

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

**PLANNING & ZONING AND
REGULAR SESSION
JANUARY 7, 2021**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, January 7, 2021, with eleven members present via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Walters, Commissioner Seventh District; Philbrook, Commissioner Eighth District; and Alvey, Mayor/CEO, presiding. The following officials were also in attendance: Doug Bach, County Administrator; Bridgette Cobbins, UG Clerk; Misty Brown, Acting Chief Counsel; Gunnar Hand, Director of Planning and Urban Design; Troy Shaw, County Engineer; Kathleen VonAchen, Chief Financial Officer; Juliann VanLiew, Director of Health Department; James Bain, Assistant Counsel; and Michael York, Acting Police Chief.

Mayor Alvey said before I call the meeting to order, I want to announce that due to COVID-19, some commissioners, staff, and public are attending remotely via Zoom as well as on site. All participants joining by phone should mute their phones when not speaking to avoid background noise.

During the meeting, please make sure that you announce yourself by name and title every time you speak so the public, that is observing, knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General.

Due to COVID-19 requirements, in person public comment has been suspended unless otherwise required by law. The public is allowed to participate by Zoom or submit comments by email prior to the meeting and those comments are included in the record of this meeting.

Mayor Alvey called the meeting to order. Would the Clerk please call the roll?

Roll call: Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Alvey.

Mayor Alvey said the invocation will be given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ.

Mayor Alvey asked the Clerk, are there any revisions to tonight's agenda? **Bridgette Cobbins, UG Clerk**, said yes, Mr. Mayor. There's a blue that was distributed. Under the Planning and Zoning Consent Agenda, we have a correction. It's regarding Item No. A2 and Item No. E1. There's a stipulation under No. 7 that was corrected to read the sidewalk and Trail Master Plan designates Marshall Creek Streamway as a greenway trail. The staff and the applicant will continue to work together on finding a mutually agreeable solution to address the intent of such designation. That is the correction for those two items.

Under Section VIII, Planning and Zoning Non-Consent Agenda, Item No. A2-Change of Zone Application No. #3243 and Item No. B1-Master Plan Application #MP-2020-8 have both been requested to be held over until the January 28th meeting. Under the Regular Consent Agenda, we have a new item, Item No. 11 on the Consent Agenda. It's a plat for the Urban Outfitters.

The final item on the blue sheet tonight is under the Administrator's Agenda. We have a new item; it's Item No. 1. It's a resolution regarding the CVB Budget and Marketing Plan. Those are all the items on the blue sheet for tonight.

Mayor Alvey said unfortunately I think I did not bring some of those items, so if I get off track, Bridgette, get me back on track. Thank you. **Ms. Cobbins** said I will.

Mayor Alvey said 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.

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

PLANNING AND ZONING CONSENT AGENDA

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

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Ms. Cobbins asked if any member of the Commission wished to disclose any contact with proponents or opponents on any items on the agenda. **Commissioner Walters** said yes, I have received contact from an opponent. Hold on, let me get the number correct; #3243 and Master Plan Application #2020-8.

Mayor Alvey asked for Legal, those will be held over to the January meeting, I mean (inaudible 10:36), correct? Right. Those are being held over. **Misty Brown, Deputy Chief Counsel**, said yes. That's correct, Mayor. **Mayor Alvey** said all right, so they will not be part of the voting of the Consent Agenda today other than to holdover. Is that right? **Misty Brown, Acting Chief Counsel**, said correct.

Commissioner Philbrook said on #3235, I had contact with most everybody around this one.

Comment [BM1]:

Ms. Cobbins said if those are all the disclosures, Mr. Mayor, I will now read the Consent Agenda items.

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

Mayor Alvey asked, does any member of the Commission, the County Administrator, or public wish to set aside any item on the Planning and Zoning Consent Agenda? If an item is not set-aside, all items on the Planning and Zoning Consent Agenda will be voted on by one vote to follow the recommendation of the Planning Commission. **Commissioner Burroughs** said a point of clarification. If I have questions on one of these items, if we approve these, they go through without an opportunity to question the details within the item. Do I need to pull that item for discussion purposes? **Mayor Alvey** asked, Legal? **Misty Brown**, said yes, that's correct. You'd need to pull it, Commissioner.

Commissioner Burroughs said thank you. Item #3244, I have a few questions. **Ms. Cobbins** asked, is that Change of Zone Item No. 2, Item #3244? **Commissioner Burroughs** said yes, ma'am. **Ms. Cobbins** said okay, thank you.

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Mayor Alvey asked, are there any others? Is there any from the public? Not seeing any, I would entertain a motion.

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

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 20646...CHANGE OF ZONE APPLICATION #3242 - WIL ANDERSON WITH BHC RHODES

Synopsis: Change of Zone from R-1 Single Family District to MP-3 Planned Heavy Industrial District for an existing industrial use and construction of a new metal storage building at 6600 Thorn Drive, submitted by Gunnar Hand, Director of Planning and Urban Design. This will result in a split-zoned property. The property has been used for railcar repair and reclamation since 1961 and will continue to be used for this purpose. This change of zone will conform to the existing use. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3242, subject to:

1. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
2. A building permit is required for any permanent structure greater than 120 square feet. If any new structures are proposed to be constructed, please contact the Building Inspection Department to begin this process;
3. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
4. According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
5. The applicant submits a lot split creating two (2) lots on this property; and,
6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Change of Zone Application #3242, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 2 – 20649...CHANGE OF ZONE APPLICATION #3244 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Change of Zone from A-G Agriculture District to RP-5 Planned Apartment District for 270 multi-family residential units at 1111 North 98th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Mayor Alvey said, Commissioner Burroughs, you pulled this. Your questions to Mr. Hand. **Commissioner Burroughs** said thank you and I appreciate that, Mayor. And, colleagues, I beg your patience.

Bridgette Cobbins, UG Clerk, said excuse me, Commissioner Townsend, I think, Mr. Mayor, we will need to also pull the Master Plan Amendment if we’re going to pull this item off from the Consent Agenda, #MP-2020-9, as well. Is that correct, Legal? **Misty Brown, Acting Chief Counsel**, said one moment, Bridgette, I’m looking. I believe so, but I want to verify. **Commissioner Burroughs** said I believe that would be correct. Thank you, Bridgett.

ITEM NO. 1 – 20675...MASTER PLAN AMENDMENT #MP-2020-9, KORB MAXWELL WITH POLSINELLI PC

Synopsis: Master Plan Amendment from Entertainment to Medium Density Residential at 1111 North 98th Street, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant, Korb Maxell on behalf of Milhaus Properties LLC, wants to rezone a portion of 1111 North 98th Street from A-G Agriculture District to RP-5 Planned Apartment District and amend the master plan from Planned Mixed Entertainment/Commercial District (Prairie Delaware Piper Master Plan) to Medium Density Residential (City-Wide Master Plan) to build a 270-unit apartment complex on 18.34 redeveloped acres. The complex consists of nine (9) buildings,

including garages and a clubhouse. The Planning Commission voted 8 to 0 to recommend approval of Change of Zone Application #3244 and Master Plan Amendment #MP-2020-9, subject to:

1. A \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
2. There shall be a connection point to future development to the west in between Building 4 and the trash enclosure;
3. Staff wants to continue to work with the applicant to distribute the amenities throughout the site;
4. The existing six (6) foot sidewalk on the west side of 94th Street will remain as constructed by the Unified Government;
5. Per the Multi-Family Residential Design Guidelines, pedestrian walkways and sidewalks shall be a minimum of six-feet (6') wide;
6. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians. A crosswalk shall be constructed across the entrance drive between the dog park and the clubhouse that will connect sidewalk adjacent to the dog park and the front doors of the clubhouse;
7. The Sidewalk and Trails Master Plan designates Marshall Creek streamway as a greenway trail. This greenway trail shall connect to the internal circulation and connect to North 94th Street to the south and the follow the creek to the north terminating at the property line. Future Homefield development to the northwest will connect to the trail and continue north along Marshall Creek and North 98th Street and ultimately, Wyandotte County Lake Park;
8. All amenities shall be built within the first phase of the development;
9. Safe rooms shall be determined at the final plan review level; however, all residents must have access to shelters whether in the clubhouse or within the building(s) itself;
10. Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public;
11. The site is 18.34 acres, which requires 178 trees, exclusive of the thirty-eight (38) street trees, thirty-four (34) additional trees per the zoning district and twenty-three (23) parking lot island trees;
12. All overstory trees shall be at least 2" caliper when planted. All ornamental trees shall be at least 2" caliper when planted. All evergreens shall be at least six (6') feet when planted. All shrubs shall be five (5) gallons when planted;
13. All landscaping shall be irrigated;
14. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
15. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;

16. All electrical meter banks, typically on the side of the building shall be screened from public view;
17. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. 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;
18. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
19. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
20. Shall comply with the sign ordinance; and,
21. Shall comply with Planning Engineering and Public Works comments.

Commissioner Burroughs said my question is really dealing with—and this is more for staff. I apologize. I tried to get ahold of staff earlier today in reference to a few things, but I'm looking at page 4, Item No. 8, The extent to which a proposed use could cause environmental harm or enhance the environment. Then it says it should not cause environmental harm through runoff because a retention pond is proposed to the north.

I know my fellow commissioners have been kind enough to listen to when I talk about the retention ponds that we presently have in parts of our community that are overgrown and become really a spot for trash collection and weeds. I would hope that within that, that staff would be willing to encourage our developer to ensure that that is not the case in future developments. That retention ponds will become an environmentally esthetic part of the development and not just a hole in the ground that collects weeds, trash, and water. I'm very concerned about that as we move forward in our community. We should be concerned about the quality of water that goes into our waterways. That was one I would hope the staff would be able to answer or at least comment on, Mayor.

Gunnar Hand, Director of Planning and Urban Design, said as it relates to that, Commissioner Burroughs, I'd say a couple of things. In the Code it is required to maintain those retention ponds. It's also required that they're designed to look not rectilinear, I believe is the word in the Code. So, they're meant to look like natural features as apart of the landscape.

If it suits you, I think what we could do is this has to come back for a final development plan and we could add a condition of approval in the final development plan that addresses the maintenance of those further, if you feel necessary.

Commissioner Burroughs said, Gunnar, thank you for that explanation. I have had the opportunity to view some of those retention ponds in our community, as I'm sure many of our residents have. Those retention ponds become our responsibility even though they're in the development and at times, they can be, as I stated, overgrown and become a receptacle for debris.

I would hope that as developers give consideration to retention ponds or natural waterway that they would give strong consideration to making sure they're aesthetically pleasing and that they are environmentally complementary to our local water streams and to the development itself, whether it be lighting, a solid barrier around the area, something that would be aesthetically pleasing to the development.

Mr. Hand said understood.

Mr. Hand said I think there's another opportunity here; I'd just chime in really quick, Commissioner Burroughs. When we're updating the zoning code, which will happen sometime this year in the next hopefully six months, it does sort of rethink how we review projects and it has updated that specific portion of the Code as it relates to sight planning. So, I think that there's room, and when we get to the point where we introduce you the draft for review, I'll make sure that we touch on that point specifically. We can always, again, adjust the Code if you feel like it's not strong enough.

Commissioner Burroughs said great, and I appreciate that, Gunnar. I just thank for those developers that want to do business in our community, we should hold those standards high in reference to the environmental impact their development may have on our community. So, thank you.

Commissioner Burroughs said the next question I would have would be page 6, Item 15. It talks about the buildings and streets. It's the assurance of buildings, lots, and parcels. The last part of that sentence is the KCK Fire Department may have further comments. Do we know if they were consulted at all to kind of give us some guidance of the layout of that particular development? I want to ensure that the residents that should choose to live and rent or lease in that area are assured

that they will have public safety personnel and respectful to their personal safety. I was just curious, is there a record that the KCK Fire Department was consulted? **Mr. Hand** said absolutely.

All multifamily cases start at the Development Review Committee, which is a collection of UG departments, at the beginning of the application process. Kansas City, Kansas Fire Department has been involved in this review of this project from day one. **Commissioner Burroughs** said great, and I appreciate that. I guess the word that concerned me was the word may and shall not. Just work smithing there, but I'm pleased to know that, Gunnar, that you are giving strong consideration to the safety of our residents and future residents.

Mr. Hand said primarily, from a site planning standpoint, the KCK Fire Department wants to make sure that there's more than one way in and out of a project but, obviously, this goes all the way down to building permits. When we get—if it gets approved tonight, they still have to go through final development plans. We still have a round of review with them. When they finish that round with the Planning Commission, they have to go back to the DRC to get building permits and KCK Fire Department is right there with them and that's when it gets a little more detailed into the actual like building code stuff.

Commissioner Burroughs said thank you, Gunnar. I think that's extremely important for us to know that.

Commissioner Burroughs said the last question I would have deals with the next part of this, the addition to the master plan. I know we can't approve one without approving the other, so I do appreciate staff pulling that. Those are the only questions I had. So, Gunnar, I just want to have some comfort in knowing that those issues will be carried forward. Should they be agreed upon, that we can move that on into the master plan. **Mr. Hand** said absolutely.

Mayor Alvey said if there are no other questions, I'd entertain a motion. **Ms. Cobbins** asked, Mr. Mayor, do we open it up to the public? **Mayor Alvey** said I suppose so. Is there any comment from the public on this item, on either of these items?

Mr. Hand said the applicants are here if you wanted to ask them questions. **Mayor Alvey** said I think we've got the answers; just some questions that the commissioner had.

Mayor Alvey asked, are there any public comments, Bridgette? **Ms. Cobbins** said the Clerk's Office did not receive any request for this item, Mr. Mayor.

Mayor Alvey asked, does anyone have their hand up? **Ms. Cobbins** said no one in attendance is needing to request to speak on this item, Mr. Mayor.

Mayor Alvey said I'll now close the public hearing and I'd entertain a motion.

Action: **Commissioner Walters made a motion, seconded by Commissioner Markley, to approve Change of Zone Application #3244, subject to the stipulations.** Roll call was taken on the motion and there were ten "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

(Action on Master Plan Amendment #MP-2020-9 was taken later in the meeting shown on page 38.)

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 20650...SPECIAL USE PERMIT APPLICATION #SP-2020-90 - TERESA BRENTS

Synopsis: Home Occupation Special Use Permit for arts and crafts production and storage at 2909 North 74th Street, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant will design wreaths and crafts, store deco-mesh, wreath frames and small bottles of paint. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-90, subject to:

1. No external employees on the premises;
2. Since all crafts will be made within the home, the hours of operation are non-traditional, as the applicant will make crafts as requested when she has time, which may occur during the evening hours on weekdays or morning hours on weekends.
3. Orders will be delivered directly to vendors for shipping.
4. The applicant will need to file the occupation tax application with the Business License Division for the business activity;
5. No signage advertising the business shall be posted on the property;
6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately

following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;

7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,
8. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2020-90 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 2 – 20653...SPECIAL USE PERMIT APPLICATION #SP-2020-99 - KIRK MARCUSON WITH INTERNATIONAL FOOD PRODUCTS CORPORATION

Synopsis: Special Use Permit for a temporary office trailer (#SP-2016-89 - expired on 12/1/2018) at 6721 Kansas Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design. The trailer is 24’ x 56’. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application for one (1) year, subject to:

1. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
2. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

3. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
4. If approved, the Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. At the expiration of one (1) year, the office trailer must be removed from the premises. At this time, if the existing building is insufficient for necessary office space, the applicant must construct a permanent office. Contact the Building Inspection Department to begin this process.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2020-99 for one year, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 3 – 20651...SPECIAL USE PERMIT APPLICATION #SP-2020-103 - MEGAN PAINTER WITH CHWC, INC.

Synopsis: Special Use Permit for a Short-Term Rental/AirBNB (above EPIC Clay Studio) at 611 North 6th Street, submitted by Gunnar Hand, Director of Planning and Urban Design. The rental unit is one (1) of two (2) apartment units located on the second floor above a commercial space. The commercial space is currently occupied by EPIC Clay Studio. The rental unit has one (1) bedroom and the applicant has stated that up to two (2) guests will be allowed at a time. The applicant has also stated that the short-term rental will be used for visiting “dignitaries”. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-103, subject to:

- 1) Maximum number of guests shall be two (2);
- 2) All parking must be off-street, maximum number of vehicles is one (1);
- 3) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 4) The applicant must provide a guest manual indicating how they will maintain the property in a safe and sanitary manner, including all questions in the “Attachments” section;
- 5) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager’s contact information within the entrance of the area that is rented;

- 6) Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance:
 - a) Phone number: (913) 246-5133
 - b) Online tips webpage: www.hostcompliance.com/tips;
- 7) A point of contact from the management company must be available 24 hours a day, and the applicant must provide contact information for this point(s) of contact to nearby neighbors;
- 8) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 9) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 10) A building permit is required for a change of occupancy. Please contact the Building Inspection Department to begin that process;
- 11) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
- 12) The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
- 13) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2020-103 for one year, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 4 – 20652...SPECIAL USE PERMIT APPLICATION #SP-2020-104 - BRIAN CURTIN WITH NATIONAL BEEF

January 7, 2021

Synopsis: Special Use Permit for a temporary trailer to take employee temperatures during inclement weather (related to COVID-19) at 100 Osage Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design. An allowed Special Use Permit would be retroactive, as the applicant has already established the office trailer in the north parking lot of the subject property. The trailer is being utilized as a pre-screening and temperature-taking facility for employees prior to entering the plant. This pre-screening facility is part of the applicant's response to the COVID-19 pandemic. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application #SP-2020-104 for two (2) years, subject to:

- 1) The office trailer must match the color and material of the primary structure;
- 2) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 3) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 4) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 5) Any signage must comply with the sign code and be permitted through the Department of Planning and Urban Design;
- 6) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 7) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
- 8) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and
- 9) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Special Use Permit Application #SP-2020-104 for two years, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

VACATION APPLICATION

ITEM NO. 1 – 20654...STREET VACATION APPLICATION #S-2020-12 - CHARLES J. LAMOTHE WITH MWT BULK SERVICES, LLC

Synopsis: Vacation of a street at 1 Woodswether Road and 1R Woodswether Road, submitted by Gunnar Hand, Director of Planning and Urban Design. The applicant is requesting the vacation of a public street to allow the road to become private access for the existing properties. The applicant states that because the street is a gravel road that dead ends underneath overhead interstate I-70 Lewis & Clark Viaduct Bridge the street is not likely to be needed as a public street. They are requesting that the street be vacated and be dedicated as a private access easement between two (2) properties in lieu of a public street. The Planning Commission voted 8 to 0 to recommend approval of Street Vacation Application #S-2020-12, subject to:

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

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Street Vacation Application #S-2020-12, subject to the stipulation. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 –20655...PLAN REVIEW APPLICATION #PR-2020-30 – LANCE SCOTT WITH CFS ENGINEERS

Synopsis: Preliminary and Final Plan Review for a warehouse for Precision Cutting and Coring, LLC at 4520 and 4600 Shearer Road, submitted by Gunnar Hand, Director of Planning and Urban

Design. The purpose is to establish three (3) lots for a relocation and expansion of Precision Cutting & Coring business. The Planning Commission voted 8 to 0 to recommend approval of Plan Review Application #PR-2020-30, subject to:

1. Six (6) foot high architectural screening is to be provided along the perimeter of the lots;
2. Six (6) foot high architectural screening in combination with a buffer area that is 15 feet in width is to be provided alongside property lines zoned for residential;
3. An architectural and landscape buffer is to be placed along the edge of the property adjacent to the public right-of-way;
4. One (1) row of shade trees spaced not more than 40 feet on center and one (1) row of large shrubs spaced not more than eight (8) feet on center;
5. Lights used to illuminate the parking area shall be so arranged, located or screened as to direct light away from any adjoining or abutting residential district. The source of lights shall be hooded or controlled. Base incandescent light bulbs shall not be permitted in view of adjacent property of public right-of-way. Any light case on adjacent residential property shall not exceed one (1) foot candle as measured from said property line;
6. All parking surfaces must be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two (2) inches of asphalt over six (6) inches of compacted gravel; and,
7. According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Plan Review Application #PR-2020-30, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 2 – 20656...PLAN REVIEW APPLICATION #PR-2020-31– JAMES KOOP WITH JE REAL ESTATE

Synopsis: Preliminary and Final Plan Review for fueling station and convenience store at 3104 Metropolitan Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design. The site plan includes one (1) primary building to serve as the convenience store and eight (8) gas pumps. Under Section 27-576(i) of the Commercial Development Guidelines Overlay District, auto-centric facilities must be located on the side or rear of primary structures to minimize views from public streets. The proposed plan places the parking lot and gas pump kiosks be built in front

of the primary building, adjacent to Metropolitan Avenue. This requires the City Planning Commission to allow an exception to the Commercial Design Guidelines Overlay District. There are no outstanding Notices of Violation associated with the property. The Planning Commission voted 8 to 0 to recommend approval of Plan Review Application #PR-2020-31, subject to:

- 1) Compliance with the site plan as submitted to Staff;
- 2) Compliance with the building and gas pump elevations as submitted to Staff (deviation from the Commercial Design Guidelines);
- 3) Compliance with the landscaping plan as submitted to Staff;
- 4) Compliance with the grading plan as submitted to Staff;
- 5) Compliance with the erosion control plan as submitted to Staff;
- 6) Compliance with the lighting plan as submitted to Staff;
- 7) Compliance with all C-2/CP-2 General Business District/Planned General Business District regulations, Section 27-466 of the Unified Government Code of Ordinances;
- 8) Continuation of sidewalks along Metropolitan Avenue in the right-of-way adjacent to the subject property and repair to any portion of the sidewalk damaged by construction;
- 9) Installation of internal sidewalks to allow access from the public sidewalk and parking lot to the front of the primary structure; and
- 10) Compliance with all Commercial Development Guidelines Overlay District, Sections 27-573 – 27-591 of the Unified Government Code of Ordinances.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Plan Review Application #PR-2020-31, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 3 – 20657...#PR-2020-34 - JOHN MARTIN WITH CHRISTIE DEVELOPMENT ASSOCIATES

Synopsis: Preliminary Plan Review for Kansas City, Kansas Community College student housing project at 7340 State Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design. The Planning Commission voted 9 to 0 to recommend approval of Preliminary Plan Review Application #PR-2020-34, subject to:

- 1) Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
- 2) Submit an erosion control plan;
- 3) One and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for a dwelling unit that has two

- (2) bedrooms or more. As proposed, based on the dwelling count of the 73 units, 110 parking spaces are required;
- 4) One (1) out of every 25 parking spaces are required to be ADA. One (1) out of every six (6) spaces are required to be van-accessible;
 - 5) Parking and other paved areas shall be not less than 25 feet from any street line and not less than six (6) feet from any other property line;
 - 6) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;
 - 7) The maximum length of the multi-family residential building shall be 200 feet;
 - 8) Per the City-Wide Master Plan Medium Density Residential standards, sidewalk/trails shall be a minimum of eight-feet (8') wide along Class A, B, or C Thoroughfares and Boulevards and six-feet (6') wide along Collectors;
 - 9) All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - a. The primary entrance or entrances to each principal multi-family building;
 - b. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development; and,
 - c. Any adjacent public park, greenway, or other public/semi-public use, including, but not limited to schools, libraries, churches, parks, etc.
 - 10) All amenities shall be built within the first phase of the development;
 - 11) To the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage;
 - 12) All sides of a multi-family building shall display a similar level of quality and architectural interest. Most a building's architectural features and treatments shall not be restricted to a single façade;
 - 13) All multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco;
 - 14) Downspouts shall be painted to match the building and recessed into the corners of building as not to be in plain view of the public.
 - 15) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.
 - 16) All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6') feet when planted. All shrubs shall be five (5) gallons when planted.
 - 17) All landscaping shall be irrigated.
 - 18) Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.
 - 19) All utility connections, this includes green electrical boxes and free-standing electrical meters

must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;

- 20) All electrical meter banks, typically on the side of the building shall be screened from public view;
- 21) Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building; and,
- 22) No sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process.
- 23) If the property every changed ownership, a Change of Zone would be required.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve Plan Review Application #PR-2020-34, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

MASTER PLAN AMENDMENT

ITEM NO. 1 – 20675...#MP-2020-9 - KORB MAXWELL WITH POLSINELLI PC

Synopsis: Master Plan Amendment from Entertainment to Medium Density Residential at 1111 North 98th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: This item was previously heard with Change of Zone Application #3244.

MISCELLANEOUS - ORDINANCES

ITEM NO. 1 – 20660...AN ORDINANCE

Synopsis: An ordinance rezoning property at approximately 815 Southwest Boulevard (#3239), from M-2 General Industrial District to R-2(B) Two Family District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-1-21**, “An ordinance rezoning property hereinafter described located at approximately 815 Southwest Boulevard, in Kansas City, Kansas, by changing the same from its present zoning of M-2 General Industrial District to R-2(B) Two Family District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 2 – 20661...AN ORDINANCE

Synopsis: An ordinance rezoning property at approximately 2951 North 115th Street (#3240) from AG Agriculture District to R-1 Single Family District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-2-21**, “An ordinance rezoning property hereinafter described located at approximately 2951 North 115th Street, in Kansas City, Kansas, by changing the same from its present zoning of AG Agriculture District to R-1 Single Family District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 3 – 20662...AN ORDINANCE

Synopsis: An ordinance rezoning property at approximately 2025 South 51st Street (#3230) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-3-21**, “An ordinance rezoning property hereinafter described located at approximately 2025 South 51st Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there

were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 4 – 20663...AN ORDINANCE

Synopsis: An ordinance rezoning property at approximately 1959 South 51st Street (#3229) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-4-21**, “An ordinance rezoning property hereinafter described located at approximately 1959 South 51st Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 5 – 20665...AN ORDINANCE

Synopsis: An ordinance rezoning property at approximately 4811 Parallel Parkway (#3234) from C-1 Limited Business District to CP-2 Planned General Business District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-5-21**, “An ordinance rezoning property hereinafter described located at approximately 4811 Parallel Parkway in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to CP-2 Planned General Business District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 6 – 20668...AN ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (#SP-2020-65) for continuation of a Short-Term Rental/AirBNB at 433 Ann Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-6-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 7 – 20669...AN ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (#SP-2020-66) for continuation of a Short-Term Rental/AirBNB at 709 North 5th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-7-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 8 – 20670...AN ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (#SP-2020-68) for continuation of a Temporary Use of Land to park a work vehicle at 2903 Shearer Road, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-8-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve**

the ordinance. Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 9 – 20673...AN ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (#SP-2020-82) for minor auto repair at 4811 Parallel Parkway, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-9-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 10 – 20676...AN ORDINANCE

Synopsis: An ordinance authorizing a Home Occupation Special Use Permit (#SP-2020-88) for personal training at 419 Armstrong Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-10-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 11 – 20677...AN ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (#SP-2020-93) for continuation of a day care center at 1030 Orville Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-11-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 12 – 20678...A RESOLUTION

Synopsis: A resolution adopting the Central Area Master Plan, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **RESOLUTION NO. O-1-21**, “A resolution adopting the Central Area Master Plan.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 13 – 20679...AN ORDINANCE

Synopsis: An ordinance rezoning property at 11501 Parallel Parkway (#3223) from A-G Agriculture District to RP-5 Planned Apartment District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-12-21**, “An ordinance rezoning property hereinafter described located at approximately 11501 Parallel Parkway, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to RP-5 Planned Apartment District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 14 – 20680...AN ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (#SP-2020-94) for continuation of staff parking lot at John Fiske Elementary School at 616 South Valley Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-13-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 15 – 20681...AN ORDINANCE

Synopsis: An ordinance rezoning property at 10901 State Avenue (#3236) from A-G Agriculture District to MP-2 Planned General Industrial District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-14-21**, “An ordinance rezoning property hereinafter described located at approximately 10901 State Avenue, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to MP-2 Planned General Industrial District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 16 – 20682...AN ORDINANCE

Synopsis: An ordinance vacating an alley (#A-2020-11) at 1041 Berger Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-15-21**, “An ordinance vacating Parcel #071525, Block 2, Lot 54, Morris & McAlpine Addition, located at approximately 1041 Berger Avenue, Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 17 – 20683...AN ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (#SP-2020-92) for the continuation of farm animals (chickens, goats and cows) at 1700 South 38th Street, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-16-21**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 18 – 20684...AN ORDINANCE

Synopsis: An ordinance rezoning property at 809 Southwest Boulevard (#3238) from M-2 General Industrial District to R-2(B) Two Family District, submitted by Gunnar Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-17-21**, “An ordinance rezoning property hereinafter described located at approximately 809 Southwest Boulevard, in Kansas City, Kansas, by changing the same from its present zoning of M-2 General Industrial District to R-2(B) Two Family District.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.** Roll

call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 20645...#3235 - ALBERT HERMANS WITH SDC ENGINEERING

Synopsis: Change of zone from C-1 Limited Business District to CP-3 Planned Commercial District to allow a fourth gas island pump at 6863 State Avenue, submitted by Gunnar Hand, Director of Planning and Urban Design. The plans also include the demolition of one building, renovation of another existing building, and additional parking. The Planning Commission voted 7 to 1 to recommend approval of Change of Zone Application #3235, subject to:

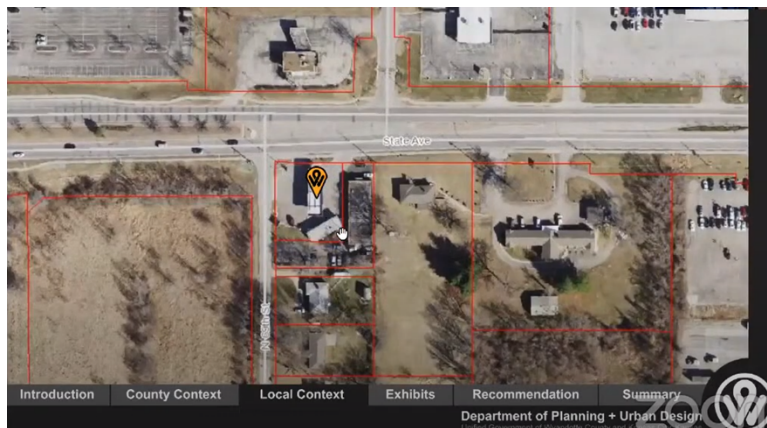
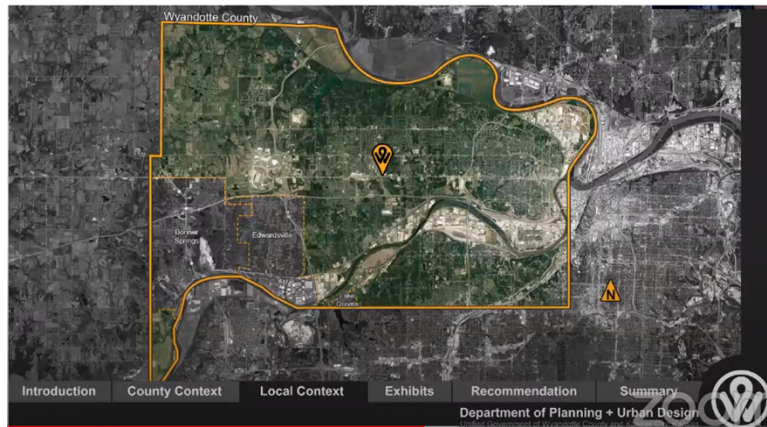
1. The second entrance must be enhanced with the addition of pilasters and stepped overhangs, similar to the main entrance.
2. A special use permit is required for auto repair or maintenance.
3. Any automotive-related business in Wyandotte County that is required to obtain any special use permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.
4. Liquor stores: Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required.

Case	
COZ 3235	
Petitioner	Address
Albert Hermans	6863 and 6865 State Avenue
Synopsis	
The applicant, Albert Hermans, is seeking the approval of a Change of Zone from C-1 Limited Business District to CP-3 Planned Commercial District. This Change of Zone is requested in order to increase the number of gas pumps from three (3) to four (4). The plans also include the demolition of one building, renovation of another existing building, and additional parking.	
Introduction	County Context
Local Context	Exhibits
Recommendation	Summary

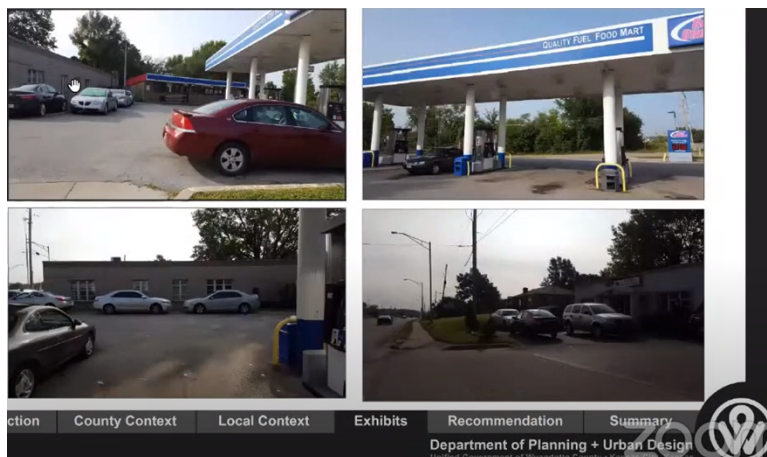
Gunnar Hand, Director of Planning and Urban Design, said this is a change of zone from C-1 to CP-3 to add additional gas pumps to an existing gas station right there at N. 69th & State Ave. We went through a couple of rounds of review with this case and applicant regarding the commercial design guidelines. We believe we've gotten into a place that adheres to those guidelines. We did a lot of work. Because State Ave. is our transit corridor, there was some pedestrian connectivity things that we worked with them on as well as pedestrian scale.

Commercial design guidelines, as I've said before, is all about sort of announcing where those entrances are so that it's intuitive for folks, whether they're in a car or a pedestrian, quite frankly. So, we went through all that, a couple of rounds with them, and we felt that that went really well.

There have been quite a few notices of violation in the past on this property. Some of them related to a now expired SUP for a former auto repair and sales business. So, some of our conditions of approval because we weren't 100% sure or we weren't—it wasn't clear what the end use other than a gas station was going to be in this convenience store. It's designed currently to have two entrances. I'll just flip through this screen here really quick.

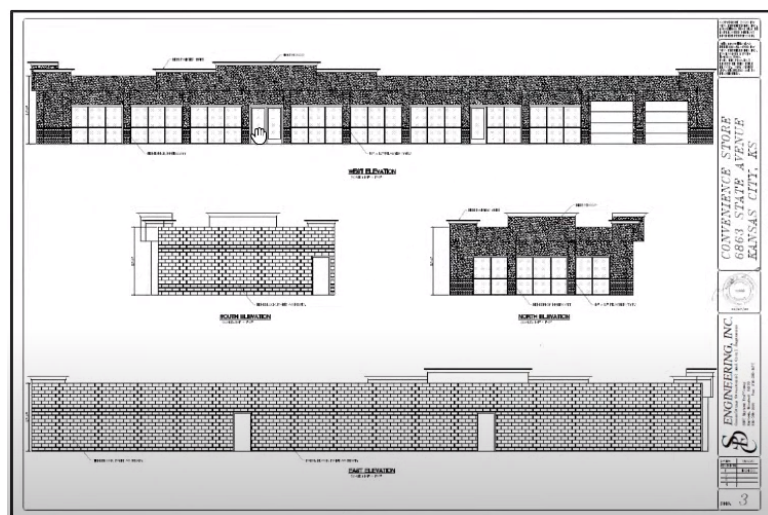
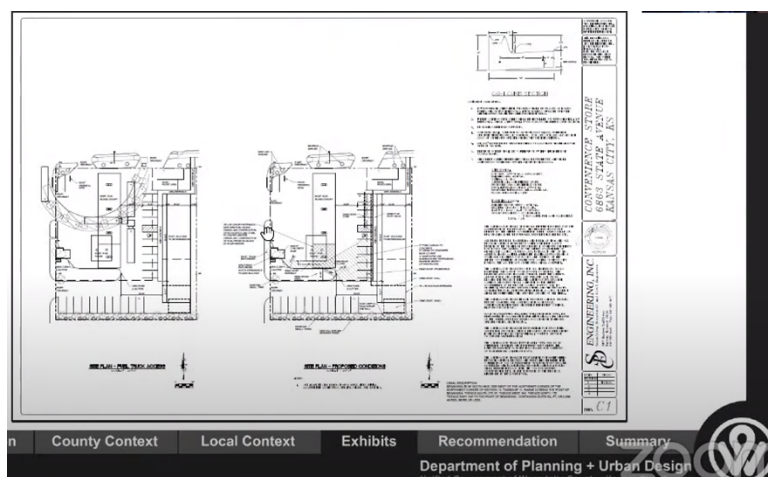


There's that on State Ave. Essentially what they're going to do, is they're going to demolish this existing building and remodel this and expand this building to be the new sort of shop, convenience store, as well as a second business that appears to be something that could be an auto repair or sales facility.



That one will be demolished. This one will be renovated and expanded.

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The best picture, you can kind of see it right here. This is facing the building essentially from the gas pumps. This is the existing building. This is where the existing convenience store, a gas station entrance will be. Then there's the second—this is part of the expansion, a second business which we're, again, not 100% sure what the final use was. So, part of our conditions of approval is to confirm with the applicant that if they were to move forward either with a liquor store or an auto repair sales business, they would have to come back and get a SUP. But with that, we recommend approval.

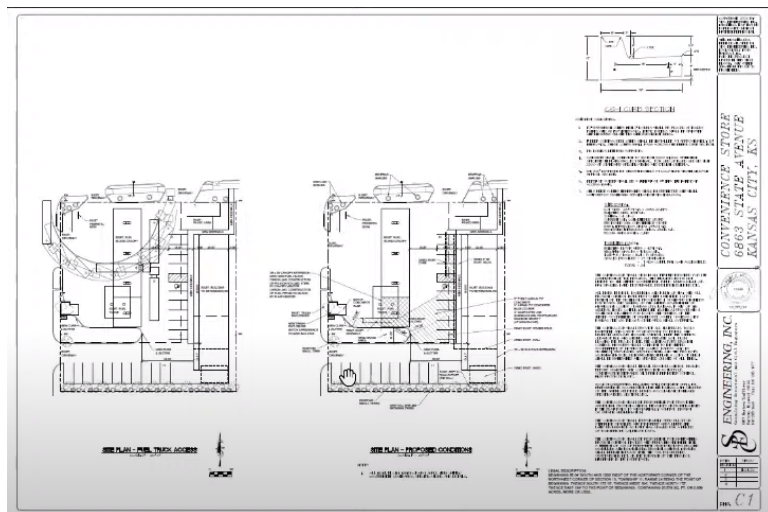
Mayor Alvey said I'd ask the applicant to present the application. Please state your name and address for the record. **Bridgette Cobbins, UG Clerk**, said, Mr. Mayor, I do not see an Albert Hermans in the attendees for tonight, unless it's another name that will be representing this item.

January 7, 2021

Mayor Alvey asked, is the applicant or someone representing the applicant, present? Hearing no one, I'll open up the public hearing for anyone who would like to speak in favor of Change of Zone Application #3235. **Ms. Cobbins** said I did not see anyone with their hands up, Mr. Mayor. **Mayor Alvey** said thank you. **Mayor Alvey** asked, have we received any notification by mail? **Ms. Cobbins** said no notifications were submitted to the Clerk's Office for this item.

Mayor Alvey asked, is there anyone in opposition who would like to speak to this item? **Ms. Cobbins** said I do not see any hands raised, Mr. Mayor. **Mayor Alvey** said thank you. Have we received any notification of opposition from the public? **Ms. Cobbins** said no letters of opposition. **Mayor Alvey** said thank you. I'll now close the public hearing. Do any members of the Commission have any questions or comments?

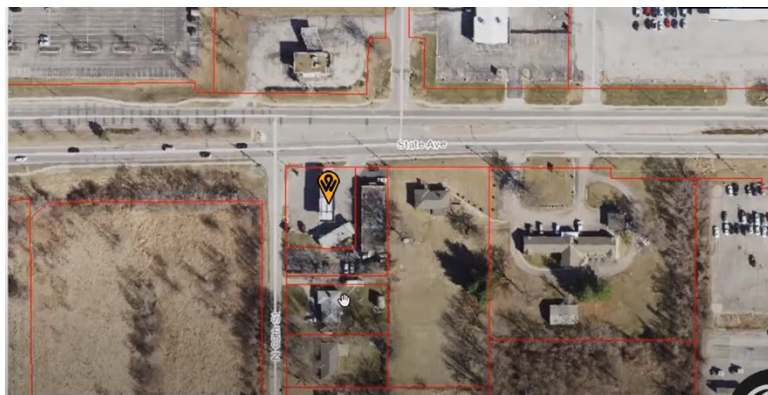
Commissioner Philbrook said I'm looking at—what I'm seeing now—and I hope that this would be a significant improvement to what's there presently. Does that mean that they would have to clean up that parking spot that's now enclosed if they have some cars parked in the back to the south side, Mr. Hand?



Mr. Hand said the footprint, here I'll show you. It essentially takes that building all the way to the back end of the property. All the parking had been moved essentially in a perpendicular stance right here at the back. So, yes. **Commissioner Philbrook** said but right now, it doesn't

look exactly great. I see you have in there some foliage or something to block from—there's still a house left there.

Mr. Hand said all right. So, this is where it gets a little tricky. We had this conversation at the Planning Commission as well.



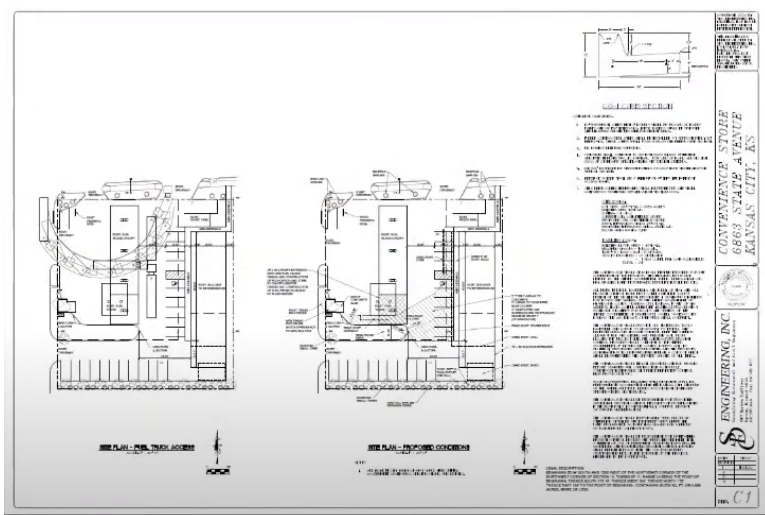
Let me bring this one up so you can see it. This sliver of land is what abuts the property and it's zoned C-1. The way the ordinance is written is that anything that abuts a residential zone is what has to have that extra 15-foot buffer between the uses. So, technically, they don't abut residential property, but we did recognize that and we did ask them to add that screening as you can see on the site plan as a part of our design review.

Commissioner Philbrook said now, and in part of all the conversation, I know that with NorthPoint being just to the south of this that there's a lot of conversation going on about the possibility of maybe this gentleman not doing it there but doing a little bit different location and then swapping some property and just a whole bunch of stuff going on with this. I'm just trying to figure out what the heck's happening, you know what I mean, Gunnar? It's kind of like, okay. What is really happening? What's really going to happen?

What are they going to have to bring back to us? What is Albert Hermans going to have to bring back to us before they move forward with this work, anything, or is this okey-doke?

Mr. Hand said this will be the last zoning entitlement. They will have to come back through DRC to get a building permit. At that point, that's when they'll go back to this staff report, essentially, look through the conditions of approval, and make sure that they meet all of these as well as all the other requirements. **Commissioner Philbrook** said okay.

Mr. Hand said and then, again, depending on what type of business they want to—**Commissioner Philbrook** said put on that south end. **Mr. Hand** said get into these buildings, yes. Again, I think, as is demonstrated tonight by the lack of Mr. Hermans, or any other person from the case showing up, we've had some communication issues. It has been asked—we have asked and it has been unclear what those specific uses, other than a gas station, will be.



If you look at the site plans, you can see—it's not included in my presentation, but if you look in the application, there's a floor plan with a big cooler, walk-in cooler, here which looks like it would be a liquor store, but we never got a clear answer from him. **Commissioner Philbrook** said oh boy. **Mr. Hand** said, again, if they have to get a business license to do business, we can catch them then for a SUP. We can catch them at building. We'll ask them, again, at building permit what the intended use is.

Commissioner Philbrook said just to make sure that they're going to follow through on what they're saying they're going to do. **Mr. Hand** said well, I mean you can get the entitlement and decide not to do the project, if that's what you're asking. I know that NorthPoint is still acquiring property around this, around this, up and down N. 69th St. I'm not 100% sure if they're in negotiations or not with this. **Commissioner Philbrook** said well, I'm not in the middle of that either. **Mr. Hand** said right. **Commissioner Philbrook** said right. I'm just talking to you about this particular project.

So, as it sits and as the development person that you are now, or a planning development, right; do you have any particular opinion on this other than just you approve it? (inaudible)

opinion? **Mr. Hand** said no. I think it'll be a dramatic improvement of the site. **Commissioner Philbrook** said say that again. **Mr. Hand** said I think it will be a dramatic improvement of the site if they build it to the way they've designed it in this case. **Commissioner Philbrook** said okay.

Do you see that? So, right now, I mean, the in and out on that can be kind of iffy and dangerous. I don't know what all is going to happen with 69th St. and all that other stuff that's going on and all that conversation. I don't know how that's going to affect any of that, if it is.

I guess what I want to say is, Gunnar, okay. I'm going to go by your direction, but I want you to keep me in the middle of what else is going on around there because that can be a very dangerous area with the way the traffic is handled there, and that other stoplight right there in front of the Lowes was supposed to be a temporary stoplight. **Mr. Hand** said right. **Commissioner Philbrook** said okay.

Mr. Hand said and you'll see if it moves forward from the Planning Commission next week, later this month, you'll see something from NorthPoint that we'll talk about the extension of 69th St. The plan is to not to go through as of right now because they haven't acquired the property to do it.

Commissioner Philbrook said I just have concerns around safety, that sort of thing right there. **Mr. Hand** said sure. **Commissioner Philbrook** said okay. If you can just kind of keep letting me know what's going on or tell me I need to pay attention, one or the other, okay. I appreciate it. That's all my questions. Thank you.

Commissioner Bynum said I am curious, Mr. Hand. The two buildings. One is the gas station and one is the car lot building, correct? **Mr. Hand** said currently on the site, yes. This is the gas station and this was an auto repair and used car sales. You can see it in the image here. I'm not 100% sure what this business is. Nope, that's auto sales, too. Yes, you are correct. **Commissioner Bynum** said yes, but has this gentleman acquired both buildings now? He owns both? He owns the whole thing? **Mr. Hand** said both, yes; the two parcels here, correct.

Commissioner Bynum asked, and his proposal is that the small gas and convenience building there will be demoed? **Mr. Hand** said correct. **Commissioner Bynum** said and then the other site will be converted to a larger, better convenience store.

Commissioner Bynum said I had thought there had been conversation about aligning 69th St. as well. I think I'm hearing you say that some resolution on that might be coming forward later in another manner. **Mr. Hand** said well, in regard to N. 69th St., somewhat unrelated to this project, as I understand it, NorthPoint still doesn't own these two residences. The application that we've reviewed with them, or the most recent application I should say that we just reviewed with them, includes a building, another building on the west side of N. 69th, a little farther south from this image. What they're planning on doing is essentially just below this house, there will be a cul-de-sac at which point an emergency vehicle only could access the other north, not 69th St. That no longer runs in this alignment. **Commissioner Bynum** said right. **Mr. Hand** said and so that will only serve the Turner East Industrial Park.

You'll see when you get a chance to review that plan either this month or later, depending on what happens with Planning Commission, there's like a dotted line for one day maybe it could connect and align N. 69th to here. **Commissioner Bynum** said okay. I mean that answers my question. Thank you. **Mr. Hand** said sure.

Commissioner Burroughs said my question is also of Gunnar. Gunnar, I'm looking through the information presented to us. Is there a timeline for buildout on this property that has been presented by the developer or the owner? **Mr. Hand** asked i.e., when they want to finish this project, like construction? **Commissioner Burroughs** said yes. **Mr. Hand** said no, there's nothing. **Commissioner Burroughs** said there's nothing. So, we could approve the fourth gas pump and nothing is going to determine or mandate that he continue to buildout and renovate the properties that he's proposing. **Mr. Hand** said, again, he can get the entitlement and choose not to do the project. **Commissioner Burroughs** said great. Thank you.

Commissioner Philbrook said quick question again, Gunnar. If he could not add the fourth pump without completing the project the way he's presented it. Is that correct? **Mr. Hand** said he would get a change of zone. If approved right now, that would allow him to buildout the fourth pump, yes. **Commissioner Philbrook** said but not until he makes the other changes. He can't just add a fourth pump without doing anything else. **Mr. Hand** said well. **Commissioner**

Philbrook said uh-huh. **Mr. Hand** said I mean he has essentially, after entitlement, he basically has two years to pull the permit, so there's clarification on that point. Otherwise, he has to come back and redo a final plan.

Let me, Mr. Toy, are you on the call tonight? I would defer to Mr. Toy on that question, I think. **Commissioner Philbrook** said there's not enough room there, we all know, for him to put a fourth pump. **Mr. Hand** said he'd still have to come in and get a permit. **Commissioner Philbrook** said yeah, but.

Bryon Toy, Lead Planner, said, Commissioner Philbrook, he would have to come back through and amend his plan if he stopped, for example, at just a pump. He would not be implementing the plan that was approved. **Commissioner Philbrook** said okay. **Mr. Toy** said we have to come back through the Planning Commission to amend the final plan to just do the phase that he wants to do. **Commissioner Philbrook** said okay, thank you, Byron, I appreciate that answer.

Mr. Hand said, Mr. Toy, just a point of clarification. That would get triggered if he came back to get a building permit for the pump or just for the demo. We'd sort of, we'd recognize that at that point. **Mr. Toy** said yes. **Commissioner Philbrook** said okay.

Commissioner Philbrook said now another question around the extension of 69th St., just to the east side of this property. If it were to come down behind this property, how would that affect coming back in behind that property because that property is only seven feet from the property line, that building? **Mr. Hand** said yes, it's a very tight geometry. Again, I think, quite frankly, Commissioner, a lot of that's speculative just because the land hasn't been acquired.

Commissioner Philbrook said I know, but I'm just asking you a question because we have to look at the future, you know, Gunnar. I'm just trying to get a feel for what that would mean. How much space does there have to be between that street and his property line if it were to go further south, you know, go straight south and it couldn't go exactly straight south? **Mr. Hand** said right. It would be, I mean that's the whole intent was to, I mean, and that's part of the Code. We like to match up in 90-degree angles for intersections like this. **Commissioner Philbrook** said I know. **Mr. Hand** said the intent would be for it to be direct.

In all honesty, I think we have a better chance of Lowes, something happening on the

Lowes' side. I know it's currently a Lowes, but there's been talks about that. I think the redevelopment of that sight would probably happen before we connect 69th here and if that happened, that's where we could correct the temporary traffic light. **Commissioner Philbrook** asked, you mean making it permanent? Okay. **Mr. Hand** said whatever that means, depending on that development parcel.

I think there's two ways that we could essentially align all these traffic lights at this intersection in regard to your comment on safety, either on the north side with the redevelopment of Lowes or here depending on how this plays out at this intersection. It's definitely tight and I think there would definitely potentially be a need to acquire some land there if you wanted to align...**Commissioner Philbrook** said it sounds like everything is really up in the air. So, I await the moving parcels to come together to figure out what the heck is happening. Okay, Gunnar. Thanks again.

Mr. Hand said if I may, Commissioner Philbrook, just one last thing. Essentially what's going to happen is you're going to have two N. 69th streets that don't touch for a while. **Commissioner Philbrook** said so what else is new. Sorry, Gunnar, so what else is new.

Action: **Commissioner Walters made a motion, seconded by Commissioner Philbrook, to approve Change of Zone Application #3235, subject to the stipulations.** Roll call was taken on the motion and there were ten "Ayes," Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

Mr. Hand said, Mr. Mayor, point of order really quick. Before we pull the apartment complex off the apartment complex off the Consent Agenda, we pulled both the change of zone and the master plan amendment. We technically need two votes; one for each. **Mayor Alvey** said thank you. So, that passed. I would entertain a motion for—the change of plat for change of zone? What was the second one? **Mr. Hand** said I believe you motioned for the change of Zone. This would be for the master plan. **Mayor Alvey** said I would entertain a motion for the master plan amendment.

Action: Commissioner Walters made a motion, seconded by Commissioner Philbrook, to approve Master Plan Amendment #MP-2020-9, subject to the stipulations. Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 2 – 20647...#3243 - WILLIAM BUCK WITH BHC RHODES

Synopsis: Change of Zone from R-1 Single Family, C-1 Limited Business and CP-1 Planned Limited Business Districts to R-4 Garden Apartment District for a multi-family development (Tower View Apartments) at 5115 and 5125 Gibbs Road, submitted by Gunnar Hand, Director of Planning and Urban Design. This Change of Zone is needed in order to increase the number of gas pumps from three to four. The plans also include the demolition of one building, renovation of another existing building, and additional parking. The Planning Commission voted 7 to 1 to recommend approval of Change of Zone Application #3235, subject to:

1. The second entrance must be enhanced with the addition of pilasters and stepped overhangs, similar to the main entrance;
2. A Special Use Permit is required for auto repair or maintenance;
3. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
4. Liquor stores: Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required.

Action: HELD OVER TO FULL COMMISSION MEETING ON 1/28/2021.

MASTER PLAN APPLICATION

ITEM NO. 1 – 20648...#MP-2020-8 - WILLIAM BUCK WITH BHC RHODES

Synopsis: Master Plan Amendment from Community Commercial and Low Density Residential to Medium Density Residential at 5115 and 5125 Gibbs Road, submitted by Gunnar Hand,

Director of Planning and Urban Design. The applicant is requesting a Change of Zone from R-1 Single-Family District and C-1 Limited Business District to R-4 Garden Apartments District. The applicant is requesting a Master Plan Amendment of the City-Wide Master Plan land use designation from Community Commercial and Low-Density Residential to Medium-Density Residential. The applicant has submitted a Preliminary Plat for the TOWER VEIW APARTMENTS Plat. The multi-family development will consist of five multi-family structures containing 10 one-bedroom units and 31 two-bedroom units. The development will also retain a pre-existing single-family residence to be used as both an office and residence for a live-in apartment manager, a storage facility, and a water retention pond. The Planning Commission voted 5 to 4 to recommend approval of Change of Zone Application #3243 to RP-4 Planned Garden Apartment District and Master Plan Amendment #MP-2020-8, subject to:

- 1) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
- 2) Compliance with the Multi-Family Residential Guidelines;
- 3) Rearrangement of the trees south of Gibbs Road and west of the driveway to Gibbs Road in order to reduce visibility issues;
- 4) Include a sidewalk along Gibbs Road adjacent to the property. The sidewalk must be at least six (6) feet wide, include curb cuts at intersections with driveways, and comply with all other UG standards;
- 5) ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 6) The applicant has not provided proposed amenities for the development. All amenities shall be built within the first phase of the development. For a subdivision of this size, two (2) amenities are required;
- 7) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 8) Applicant will need to file and maintain a current business occupation tax application with the Business License Division;
- 9) A building permit is required. Please contact the Building Inspection Department to begin that process;
- 10) Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
- 11) The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated; and

- 12) Site improvements that include land disturbance activity on greater than 1 acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations [Article XIV, Sec.8-610 through Sec.8-618]. Land disturbance fees shall be processed by UG Public Works during the land disturbance/ Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works department ,701 N.7th Street, KS 66101, 913-573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Department, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, 913-573-8620.

Action: HELD OVER TO FULL COMMISSION MEETING ON 1/28/2021.

REGULAR CONSENT AGENDA

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

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

ITEM NO. 1 – 20524... GRANT/AGREEMENT: RADX-UP

Synopsis: An agreement with KUMCRI (University of Kansas Medical Center Research Institute, Inc.) entitled RADx-UP related to COVID testing, submitted by Juliann VanLiew, Director of Public Health. The grant amount is \$187,877 with no match required. On December 14, 2020, the Administration & Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to advance to full commission.

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

January 7, 2021

ITEM NO. 2 – 20521...RESOLUTION: PUMP STATION 15 ABANDONMENT - CMIP 0520

Synopsis: A resolution declaring the necessity and authorizing a survey of lands necessary for the Pump Station 15 Abandonment Project, North 106th Street & Georgia Avenue, CMIP 0520, submitted by James Bain, Assistant Counsel. On December 14, 2020, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-2-21**, “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 Pump Station 15 Abandonment – (CMIP 0520), all in Wyandotte County, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 3 – 20571...RESOLUTION: 7TH AND CENTRAL INTERSECTION IMPROVEMENTS

Synopsis: A resolution declaring the necessity and authorizing a survey of lands for the 7th and Central Intersection Improvement Project (KDOT Project No. 105 KA-5148-01), submitted by James Bain, Assistant Counsel. On December 14, 2020, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-3-21**, “A resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the reconstruction of 7th Street Trafficway from Homer Avenue to Reynolds Avenue, including the intersection of 7th Street Trafficway and Central Avenue, including construction of new through lanes and turning lanes, curbs, gutters, sidewalks, storm sewers, medians, street lighting, and traffic signals (KDOT Project No. 105

KA-5148-01) all in Kansas City, Wyandotte County, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 4 – 20570...ORDINANCE: AMENDING CHAPTER 35 TRAFFIC, ARTICLE III – VEHICLE TOWING, IMPOUNDMENT, ETC.

Synopsis: An ordinance relating to Chapter 35 Traffic, Article III – Vehicle Towing, Impoundment, etc., adding new Sections 35-202 to 35-206 addressing the towing or immobilization of motor vehicles from privately owned property and creating a criminal violation for failure to comply with the provisions, submitted by Michael York, Acting Police Chief. On December 14, 2020, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

Action: **ORDINANCE NO. O-18-21**, “An ordinance relating to Chapter 35 Traffic, Article III – Vehicle Towing, Impoundment, etc., adding new Division 3. Sections 35-202 to 35-206; Private Property of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 5 – 20685...ORDINANCE: VILLAGE EAST PROJECT AREAS 2B, 3 AND 5 (HOMEFIELD) STAR BONDS

Synopsis: An ordinance authorizing the issuance of sales tax special obligation revenue bonds (Village East Project Areas 2B, 3 and 5) Series 2020, submitted by Kathleen VonAchen, Chief Financial Officer. On December 17, 2020, the full Commission unanimously approved Ordinance No. O-119-20 authorizing the issuance of the bonds. The ordinance is being resubmitted since the 12/17/20 electronic agenda did not have the updated version of the ordinance; however, hard copies of the agenda packets did.

Action: **ORDINANCE NO. O-19-21**, “An ordinance authorizing the issuance of Sales Tax Special Obligation Revenue Bonds (Village East Project Areas 2b, 3 and 5) Series 2021 in an aggregate original principal amount not to exceed \$130,000,000; authorizing and approving the execution of certain documents in connection with the issuance of said bonds; and authorizing certain other actions in connection with the issuance of said bonds.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken on the motion and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

ITEM NO. 6 – 20671...PLAT: REPLAT OF WEST EDEN ESTATES

Synopsis: Plat of replat of West Eden Estates located at 2619 N. 123rd St., being developed by Bridgette Jobe, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

ITEM NO. 7 – 20672...PLAT: ROTTINGHAUS ADDITION

Synopsis: Plat of Rottinghaus Addition located at K-7 (139th St.) and Hollingsworth Road, being developed by Tom Rottinghaus, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

ITEM NO. 8 – 20672...PLAT: RUFFINS LOTS

Synopsis: Plat of Ruffins Lots located at Kansas Avenue & Interstate 635, being developed by Phillip G. Ruffin, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

ITEM NO. 9 – MINUTES

Synopsis: Minutes from regular session of November 5, 2020; and special sessions of November 19, December 3, 10, and 17, 2020.

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

ITEM NO. 10 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated December 17 and 24, 2020.

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

ITEM NO. 11 – 21003...PLAT: URBAN OUTFITTERS

Synopsis: Plat of Urban Outfitters located at State Avenue and Speedway Boulevard, being developed by Urban Outfitters FC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

ADMINISTRATOR’S AGENDA

ITEM NO. 1 – 21004...RESOLUTION: CVB BUDGET & MARKETING PLAN

Synopsis: A resolution adopting the 2021 Convention & Visitors Bureau (CVB) Budget and Marketing Plan, submitted by Kathleen VonAchen, Chief Financial Officer.

Doug Bach, County Administrator, said as noted earlier, the Convention & Visitors Bureau, or under their new name Visit KCK, annually submits to us their budget for our review. As noted, we have two members of our governing body, Commissioners Markley and Burroughs, who sit on that, as well as myself, and Maureen Mahoney is a representative of the Mayor’s Office. We go through the annual presentation, see where they’re working through items and such on this, but as a formality to this process, we do require them to submit it to the full governing body so you see this and request their approval.

I would open this up if the commissioners would like to make any comment prior to recommending approval.

Commissioner Burroughs said I think the benefit of having Alan Carr with our organization has been a benefit. I believe the proposed projects that are coming forward and those that have booked with us moving forward, will be of great benefit to our community. I know the budget is a very small increase. I don’t know the exact percentage. I tried to do that in my head really quick, but I am supportive of the budget proposal.

Commissioner Markley said I agree. We are headed in the right direction with that organization. Alan has been a great addition and his new staff has been also welcomed. As soon as we’re able to travel more, I think we’re going to see some things take off that we have been hoping for these past few years. So, I think the budget is fine, and I also think the organization is thriving.

Action: **RESOLUTION NO. R-4-21**, “A resolution adopting and approving the 2021 CVB Budget and Marketing Plan.” **Commissioner Burroughs made a motion, seconded by Commissioner Markley, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson.

MAYOR ALVEY
ADJOURNED THE MEETING AT 7:54 P.M.
January 7, 2021

Brett A. Deichler, PMP | CPM
Unified Government Clerk

mbb

January 7, 2021