposed internal sidewalks and the sidewalks along State Avenue and North 75th Place.

Applicant Response: Per email dated 24 May 2019 from Kimberly Portillo, this requirement has been waived.

Staff Comment: The applicant will make a connection to North 75th Place but not State Avenue.

Landscaping

1. Update Landscape Data and plans to reflect the following:
 - a. CP-2 Zoning requirement: 1 tree per 7,000sqft site area = 4 trees
 - b. Commercial Design Guidelines 75% multiplier = 3 trees

- c. Total trees requirement per zoning: 7 trees.

Applicant Response: 7 trees have been added.

2. New construction must provide at least a twenty-five foot landscape zone between structures and/or parking lots and all public streets and access easements forty feet wide or greater.

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 and do not count towards required zoning tree count:

- a. One tree with a minimum caliper of 2 inches (ornamental) evergreen trees (must be at least 6 feet tall when planted) provided for every 30 feet of street easement or frontage.

Applicant Response: Additional trees have been added to Sheet L-1.

3. Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. Revise on north side of parking lot.

Applicant Response: Due to site triangle distance constraints shrubs or any proposed plant material will be added.

4. All landscaping shall be irrigated.

Applicant Response: Landscape Notes on Sheet L-1 reference the irrigation requirement.

Building

1. Provide material palette with sample materials.

Applicant Response: Digital palette was submitted. Samples have been ordered from all vendors and will be submitted once they have arrived.

2. For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60% of the building frontage along public streets or parking lots. Revise north elevation to meet this requirement.

Applicant Response: Per email dated 24 May 2019 from Kimberly Portillo, this requirement has been waived.

Staff Comment: The applicant will use faux windows along the north façade to meet the intent of this requirement.

3. EIFS may comprise no more than 15% of any façade. Additionally, each façade shall be at least 50% masonry per the Commercial Design Guidelines. The City-Wide Master Plan requires that masonry materials

shall be required on 65% of the sum total of all building facades. Please provide elevation material percentage breakdowns by façade and total building.

Applicant Response: Individual elevation breakdown has been added to sheet SD-1.

Staff Comment: The chart has been updated to show square feet of each material per façade, however the percent values appear to be incorrect. (Example: North Façade is listed as 0sf of EIFS but listed as 16.8% EIFS). Since there is less than 50 percent EIFS on each façade, as calculated based on the square feet provided, staff gives approval. The percentages shown must be corrected prior to DRC submittal to reflect the numbers provided in square feet.

4. At least 75% of the length of building foundations facing public streets must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

Applicant Response: Sheet L-1 shows additional plantings along foundation.

5. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

Applicant Response: Once final connections are determined; landscaping will be provided to screen as required.

Staff Comment: Screening must be approved prior to issuance of a DRC building permit. In addition, the BPU transformer pad shall be completely screened on all sides with 6-foot junipers setback 10 feet from the door opening and 3 feet from the remaining three sides of the pad. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.

6. Rooftop mechanical equipment shall be screened from public view by an architectural screen.

Applicant Response: The building has parapets on four sides to provide screening for rooftop equipment.

7. Downspouts shall be internalized.

Applicant Response: All downspouts are internalized as designed.

8. All lighting shall have 90 degree cutoff fixtures.

Applicant Response: Photometric plan on SD-2 originally submitted was shown on the plan.

9. Provide color elevations and materials for dumpster enclosure. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same material(s) as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from the streets or adjacent land uses.

Applicant Response: Dumpster elevations have been added to sheet SD-1.

Signage

1. All signage shall comply with the sign code, Chapter 27 Planning and Development, Article VIII Zoning, Division 11 Signs.

Applicant Response: We understand and acknowledge this comment.

2. Per the City Wide Master Plan, freestanding pole/pylon signs are not permitted.

Applicant Response: We understand and acknowledge this comment.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) 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:
 - 1) None

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #PR-2019-13 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Elevation Images
Site Plan
Landscape Plan
Conservation District Comments
Neighborhood Meeting Sign-in, Minutes and Affidavit

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	June 10, 2019	June 27, 2019
P&F Plan	Approval	

STAFF CONTACT: **Kimberly Portillo**
 kportillo@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**PR-2019-13** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**PR-2019-13** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

Hearing Starts 1:26:48:

PLAN REVIEW APPLICATION #PR-2019-13 – MATT GIBBS WITH STATE4 LLC – SYNOPSIS: Preliminary and Final Plan Review for Aspen Dental at 7524 State Avenue.

Detailed Outline of Requested Action: The applicant, Matt Gibbs with State4, LLC, has submitted a preliminary and final plan review to operate a Dental Clinic at 7524 State Avenue. The existing building will be demolished and replaced.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and
6. The Notices to property owners dated May 16, 2019.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Matt Gibbs, applicant, State4 LLC, 5925 Beverly Avenue, Mission, Kansas 66202

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 1:28:47: Planner Toy stated that the staff recommends approval subject to the stipulations outlined in the staff report.

Motion and Vote Starts 1:28:56:

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Plan Review Application #PR-2019-13:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Urban Planning and Land Use Comments:

Site/Parking

1. Review and respond to the attached Conservation District Comments.

Applicant Response: Conservation requirements have been reviewed. We understand and acknowledge the comments and will incorporate as required.

2. Parking and paved areas are required to be not less than 6 feet from the property line. On the east side of the parking lot the separation provided is 5'7". Revise.

Applicant Response: Paved area has been revised to meet the 6' requirement.

3. Provide a connection between the proposed internal sidewalks and the sidewalks along State Avenue and North 75th Place.

Applicant Response: Per email dated 24 May 2019 from Kimberly Portillo, this requirement has been waived.

Staff Comment: The applicant will make a connection to North 75th Place but not State Avenue.

Landscaping

1. Update Landscape Data and plans to reflect the following:
 - a. CP-2 Zoning requirement: 1 tree per 7,000sqft site area = 4 trees
 - b. Commercial Design Guidelines 75% multiplier = 3 trees
 - c. Total trees requirement per zoning: 7 trees.

Applicant Response: 7 trees have been added.

2. New construction must provide at least a twenty-five foot landscape zone between structures and/or parking lots and all public streets and access easements forty feet wide or greater.

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 and do not count towards required zoning tree count:

- b. One tree with a minimum caliper of 2 inches (ornamental) evergreen trees (must be at least 6 feet tall when planted) provided for every 30 feet of street easement or frontage.

Applicant Response: Additional trees have been added to Sheet L-1.

3. Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. Revise on north side of parking lot.

Applicant Response: Due to site triangle distance constraints shrubs or any proposed plant material will be added.

4. All landscaping shall be irrigated.

Applicant Response: Landscape Notes on Sheet L-1 reference the irrigation requirement.

Building

1. Provide material palette with sample materials.

Applicant Response: Digital palette was submitted. Samples have been ordered from all vendors and will be submitted once they have arrived.

2. For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60% of the building frontage along public streets or parking lots. Revise north elevation to meet this requirement.

Applicant Response: Per email dated 24 May 2019 from Kimberly Portillo, this requirement has been waived.

Staff Comment: The applicant will use faux windows along the north façade to meet the intent of this requirement.

3. EIFS may comprise no more than 15% of any façade. Additionally, each façade shall be at least 50% masonry per the Commercial Design Guidelines. The City-Wide Master Plan requires that masonry materials shall be required on 65% of the sum total of all building facades. Please provide elevation material percentage breakdowns by façade and total building.

Applicant Response: Individual elevation breakdown has been added to sheet SD-1.

Staff Comment: The chart has been updated to show square feet of each material per façade, however the percent values appear to be incorrect. (Example: North Façade is listed as 0sf of EIFS but listed as 16.8% EIFS). Since there is less than 50 percent EIFS on each façade, as calculated based on the square feet provided, staff gives approval. The percentages shown must be corrected prior to DRC submittal to reflect the numbers provided in square feet.

4. At least 75% of the length of building foundations facing public streets must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

Applicant Response: Sheet L-1 shows additional plantings along foundation.

5. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

Applicant Response: Once final connections are determined; landscaping will be provided to screen as required.

Staff Comment: Screening must be approved prior to issuance of a DRC building permit. In addition, the BPU transformer pad shall be completely screened on all sides with 6-foot junipers setback 10 feet from the door opening and 3 feet from the remaining three sides of the pad. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.

6. Rooftop mechanical equipment shall be screened from public view by an architectural screen.

Applicant Response: The building has parapets on four sides to provide screening for rooftop equipment.

7. Downspouts shall be internalized.

Applicant Response: All downspouts are internalized as designed.

8. All lighting shall have 90 degree cutoff fixtures.

Applicant Response: Photometric plan on SD-2 originally submitted was shown on the plan.

9. Provide color elevations and materials for dumpster enclosure. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same material(s) as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from the streets or adjacent land uses.

Applicant Response: Dumpster elevations have been added to sheet SD-1.

Signage

1. All signage shall comply with the sign code, Chapter 27 Planning and Development, Article VIII Zoning, Division 11 Signs.

Applicant Response: We understand and acknowledge this comment.

2. Per the City Wide Master Plan, freestanding pole/pylon signs are not permitted.

Applicant Response: We understand and acknowledge this comment.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) 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:
 - 1) None



Wyandotte County Conservation District
1204 N. 79th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco.conservation@gmail.com

Rob Richardson
Director of Planning
701 North 7th Street Rm. 423
Kansas City, KS 66101
913-573-5750

May 14, 2019

RE: PR 2019-13 Matt Gibbs with State4, LLC. Dental Office 7524 State Avenue

Dear Mr. Richardson:

The Wyandotte County Conservation District, with technical assistance from the Natural Resources Conservation Service, has completed an environmental review of the site plan for PR 2019-13 Matt Gibbs with State4, LLC. Dental Office 7524 State Avenue.

In addition to the site review the following reports were generated from the Wyandotte County Soil Survey to assess the limitations for development and/or natural resources concerns for this site.

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

In summary, the following limitations and resource concerns were noted for this plat:

- There are two major soil types that were identified: Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 7 to 12 percent slopes. This soil type is considered highly erodible when the surface is denuded of a protective cover.
- There are a number of concerns on the erosion control plan. First the construction entrance off of 75th Place needs to remain throughout the construction phase. The entrance off of State needs to be the last thing to be done.
- Silt fence needs to be installed along the south side, east side and along the northside of the property. This needs to remain until all parking is completed. At that time silt fence can be removed and new drive installed unto State Avenue.
- Topsoil needs to be stock piled for used on areas to be seeded or sodded.
- Silt fence and other conservation practices need to be inspected weekly and after each rain event.

- The Best Management Practices in this report can be used to solve any erosion concerns.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** – After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences** – Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** – Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National Pollution Discharge Elimination Systems Permit (NPDES). See the *Water Quality Field Guide* pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

The ratings and other information in these reports are based on estimated engineering properties of the soils, on available test data and on field experience. The soil is ordinarily examined to a depth of about 6 feet. At a greater depth, additional geological investigation may be needed. The natural soils and drainage pattern has been changed in this area due to previous urban development. Therefore, the physical composition influencing the structure of the natural soil has already been altered; however some generalities can still be applied for these soils. On site investigation is needed for detail planning as some delineations on the maps include soils that differ from the named soil. Soil lines may not be exact therefore; on site investigation is needed for site specific planning.

If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

MEETING SIGN-IN SHEET

Project: Aspen Dental – 7524 State Avenue, KC, KS

Meeting Date: Tuesday, May 28, 2019

Applicant: Matt Gibbs – State4, LLC

Place/Room: Painted Hills Clubhouse

Application #: PR-2019-13

[illegible]

State4, LLC
5925 Beverly Avenue
Mission, KS 66202
913.948.9900

MEETING MINUTES:

Application Number:
PR-2019-13

Date and Location:

Tuesday, May 28th at 4:00 p.m. at the following location:

**Painted Hills Clubhouse
7101 Parallel Parkway
Kansas City, KS 66112
Phone: 913-334-1111**

Meeting called to order at:

4pm

Names of people in attendance:

Matt Gibbs / Joe Stewart

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

No attendees.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

Comes now Matt Gibbs – State4, LLC, of lawful age, sound mind and upon his/her oath states as follows:

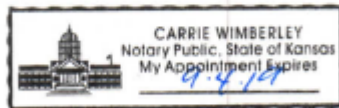
1. That I am the petitioner for Petition # PR-2019-13.
2. That I conducted a neighborhood meeting on May 28, 2019.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Matt Gibbs
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28th day of May, 2019.

My commission expires 4th of Sept., 2019.



Carrie Wimberley
Notary Public



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners

From: City Staff

Date: June 27, 2019

Re: **Change of Zone Petition #3194 and Master Plan Amendment #MP-2019-4**

GENERAL INFORMATION

Applicant:
Tom Nolte

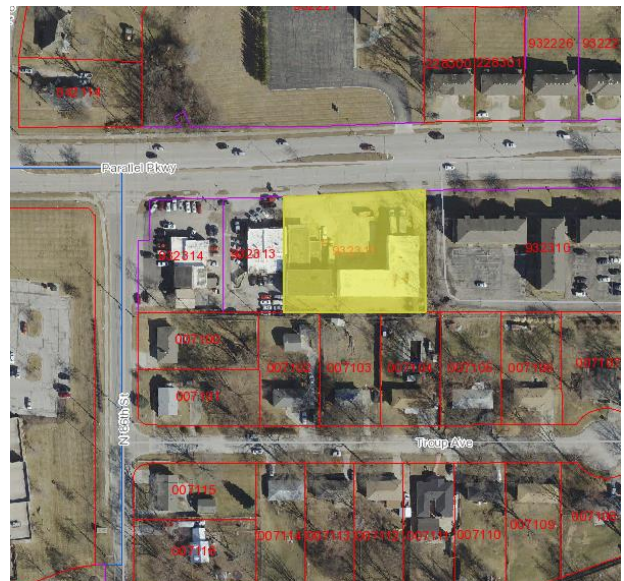
Status of Applicant:
Representative
Nolte and Associates, PA
9400 Reeds Road, Suite 200
Overland Park, KS 66207

Requested Actions:
Change of Zone from
C-1 Limited Business District to CP-3
Planned Commercial District

Master Plan Amendment from Low
Density Residential (City-Wide Master
Plan) to Community Commercial (City-
Wide Master Plan)

Date of Application:
April 26, 2019

Purpose:
To operate a concrete contractor's office



Property Location: 8525 Parallel Parkway

Commission Districts: 1. Commissioner At-Large: Melissa Bynum
2. District Commissioner: Michael (Mike) Kane

Existing Zoning: C-1 Limited Business District

Surrounding Zoning:

North:	R-1 Single Family District
South:	R-1 Single Family District
East:	C-1 Limited Business District
West:	C-1 Limited Business District

Existing Uses:

North:	Church
South:	Single family home
East:	Apartments
West:	Retail business and an automotive repair shop

Total Tract Size: .85 acre

Master Plan Designation: The City-Wide Master Plan designates this property as Low Density Residential.

Major Street Plan: The Major Street Plan classifies Parallel Parkway as a Class A Thoroughfare.

Advertisement: The Wyandotte Echo – May 16, 2019
Letters to Property Owners – May 16, 2019 and June 19, 2019

Public Hearings: June 10, 2019 and June 27, 2019

Public Opposition: No one appeared in opposition at the June 10, 2019 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant and representative, Tom Nolte with Nolte and Associates, PA on behalf of the owner wants to rezone 8525 and 8529 Parallel Parkway from C-1 Limited Business District to CP-3 Planned Commercial District and amend the City-Wide Master Plan from Low Density Residential to Community Commercial to use the eastern building (8525 Parallel Parkway) as a contractor's office, formerly an auto repair business.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

FACTORS TO BE CONSIDERED

1. *Neighborhood character.*

The character of the neighborhood is truly mixed use with a mixture of commercial businesses, apartments, duplexes, single family homes and a church.

2. *The zoning and uses of properties nearby and the proposed use's expected compatibility with them.*

The zoning and their uses of properties nearby are set out above. Given the fact that there is an automotive business to the west and the site was formerly a repair shop, a contractor's office is compatible with them.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?*

The removal of the restrictions will not detrimentally affect nearby property.

4. *The length of time the property has remained vacant as zoned.*

The property has been vacant for 4 years.

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

The proposed use is not reasonably necessary except for the owner and those that will use his services and will not substantially injure the appropriate use, visual quality or marketability of nearby property if the owner follows the district's regulations.

6. *The extent to which the proposed use would increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.*

The proposed use will not increase traffic or parking demand in ways that will adversely affect road capacity, safety, or create parking problems.

7. *The degree of conformance of the proposed use to the Master Plan.*

The proposed use does not conform to the Master Plan and an amendment has been filed from Low Density Residential to Community Commercial (City-Wide Master Plan).

8. *The extent to which the proposed use could cause environmental harm or enhance the environment.*

This should not be an issue.

9. *The extent to which utilities and public services are available and adequate to serve the proposed use.*

a. *Water service*

Available

b. *Sanitary sewer service*

Available

c. *Storm water control*

To be designed to meet City Code

d. *Police*

Police service is provided by West Patrol, District #222

e. *Fire*

Fire service is provided by Station #19

f. *Transit*

Kansas City ATA provides transit service along Parallel Parkway, Route #116.

g. *Schools*

Kansas City, Kansas USD 500

h. *Streets*

See item #6 above

10. *The economic impact of the proposed use on the community.*

The proposed use will have a minimal economic impact on the community.

11. *The capability of the proposed use to meet applicable ordinance requirements.*

The proposed use is capable of meeting applicable ordinance requirements.

12. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner is minimal. If the application is denied, the applicant may apply for a special use permit or find another location to operate his business.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 22, 2019. According to the applicant, attendees at the meeting did not oppose the project. General discussion included business operation and fencing.

KEY ISSUES

Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Master Plan Amendment #MP-2019-4 and Change of Zone Application #3194, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Unified Government Board of Commissioners meeting.
2. A variance for parking reduction has been applied for both buildings, 8525 and 8529 Parallel Parkway even though the owner is only going to occupy 8525 Parallel Parkway.

Applicant Response: Agreed, the second will be leased or sold in the future and the owner wants to apply for variance on both lots to have them approved now instead of waiting.

3. The building has been vacant since 2014, where previously an automotive repair shop operated for 12 years.

Applicant Response: Agreed.

4. Please provide a floor plan of the buildings.

Applicant Response: Agreed. Refer to plans of buildings 8525 attached digitally sheet A-101, and A-102. There are no current plans for the building at 8529 because there is no work scheduled for that building at this time but will be at a future date.

5. What type of contractor's business will operate in the building?

Applicant Response: The contractor is a concrete contractor.

6. Will work vehicles be parked outside in front of the overhead doors during the day and/or overnight?

Applicant Response: Vehicles will be parked at various times during the day outside. They can be parked inside overnight.

7. Per Sec. 27-467(c)(6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.

There site plan depicts a gravel drive leading to the rear of the building. Do you intend to have any outside storage in the rear of the property?

A 6' privacy fence with masonry columns every 32' on center shall be constructed along the rear property line to screen any materials from the residences to the south.

Applicant Response: There shall be no storage of any kind at the rear of the building, therefore no need for a screen wall.

8. The trash enclosure shall be comprised of a 6' solid architectural screen wall with masonry column posts.

Applicant Response: Refer to the digitally attached screen wall detail 4 / A-200 showing materials and height. Refer to digitally attached sheet AS-100 for location and size of closure.

9. Any lighting proposed on the building or in the parking lot shall have 90-degree cutoff fixtures and not exceed one (1) footcandle at the property line in all directions.

Applicant Response: Agreed. 90 degree cut offs will have to be installed for compliance with lighting comment.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

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

1) Provide handrail calculations in accordance with UG retaining wall checklists i.e. guardrail shall resist overturning by 50 pounds per linear foot (plf) load and a 200-pound concentrated load applied at the top of the rail (42" above top of wall)

- 2) 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:
 - 1) None

Staff Conclusion:

The applicant has worked with staff to answer questions pertaining to site screening and the general business operation. The owner and operator, Jon Chambers with Polished & Decorative Concrete wants to operate a contractor's business office where there will be no outside storage of work vehicles or equipment and employees will park in the lower lot. The representative, Tom Nolte with Nolte and Associates, PA has provided as much parking on site as possible without sacrificing the 15-foot green space that will be enhanced with fencing and trees between the single-family homes to the south and the rear of the building.

STAFF COMMENTS AND SUGGESTIONS

The staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petitions #3194 and #MP-2019-4 subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

June 10, 2019 City Planning Commission Minutes
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Landscape Plan
Building Elevations
Site Photographs

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	June 10, 2019	June 27, 2019
Rezoning	Approval	
Public Hearing	June 10, 2019	June 27, 2019
Master Plan	Approval	
Amendment		

STAFF CONTACT: Byron Toy, AICP, btoy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Master Plan Amendment, as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Master Plan Amendment, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition #3194 as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #3194, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

June 10, 2019 City Planning Commission Minutes:

Hearing Starts At 13:00:

CHANGE OF ZONE APPLICATION #3194 – TOM NOLTE WITH NOLTE AND ASSOCIATES, PA – SYNOPSIS: Change of Zone from C-1 Limited Business District to CP-3 Planned Commercial District for a contractor's office at 8525 Parallel Parkway.

MASTER PLAN AMENDMENT APPLICATION #MP-2019-4 – TOM NOLTE WITH NOLTE AND ASSOCIATES, PA – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Community Commercial (City-Wide Master Plan) at 8525 Parallel Parkway

Detailed Outline of Requested Action: The applicant and representative, Tom Nolte with Nolte and Associates, PA on behalf of the owner wants to rezone 8525 and 8529 Parallel Parkway from C-1 Limited Business District to CP-3 Planned Commercial District and amend the City-Wide Master Plan from Low Density Residential to Community Commercial to use the eastern building (8525 Parallel Parkway) as a contractor's office, formerly an auto repair business.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 10, 2019
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated May 16, 2019;
7. The Notices to property owners dated May 16, 2019; and
8. The testimony given at the Board of Zoning Appeals meeting this evening.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ Tom Nolte, applicant, Nolte and Associates, 9400 Reeds Road, Suite 200, Overland Park, Kansas 66207
- ❖ John Chambers, owner and operator of Polished & Decorative Concrete

Present in Opposition:

- ❖ No one appeared

Staff Recommendation Starts 17:10: Planner Toy stated that the staff recommends approval subject to the stipulations outlined in the staff report.

Motion and Vote Starts 17:24:

On motion by Dr. Serda, seconded by Dr. Neal, the Planning Commission voted as follows to recommend **APPROVAL** of Master Plan Amendment Application #MP-2019-4:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

On motion by Dr. Serda, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Change of Zone Application #3194:

Carson	Chairman
Cho	Aye
Ernst	Aye
Miller	Aye
Neal	Aye
Serda	Aye
Connelly	Not Present
Huey	Not Present
Jones	Not Present
Pauley	Not Present
Reasons	Not Present

Motion to recommend APPROVAL Passed: 5 to 0

Subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Unified Government Board of Commissioners meeting.
2. A variance for parking reduction has been applied for both buildings, 8525 and 8529 Parallel Parkway even though the owner is only going to occupy 8525 Parallel Parkway.

Applicant Response: Agreed, the second will be leased or sold in the future and the owner wants to apply for variance on both lots to have them approved now instead of waiting.

3. The building has been vacant since 2014, where previously an automotive repair shop operated for 12 years.

Applicant Response: Agreed.

4. Please provide a floor plan of the buildings.

Applicant Response: Agreed. Refer to plans of buildings 8525 attached digitally sheet A-101, and A-102. There are no current plans for the building at 8529 because there is no work scheduled for that building at this time but will be at a future date.

5. What type of contractor's business will operate in the building?

Applicant Response: The contractor is a concrete contractor.

6. Will work vehicles be parked outside in front of the overhead doors during the day and/or overnight?

Applicant Response: Vehicles will be parked at various times during the day outside. They can be parked inside overnight.

7. Per Sec. 27-467(c)(6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.

There site plan depicts a gravel drive leading to the rear of the building. Do you intend to have any outside storage in the rear of the property?

A 6' privacy fence with masonry columns every 32' on center shall be constructed along the rear property line to screen any materials from the residences to the south.

Applicant Response: There shall be no storage of any kind at the rear of the building, therefore no need for a screen wall.

8. The trash enclosure shall be comprised of a 6' solid architectural screen wall with masonry column posts.

Applicant Response: Refer to the digitally attached screen wall detail 4 / A-200 showing materials and height. Refer to digitally attached sheet AS-100 for location and size of closure.

9. Any lighting proposed on the building or in the parking lot shall have 90-degree cutoff fixtures and not exceed one (1) footcandle at the property line in all directions.

Applicant Response: Agreed. 90 degree cut offs will have to be installed for compliance with lighting comment.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval (stipulations):
 - 1) Provide handrail calculations in accordance with UG retaining wall checklists i.e. guardrail shall resist overturning by 50 pounds per linear foot (plf) load and a 200-pound concentrated load applied at the top of the rail (42" above top of wall)
 - 2) 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:
 - 2) None

Staff Conclusion:

The applicant has worked with staff to answer questions pertaining to site screening and the general business operation. The owner and operator, Jon Chambers with Polished & Decorative Concrete wants to operate a contractor's business office where there will be no outside storage of work vehicles or equipment and employees will park in the lower lot. The representative, Tom Nolte with Nolte and Associates, PA has provided as much parking on site as possible without sacrificing the 15-foot green space that will be enhanced with fencing and trees between the single-family homes to the south and the rear of the building.



NOLTE & ASSOCIATES, P.A.
ARCHITECTS/PLANNERS

May 24, 2019

Tony S. Sabljak
Urban Planning & Land Use Annex
Neighborhood Resource Center
4953 State Avenue
Kansas City, KS 66102
Phone: 913-573-8620

Re: **Polished and Decorative Concrete
Application #19300-00126
Address: 8525 Parallel Parkway**

Petition #3194

Dear Mr. Sabljak,

Please find the following responses, with applicable attachments, to the comments supplied on the change of zoning submittal for the Polished and Decorative Concrete project, and original comment letter.

Urban Planning and Land use Comments:

1. A variance for parking reduction has been applied for both buildings, 8525 and 8529 Parallel Parkway even though the owner is only going to occupy 8525 Parallel Parkway.

Response: **Agreed, the second will be leased or sold in the future and the owner wants to apply for variance on both lots to have them approved now instead of waiting.**

2. The building has been vacant since 2014, where previously an automotive repair shop operated for 12 years.

Response: **Agreed.**

3. Please provide a floor plan of the buildings.

Response: **Agreed. Refer to plans of building 8525 attached digitally sheet A-101, and A-102. There are no current plans for the building at 8529 because there is no work scheduled for that building at this time, but will be at a future date.**

4. What type of contractor's business will operate in the building?

Response: **The contractor is a concrete contractor.**

5. Will work vehicles be parked outside in front of the overhead doors during the day and / or overnight?

9400 REEDS ROAD, SUITE 200, OVERLAND PARK, KANSAS 66207
OFFICE: 913. 322. 2444 FAX: 913 . 322. 6277

Response: **Vehicles will be parked at various times during the day outside. They shall be parked inside overnight.**

6. Per Sec. 27-467 (c)(6) Any outside storage or keeping of parts, equipment, inoperable vehicles or residual materials which is necessary, normally related and accessory to the principal use of the premises shall be screened from view from off the premises. Such outside storage shall be limited to areas directly adjacent to the main building, not including more than 20 percent of the area of the main building and not in a required yard.

Their site plan depicts a gravel drive leading to the rear of the building. Do you intend to have any outside storage in the rear of the property?

A 6' privacy fence with masonry columns every 32' on center shall be constructed along the rear property line to screen any materials from the residences to the south.

Response: **There shall be no storage of any kind at the rear of the building, therefore, no need for a screen wall.**

7. The trash enclosure shall be comprised of a 6' solid architectural screen wall with masonry column posts.

Response: **Refer to digitally attached screen wall detail 4/A-200 showing materials and height. Refer to digitally attached sheet AS-100 for location and size of enclosure.**

8. Any lighting proposed on the building or in the parking lot shall have 90-degree cutoff fixtures and not exceed one (1) footcandle at the property line in all directions.

Response: **Agreed, 90 degree cut offs will have to be installed for compliance with lighting comment.**

Public Works Comments:

- A. Items that require plan revision or additional documentation before engineering can recommend approval:

1. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.

Response: **Engineering comments have been responded to and resubmitted.**

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

Response: **Permit has been issued to Owner / Contractor.**

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

1. None

- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1. None

MEETING MINUTES - NIEGHBORHOOD MEETING

Application Number: #2331 & #3194

Date & Location: Wednesday, May 22nd at the YMCA

Meeting called to order at: The YMCA at 6:00 p.m.

Names of people in attendance: See attached sign in sheet

Presentation was made by Thomas Nolte and Bryan Hethcoat as Architects of the project and Applicants for Jon Chambers, Owner of Polished & Decorative Concrete, for the application associated with 8525 & 8529 Parallel Parkway.

There were six people in attendance, plus the Applicants and the Owner, for a total of nine present.

As per phone conversation with Lou Braswell at Leavenworth Road Association she stated that she has no opposition to the project, she feels it is a thumbs up on the site development and wished us good luck. Her phone number is 913-788-3980 or cell phone 913-220-8266.

Presentation boards were presented showing elevations, site plan and floor plans.

Questions were asked and answered as follows:

What kind of business will it be? It is a Polished and Decorative Concrete business owned by a contractor, also the owner of the building.

What is the difference in the zoning? The difference is the type of use allowed for the structure. Changing it to match the adjacent building zoning types will allow it to be used by the business and brought up to standards based on code requirements.

Are they putting a fence up? Yes per the city requirements there will be trees planted, and a fence placed just inside the property line on the property owner's side.

Will the owner be there? Yes the owner will be there for much of the business hours running his business.

Why did we receive a letter? You received a letter because it is a city requirement for a property owner changing zoning types to hold a meeting for individuals that live within a certain proximity to speak and ask questions about the property being rezoned.

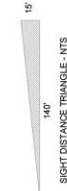
Meeting adjourned at: 6:45 p.m.

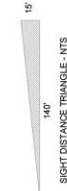
Minutes taken by: Bryan Hethcoat

















(First published _____)

#3184

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 647 Southwest Boulevard in Kansas City, Kansas, by changing the same from its present zoning of M-2 General Industrial District to CP-3 Planned Commercial District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on January 25, 2019, by the owners of property to have the zoning of said property changed from its present zoning of M-2 General Industrial District to CP-3 Planned Commercial District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

All of Lots 25, 26, 27 and the Southwesterly 5 feet 2 inches of Lot 28, Block 1, Marty's Third Addition, a subdivision in Kansas City, Wyandotte County, Kansas, Located at approximately 647 Southwest Boulevard, Kansas City, Kansas,

be changed from its present zoning of M-2 General Industrial District to CP-3 Planned Commercial District as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-467, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Urban Planning and Land Use Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Urban Planning and Land Use Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-3 Planned Commercial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2019.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
DAVID ALVEY
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2018-54 – Revocation Hearing

GENERAL INFORMATION

Applicant:
R. Scott Beeler

Status of Applicant:
Representative
Lathrop Gage LLP
10851 Mastin Boulevard
Suite 1000
Overland Park, KS 66210

Requested Action:
Due to concerns expressed by citizens and verification of those concerns, Staff is requesting the Board of Commissioners Revoke the Special Use Permit for the Temporary Use of Land for industrial purposes

Date of Original Application:
April 2, 2018

Purpose:
To park motor vehicles, SUV's, pick-up trucks, and semi-truck trailers in the parking lot



Property Location: 9700 Leavenworth Road

Commission Districts: Commissioner At-Large: Melissa Bynum
District Commissioner: Mike Kane

Existing Zoning: A-G Agriculture District

Existing Surrounding Zoning: **North:** A-G Agriculture District
South: CP-2 Planned General Business and A-G Agriculture Districts
East: R-1 Single Family and CP-2 Planned General Business Districts
West: A-G Agriculture and R-1 Single Family Districts

Existing Uses: **North:** Single family residences on large lots
South: Vacant commercial land north of Leavenworth Road and single-family residences on large lots
East: Event Center and Wyandotte County Lake Park
West: Single family residences

Total Tract Size: 56.27 acres

Master Plan Designation: The Prairie Delaware Piper Master Plan designates this property as Entertainment.

Major Street Plan: Leavenworth Road and 99th Street are classified as Class A and B Thoroughfares, respectively.

Advertisement: The Wyandotte Echo – April 4, 2019
Letters to Property Owner – April 2, 2019, May 7, 2019, May 22, 2019 and June 21, 2019

Public Hearings: April 25, 2019, May 13, 2019, May 30, 2019 and June 27, 2019

Public Opposition: Staff has received numerous complaints concerning the application including:

1. Violation of the hours of operation proposed by the applicant and adopted by the Board of Commissioners
2. Failing to use trucks to transport all vehicles
3. Driving improperly licensed vehicle on City Streets
4. Destruction of private property by driving a truck thru the yard of a citizen that complained about the operation
5. Trucks using 99th Street

There were three (3) persons present with concerns and/or opposition at the May 13, 2019 City Planning Commission meeting.

ORIGINAL PROPOSAL

Detailed Outline of Requested Action: The representative, R. Scott Beeler on behalf of the property owner, Ruffin Woodlands, LLC wants to store motor vehicles, SUV's, pick-up trucks and semi-trailer and/or vehicles to help companies in the area that need the space on a temporary basis on 56.27 acres at 9700 Leavenworth Road.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The area is dominated by the vacant Woodlands facility. Other prominent features include the surrounding large lot residential development and Wyandotte County Lake Park. While the neighborhood once had a large commercial operation, the industrial nature of the storage lot has impacted the neighborhood negatively. Neighbors should not be impacted by having to make sure an applicant complies with the stipulations imposed by the Board of Commissioners.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and their uses are set out above. The facility currently exists, though the previous use ceased many years ago. While the site has a large parking lot, the industrial nature of keeping trailers and other vehicles is not compatible with the adjoining neighborhoods that trucks are required to pass on the way to the parking lot.

3. The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property?

The removal of restrictions has impacted nearby properties.

4. The length of time the property has remained vacant as zoned.

The property is not vacant, although the buildings on the property are not currently in use it is being used to store vehicles.

5. The degree of conformance of the proposed use to the Master Plan.

Special use permits are not addressed in the Master Plan; however, this type of use is routinely located in industrial areas.

6. Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

The proposed use will result in increasing the amount of vehicular traffic because the site should be vacant. This site was not designed for the proposed amount of truck traffic.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The use is not necessary. The use likely has impacted the marketability of nearby residences in a negative way.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

The noise that is normally associated with the keeping of vehicles and trailers has caused problems for nearby property because the hours of operation have been violated.

9. *Whether the proposed use will pollute the air, land or water.*

The proposed use will not pollute the air, land or water.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use will not damage or destroy an irreplaceable natural resource.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this permit is revoked, the vehicles will need to find an industrial zoned property to operate the desired use.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

The proposed use will not result in overcrowding of land.

PREVIOUS ACTIONS

- #SP-2018-8 was withdrawn by the applicant at the Board of Commissioners meeting on January 25, 2018 to keep semi-truck trailers on the property.
- #SP-2016-32 was approved by the City Planning Commission on April 11, 2016
- SP-2018-54 was approved with stipulations on May 31, 2018.

- This application was referred to the City Planning Commission on April 25, 2019 for consideration/recommendation of two items.

KEY ISSUES

1. Compliance with stipulations 2, 3, 4, and 5
2. Failing to indicate that they would also drive cars to the site as well as using transport trucks.
3. The item was sent back to the Planning Commission to review:
 - #A - Codify all time of activity limited to 7:30 a.m. to 7:30 p.m.
 - #B - Clarify how vehicles are delivered to the site.

ORIGINAL ADOPTED STIPULATIONS

1. **Appropriate directed lighting**
2. **No use of jack brakes**
3. **Vehicles will only use Leavenworth Road**
4. **Vehicles will not use 99th Street**
5. **Withdrawal of the UPS truck/tractor-trailer storage**
Modified by the applicant at the Board of Commissioner's meeting to include the hours of operation. Those hours are 7:30 AM to 7:30 PM
6. **This special use permit is for passenger cars and pick-ups**
7. **A 30-day minimum stay for a vehicle**
8. **Maximum number of trucks per day is 60 (17 trucks per hour maximum)**
9. **Approval is for two (2) years**

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 2 to recommend **CONTINUATION OF THE SPECIAL USE PERMIT SUBJECT TO THE ORIGINAL STIPULATIONS BEING AMENDED TO ADD THE FOLLOWING:**

1. **Hours of operation are 7:30 a.m. to 7:30 p.m. The only exception is the changing of security shifts.**
2. **The approved time frame is not extended beyond the original two (2) year approval. The special use permit will need to be renewed on or before May 31, 2020.**
3. **The maximum number of trips in or out of the site combined is 420 no matter how they are delivered. This would not count up to 60 transport trucks leaving the site.**
4. **The Unified Government expects 100% compliance with all stipulations. Close is not sufficient.**
5. **Proper transport paperwork and insurance to drive Kansas Roads in all vehicles.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **CONTINUATION OF SPECIAL USE PERMIT #SP-2018-54 subject to stipulations by the City Planning Commission.**

ATTACHMENTS

NEW ATTCHMENTS: (note personal emails and phone numbers omitted)

1. May 13, 2019 City Planning Commission Minutes
2. Emails between Scott Beeler and Rob Richardson on March 29, 2019
3. Image of the damage to private property (relates to attachments 3 and 4)
4. Emails Scott Beeler, Rob Richardson and others March 13 and 14, 2019
5. Emails Scott Beeler and Rob Richardson March 13, 2019
6. Emails Scott Beeler and Rob Richardson and others March 11, 2019
7. Emails Scott Beeler and Rob Richardson March 13, 2019
8. Emails Scott Beeler and Rob Richardson February 25 and 27, 2019
9. Emails Scott Beeler, Rob Richardson and others February 21 and 22, 2019
10. Emails Scott Beeler, Rob Richardson and others November 30, 2018
11. Emails Scott Beeler, Rob Richardson and others November 16, 2018

ORIGINAL ATTACHMENTS:

May 14, 2018 City Planning Commission Minutes
KCKFD Comment Letter
Applicant Narrative
Applicant Response Letter
Neighborhood Meeting Minutes
Aerial Photographs and Site Photographs

REVIEW OF INFORMATION AND SCHEDULE

Action	Board of Commissioners
Public Hearing	April 25, 2019 Referred to City Planning Commission
City Planning Commission May 13, 2019 Approval	Board of Commissioners May 30, 2019

STAFF CONTACT: **Robin H. Richardson, AICP**
richardson@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **ALLOW CONTINUATION** of Petition #**SP-2018-54**, as outlined by the City Planning Commission and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **REVOKE SPECIAL USE PERMIT #SP-2018-54** as it failed to comply with the requirements of the City code and stipulations imposed as conditions of the special use permit and not being in the interest of the public health, safety and welfare. The following are additional reasons beyond those stated in the staff report that the permit should be denied:

1. _____;
2. _____; And
3. _____.

May 13, 2019 City Planning Commission Minutes:

Hearing Starts 35:35:

SPECIAL USE PERMIT APPLICATION #SP-2018-54 – R. SCOTT BEELER WITH LATHROP GAGE LLP FOR RUFFIN WOODLANDS LLC – SYNOPSIS: Special Use Permit for the Temporary Use of Land for storage of motor vehicles, including cars, SUVs, pick-up trucks and semi-truck trailers at 9700 Leavenworth Road. *Detailed Outline of Requested Action:* The representative, R. Scott Beeler on behalf of the property owner, Ruffin Woodlands, LLC wants to store motor vehicles, SUV's, pick-up trucks and semi-trailer and/or vehicles to help companies in the area that need the space on a temporary basis on 56.27 acres at 9700 Leavenworth Road.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 13, 2019;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 4, 2019; and
7. The Notices to property owners dated April 2, 2019 and May 7, 2019

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Planning Director Richardson stated that this item was referred to the Planning Commission (from the Unified Government Board of Commissioners). He stated that due to the various issues explained in the staff report this item was placed on the Board of Commissioners agenda for revocation and the Commissioners decided to send the case to the Planning Commission for consideration of two items:

1. To codify that all activity related to the special use permit be limited to 7:30 a.m. to 7:30 p.m.
2. Clarification how the vehicles are to be delivered to the site.

When this application was before the Commission previously the cars were going to be transported by semi-trucks and there was limitation on those. At some point that changed and cars were being driven to the site which caused some additional concerns. He stated that he will give additional comments when it is time for staff comments.

Present in Support:

- ❖ R. Scott Beeler, applicant representing Ruffin Woodlands, Lathrop Gage LLP, 10851 Mastin Boulevard, Suite 1000, Overland Park, Kansas 66210

Present in Support/Concerns:

- ❖ Rebecca Gardiner, 9625 Leavenworth Road, Kansas City, Kansas

Present in Opposition:

- ❖ Lori Torrez, 9828 Donahoo Road, Kansas City, Kansas
- ❖ Robert House, 9625 Leavenworth Road, Kansas City, Kansas

Staff Recommendation Starts 1:11:09: Planning Director Richardson stated that he would like to make the following modifications:

Stipulation #3 on page 6 – The applicant or their contractors could move a maximum of 420 vehicles in or out during the day regardless of how they are transported.

He would like to add a Stipulation #5 that each vehicle must have proper transport paperwork and insurance to drive on Kansas roads.

Director Richardson stated that the applicant understands how serious this is by putting it before the Board of Commissioners for revocation. The staff has done its due diligence as to what is told to the neighbors is what happens in the future and that did not happen in this case. He stated with these notes, the staff recommends approval subject to the original and modified stipulations in the staff report.

The Planning Commission discussed the original approval of this application and the hours of operation and traffic, lights, etc. and what the Commission and staff understood about what the stipulations meant.

Motion and Vote Starts 1:24:27:

On motion by Dr. Serda, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend continuation of Special Use Permit Application #SP-2018-54 with the modified stipulations of staff:**

Carson	Chairman
Cho	Not Present
Connelly	Aye
Ernst	Aye
Huey	Aye
Jones	Aye
Miller	No
Neal	No
Pauley	Aye
Reasons	Aye
Serda	Aye

Motion to recommend APPROVAL Passed: 7 to 2

Subject to the original stipulations being amended to add the follows:

- 1. Hours of operation are 7:30 a.m. to 7:30 p.m. The only exception is the changing of security shifts.**
- 2. The approved time frame is not extended beyond the original two (2) year approval. The special use permit will need to be renewed on or before May 31, 2020.**
- 3. The maximum number of trips in or out of the site combined is 420 no matter how they are delivered. This would not count up to 60 transport trucks leaving the site.**
- 4. The Unified Government expects 100% compliance with all stipulations. Close is not sufficient.**
- 5. Proper transport paperwork and insurance to drive Kansas Roads in all vehicles.**

NEW ATTACHMENTS

Attachment #1

Emails between Scott Beeler and Rob Richardson March 29, 2019

Scott,

Thank you for your continued work on this effort. While I have serious issues with this SUP, I appreciate your continued efforts on the matter. I am especially appreciative that the damage done to a neighbors yard was promptly repaired.

I want to bring three points to your attention. First, I have discovered after listening to the hearing again that you modified stipulation number 5 to include the hours you proposed and that

was adopted as a stipulation to the SUP. So the hours are included in the SUP stipulations.

Those hours were also stipulated in your application, your presentation to the neighbors and your letter responding to the draft staff report of 4/24/2018. You might see where I would think to use colorful descriptions like “gaming the system” concerning how our citizens and system are being used. Your comments have been down playing the hours of operation for some time now. Telling us you would do one thing, then not doing that but saying you will in the future just to be a good guy does not sit well with me. I actually consider your statements/commitments to the citizens as important as the stipulations although they may not carry the weight of the law. That aside, it is good your contracts will soon match the requirement and your promises to the citizens of Kansas City, Kansas. It will be incumbent upon you to make sure those provisions are followed!

Secondly, there is nowhere in your application or documentation you provided that would note the additional cars being driven to the facility, in fact the only discussions were delivery by semi-truck that would not use Jake brakes. You had ample opportunities to indicate that cars would also be driven separately to the facility so that the issue could be resolved under the open discussions of a public forum. One poignant moment to have done that would have been when we discussed the potential need for a traffic study. The autos being driven separately are not a part of your approved SUP. The only transportation method approved in the SUP is by truck transport. Separate vehicle trips must cease immediately.

Finally, you note in your email that the operation has an exemplary record. We actually expect 100 percent compliance with the provisions of special use permits. Renewals of SUP's that do not are regularly denied by the Board of Commissioners. This is even more true in cases where the tranquility of a neighborhood is concerned. Having been requested to do so by members of the Board of Commissioners, the revocation hearing, it is scheduled for April 25th at 7 PM in the Commission Chambers of City Hall. Notices will be sent according to our ordinance shortly.

As always, I am always willing to continue the conversation in hopes of identifying solutions to the issues we face with this application.

Thank you,

A handwritten signature in black ink, appearing to read 'Rob' with a stylized flourish.

Robin H. Richardson, AICP
Director of Planning

From: Beeler, Scott (LG) <rsbeeler@lathropgage.com>

Sent: Friday, March 29, 2019 11:49 AM

To: Richardson, Rob <RRichardson@wycokck.org>

Subject: RE: Woodlands

Rob:

I have continued to work on this matter since receiving your email below. In particular, I have been in negotiation with the parties who contract for the storage of the vehicles. Their contract was negotiated and executed in reliance upon the understanding that the time restriction which the Woodlands would impose on ingress/egress of the storage vehicles was limited to semi-truck/hauler traffic. That contract specifically includes that reference.

As you and I have discussed, the SUP does not contain the time limitation, yet we (the Woodlands) have kept the letter and spirit of our agreement by having the no truck ingress/egress restriction. This operation has now been in effect for months and if we consider 60 trucks per day, as was discussed at the SUP hearing, that equates to 5400 trucks over 3 months. Of those trips – there have been only a handful of occasions (mostly early on in the operation) where trucks have come outside of the allotted time periods. In other words, the Woodlands' overall compliance has been stellar. And for those few instances where trucks were reported at unauthorized times, immediate remedial action was taken and contacts made to the carriers.

All of the above shows that the Woodlands continues to operate in compliance with the SUP. Even so, we have gone back to the contracted parties and advised that we want the contract modified to restrict ingress/egress of **all** storage vehicles, whether trucked in, driven in or otherwise, to the hours of 7:30 a.m. and 7:30 p.m. I am pleased to report that they have agreed to make the modification and we are working to get that amendment executed. There will still be security related traffic but the contract provision will state no storage vehicles to be brought in or removed before or after hours.

You and I previously communicated about a neighbor's complaints that storage vehicles were being illegally driven on public streets without proper licensure. I had the Woodlands staff call authorities and confirm that as long as the vehicles had the proper transit paperwork, they could be legally moved/driven. I had understood that the neighbor (and perhaps your office) also confirmed the same. As such, I was somewhat surprised to learn this week that KCK police organized the "stop" of a large group of individually driven storage vehicles, all as they left the facility. I was pleased to learn that all of the vehicles were carrying the proper paperwork and that no traffic citations were given.

The other night Woodlands staff got a text message from the neighbor south of the main drive at 1:45 AM to complain about a vehicle at the end of the drive with lights shining in his window. Staff alerted the security guards and ultimately police, all who verified that there was no storage vehicle driven or trucked in or out near that time frame. It turned out it was a vehicle from the public that had pulled into the drive and then turned around and remained there for a time for unknown reasons. Again, the point is that all complaints are acted upon and the accused Woodlands operation is sometimes not related to the complaint.

I hope the good faith and contract change referenced above will negate any formal proceeding as referenced in your email below. I would appreciate your confirmation of same. Thanks and have a great weekend.

R. Scott Beeler
Partner

Attachment #2



Attachment #3

Scott,

The Commissioners have asked that this be set for revocation.

Rob

From: Beeler, Scott (LG) <rsbeeler@lathropgage.com>

Sent: Thursday, March 14, 2019 5:07 PM

To: Richardson, Rob <RRichardson@wycokck.org>

Subject: Re: Woodlands

Rob:

Can we please refrain from commentary like “gaming the system” and the like? First, you have known me a long time and should know I do not operate that way; and second, I wholly fail to see why my asking if there are photos or video that I can confront the vehicle owners and transport company with should reflect anything negative about the intent of the woodlands. In fact, I would hope that our request shows we are acting in good faith and trying to do everything we can to stay within the bounds of the special use permit. If the transporter of the vehicles says they are not doing something alleged, our having proof of the allegation is extremely helpful in our efforts to curb the conduct. I previously mentioned that there have also been times when certain things were alleged that were later proven to be untrue. That is why the photos and video are good for the both of us. I certainly see the tire tracks in the photo you attached. I have a little trouble orienting direction in the photo so I plan to go out to the track tomorrow to see the site for myself. If the mud tracks go from or to the woodlands property, as your email suggests, I will most certainly take the matter to the transport company. your email exchange with Commissioner Bynum and copied to other commissioners seems to suggest that we not have a meeting. That is your prerogative but I want to be very clear on the record that I have now asked for the meeting three times.

I am interested to see any and all photos or videos that have been submitted to you by the public so that I can better assess if the parties with whom the woodlands have contracted are violating the terms of the contract. Aside from the one picture today, I have seen nothing. As I have said each prior time, I certainly respect that you are receiving complaints but I think it only fair that the party holding the permit have the opportunity to see and understand the support behind the complaints. Please advise if a meeting will occur. Thank you.

Sent from my iPhone

R. Scott Beeler

Partner

On Mar 14, 2019, at 4:33 PM, Richardson, Rob <RRichardson@wycokck.org> wrote:

Scott, guess where the mud leads... You really need to get these folks under control.

Rob

From: Melton, Lynn <lmelton@wycokck.org>
Sent: Thursday, March 14, 2019 4:29 PM
To: Richardson, Rob <RRichardson@wycokck.org>
Cc: Bynum, Melissa <mbynum@wycokck.org>; Kane, Mike <mkane@wycokck.org>
Subject: RE: Woodlands

This is the yard that was torn up last night and posted on social media—this is the picture I took this morning. Nela Bruner's front year-

<image001.png>

From: Richardson, Rob <RRichardson@wycokck.org>
Sent: Wednesday, March 13, 2019 10:40 PM
To: Bynum, Melissa <mbynum@wycokck.org>; Melton, Lynn <lmelton@wycokck.org>
Cc: Kane, Mike <mkane@wycokck.org>
Subject: Re: Woodlands

I think they are way beyond what was approved of the neighbors are correct and have the evidence they claim.. It appears they are gaming the system. The hearing will accomplish the same thing and more than a meeting - even if the permit is not revoked. Once Scott said we needed evidence it was a signal to me with game had changed.

Rob

Get [Outlook for Android](#)

From: Bynum, Melissa
Sent: Wednesday, March 13, 2019 7:57:09 PM
To: Melton, Lynn; Richardson, Rob
Cc: Kane, Mike
Subject: Re: Woodlands

Yes, I saw and commented we are working on several issues now with the Woodlands. I didn't necessarily need a meeting with the attorney, but will do whatever you 2 agree to do.

Melissa

Sent from my Sprint Samsung Galaxy S8.

----- Original message -----
From: "Melton, Lynn" <lmelton@wycokck.org>
Date: 3/13/19 7:43 PM (GMT-06:00)
To: "Richardson, Rob" <RRichardson@wycokck.org>
Cc: "Kane, Mike" <mkane@wycokck.org>
Subject: Fwd: Woodlands

This was on Neighborhood Facebook tonight.

Sent from my iPhone

Begin forwarded message:

Attachment #4

Rob

From: Melton, Lynn <lmelton@wycokck.org>
Sent: Thursday, March 14, 2019 4:29 PM
To: Richardson, Rob <RRichardson@wycokck.org>
Cc: Bynum, Melissa <mbynum@wycokck.org>; Kane, Mike <mkane@wycokck.org>
Subject: RE: Woodlands

This is the yard that was torn up last night and posted on social media—this is the picture I took this morning. Nela Bruner's front yard-



Lynn Melton

Assistant to the Mayor | Mayor David Alvey
Unified Government of Wyandotte/Kansas City, Kansas
701 North 7th Street, Suite 926 | Kansas City, Kansas 66101
Office: 913-573-5010 | Direct: 913-573-5438 | Mobile: 913-201-3290

From: Richardson, Rob <RRichardson@wycokck.org>
Sent: Wednesday, March 13, 2019 10:40 PM
To: Bynum, Melissa <mbynum@wycokck.org>; Melton, Lynn <lmelton@wycokck.org>
Cc: Kane, Mike <mkane@wycokck.org>
Subject: Re: Woodlands

I think they are way beyond what was approved of the neighbors are correct and have the evidence they claim.. It appears they are gaming the system. The hearing will accomplish the same thing and more than a meeting - even if the permit is not revoked. Once Scott said we needed evidence it was a signal to me with game had changed.

Rob

Get [Outlook for Android](#)

From: Bynum, Melissa
Sent: Wednesday, March 13, 2019 7:57:09 PM
To: Melton, Lynn; Richardson, Rob
Cc: Kane, Mike
Subject: Re: Woodlands

Yes, I saw and commented we are working on several issues now with the Woodlands. I didn't necessarily need a meeting with the attorney, but will do whatever you 2 agree to do.

Melissa

Sent from my Sprint Samsung Galaxy S8.

----- Original message -----

From: "Melton, Lynn" <lmelton@wycokck.org>
Date: 3/13/19 7:43 PM (GMT-06:00)
To: "Richardson, Rob" <RRichardson@wycokck.org>
Cc: "Kane, Mike" <mkane@wycokck.org>
Subject: Fwd: Woodlands

This was on Neighborhood Facebook tonight.

Sent from my iPhone

Begin forwarded message:

From: Lynn < >

Date: March 13, 2019 at 7:31:16 PM CDT

To: "Melton, Lynn" <lmelton@wycokck.org>

Subject: Woodlands



Sent from my iPhone

Attachment # 5

Scott,

Please see the email below I just sent to the Commissioners. The operation is clearly out of control and ignoring the stipulations of the SUP. I have recommended a revocation hearing and while totally unnecessary, we will have photo and video evidence of the continued violations.

Thank you,



Robin H. Richardson, AICP
Director of Planning

From: Richardson, Rob

Sent: Wednesday, March 13, 2019 11:38 AM

To: Kane, Mike <mkane@wycokck.org>; Bynum, Melissa <mbynum@wycokck.org>; Melton, Lynn <lmelton@wycokck.org>

Cc: Sieben, Melissa <msieben@wycokck.org>

Subject: FW: Woodlands

Commissioners and Lynn,

Here are the stips. As part of the approval Mr. Beeler agreed to limit operations from 7:30 to 7:30 as his stipulation #5. One of their employees told the neighbor they had 24 hour operations.

They are also bringing in fleets of cars being driven without license plates not on transports to avoid our stips. This was not part of the approval. She is sending me the videos and her notes. I think you should request we bring this in for a revocation hearing. I have asked the neighbor to provide her notes and video evidence.

1. Appropriate directed lighting
2. No use of jack brakes
3. Vehicles will only use Leavenworth Road
4. Vehicles will not use 99th Street
5. Withdrawal of the UPS truck/tractor-trailer storage
6. This special use permit is for passenger cars and pick-ups
7. A 30-day minimum stay for a vehicle
8. Maximum number of trucks per day is 60 (17 trucks per hour maximum)
9. Approval is for two years

At 2:27:30 in the PC minutes Mr. Beeler agreed to limit operation from 7:30 AM to 7:30 PM he listed it as his stipulation # 5. Not sure how that did not translate, but I think they will abide by that if we mention it to them. Your text came in at 7:43 so they were close. I will email Mr. Beeler.

Thank you,



Robin H. Richardson, AICP
Director of Planning

Attachment #6

I have made your request know to the Commissioners. Does your client have video or log book entries to contradict the neighbors?

Rob

From: Beeler, Scott (LG) <rsbeeler@lathropgage.com>
Sent: Monday, March 11, 2019 1:59 PM
To: Richardson, Rob <RRichardson@wycokck.org>
Subject: RE: Woodlands/truck traffic

What is troubling to me is the continued reference to “truck” and “rig” traffic (both of which I relate to semi-truck/car carriers). That “truck traffic” is referenced in both of Commissioner Bynum’s emails below. It is my understanding that the few instances semi-truck entrances/exits that had occurred after the agreed hours have long ago ceased. We immediately took action on that issue upon your letting me know about the complaint being raised. I think the record is clear that we have acted in good faith to address any and all complaints in an “immediate” manner.

I am wondering if it would make sense to schedule a meeting at City hall to discuss the issues and maybe be able to get the “he saids/she saids” out of the equation. We could meet with you and your staff and could invite Commission Bynum and the two neighbors she mentioned, as well as Ms. Torres. If you would rather, we could just come in to meet with you and your staff (and Commissioner Bynum if she would like) and then go from there. I want to be sure she knows we are responding appropriately and in a timely manner. I am open to any meeting suggestion.

Rob: What I don’t think would be fair or equitable is to commence a revocation proceeding that is based on a “because we say so” kind of report. Unless I am mistaken, no one has offered up any time and date stamped photos or video of the alleged infractions – correct? As I have said previously, I respect the opinions of all of the neighbors when I say this, but the fact is that for several of the complaints you have sent along to me, we immediately spent time, money and man-power to investigate, only to find that what was alleged to have occurred in the complaint was factually incorrect. My client most certainly agreed to curtail the truck traffic to the agreed hours. We have reaffirmed that agreement in our prior correspondence. We also know that on a very few occasions the auto manufacturers breached their agreement with us by having several semi-

trucks access the site after hours. Once again, we immediately contacted them and put a stop to that upon learning it had happened. Again, I suggest we get together and get all the cards out and get the facts figured out. Please let me know if a meeting to discuss these operations would be helpful. thanks

R. Scott Beeler
Partner

From: Richardson, Rob [<mailto:RRichardson@wycokck.org>]
Sent: Monday, March 11, 2019 1:27 PM
To: Beeler, Scott <rsbeeler@lathropgage.com>
Subject: FW: Woodlands/truck traffic

Scott,

I now have two Commissioners and the Mayor's office involved. One email is included below. I will forward the other. It seems like there is more going on here than what we are aware of. You committed to times of activity. If they won't adhere to that, then it will likely get scheduled for revocation.

Rob

From: Bynum, Melissa <mbynum@wycokck.org>
Sent: Monday, March 11, 2019 1:17 PM
To: Richardson, Rob <RRichardson@wycokck.org>; Talkin, Greg <gtalkin@wycokck.org>
Cc: Cross, Emerick <ecross@wycokck.org>
Subject: Re: Woodlands/truck traffic

I have an update, as Ms. Joy Gardener called me again, and I was able to answer. She's in her 70s, lives directly across the street from the Woodlands entrance, at 9625 Leavenworth Road.

The truck/van/ rig traffic is constant and often begins at 7:30 am and continues far past her bedtime.

She states it runs 24/7 basically, and so the noise is regular, and the headlights into her bedroom are a nightly occurrence.

She does communicate with Jayme LaRocca, as she knows him from working at the Woodlands when it was open.

She believes he told her there is no limit to the times/days the truck traffic can occur, but I was under the impression there was.

She said she was out of town providing hospice to a family member when the extension meeting was held, so not able to speak against, and they were granted a 1.5 year extension at that time.

Her number is below, and I told her we would definitely be checking the agreement in place and getting back to her.

Thanks!
Melissa Bynum

Sent from my Sprint Samsung Galaxy S8.

----- Original message -----

From: "Bynum, Melissa" <mbynum@wycokck.org>
Date: 3/11/19 12:01 PM (GMT-06:00)
To: "Richardson, Rob" <RRichardson@wycokck.org>, "Talkin, Greg" <gtalkin@wycokck.org>
Cc: "Cross, Emerick" <ecross@wycokck.org>
Subject: Woodlands/truck traffic

Hello

I'm wondering if someone is able to contact a lady named Joy, not sure of last name
913-579-4898
And also Joe Vaught

ATTACHMENT #7

Scott,

Please see below.

Rob

From: laurie torrez
Sent: Monday, February 25, 2019 5:41 PM
To: Richardson, Rob <RRichardson@wycokck.org>
Cc: Toy, Byron <btoy@wycokck.org>
Subject: Woodlands/SUP

I contacted the Kansas Highway Patrol regarding the vehicles on the road without license plates. This is an accepted practice, but with stipulations included in the movement of these vehicles on the road. I hope and pray someone has insurance on these vehicles.

I understand the semi parked over night at the 99th street entrance. Hopefully this was a once in a lifetime emergency.

ATTACHMENT #8

Thanks Scott!

Sent via the Samsung Galaxy S7 active, an AT&T 4G LTE smartphone

----- Original message -----

From: "Beeler, Scott (LG)" <rsbeeler@lathropgage.com>
Date: 2/22/19 4:28 PM (GMT-06:00)

To: "Richardson, Rob" <RRichardson@wycokck.org>

Subject: RE: Woodlands Special Use Permit

Rob:

Thank you for your email on Tuesday and the one today. I have been making calls to follow-up with regard to the allegations in the emails which Mr. Toy has received from Ms. Torrez. Based on the information I have gathered, I believe that the Woodlands remains in conformance. As I read the emails – Ms. Torrez raises 3 issues:

- **Allegation of semi-truck vehicle transports using the 99th street entrance as a “staging area” and for overnight parking.**
- **Allegation that the vehicles which are part of the “in transit” storage are required to have license plates like any individual’s vehicle would.**
- **Allegation that cars and trucks which are individually driven in or out of the facility (as opposed to transported in or out via semi-truck) are held to a 7:30 am to 7:30 pm period of operation.**

I will address her points in order:

- **The 99th street entrance is NOT being used as an overnight staging area. I have learned that on Feb 14, a truck operator (unrelated to any Woodlands business or activity) had a mechanical failure on his way home from a trucking route from Western Ks. He moved the cones blocking the 99th entrance and pulled his truck and trailer in that entrance to get the vehicle off of the roadway. I have attached an email from that truck operator directly below. The truck was spotted overnight by security and the card of the Woodlands property manager was placed on the vehicle with a request for explanation and notification. The operator of the vehicle sent the email below explaining that he had encountered an emergency due to mechanical failure and placed the truck there to avoid safety issues on 99th. He was able to move the truck the next morning. His contact information is in the email should anyone wish to further verify that this incident was unrelated to the Woodlands or the SUP.**

Mr. LaRocca, this email is a follow-up to our phone conversation. Please feel free to share with whomever you deem necessary.

I live/own my house at 3300 N 99th, across from the Woodlands. I was driving back from western Kansas and had mechanical problems with my company tractor/trailer. Instead of blocking 99th street and creating a safety hazard, I moved the cones and backed into the west entrance of the Woodlands and parked it there temporarily overnight. This is definitely not the norm and only did this because of an emergency situation. As you know, I moved the truck/trailer the following morning and found your business card on the door and called you. I did not have your number prior and therefore you had no knowledge of the details until I explained this morning. I appreciate your understanding.

Again, if anyone at the City or the neighbors question this situation, please have them contact me directly and/or share this email.

Respectfully,

Jeff Miles, Vice President

www.linkedin.com/in/TrackSweeper

Key Equipment & Supply Company

6716 Berger Ave

Kansas City, Kansas 66111

Fax: 913-788-4093

www.keyequipment.com

- **License plate concerns.** As we indicated throughout the SUP process, the vehicles stored at the Woodlands are on their way to other destinations. They are effectively “in-transit” but are stored here on a temporary basis. As such, they have not been sold to end users. It is the end users who will obtain the license plates described in Ms. Torrez’s email. I defer to your law enforcement division or to the state division of Motor vehicles but, I believe the vehicles would have temporary paperwork describing the transitory nature of their status. In any event, those papers, licenses, permits or plates are not part of our SUP.
-
- **Semi-truck hours of operation.** The SUP itself contains no reference to hours of operation. That said, we have always agreed to limit the semi-truck/trailer portion of the traffic to 7:30 a.m. to 7:30 p.m. That agreement was borne out of a

desire to avoid very early morning or late evening braking and engine noise from the operating semi's. The vehicles described by Ms. Torrez are ordinary cars, pickup trucks and small vans. They are driven in or out with no more noise than any neighbor driving down the street after a dinner out.

To the extent that any issues regarding the vehicle storage operation have arisen, the Woodlands has immediately undertaken to self-police and resolve the issues. In this case, the Woodlands immediately investigated and determined that a disabled truck was unrelated to the storage of vehicles at the Woodlands and the truck was removed the next morning. The other two issues are not problems with or potential violations of the SUP.

Please allow me to reiterate that we respect the concerns of all residents of the neighborhood and appreciate the vigilance of neighbors like Ms. Torrez and we will continue to make every good faith attempt to be in conformance with the SUP requirements.

**Please let me know if you have any other questions or concerns.
Thank you.**

R. Scott Beeler
Partner

From: Richardson, Rob [<mailto:RRichardson@wycokck.org>]
Sent: Friday, February 22, 2019 11:39 AM
To: Beeler, Scott <rsbeeler@lathropgage.com>
Subject: FW: Woodlands Special Use Permit

Scott,

Please see below. It appears the operation is out of conformance. It needs to get back into conformance by the end of the month or I will initiate the formal revocation process.

Thank you,



Robin H. Richardson, AICP
Director of Planning

From: Flanders, Zachary <zflanders@wycokck.org>
Sent: Friday, February 22, 2019 8:22 AM
To: Richardson, Rob <RRichardson@wycokck.org>
Subject: FW: Woodlands Special Use Permit

FYI, Byron and I have received several emails about woodlands SUP from the person below.
How would you like us to respond?

From: laurie torrez <>
Sent: Thursday, February 21, 2019 5:46 PM
To: Toy, Byron <btoy@wycokck.org>
Cc: Flanders, Zachary <zflanders@wycokck.org>
Subject: Woodlands Special Use Permit

Mr. Toy,

I am very disappointed you have not responded to my e-mails. Did you not receive my two e-mails?

Has the Woodlands been granted the right to park tractor trailers over night and/or use the entrance on 99th street as a staging area for overnight parking?

Are the Woodlands operation hours from 7:30 am to 7:30 pm as stated in the SUP you sent me or have they since been granted 24/7 operation?

Is it legal for the Woodlands to drive 24 vehicles with no license plates on any public street or are they expected to be licensed like any other vehicle on the road?

I would appreciate an answer or explanation on the above listed questions.

Thank you,

Laurie Torrez

ATTACHMENT #9

Thanks Again!

Rob

From: Beeler, Scott (LG) <rsbeeler@lathropgage.com>
Sent: Friday, November 30, 2018 2:38 PM
To: Richardson, Rob <RRichardson@wycokck.org>
Subject: RE: Woodlands Race Track complaint

Rob – here is one more email. Please note that I had Jayme LaRocca advise the car carrier dispatch of later morning and earlier evening hours than are actually allowed in hopes of further curtailing any “accidental” truck traffic outside of the stipulated hours. The email also documents the additional reminders sent regarding prohibition of 99th access and use of Jake brakes.

Scott,

Sorry, please see corrections to the conversation I had with the person in charge of dispatching:

Hours of operations for **brokered/spot buy carriers** has been restricted to 8:30am to 6:00pm at The Woodlands. I requested that all **brokered/spot buy carriers** notify their drivers/dispatchers of new time restrictions as well as remind their personnel that there is only one entrance (do not use 99th street entrance) and no “Jake brake/compression braking” on or around Leavenworth road.

Jayme LaRocca
Ruffin Woodlands, LLC
Kansas City, Kansas

R. Scott Beeler
Partner

From: Richardson, Rob [<mailto:RRichardson@wycokck.org>]
Sent: Friday, November 30, 2018 2:24 PM
To: Beeler, Scott <rsbeeler@lathropgage.com>
Subject: Re: Woodlands Race Track complaint

Thanks Scott!

Sent via the Samsung Galaxy S7 active, an AT&T 4G LTE smartphone

----- Original message -----

From: "Beeler, Scott (LG)" <rsbeeler@lathropgage.com>
Date: 11/30/18 12:53 PM (GMT-06:00)
To: "Richardson, Rob" <RRichardson@wycokck.org>
Subject: RE: Woodlands Race Track complaint

Hello Rob – Please know we have communicated in the strongest of terms to the vehicle transport companies as to the requirements regarding delivery and removal of vehicles. In almost every case, the truck trips in or out have followed the instructions to the letter. On a couple of occasions when a transport truck has shown up too early or late or has attempted to use the 99th street entrance, they were turned away. Please see the three emails attached below which were sent to me from the property manager

noting the same. I am also aware of the one incident (Nov 14) (see the last email attached below) where car carriers did access the site after allowed hours and that instance was immediately addressed. Hopefully those show our good faith in adhering to the stipulations.

As you can see, I have asked to be advised anytime there is a potential problem or issue regarding the vehicle delivery/storage/ or removal. Also – while I certainly respect any neighbor's concern or complaint, I must also state that the commentary regarding this being a continuing occurrence is simply not so. As the emails attached reflect – our guards on site 24/7 are reporting directly to Mr. LaRocca anytime there is a potential truck violation suspected. Again, the number of those incidents has been minimal. We are well aware that any is too many but I also would hope we can keep this in perspective and note that we are fully respecting the stipulations. I will look into the idea regarding the jersey barrier concept but at the same time, I am not sure that a single attempt (and an unsuccessful one at that) to access from 99th warrants concrete barriers. Still, I will check.

Scott,

I wanted to let you know a semi-truck came in the 99th street driveway this afternoon. The driver knew to use the Leavenworth Road entrance, but he said the snow didn't look at bad at this gate. Excuse doesn't make sense. He's aware never to use this gate again and I'll notify Ford as well. I'll let you know if I hear any complaints.

With the weather we've had, there's been very little activity out here.

Thank you.

Jayme LaRocca
Ruffin Woodlands, LLC
Kansas City, Kansas

Scott,

An empty semi-trailer arrived at 6:00am this morning to pick up Ford vehicles. The guard didn't let them in, but the damage was done once they turned into our driveway off of Leavenworth Road. Please let me know your thoughts on how best to deal with this.

Thank you.

Jayme LaRocca
Ruffin Woodlands, LLC
Kansas City, Kansas

R. Scott Beeler
Partner

From: Jayme LaRocca [<mailto:jlارocca@woodlandskc.com>]
Sent: Friday, November 16, 2018 11:54 AM
To: Beeler, Scott <rsbeeler@lathropgage.com>
Subject: Re: Woodlands Parking

Scott,

It is true. I addressed it already with the people we are contracted with for Ford to use our lots. He assured me they will pass along to the transportation companies the hours.

From: Richardson, Rob [<mailto:RRichardson@wycokck.org>]
Sent: Friday, November 30, 2018 11:40 AM
To: Beeler, Scott <rsbeeler@lathropgage.com>
Subject: FW: Woodlands Race Track complaint

Scott,

Can you have them simply jersey barrier the 99th street entrance? They need to follow all of the commitments otherwise, the renewal hearing won't go well.

Rob

From: Hufft, Alex <ahufft@wycokck.org>
Sent: Friday, November 30, 2018 10:54 AM
To: Richardson, Rob <RRichardson@wycokck.org>
Cc: Faust, Jason <jfaust@wycokck.org>
Subject: Woodlands Race Track complaint

Rob,

I just had a woman by the name of Laurie Torres call to complain about the woodlands race track.

She has been seeing the trucks coming and going through the 99th street entrance instead of the Leavenworth road entrance.

She says the most recent one she witnessed was a truck trailer entering the lot this past Wednesday at 5:44 p.m. but this has been a continuing occurrence prior.

She also states there is a 15'x3' sign that has "no trespassing" spray painted on it and is being hung by a rope in front of the home that is on the property.

She lives in the area at 9828 Donahoo Rd and can be contacted at (913) 927-5615 if you want more details.

Thanks,
Alex



Alex Hufft
Intern | Department of Urban Planning and Land Use

ATTACHMENT #10

Thanks!

From: Beeler, Scott (LG) <rsbeeler@lathropgage.com>

Sent: Friday, November 16, 2018 11:14 AM

To: Richardson, Rob <RRichardson@wycokck.org>

Subject: RE: Woodlands Parking

I will absolutely look into it right away.

R. Scott Beeler

Partner

From: Richardson, Rob [<mailto:RRichardson@wycokck.org>]

Sent: Friday, November 16, 2018 11:04 AM

To: Beeler, Scott <rsbeeler@lathropgage.com>

Cc: Cross, Emerick <ecross@wycokck.org>; Sieben, Melissa <msieben@wycokck.org>

Subject: Woodlands Parking

Hi Scott,

I received a complaint via a UG Commissioner about car deliveries at the Woodlands after 7:30 PM on Wednesday of this week. Would you mind to remind the tenant of the hours you agreed to at Planning Commission. You stated the hours would be 7:30 AM to 7:30 PM on May 14, 2018.

Thanks for your help! As you know it is critical for SUP applicants to keep their promises.

Thank you,



Robin H. Richardson, AICP
Director of Planning

ORIGINAL ATTACHMENTS:

May 14, 2018 City Planning Commission Minutes:

Hearing Starts at 2:14:45:

SPECIAL USE PERMIT APPLICATION #SP-2018-54 – R. SCOTT BEELER WITH LATHROP GAGE LLP FOR RUFFIN WOODLANDS LLC - SYNOPSIS: Special Use

Permit for the Temporary Use of Land for storage of motor vehicles, including cars, SUVs, pick-up trucks and semi-truck trailers at 9700 Leavenworth Road. Detailed Outline of Requested Action: The representative, R. Scott Beeler on behalf of the property owner, Ruffin Woodlands, LLC wants to store motor vehicles, SUV's, pick-up trucks and semi-trailer and/or vehicles to help companies in the area that need the space on a temporary basis on 56.27 acres at 9700 Leavenworth Road.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 14, 2018;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo dated April 19, 2018; and
7. The Notices to property owners dated April 17, 2018.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. (No one responded in the affirmative.)

Present in Support:

- ❖ R. Scott Beeler, Lathrop Gage, attorney representing Ruffin Woodlands LLC, 10851 Mastin Boulevard, Suite 1000, Overland Park, Kansas 66210
(NOTE: They withdrew the truck trailers portion of the application.)

Present in Opposition:

- ❖ No one appeared

Staff Recommendation starts at 2:31:25: Director Richardson stated that the staff recommends approval subject to:

1. Appropriate directed lighting
2. No use of Jake brakes
3. Vehicles will only use Leavenworth Road
4. Vehicles will not use 99th Street
5. Withdrawal of the UPS truck/tractor-trailer storage
6. This special use permit is for passenger cars and pick-ups
7. A 30-day minimum stay for a vehicle
8. Maximum number of trucks per day is 60 (17 trucks per hour maximum)
9. Approval is for two (2) years

A question was asked by the Commission concerning the upkeep of the properties in that area and Director Richardson stated there are multiple ownerships and the ones up front belong to the Unified Government and will be included in the new mowing program this summer. If anyone see any issues, let him know and he will contact the Parks and Recreation Department.

Motion and Vote starts at 2:34:28:

On motion by Dr. Serda, seconded by Mr. Carson, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application #SP-2018-54 with the comments in the staff report:**

Carson	Aye
Childress	Aye
Ernst	Aye
Miller	Aye
Mose	Aye
Reasons	Aye
Serda	Aye
Huey	Chairman
Connelly	Not Present
Jones	Not Present
Pauley	Not Present

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

- 1. Appropriate directed lighting**
- 2. No use of jack brakes**
- 3. Vehicles will only use Leavenworth Road**
- 4. Vehicles will not use 99th Street**
- 5. Withdrawal of the UPS truck/tractor-trailer storage**
- 6. This special use permit is for passenger cars and pick-ups**
- 7. A 30-day minimum stay for a vehicle**
- 8. Maximum number of trucks per day is 60 (17 trucks per hour maximum)**
- 9. Approval is for two (2) years**



Kevin Shirley
Fire Chief

KANSAS CITY KANSAS FIRE DEPARTMENT
Division of Fire Prevention

John Droppelmann, Fire Marshal
Fire Headquarters Building
815 North 6th Street
Kansas City, Kansas 66101



Phone: 573-5550
Fax: 551-0490

PLANNING COMMISSION AGENDA REMARKS

April 16, 2018

Mrs. Janet Parker,

In reference to the BOZA and CPC agenda items for the May 14, 2018, City Planning Commission Agenda the Kansas City, Kansas, Fire Marshal's office has only one comment for the items submitted:

- **#SP-2018-54 R. SCOTT BEELER FOR RUFFIN WOODLANDS, LLC**
Special Use Permit for the Temporary Use of Land for storage of motor vehicles.

COMMENT: The Fire Department request that the storage of vehicles is not such that access to any row of vehicles is not restrictive to the point whereas suppression efforts would be limited. The Fire Department would like to see a proposed parking plans showing drive lane dimensions, parking areas, and turn radii.

Respectfully,

John Droppelmann
Fire Marshal
Kansas City Kansas Fire Department
Office: 913-573-5938
Fax: 913-551-0490
Email: jdroppelmann@kckfd.org

The Woodlands property has the infrastructure already in place to accommodate this SUP use. The property is accessed by a currently designated multi-lane arterial street (Leavenworth Road) and the existing ingress/egress to the property is also multi-lane. It has been determined that available improved surface parking for storage of cars and trucks is at a minimum. Significant local employers such as Ford, UPS and railroads transporting vehicles, are in immediate need of temporary vehicle storage areas. The currently not operating Woodlands property, given its existing hard surface parking areas, existing storm drainage system, arterial street access and close proximity to I-435 is an ideal fit for the current need in the community.



R. SCOTT BEELER
PARTNER
DIRECT: 913.451.5158

MAIN: 913.451.5100
FAX: 913.451.0875
RSBEELER@LATHROPGAGE.COM
LATHROPGAGE.COM

BUILDING 82, SUITE 1000
10851 MASTIN BOULEVARD
OVERLAND PARK, KANSAS 66210-1669

April 24, 2018

Rob Richardson, Director of Planning and Development (richardson@wycokck.org)
Byron Toy, Principal Planner (btoy@wycokck.org)
Kim Ingham, Chief Engineer (kingham@wycokck.org)
Martin Ntonjira, Project Engineer (mntonjira@wycokck.org)
Janet Parker, CSC/ APC, Administrative Assistant (jparker@wycokck.org)
Kim Portillo, DRC Coordinator (kportillo@wycokck.org)
John Droppelmann, Fire Marshall (jdroppelmann@kckfd.org)
Unified Government of Wyandotte County
701 N. 7th Street
Kansas City, KS 66101

Re: Special Use Permit for The Woodlands, Petition Number SP-2018-54

Good Afternoon,

This letter is to address Planning, Engineering and Fire Department comments with regard to the above-referenced Special Use Application.

The proposed staff report contains various comments and suggestions on Page 5 of the draft document.

With respect to the Urban Planning and Land Use comments, the Applicant responds as follows:

1. To the extent there is any required business licensing associated with the use of this property as intended in the application, such licensing will be obtained.
2. The November 27, 2017 application was for the storage of truck trailers on the subject property. Further, the prior proposal planned for access to the site through The Woodlands entry road off of 99th Street. The prior application contained no operational time limitations.

29426231v2

The current application proposes a two-year Special Use Permit to allow temporary storage of motor vehicles, including, cars, pick-up trucks and truck trailers. A principal difference is that applicant anticipates the vast majority of stored vehicles will be of a passenger car or pick-up truck variety. Applicant does still anticipate truck trailers, but believes that number will not exceed 500 at a time. The Woodlands existing finished parking lots can accommodate some 10,000 vehicles. The Applicant does not anticipate more than 4,000 passenger cars and/or pick-up trucks at one time.

The Applicant is prepared to stipulate that all access to The Woodlands property for the proposed storage use shall be from the multi-lane thoroughfare, Leavenworth Road. The access point from Leavenworth Road north to The Woodlands parking lots is also multi-lane and easily accommodates this use.

The Applicant is willing to stipulate to an access availability for ingress and egress for the storage purpose of a 7:30 a.m. to 7:30 p.m.

Further, Applicant is willing to stipulate to a condition that they are to instruct those with whom they contract for vehicle storage that any delivery vehicles be prohibited from using what are commonly referred to as "jake brakes" over the course of delivery from I-435 to the facility.

3. The comments from KCKFD regarding aisle spacing and turn radius information are discussed hereafter in response to similar comments from Public Works and Engineering.

4. The Applicant currently is in negotiation with UPS and Ford Motor and has been in touch with General Motors with regard to temporary storage of vehicles.

There have been other inquiries from similar businesses in the area but at this date, no other contracts are in direct discussion.

5. The application for this Special Use Permit is for two years.

6. The Applicant does not believe that allowing for temporary storage of operating motor vehicles in transit to a final location, constitutes what is intended by the term "industrial storage." The Woodlands property is nearly 400 acres and the parking lots are only a small fraction of that amount (approximately one-eighth). The parking lots are set back from any perimeter property line by hundreds of feet. In almost all cases, the parking lots themselves are barely visible from any public thoroughfare. Given the close proximity to I-435 and the multi-lane thoroughfare of Leavenworth Road, this well-defined and set back property is ideal for this short term usage.

With respect to the **Public Works** comments, the Applicant responds as follows:

A. The improved entryways and parking lots at The Woodlands are currently in existence. As such, there is no plan revision, architectural or additional documentation anticipated.

B. The Applicant is willing to make the stipulations noted in response to Urban Planning and Land Use comments above.

C. Not Applicable.

With respect to the **Engineering** comments, the Applicant responds as follows:

1. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

2. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

3. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

4. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

5. The parking lots are all hard finished surface parking lots which comply with UG requirements. To the extent Applicant finds that any intermittent maintenance or repair is required to conduct this use, that maintenance and/or repair will be conducted, as needed. There is no large area resurfacing anticipated or required to perform this temporary use.

6. This information was provided in response to Urban Planning and Land Use comments above.

7. Applicant confirms that only operable vehicles/trailers will be stored on-site.

8. The contracts contemplated by the Applicant with companies requesting temporary storage do not require specific line markings for individual parking spots. The intention is to park the vehicles in a uniform fashion allowing for necessary ingress and egress through access lanes within the parking lot and via the Leavenworth Road main

29426231v2

entry. Applicant is aware of the inquiry of the KCKFD and is willing to work on-site with KCKFD representatives to accommodate fire suppression and good practice access.

9. The current anticipation is for the provision of 24/7 security on-site. It is anticipated that security personnel will likely locate at or near the main entry off of Leavenworth Road and then a schedule of periodic patrol will also be implemented. There is no new security building construction anticipated. Applicant anticipates the use of portable toilets as with any temporary use site, along with cleaning and emptying on a standard schedule.

10. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

11. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

12. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

13. No additional construction is planned or necessary for the proposed Special Use Permit. As such, there are no additional architectural and/or engineering plans anticipated.

With respect to the Erosion Control comments, the Applicant responds as follows:

Please see Paragraphs 1 through 11. No additional construction is planned.

April 24, 2018
Page 6

Applicant General Comment:

There were several references to an aerial view of the subject property within the various comments received by the Applicant. A aerial view and an outline of the subject parking lots was included with the Application from September/2017 and is incorporated again herein. Further, aeriels showing and highlighting the parking lot and entry way are attached hereto.

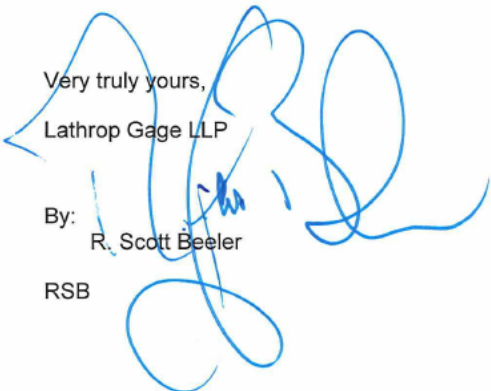
It is our hope and belief that this response letter answers any questions or concerns raised by any of the departments noted above. To the extent you have further questions or concerns, please feel free to contact me. We are proceeding with our Neighborhood Meeting this Friday, April 27, 2018 at 2 p.m. and will submit our summary report from that meeting at its conclusion.

We look forward to a favorable recommendation from staff on this application.

Thank you for your attention.

Very truly yours,

Lathrop Gage LLP

By: 
R. Scott Beeler

RSB

29426231v2

MINUTES

Neighborhood Meeting

SP-2018-54

April 27, 2018 | 2:00PM | Comfort Suites, 3000 N. 103rd Terr., Kansas City, KS 66109

Meeting Called: R. Scott Beeler (Lathrop Gage) & Ruffin Woodlands, LLC

Type of Meeting: Explain the Special Use Permit proposal and answer questions or concerns

Facilitator: R. Scott Beeler

Note Taker: Jayme LaRocca (Ruffin Woodlands, LLC)

Attendees: (See attached Sign-In Sheet)

David Stinebaugh, Jean Langkop, Pat Brune, Karen Lamber, Greg Lamber, Joe Vaught, Deborah Sprague, Mr. & Mrs. Hene, Roberta Laird

Mr. Beeler introduced himself and informed the attendees he represented Ruffin Woodlands, LLC, Owner of the Woodlands, on an application for a Special Use Permit (SUP) to store vehicles/trailers on the roughly 56 acres of available asphalt parking. He gave a general description of the SUP application, explained the process and gave the date, May 14, 2018, for the Planning Commission public hearing. He noted the previous SUP to store vehicles/trailers at the Woodlands was withdrawn by Ruffin Woodlands, LLC prior to presentation at the Board of Commissioner's Meeting on January 25, 2018.

Mr. Beeler explained the need by companies in the area to store vehicles/trailers due to issues with railcar and other transportation problems.

Mr. Beeler informed the attendees the main use plan continues to be to open the Woodlands as a racing, gaming and entertainment facility, but there has been resistance by legislators in Topeka to make that happen. Right now, slot machines at state-owned and operated casinos are taxed 22% while slot machines at racetracks are taxed 40%, for the same voter approved machines. That differential has meant the Woodlands has remained shuttered due to an inability to profitably compete. In this interim, while focusing on legislative change to level the competitive playing field, the Woodlands has the space, for local companies who need it, to temporarily store vehicles/trailers on the property.

Mr. Beeler explained that the current application was modified from the prior application to address the previous concerns of neighbors and staff. The previous SUP proposed the use of the 99th Street gate. This SUP proposes utilization of the Leavenworth Road entrance only, which was

29450166v3

built to handle vehicle and truck traffic. There will be 24/7 Security at the main gate along with periodic patrols through the parking lot areas. Companies that contract with Ruffin Woodlands, LLC to store vehicles will be instructed that the use of "Jake Brakes" is prohibited from I-435 to the entrance of the Woodlands. The hours of operation, meaning delivery or removal of the vehicles to be stored, will be limited to 7:30am to 7:30pm, essentially a "daylight" timeframe. Vehicles/trailers will be parked in lanes sufficient so the Fire Department can get in or out efficiently. The Woodlands will work with the Fire Department to make sure they are comfortable with the placement. Mr. Beeler explained that they anticipate approximately 3,000-4,000 vehicles cars/pick-up truck(s) to be parked at the Woodlands and approximately 500-750 trailers. He noted the Woodlands parking lots are set back far enough from the main roads that you can barely see vehicles/trailers on the property. He also noted that having security on the Woodlands property is a benefit to the neighborhood.

Question: How many semis will be going down Leavenworth Road at any given time?

Response: Leavenworth Road is a four-lane thoroughfare and is built to handle large volumes of passenger and truck traffic.

Question: Neighbor Joe Vaught noted he owns three homes near the Leavenworth Road entrance. He is concerned about the noise from the brakes. Even if you eliminate the "Jake Brakes", all semis have air brakes that make noise. His fear is if the Woodlands does not get legislative help, the property would be turned into an industrial park. He continued that this SUP doesn't benefit the neighbors and there is no tax benefit.

Response: Mr. Beeler explained Leavenworth Road is designed to handle thousands of vehicles per day. He also explained that if there is no legislative help, the property could be redeveloped by either the current owner or possibly by some other owner. At present, the current owner's goal is to reinvigorate the Woodlands racing, gaming and entertainment facility. No other redevelopment, industrial or other is currently contemplated. But the Woodlands is well located and a prime KCK location for redevelopment in the event it cannot be profitably operated as presently contemplated.

Question: Attendee states concern that if the Woodlands gets a SUP for two years, they will continue to get it extended. Attendee also noted they complained about the portable lights and it wasn't corrected.

Response: Mr. Beeler responded that this is a very temporary situation. Mr. LaRocca noted that the complaints about the lights last time were addressed and apologized if they were not turned correctly. While permit extensions are possible under the regulations, any such extension would be reviewed by staff for appropriateness. Issuance of a two year permit is not a pre-validation of applications for extensions.

Question: Attendee said they thought this issue to get a SUP was over with. Why are we addressing this again?

Response: Mr. Beeler explained the Woodlands withdrew their prior application at the Board of Commissioner's Meeting in order to review and make changes to address the prior voiced concerns.

Question: Attendee asked who will enforce if the companies violate the stipulations?

Response: Mr. Beeler explained that any complaints would go through the UG. That is how the process works. He noted that the applicant could be fined or even that the SUP could be pulled for continued violations.

Question: Attendee stated they disagreed that the area is safer with having the vehicles/trailers watched with 24/7 Security on site.

Response: No response required.

Question: Attendee said they never got the opportunity to complain in the past, the vehicles and trailers just showed up on the Woodlands property.

Response: Mr. Beeler acknowledged there had been vehicle storage under prior ownership and even some storage under current ownership, but the intent of the current owner is to follow appropriate regulation and protocol and have an SUP reviewed and issued.

Question: Attendee asked how we would know what number of vehicles/trailers are on the Woodlands property.

Response: Mr. Beeler explained the Woodlands would restrict the number of vehicles/trailers on the property to the numbers permitted by the SUP.

Question: Attendee asked if there were any plans to upgrade the property and the lights.

Response: Mr. Beeler explained that the SUP vehicle storage use was to be temporary. There are no plans to make significant improvements to the property for this use.

Question: Joe Vaught asked questions about the current gaming bill.

Response: Mr. Beeler explained the initial pari-mutuel bill and the current gaming bill.

Question: Attendee asked why the owner doesn't just redevelop the property now.

Response: Mr. Beeler explained how the owner is committed to reopening the Woodlands as a racing, gaming and entertainment destination. There could well be redevelopment in the future if the current plan remains economically unfeasible.

Question: Joe Vaught explained he is worried that if the Woodlands doesn't get legislative help, the property would be turned into an industrial park.

Response: Mr. Beeler responded that the Woodlands property consists of nearly 400 acres. During the time since acquisition of the property, a number of potential suitors and developers have approached the owner with redevelopment ideas. To date, those inquiries have been tabled pending hope and optimism for the Woodlands project.

Question: Attendee explained she has lived in the area for 45 years. Why would people complain about lights at the Woodlands? It's not any different than at the ball fields. She would like to see the Woodlands come back. She noted it would be good to have activity to keep the thieves away from the area. The security at the Woodlands would be a benefit. She's afraid the property would be turned into low income housing.

Response: No response required.

Question: Neighbor David Stinebaugh expressed concerns about vehicle delivery drivers going down 99th Street.

Response: Mr. Beeler explained that the SUP will specify that only Leavenworth Road will be utilized. If any of the drivers use 99th Street, they will be reprimanded.

Question: Attendee asked how many trailers can fit on 56 acres.

Response: Mr. Beeler explained that the number that would "fit" has not been calculated, except to say that a "total" number would be far more than the number anticipated for this application.

Question: Attendee asked what racing was anticipated.

Response: Mr. Beeler responded and advised that the Woodlands contemplates live horse racing and simulcast of other forms of racing.

Question: Attendee stated he will keep voting "No" to have the Woodlands get a SUP due to concerns over payment for the roads being damaged by the semi traffic.

Response: No response required.

Question: Neighbor Joe Vaught stated he doesn't believe that it's better to have vehicles/trailers with Security at the Woodlands. He sees a lot of theft at other lots with vehicles/trailers.

Response: No response required.

Question: Attendee stated it seems illegal to have a monopoly on state-owned casinos. She asked how the State of Kansas can allow that.

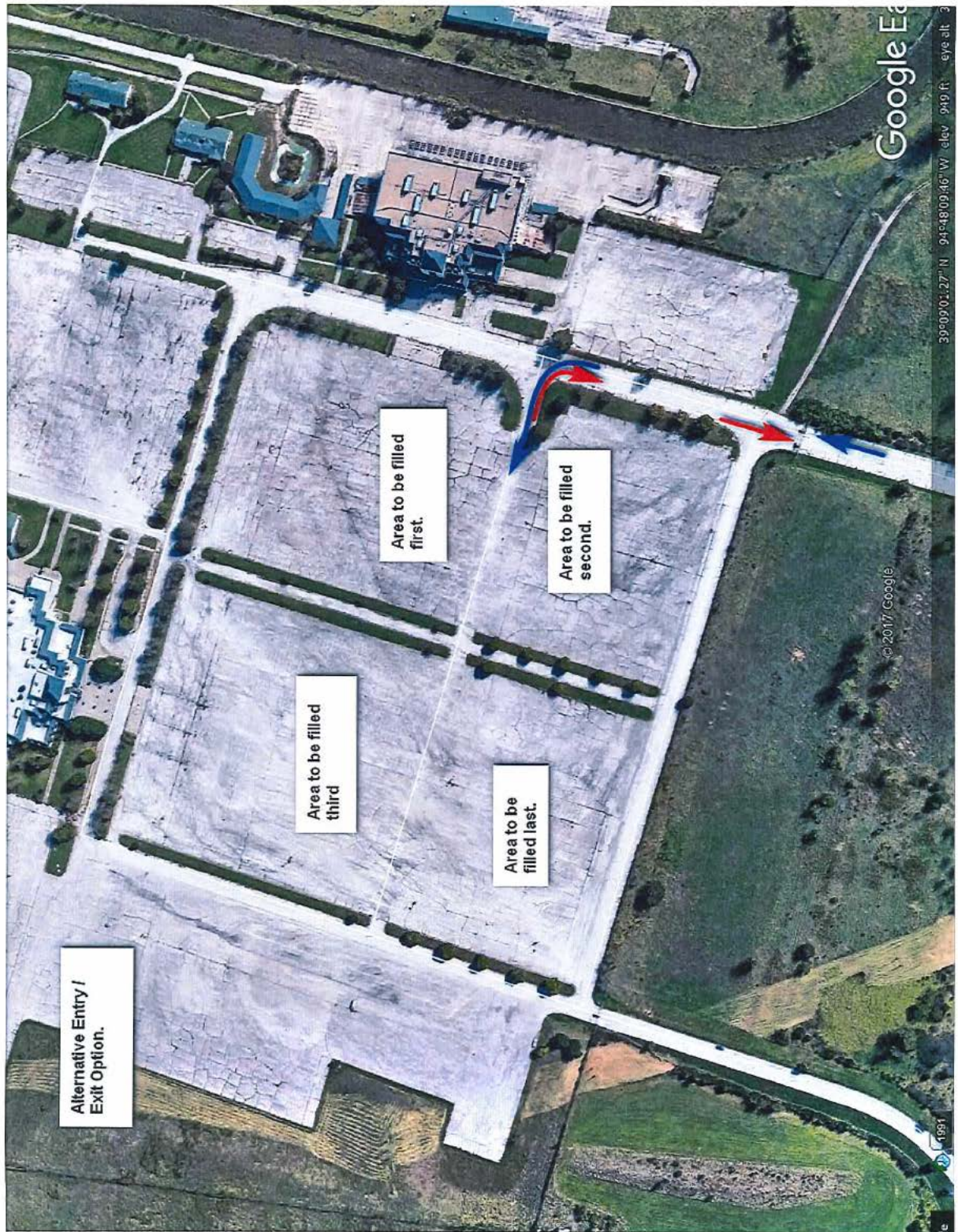
Response: No response required.

Conclusion:

Mr. Beeler concluded the meeting by stating that if anyone here knows of any neighbor who couldn't make this meeting for any reason, and they have additional questions, to please contact him or Jayme LaRocca. Business cards were made available.

The meeting concluded at 3:15pm.





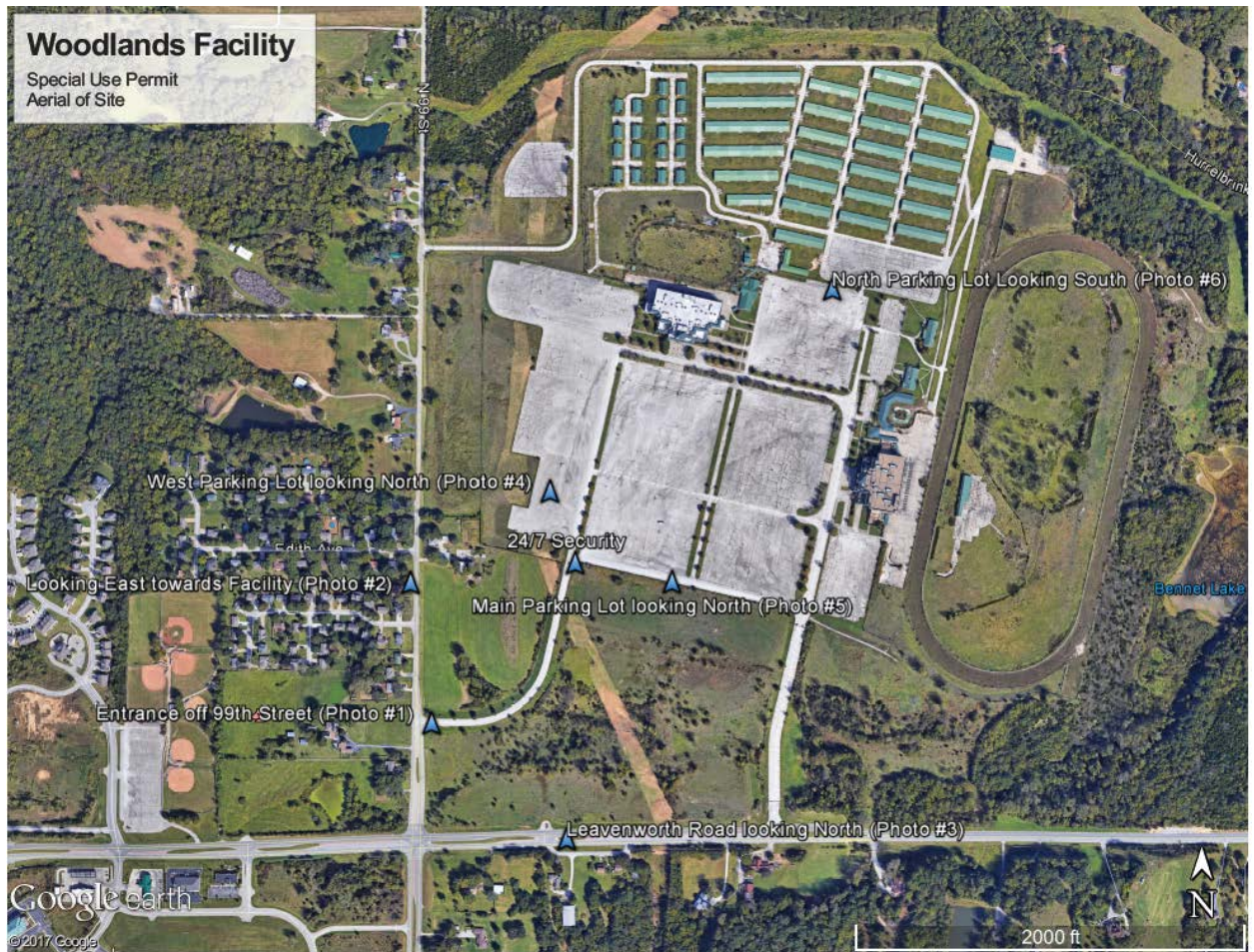


Figure 1. Aerial photograph of 9700 Leavenworth Road (provided by the applicant).



#1) Main entrance to Woodlands Site from 99th Street.



#2) Looking East from 99th Street towards Woodlands site.



#3) Looking North from Leavenworth Road towards Woodlands site.



#4) Looking North from South end of West Parking Lot.



#5) Looking North from South end of Main Parking Lot South of Dog Track Building.



#6) Looking South from North End of Parking Lot East of Dog Track Building.



Urban Planning and Land Use

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

To: Unified Government Board of Commissioners
From: City Staff
Date: June 27, 2019
Re: Petition #SP-2019-85

GENERAL INFORMATION

Applicant:
Frank Lavender, Jr.

Status of Applicant:
Widow's Sons Lodge #17 Past
Masters of KCK
1029 North 32nd Street
Kansas City, KS 66102

Requested Action:
Approve Special Use Permit
(short-term)

Date of Application:
June 3, 2019

Purpose:
To host the Kansas City, Kansas
Street Blues Festival

Property Location:
3924 North 49th Drive

Existing Zoning:
R-1 Single Family District



Existing Surrounding Zoning: **North:** R-1 Single Family District
South: R-1 Single Family District
East: R-1 Single Family District
West: R-1 Single Family District

Existing Uses: **North:** BPU Nearman Power Plant
South: Large lot single family homes
East: Large lot single family homes
West: Large lot single family homes and heavily wooded lots

Total Tract Size: 44.1 acres

Master Plan Designation: The City-Wide Master Plan designates this property Rural Density Residential.

Major Street Plan: The City-Wide Master Plan classifies North 49th Drive as a local street.

Advertisement: The Wyandotte Echo – Not required
Letters to Property Owner – None

Public Hearing: June 27, 2019

Public Opposition: None to date

PROPOSAL

Detailed Outline of Requested Action: The applicant, Frank Lavender, Jr. has applied for a short-term special use permit (less than ten (10) days) to host the Kansas City Kansas Street Blues Festival on his 44.1 acre property on Saturday, June 29, 2019 from 1:30 PM to 11:00 PM at 3924 North 49th Drive.

City Ordinance Requirements: 27-592 through 27-606

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised of large lot single family homes. This area along North 49th Drive is relatively rural in nature.

2. The zoning and uses of properties nearby and the proposed use's expected compatibility with them.

The zoning and their uses of property nearby is set out above. Because this event lasts for one day, Saturday afternoon to late evening, ending at 11:00 PM

and the distance between the residences and Mr. Lavender's property, the proposed use is relatively compatible.

3. *The suitability of the property for the uses to which it has been restricted. Will removal of the restrictions detrimentally affect nearby property.*

Due to the temporary nature of the request, the proposed use will not detrimentally affect nearby property.

4. *The length of time the property has remained vacant as zoned.*

The property is not vacant.

5. *The degree of conformance of the proposed use to the Master Plan.*

Special use permits are not addressed in the Master Plan.

6. *Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.*

The proposed use will result in increasing the amount of vehicular traffic, but not to the point where it exceeds the capacity.

7. *Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.*

The proposed use is not reasonably necessary for the convenience and welfare of the public and again, due to the short term permit, the festival will not permanently injure the appropriate use, visual quality, or marketability of adjoining property.

8. *Whether the noise, vibration, dust, or illumination that would normally be associated with such use is of such duration and intensity as to create problems for near-by property.*

Because the festival is for one day, ending at 11:00 PM, noise and illumination associated with the use should not create problems for near-by property.

9. *Whether the proposed use will pollute the air, land or water.*

If the trash is picked up as described by the applicant, the proposed use will not pollute the land.

10. *Whether the use would damage or destroy an irreplaceable natural resource.*

The proposed use will not damage or destroy an irreplaceable natural resource.

11. *The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner or landowners.*

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner is minimal. If the application is denied, the festival will need to find an alternate location.

12. *Whether the proposed use would result in overcrowding of land or cause undue concentrations of population.*

Given the size of the property, 44.1 acres, the proposed use will not result in overcrowding of land.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

Not required for short-term special use permits

KEY ISSUES

Noise/Music Volume

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

1. Subject to approval, this short-term special use permit shall be valid on Saturday, June 29, 2019 from 1:30 PM to 11:00 PM.
2. The applicant has provided a site plan indicating the location of the parking area, stage and audience. Because the audience is north of the stage in a north-south orientation, sound generated from the performers and bands will project towards the power plant and not in the direction of the residences to the south and east.
3. Alcohol will not be sold on the property.
4. As mentioned in the proposal, on-site security will be provided. Shall comply with the Code of Ordinances regarding security staff.
5. Performances shall end by 11:00 PM.

Public Works Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) None
- B) Items that are conditions of approval (stipulations):

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

STAFF RECOMMENDATION

Staff recommends that the Unified Government Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition #**SP-2019-85** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

Aerial Photograph
Letter from the Kansas City Kansas Street Blues Festival
Festival Proposal from 2016
Festival Flyer

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	N/A	June 27, 2019
Special Use		

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition #**SP-2019-85** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And
3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition #**SP-2019-85**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

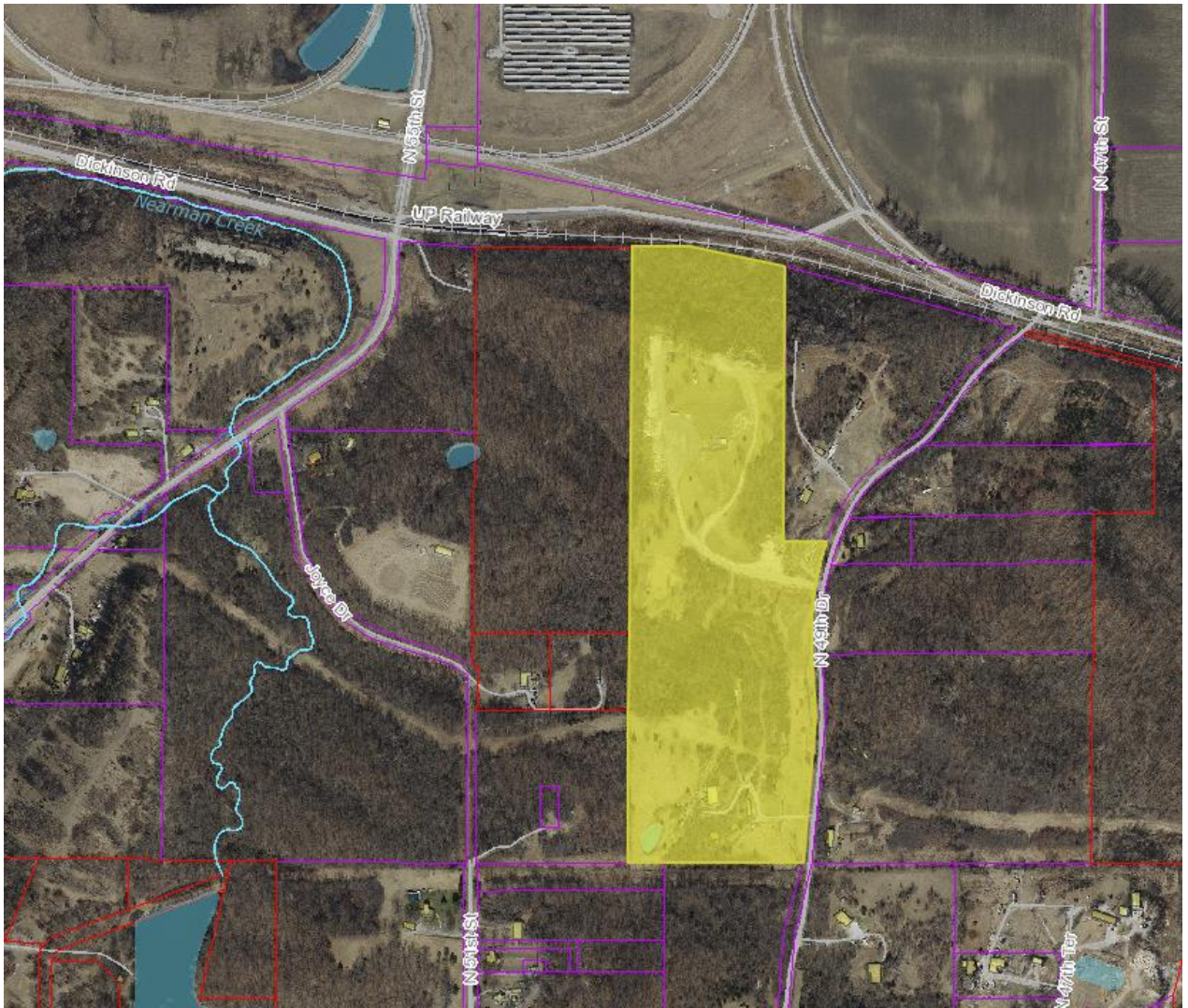
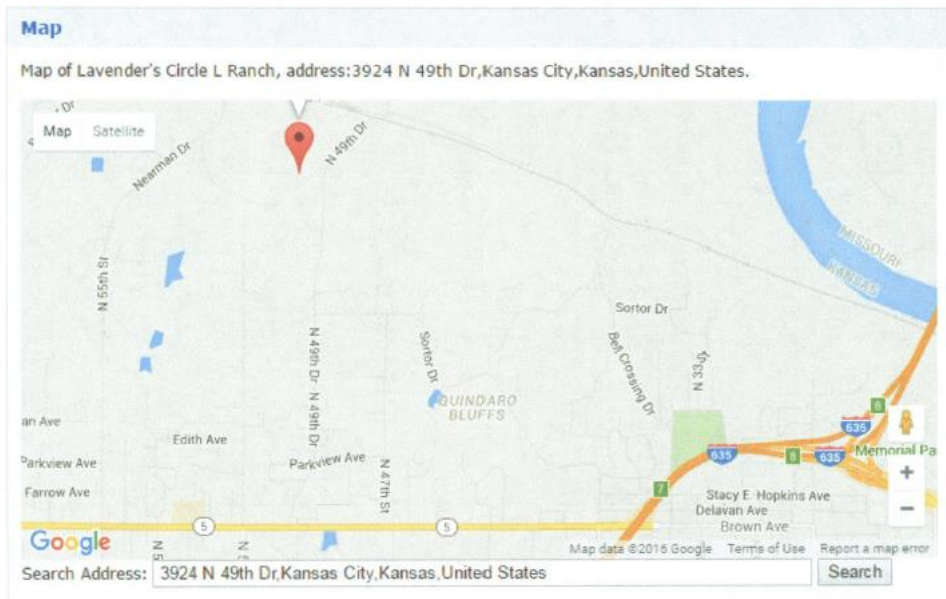
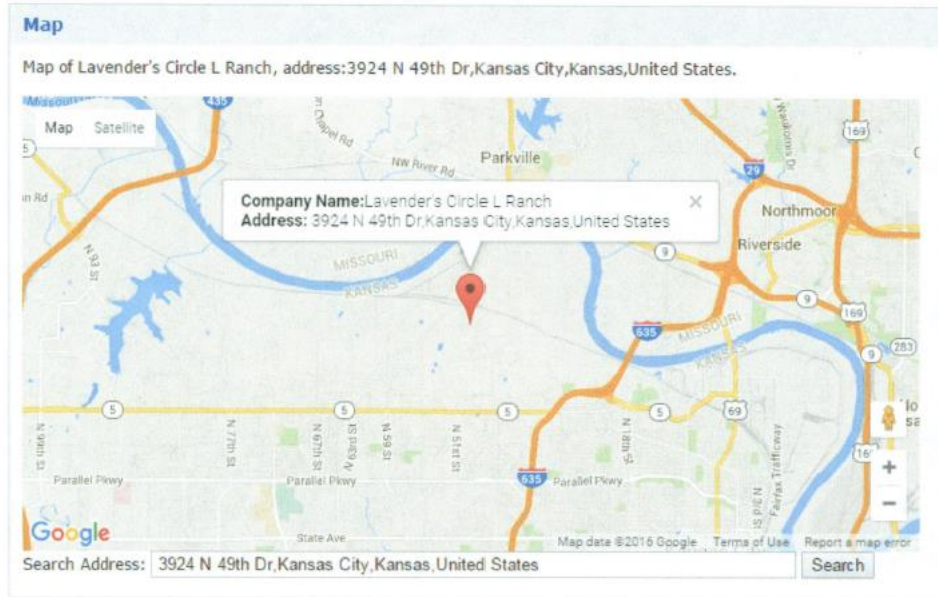
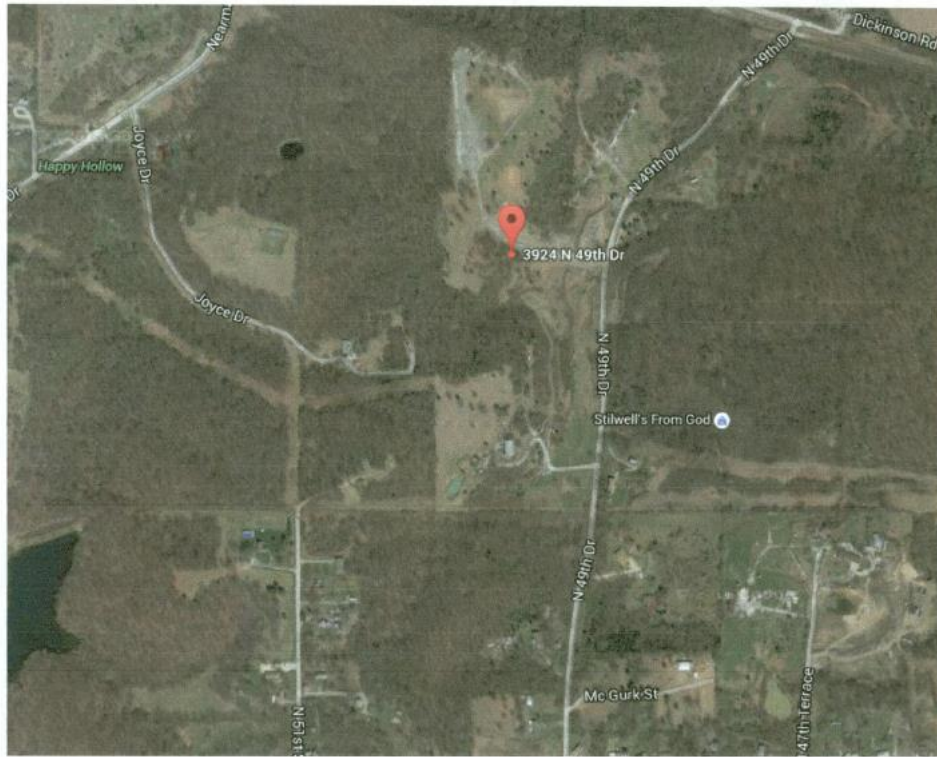


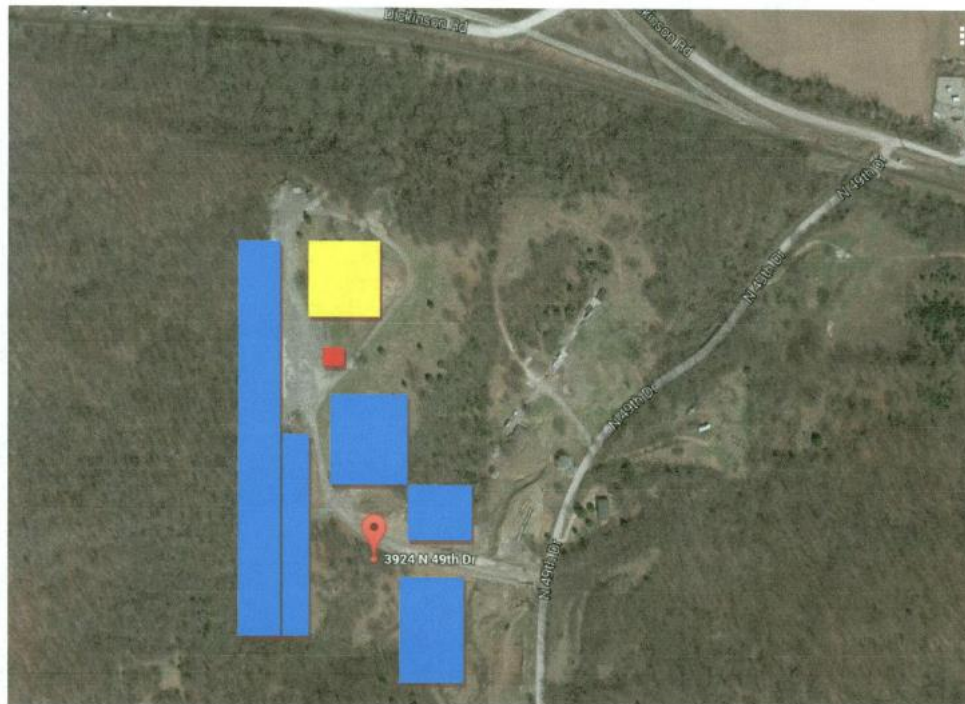
Figure 1. Aerial Photograph of 3924 North 49th Drive (provided by UG Maps).

2. See map below for location details.





Site overview – virtually undeveloped land properties with very few residences



Red ■ = stage

Yellow ■ = audience

Blue ■ = parking



From the festival audience point of view, the top of the hill features a panoramic view of the Missouri River Valley—approximately ten miles to the east, North Kansas City Hospital; two miles to the north, Parkville; immediately to the northeast, the historic Steamboat Arabia excavation site; and BPU Power Plant to the northwest



Top of the hill audience view to the east of festival site



North view from stage location



Audience area facing stage provides view of rolling hillside to the east



Audience and stage area facing south



An example of one of the family amenities on the Lavender's Circle L Ranch

SAFETY, TRAFFIC FLOW AND EMERGENCY VEHICLE ACCESS FOR FRIDAY, JUNE 24, 2016, AND SATURDAY, JUNE 25, 2016

The festival will utilize a 50+ volunteer staff and security team to control parking and traffic flow entering the property at 3924 N 49th Drive, Kansas City, Kansas 66104. The festival will not charge the festivalgoers for parking. By controlling the parking in and out of this property, we will be able to keep all of the festival area free and clear for emergency vehicle access.

COMPLETING SPECIAL EVENT APPLICATION

The festival will comply with all fees, licenses, and applications that are required by the Unified Government of Kansas City, Kansas/Wyandotte County.

VENDOR LICENSES

The festival will comply with vendor licenses as required by the Unified Government of Kansas City, Kansas/Wyandotte County. It is our understanding that vendors are not required to purchase licenses for an event that lasts for under three days. We plan to have three food vendors and a few nonfood vendors. As stated previously, we are forecasting a significant decrease in attendance due to the seven-year gap since the last festival and the new location of this year's event.

SECURITY

The festival will supply security with off-duty Kansas City, Kansas police officers. Many security professionals have volunteered their services for the event, as well.

LIGHTING

Festival stage lighting will not be a concern as the event will end at 8 p.m. on Friday, June 24, and Saturday, June 25. Auxiliary lighting will be on hand for any unforeseen emergency reasons.

PORTABLE RESTROOMS

The festival plans to provide ten (10) portable restrooms for the event, of which two (2) will be handicapped-accessible.

ELECTRICITY

The festival will provide two (2) generators as the electric power source for the stage and the auxiliary emergency lighting. The festival will not provide any electric power sources for the vendors. The vendors will have to supply their own portable electric power.

NOISE/MUSIC VOLUME

The festival has contacted all of the neighboring residents. All of the neighbors are in favor of having the festival event in their community area. The stage PA sound system will be very moderate by design to cover the immediate festivalgoers listening area. The volume will be purposely controlled so as to not carry beyond the festival audience at a significant level or distance. The stage will face north away from all Kansas City, Kansas residents' properties. Most of the sound will dissipate into the audience hillside of the festival property by design.

NO ALCOHOL SALES

The festival, the vendors and its partners will not sale alcohol. Festivalgoers will be permitted to bring their own coolers, lawn chairs and blankets to the event.

LIABILITY INSURANCE

The Widow's Sons Lodge #17 Past Masters of Kansas City, KS will supply the festival with a \$1 million event liability coverage policy.

TRASH/CLEANUP

We will have a staff of 50+ volunteers who will handle trash clean-up duties. Trash barrels will be placed throughout the necessary festival areas. Festival volunteers and staff will maintain trash/cleanup throughout the event. The festival has always taken great pride in leaving the grounds cleaner than we found them.

IN SUMMARY

The Kansas City Kansas Street Blues Festival is bringing a unique historical, cultural and musical event back to the Kansas City, Kansas community after a seven-year absence. And in partnering with the Widow's Sons Lodge #17 Past Masters of Kansas City, Kansas, it is our combined goal to continue the tradition of honoring the cultural contributions of Kansas City's rich blues and jazz heritage while maintaining the honor and respect amongst the community we serve.

Celebrating Our 20th Year



June 29

Saturday 1:30-11pm

Lavender's

Circle L Ranch

3924 N 49th Drive KCK 66104

Living Heritage Tribute
Danny Cox

Vine Street Rumble

Kent Rausch

Joe Miquelon

Linda Shell

KC Kelsey Hill

Ron Teamer

Big John Amaro

Stranded in the City

Andre Reyes Sr.

D.C. Bellamy

Hudspeth & Taylor

Katy Guillen

Stephanie Williams

Ricky Dotson

James Rush

Bobby Adams



\$10 advance / \$15 at gate donation

Bring coolers, lawn chairs & blankets

913-991-3451 or 913-638-1498

www.Facebook.com/KCKStreetBluesFest

www.kckblues.com

Presenting Our 13th Festival

This year's festival is dedicated in memory of Lazy Lester



**Kansas City Kansas
Street Blues Festival
June 29, 2019**

Saturday 1:45-11pm

**Lavender's
Circle L Ranch**

3924 N 49th Drive, KCK 66104

(1 mile west of I-635 & 1 mile north of Leavenworth Road)

913-991-3451 or 913-638-1498

www.kckblues.com or [www.Facebook.com/KCK Street Blues Fest](https://www.facebook.com/KCKStreetBluesFest)

"Always Celebrating Kansas City's Blues Heritage"



Staff Request for Commission Action

Tracking No. 19844

Full Commission Meeting Date: 6/27/19

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 6/21/2019	<u>Contact Name:</u> Mike Taylor	<u>Contact Phone:</u> x5565	<u>Contact Email:</u> mtaylor@wycokck.org	<u>Department/Division:</u> Public Relations
<u>Item Description:</u> Request adoption of the 2019 Federal Legislative Program.				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> 2019-UG Federal Agenda (Final)				



UNIFIED GOVERNMENT OF WYANDOTTE COUNTY & KANSAS CITY, KANSAS

2019 FEDERAL AGENDA



Thorn Run Partners, 100 M St. SE – Ste. 750 | Washington D.C. 20003
(202) 849-8528 | jdavenport@thornrun.com

This Legislative Program is based on the principle that Federal, State and Local Governments are all partners in the effort to make Kansas and its communities great places for people to live, work and play.

Table of Contents

TRANSPORTATION	PAGE 1-2
TRANSIT AND TRAILS	PAGE 3
RAIL AND RIGHT OF WAY	PAGE 4
COMBINED SEWER OVERFLOWS	PAGE 5
LEVEE PROJECTS	PAGE 6
WATERS OF UNITED STATES	PAGE 7
FLOOD INSURANCE	PAGE 8
INFANT MORTALITY	PAGE 9
OPIOID ADDICTION	PAGE 9-10
PUBLIC SAFETY	PAGE 11
TAX AND FINANCE	PAGE 12
CITY/COUNTY SERVICES FUNDING	PAGE 13-16

TRANSPORTATION: HIGHWAYS, TRANSIT AND RAIL

HIGHWAYS

SUPPORT funding, including infrastructure legislation and the reauthorization of the FAST Act, to assist with needed improvements to the I-70/I-435 interchange near Village West.

Growth in central and western Wyandotte County is exploding. Village West draws more than 12-million visitors a year to shop, dine and attend major sporting events. The Sporting KC Major League Soccer team has experienced more than 100 consecutive sell-out games at Children's Mercy Park, with each game attracting more than 20,000 fans. The Kansas Speedway regularly draws more than 80,000 NASCAR racing enthusiasts to its Spring and Fall races. In addition, plans are underway to build a new American Royal complex and hotel convention center in Village West. Village West is also home to 3,000 employees at the Cerner Continuous Campus. The City of Edwardsville has just announced a new Hard Rock Hotel and Convention Center at I-70/110th Street.

The I-70/I-435 corridor, including I-435/State Avenue and State Avenue/Village West Parkway, is outdated and unable to efficiently, effectively or safely handle all the vehicles which regularly travel to the area.

- **I-435 Corridor – I-435 and I-70**
 - Traffic Volume (ADT): 62,800
 - Estimated Project Costs: \$25,232,325
 - Regional/State Benefits: This improvement will increase safety and access to the biggest tourism district in Kansas.
 - Past Studies that have been done: - I-435/I-70/Village West Regional Transportation Study, 2010
- **I-435 Corridor – I-435 and State and State Avenue/Village West Parkway**
 - Traffic Volume (ADT): 51,700
 - Estimated Project Costs: \$10,740,698/\$23,411,970
 - Regional/State Benefits: The area of Village West continues to grow as an economic engine for Kansas. The American Royals is current developing design plans for new facilities in the area. In addition, the Unified Government is frequently receiving plans for new commercial and residential developments. The City of Edwardsville announced new development agreements for hotel and convention center. With the completion of this project, existing off-peak congestion issues and operational deficiencies would be resolved. Additionally, major entertainment and sporting event traffic handling operations would be greatly enhanced by this improvement, and continuous traffic access across State Avenue during peak traffic events would be maintained.
 - Past Studies that have been done: - I-435/I-70/Village West Regional Transportation Study, 2010

- **I-435 Corridor – I-435 and Parallel**
 - Traffic Volume (ADT): 42,200
 - Estimated Project Costs: \$9,363,435
 - Regional/State Benefits: This interchange is also a major gateway to Village West and the expanding commercial/retail area on the east side of I-435.
 - Past Studies that have been done: - I-435/I-70/Village West Regional Transportation Study, 2010

- The House Transportation and Infrastructure Committee plans to write infrastructure legislation in 2019 and Chairman Pete DeFazio has indicated he is open to including specific projects in the legislation. In addition, the Fixing America's Surface Transportation (FAST) Act is set to expire in 2020. In developing the FAST Act, Congress did not address the need for a long-term, sustainable plan to finance our nation's transportation infrastructure. Fuel taxes, which provide most of the money for surface transportation, do not provide a solid long-term foundation for transportation funding growth and investment, even if Congress were to authorize a modest increase. Instead, the FAST Act relies on various budget gimmicks to fund surface transportation programs, such as surplus money from the Federal Reserve, reducing the amount of interest the Fed pays to banks, and selling off part of the Strategic Petroleum Reserve.

- We urge the 116th Congress to begin work on this legislation and to find a way to address the shortfall in the Highway Trust Fund. This could be accomplished via increasing the gas tax, establishing a new vehicle mile traveled fee, cutting program expenditures, using other revenue, or, most likely, a combination of solutions.

OPPOSE legislation that allows an increase in the length and weight of commercial trucks on our nation's highways.

- Heavier trucks and longer double trucks present multiple issues which lead to a reduction in safety. Heavier, longer trucks lead to increased maintenance needs and costs, which is troublesome with no additional finding linked to these proposals.

TRAILS

SUPPORT multi-modal transportation funding that includes bicycle, pedestrian and recreational trails.

TRANSIT

SUPPORT revisions to federal funding formulas to ensure that underserved areas are receiving equitable funding. **SUPPORT** broadening eligible activities of federal discretionary grants to include operating assistance as well as reducing the local match commitment to secure federal grants.

- While federal transit funding has declined or remained level, labor, equipment & maintenance costs have increased; compelling public providers to increase contributions to meet service demands.
- Unified Government (UG) contributions have increased 30.52% since 2015 while Federal operating grants have decreased 40.38% since 2015.
- Although the Unified Government has been successful in securing federal discretionary grants for capital equipment, our increased spending on operational costs has made committing the required local match problematic.

RAIL YARD DEVELOPMENT

SUPPORT additional funding for freight rail, including the Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant program, so that the UG can obtain Federal funding for rail yard and crossing improvements.

- The CRISI program provides a comprehensive solution to leverage private, state and local investments to support safety enhancements and general improvements to infrastructure for both intercity passenger and freight railroads.
- Congress authorized this grant program for the Secretary to invest in a wide range of projects within the United States to improve railroad safety, efficiency, and reliability; mitigate congestion at both intercity passenger and freight rail chokepoints; enhance multi-modal connections; and lead to new or substantially improved Intercity Passenger Rail Transportation corridors. Additionally, the program includes rail safety projects, such as grade crossing enhancements, and rail line relocations and improvements. Applicable work also includes: rail regional and corridor planning, environmental analyses, and research, workforce development, and training.

RAILROAD QUIET ZONES

SUPPORT revising Train Horn Rules. Rules for implementing quiet zones should be less burdensome and allow for differences in community circumstances while continuing to protect public safety. We also request Congress provide federal funds for the purpose of establishing quiet zones and consider new technology which may enhance the safety of quiet zones while minimizing or eliminating train horn noise.

PUBLIC PROPERTY AND RIGHTS OF WAYS

Local government and the citizens they represent should be allowed to control and manage public lands and right-of-way as they see fit. This includes collecting franchise fees and other revenues from private companies and individuals which use public lands for personal benefit or profit.

COMBINED SEWER OVERFLOWS

SUPPORT flexibility in the Clean Water Act (CWA) that allows for a regulatory approach that prioritizes ratepayer and public investments in a way that will maximize water quality benefits and public health and safety protections. Likewise, **SUPPORT** the establishment of a federal loan assistance program to help pay for the costs of meeting the expensive environmental mandates imposed by the EPA and Department of Justice regarding combined sewer overflows and expected new regulations governing storm water runoff.

- The Unified Government and the residents they serve want clean water and want to fix sewer overflow problems that arise during heavy rain events. However more flexibility is needed on the part of Federal agencies. Federal government proposals would cost KCK residents nearly \$1-billion. User rates have already been increased substantially in the last decade to begin tackling these issues and will continue to for the foreseeable future. It is imperative the community have financial safeguards. Most residents simply cannot afford what the EPA is demanding.
- The Unified Government urges the Federal government to be more flexible and innovative when working to solve these complex issues. However, at a time when financial resources are increasingly limited, the federal government continues to impose costly federal regulatory requirements to carry out the objectives of the Clean Water Act (CWA) without regard for the efficacy of the regulation or a prioritization scheme. Given the limited pool of financial resources, it is appropriate for local governments and our citizens to insist on a regulatory approach that prioritizes ratepayer and public investments in a way that will maximize water quality benefits and public health and safety protections.
- The Unified Government remains committed to meeting the growing water infrastructure needs in our community. We ask the Federal government to be a full partner in this important endeavor. Because the nation's cities are working to improve aging infrastructure, meet federal regulatory requirements, create and retain jobs, and foster a climate of economic growth in our communities, a federal investment in our nation's infrastructure is essential.
- The Unified Government supports integrated planning approaches and full implementation of the Water Infrastructure Improvement Act.
- The Unified Government supports initiatives that take a realistic approach to community's financial capability so as to more responsibly manage ratepayer and public investments, and the Unified Government supports state control of enforcement actions.

LEEVE PROJECTS

SUPPORT the Army Corps of Engineers ongoing design and construction of Kansas City Levees project which protects the areas of Armourdale, Argentine and CID in Kansas City, KS and Kansas City, MO.

- In FY18 the Kansas City Levees project received full federal funding as part of the Bi Partisan Supplement Budget for Disaster Relief. \$453.6 M was allocated for the Kansas Cities Levees as one project that had been previously authorized in two separate projects – Argentine in WRDA 2007 and Armourdale/CID WIIN 2016. However, these authorizations did not reflect the engineer feasibility of doing one segment without the other. It is one single project that had been broken apart to move the project forward through funding phases but not ever intended to be design or constructed separately.
 - On 17 January 2019 the Assistant Secretary of the Army for Civil Works (ASA-CW), Mr. RD James, directed the US Army Corps of Engineers (Corps) to address the Kansas Cities Levees as a single on-going construction project to be fully federally funded under the provisions of Public Law 115–123, enacted February 9, 2018, as the Bipartisan Budget Act of 2018, and including Supplemental Appropriations related to disaster relief. This policy clarification by Mr. James comes after years of advocacy and perseverance to correct the misinterpretation that Phase 1 and Phase 2 were to be treated as separate independent projects, as opposed to a comprehensive levee system. The project was envisioned and developed as a system improvement of the nearly 60-miles of seven levees providing protection to over \$20 billion in investments, 94,000 workers, and 20,000 residents.
- Design and construction has commenced for the pump station replacements and levee and floodwall raises on Argentine Unit that are anticipated to be completed by 2022. The contiguous design and construction on CID and Armourdale Units will be underway in August 2019 with work continuing till early 2024.
- The Unified Government is seeking continued Federal support for the region and locally for pedestrian use of the levees by allowing betterments on the levee to facilitate this use.
- The Levees of the Kansas City region protects over 20,000 residents and 100,000 jobs with \$20 billion in property investments consisting of more than 5,000 structures. Additionally, the levees protect the busiest railroad hub in the country by tonnage. Five Class One railroads are part of this rail hub – BNSF, Union Pacific, Kansas City Southern, Norfolk Southern, and Canadian Pacific.

WATERS OF THE U.S.

SUPPORT a revised rule that provides a balanced regulatory approach to protecting our waters without inflicting unnecessary damage to the economy. Because of the South Carolina ruling, the 2015 rule is now officially on the books in 26 states, but not in Kansas.

- A South Carolina District Court ruling overturned the Trump administration's attempted delay of the Obama administration's Waters of the U.S. (WOTUS) rule for failing to offer the public a proper opportunity to comment. The injunction targets the Trump administration's February order suspending the WOTUS rule while the Environmental Protection Agency (EPA) and the Army Corps of Engineers worked up a new version. The Southern Environmental Law Center sued on behalf of several environmental groups, saying the administration rushed the rulemaking and violated the Administrative Procedure Act. The Justice Department is reviewing the decision, and an appeal is expected.
- In December 2018, the EPA and Corps issued a revised rule that would roll-back many of the Obama administration's proposals. Excluded under the new rules would be ephemeral streams (defined as having water in them only immediately after it rains) and most ditches, along with lakes, ponds, and wetlands that do not abut or do not have a direct hydrological connection to jurisdictional waters.
- Costs to regulated entities and state and local governments would likely increase as a result of additional permit application expenses, administration and processing of permits, and compensatory mitigation requirements for permit impacts.
- The agencies estimate that incremental costs associated with the rule range from \$162 million to \$279 million per year on a national scale.

NATIONAL FLOOD INSURANCE PROGRAM

SUPPORT efforts to improve the National Flood Insurance Program, which expires in May 2019, for the benefit of all participants, including the 165,000 residents within Wyandotte County.

- In 1968, Congress established the National Flood Insurance Program (NFIP) to address the nation's flood exposure. Until 2005, the NFIP was self-supporting, as policy premiums and fees covered expenses and claim payments. Today, the program is roughly \$25 billion in debt due to several large storms.
- In mid-2012, Congress passed, and President Obama signed, the Biggert-Waters Flood Insurance Act (BW12), a 5-year reauthorization of the NFIP that attempted to restore the program to firmer financial footing by making several changes to the program that impacts the County's residents. Then, in early 2014, the Homeowner Flood Insurance Affordability Act (HFIAA) was enacted to address some of the so-called unintended consequences of BW12. While HFIAA delayed many of the premium increases implemented by BW12, in the long run, the only real difference between rate increases envisioned by the two bills is that HFIAA reinstated grandfathering.
- The UG supports reauthorization of the National Flood Insurance Program (NFIP) with legislative, policy and programmatic modifications to improve the affordability and transparency of the program through reforms in the following areas:
 - 1) Affordability/Rate Structure
 - a. Maintain a focus on affordability; however, if rates must rise, provide a more reasonable glide path for all properties
 - b. Ensure rates are consistent for all properties, including second homes and businesses
 - c. Ensure NFIP rates are not excessive or unfair by making the rate-setting process more transparent to the public
 - 2) Programmatic Modifications to Enhance NFIP's Financial Sustainability
 - a. Consider Write-Your-Own reforms including reducing commissions while further incentivizing NFIP policy sales efforts
 - b. Encourage greater participation by those outside of the 100-year floodplain via expanded use of the Preferred Risk Policy
 - c. Further strengthen enforcement responsibilities to ensure those in the 100-year floodplain have and maintain flood insurance
 - 3) Mitigation
 - a. Increase funding for existing flood mitigation programs
 - b. Establish tax credits for mitigation efforts
 - c. Consider voucher/loan programs to further emphasize mitigation, particularly for lower-income participants

INFANT MORTALITY

The Unified Government **SUPPORTS** the Mothers Offspring Mortality Morbidity Awareness Act or HR 1897 MOMMA Act.

- This Act will improve Federal efforts in the prevention of maternal mortality by providing funding to programs proven to decrease the risk factors related to maternal mortality.
- This funding would include extending Medicaid and CHIP coverage for pregnant and postpartum women, creation of Maternal Mortality Review projects and State/Local Perinatal Quality Collaboratives. The intent would be to utilize quality improvement principles to improve maternal and infant health outcomes.
- This act would be funded through an increase in the Federal cigarette and tobacco excise tax.

OPIOID ADDICTION SUPPORT AND PREVENTION

SUPPORT appropriations activities to fund programs in CARA and the 21st Century Cures Act to help the UG fight opioid addiction.

- Over 47,000 people died of opioid overdoses in the United States in 2017. Congress has taken several major steps on opioid addiction. First was the Comprehensive Addiction and Recovery Act (CARA) passed in July 2016. This bill authorized a variety of activities across many federal agencies to combat opioid addiction. This includes pharmaceutical research and development, law enforcement tools, addiction recovery programs, and the like. However, CARA does not provide any funding for these activities, leaving the funding levels for each of the authorized activities subject to annual appropriations.
- The 21st Century Cures Act, passed in December 2016, also addresses opioid abuse. Section 1003 of the bill provides \$1 billion to the states to address opioid abuse. The \$1 billion is to be provided over a two-year period, and the first \$500 million was appropriated in the FY 2017 Continuing Resolution in December 2016. The Administration stated that they plan to continue to allocate opioid epidemic funding based on a state's population, rather than considering need.
- The 115th Congress pursued several avenues for addressing the opioid crisis, ultimately passing the Substance Use–Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act, or the SUPPORT for Patients and Communities Act in October of 2018. All parties agree that this legislation is simply a first step in addressing the crisis and will not solve the problem on its own, but it shows significant progress and a commitment by Congress to get something done to address this issue in a difficult political environment. Among other things, the bill has a significant impact on increasing Medicaid coverage for substance use disorders. The bill will temporarily allow states to use federal Medicaid funds for coverage of institutional treatment of all substance abuse disorders for up to 30 days. Currently, federal law prohibits the use of Medicaid funds for treatment in facilities

with more than 16 beds. This should assist those in need to be able to access care and enable facilities to increase the number of treatment beds they offer.

- SUPPORT for Patients and Communities Act will also require providers to check prescription drug monitoring databases (PDMP) prior to prescribing a controlled substance and facilitate access to PDMPs for state Medicaid agencies, Medicaid providers and managed care plans. Finally, the bill creates a number of small grant programs for providers to support implementation of voluntary programs for care and treatment of individuals after a drug overdose, to support treatment for individuals with a substance abuse disorder at comprehensive opioid recovery centers, and for hospitals and emergency departments to develop, implement, enhance, or study alternatives to opioids for pain management. Each of these programs is authorized at \$10 million per year, for the next five years.

PUBLIC SAFETY AND CRIME PREVENTION

SUPPORT the reauthorization of the Violence Against Women Act (H.R. 1585), originally enacted in 1994, which passed the House on April 4, 2019. The VAWA creates opportunities for sexual assault and domestic violence survivors to participate in legal programs that may result in the expungement of criminal convictions.

- The bill reauthorizes the use of the STOP Grants and expands grant funding for programs focused on increasing survivor, law enforcement, community safety, and legal assistance for dependent children in appropriate circumstances.
- The bill directs grant monies to ensure the lawful recovery and storage of dangerous weapons by law enforcement agencies.
- Directs grants to States and local governmental entities that discourage compelling victim testimony
- Reauthorizes grants to improve the criminal justice system response by strengthening effective law enforcement and prosecution strategies to combat violent crimes against women and to develop and strengthen victim services
- Reauthorizes funding for legal assistance for victims and extends this assistance to dependents of victims when necessary for the safety of the victim
- Reauthorizes grants to support families in the justice system and directs grant monies to develop and implement laws, policies procedures, or training to ensure the lawful recovery and storage of dangerous weapons by law enforcement agencies from an adjudicated perpetrator of any offense of domestic violence, dating violence, sexual assault, or stalking (“the VAWA crimes”), and the return of such weapons when appropriate
- Reauthorizes grants for outreach and services to underserved populations
- Increases authorized funding for Rape Prevention and Education grants and expands them to cover sexual violence and sexual harassment
- Increases authorized funding for Creating Hope through Outreach, Options, Services, and Education (CHOOSE) grants for children and youth expanding them to address sex trafficking or bullying as part of a comprehensive program addressing the four VAWA crimes
- Expands programming to cover youth in underserved populations
- Increases funding for grants to combat violent crimes on campuses and allocates funding to train campus health centers to recognize and respond to the VAWA crimes
- Increases funding for Saving Money and Reducing Tragedies (SMART) prevention programming to include the unmet needs of underserved populations
- Reauthorizes funding for grants to strengthen the healthcare system’s response to the VAWA crimes, to include improving the capacity of early childhood programs to address the VAWA crimes among the families they serve, to incorporate addressing labor and sex trafficking as part of a broader focus on training programs, to develop State-level pilot programs to address the response of substance use disorder treatment programs to the VAWA crimes, and to improve data-collection

TAX AND FINANCE

OPPORTUNITY ZONES

SUPPORT investment in the six Opportunity Zones designated within Kansas City/Wyandotte County, KS.

- On December 12, 2018, President Trump signed an “Executive Order (EO) on Establishing the White House Opportunity and Revitalization Council,” which builds off a provision in the *Tax Cut and Jobs Act (P.L. 115-97)* that created tax incentives for investment in areas designated as “opportunity zones” by the U.S. Department of the Treasury. A second round of rules for investors was released on April 17, 2019.
- The EO supplements the tax bill provision by establishing the White House Opportunity and Revitalization Council, which will streamline resources across 13 different federal agencies for opportunity zones, including grant funding, loan guarantees for investors and infrastructure spending. The council will be led by U.S. Department of Housing and Urban Development Secretary Ben Carson and convene state, local and tribal stakeholders to coordinate economic development strategies for opportunity zones.
- The program's tax benefits can be substantial: People can defer the capital gains taxes that would have been owed with the sale of an asset if that money is put into an opportunity zone. They can then get a 15 percent discount on those taxes if they hold the investment for at least seven years. On top of that, they can skip capital gains taxes altogether on the Opportunity Zone investment itself if they hang onto it for at least 10 years.

PROTECT MUNICIPAL BONDS

SUPPORT the current tax exemption on municipal bonds. Municipal bonds are critical for local governments to finance public infrastructure that supports everyday life. Removing the tax exemption will increase the cost of building streets, bridges, sewers and other municipal projects, greatly increasing the cost for local taxpayers.

- The issue of the deductibility of municipal bonds was not included in the comprehensive tax reform legislation signed into law at the end of 2017, however it may continue to be an issue in the future.
- If the deduction was eliminated in the future, it is estimated that the difference in the rate of earnings the UG and other local governments would need to offer prospective buyers for their taxable bonds would depend on the market, but typically would range from 1.5 to 2 percent more for those offerings. On \$1 million borrowed, this would likely cost \$20,000 more in interest per year. Taking this further, if the UG were to amortize a \$100 million loan over 30 years at taxable bond rates two percent higher than if the bonds were tax-exempt, the additional cost to taxpayers over those 30 years could be roughly \$30 million.

FY 2020 FEDERAL FUNDING FOR CITY/COUNTY SERVICES

SUPPORT federal programs in FY 2020 appropriations legislation that enhance City/County services.

- The Trump Administration has proposed drastic cuts to and eliminations of several domestic spending programs. The budget proposals included cuts to or the elimination of several programs of importance to the Unified Government. Likewise, sequestration poses another threat to Federal discretionary spending.
- The Budget Control Act (passed in 2011) established budgetary caps in law for discretionary spending – one cap for defense accounts and another for non-defense accounts – through FY 2021. The penalty for spending over the caps is a sequestration of funds through a percentage-based cut to every account, program and project funded by discretionary spending, to ensure spending is in line with the budgetary caps. In February of 2018 Congress passed legislation to raise the budget caps for both defense and non-defense accounts for two fiscal years, avoiding the threat of sequestration for that time period. Budget caps will return in Fiscal Year 2020, meaning that appropriations bills considered by Congress in early 2019 will have to abide by the limitations of the Budget Control Act unless Congress devises a new workaround.
- The UG supports funding the following programs in FY 2020 Appropriations legislation”

Agriculture

- **Women, Infant, and Children (WIC) Program** - to serve the nutritional needs of low-income pregnant and postpartum women, infants, and children
- **Water and Waste Disposal Program** - to develop clean and reliable drinking water systems, sanitary sewage disposal, sanitary solid waste disposal, and storm water drainage in rural areas
- **Community Facilities Program** - to develop essential community facilities in rural areas.

Commerce Justice Science

- **Economic Development Administration** - for innovative economic development planning, regional capacity building, and capital projects
- **Community Oriented Policing Services** - to increase the number of officers available for targeted patrol and other proven strategies to prevent and reduce crime.
- **Byrne programs** - to support law enforcement, prosecution and courts, crime prevention, corrections, drug treatment and other important initiatives and to work with local leadership in high-poverty communities to invest and engage more intensely to create jobs, leverage private investment, reduce violence and expand educational opportunities
- **Drug Court Programs** - to support mental health courts and adult and juvenile collaboration program grants

- **Residential Substance Abuse Treatment (RSAT)** - to develop and implement residential substance abuse treatment programs and create and maintain community-based aftercare services for offenders
- **Second Chance Act/Offender Reentry Programs** - to provide employment assistance, substance abuse treatment, housing, family programming, mentoring, victims support, and other services that can help reduce re-offending and violations of probation and parole
- **State Criminal Alien Assistance Program** - for federal payments to states and local governments to reimburse correctional officer salary costs incurred for incarcerating undocumented criminal aliens
- **Juvenile Justice Formula Grants** - to support state and local efforts to develop and implement comprehensive state juvenile justice plans, as well as provide training and technical assistance
- **Juvenile Delinquency Prevention Initiatives** - to support delinquency prevention programs and activities to benefit youth who are at risk of having contact with the juvenile justice system
- **Youth Mentoring Program** - to enhance and expand existing community-based mentoring strategies and programs, and develop, implement, and pilot test mentoring strategies and programs designed for youth in the juvenile justice, reentry, and foster care systems
- **Juvenile Justice Realignment Incentive Grants** - to assist states that use Juvenile Accountability Block Grants funds for evidence-based juvenile justice system realignment to foster better outcomes for system involved youth, less costly use of incarceration, and increased public safety
- **Office of Violence Against Women** - to provide communities with the opportunity to combat sexual assault and violence against women
- **Opioid Abuse** – to support grants to state and local governments (authorized under the “Comprehensive Addiction and Recovery Act” (S. 524)) to provide services relating to opioid abuse, including first-responder training for opioid overdose reversal drugs and treatment alternatives to incarceration programs.

Interior & Environment

- **EPA Clean Water/Drinking Water State Revolving Funds (SRF)** – to finance infrastructure improvements projects for wastewater treatment, nonpoint source pollution control, watershed and estuary management, and public drinking water systems
- **Brownfields Program** - to assist in the clean-up and redevelopment of properties, which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant
- **Land & Water Conservation Fund** - to conserve lands in or around national parks public lands, refuges, and forests

Homeland Security

- **State Homeland Security Grant Program** – to enhance the state and local levels' ability to prevent, prepare for, protect against, and respond to natural disasters, acts of terrorism, and other man-made disasters
- **Firefighter Assistance Grants** - to help firefighters and other first responders to obtain critically needed equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel from fire and related hazards
- **Staffing for Adequate Fire and Emergency Response (SAFER) Program** - to help fire departments and volunteer firefighter interest organizations increase the number of trained, "front line" firefighters available in their communities
- **Fire Prevention & Safety (FP&S) Program** - to support projects that enhance the safety of the public and firefighters from fire and related hazards.
- **Port Security Grant Program** – to support increased port-wide risk management and protect critical surface transportation infrastructure from acts of terrorism, major disasters, and other emergencies.

Labor, Health and Human Services, and Education

- **Workforce Innovation Fund** - to support innovative approaches to the design and delivery of employment and training services for the public workforce system
- **Substance Abuse and Mental Health Service Administration (SAMHSA)** - to enhance health and reduce the adverse impact of substance abuse and mental illness
- **Community Health Centers** - for capital development grants to improving access to health care services for people who are uninsured, isolated, or medically vulnerable

Transportation & Housing and Urban Development

- **Federal Highway Administration (FHWA)** - to invest in our Nation's highway and bridge infrastructure. Transportation
- **Surface Transportation Program** - to provide transportation agencies the ability to target funds toward State and local priorities
- **Congestion Mitigation and Air Quality Improvement (CMAQ) Program** - to help States and local governments reduce highway congestion and harmful emissions
- **Transportation Infrastructure Finance and Innovation Act (TIFIA) Program** - to provide Federal credit assistance funding to support nationally or regionally significant transportation projects
- **Transportation Alternatives Program** - to increase transportation choices and access to transportation services
- **BUILD Grants** - to fund infrastructure projects of national and regional significance, planning grants, and award and oversight expenses
- **Federal Transit Administration (FTA)** - to construct new public transit systems, improve the condition of transit assets, expand access, and increase transit safety
- **Community Development Block Grant programs (CDBG)** - to ensure access to decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses
- **Homeless Assistance Grants** – to support new permanent housing units to quickly rehouse homeless individuals and families
- **Emergency Solutions Grant (ESG)** – to assist communities with reducing homelessness and by providing funding for street outreach, emergency shelters, homelessness prevention, and rapid rehousing
- **Housing Counseling Assistance** – to provide counseling to consumers on seeking, financing, maintaining, renting, or owning a home. The program also addresses homelessness through counseling and assists homeowners in need of foreclosure assistance
- **Tenant-Based Rental Assistance/Housing Choice Vouchers and Project Based Rental Assistance** – to assist very low-income families, the elderly, and the disabled to afford decent housing in the private market, and to provide rental subsidies for families residing in newly constructed, rehabilitated and existing rental and cooperative apartment projects
- **HOME Investment Partnership** - to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people.



Staff Request for Commission Action

Tracking No. 19791

Full Commission Meeting Date: 6/27/19

Committee: Public Works & Safety

Date of Standing Committee Action: 6/17/19

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
6/21/2019	James Bain	x5077	jbain@wycokck.org	Legal

Item Description:

Project Name: 131st St. & Leavenworth Road Improvements for Piper Elementary School – CMIP 1615

A resolution declaring that this project is necessary and valid improvement project, submitted by James Bain, Assistant Counsel. This project is widening of Leavenworth Road and 131st Street along the frontage of the new Piper Elementary School. Improvements also includes an overlay of existing pavement, new curb and gutter, multi-use path/trail, storm sewer, and street lighting. This Resolution directs the Chief Counsel to cause a survey and description of such parcels to be undertaken and prepared by a licensed land surveyor or a professional engineer to identify and describe the property to be acquired for this project, and to submit an Ordinance authorizing the exercise of eminent domain and to undertake all other necessary actions to complete the acquisition of such parcels.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

1 Resolution.131st Leavenworth Resolution

(Published _____)

RESOLUTION NO. _____

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the construction, maintenance, operation, use and repair of the **131st St. & Leavenworth Road Improvements for Piper Elementary School (CMIP 1615)**, all in Wyandotte County, Kansas.

**BE IT RESOLVED BY THE COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

SECTION 1. It is hereby found and determined necessary that certain lands be condemned for public use providing for land necessary for construction, maintenance, operation, use and repair of the **131st St. & Leavenworth Road Improvements for Piper Elementary School Project (CMIP 1615)**. The project is widening of Leavenworth Road and 131st Street along the frontage of the new Piper Elementary School. Improvements also includes an overlay of existing pavement, new curb and gutter, multi-use path/trail, storm sewer, and street lighting. This project is all in Wyandotte County, Kansas.

SECTION 2. The Board of Commissioners hereby directs and authorizes its Chief Counsel to cause a survey and description of such parcels to be undertaken and filed with the Clerk of Wyandotte County/Kansas City, Kansas; to thereafter prepare and submit to the Board of Commissioners an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the Board of Commissioners to initiate eminent domain proceedings in the District Court of Wyandotte County, and to undertake all other necessary actions to complete acquisition of such parcels.

SECTION 3. This resolution shall be published once in the official County, newspaper, The Wyandotte Echo.

**ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

THIS _____ DAY OF _____, 2019.

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

James Bain
Assistant Counsel



Staff Request for Commission Action

Tracking No. 19793

Full Commission Meeting Date: 6/27/19

Committee: Public Works & Safety

Date of Standing Committee Action: 6/17/19

(If none, please explain):

Publication Required: No

<u>Date:</u> 6/21/2019	<u>Contact Name:</u> John Droppelmann	<u>Contact Phone:</u> x5938	<u>Contact Email:</u> jdroppelmann@kckfd.org	<u>Department/Division:</u> Fire Department
<u>Item Description:</u> The Kansas City, Kansas Fire Department has been a member of the Eastern Kansas Multi-County Task Force since the late 1980s. This Task Force provides investigative assistance for large, complex fire incidents. The agreement is being updated to fall under KSA 12-2908 to make it easier for additional counties to join in the future. This resolution authorizes the Unified Government to sign the updated agreement.				
<u>Action Requested:</u> To adopt the resolution.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution EKMCTF 2019, EKMCTF - KCK 2019				

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT TO ENTER
AN AGREEMENT WITH EASTERN KANSAS MULTI-COUNTY TASK FORCE
TO PROVIDE INVESTIGATIVE SERVICES**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas, wishes to be a participating member of the Eastern Kansas Multi-County Task Force.

WHEREAS, it is recognized and acknowledged that the Eastern Kansas Multi-County Task Force is an organization that provides an investigation group of personnel to support an agency or district within the Task Force when needed.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas is authorized by K.S.A. 12-111, and amendments thereto, to offer Fire Protection Services beyond the city's city limits; and

WHEREAS, the Parties are municipalities within the definition of KSA 12-2908, to perform governmental services.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS:**

That after compliance with K.S.A. 12-2908 et seq., the County Administrator of the Unified Government is hereby authorized and directed to execute in the name of the Unified Government as a voluntary act of the Unified Government the RECIPROCAL INVESTIGATION INTERGOVERNMENTAL LOCAL AGREEMENT, and the County Administrator is hereby authorized to take any action required and execute any instruments necessary to implement and satisfy the intent of said Agreement.

Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the Unified Government.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS 27th DAY OF JUNE, 2019.**

ATTEST:

Unified Government Clerk

EASTERN KANSAS MULTI-COUNTY
TASK FORCE

RECIPROCAL INVESTIGATION INTERGOVERNMENTAL LOCAL AGREEMENT

This Agreement made is entered into this _____ day of _____ 2019, between the Eastern Kansas Multi-County Task Force and the City of Kansas City, Kansas, (Participating Member).

Whereas, it is in the interest of the public health, safety, and welfare, for public agencies of the State of Kansas to assist each other in the thorough and prompt investigations of fires and explosions; and

Whereas, this Agreement is between municipalities, within the meaning and definition of KSA 12-2908, to perform a governmental service.

These parties mutually agree as follows:

1. The Eastern Kansas Multi-County Task Force is an organization whose purpose is to provide an investigation group of personnel to support an agency or district within the Eastern Kansas Multi-County Task Force group when needed.
2. The Participating Member hereby agrees to participate in the Eastern Kansas Multi-County Task Force and to comply with the Constitution and By-Laws and the Activation Protocol of the Eastern Kansas Multi-County Task Force, as each may be amended from time to time.
3. Each member of the Eastern Kansas Multi-County Task Force group shall furnish to the other members investigation equipment and personnel and assist in investigating fires and explosions, where such fires and explosions are beyond the investigative capacities of a member and the member requests assistance, as determined by fire chiefs, and/or police chiefs responsible for the investigation of the incidents, subject to the following terms and conditions:
 - a. When making a request for assistance, each member shall provide a written request to the Eastern Kansas Multi-County Task Force group for the necessary fire or law enforcement assistance.
 - b. Each member which agrees to provide responding fire investigators, shall provide personnel meeting the certification requirements of K.A.R 22-19-2 or the NFPA 1033 standard for professional qualifications.
 - c. No member shall be obligated hereby to furnish equipment or personnel under such circumstances as would put at risk the obligation to provide fire protection to its primary area. This determination is within the discretion of the responding member fire chief.
 - d. No member shall be obligated hereby to furnish equipment or personnel under such circumstances as would put at risk the obligation to provide police protection to its primary area. This determination is within the discretion of the responding member police chief.
 - e. Participating Member shall not be responsible for any loss, damage, or injury caused by or resulting from acts or omissions of other agencies through participation in the Eastern Kansas Multi-County Task Force.

f. Participating Member shall be responsible for all cost and liability of its personnel when participating in the Eastern Kansas Multi-County Task Force and shall maintain suitable liability and workers compensation coverage.

4. This Agreement shall continue perpetually, provided, either party may terminate this Agreement on a thirty (30) calendar day written notice to the other.

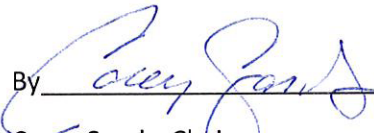
5. Participating Member agrees no compensation will be payable for furnishing personnel and/or equipment as contemplated by this Agreement.

6. This Agreement shall not run in favor of or inure to the benefit of any liability insurer or third party. There shall be no third-party beneficiaries to this Agreement.

7. Any damage, loss or liability of Participating Member is subject to the immunity and provisions of the Kansas Tort Claims Act, KSA 75-6101 et seq., and amendments thereto, as construed by the courts of the State of Kansas. Participation in this Agreement does not constitute a waiver of and is conditioned upon the continued application of the Kansas Tort Claims Act to any act in furtherance of this Agreement.

Accepted and agreed to by the Participating Member, and the Eastern Kansas Multi-County Task Force effective the date written above.

Eastern Kansas Multi-County Task Force

By  _____
Corey Sands, Chairperson

Participating Member
Unified Government of Wyandotte County/Kansas City, Kansas

By _____
County Administrator

Attest:

By _____

Approved as to form:

By _____



Staff Request for Commission Action

Tracking No. 19806

Full Commission Meeting Date: 6/27/19

Committee: Public Works & Safety

Date of Standing Committee Action: 6/17/19

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
6/21/2019	Jeremy Rogers	x8304	jrogers@wycokck.org	Parks & Recreation

Item Description:

We would like to have the Standing Committee approve to put the National Fitness Court at Fisher Park, at 39th St. and Fisher Ave. This location is very close to KU Med and sits at the trailhead for the walking trail in Fisher Park. If approved, construction will start in early July.

Action Requested:

Request approval.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

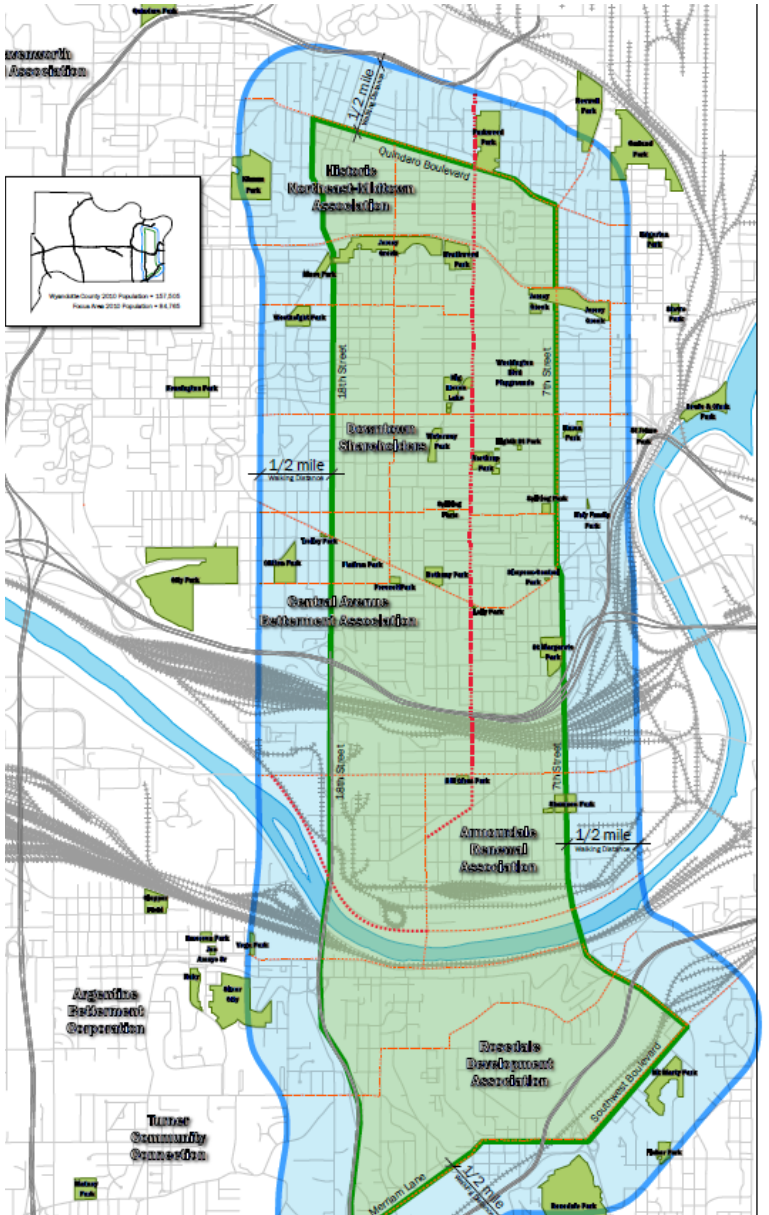
PowerPoints



PARKS AND RECREATION FITNESS COURT PROJECT

PRESENTED BY JEREMY ROGERS





ABOUT THE PROJECT

- Parks and Recreation received a small grant from the National Fitness Campaign to bring free fitness to our community
- The UG Parks and Recreation Department has partnered with Latino Health for All Coalition to raise funds
 - Since 2008, LHFA primary project focus has been in what they consider the “Healthy Community Corridor” which is a population total of roughly 84,765
 - For several years the Coalition has worked to improve parks in Wyandotte County by installing exercise stations, practice soccer fields, and improving other amenities such as walking trails
 - The goal is to promote healthy living by increasing the number of people who use parks and engage in more vigorous physical activity
- The fitness court is a unique exercise platform designed for parks and community spaces providing an accessible and FREE way to get healthy and stay fit
- National Fitness Campaign’s outdoor bodyweight circuit-training system features a series of full-body exercises that can be completed in just seven minutes
- The Fitness Court accommodates a variety of skill levels and abilities at each station, from beginner to expert.

RECOMMENDATION: FISHER PARK

- Trailhead nearby
- Highly used park
- Great visibility
- Water fountain on site
- Community support
- In Healthy Community Corridor





Staff Request for Commission Action

Tracking No. 19794

Full Commission Meeting Date: 6/27/19

Committee: Administration & Human Services

Date of Standing Committee Action: 6/17/19

(If none, please explain):

Publication Required: Yes

<u>Date:</u> 6/21/2019	<u>Contact Name:</u> Phyllis Wallace	<u>Contact Phone:</u> x5505	<u>Contact Email:</u> pwallace@wycokck.org	<u>Department/Division:</u> Human Services
---------------------------	---	--------------------------------	---	---

Item Description:

An ordinance outlining the purposes of the Commission on Human Relations and Disabilities issues, amending Section 18-23 of the Unified Government Code.

Action Requested:

Approve ordinance

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Purposes Ordinance Clean, Purposes Ordinance Redline

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 18, Human Relations, amending Section 18-23 of the Unified Government Code.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 18, Human Relations, Section 18-23, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 18-23. - Purposes.

The purposes of the commission on human relations and disabilities issues shall be to provide, foster, encourage and stimulate mutual understanding, respect and harmonious relations among all races, religious groups, all sexual orientations and genders, ethnic and minority groups, and people with disabilities, to discourage and prevent prejudice, intolerance, bigotry, disorder and discriminating practices against any group or its members, to function as the advisory committee on disabilities issues in order to identify necessary services not being provided for people with disabilities and to improve the delivery of services for disabled persons in the most cost effective manner, to promote good will, to develop a program for practical cooperation with state and federal agencies and nongovernmental agencies having the like or kindred function, and to make such investigation and studies in any field of human relations as may be required by the commission, or in judgment of the commission, will aid in effectuating its general purposes.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication in the publication of record for the Unified Government of Wyandotte County/Kansas City, Kansas.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS ____ DAY OF ____ 2019

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 18, Human Relations, amending Section 18-23 of the Unified Government Code.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 18, Human Relations, Section 18-23, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 18-23. - Purposes.

The purposes of the commission on human relations and disabilities issues shall be to provide, foster, encourage and stimulate mutual understanding, respect and harmonious relations among all racial, religious groups, all sexual orientations and genders, ethnic and minority groups and ~~(including~~ people with disabilities), to discourage and prevent prejudice, intolerance, bigotry, disorder and discriminating practices against any group or its members, to function as the advisory committee on disabilities issues in order to identify necessary services not being provided for people with disabilities and to improve the delivery of services for disabled persons in the most cost effective manner, to promote good will, to develop a program for practical cooperation with state and federal agencies and nongovernmental agencies having the like or kindred function, and to make such investigation and studies in any field of human relations as may be required by the commission, or in judgment of the commission, will aid in effectuating its general purposes.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication in the publication of record for the Unified Government of Wyandotte County/Kansas City, Kansas.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS ____ DAY OF ____ 2019

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 19787

Full Commission Meeting Date: 6/27/19

Committee: Administration & Human Services

Date of Standing Committee Action: 6/17/19

(If none, please explain):

Publication Required: Yes

<u>Date:</u> 6/21/2019	<u>Contact Name:</u> Phyllis Wallace	<u>Contact Phone:</u> x5505	<u>Contact Email:</u> pwallace@wycokck.org	<u>Department/Division:</u> Human Services
---------------------------	---	--------------------------------	---	---

Item Description:

The Advisory Commission on Human Relation and Disability Issues has reviewed the current ordinance and have voted to request changes that are reflected in the draft ordinance prepared by Attorney, James Bain. The recommendations are to change the current meeting quorum to simple majority of filled positions. I will provide explanation and answers questions regarding the significances of the requested changes.

Action Requested:

Approve ordinance

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Quorum Ordinance Clean, Quorum Ordinance Redline

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 18, Human Relations, amending Section 18-25 of the Unified Government Code.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 18, Human Relations, Section 18-25, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 18-25. - Meetings.

- (a) The commission on human relations and disabilities issues shall hold a regular meeting at least once each month at such time and place as shall be fixed by said commission in its standing rules. Special meetings shall be called by the chairperson or, in the chairperson's absence, by the vice-chairperson, upon written request of the same number of commission members needed for a quorum.
- (b) A simple majority of the filled positions on the commission shall constitute a quorum for the transaction of business. Action shall be taken by the advisory commission upon a vote of a majority of the members present, unless in any case the bylaws of the advisory commission require a larger number.
- (c) The commission shall adopt rules for the transaction of business and keep a record of its activities and minutes of all meetings.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication in the publication of record for the Unified Government of Wyandotte County/Kansas City, Kansas.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS ____ DAY OF ____ 2019**

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE relating to Chapter 18, Human Relations, amending Section 18-25 of the Unified Government Code.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 18, Human Relations, Section 18-25, of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 18-25. - Meetings.

- (a) The commission on human relations and disabilities issues shall hold a regular meeting at least once each month at such time and place as shall be fixed by said commission in its standing rules. Special meetings shall be called by the chairperson or, in the chairperson's absence, by the vice-chairperson, upon written request of the same number of commission members needed for a quorum.~~eight members of the commission.~~
- (b) ~~Eight members of the~~ A simple majority of the filled positions on the commission shall constitute a quorum for the transaction of business. Action shall be taken by the advisory commission upon a vote of a majority of the members present, unless in any case the bylaws of the advisory commission require a larger number.
- (c) The commission shall adopt rules for the transaction of business and keep a record of its activities and minutes of all meetings.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication in the publication of record for the Unified Government of Wyandotte County/Kansas City, Kansas.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS ____ DAY OF ____ 2019**

David Alvey, Mayor/CEO

Attest:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 19808

Full Commission Meeting Date: 6/27/19

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
6/18/2019	Emerick Cross	x6784	ecross@wycokck.org	Commission Liaison

Item Description:

Nominations for Boards and Commissions:

Juvenile Corrections Advisory Board

Mindy Janelle Wills Fugarino

Submitted By Mayor David Alvey

Term: June 27, 2019 to June 27, 2022

UG Board of Park Commissioners

Matt Warner

Term: 6-27-2019 to 3-31-2020

Submitted by Cmr. Ann Murguia

Board of Zoning Appeals/City Planning Commission

Daniel Serda

Term: 6-27-19- to 3-31-2020

Submitted by Cmr. Bynum

Housing Authority Board

Anne McDonald

Term: June 27, 2019 to 3-31-2020

Submitted by Cmr. McKiernan

Action Requested:

Approve nominations

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

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

**PLANNING & ZONING AND
REGULAR SESSION
MAY 30, 2019**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, May 30, 2019, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Murguia, Commissioner Third District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District (via conference call); Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. Johnson, Commissioner Fourth District, was absent. The following officials were also in attendance: Doug Bach, County Administrator; Gordon Criswell, Emerick Cross, and Alan Howze, Assistant County Administrators; Carol Godsil, Deputy UG Clerk; Ken Moore, Chief Legal Counsel; Misty Brown, Deputy Chief Legal Counsel; Robin Richardson, Director of Planning; Byron Toy, Michael Farley and Kim Portillo, Planners; Janet Parker, Administrative Assistant; Lynn Melton, Assistant to the Mayor; Maureen Mahoney, Chief of Staff in Mayor's Office; and Captain Ronald Schumaker, Sergeant-at-Arms.

Mayor Alvey said we anticipate there'll be many people who would like to speak this evening. If you would like to speak, we ask that you sign up at either of the entrances. If you do not sign up, you will not be allowed to speak during this session.

Again, if you'd like to speak regarding the Pit Bull repeal, please sign up now. We will give you two minutes at that time.

Again, before we begin, I want to announce anyone who is interested in addressing the Commission on Item No. 3 regarding lifting the ban on Pit Bulls, you may sign up at either of the tables located by the chamber doors. If you have not signed up on your way in, please do so now. You will need to be signed in in order to be able to speak at that moment.

When the item is up for discussion, the Clerk will call the names in order according to the sign-up sheet. The Clerk will announce who's on deck, which means you'll be next to the podium. When you come to the podium, right up here by the railing, please state your name and city of residency for our record. You will be given two minutes to state your comments. The Clerk will announce after one minute letting you know you have one-minute remaining.

Mayor Alvey called the meeting to order.

Roll Call: Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia, Alvey.

Invocation was given by Mayor David Alvey.

Mayor Alvey said I'll ask the Clerk if there are any revisions to tonight's agenda. **Carol Godsil, Deputy UG Clerk**, said yes. We have two revisions under the Planning and Zoning Non-Consent Agenda. Being held over is Item No. A1: Special Use Permit #SP-2018-54 – R. Scott Beeler, regarding revocation of a special use permit for the temporary use of land for storage of motor vehicles, including cars, SUVs, pick-up trucks, and semi-truck trailers at 9700 Leavenworth Road. At the request of the permit holder, the Mayor has agreed to set this matter over until the June 27, 2019 Commission meeting.

The second revision is the addition of Item No. 1 under Miscellaneous: Certificate of Appropriateness #CA-2019-2 – Eighth Street Baptist Church appealing the denial of Certificate of Appropriateness #CA-2019-2 by the Kansas City, Kansas Landmarks Commission for the demolition of an existing home at 809 Oakland Avenue. The Landmarks Commission voted 7 to 0 to recommend approval to deny.

Mayor Alvey said just a note. I approved the hold over for the first item because the permit holder was not able to be in attendance tonight. To give him an opportunity to present his position, we agreed to set it aside until June 27th.

Mayor Alvey said tonight, we have two distinct parts to our meeting. The Planning and Zoning portion will be handled first followed by the regular Commission meeting. I'd 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.

PLANNING AND ZONING CONSENT AGENDA

Carol Godsil, Deputy UG Clerk, read the statement, required by law, governing the Planning and Zoning portion of the meeting.

Ms. Godsil asked if any members of the Commission wished to disclose any contact with proponents or opponents on any item on the agenda. **Commissioner McKiernan** disclosed contact with proponents of A1: Change of Zone #3189. **Commissioner Philbrook** disclosed contact with (inaudible). **Commissioner Bynum** said I've been in contact with opponents of D1. **Mayor Alvey** said I also have been in contact with opponents and proponents of D1. **Commissioner Burroughs** said I've had contact with proponents of D13.

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

Mayor Alvey asked does 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 and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve all items as submitted.**

Commissioner Townsend said I wanted to set-aside, just for clarification on a few points, the Miscellaneous Application concerning small box variety stores. **Mayor Alvey** said D1 is set-aside.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve all remaining items as submitted.** Roll call was taken and there were eight "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one "No," Burroughs.

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 19767...CHANGE OF ZONE APPLICATION #3188 – MICHAEL CLOUGHLEY

Synopsis: Change of zone from M-2 General Industrial District to C-3 Commercial District to continue to operate a rental property at 300 and 302 Kansas Avenue, submitted by Robin

Richardson, Director of Planning. The applicant wants to convert two two-story buildings, formerly ground floor artist studios and second floor apartments, into four-unit apartments at 300 – 302 Kansas Avenue. The Planning Commission voted 9 to 0 to recommend approval of Change of Zone Application #3188, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, a \$50.00 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Unified Government Board of Commissioners meeting.
Applicant Response: \$50.00 will be fine.
2. For reference, three units will have one bedroom and one unit will have two bedrooms.
Applicant Response: Yes, three one-bedrooms and one two-bedroom unit.
3. In reviewing the Cole Directories dating back to the late 1980s, staff could not find any business or apartments on the second floor of 300 or 302 Kansas Avenue. There was a commercial business, B & B Merchandise, operating at 300 Kansas Avenue.
Applicant Response: I do not know.
4. How much parking will be made available for the tenants in the garages. Zero parking is proposed and a variance for parking reduction has been submitted, but it appears some off-street parking can be provided in these garages.
Applicant Response: 2 spaces per garage will be available.
5. How is egress provided for the upstairs units? There does not appear to be an exterior staircase for the occupants.
Applicant Response: On the east side of the building is the entrance for the second floor and on the front (south) of the building, the far west door, is marked 302½ Kansas Avenue is the second-floor entrance.
6. As a result of converting the ground floor tenant spaces to apartment units (occupancy conversion), upgrades to the building will be necessary which must comply with the International Building, International Fire and International Energy Codes. Staff suggests scheduling a Development Review Committee (DRC) meeting following the Board of Commissioners meeting to discuss in detail the project.
Applicant Response: I do not know.
Staff Response: You need to schedule a pre-application meeting with the Development Review Committee (DRC) to discuss the occupancy conversion of the building.

Public Works Comments: None.

Staff Conclusion:

Staff cannot determine when the ground floor units were converted; however, the change of occupancy will require their conversion to go through the Development Review Committee. The applicant is seeking a change of zone to allow four residential units in what appears to have been a mixed-use building. There appears to be ample on-street parking on the east side of the building and alley access to the two garages (two spaces per garage) for both buildings.

Subject to approval, staff stipulates the following:

1. A \$50 ordinance publication fee shall be submitted to the Urban Planning and Land Use Department immediately following the Unified Government Board of Commissioners meeting.
2. The C-3 Commercial District designation shall be CP-3 Planned District.
3. The applicant shall meet with the Development Review Committee (DRC) to discuss the occupancy conversion and after such meeting, shall submit the necessary permits to bring the building into compliance with the International Building, International Fire and International Energy Codes. The two-space garages at 300 and 302 Kansas Avenue shall be reserved for the tenants, one space for each unit (4).

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Change of Zone Application #3188, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 2 – 19768...CHANGE OF ZONE APPLICATION #3189 – MATT WATKINS WITH REECE COMMERCIAL REAL ESTATE

Synopsis: Request for change in previous approved stipulations for approved TND Traditional Neighborhood Design District to remove the no alcohol stipulation at 81 North Mill Street, submitted by Robin Richardson, Director of Planning. Dennis Edwards, with Original Corner Market & Deli, has applied for a change of zone from TND Traditional Neighborhood Design District T-5 to TND Traditional Neighborhood Design District T-5 in order to amend previously approved stipulations preventing the sale of alcohol. The applicant would like to sell packaged beer. The Planning Commission voted 9 to 0 to recommend approval of Change of Zone Application #3189, subject to:

Urban Planning and Land Use Comments:

When this application for change of zone was approved in 2014, the following stipulation was included:

3. Alcohol Sales

Alcohol sales were the key point for staff and the neighborhood. The neighborhood was very concerned that this store could become the local liquor store and bring all of the problems inherent to one. The applicant agreed to not sell liquor and received neighborhood support. The one negative with this case is that through this change of zone, the tight leash we have to make sure that liquor sales will never occur (the special use permit) will go away. That is not a big deal as long as this owner is still in possession of the store. However, a future owner would have no way of knowing alcohol sales are not allowed. To combat this, we are stipulating that alcohol sales

shall be prohibited. We also stipulate that the applicant enter into a unilateral agreement with the Unified Government that states that alcohol sales are prohibited. That agreement will be recorded with the Register of Deeds and will be easily found if someone does a title search on this property.

The applicant is requesting to amend this stipulation to allow the sale of packaged beer. The following stipulations from the change of zone would remain in effect. These have been updated to reflect the current rezoning application:

History

This building was constructed as a commercial building in 1929. It was used as such for a number of years. Then, it was vacant for a number of years after that. The years that the building was vacant far exceeded the expiration date of the non-conforming status that the store operated under. In 2001, the UG went through a downzoning effort. Because of how the building was being used at that time, it was downzoned to single family. In 2007, the applicant applied for change of zone to commercial. He did not receive staff support because it did not fit into a zoning district available at that time. The Commission thought a special use permit for a temporary use of land would be best. They approved the special use permit for 2 years. The applicant obtained a special use permit every 2 years until the applicant applied for a change of zone to Traditional Neighborhood District (TND) T-5 Urban Center, in 2014.

In 2014, the applicant's petition for a change of zone to Traditional Neighborhood District (TND) T-5 Urban Center was approved with stipulations. The TND district is a zoning classification that was created some years after the market was in operation. The district's intent is to encourage mixed-use development and infill redevelopment. The district relaxes a lot of different standards such as setbacks and parking in order to accomplish this intent. At this time, the most prominent example of the TND code in use is the redevelopment on the west side of 39th and Rainbow. This code was not available to use for the Edwards Market before. We believe that it is a permanent solution for a situation that previously only had temporary fixes available (SUPs).

The applicant is now applying to amend the stipulations to allow the sale of packaged beer.

Ensuring that the comments and stipulations from the special use permits that allowed the business to fit into the neighborhood remain in place.

Staff believes that it is positive that we have a zoning classification that fits this type of use at this location. With that said, we did find perfect balance of comments, stipulations and conditions with the special use permit that protected the neighborhood and made the use fit in almost seamlessly. We believe that with this zoning, those comments, stipulations and conditions should be similar. Staff is requesting that the applicant look over the comments below and submit a letter stating that he is agreeing to the following:

1. Noise and Light

Noise and light (illumination) generated from this site could become an issue. Noise of cars, conversation of the patrons outside the building and bright unattractive lights can very intrusive to the quality of life of adjacent property owners. The hours of operation shall be between 8:00 a.m. and 10:00 p.m.

2. Parking

Under the T-5 subcategory of the TND zoning district, this building requires the following amount of parking:

Use	Space Requirement	Provided
2 Apartments	1 per unit	2
2 1,139 s.f. store	2 per 1,000 s.f. (3)	4

At no time shall this use have less than 6 off-street parking spaces.

3. Alcohol Sales

Alcohol sales shall be limited to packaged beer. We also stipulate that the applicant enter into a unilateral agreement with the Unified Government that states that alcohol sales are prohibited except for packaged beer. That agreement will be recorded with the Register of Deeds and will be easily found if someone does a title search on this property.

4. Pavement

This is a proposal for a permanent zoning change. This differs from the temporary nature of the special use permit because all code requirements must be met in order to receive approval. In this case, the applicant was allowed to keep a gravel parking lot on the property and not make other mandatory infrastructure improvements because it was a temporary use. As part of this change of zone, the applicant must pave the parking lot and make the other infrastructure improvements. The applicant must obtain building permits and construct the infrastructure before the zoning is published and finalized. Update: The improvements have been completed to satisfy this stipulation.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Change of Zone Application #3189, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 3 – 19769...CHANGE OF ZONE APPLICATION #3191 – ANDREA WEISHAUBT WITH ATLAS SURVEYORS

Synopsis: Change of zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District at 2718 North 119th Street, submitted by Robin Richardson, Director of Planning. Andrea Weishaubt with Atlas Surveyors has applied to for a change of zone. The request is to split the current property into two parcels (Lot 1 and 2) and build a new house at 2718 North 119th Street (Lot 2). The applicant also requests a variance to the minimum frontage required by land zoned as an AG Agriculture District. The applicant seeks a frontage of 193 feet for Lot 2, a variance of

57 feet. (Appeal approved on May 13, 2019 by the Board of Zoning Appeals.) The Planning Commission voted 9 to 0 to recommend approval of Change of Zone Application #3191, subject to:

Urban Planning and Land Use Comments:

Did the current property owner build the house?

Applicant Response: No, the current owners did not build the house. They are not responsible for its current location within the property.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Change of Zone Application #3191. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 19762...SPECIAL USE PERMIT APPLICATION #SP-2019-10 – JIM GORMAN WITH KANSAS GAS SERVICE, A DIVISION OF ONEGAS

Synopsis: Renewal of a special use permit (#SP-2016-86– expired 12/1/2018) for two concrete pits/sampling of a variety of pipes for training purposes at 8535 Riverview Avenue, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-1, subject to:

Urban Planning and Land Use Comments:

1. If approved, special use permit is valid for two years
2. How often do these trainings occur and during what time of day?
Applicant Response: The frequency of training can fluctuate but is normally only a few times a month at most. This training would only occur during working hours, 8:00 am – 4:00 pm.
3. Are you planning on constructing, or installing, any new training infrastructure that was not addressed in the original plan? If so, please provide plans of what and where these will be.
Applicant Response: There are no plans at this time for new construction or installation.
4. Please provide pictures of current site and landscaping.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-10 for two years, subject

to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 2 – 19770...SPECIAL USE PERMIT APPLICATION #SP-2019-11 – HEATHER L. HAUCK WITH RESCUE ME KC

Synopsis: Special use permit for an animal shelter for up to 20 adult dogs at 4229 Swartz Road, submitted by Robin Richardson, Director of Planning. The applicant would like to use her home at 4229 Swartz Road as an animal shelter, housing up to 20 adult dogs, and doing adoptions out of the home. The Planning Commission voted 9 to 0 to recommend denial of Special Use Permit Application #SP-2019-11 based on testimony given at the meeting by those in opposition and the comments of the staff. It should be noted that the applicant has not concluded a neighborhood meeting and has not responded to staff’s draft comments in the report.

Urban Planning and Land Use Comments:

1. If approved, approval would be for one year.
2. Do you plan to live at the property?
3. How do you plan to dispose of the animal waste? How often will waste be removed? How will the smell of urine be controlled?
4. How will grass be maintained?
5. How will barking be controlled?
6. What is the expected number of potential adoptees coming and going from the home? How would you advertise that the animals are up for adoption?
7. What sort of shelter is to be provided for the dogs? Would they be left outside for extended periods of time?
 - a. Provide photos of the interior of the house along with areas proposed for animal living.
8. Please provide a business plan and include plans regarding the following:
 - a. Veterinary care
 - 1) Spaying and neutering of dogs
 - 2) Vaccinations
 - 3) General veterinary care
 - 4) Do you plan to have a veterinary professional on staff or contracted out?
 - 5) How often would the animals receive check-ups?
 - 6) How will animals that are ill or injured be treated and quarantined if necessary?
 - b. How will you handle removal of deceased animals?
 - c. How will you keep records for animals coming in and out, i.e. screening at intake to check for ownership, registration of persons bringing animals to the shelter?
 - d. Provide details on compliance with Chapters 7-215, 7-216 and 7-217 which relate to nuisance animal, dangerous animal, and vicious animal classifications. The shelter shall not handle such animals.

- e. Provide details on compliance with Chapter 7-219 which relates to Pit Bull dogs. The shelter shall not handle animals meeting this definition.
- 9. There is a concern with the number of dogs compared to the size of the parcel. This parcel is only .26 acres and contains a residence with a living area of 672 square feet as listed on the Unified Treasurers Parcel information sheet. Staff does not feel that this is an adequate amount of space for the proposed use. Even if the applicant were to reduce the number of animals proposed, the close proximity of adjacent properties and impact on them would be a concern. Issues with noise, smell and waste disposal arise.
- 10. Must comply with Chapter 7-Animals, of the Unified Government Code of Ordinances.

Public Works Comments: None.

Staff Conclusion:

Staff has not received responses to the draft staff report and questions sent to the applicant. The neighborhood meeting minutes, sign-in sheet and affidavit have also not been received. Staff has been contacted by multiple property owners in the area to express their opposition stating that there are already animals on site that are loud, cause an unbearable odor and routinely break out of the yard. Staff finds that this parcel is not suitable for activity of this type due to its size, location, and surrounding uses. Due to the concerns laid out above, staff recommends denial of this application

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to follow the recommendation of the Planning Commission to deny Special Use Permit Application #SP-2019-11. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 3 – 19771...SPECIAL USE PERMIT APPLICATION #SP-2019-29 – RYANN DORI WALLER WITH VILLA MULONDAYI

Synopsis: Special use permit for an Airbnb at 1600 North 21st Street, submitted by Byron Toy, Principal Planner. The request is to operate as a short-term rental through Airbnb and similar sites. The applicant will live at the property and rent out only a portion of the residence. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-29 for one year, subject to:

Urban Planning and Land Use Comments:

- 1. The Business plan states that operations are currently being run out of Ryann’s home office, and once the special use permit is approved, operations will be run from an on-site location. Will the applicant be residing at Villa Mulondayi full time, or will the applicant only have an office on-site?

- a. If the applicant is not proposing to live full time at Villa Mulondayi, how frequently will someone be at the office on-site?

Applicant Response: I (Ryann Dori Waller) will reside at Villa Mulondayi. This is my home and I have no other home address. I have a home office that is located on-site.

2. The Business plan mentions that \$10,000 will be spent for bed and breakfast home upgrades. What upgrades will be done?

Applicant Response: The following updates have/will be completed:

- a. New tile in kitchen walkway and butler room (\$2,500-complete)
 - b. Insulation of attic (\$800-complete)
 - c. Alarm system installation (\$2,500-complete)
 - d. New garage door opener (\$700-complete)
 - e. Replacement of shower head in guest bathroom (\$60-complete)
 - f. Purchase of furnishings (\$2,000-complete)
 - g. Replacement of roof tiles (\$1,000-future update)
3. At any point in the future, would you begin renting during the week?

Applicant Response: This is a possibility but highly unlikely since I reside in the home and have a full-time job. Currently, weekend rentals are the only thing feasible due to my work schedule.

4. Describe the proposed “pre-opening events” and promotions and events mentioned on page 11 of the business plan.

Applicant Response: I would like to have neighbors, friends and family come by to see the house one afternoon. I would offer snacks and beverages. My hope is that they will see the home and I may receive future referrals.

- a. How will you advertise your short-term rental in addition to Home-Away and Airbnb?

Applicant Response: I will also have a web site and Facebook page.

5. Describe the check-in/check-out process.

Applicant Response: I will be present for guest check-ins and check-outs. I have developed a check-in list for guest (info about Wi-Fi, alarm remote, TVs, etc.) I have also developed a check-out list for guests (leave keys, alarm remote and garage door opener inside, etc.)

6. Will Villa Mulondayi have any employees, and if so, how many? Would any employees be present during customer stays? Where would employees (if any) park?

Applicant Response: No, there will be no employees besides myself. I will contract out a person to come and assist me with house cleaning as needed.

7. Explain how Villa Mulondayi can be open 3 days a week, 24 hours a day with guest bookings occurring twice a month on average?

Applicant Response: Villa Mulondayi will be open for guests to stay on Fridays, Saturdays and Sundays on average twice per month. If there are not more than two bookings in one month, then I may consider doing three bookings in other months if there is interest. I am able to manage booking calendars via Airbnb, HomeAway and my website calendar. I have the authority to pre-approve all bookings.

8. A total of 5 bedrooms are available for booking; however, the business plan mentions 4 bedrooms. How many bedrooms are available?

Applicant Response: Villa Mulondayi actually has 6 bedrooms and they are as follows:

- a. Master bedroom 1
- b. Sunporch off master 2
- c. Den off master 3

- d. Guest bedroom 4
- e. Sunporch off guest bedroom 5
- f. Dressing room (this room is private and not for rent) 6

Right now I only intend to rent 5 of the rooms to guests (listed in blue above) and 2 sleeping couches. As noted in the business plan, in addition to the rooms listed above, there are also 2 additional sleeping couches (1 in living room and 1 in sunporch off of living room). The dressing room is large and in the near future, I would like to place a sleeping couch in it as well.

9. Staff has concerns regarding the total number of guests that may stay on the premises at one time. The Airbnbs that were approved in the past year have not had more than five guests during their stay.

Applicant Response: I have researched the Airbnbs in the area, and I have not seen any as large as 1600 N. 21st Street. The home is nearly 4,100 square feet, and can easily accommodate two guests in each bedroom, and 1 guest on each sleeping couch, totaling twelve guests. There is also a cot available for sleeping as well. I come from a large family myself, brothers and sisters. I would like for families to be able to book the home when visiting Kansas City so that they can have a cool and affordable place to stay. This home easily accommodates that number of people.

Staff Response: The Board of Commissioners has approved special use permits for up to 8 guests in a single unit. Staff recommends that this property be approved for no more than 8 unrelated individuals in a single group. Guests must be in a single group – the host may not make bookings for unrelated groups to stay at the property at the same time. If the guests are a family, the property may accommodate 12 guests.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-29 for one year, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 4 – 19772...SPECIAL USE PERMIT APPLICATION #SP-2019-36 – TYLER G. HARNETT

Synopsis: Renewal of a special use permit (#SP-2018-21 – expires 4/5/2019) for an Airbnb at 4521 Cambridge Street, submitted by Robin Richardson, Director of Planning. This property is not the applicant’s primary home and the entire structure is being rented out to visitors. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application

#SP-2019-36, subject to two years and the applicant secure a business license back to the date when he started his business prior to the May 30, 2019 Board of Commissioners meeting.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-36 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 5 – 19763...SPECIAL USE PERMIT APPLICATION #SP-2019-39 – TERESA HERNANDEZ

Synopsis: Renewal of a special use permit (#SP-2017-19 – expires 5/25/2019) for a miniature horse at 840 Shawnee Road, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-39, subject to:

Urban Planning and Land Use Comments:

1. How is animal waste currently disposed of?
Applicant Response: I use a special rake that breaks up the waste and it helps it disintegrate into the ground.
2. Is the grass that the horse’s quarters reside on properly maintained?
Applicant Response: Yes.
3. Has there ever been any issue of the horse getting out of the fenced area?
Applicant Response: No.
4. Approval would be for ten years.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-39 for ten years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 6 – 19773...SPECIAL USE PERMIT APPLICATION #SP-2019-40 – ROBERTA LAIRD

Synopsis: Special use permit for a commercial shop selling handmade items, gifts, antiques, etc. in the basement garage at 3704 North 99th Street, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-40, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for two years.
2. What products are being handmade or refurbished and sold to the customer?
Applicant Response: The intent of this establishment is to offer a variety of gift and/or household décor goods, both handmade and market items, which may include, but not limited to doll clothing, linens, fashion accessories, wall, tabletop and floor décor. Small, refurbished decorative furniture items and antiques may be available on a limited basis. Alternations will also be offered.
3. Will customers come to the home to purchase, browse and/or pick-up items like a commercial storefront, or will customers be by appointment only to pick-up their item?
Applicant Response: Yes, it will be open as a commercial storefront where customers may come to purchase, browse or order items to be picked up at a later date. Appointments may be made for special circumstances. I have a secluded, private drive which is accessible solely to the special use area. Therefore, there will be no disturbances to surrounding homes/dwellings.
4. Will you make deliveries to customers and will they be shipped via USPS, UPS and FedEx, etc.?
Applicant Response: At this time there is no plan to deliver or ship goods from this location for the purpose of this special use permit request.
5. How do you intend on advertising your commercial shop?
Applicant Response: Advertising will be discrete and tasteful, consisting of mostly online, word of mouth and print media. I plan to post decorative type of signage near the gated premises to instruct customers where to enter the special use area as well as normal operational hours in the event the area is gated (closed) during non-operational hours.
6. What are your proposed days and hours of operation?
Applicant Response: Thursday through Saturday, 10:00 a.m. to 5:00 p.m. with option of additional days during peak shopping season.
7. The minimal structure changes you plan to make for the basement garage will require Building Inspection Department review and approval. As a result, the alterations will need to meet the International Building, International Fire and International Energy Codes in addition to any other regulations.
Applicant Response: Minimal structure changes will be made to the building/home to accommodate the establishment which will occupy the current basement garage. Exterior construction will be limited to the removal of the overhead garage doors and replacing them with windows and a patio-style door. Permits will be obtained as required.

Public Works Comments: None.

Staff Conclusion:

May 30, 2019

The applicant, Ms. Roberta Laird, has responded to staff's questions and comments. The majority of the discussion is centered around the products that are to be sold on site and the hours of operation which will be open to the public. While the residence is closer to the front property line, a lengthy frontage road to access the property appears to create a natural separation from other residences in the area. She stated the days and hours will be from Thursday to Saturday, 10:00 a.m. – 5:00 p.m., with additional days requested during peak season. The average distance between Ms. Laird's home and the abutting residences is 720 feet, so the proposed hours and days of operation should not be an issue for abutting property owners. There was no opposition at the neighborhood meeting.

Subject to approval, staff stipulates the following:

1. This special use permit shall be valid for two years.
2. Hours of operation shall be from Thursday – Saturday, 10:00 a.m. to 5:00 p.m., with the flexibility of staff to work with the applicant if Sunday through Wednesday, or some combination thereof is sought to operate the business during peak shopping season.
3. Ms. Laird will obtain the necessary building permits to build a patio-style door and windows, converting the basement garage.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-40 for two years, subject to the stipulations. Roll call was taken and there were eight "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one "No," Burroughs.

ITEM NO. 7 – 19764...SPECIAL USE PERMIT APPLICATION #SP-2019-42 – DICK BRYANT WITH RICHARD T. BRYANT & ASSOCIATES PC

Synopsis: Renewal of a special use permit (#SP-2017-25 – expired 4/27/2019) for live entertainment in conjunction with existing restaurant at 151 South 18th Street, submitted by Robin Richardson, Director of Planning. Applicant, Jorge Salazar, would like to renew a previously approved special use permit that adds live music, DJ, and dancing to the current Mexican music. The applicant has had live music, DJ, and dancing at the Mexican restaurant since at least 2014. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-42, subject to:

Urban Planning and Land Use Comments:

1. As is standard for all live entertainment SUPs, security will need to be provided by a dedicated individual who is serving in that role and that role alone. It is not permitted to have security provided by an employee who is also functioning in another capacity at that same time.

Applicant Response: Security officers are not required. Security is handled by the employees of the business. There have been no calls for police services associated with dancing or entertainment.

Staff Response: Must follow Unified Government code for security. Security officers may be required.

2. Based off your business plan, the DJ will stop 11:00 p.m. on Friday and Saturday. What will go on from 11:00 p.m. to close 2:00 a.m.?

Applicant Response: Since the original application for a special use permit, the applicant has provided entertainment on Fridays and Saturdays until 2:00 a.m. The applicant sees no need to enlarge the hours on those dates and on those days, and the hours of operation have met with the approval of the neighborhood. Persons can still secure food at the restaurant.

3. Have there been any incidents (neighbor complains, police, Codes, etc.) at this location since the last permit was approved?

Applicant Response: There have been no neighborhood complaints or police complaints at this location since the special use permit was first issued.

4. If approved, the special use permit would be valid for two years.

Applicant Response: Applicant understands the special use permit would be valid for two years.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-42 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 8 – 19774...SPECIAL USE PERMIT APPLICATION #SP-2019-46 – MARIA ELENA LEAL/M+MS AUTO SALES AND DETAIL

Synopsis: Special use permit for new and used auto sales, auto repair and auto detailing at 765 Cheyenne Avenue, submitted by Robin Richardson, Director of Planning. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-46, subject to:

Urban Planning and Land Use Comments:

1. Is the property currently vacant? If so, how long has the property been vacant?
Applicant Response: The property is currently vacant and has been for 2 years.
2. Where will the customers park? Where will for-sale cars be stored? Where will cars in for service (repair and/or detailing) be kept? Please provide a more detailed site plan that gives

dimensions of the property boundaries as well as dimensions for parking spaces. The dimensions may be of the current parking spaces if there is no intention to re-stripe them.

Applicant Response: Customer parking will be located behind the building by the main office on the south side. There will be a total of eleven spaces including one handicap. Vehicles that will be for sale will be parked on the south side of the parking lot against the fence. Vehicles in for detailing service will be kept on the side of the building.

3. How will the fumes from the detailing paint be addressed and mitigated?

Applicant Response: There will be no painting at this site.

4. Applicant needs to provide a dimension site plan that designates and gives measurements for parking spaces, new and pre-existing buildings, and setbacks. Be sure to include the following:

- a. One parking space for employees or customers (not for used cars) for every 1,000 square feet of commercial space (Code of Ordinances, Sec. 27-464(e)). More parking requirements and guidelines can be found in Sec. 27-577(e).
- b. Dimensions and façade design of pre-existing buildings.
- c. Landscape design compliant with commercial landscaping requirements. Note that landscaping requirements shall exceed typical code requirements (found in Sec. 27-464(g)) by 75%. (Sec. 27-577(a)(5)). Full requirements can be found in the Code of Ordinances, Sec. 27-577.

Applicant Response: The dimensions site plan is provided. This includes parking space measurements. There are no plans for any new structures. Also attached is a diagram of an existing building nearby. Our area is separated with fences and each building has its own space.

- 1) A total of eleven parking spaces, including one handicap spot, will be designated for employees and customers. All parking areas are designed according to the measurements of the building's Code of Ordinances. Each parking spot is 9 ft. x 18 ft. as required. All other remaining spaces will be used for additional parking and parking of vehicles available for sale in the parking lot against the fence.
- 2) Photos of the interior and exterior are provided.
- 3) Landscape area is located in the area in the back of the building. This includes six trees that are designed in compliance with the commercial landscaping requirements.
5. Upon receiving the Special Use Permit, applicant must file and maintain a current occupation tax application.
6. The applicant must confirm that the building is up to code, or otherwise make the necessary renovations to get the building in compliance with all codes.
7. Approval is for two years.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
 - b. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
2. Items that are conditions of approval (stipulations): None.

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

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-46 for two years, subject to the stipulations. Roll call was taken and there were eight "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one "No," Burroughs.

ITEM NO. 9 – 19775...SPECIAL USE PERMIT APPLICATION #SP-2019-52 – MICHAEL D. YEAGER

Synopsis: Home occupation special use permit for mobile welding and repair as well as general metal fabrication at 4855 Georgia Avenue, submitted by Robin Richardson, Director of Planning. The request is for the temporary use of the applicant's primary residence for commercial and industrial purposes in order to use a residential structure as a business office and welding shop. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-52, subject to:

Urban Planning and Land Use Comments:

1. Does "mobile welding" mean that you will be conducting welding projects off-side, presumably at your customer's location?
Applicant Response: "Mobile welding" does mean that welding will be conducted at customer's location.
2. What safety measures do you have in place to ensure your safety, the safety of others, and safety of the people and structures near your property? Please include measures that address at least all the following: fire prevention and safety, burn and electrocution prevention and safety, and ventilating fumes.
Applicant Response: For fire prevention and safety, I will have fire extinguishers and any other necessary measures in place. For burn and electrocution prevention, I have all needed personal protection equipment. For venting fumes, I am setting up an exhaust fan for my workshop.
Staff Response: Fire prevention and safety measures must follow all county building codes and standards.
3. Will there be any signs on your residence or property advertising or otherwise recognizing the business?
Applicant Response: There will be no signage on the property advertising there is a business here.
4. What time(s) of day will you be welding? Do you have a method to mitigate excessive illumination caused by welding?

Applicant Response: Normal operating hours will likely be between 8 a.m. and 5-6 p.m. In my shop, excess illumination will be contained within 4 stone walls with few windows. For mobile welding, illumination can be mitigated by a portable welding screen.

5. Please describe how materials will be delivered and how much noise is produced.

Applicant Response: If materials will be delivered, it will either be by FedEx or UPS, or a flatbed truck. Noise production should never be any louder than your average lawnmower.

6. Contact Building Inspection to see if any code modifications are required for the structure.

Applicant Response: In 2015, for SP-2015-51, my business plan was for all work to be in my shop. I was approved with no code modification necessary.

7. The Business Office could not find a business license on file. If the special use permit is approved, applicant must file and maintain a current occupation tax application.

8. Approval is for two years.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-52 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 10 – 19765...SPECIAL USE PERMIT APPLICATION #SP-2019-54 – RYAN DENK WITH MCANANY, VAN CLEAVE & PHILLIPS, P.A.

Synopsis: Renewal of a special use permit (#SP-2014-28 – expires 7/31/2019) for a dirt fill at 7751 South 73rd Street and 1500R South 73rd Street, submitted by Robin Richardson, Director of Planning. The applicant, on behalf of the property owner, Morris Land Development, L.L.C., wants to continue to operate a clean rubble fill site along the Kansas River on 40.39 acres. The proposed rubble being brought to the site will be concrete, dirt and bricks from construction sites. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-54, subject to:

Urban Planning and Land Use Comments:

1. Subject to approval, this special use permit shall be valid for five years.
2. As a note, in 2011, the applicant submitted a No-Rise certificate as required for the fill site in the floodplain.
3. Please describe the current state of the clean rubble fill site since the December 2011 approval.
Applicant Response: To date, we estimate we have filled approximately 40% of the hole. Based on this rate of fill, we estimate it to take an additional 10 years for Morris Land Development, LLC to complete the fill activities.

4. According to the applicant in response to the initial staff report comments that were issued in April 2011, the proposed truck traffic information is as follows:
 - a. Traffic frequency – It is variable, but probably an average 4 to 6 per day.
 - b. Hours of operation – 7:00 a.m. to 6:00 p.m.
 - c. Loaded truck weights – It is variable, but no more than the legal limits for the state of Kansas at 80,000 lbs.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-54 for five years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 11 – 19766...SPECIAL USE PERMIT APPLICATION #SP-2019-55 – CASEY BOND

Synopsis: Renewal of a home occupation special use permit (#SP-2018-15 – expired 4/5/2019) for an Airbnb at 35 South 7th Street Trafficway, submitted by Robin Richardson, Director of Planning. This is the applicant’s primary residence, and the applicant is listing up to four bedrooms. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-55, subject to:

Urban Planning and Land Use Comments:

1. How have you complied with the stipulations of approval from the last special use permit?
 - a. Host will maintain a safe environment, including
 - 1) Working smoke detectors in each bedroom plus each level of the unit/house.
 - 2) GFCI outlets are required in bathrooms.
 - 3) Double keyed locks are not allowed.
 - 4) Copper cannot be used for gas supply lines.
 - 5) Windows must be operable, not blocked or boarded.
 - 6) Handrails are required at sets of 4 or more stairs/risers.
 - 7) Hot water tank and furnace must be vented.
 - 8) Electrical panel and circuits must be safe.
 - b. Host will obtain a business license with the city.
 - c. The maximum number of guests is limited to 5 people.

Applicant Response: The stipulations for approval have been met and maintained for the past year.

Updates 2018:

- Refinished hardwood floors throughout...\$8,000
- New kitchen appliances: fridge, dishwasher, stove, microwave/hood...\$6,000
- New washing machine & dryer...\$1,500
- New furniture: couch, kitchen table, bed frames, linens...\$3,000
- Installed granite countertops...\$1,500
- Updated cabinets/stain, new light fixtures, ceiling tile, trim...\$1,500
- New hot tub, cover, steps...\$9,000
- New pergola...\$1,000
- New patio furniture set...\$700
- Total: \$32,200

These improvements have been made and the Airbnb will continue to operate as usual in 2019. Operating my home as an Airbnb has enabled me to afford these improvements on my home. Thank you!

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 will be for two years.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-55 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 12 – 19776...SPECIAL USE PERMIT APPLICATION #SP-2019-56 – BRYAN RUOFF WITH 3F30 ARCHITECTS

Synopsis: Special use permit to operate a liquor store with packaged liquor sales at 3801 Leavenworth Road, submitted by Robin Richardson, Director of Planning. The applicant, with 3F30 Architects, on behalf of the owner, has applied for a special use permit to operate a 1,568 square foot liquor store at 3801 Leavenworth Road. This property has previously been approved for a 4,000 square foot convenience store, eight pump gas station and two retail tenant spaces totaling 2,346 square feet at this location. (Change of Zone Petition #3159, 38Leavenworth Final

Plat, and #PR-2018-8). The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-56, subject to:

Urban Planning and Land Use Comments:

1. Please describe how the business will operate. Include the hours of operation, number of employees on the site, lighting and security, etc.
Applicant Response: The convenience store will be open 24 hours and liquor store will be open as allowed by law. The store will have one or two employees at a time. Typically, there will be a security guard during the evening.
2. Approval is for two years.

Public Works Comments: None.

Business License Comments:

If approved, applicant will need to file and maintain a current occupation tax application.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-56 for two years, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 13 – 19777...SPECIAL USE PERMIT APPLICATION #SP-2019-57 – COREY HAMILTON WITH STRAWBERRY HILL BAR LLC

Synopsis: Special use permit for a restaurant and drinking establishment at 403 North 5th Street, submitted by Robin Richardson, Director of Planning. This building shares a lot with a mixed use commercial and residential property, 401 North 5th Street. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application #SP-2019-57, subject to:

Urban Planning and Land Use Comments:

1. If approved, applicant will need to file and maintain a current occupation tax application.
Applicant Response: Of course all local licensing will be provided, as well as state liquor license prior to opening.
2. A parking variance must be approved prior to approval of this application.
 This parcel has two separate buildings, 401 North 5th Street and 403 North 5th Street. 401 North 5th Street is two-story building with commercial use on the first floor and one two-bedroom unit on the second floor. Parking behind the two buildings shall be reserved for the residential use. Based on square feet, the applicant is required to have 18 parking space. 0 spaces are proposed, a violation of 18 spaces.

Applicant Response: We have applied for the parking variance and understand that it is required as well as the SUP.

3. Offer an explanation as to where you will encourage patrons and employees to park, with no off-street parking being provided.

Applicant Response: The applicant believes that both employees and the public would be able to park on the west side of 5th Street, as the two corner buildings are not currently in use and believe that there is parking for about 20 vehicles on Orville between Thompson and 5th Street. The residences there have off-street parking.

4. Provide a business plan that explains how you will handle the following:
 - a. Hours and days of operation.
 - b. Breakdown of hours and days of food service and alcohol sales.
 - c. Security plan.
 - d. Site maintenance and upkeep plan.
 - e. Consideration of concerns relating to noise pollution onto neighboring properties.
 - f. Must utilize a card scanner to track everyone's entry.

Applicant Response: Item a. and b. The hours of operation are 11 a.m. to 12 midnight Sunday through Thursday, and 11 a.m. to 2 a.m. Friday and Saturday. Food service will be available until 10:30 Sunday thru Thursday, and until 12:30 Friday and Saturday.

Item c. The security will be provided by managers and staff. A security camera will be installed on the front of the building to record activity on the street. There will also be lighting installed on the front of the building and on the corners of the back patio to enlighten the rear of the building. The marketing plan is to be directed at an older clientele, who intend to not only have a drink, but also will be coming for food service. There will be no game tables, i.e. pool, shuffleboard that would serve as an encouragement for younger crowds who were only interested in the alcohol service.

Item d. There will be daily exterior maintenance and trash pickup by staff on the exterior and a private trash removal contract.

Item e. There are no speakers planned to be installed on the patio of the building, and due to the nature of the customer being marketed to, we do not expect exterior noise to be problematic. The exterior walls of the building are brick, and the interior are plaster with a layer of drywall over the plaster, which should serve as a significant sound barrier for activities inside the building.

Item f. The applicant has been pricing the cost of an ID scanner and is willing to purchase and use one but does have some reservations about the impact that may have on the clientele that is the target of the marketing plan.

5. Outdoor lighting must be installed so as not to shine onto neighboring properties. Provide detail on how you will accomplish this.

Applicant Response: The lighting will be installed on the corners of the back patio and will be directed inward to the area of the back of the building and the patio. The lights on the front will be directed to the street and sidewalk in front of the entrance.

6. To minimize impact on residential properties, a screening fence must be installed adjacent to all residential areas, with exception to the second story unit at 401 North 5th Street.

Applicant Response: There exists a six-foot privacy fence around the patio and it will be repaired and maintained as necessary. Due to the proximity of the structures north and south of 403 N. 5th, it may be impossible to erect and maintain fencing between the structures. On the north side, if you review the plans, it appears that 403 N. 5th is built directly on the property line leaving no room to build a fence on property controlled by the owner and applicant. The owner of 403 is also the owner of 401 and would not request that a fence be placed between the buildings. Again, the distance appears to be less than 3 feet between the buildings.

Staff Comment: Due to the site constraints, staff is okay with this as long as there is no neighbor opposition from adjacent property owners.

7. If approved, approval would be for two years.

Applicant Response: The owner and applicant would ask that consideration be given to a two-year license due to the capital investment being made to be able to install a kitchen and make the improvements necessary to begin to reuse this vacant property. The investment is expected to be in the 45 to 50K range, which is considerable to spend for a one-year license. We do understand the position of the UG in wanting to have the ability to review this decision in one year's time and will accept a one-year review for the SUP but would ask that consideration be given to a two-year review.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application #SP-2019-57 for two years, subject to the stipulations. Roll call was taken and there were eight "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one "No," Burroughs.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 – 19778...PLAN REVIEW APPLICATION #PR-2019-9 - CHARLEY SEXTON WITH HTK ARCHITECTS

Synopsis: Preliminary and final plan review for a classroom addition to Delaware Ridge Elementary School at 1601 North 130th Street, submitted by Robin Richardson, Director of Planning. Delaware Ridge Elementary School is adding on two classrooms to each of its wings, for a total expansion of six additional classrooms. The exterior of the building will have materials matching the existing exterior materials in color and shape. The building height will match the existing building height. The Planning Commission voted 9 to 0 to recommend approval of Plan Review Application #PR-2019-9, subject to:

May 30, 2019

Urban Planning and Land Use Comments:

1. Will the addition of 6 more classrooms lead to more children being enrolled at the elementary school (which would presumably lead to more car and bus traffic around school start and end times)?

Applicant Response: There currently is no additional parking planned to be added. The additions will add approximately 6 new staff members to the school in the future. The existing parking lots are more than adequate to accommodate the current and future staff capacity. For after school events such as parent teacher nights, the playground is opened up for parent overflow parking. With a large number of students coming from the surrounding neighborhood, they have a lot of “walkers” which equates to fewer cars.

2. Are you adding any additional parking?

Applicant Response: Eventually there will be upwards of 120 new students. This will increase the amount of buses and car traffic in the future. The classrooms being added on to the school provided for one new classroom per grade level. For the first 5 or more years, the extra classroom will be used for overcrowding in the large bubble classes that move through the grade levels. The student capacity for Delaware Ridge has actually decreased slightly. The student enrollment historically increases 1% annually on average so it will be a very gradual change. There will not be any noticeable change in bus and vehicle traffic for several years after the additions are completed.

Staff Response: Any additional parking requires a final plan review. Gravel is not allowed.

Public Works Comments: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Plan Review Application #PR-2019-9, subject to the stipulations. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 2 – 19779...PLAN REVIEW APPLICATION #PR-2019-10 - RUSSELL SAGE, III WITH SECURITY BANK OF KANSAS CITY

Synopsis: Preliminary and final plan review for renovation of the existing bank at 7364 State Avenue, submitted by Robin Richardson, Director of Planning. Renovation of interior spaces of the Security Bank building includes the addition of an IT room and new finishes throughout the interior of the building. In addition, a 2-foot curved canopy will be added along the exterior of the building’s east wall. Lastly, a faux tower ornamentation is being added to further the Security Bank building brand. The Planning Commission voted 9 to 0 to recommend approval of Plan Review Application #PR-2019-10, subject to:

Urban Planning and Land Use Comments:

What are the specific changes that will be made to the drive-through teller lanes? Will lanes be added, removed, lengthened, or shortened?

Applicant Response: The current drive-through configuration has 1 commercial drive-through lane with a drawer and 4 regular customer lanes with pneumatic tubes (total 5 lanes). The proposed drive-through configuration will have 1 commercial drive-through lane adjacent to the existing building with a pneumatic tube and 1 regular customer lane with a pneumatic tube. The drive-through lanes will be configured to allow wider drive lanes. The new layout is configured for one additional lane for future ATM or teller lane and a pass-by drive lane. This will eliminate one of the current drive-through lanes (total of 4 lanes, with 2 lanes of service). The new customer teller units are equipped with a modernized video interface.

Staff Response: The staff appreciates the applicant's response and would like to re-emphasize the importance of continuing to adhere to all county building codes and design guidelines, as per the applicant's submitted documents.

Public Works Comments:

1. Items that require plan revision or additional documentation before engineering can recommend approval:
 - a. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
 - b. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
2. Items that are conditions of approval (stipulations): None.
3. Comments that are not critical to engineering's recommendations for this specific submittal but may be helpful in preparing future documents: None.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve Plan Review Application #PR-2019-10, subject to the stipulations. Roll call was taken and there were eight "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one "No," Burroughs.

MISCELLANEOUS APPLICATIONS

ITEM NO. 1 – 19612...CONSIDERATION OF AMENDMENTS REQUIRING A SPECIAL USE PERMIT FOR SMALL BOX VARIETY STORES

Synopsis: Consideration of certain amendments to Section 27-340, Planning and Development of Kansas City, Kansas Code of Ordinances, generally concerning definitions and a new provision to Section 27-593(a) Planning and Development of Kansas City, Kansas Code of Ordinances, requiring a special use permit for small box variety stores, submitted by Robin Richardson, Director of Planning. It is recommended that this ordinance amendment be withdrawn and become

part of the zoning ordinance rewrite. This item was tabled from the February 28, 2019 full commission meeting.

Commissioner Townsend said it wasn't clear to me from this. I just want to be sure I understood where, if we followed this recommendation, where this would put us. Currently, we do not have a small box ordinance. Is that correct? **Rob Richardson, Director of Urban Planning**, said that is correct. **Commissioner Townsend** said so the recommendation is to send the amendment, what had been worked at on thus far, to roll that into the process under which we're going now to rewrite the zoning code. Correct? **Mr. Richardson** said not necessarily that specific amendment, but a version of it that we're able to work out over that period of time. **Commissioner Townsend** said but to take that issue up as part of the rewrite of the zoning code. **Mr. Richardson** said correct.

Commissioner Townsend said at this point, forgive me, I just do not recall because I know we had several weeks, maybe a month ago, a best estimate as to when that process, i.e. the zoning ordinance rewrite would conclude. Just your best estimate. **Mr. Richardson** said I think it would be before you in September. It will probably be largely due to the Commission itself and how comfortable you are with the study sessions we're able to have in advance of that, and how much time you want to spend with the code before we get to that adoption process. My best guess would be the September or October Board of Commissioners' meeting.

Commissioner Townsend said in the interim, presuming that we address the issues with the small box variety stores as part of the zoning ordinance rewrite, what would be the procedure if someone, say tomorrow, wanted to build an entirely new store that fits the definitions we know maybe referred to as dollar stores, not to be demeaning, small box stores, what would be the process for the Planning and Zoning Commission and/or us to review such an application? Would every application like that come before Planning and Zoning? **Mr. Richardson** said the only way one of those applications would come before the Planning and Zoning Commission or this body would be if they were rezoning a new location and you saw the zoning case. If it was already zoned C-1 or C-2 or C-3 and an existing building, they would just obtain a business license. **Commissioner Townsend** said that would be the current situation this is zoned. **Mr. Richardson** said correct. **Commissioner Townsend** said I have my answer. Thank you.

Mayor Alvey opened the public hearing and asked if anyone would like to speak in favor of D1.

Pete Peterson, Attorney, 748 Ann, said I'm here in favor of the withdrawal of this at the present time. I'm in favor of the Planning Commission's unanimous vote that was voted on at the Planning Commission. I believe that would be the fair and just thing at this point in time.

I've appeared in front of you before on this matter. Perhaps we can have some input as this goes along.

Mayor Alvey asked is there anyone who would like to speak in opposition. No one appeared in opposition.

Mayor Alvey closed the public hearing.

Mr. Richardson said that will give us time to look at a smaller area or other provisions that might be more palatable that would be citywide. One month was really just too short of time to even get a legal description—to develop an area, to get the legal description and everything ready to go for a smaller area or an overlay zone. I think this will give us time to do that.

Commissioner Townsend said just one last question to clarify. It is possible that if a vendor who wants to bring forward a small box type store, a Dollar Store that we're accustomed to seeing, could do so without coming through Planning and Zoning and without coming through this Commission. **Mr. Richardson** said currently, that is correct.

Commissioner Townsend said just for the record, that does give me pause that there would be no mechanism at all for the Planning Commission or this body to look at these new types of dollar stores or small box variety stores. I voted several years ago for the ordinance. I am not opposed to having commerce come to our city, particularly in District 1 and some of the others, there was a proliferation of them so close together that gave it the pause. I wanted to ask these questions so it was clear what would happen now that we don't have an ordinance and where this would go.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve this ordinance amendment be withdrawn and become part of the zoning ordinance rewrite. Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, McKiernan, Murguia; and one “No,” Townsend.

MISCELLANEOUS ORDINANCES (Final action on previously approved items)

ITEM NO. 1 – 19714...ORDINANCE: VENDING MACHINES

Synopsis: An ordinance regarding vending machines, and exterior sales and modifying the regulations thereof; amending Sections 27-340 and 27-612(6) to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-32-19**, “An ordinance regarding vending machines, and exterior sales and modifying the regulations thereof; amending Sections 27-340 and 27-612(6) to Chapter 27, Article VIII, of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 2 – 19783...ORDINANCE: REZONING PROPERTY

Synopsis: An ordinance rezoning property hereinafter described located at approximately 3214 Strong Avenue in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business District to CP-3 Planned Commercial District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-33-19**, “An ordinance rezoning property hereinafter described located at approximately 3214 Strong Avenue in Kansas City, Kansas, by changing the same from its present zoning of CP-1 Planned Limited Business

District to CP-3 Planned Commercial District.” **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 3 – 19784...ORDINANCE: REZONING PROPERTY

Synopsis: An ordinance hereinafter described located at approximately 3201 Pomeroy Drive in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-34-19**, “An ordinance rezoning property hereinafter described located at approximately 3201 Pomeroy Drive in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

ITEM NO. 4 – 19785...ORDINANCE: REZONING PROPERTY

Synopsis: An ordinance vacating a utility easement at 5443 North 101st Terrace, submitted by Robin Richardson, Director of Planning.

Action: **ORDINANCE NO. O-35-19**, “An ordinance vacating the south 5.00 feet of Lot 62, Estates of Connor Creek, Second Plat, located at approximately 5443 North 101st Terrace, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to approve the ordinance.** Roll call was taken and there were eight “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Townsend, McKiernan, Murguia; and one “No,” Burroughs.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 19715...SPECIAL USE PERMIT APPLICATION #SP-2018-54 – R. SCOTT BEELER

Synopsis: Revocation of special use permit for the temporary use of land for storage of motor vehicles, including cars, SUVs, pick-up trucks and semi-truck trailers at 9700 Leavenworth Road. The representative, R. Scott Beeler on behalf of the property owner, Ruffin Woodlands, LLC wants to store motor vehicles, SUV's, pick-up trucks and semi-trailer and/or vehicles to help companies in the area that need the space on a temporary basis on 56.27 acres at 9700 Leavenworth Road. The Planning Commission voted 7 to 2 to recommend continuation of Special Use Permit Application #SP-2018-54, subject to the original stipulations being amended to add the following:

1. Hours of operation are 7:30 a.m. to 7:30 p.m. The only exception is the changing of security shifts.
2. The approved time frame is not extended beyond the original two-year approval. The special use permit will need to be renewed on or before May 31, 2020.
3. The maximum number of trips in or out of the site combined is 420 no matter how they are delivered. This would not count up to 60 transport trucks leaving the site.
4. The Unified Government expects 100% compliance with all stipulations. Close is not sufficient.
5. Proper transport paperwork and insurance to drive Kansas Roads in all vehicles.

Mayor Alvey said as the Clerk announced, #SP-2018-54 will not be heard this evening. It will be held over to the June 27th meeting.

Mayor Alvey said we will now hear the item that was added to tonight's agenda, which is consideration of an appeal by the Eighth Street Baptist Church regarding denial of their Certificate of Appropriateness #CA-2019-2 by the Kansas City, KS Landmarks Commission for the demolition of an existing home at 809 Oakland Avenue. The Landmarks Commission voted 7 to 0 to recommend approval for the denial.

ITEM NO. 2 – 19786...CERTIFICATE OF APPROPRIATENESS #CA-2019-2-EIGHTH STEET BAPTIST CHURCH

Synopsis: Consideration of an appeal by the Eighth Street Baptist Church regarding denial of their Certificate of Appropriateness #CA-2019-2 by the Kansas City, Kansas Landmarks Commission for the demolition of an existing home at 809 Oakland Avenue, submitted by Robin Richardson,

Director of Planning. The Landmarks Commission voted 7 to 0 to recommend approval for the denial.

Rob Richardson, Director of Urban Planning, said this is the single-family bungalow style home adjacent to the church, which is directly across the street from Sumner High School. It's one of the few remaining structures that gives any context to the historic landmark that Sumner High School is and as they're designated nationally to be. The Landmarks Commission felt it was worthy of saving that structure rather than demolishing it.

It comes to you tonight with the Landmarks Commission recommendation not to allow it to be demolished. I would note that there are some members of the Landmarks Commission present this evening if you have questions.

Harold Simmons, 1712 N. 80th St., said we represent the Eighth Street Baptist Church. The house in question was the parsonage of the Eighth Street Baptist Church. It's been vacant for over ten years. Pastor died in 1985. His widow stayed there until a little over ten years ago.

The house is totally destructive on the inside. We've had to run people out because we've had people break-in; homeless. About four months ago, someone came and tore out all of the pipes in the basement and left the water running. Also, they tore out the gas pipes. We had to call in the Gas Service Company and the BPU to get everything cutoff from the outside.

The house currently is right next door to the church. We're no longer in the housing business and we really don't want anyone living next door to the church.

We have a contract with the school board that when we get the house demolished, the school board has a contract with us to use our parking lot. The school board is going to come in and pave it and put more parking spaces there. The house, literally, is not for any rehab of any kind.

Mayor Alvey opened the public hearing and asked if there is anyone present who would like to speak in favor of the Certificate of Appropriateness. No one appeared.

Mayor Alvey asked is anyone present in opposition. No one appeared in opposition.

Mayor Alvey closed the public hearing.

Commissioner Bynum said I had spoken briefly to Commissioner Johnson before he was called away from this meeting. It's his understanding that at the Landmarks Commission meeting, the minister and representatives from the church had been unable to be present to explain their position on why they were hoping to be able to demolish the house. With that, I would ask this body to consider returning this item to the Landmarks Commission so they can have that discussion.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Townsend, to return Certificate of Appropriateness #CA-2019-2 to the Landmarks Commission.**

Commissioner Murguia said I just have a process question. If you could clarify for me, Administrator Bach. Is this house owned by the church? **Mr. Bach** said I'd have to ask, I believe it—**Mr. Richardson** said yes, it's owned by the church. **Commissioner Murguia** asked is the church requesting permission to demo it or are they asking the government to demo it. **Mr. Bach** said they're asking to demo it themselves. **Commissioner Murguia** said they're asking us because it's on the historic registry and they have to get local government permission before they do that. **Mr. Bach** said yes. It went before the Landmarks Commission who denied their request to demolish the property. You, as a governing body, can override that.

Roll call was taken on the motion and there were nine "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

REGULAR CONSENT AGENDA

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. If an item is not set aside, all items on the Regular Consent Agenda will be voted on by one vote.

Commissioner Bynum said the items that are appearing on the Regular Consent Agenda were the items that came forward from the Public Works and Safety Standing Committee on May 20th. All

of these items found their way onto this Consent Agenda because they had a unanimous vote of that standing committee. That being said, from what we can see by tonight's audience, Item No. 3 has brought out a number of folks from the public. We've already acknowledged by having them sign in that they would like to speak. With that being said, I'd like to pull Item No. 3, the ordinance repealing the ban on Pit Bulls.

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

ITEM NO. 1 – 19743...RESOLUTION: BPU BARBER-ROSEDALE 161KV TRANSMISSION LINE

Synopsis: A resolution declaring the BPU Barber-Rosedale 161kV Transmission Line to be a necessary and valid improvement project, and authorizing a survey of lands for said project, submitted by James Bain, Assistant Counsel. On May 20, 2019, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-31-19**, "A resolution declaring the necessity and authorizing a survey and descriptions of lands to be acquired by the right and power of eminent domain for the location, laying-out, construction, installation, expansion, repair, maintenance, operation and use of a Board of Public Utilities electrical transmission line between the Barber Road substation and the Rosedale substation, all in Kansas City, Wyandotte County, Kansas." **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were nine "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

ITEM NO. 2 – 19744...RESOLUTION: BPU ARMOURDALE TO ROSEDALE 161KV TRANSMISSION LINE

Synopsis: A resolution declaring the BPU Armourdale to Rosedale 161kV Transmission Line to be a necessary and valid improvement project, and authorizing a survey of lands for said project, submitted by James Bain, Assistant Counsel. On May 20, 2019, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-32-19**, “A resolution declaring the necessity and authorizing a survey and descriptions of lands to be acquired by the right and power of eminent domain for the location, laying-out, construction, installation, expansion, repair, maintenance, operation and use of a Board of Public Utilities electrical transmission line between the Armourdale substation and the Rosedale substation, all in Kansas City, Wyandotte County, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

ITEM NO. 3 – 19745...ORDINANCE: REPEAL BAN ON PIT BULL DOGS

Synopsis: An ordinance repealing the existing prohibition on owning or possessing pit bull dogs within the city limits, submitted by Jeff Conway, Assistant Counsel. This ordinance is sponsored by Commissioners Bynum and Philbrook. On May 20, 2019, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Commissioner Bynum said this item did appear, again, at the standing committee level on May 20th. We heard from folks in support of the repeal. We also had questions at that time for our Animal Services Director, Jennifer Stewart, who is also here tonight. At that point, we did unanimously vote to bring this repeal forward. That being said, tonight’s audience shows us that we have folks here, I believe, both for and against repealing this ordinance.

I would say by way of opening remarks, I feel like we’re at a point in our work with animal services that we’ve not attained in not only just a few years, but possibly decades; that point is that with all due respect to anyone who ever tried to run this department or do this incredibly difficult

job of being an animal services officer, we now have an animal services director who is completely committed to doing the work that we have given her to do in this community.

This is a building that is not adequate. This is a department that is not adequately resourced. We do bear that responsibility; however, I will tell you that as I have told the numerous community groups that I've spoken to over the last few months, if you know anyone who would like to be an animal services officer, you can go on our website on almost any given day and see an opening for that job. We would certainly encourage anyone who would like to have that job, to apply for that job. I will tell you it is not an easy job, but we do need more of them. That shortage makes efficient work within this department more difficult.

What we have now in our community is an opportunity to work strategically, not by just putting band-aids on things. Sometimes band-aids heal nothing. What we have in front of us is an opportunity to be strategic.

Prior to my arrival on this Commission, and ever since my arrival on this Commission, what I have watched our Mayor and fellow commissioners do is work and think strategically around the use of our many scarce and precious resources. I view this opportunity as one piece of a puzzle toward being more strategic around the use of our limited animal services dollars, which is why we did ask Jennifer Stewart, our Director, to be here in case we had questions for her.

Not only that, we have for the first time that I know of, and I've been questioning the work of this department long before I ever made my way onto this Commission—and I'm sure everyone here did as well because we all know that this is a constant and continuous complaint that we hear in our community; the failings of this department.

For many, many years I had no concept of how to change that, how to make it better, how to make anything better for the very difficult work that our animal services' folks were trying to do for us.

Alongside us came a group, a committed group of volunteers, people who came together from animal rescue groups and formed a coalition because they recognized that they were spending their resources to help us do our work. They realized if they came together as a coalition and worked alongside us, that we could all do so, so much better for this community than we have been doing for, again, I dare say decades. That is what has been happening for the last several of years in this community.

We have a coalition of volunteers, I will say it again, using their own nonprofit resources that do not total a few thousand dollars, but rather total tens of thousands, possibly, I'm not sure, more than a hundred thousand dollars of their money coming alongside our animal services department to problem solve, to get out in our streets and do real pet owner education, to provide low-cost spay and neuter. I could go on and on about the work these folks are doing for and with us in Wyandotte County. If you ever have the chance to have them tell you what they're doing, you will not believe it. It is remarkable.

That is why I have come to the conclusion that we can repeal this Pit Bull ban. We've already put the dangerous dog ordinance in place. We did that in 2014. We can do better by this community. I'll leave it for the public and their comments and the questions that the commissioners might have. That's the opening statement that I want to make. It's the first opportunity that I know of in our community in a very long time that we have an extraordinary window of opportunity through those who stepped alongside us to help us.

Mayor Alvey said we will now take comments from the audience. Normally, we would ask for those in support to come forward first and those in opposition, but since everyone has signed up and we have the order in which you signed up, we're going to follow that order.

I'd ask the Clerk to please read those names off. The second name is the person who will be up next. You are given two minutes. At one minute, she will just make note to you that you have one-minute left.

Carol Godsil, Deputy UG Clerk, said I will note, we have 20 people who have signed up to speak.

Darrin Dillard said I've lived in District 5. I've lived in Kansas City, KS, for roughly 20 years. I also wanted to thank you guys for allowing us to get this chance to speak tonight on behalf of repealing BSL.

I've owned and interacted with dogs my entire life never having a problem with breed specifics. I strongly believe it is time repealing the BSL in our city is important. Pit Bull dogs are just like any other dog and should be treated as an individual. We shouldn't judge people by their looks, so why is it okay to judge a dog. It's impossible to predict if a dog is dangerous based on

its looks, not its behavior. Any breed of dog can be dangerous. We need to focus on dangerous dogs in our city, not just Pit Bulls.

KCK has a dangerous dog ordinance that is much more effective at addressing the behavior of all breeds of dogs regardless of how it looks. It does not make sense for the UG to have both ordinances. The dangerous dog ordinance is much easier to enforce, while the breed ban is expensive and does not work.

As a resident of Kansas City, KS, taxpayer and dog lover, I'm asking the commissioners tonight to repeal the BSL.

Joseph Nibert said I live here in Kansas City, KS, District 8. I'm here to speak on behalf of repealing the BSL in Kansas City, KS. Protecting the people of Kansas City from dangerous dogs should be, and always should be, a number one priority which is why our public safety laws should focus on the behavior of the individual dog and the owner, and not obtain misconceptions about certain dog breeds. I believe it is important to support ordinances that emphasize public safety, public responsibility, and individual acceptability, and repealing ordinances for a safer community.

In addition, overcrowding in the KCK animal services facilities caused by breed ban makes it difficult for our officers to do the job properly.

I'd like to thank you guys for listening tonight for your time.

Cori Williams said I'm a resident, a homeowner, a taxpayer in District 2. I want to thank all of you, Mayor, for coming out this evening and listening to us. I know this has been an emotional issue for a lot of people, but for me, it's a taxpayer issue. I know that animal services spends roughly \$250,000 a year just to house and deal with Pit Bulls. From what I understand, that's a fourth of their budget. I think that the resources that they have not only monetarily but space could be better used. I think that we should join our cities of Bonner Springs and Edwardsville, which are also in the Unified Government, and repeal the breed specific legislation. Thank you for your time.

Kate Fields said I represent the Humane Society of Greater Kansas City, 5445 Parallel. Thank you for this opportunity. I want to come to you with my background with how this affects the Humane Society. We are the veterinarian of license for KCK Animal Services. We're down there

five to six days a week taking care of all the dogs and cats that are there. Any hurt, abused, and neglected animals that come through our place, if they're broken, if they're hurt, if they're shot by a gun, then we take those dogs and those cats and we fixed them on our dime and then we find homes for them.

Currently, right now in our shelter, we have 45% Pit mixes. The problem with that is we can't adopt them out into our own community where they came from. What this does is also cut our ties with being able to help other people surrender their dogs and their cats to us.

Ten years ago, we did the Ray of Hope Program to be able to take animals out of KCK into Olathe to adopt at the Pets Mart in Olathe because we couldn't adopt Pit Bulls in our own community. I think that's a shame. This is archaic and outdated rule, and it needs to change. I thank you for your time and I really appreciate it.

Katie Thurbon, 5121 Melody Lane, said I'm a resident of District 6. I'd like to start by thanking you all for your time and consideration of this issue. I also work in an animal shelter. I work at Great Plains SPCH, just over the border on the Kansas City, KS, and Merriam, KS.

Every day, I get to see the passion that people have for the pets in their lives, for the homeless pets that are in my shelter. As I think you'll see and have seen here tonight, BSL legislation is no different. Emotions run high and opinions run very deep. However, tonight I strongly urge you to set emotions and opinions aside and consider the facts. The fact is, this law that we are considering tonight is unenforceable.

As you heard Commissioner Bynum say, and as I'm sure if you ask her, you'll hear Jennifer, the Animal Services Director, say the animal control officers—we do not have the resources to pick up every Bully breed that lives in Kansas City, KS. If we did, we would not have the space to hold them.

I hope that you all have been to our KCK holding facility. I know when I have been there, there has seldomly been any kennels open. We just don't have the resources to enforce this law.

Again, tonight, I would urge you to consider the facts. I do not believe it makes sense to have a law that is unenforceable. It does make sense to have a law that keeps our citizens safe and that is what we have in the dangerous dog ordinance from 2014. The breed specific legislation does not work and it is not needed. Thank you for your time.

Jimmie L. Banks said thank you to the Commission for allowing me this opportunity to speak. I have a flyer which I'm assuming all the commissioners have received. There are other copies for those who might want one.

Tonight, our Board of Commissioners will consider the repeal of the ban on Pit Bulls. The ban was originally imposed in 1990 and intervening efforts for repeal have all been defeated. The most recent repeal effort was proposed following the death of Mrs. Jimmie Mae McConnell.

On July 27, 2006, this is fact, Mrs. McConnell, a 71-year-old senior citizen, mother, grandmother, and beloved member of the community, was attacked by a pair of dogs, one being a Pit Bull, while gardening in her backyard. She had complained about these dogs on several occasions fearing that one day they would attack. She told her children that that was her fear that one day these dogs would attack. On July 27, 2006, they did. They jumped her fence. They mauled her. Emergency assistance people were called. When they got there, the Pit Bull was still engaged in tearing apart her body.

The owner of the dogs was convicted of involuntary manslaughter and sentenced to four years in prison. When they came upon her, they had to use an axe and a pole to remove the dog. In other cases where there's been graphic depictions of Pit Bull attacks, the only way to subdue them is to shoot them. Then, on occasions, because of the pounds per square inch strength of their jaws, they have often been removed by using the jaws of life, whatever they call those things that extricate people from serious accidents.

Mayor Alvey said, Rev. Banks, you've exceeded. Would there be a motion to extend the time for Rev. Banks?

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Townsend, to allow Mr. Banks to continue.** **Mayor Alvey** said you have two more minutes, sir.

Mr. Banks said the mother of the dogs' owner who was convicted stated that in her view, the government is negligent for failing to enforce its rule. Contrary to the current opinions of Pit Bull lovers and protectors of dogs in general, the Pit Bull is no less vicious, aggressive, and a potential killing machine than in was in the past.

The breed genesis is traced back to ancient times to the Molossian family of dogs, which included the Pit Bull and the Mastiff, breeds well known for their fierceness and ability to intimidate and dominant not just other dogs, but also humans. We're not talking about a dog bite; we're talking about a dog who attacks with the ability to kill. Kill children, kill adults, kill members of the family that raised and nurtured them spontaneously.

From a strategic standpoint, I don't understand how the addition of personnel will help deal with a situation that's been banned since 1999, and we still see a large number of Pit Bull owners who have come to the podium to speak and they own dogs that are prohibited in Wyandotte County or in Kansas City, KS.

The data that I have here speaks for itself. Out of all the dog fatalities, Pit Bulls represent 66 - 70% of the 471 deaths that have been caused by dog bite fatalities between the period of 2005, and there's a misprint, 2005 and 2018. In 2018, 39 dog bite fatalities occurred. Pit Bulls accounted for 70% of these deaths.

I'm emotional, but I'm also practical. I look to this body to be fair in developing an environment here where we're all safe. I'm not sure that we would ever put on the billboards coming into Kansas City, this is a city that welcomes Pit Bulls. Thank you for hearing me.

Marlyn Nevels said I come in opposition to the Pit Bull being allowed to be in our community. They are a very intuitive dog. Dogs, as a rule, I'm just saying, when they are loved and when they are feared—these dogs, they can and have preyed on people. I think you should retain the ban on Pit Bulls. Thank you.

Lark Brown (no show).

Cheryl Buell said I am a resident of KCK in District 1 and a homeowner. I wanted to share with you first-hand knowledge I have of how the Pit Bull ban is not contributing to public safety and it's costing taxpayers a ton of money.

Back in 2007, Kansas City, KS Animal Control vigorously enforced the ban and confiscated many pet owners' dogs. The owners were faced with destruction of their dogs, fines, and jail time. A group of us citizens and Kansas City dog advocates hired an attorney; helped these dog owners in court. In dozens of cases heard, the average court case dragged on for nine

months. Each time we went to court, Kansas City, KS Animal Control officers were not in the field, but in court, often two to four officers. In the cases, testimony was never about the behavior of the dogs because none of the dogs had exhibited dangerous behavior, but we were simply debating the dog's looks. We won every one of these cases. The city could never prove the dogs were 51% or more Pit Bull. They lost every case.

I wanted to let you know that I have been studying, ever since I lived here, what's been going on with animal control laws. It's been a great interest to me.

The Northeast Neighborhood Group met back in former Mayor Carol Marinovich's days. That's how long this has been going on. They approached her and wanted to meet about dangerous dogs; biting dogs. They didn't say Pit Bulls; dangerous dogs. Here we are again. We're still debating the same old issues. Emotional issues are coming into play. We're not using logic. We're not using sanity.

The laws are here. Please, please, I implore you to repeal the Pit Bull ban. Allow our officers to use their resources to vigorously enforce the dangerous dog laws we have on the books. Let's go after the bad dog owners, get their bad dogs out of this community, if need be, euthanize, and let's confiscate and go after the dog owners that are causing the problem. It won't be solved unless we go after all breeds of dogs. We can debate this until ad infinitum. Thank you for your time.

Cristina Acoste, 618 Vale St., said I'm in District 3, Commissioner Ann Murguia's district. My background with animals, particularly this breed, includes growing up volunteering in local animal shelters, working at a vet hospital, and watching several dogs when they had nowhere to go. I could go on and on about how wonderful this breed is, but particularly, a problem in my area that me and my neighbors and others feel is lack of support from the city.

There's a problem when we call several times for dogs at-large only to have a note stuck on our door the next day. A few days pass and sadly one of those incidents—one of my animals was mauled, not by a Pit Bull, but by a dangerous dog at-large. This could have been prevented had animal control had more resources given to them. I admit, it's gotten better since the dangerous dog ordinance, but we can't be at our best without the resources.

Fast forward to now, I find, and others find, that animal control is spending one to two hours knocking on responsible owners' doors because their neighbor said they have a Pit Bull for

a dog 30 - 55 pounds with a block head that looks like a Pit Bull. That's time from the city. Our money, approximately \$246,000 goes into ban enforcement, which we already know is not effective.

Today, I am asking for you to repeal the BSL ban and put our taxpayers' dollars and time toward supporting the dangerous dog ordinance and holding owners, not the breed, accountable. Thank you for your time, Commissioners.

Susan Kaufmann said I appreciate your time and the opportunity to speak in favor of repealing the ban on Pit Bulls. My husband and I own a business in Commissioner Kane's district, and I work at the University of Kansas health system as well.

I'm the program administrator for the KCK Pet Help Program, which Commissioner Bynum was speaking about in her remarks. We started this program almost three years ago by joining together a group of six different organizations that include: animal shelters, rescues, veterinarians, and outreach program. Our one mission is to work together with animal services side-by-side to help make KCK a better place for people and pets.

We are dedicated to reducing the homeless animal population in KCK as well as helping to make vet care more affordable for its residents. We know that the residents of KCK love their pets and sometimes they just need extra resources to take good care of them.

We're the people out there in the neighborhoods in the cold, and the rain, and the extreme heat. We're out catching dogs. We're out helping to trap cats.

In the past several years, we've raised \$239,000 since January 2018 in grants to help fund free spay/neuter services for owned pets as well as our Community Cat Program where we catch, spay/neuter, and release feral cats.

Our volunteers have spent about 10,000 hours trapping cats. We're working with colony caretakers who care of them. We've had more than eight colony caretaker open houses, and we've provided an average of 600 pounds of dry cat food and wet cat food for free. We built and distributed hundreds of feral cat shelters. May I have...

Mayor Alvey said I'll entertain a motion to extend.

Action: Commissioner Bynum made a motion, seconded by Commissioner Townsend, to extend for two minutes.

Ms. Kaufmann said the outreach teams that we work with from both the Rescue Project and the Great Plains Hero Team, they spend about an average of 24 hours a week in KCK. Since January 2018, that's almost 2,800 hours spent out in the field doing outreach and education with dog owners. They've also distributed more than \$100,000 in supplies including: dog houses, cable tie outs, food and water bowls, straw, and more.

The KCK Pet Help Program opposes breed specific legislation because it doesn't work. It's time to trust Wyandotte County and KCK pet owners and believe that they can make the best decisions for their families. Breed-based restrictions do nothing to address the problem, but rather take away beloved dogs away from the families who want them. Trying to address problems in the community by targeting dogs by breed is a poor strategy and it does not improve public safety or animal welfare. In fact, no jurisdictions, state or local, with BSL has ever been able to demonstrate an increase in public safety or a significant reduction in population of banned dog breeds. Breed-based laws are costly and difficult to enforce. They contribute to overburdening and under resourcing animal services.

We really support having a safe community. We would not be advocating for this repeal. We think that that dangerous dog ordinance is excellent and we need the resources to reinforce it. For that reason, we ask you to please support repealing the ban.

Tracy Smith said thank you for this opportunity to speak. I live in District 4. I've been a resident of KCK for over 30 years. My wife and I are passionate about dogs. We believe the BSL should be repealed in KCK. Labeling a dog, a Pit Bull, is subjective and many times dogs are misidentified as Pit Bulls when they are not. When this happens, dog owners rack up thousands of dollars in legal bills, fighting citations, and possibly having to give up their dogs. This causes hardship for many people who cannot afford it. Many times, it results in having to make a hard decision to not fight an incorrect identification and abandon their pet at the shelter.

The breed ban is also bad for relationships among neighbors sometimes. It is not unheard of that one neighbor has a disagreement with another and out of spite, would call animal control services even though the dog is not a Pit Bull. Then animal services officers have to spend valuable

time investigating the complaint when his or her time would be better spent in the field picking up stray animals or enforcing the dangerous dog ordinance.

In conclusion, it is time to repeal the Pit Bull ban in KCK and stop wasting valuable resources on an ordinance that not only does not work, it causes harm and hardship in our community. We are all better off if we focus on enforcing the dangerous dog ordinance instead. Thank you for your time.

Modi Nichols (no show).

Ann Marie Wilson, 2500 S. 47th Dr., said I have lived there for the last 26 years. I've spent my entire life in KCK. Recently, I became aware of the Pit Bull ban because an officer came to my door to tell me that she had a report of a Pit Bull residing at this residence. I had to tell her, I do own one. I acquired this dog when my ex-husband was killed in a workplace accident in January. My three children, his children, one of the few things that he wanted was his dog because that dog was so attached to him. I couldn't tell my children no so we have this dog. I explained that to the officer and she felt horrible that she was having to give me a ticket because she understood that the dog probably wasn't—and here she was out there doing this.

I just want you to know, I absolutely support the dangerous dog. I want that to stay on. I just don't want it sectioned off for a breed. I think that's just uncalled for. I've grown up in this community and I'm considering selling my house now because I can't give this dog away. That's pretty sad but true. I know that's no big whim for anybody that one person is going to move out of the city, but I just want you to know that's where it is. That's where it stands for me. I can't do this to my children. They've lost their father. I can't take this dog away from them.

Angel Wilson is my daughter. I don't believe she's going to be able to come up so you can go on to the next person.

Theresa McConnell said I am a part of the McConnell family. Jimmie Mae McConnell was the victim that was killed in July 2006. As we were listening, one thing that I think that we need to see and understand is that God created everything for a specific purpose. The Pit Bull was designed to handle in the fields with animals and not necessarily with people.

As I was writing the letter and putting it together to bring before the commissioners, I checked and happened to look online. On that very day, a lady in Florida had been attacked by three Pit Bulls. The dogs were trained. It's been in the family for a long time; however, for some odd reason, it's innate nature to part and that woman was attacked.

At any given time, regardless of how much one has trained or has spent time, no one knows that day nor that hour when that dog is going to attack. I just ask that we be mindful of the very fact of creation, what the dog was actually created for. Thank you for your time.

James McConnell, 3209 N. 109th Pl., said I'm in District 5. Mike Kane is my commissioner. I stand before you tonight. Mrs. McConnell, Jimmie Mae was my sister-in-law. I want to make a point that this is not tonight. Tonight really is not about Mrs. McConnell. She's in heaven now. This unfortunate incident happened.

We are here in support of upholding the ban because of in fear that other individuals will, in fact, have the same kind of situation happen to them as it happened to my sister-in-law. We are here not to keep bringing this up, but for her because she's gone. Other children—children are—because of stray dogs that are out there, children are terrified in getting off of buses, school buses, because of stray dogs. Many of those stray dogs are Pit Bulls.

I grew up in the house. I grew up in the home with my sister-in-law. When my dad passed away when I was in the eighth grade, I lived with them for six years until I went away to college. When the district attorney allowed the close family members to see pictures, it was horrific, the fact that the Pit Bull went in there and just, it was just terrible.

We are here for the purpose of wanting to make sure this doesn't continue to happen with other individuals. Children—I really feel very, very sorry for the lady who spoke a few minutes ago, but those Pit Bulls can turn in an instant on those children. If it's a situation of economics, there's got to be something that can be done. Please, in fact, do not repeal the Pit Bull ordinance. Thank you.

Teresa Hernandez (no show).

Sydney Drysdale, 8121 Ella Ave., said I'm a representative from District 7. I'd first like to say thank you for hearing us out and thank you for your consideration of the breed ban repeal and your time, especially Commissioner Jim Walters from my district.

My husband and I recently bought our first home in Kansas City, KS, on Ella Ave. We love the diversity and vibrance our community fosters. We almost decided against moving here because of the breed ban. We ultimately made the choice to move here because this is a place we care about and we saw a commitment to change. I'd like to do my own part in cultivating change by being a part of this great movement to repeal the breed ban.

As a mother of two rescued hounds from the Rescue Project and Kansas City Pet Project, you may be wondering what my proverbial dogs is in this site. As a dog foster parent for Kansas City Pet Project and the Rescue Project, I've seen first-hand the impact of limited resources in the animal welfare community of Kansas City, KS.

With the dangerous dog ordinance in place, a breed ban is discriminatory, difficult to enforce, and ineffective, while utilizing resources that could be more effectively used to care for homeless and stray animals as well as being used to enforce the dangerous dog ordinance.

Repealing the breed ban would allow for more available space in Kansas City rescues and shelters while keeping beloved and well cared for pets in their home. Ultimately, this is about more than Pit Bulls and dangerous dog ordinances. This is about our chance to be a more inclusive and forward-thinking safe community that encourages responsible pet ownership and young professionals, like myself, to join in, to move into Kansas City, and to really make a change. Thank you for your time.

Joe Acosta (no show).

Mayor Alvey said I want to thank all the members of the public present today for bringing your thoughts and feelings to us. Public comments are closed.

Commissioner Kane said we often talk about these decisions are hard to make and that instead of two sides to the story, on this one here, there's probably eight sides to the story. My personal experience with Pit Bulls, my daughter had them in college. She had two. She brought them home

on weekends. They were just as good as any other dog. They were never out of line. They never did anything wrong. They were there to protect her.

I wasn't for the ban in 2006. I've never been for the ban. We're fighting as a community. We're fighting because somebody looks this way or somebody looks that way. The bottom line is, it's not the dog itself, it's the person that has the dog. This vote, it isn't good for either side. I'm going to make my vote based on my past experience.

She had those dogs for four years. When she came back from college, she had to give them up because she moved back to Wyandotte County. There was no good end to that. Like I said, I didn't want the ban in the first place and I don't want it now.

Commissioner Townsend said first of all, I agree with Commissioner Kane. This is a difficult decision. We're talking about emotions. We're also talking about facts. I want to thank everyone who came out tonight no matter what side of the issue you find yourself because it shows that you are participating in the deliberative process. I, as a commissioner, appreciate that. Your voice is and your appearance is vital to all of us here who have to make those decisions.

Having said that, as commissioner in District 1, the ban was in place when I came into office. I did support the continuation of the ban four years ago and I'll continue to support it tonight for a few of the following reasons. There are many, but here are a few.

Basically, I see it as an essential tool, not flawless, but still effective in helping to regulate and maintain public health and safety of our citizens. We've heard several owners tonight talk about how lovable their dogs are, but we're talking about situations where these dogs may be in the community not just with their owners. You can read any number of articles that talk about this breed as—some of us might view that this breed, particularly, even turning on the owner. Thank heaven for those who've not had this experience. However, there's documentation out there that show that that can happen.

In terms of the ineffectiveness of it, I think this discussion raises a good point that I think is better addressed by us as a budget issue. I've heard Commissioner McKiernan say it a number of times on various subjects, maybe we need to have—I'm paraphrasing, Commissioner. I'm not holding you to this—the rubber hits the road in money. It does sound like there are a lot of people who have volunteered their time to help us in Wyandotte County with the animal situation. Maybe it's time to give more money in our budget to those particular situations. I think it would be a

mistake to lift the ban. That is still a public safety issue that can work in concert with any other different type of hazardous dogs. Because of the unique particularity of that species, I do believe this ban specific legislation should stay in effect.

I don't know if all of us have read, I know there was any number of letters, emails sent to the Commission. I looked at some. Again, I'm thankful for those who chose to give their voice to both sides. One, in particular, caught my attention and I'd be happy to share with anyone who contacts me. It was an email from a doctor in Wisconsin who performs surgery, pediatrics particularly, and has come across any number of children who have been mauled, children and others, by a Pit Bull. She's also a member of the Counsel on Injuries, Violence, and Poison Prevention.

She talks about the particular level of destruction that when this type of breed bites, it's unlike any other. It talks about the fatalities, according to her article, Pit Bulls and other dangerous dogs have become an epidemic, her word, public safety issue over the last 10 – 20 years and it's only getting worse. According to this doctor, Pit Bulls killed 26 out of 36 people, killed by dogs in 2018 in the United States. Even in this article, it says that our US military, that's the best in the world, does not allow this breed on US military bases.

We want to continue to look at this, I do, as a public safety issue and one tool. It may not be flawless in the way we've executed it, again, I think there's another way to look at this. That's probably coming off some dollars to help our people who are doing the best job they can with it. That's another issue. That should be the economic burden put on us.

Speaking of economics, I talked with my insurance carrier four years ago and that position has not changed. We don't want another situation like a Ms. McConnell. I think a lot of us want to go to heaven, but I'll admit, I'm not particularly in a hurry to get there. We don't want to put the public at risk. I don't believe we need to with this ban. Even if we have a lot more of these mixes or the breed housed currently. I think that's still preferable to putting the public at a higher level of a risk than other dogs. Are these the only ones that are dangerous? No, but my insurance company, as a homeowner, would not cover me if I had this particular breed. Unfortunately, it did escape even at home, mauled, bit, killed, injured someone. To me, that's not satisfactory because it shifts the burden of government. What we're trying to do here is keep people safe and be fair to their particular likes. I believe that if we lift the ban, it would incorrectly shift an economic burden,

we haven't talked about really tonight, to those people who are the victim of a dog attack by a Pit Bull.

I did see an article, this is one I looked up just to find out what the general cost of a dog bite is. This is an article published by Insurance Info Institute and State Farm. It's called, "The Costs of a Dog Bite." This was published back in April 17, 2016. It said that dog bites and other dog related injuries accounted for more than one-third of all homeowner liability claims paid out in 2016. That's three years ago. The total amount was \$600M. The average cost of a claim nationally at that time, three years ago, was \$33,230. This was not breed specific, but just to give you some point of reference for what an insurance carrier paid out for any dog bite. Certainly, the nature of the bite described in some of the literature we've gotten from a Pit Bull is more serious, more grief if you survive it. Therefore, you can expect that the average cost would be higher than that.

Let me share a personal experience I had just recently, within the past three weeks, driving home and going to park my car. Out of nowhere in the alley adjacent to my house, this Pit Bull lunges out of nowhere. It's on a chain. My window was rolled down. I hastily rolled it up on the passenger side and then proceeded to call my neighbor, who's good people, and asked them was that their dog. They said it was. I didn't ask them if they knew, but I said you know, those breeds are not allowed in Wyandotte County. You have to remove the dog. They complied.

I hate to think what would have happened had that dog, who never seen me before, or I never had any contact before, gotten loose on kids that play in that alley all the time. According, again, to the article of Dr. Marusinec, that in that article it mentions that Pit Bull Terriers are relatively more likely to attack an unknown individual 31% of the time more than another breed, and without provocation 48% of the time. I know its emotional for all of us here, but those are what the numbers indicate.

I would just have to exercise what I was taught in law school, to error on the side of caution. If we repeal the ban, there's potentially more harm to the public at-large than if we leave it in place. I know it is not flawless, but that means, we, as a Commission, I think need to look at other ways to give our animal control people more financial help. That would be the way I would go without shifting the burden and increasing the probability which, I believe, is unacceptable for safety.

Commissioner Philbrook said I just wanted to wait until I got to hear from most everybody out there and up on the dais. Of course, it's been stated that I am supporting the repeal of the breed specific ban. That's true for multiple reasons. One of them is that we surveyed our community in 2016. About 82-83% of those surveyed said to repeal the ban. That's number one. Our community has spoken to us.

Then, the data collected since then shows us that 24% of our total budget for animal services is spent on breed specific services. We only have \$1,028,000 in our budget for animal services. That bothers me. I would like to see that money spent on dangerous dogs and eliminating the animals that are dangerous and have the folks that own these animals go in front of the judge and be dealt with that way instead of having folks going after animals that only look a certain way.

Now, am I saying that I don't believe certain animals are dangerous and that they have been raised to be certain ways? No, I'm not saying that. I, myself, have been attacked by several types of dogs and I have the scars to prove it, but we are not showing those tonight. What I'm telling you is, it's very scary; it's a very scary thing. My heart goes out. I can't image what it would be like to lose a loved one to an attack of any type. I understand that. I just wish that the ban that was put in in 1990 actually had accomplished something. It doesn't seem to have.

We're also losing a lot of grant money, OPM, other people's money because we have the ban. We could get a lot more money into our community to help out. We have a \$30,000 grant sitting out there waiting to help us get someone put in the animal shelter to help us move animals through, but they will not give it to us because of the ban. I know there's a lot of other money out there. There are folks who are doing all the volunteering, Pet Project folks and a lot of the other folks. There are plenty of different sources of money to help us take care of our community.

As I understand it, I just found out from Jennifer last week or the week before, I can't remember, time flies around here, that for the first time in I don't know how many years, we actually had an empty cat cage. What are the chances? You guys go what? What do you mean? How important is that? I'll tell you how important it is. It means that our animal control people and all of these volunteers have been working yeoman's job to take care of these problems. They are addressing a lot of them, but we are being warted by moving into dealing with exact actions by animals by looking at their creed, their race, their appearance. We're profiling animals. I have a problem with profiling. That's an issue for me.

When I was growing up, there was plenty of profiling going on in the 50s and the 60s. I'm telling you, it sucks. I know I'm speaking to folks who understand who were profiled. Nobody wants to be profiled. Folks who have these animals, they're being profiled too as being bad people. I'm not sure that's fair to them.

Going on about this, as I understand it, I heard a few amounts of money thrown around, the KC Pet Project and the Help Program have done. When they spoke the other night, I found out that when you add up all the time spent and all the money, that these two organizations have actually done a million dollars' worth of work for our community. That is an outside group coming in and helping take care of us. Thank you very much. I appreciate that. That is almost as much as what our budget is for animal services.

I'm not trying to shame my fellow commissioners in saying we need tons of more money. Yes, we do, but we have a limited amount of money to put out there. If we can have more help from folks who care about helping us take care of our community and the safety of our community, I don't want to run them away. I would like to have them with open arms, to be part of our community and be able to help us.

Commissioner Philbrook said after saying all that, I would like to ask Jennifer Stewart, who's head of our animal services, a few questions. I know you didn't opt to be here, but we need you for data.

How many animals, in percentage wise or numbers, however you want to represent it, are we dealing with on Pit Bull lookalikes or Pit Bulls versus any other dog? **Jennifer Stewart, Director of Animal Services**, asked you mean how many are in the shelter currently? Would that work? **Commissioner Philbrook** said yes, that would work. **Ms. Stewart** said I did an inventory before I came here tonight. Currently, we have 35% that are Pit Bulls or predominantly Pit Bull mixes. **Commissioner Philbrook** asked is that the average amount through the year, or do you have any idea. Do you know what it ran in 2018? **Ms. Stewart** said it varies anywhere from 25% - 35% generally.

Commissioner Philbrook said in talking about costing us around 24% of our budget dealing with these dogs now, what's the average stay between the two areas? **Ms. Stewart** said a Pit Bull's average stay in 2018 was 71 days. Non-ban breed was approximately 50 days. **Commissioner Philbrook** said so we've got an extra few days, needless to say, that we have to

take care of these animals so that's costing more. Plus, that fills up our animal shelter because we cannot move these animals on within our community. The people are not going to come back and get their dog because they're not supposed to have the dog in this county so that dog is left out there hanging. Then we have to find homes for these dogs. That fills up our shelters instead of giving us the opportunity to pick up dangerous dogs that we get calls on because it gets filled up.

I'm not sharing any names of any officers. I'm not going to do that. What I am going to tell you is that I have heard from some of the police officers that they're pretty upset with the fact that we are filled up with animals that didn't necessarily do anything so they can't get us to come pickup animals that we know are doing something. They're going out and killing cats and all that kind of stuff. It takes them weeks. I think we had a good outturn on one of those where people actually surrendered their animals that were killing cats, but it took weeks—**Ms. Stewart** said months. **Commissioner Philbrook** asked how long. **Ms. Stewart** said months. **Commissioner Philbrook** said okay, to get the people to finally—**Ms. Stewart** said to be transparent, it did take a while. The whole neighborhood was trying to help us catch two particular dogs that did a lot of damage. **Commissioner Philbrook** said I appreciate that work. That just goes to show you what kind of time and effort it takes to keep our community safe. We need to have your folks available.

While I'm up here testifying for you, if I understand it correctly, a town this size should have 20 officers and we have how many right now? **Ms. Stewart** said we're hiring three, so we'll have seven. **Commissioner Philbrook** said okay. That's better than what we had when we started this venture. That means we're woefully negligent of providing the number of people we need.

I want people out there to understand what kind of a fight this is. This is a fight to keep our community safe within the money that we have and being able to raise more money to take care of it.

How many of those Pit Bulls were picked up for bites? **Ms. Stewart** asked last year. **Commissioner Philbrook** said yes. **Ms. Stewart** said in 2018, there were 60 dogs picked up for bites, 12 of them were Bully breed. So 48 were not. To date, this was actually May 15th so I'm about two weeks off, we had 20 bites in 2019; 4 of them were Bully breed, 16 were not. **Commissioner Philbrook** said they're a smaller percentage. It doesn't make it good. All of those dogs are bad dogs, and I'm sure they'll have to go through their dangerous dog procedure to see what happens with them. I appreciate that information.

Is there anything else you want to tell me about? I know that all I need from you is facts. What facts have I forgotten to ask about as it affects us in working efficiently and effectively? **Ms. Stewart** said I think the most important thing for us is the length of stay being so long. It takes so long to find a home for a Pit Bull type dog. There are people in the community that want to either get their dog back, adopt, or even foster. We have a great relationship with a couple of different rescue groups who provide fostering before someone can adopt an animal or chose to. All of those people are in different counties and cities. They are helping ease that burden, but there are people in this county or city that would be more than willing to take a dog that currently is not allowed.

Commissioner Philbrook said I know what I forgot to ask you. How could we spend some of that money that we save by not chasing our tails, literally? What could we spend some of that money for that would help us get this stuff under control? **Ms. Stewart** said just the length of stay or—**Commissioner Philbrook** said no. For instance, what can we do with the dogs that come in that we pick up? How can we spend money, keep track of them, to move things along? We could pay for more spay and neutering.

We could chip every critter that came in the door. How much would it cost us to chip every critter that came in the door? **Ms. Stewart** said approximately \$18,000 - \$20,000. That also allows us to track recurring visitors. If one officer picks up a dog one month and a different officer picks up the dog the next month, we may not know it's the same dog. It's usually our kennel coordinator who says that dog has been here before and we realize it's been a second or third pickup.

We can use funding for an adoption coordinator or a volunteer coordinator that can help us feature those animals and reach out to different potential adopters and fosters. With the staffing, or lack thereof right now, I'm responsible for all of that in addition to all my other duties. I just don't have the time to work on finding adopters or fosters as much as we really need at the shelter.

Commissioner Philbrook said unless any of the other commissioners have any questions for you, I just want to make a list of comments here, and it's going to be pretty quick.

I started thinking about the issues around the fear of what would happen if we repealed this ban because there are fears, and rightfully so. Fear comes out of a lot of places. We all are afraid of something. I want to address this. This deals with the different communities around us that repealed the ban on Pit Bulls or any kind of breed specific law.

Bonner Springs repealed in 2014. There's been no increase in bites overall by Pit Bull type breeds since the ban was repealed. They also stated that the repeal has saved time and resources for the city. That was directly from the Bonner Springs people.

Edwardsville repealed in 2008. No increase in bites overall by Pit Bull type breeds since the ban was repealed. Lansing in 2015. No increase. Same thing. Tonganoxie repealed in 2016. There's been no increase since that's been repealed. Shawnee in 2018. That's only been a year's worth. They haven't had any increase. Roeland Park repealed in 2015 and there's been no increase in bites overall or by Pit Bull type breeds since the ban was repealed.

I felt it was necessary to share that information with everybody because of fear of the unknown, and fear that our families are going to be hurt. That's a very valid fear. I had to know for myself what the heck is going on around us and what the results of their repeal has done. I wanted to share that with you.

Other than that, thank you. I appreciate everybody indulging me with my two cents, or that's probably ten cents worth. I've been working on this for a long time. I can't tell you how much I appreciate everybody that has been doing their due diligence on trying to figure out what we can do and how we can help animal services make our community safer. That is one of our big complaints that we get from our folks in the city is not feeling safe because of animals running amuck.

Commissioner Townsend said just for clarity. My recollection when we did the survey that Commissioner Philbrook mentioned, in District 1, when that question was posed about the Pit Bull, it was in the high 30s, maybe 40 with regard to repealing the ban. The overwhelming numbers in District 1 did not support that.

The other thing is I know we may be missing out on money. There may be people who want to come in and give us money, but I still caution you. I don't think we need to go for that 30 pieces of silver, so to speak. The issue is more than just how much money you can get. As I said earlier, according to this institute and State Farm Insurance, the average cost of a dog bite is more than what we're talking about bringing in. I agree we have to do something to try to keep our people safe and lessen your burden, but I don't think it's appropriate to shift that burden to the public, which is what I think would happen if the ban was lifted.

Commissioner Burroughs said I, too, want to echo the appreciation for the public coming forward and expressing their issues. There's been much discussion about the repeal of the breed specific legislation or ordinance. I know that ordinance was significant when it was implemented. To the McConnell family, it's quite unfortunate. You have my utmost respect for how you handled yourself in this discussion this evening.

Emotional issues are going to divide the community no matter which way the vote comes down on this particular issue. I'm one that doesn't believe that we rescind an ordinance for noncompliance or for limited service or resources to ensure we comply with the ordinance. I just don't believe that is the reason to do away with an ordinance. That's what I'm hearing in some of the discussion this evening.

Now, we've heard about the statistics that came from other communities. What we haven't heard is how much resources, or additional resources, were put into those communities to address that concern. We've heard the challenges that we face fiscally, as a community. I would have a higher comfort level in assuring that any vicious animal, let alone a dangerous animal, was taken off the streets.

It's no secret that I've advocated for additional public facilities in a first-class community. We deserve first-class facilities. You deserve first-class service from a responsive government. If we're not fulfilling that obligation, that's on us but we need your help. I do not believe that rescinding this ordinance, with the limited amount of information that has come forward, is a significant reason to rescind the ordinance.

I'm going to stand with those who have been victimized by vicious animals; not just Bully breeds, but by vicious animals. I'm going to stand with them this evening for public safety reasons. I do hope, that as we move forward throughout our budget process, we find the additional dollars necessary and the opportunity to hire those that are committed to helping our animal loving community.

Commissioner McKiernan said as Commissioner Kane said when we first began this discussion, this is a very hard decision to make. As I was looking for guidance, I looked to the American Veterinarian and Medical Association that is a professional association that serves those men and women who chose to make it their life's work to care for the various animals that we all keep in our homes and in our communities. The American Veterinarian and Medical Association says that

while breed specific legislation may look good on the surface, it is not a reliable or effective solution for dog bite prevention. The AVMA and the American Veterinarian and Medical Association is opposed to breed specific legislation. I have taken my cue from them.

Commissioner Kane said we just pulled up 83% of the people in District 5 wanted the ban repealed. I think that's important too. When we talk about when we did the survey, I didn't realize it was that high. 83% of District 5 said they don't want the ban.

Commissioner Bynum said just to clarify, District 1—that particular survey is broken out by district. District 1 was also 83% in favor of repeal; and every district, 7 out of 7, that included that question were 83% or higher. I just went back to double check it because I had looked at it a month or so ago.

Action: **ORDINANCE NO. O-36-19**, “An ordinance relating to Pit Bull dogs; repealing original Section 7-219 of the Code of Ordinances of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Philbrook made a motion, seconded by Commissioner Kane, to approve the ordinance to get rid of the BSL ban.** Roll call was taken and there were six “Ayes,” Kane, Markley, Philbrook, Bynum, McKiernan, Murguia; and three “Nos,” Walters, Burroughs, Townsend. Motion carries 6 to 3.

Mayor Alvey said I want to thank all of you for coming out this evening. I can assure you that our administration, our staff, and this Commission will continue to look at this, continue to explore the data and the experience because public safety is of the utmost concern and it is our responsibility. Thank you all for coming and telling us your stories.

ITEM NO. 4 – 19746...RESOLUTION: JOHNSON COUNTY 911 INTERLOCAL AGREEMENT

Synopsis: A resolution approving an interlocal agreement with Johnson County, Kansas, for usage of their Communications Center's existing 911 phone and radio communications equipment as emergency backup, submitted by Terry Ziegler, Police Chief. On May 20, 2019, the Public Works

and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTOIN NO. R-33-19**, “A resolution authorizing the approval of an agreement between the Unified Government of Wyandotte County/Kansas City, Kansas and Johnson County, Kansas, which the UG will contract for usage of existing 911 phone and radio communications equipment at the Johnson County Communications Center facility for the purpose of having emergency back-up communications center capability.” **Commissioner McKiernan made a motion, seconded by Commissioner Kane, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Murguia.

ITEM NO. 5 – 19738...REAPPOINTMENT: REACH FOUNDATIONS BOARD

Synopsis: Reappointment of Theresa Reyes-Cummings to the REACH Healthcare Foundation’s Community Advisory Committee (CAC) for a three-year term from June 1, 2019 to May 31, 2022, submitted by Emerick Cross, Assistant County Administrator.

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

ITEM NO. 6 – 19782...PLAT: 2600 WEST 47th AVENUE

Synopsis: Plat of 2600 West 47th Avenue located at West 47th Avenue and Fisher Street, being developed by Jones Development Company, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

ITEM NO. 7 – MINUTES

Synopsis: Minutes from regular sessions of April 11 and 25, 2019; and special sessions of April 25 and May 9, 2019.

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

ITEM NO. 8 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated May 9, 16, and 23, 2019.

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

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
ADJOURNED THE MEETING AT 8:50 P.M.
May 30, 2019**

cg/tk/tpl

Carol Godsil
Deputy UG Clerk

May 30, 2019



Suite 323
Kansas City, Kansas 66101-3070

Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: June 13, 2019

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

mbb

Attachment

1. COMMUNICATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

<u>Warrant #</u>	<u>Reissue?</u>	<u>Date Issued</u>	<u>AMOUNT</u>	<u>FUND / ACD</u>	<u>Vendor Name</u>	<u>Reason for void</u>
854661	YES	3/15/2019	\$ 35.60	110/42000015259	Shaw, Troy	Stale dated
853949	YES	3/1/2019	\$ 33.33	160-2125	Ventura Sorta Jose B	Stale dated
859751	NO	6/7/2019	\$ 263.16	750 2009	Pioneer Credit Recovery, Inc	Other (Explain)

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED JUNE 11, 2019:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Brandon C Forbis	PW/Street	6/13/19	Equipment Operator I
Bianca I.M Garcia	Health	6/13/19	Program Coordinator
Daniela M Gonzalez	Parks/Rec	5/28/19	Lifeguard
Margarita S. Gonzalez	Parks/Rec	5/28/19	Lifeguard
Tyler A Hansen	Police/Animal Control	6/6/19	Animal Control Officer
Emmanuel F Hooks	Parks/Rec	5/28/19	Rec Leader
			Public Safety
Jazmen G Italiano	Police/Comm	6/13/19	Dispatcher
Bre'Anna M Jones	Parks/Rec	5/28/19	Lifeguard
Doris E Jones	Parks/Rec	5/28/19	Rec Instructor
Larry D Jones	Parks/Rec	5/28/19	Lifeguard
Marcus L Jones	Parks/Rec	5/28/19	Lifeguard
Reginald Jones	Parks/Rec	5/28/19	Lifeguard
Abirl G Lara	Parks/Rec	5/28/19	Lifeguard
Andrew D Loaiza	Parks/Rec	5/28/19	Lifeguard
Arielle I. D Monroe	Appraiser	6/13/19	Appraiser
Linda M Murphy	DA's Office	6/13/19	Admin Supt Supervisor
			Public Safety
Kathryn L Owsley	Police/Comm	6/13/19	Dispatcher
Sa'Mone D Springsteen	Parks/Rec	5/28/19	Lifeguard
Valeria Urrutia Ramos	Human Services	6/13/19	Admin Supt Specialist
Taylor B Wash	Parks/Rec	6/3/19	Rec Instructor
Hanna L Wenzel	Appraiser	6/13/19	Appraiser
Bradley J Wicklander	Police/Animal Control	6/13/19	Animal Control Officer
Angela M Williams	Health	6/13/19	Program Coordinator
Lisa L Wilson	Aging	6/13/19	Program Specialist

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Shaya Lockett	Econ Development	5/30/19	Program Coordinator	Program Coordinator

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Sandra P Gonzalez	NRC	6/12/19	Building Inspector I
Nancy L Sanchez	Health/WIC	6/13/19	Manager, Health

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Kristian Alvarez	Sheriff/Admin	7/13/19	Clerk
Jonathan D Bond	Sheriff/Detention	7/31/19	Deputy
Michael D Moorman II	Sheriff/Admin	7/15/19	Deputy
Julie A Schindel	Sheriff/Admin	7/10/19	Clerk
Pricilla C Watley	Sheriff/Juv	7/10/19	Juv Care Worker I

Section VII - Reclassification

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Vacant	Comm Development	6/13/19	Program Supervisor	Program Coordinator

Section VIII - Other Request

Name	Department/Division	Action Requested and Explanation
Royal L Rader	Police/Security	Amend PAC 5/23/19 to reflect change in rg/stp effective 5/16/19

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED JUNE 13, 2019:

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Stephanie R. Baer	Finance/Treasury	6/13/19	Fiscal Supt Asst	Fiscal Supt Specialist
Michael M Burgard	PW/Traffic Eng	6/13/19	Equipment Operator II	Equipment Operator III
Mark T Heath	Fire	3/28/19	Battalion Chief	Battalion Chief
Cynthia M Jones	Fire/Comm	5/30/19	Public Safety Dispatcher	Fire Comm Dispatcher
Alan R Korosec	Fire	5/9/19	Medical Transport Supervisor	Battalion Chief
Toni Malic	PW/Street	6/13/19	Equipment Operator I	Equipment Operator II
Nykita S Sullivan-Slater	Finance/Treasury	6/13/19	Fiscal Supt Asst	Fiscal Supt Specialist
Salome J Villarreal	Appraiser	6/13/19	Admin Supt Specialist	Appraiser
Matthew J Zayas	Finance	5/30/19	Intern	Intern

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
William P Barajas	Police	6/19/19	Sr Master Patrolman
Sandra D Blaylock	Sheriff/Detention	5/24/19	Deputy
Daniel D Boatwright	Police/Security	6/7/19	Security Officer
Rylan J. Douglas	Police	6/21/19	Sr Patrolman
Tyrone A Garner	Police	6/19/19	Deputy Chief
Adrian D Goodlow	Sheriff/Detention	5/20/19	Deputy
Stacy L Nester	Finance/Treasury	6/28/19	Fiscal Supt Asst
Curtis J Nicholson	Police	6/19/19	Major
Jennifer P O'Neill	Police/Comm	6/14/19	Public Safety Dispatcher
Ronald E Sutton	Police	6/19/19	Sr Master Patrolman

Section IV - Leaves of Absence

Name	Department/Division	Lv. Beg	Ends	Leave/Pay
Daniel R Everhart	Sheriff/Detention	6/11/19	7/10/19	unpaid
Charles E Stites II	Sheriff/Detention	6/6/19	7/5/19	unpaid

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Tyler A Barth	Police	7/5/19	Patrolman II
Joseph F Caiharr	Police	7/5/19	Master Patrolman I
Alyssa A Dessert	Police	7/5/19	Patrolman II
Hayden J Erickson	Police	7/5/19	Patrolman II
Calvin L Fortune III	Police	7/5/19	Patrolman II
Darrin L Fulton	Police	7/5/19	Master Patrolman I
Dylan M Gray	Police	7/5/19	Patrolman II
Terry L Grimes	Police	7/5/19	Master Patrolman I
Jeremiah T Herr	Police	7/5/19	Patrolman II
Frank P Kuzmic III	Police	7/5/19	Patrolman II
Patrick J Locke	Police	7/5/19	Master Patrolman I
Kyle S McCullough	Police	7/5/19	Patrolman II
David E Mitchell	Police	7/5/19	Master Patrolman I
Kelly N Peterson	Police	7/5/19	Master Patrolman I
Jovanna G Ramirez	Police	7/5/19	Patrolman II
Nicholas J Schafer	Police	7/5/19	Master Patrolman I
Tommy J Wilson	Police	7/5/19	Patrolman II
Zane Z Zager	Police	7/5/19	Patrolman II

Action: Received and filed. Copy previously forwarded to Payroll.

4. REQUEST FOR LEGAL REPRESENTATION:

Steve Rios, former Police Department employee, regarding Hardman v. Unified Government of Wyandotte County and Kansas City, Kansas, and Steve Rios, Case No. 2019-cv-2251.

Action: Received and filed. Copy previously forwarded to Legal.

5. CLAIMS FOR DAMAGES:

Alfred Scott Bridgeman, 1131 Central Ave. Apt. 512, alleging bodily injuries from being thrown from seat on bus.

Carolyn Silas, 815 Troup Ave., alleging bodily injuries due to slider door closing on her.

Salvatore LeVota through Garrett J. Tuck, Attorney, 4050 Pennsylvania Ave. Suite 121, KCMO, alleging bodily injuries due to wet or icy stairs at Memorial Hall (2).

Sean Michael Reese, 8502 NE 109th Ter., KCMO, alleging damages to tire and rim due to pot hole.

Action: Referred to Legal.

6. TRAVEL REQUESTS:

Josh Cromwell, John Diaz, Chris O'Neill and Jamie Miller, CID/Gang Unit, travel to Johnston, IA, September 22 – 27, 2019, to attend the Physical Surveillance for Counternarcotic Missions Conference, Employee Training & Travel.

John Droppelmann, Fire/Prevention/Investigations, travel to St. Louis, MO, June 10 – 12, 2019, to attend the Internet Intelligence Training: Social Media Exploitation, NA.

Thomas Grote, KCKPD/APD/Dignitary Protection Unit, travel to Jefferson City, MO, June 16 – 21, 2019, to attend the Basic Dignitary Protection Training Course, Employee Training & Travel.

Kaitlynn Hardison, Community Corrections/Youth Services Division, travel to Ames, IA, June 16 – 19, 2019, to attend the Strengthening Families Training, Juvenile Training.

Dave Hopkins and Chad Williams, SOU, travel to Anniston, AL, June 17 - June 22, 2019, to attend the LEO Protective Measures CBRNE Training, N/A.

Action: Approved by Administrator's Office and received and filed.

7. CERTIFICATES OF INSURANCE:

Eden Tree Service, Inc.
Loomis Armored US, LLC

Action: Referred to License.

8. BUSINESS BONDS:

HVAC – Mechanical Contractor's Bond
MJ Interiors

Plumber's Bond
St. Joseph Plumbing & Heating, Inc.

Action: Referred to License.

9. CONTINUATION CERTIFICATES:

Electrical Contractor's Bond
M&M Service, Inc.

Miscellaneous Bond
Jim Dodson DBA Three Trail Heating and Cooling

Action: Referred to License.

10. CANCELLATION NOTICES:

Electrical Contractor's Bond
Morning Star Industries, LLC

Miscellaneous Bond
Brocato Electric, LLC

Action: Referred to License.

11. RESCIND CANCELLATION NOTICES:

Electrical Contractor's Bond
Steven R. Calliham DBA Calliham Handyman Service

Mechanical/HVAC Bond
Steven R. Calliham DBA Calliham Handyman Service

Action: Referred to License.

12. ADDITIONAL INSURED ENDORSEMENT:

Unified Government

Action: Referred to License.

13. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Dallas Wolfe DBA Big D's on the Hill, 2139 S. 34th St.

Action: Referred to License.

14. LIQUOR TEMPORARY LICENSE:

Touring Taps DBA Touring Taps, 1601 Village West Pkwy., 6/15/19

Action: Referred to License.

15. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

A-Team Security Company, LLC /William Graves DBA A-Team Security Company, LLC, 10517
Hickman Mills Dr. Apt. 15, KCMO
Taps of KC Inc. DBA Taps of KC Inc., 8912 Pflumm Rd., Lenexa, KS

Action: Referred to License.



Suite 323
Kansas City, Kansas 66101-3070

Government Clerk's Office

Bridgette D. Cobbins
Unified Government Clerk

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: Doug Bach
County Administrator

From: Bridgette Cobbins
UG Clerk

Date: June 20, 2019

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

tpl

Attachment

1. REPORT:

Financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of May 2019.

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED JUNE 18, 2019:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Joseph Baska II	Parks/Rec	6/13/19	Summer Laborer
Caleb D Brown	Parks/Rec	6/11/19	Lifeguard
Dylan T Burnett	Parks/Rec	6/13/19	Summer Laborer
Landon M Evans	Parks/Rec	6/13/19	Summer Laborer
Kyron J Fergus	Parks/Rec	6/13/19	Summer Laborer
Cody D Grasmick	Parks/Rec	6/13/19	Summer Laborer
Jaivon T Mitchell	Parks/Rec	6/13/19	Summer Laborer
Macolm Nash	Parks/Rec	6/5/19	Rec Instructor
Jesus Simental Jr	Parks/Rec	6/13/19	Summer Laborer
Anthony Valencia	Parks/Rec	6/13/19	Summer Laborer
Robert L Watson Jr	Parks/Rec	5/28/19	Lifeguard

Section II-Transfer

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Linda E Campbell	Transit	6/5/19	Transit Operator	Transit Operator

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
Michelle L Fowler	Health	6/7/19	Dietitian
Gloria L Hobson	Election	6/5/19	Election Worker
Niccole D Maxwell	Election	6/5/19	Election Worker
Mark A Schnieber	Election	6/5/19	Election Worker
Leona A Sigwing	Election	6/5/19	Election Worker
Carro Smith	Election	6/5/19	Election Worker
Lavita A Stallings	Election	6/5/19	Worker

Section V - Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Jose Calderon	B&L	6/21/19	Bldg Maint Worker

Section VII - Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Michael E Backus	Police/Security	6/5/19	Security Officer	Security Officer, Armed
Leo M Easterwood	Police/Security	6/5/19	Security Officer	Security Officer, Armed
Vacant	Health	6/27/19	Manager, Health	Manager

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Edward Lewis	PW/Fleet	Amend PAC 5/14/19 to reflect change in separation eff date to 5/29/19
Richard Rocha	Procurement	ACD code change effective 1/1/19
Emma Scovil	Procurement	ACD code change effective 1/1/19

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED JUNE 20, 2019:

Section I - Appointments

Name	Department/Division	Eff. Date	Job Title
Fabian Carlon	Sheriff/Detention	6/27/19	Deputy
Laura L. Landis	B&L	7/11/19	Architect

Section II-Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Justin L Grenovich	Police/Security	6/27/19	Fiscal Supt Asst	Security Officer, Unarmed
Mike N Her	Fire	6/13/19	Fire Inspector	Manager
Whitney M Phillips	Parks/Rec	7/11/19	Transit Operator	Groundskeeper I

Section III - Separations

Name	Department/Division	Eff. Date	Job Title
George A Clarke	Fire	6/20/19	Master Firefighter
Tamika D. Suber	Fire/Comm	6/7/19	Fire Dispatcher

Section IV - Leaves of Absence

Name	Department/Division	Leave/Pay
Brandy A Lynch	Reg of Deeds	unpaid
Andrew C. O'Neal	Sheriff	unpaid

Section VIII - Other Requests

Name	Department/Division	Action Requested and Explanation
Maritza Fernandez	CDDO	ACD code change eff 7/1/19

Yer Hang	CDDO	ACD code change eff 7/1/19
Sheria Howard	CDDO	ACD code change eff 7/1/19
Jerilene Lewis	CDDO	ACD code change eff 7/1/19
Valeria Ramos	CDDO	ACD code change eff 7/1/19
Lenah Sugut	CDDO	ACD code change eff 7/1/19
Phyllis Wallace	CDDO	ACD code change eff 7/1/19

Action: Received and filed. Copy previously forwarded to Payroll.

4. CLAIMS FOR DAMAGES:

Riley Carter, 1903 N. 14th, KCK, alleging tire damage due to hitting a pot hole on 18th Street & Garfield.

Kristina A. Griffin and Arthur Griffin, 10704 Merion Dr., KCK, alleging water damage to property during to a tornado on May 29, 2019.

Micheal James Perez, 1409 Ruby Ave., KCK, alleging damage to his vehicle due to a city plow truck on January 13, 2019.

Philip Sieve, 11415 Wingfoot Dr., KCK, alleging damage to property due to the permanent easement done in August 2007.

Ignacia Uribe, 323 N. 10th St., KCK, alleging property damage due to work being done next to her house in 2004.

Action: Referred to Legal. Copies previously forwarded to Legal.

5. MOTION FOR RECONSIDERATION:

Unified Government vs. Elvera Carlos Garcia, Case No. 2019PT1.

Action: Received and filed. Copy previously forwarded to Legal.

6. SUMMONS:

Leticia Macias, Elizabeth Magana Zamora, San Juanita Schneider, Ashely Negrete and Juan Carlos Vasquez, on behalf of themselves and all others similarly situated vs. BNSF Railway Company, Miles Leasing LLC, Unified Government of Wyandotte County and Kansas City Kansas, Terminal Consolidation Company, Amino Bros Co, LLC Jane/John Doe Construction Corporation, Case No. 2:19-cv-02305.

Action: Received and filed. Copy previously forwarded to Legal.

7. TRAVEL REQUESTS:

Rodney Ashley and Patrick J. Locke, KCKPD/COPPS/PAL, travel to O'Fallon, MO, June 25, 2019, to attend NASP Basic Archery Instruction, N/A.

John Cota, Fire, travel to New Orleans, LA, October 13 – 17, 2019, to attend the EMS World Expo, Employee Training & Travel.

Raymond E. Elmer, Alan Korosec and Jason Saragusa, Fire Department, travel to Appleton, WI, June 24 – 26, 2019, for a final inspection, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

8. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Vieux Carre, LLC/Michael & Joni Bocelewatz DBA Fat Matt's Vortex, 411 N. 6th St.

Action: Referred to License.

9. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

NKC Bureau of Investigation/Alan Broxterman DBA NKC Bureau of Investigation, 3000 E. Truman Rd.

VendTech–SGI/Curtis Lee Whitten DBA VendTech–SGI, 250 N. Rock Rd. #360, Wichita, KS

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 19807

Full Commission Meeting Date: 6/27/19

Committee:

Date of Standing Committee Action: NA
(If none, please explain):

Publication Required: No

<u>Date:</u> 6/18/2019	<u>Contact Name:</u> Emerick Cross	<u>Contact Phone:</u> x6784	<u>Contact Email:</u> ecross@wycokck.org	<u>Department/Division:</u> Commission Liaison
---------------------------	---------------------------------------	--------------------------------	---	---

Item Description:

The recommendations for the UG/Hollywood Casino/Schlitterbahn Vacation Village grants being submitted for your approval. The attached spreadsheet provides the summary of the selections made by the Mayor and each Commissioner.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

2019 Casino Grant FINAL Recommendations

Unified Government/Hollywood Casino/SVV Grant Recommendations 2019

2019

Organization	Project Title	Request Amt.	Alvey	Burroughs	Bynum	McKiernan	Markley	Murguia	Johnson	Kane	Townsend	Philbrook	Walters	Recommended	%
Argentine Betterment Corporation	A Healthy Active Argentine for All Ages	\$175,000					\$29,000	\$52,045						\$81,045	46%
Artist Outreach, Inc.	Play with your food! Culinary Nutrition Classes	\$10,000		\$2,500										\$2,500	25%
Avenue of Life, Inc.	Impact KCK	\$75,000				\$10,000					\$5,000	\$2,045		\$17,045	23%
Bethel Neighborhood Center	Youth Fit For Life	\$40,000			\$2,000	\$2,000								\$4,000	10%
Bishop Ward High School	LINKS- How Sleep, Nutrition, Exercise are Connected	\$17,000				\$1,000			\$2,000	\$5,000				\$8,000	47%
Bonner Springs-Edwardsville Education Foundation	Bonner Spring/Edwardsville Healthy Life Initiative	\$40,000											\$40,000	\$40,000	100%
Catholic Charities of Northeast Kansas, Inc.	SNAP Outreach and After School Summer Feeding Program	\$10,000							\$3,000					\$3,000	30%
Community Boxing and Fitness Center	The "Champions-Engaging the Mind and Body"	\$15,000									\$2,500			\$2,500	17%
Community Housing of Wyandotte Co. Serving as fiscal sponsor for the Strawberry Hill Neighborhood Association	Playground at St. Johns Park	\$80,000			\$3,000	\$7,500								\$10,500	13%
Community Housing of Wyandotte County	Splitlog Farm	\$15,000			\$2,000	\$4,000								\$6,000	40%
County Fair Foundation	Fairground Trap Range Development Phase IV	\$65,200			\$2,000					\$12,500				\$14,500	22%
Cross-Lines Community Outreach, Inc.	Healthy Choices Food Pantry	\$15,000				\$1,500						\$1,000		\$2,500	17%
Cultivate Kansas City, Inc.	Urban Agriculture in Wyandotte County	\$20,000			\$3,000	\$3,000				\$2,500		\$1,000		\$9,500	48%
Doing Real Work, Inc.	Court Advocate/Case Management Services	\$50,000	\$15,000	\$10,000		\$2,000						\$3,000		\$30,000	60%
El Centro, Inc.	Promotores de Salud: Creating a Culture of Health	\$12,460			\$3,000							\$2,000		\$5,000	40%
The Family Conservancy	Healty Parents, Healthy Kids	\$20,000				\$5,000					\$2,500	\$2,000		\$9,500	48%
The Farm School at Gibbs Road	On Farm, Hands On: Empowering Our Youth and Improving Their Future through Agriculture	\$66,503		\$5,000	\$3,000		\$10,500							\$18,500	28%
First Baptist Church	Summer Youth Arts Camp "Let's Move Through Art"	\$28,000			\$1,500				\$5,000					\$6,500	23%
Friends of Yates Branch, Inc.	Living Healthy & Well: Domestic Violence Education-Prevention Program	\$60,000		\$7,500	\$3,000				\$7,500		\$5,000	\$3,000		\$26,000	43%
Gilds's Club Kansas City	Cancer Support in Wyandotte County	\$1,195									\$545			\$545	46%
Girl Scouts of Northeast Kansas and Northwest Missouri Inc.	Girl Scouts Camp Fury	\$5,000			\$1,500						\$1,000			\$2,500	50%
Giving the Basics	Giving the Basics-Free Hygiene Supplies to Low-Income Wyandotte County Residents	\$25,000				\$2,000								\$2,000	8%
Harvesters-The Community Food Network	BackSnack Weekend Feeding Program Wyandotte County	\$25,000				\$2,045					\$3,000			\$5,045	20%
Hillcrest Ministries of Wyandotte County, Inc	Improving Health for Homeless Young Adults In KCK Through Case Management	\$5,000			\$1,045	\$2,000						\$2,000		\$5,045	101%
Historic Northeast Mid-town Association	Learn to Earn Program	\$15,565			\$4,000				\$5,000		\$6,000	\$2,000		\$17,000	109%
Historic Westheight Neighborhood Assoc.	Historic Westheight Park Giving Grove Orchard	\$1,000			\$500				\$1,000					\$1,500	150%
Kansas 4-H Foundation, Inc. Serving as Fiscal Agent fro Wyandotte Co. Extension Agency	Discover 4-H: Agrifit	\$23,800			\$2,500							\$2,000		\$4,500	19%
Kansas City Ballet Association	Reach Out and Dance (R.O.A.D.)- physical activity through dance instruction for Turner School Elementary Students	\$5,000					\$5,000							\$5,000	100%
Kansas City Community Gardens, Inc.	Healthy Neighborhoods, Healthy Wyandotte	\$30,000				\$2,000						\$2,000		\$4,000	13%
KCK Baseball Association	KCKBA Northeast Jayhawk Youth Baseball League	\$8,000									\$5,000			\$5,000	63%
KCK Public Library Foundation	Summer Reading Program 2019	\$10,000										\$2,000		\$2,000	20%
Kansas City Kansas West Kiwanis Foundation	Bike Safety Rodeo/Car Seat Check	\$4,000								\$2,000		\$2,000		\$4,000	100%
Leavenworth Road Assoc. serving as fiscal agent for the Wellborn Lake group	Lake Stabilization and Improvement	\$20,271			\$1,000						\$3,000			\$4,000	20%
Love Outreach International Ministries	Homeless Men's Empowerment Initiative	\$40,000			\$2,000				\$5,000		\$5,000	\$2,000		\$14,000	35%
Mercy & Truth Medical Missions, Inc.	Defeat Diabetes in the DOT	\$90,000	\$5,000						\$5,545					\$10,545	12%
Metropolitan Lutheran Ministries	Keeping Wyandotte Healthy and Housed	\$25,000										\$2,000		\$2,000	8%
Mo-Kan 20-20 Vision, Inc.	Project Step Out: For the Health of It	\$6,000								\$2,500				\$2,500	42%
Mo-Kan 20-20 Vision, Inc.	Harmon Outdoor Classroom	\$10,000								\$2,500				\$2,500	25%
Mo-Kan 20-20 Vision, Inc.	Sumner Courtyard to Classroom Project	\$7,500								\$2,500				\$2,500	33%

Unified Government/Hollywood Casino/SVV Grant Recommendations 2019

2019

Oak Ridge Youth Development Corporation	"Health, Education and Fitness" Initiative	\$35,000	\$15,000							\$5,545	\$1,000			\$21,545	62%
One Love Foundation	Boston Daniels Park Improvements	\$55,000										\$2,000		\$2,000	4%
Police Athletic League of KCK	Kansas City, Kansas Police Athletic League	\$100,000	\$17,545	\$15,000		\$5,000				\$5,000				\$42,545	43%
Quindaro Development Corporation	QDC Summer Enrichment Program	\$15,500			\$2,000						\$6,000			\$8,000	52%
Rosedale Development Association, Inc.	Advancing Rosedale Community Health	\$10,000		\$5,000				\$5,000						\$10,000	100%
Special Olympics Kansas	Trailer for Athletic Supplies	\$12,000								\$5,000				\$5,000	42%
Turner Community Connection, Inc.	Donuts & Dumpster Neighborehood Clean Up	\$3,000					\$2,045							\$2,045	68%
Turner Recreation Commission	Turner Community Garden: improvements	\$10,500					\$10,500							\$10,500	100%
United Way of Wyandotte County	Community Health Improvement Plan (CHIP)	\$100,000			\$8,000	\$8,000			\$8,000	\$5,000		\$15,000		\$44,000	44%
United Way of Wyandotte County Inc.	2018 Wyandotte County Back to School Fair	\$30,000			\$2,000						\$3,000			\$5,000	17%
Vaughan-Trent Community Services, Inc.	Bonner Springs/Edwardsville Fresh Foods Program	\$18,000											\$17,045	\$17,045	95%
Village Inititative Incorporated	Addiction, Recovery and Support Services	\$50,000	\$2,500		\$3,000				\$3,000		\$2,500			\$11,000	22%
Working Families' Friend	Emergency Assistance	\$20,000	\$2,000	\$7,500						\$4,500				\$14,000	70%
Wyandotte County Fair Assoc. Inc.	Livestock, Swine, Sheep and Goat Pen Replacement	\$40,512								\$5,000				\$5,000	12%
Young Mens Christian Association of Greater Kansas City	YMCA Learn to Swim Program	\$36,685			\$3,000									\$3,000	8%
Young Women On The Move	KCK Youth Health and Wellness Collaborative	\$100,000			\$4,000				\$12,000		\$3,500	\$10,000		\$29,500	30%
Totals			\$57,045	\$52,500	\$57,045	\$57,045	\$57,045	\$57,045	\$57,045	\$57,045	\$57,045	\$57,045	\$57,045	\$622,952	
														*formula rounded	
														*Burroughs carrying over \$4,545.45 to 2020	
2019 UNIFIED GOVERNMENT/HOLLYWOOD CASINO/SVV CASINO GRANT NON-RECIPIENTS															
Organization	Project Title	Requested Amt.													
Caritas Clinics Inc., dba Duchesne Clinic	Building a Healthy Wyandotte Through Diabetes Management	\$15,000													
Flaco Ramirez Boxing	Improving Lives Through Competative Boxing	\$50,000													
KC Chinese School North dba Future Education	Healthy Wyandotte via Tai-Chi	\$22,175													
Habitat for Humanity KC, Inc.	Neighborhood Revitalization Program	\$50,000													
KCK Community College Endowment Fund	KCKCC-Kids on Campus	\$10,000													
KC Healthy Kids	Wyandotte Champions for Health	\$10,000													
Mo-Kan 20-20 Visions, Inc.	Cultivating Learning and Health at Wyandotte HS	\$3,000													
Poetry for Personal Power, Inc.	WyCo Engage: Consumer Input to Health Related Public meeting sessions	\$20,000													
Safehome, Inc.	Healthy Foods Initiative	\$5,250													
U.S. Conference of Bishops (Blessed Sacrament)	Blessed Sacrament Health Project	\$12,480													
Variety of Greater Kansas City- Tent 8	Variety KC Field of Dreams in Wyandotte Co.	\$20,000													
Totals		\$217,905													