

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

**PLANNING & ZONING AND
REGULAR SESSION
JULY 1, 2021**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in regular session Thursday, July 1, 2021, with ten 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; Melissa Sieben, Alan Howze, and Emerick Cross, Assistant County Administrators; Bridgette Cobbins, Interim Assistant County Administrator; Misty Brown, Chief Counsel; Brett Deichler, Interim Unified Government Clerk; Ashley Hand, Director of Strategic Communication; Patrick Waters, Deputy Chief Counsel; Mike Farley, Department of Planning & Urban Design; Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; Pamela Kahao, Accounting Manager

Mayor Alvey said before I call the meeting to order, I want to announce that due to COVID-19, some of the public are attending remotely via Zoom, by phone, or in person. 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, the public is allowed to participate by Zoom or submit comments by email prior to the meeting, also allowed to attend in person. Comments will be included in the record of this meeting. I'd ask the Clerk to please call the roll.

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

Mayor Alvey said our invocation is being given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ.

Mayor Alvey asked, are there any revisions to tonight's agenda? **Brett Deichler, Interim Unified Government Clerk**, said, Mayor Alvey, there was a blue sheet issued for the Regular Consent Agenda to include Item No. 2 covering nominations and appointments to boards and commissions.

Mayor Alvey said we have two parts to our meeting. Planning and Zoning first followed by Regular Commission meeting. I'd ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of our meeting, followed by the items on the Planning and Zoning Consent Agenda.

PLANNING AND ZONING CONSENT AGENDA

Brett Deichler, Interim UG Clerk, read the statement, required by state law, governing the Planning and Zoning portion of the meeting. A valid protest petition was filed in the Clerk's Office protesting SP2021-039 for a special use permit for a short-term rental/Airbnb at 4449 Rainbow Blvd. The petition represented 24.16 % of the property owners.

Mr. Deichler asked if any member of the Commission wished to disclose any contact with proponents or opponents on any item on the agenda. **Mayor Alvey** said I have received notification from opponents of SP2021-039. **Commissioner McKiernan** said I've had contact with proponents and opponents of SP2021-015, and I've had contact with opponents of SP2021-039. **Commissioner Bynum** said I've had contact with proponents and opponents of SP2021-039. **Commissioner Ramirez** said I've received communication from SP2021-039. **Mayor Alvey** asked, opponents or proponents, or both? **Commissioner Ramirez** said opponents. **Commissioner Markley** said I received emails from opponents of 039 as well. **Commissioner Burroughs** said I've had proponents of 2021-015 and 2021-049, proponents. **Commissioner Kane** said I don't have the Airbnb number, but that's the one I received an email on. **Mayor Alvey** said SP2021-039, I believe.

Commissioner Philbrook said I have a question. I don't have to declare anything, but before we go further, the petition that was presented to us against something. Was that a valid petition?

Mayor Alvey said yes. I wanted to clarify on that point, you'd said it was requiring nine votes to move it forward. Is it nine or eight? Eight is the super majority. **Misty Brown, Chief Counsel**, said, for a valid protest petition, it would take nine votes. **Mayor Alvey** said okay. Thank you.

Mr. Deichler read the items on the Planning and Zoning Consent Agenda.

Mayor Alvey asked, does any member of the commission, 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.

Mike Farley, Department of Planning and Urban Design, said, staff would like to remove three items from the Consent Agenda. The first one is A2, COZ2021-015. The second item is B2, SP—excuse me, scratch that first one. I had it marked wrong. The first one is B2. SP2021-041, B3. SP 2021-042, and Item B4. SP2021-045.

Mayor Alvey said, so my record shows B1. COZ2021-015 and MPL 2021-004, are those not? **Mr. Farley** said, my apologies, Mr. Mayor. I misspoke for that first one. The first item we would like to remove is Item B2. Special Use Permit 2021-041.

Peter Ho, CBZ Real Estate Group, said, we would request Item Change of Zone Application Item No. COZ2021-015 and Master Plan Amendment Item MPL2021-004 be pulled from the Consent Agenda due to recent design changes. We will refer back to the Planning Commission upon completion of these changes.

Mayor Alvey asked, have we received any requests from the public to set aside an item? **Mr. Deichler** said, we did not.

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve all remaining items as submitted.** Roll call was taken and there were

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

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 21897...CHANGE OF ZONE APPLICATION COZ2021-014 – MAYRA ELIZONDO WITH PNP INVESTMENTS

Synopsis: Change of Zone at 88 South 7th Street Trafficway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant is requesting a Change of Zone at 88 South 7th Street Trafficway from R-1(B) Single Family District to R-2(B) Two Family District. The Change of Zone is being requested in order to reflect the current, legally non-conforming use of the property. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2021-014, subject to:

- 1) The designated parking area in the rear yard must be paved. Parking plan has been received and can be found in the “Attachments” section of this report. The applicant must provide a revised parking plan demonstrating the dimensions of the parking spaces and the distance of the parking spaces from the rear property boundary line;
- 2) Per Section 27-609(a), the applicant and the subject property must comply with the following requirements:
 - a. All parking and maneuvering areas on the property shall be graded and surfaced with a permanent bituminous or concrete pavement. The minimum such surface shall be two inches of asphalt over six inches of compacted gravel. The unified government engineer shall determine acceptable alternatives;
 - b. All parking spaces shall be clearly marked.;
 - c. All improvements shall be designed and constructed as necessary to prevent dust, erosion, excessive water flow across streets or adjoining property, and to control traffic; and,
 - d. Failure to keep such areas in satisfactory condition that is free from holes, clearly delineated, etc. shall constitute a violation of this article;
- 3) Per Section 27-609(b)(1), parking, loading and maneuvering areas for new single-family residences or for replacement or expansion of existing asphalt or concrete areas shall be improved with a permanent asphalt or concrete pavement to the standards set out in subsection (a) of this section;
- 4) Per Section 27-609(b)(3), existing single-family dwellings may have a driveway ten feet in width or less extending directly from the street or alley to the house if there is no garage, or to the rear yard, can be paved in its entirety, or as continuous concrete wheel paths, or improved in its entirety with a minimum four-inch depth of gravel or its equivalent. Any other parking, loading, or maneuvering areas must be paved with a minimum of two inches of asphalt over six inches of compacted gravel or its equivalent, as subject to the provisions of subsection (a) of this section. If the parking, loading or maneuvering area is in the rear yard it may be improved with a minimum four-inch depth of gravel so long as it includes less than 40 percent of the rear yard and less than 1,000 square feet in area;

- 5) If continued to be used as a rental property, the applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 6) The applicant will complete all improvements within six (6) months; and,
- 7) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Change of Zone Application COZ2021-014, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 2 – 21898...CHANGE OF ZONE APPLICATION COZ2021-015 - DAVID S. LOTZ WITH CONTINENTAL CONSULTING ENGINEERS, INC.

Synopsis: Change of Zone from R-1 Single Family and A-G Agriculture Districts to MP-3 Planned Heavy Industrial District for a tow lot, police CSI building and UG Water Pollution Control office/storage building at 828 North 49th Street,

And

Item No. E1 – 21919...MASTER PLAN AMENDMENT MPL2021-004 – DAVID S. LOTZ, P.E. WITH CONTINENTAL CONSULTING ENGINEERS

Synopsis: Master Plan Amendment from Mixed-Use to Industrial at 828 North 49th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, on behalf of the Unified Government Water Pollution Control and KCKPD, applied for a change of zone from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District, preliminary plat four (4) lots and build two (2) buildings totaling 81,536 square feet on 37.25 acres. The applicant also wants to amend the City-Wide Master Plan from Mixed-Use to Industrial to allow the evidence and tow lots on the property. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2021-015 and Master Plan Amendment MPL2021-004, subject to:

1. If the property is sold in the future, a deed restriction shall be placed on property restricting the site for a tow lot and office related activities, as MP-3 allows the most intensive, noxious, odorous industrial uses in the zoning code;

July 1, 2021

2. North 49th Terrace should be vacated from Armstrong Avenue south, so the Unified Government does not have to maintain the street. Grace Temple Baptist Church will obtain half of the street and can continue to use the west side of the site as parking and access. The Final Plat will properly vacate North 49th Terrace;
3. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
4. The sidewalk shall be constructed along Muncie Drive and Armstrong Avenue. Staff will continue to evaluate the ability to install a sidewalk that connects to State Avenue along North 50th Street as part of the Final Development Plan;
5. Traffic Engineering and Public Works will evaluate the Muncie Drive as the primary route for tow trucks and other large vehicles during the Final Development Plan. Alternate routes shall be explored;
6. Per Building Inspection Department: a. Caution is advised as part of this property may have been a prior fill site;
7. Per Business Licensing Division: a. If approved, tenants will need to file and maintain a current occupation tax application;
8. The CSI Building shall have internalized downspouts. The Water Pollution Control building shall have downspouts that are painted to match the building and roof;
9. Barbed wire fencing shall be oriented inwards toward the property rather than out towards the public right-of-way or adjacent residential uses;
10. The fencing along north edge of Lot 2, south of the main entry drive shall be changed to an architectural screen fence as to screen any outside storage outside the Water Pollution Control Building from Muncie Drive. The architectural screen fence shall continue east and connect to the KCKPD CSI Lot;
11. Protect existing ridge lines and vegetation within the development to further assist in screening the development from Muncie Drive, Armstrong Avenue, and the residents to the east, in addition to preserving existing trees stands and underlying vegetation on site. The vegetation that runs along Armstrong Avenue shall screen the evidence lot from public view. The tree stand along the east property line shall be preserved to screen the residences from the KCKPD evidence and tow lots. This will help save money on future landscaping by not having to plant, irrigate and maintain new trees due to the removal of existing old growth trees during the land disturbance and grading process. Staff will review these areas during the Final Development Plan;
12. The areas around detention basins A and B shall be redesigned to include reforesting areas that were lost due to grubbing and grading, minimize grading, and preserve existing tree stands;
13. The open area west of Lot 2 (Water Pollution Control Service Center) between Hilltop Saddle Club and the single-family home, preserve in perpetuity as open space. Reforest the area, minimize the grading and redesign to preserve the tree stand. Water Pollution Control will need to provide further details as to the type of outdoor training that will occur in the future;
14. No building, CSI/tow lot storage or employee parking shall be visible from the perimeter of the development as the adjacently zoned properties are predominately R-1 Single Family Districts;
15. Sec. 27-469(g) Trees are required at not less than one (1) per 10,000 square feet of site area. Six (6) foot high architectural screening in combination with a buffer area is to be provided alongside the rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence may be

- comprised of wood or metal paneling with masonry columns every thirty-two (32) feet on center;
16. Sec. 27-700(b)(3) A buffer area shall be provided alongside and rear property lines common to or across an alley from residentially zoned property and shall consist of an area fifteen (15) feet in width improved with a six (6) foot architectural screen adjacent to the property line and one row of shade trees spaced not more than 40 feet on center and one row of large shrubs spaced not more than eight (8) feet on center;
 17. 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;
 18. All landscaping shall be irrigated;
 19. 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;
 20. 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;
 21. 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 (not perforated);
 22. 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;
 23. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way;
 24. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
 25. Shall comply with the sign code;
 26. Hours of operation for construction shall be during daylight hours. Exceptions shall be made for small-scale after-hours deliveries and equipment maintenance, interior construction within the enclosed building, and construction worker access to the site. Occasional large-scale construction operations may be required to occur after hours, such as concrete or asphalt placements and site grading operations due to weather conditions and suitable temperatures. Contractor/Developer shall provide 24-hour advance notice to the Unified Government Planning & Urban Design office of any large-scale after-hours operations;

27. Construction traffic will be further reviewed during the Final Development Plan to determine the best route as not to disturb the residences that live in the area;
28. Dust/dirt, trash, noise, vibration, glare must be minimized to not be intrusive to the single-family residences that border the site to the east and west; and,
29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

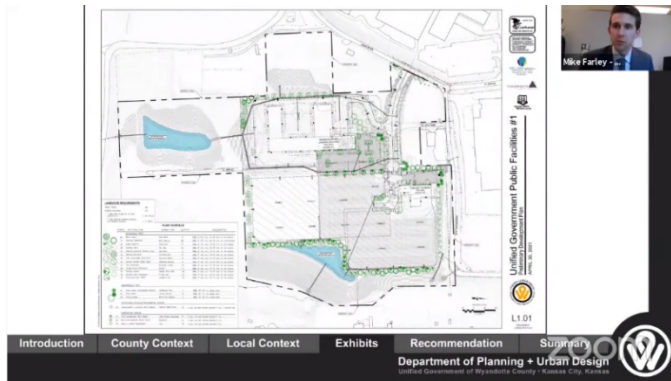
Case	
MPL2021-004 & COZ2021-015	
Petitioner	Address
David S. Lotz, P.E.	600 North 49th Street, 616 North 49th Street, 626 North 49th Street, 626R North 49th Street, 710 North 49th Street, 712 North 49th Street, 728 North 49th Street, 738 North 49th Street, 822 North 49th Street, 825 North 49th Street, and 826 North 49th Street
Synopsis	
To rezone from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District to build two (2) buildings totaling 81,536 square feet on 37.25 acres and amend the City-Wide Master Plan from Mixed-Use to Industrial to allow the KCKPD evidence and tow lots and a Water Pollution Control facility on the property. A concurrent entitlement, PLAT2021-008, to create four (4) lots was approved by the City Planning Commission on June 14, 2021.	
Introduction	County Context
Local Context	Exhibits
Recommendation	Summary
Department of Planning + Urban Design Unified Government of Wyandotte County + Kansas City, Kansas	

Mike Farley, Department of Planning and Urban Design, said, staff does have several comments on COZ2021-015. There are two cases going forward for this lot. I will talk about the change of zone. First is from R-1 to Agricultural. Like we said, the applicant has requested a remand on site design.

Case	
MPL2021-004 & COZ2021-015	
Petitioner	Address
David S. Lotz, P.E.	600 North 49th Street, 616 North 49th Street, 626 North 49th Street, 626R North 49th Street, 710 North 49th Street, 712 North 49th Street, 728 North 49th Street, 738 North 49th Street, 822 North 49th Street, 825 North 49th Street, and 826 North 49th Street
Synopsis	
To rezone from A-G Agriculture and R-1 Single Family Districts to MP-3 Planned Heavy Industrial District to build two (2) buildings totaling 81,536 square feet on 37.25 acres and amend the City-Wide Master Plan from Mixed-Use to Industrial to allow the KCKPD evidence and tow lots and a Water Pollution Control facility on the property. A concurrent entitlement, PLAT2021-008, to create four (4) lots was approved by the City Planning Commission on June 14, 2021.	
Introduction	County Context
Local Context	Exhibits
Recommendation	Summary
Department of Planning + Urban Design Unified Government of Wyandotte County + Kansas City, Kansas	

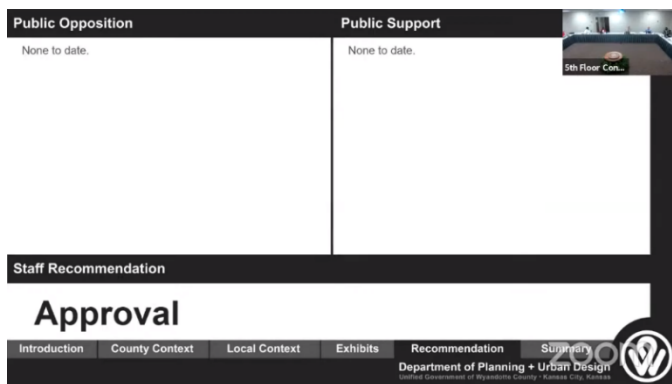
Within the replat, there is a vacation that will take place for a small portion of 49th Street. There should be no issue with that because the only access that 49th Street was giving was to the UG properties as well as a church. With the vacation, that splits access between the two and so there will be continued access for both of those properties.

July 1, 2021



Otherwise, we look forward to the redesign and assessing it further from there.

Mayor Alvey asked, Mr. Ho, you agreed that you would send this back to Planning and Zoning, correct? **Peter Ho** said, Mayor, that is correct.



Mayor Alvey said, I'll open the public hearing. Is there anyone present who would like to speak in opposition or support of this? **Brett Deichler, Interim UG Clerk**, said seeing none. **Mayor Alvey** said, seeing none. All right, I'll close the public hearing.

Action: **Commissioner Markley** made a motion, seconded by **Commissioner McKiernan**, to send **Change of Zone Application COZ2021-015** and **Master Plan Amendment MPL2021-004** back to **Planning and Zoning** for further development. Roll call was taken and there were ten "Ayes," **Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.**

SPECIAL USE PERMIT APPLICATIONS

July 1, 2021

Item No. 1 – 21899...SPECIAL USE PERMIT APPLICATION SP2021-015 - DANIEL CASTILLO FOR THE MOCKINGBIRD LOUNGE

Synopsis: Renewal of a Special Use Permit (SP-2019-21 - expired 3/28/2021) for a drinking establishment and live entertainment at 204 Orchard Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, Daniel Castillo, is seeking the renewal of SP-2019-21 to operate The Mockingbird Lounge drinking establishment and live entertainment. The establishment was originally granted Special Use Permit SP-2016-100 to operate a drinking establishment in 2017. Live entertainment was added with the renewal, SP-2019-21. The required parking spaces is 44; 38 are for the bar and patio area, four (4) are for the storage spaces/bathrooms/etc. and two (2) are for the residence upstairs. BOZA #2228 was granted on 12/12/2016 which allowed for zero off-street parking spaces. There have been four (4) Notices of Violation issued on this property. One (1) for weeds and grass in 2014, one (1) for weeds and grass in 2015, one (1) for junk and excessive trash in 2015, and one (1) in 2019 for live entertainment without the required Special Use Permit. The Planning Commission voted 7 to 0 to recommend approval of SP2021-015, for five (5) years, subject to:

- 1) Indoor live entertainment shall stop by 11:00 p.m.;
- 2) Outdoor live entertainment will be allowed outside on the patio at the following days and times:
 - a. Wednesdays until 9 p.m.;
 - b. Fridays until 9 p.m.;
 - c. Saturdays until 11 p.m.; and,
 - d. Sundays until 9 p.m.;
- 3) No amplified music is allowed outdoors, except during live entertainment events;
- 4) The windows and doors shall remain closed during any live entertainment events that increase the noise volume above normal bar operations;
- 5) The second-floor residential use must remain up to code and be properly licensed if used for rental property;
- 6) Must comply with Unified Government Security Ordinance:
 - a. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - b. For any times or events in which there is a cover charge or any other cost of admission, an I.D. scanner will be used at the door;
- 7) This property is within the historic environs of the Mathias Splitlog Residence. Due to this, any exterior additions or façade work would need to go through the Historic Environs review process. Contact the Planning and Urban Design department to begin this process if any exterior changes to the building are to be done;
- 8) Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 9) If any additions or modifications are made to the building, a Building Permit is required. Contact the Building Inspection Department at (913) 573-8620 to begin that process;

July 1, 2021

- 10) If issues arise with adjacent property owners and are brought to Staff's attention during the term, this Special Use Permit can be submitted to the Unified Government Board of Commissioners for revocation;
- 11) 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;
- 12) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 13) The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 14) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez to approve Special Use Permit Application SP2021-015 for five years, subject to the stipulations. Roll call was taken and there were ten "Ayes," Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Mayor Alvey said that takes us to the next set-aside items: B2. SP2021-041, SP2021-042, and SP2021-045.

Item No. 2 – 21901...SPECIAL USE PERMIT APPLICATION SP2021-041 - JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS

Synopsis: Special Use Permit for an auto storage and maintenance building at 1032 South 25th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The

applicant is requesting a Special Use Permit to allow light automotive and truck maintenance at 1032 South 25th Street. The site plan proposes a building measuring 20' x 90', a total of 1,800 square feet. A paved driveway apron will allow vehicles to access the building from both South 25th Street and the alley. Employee and customer vehicles will be served by a parking lot at 1000 South 25th Street, consisting of eight (8) spaces, one (1) of which is ADA-compliant. The subject property has been previously cited by Code Enforcement: May 24, 2012, 14-day weeds abatement, May 10, 2012-environmental: weeds, Sept. 26, 2011-other multiple violations, July 2, 2005-graffiti, Feb. 3, 2000-sinking/unmaintained driveway. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2021-041, for two (2) years, subject to:

- 1) The property may only be used for light maintenance for the business owner's existing truck fleet. The trucks to be repaired shall not exceed 30,000 gross vehicle weight rating (GVWR). Light maintenance is defined by Section 27-340 as "(1) tire and battery sales and installation, (2) Brakes and other similar diagnostic and repair services, and (3) auto detail shops, tune-up shops, upholstery shops, radiator repair shops, lubrications service, sound system shops, or alignment and suspension services";
- 2) At least eight (8) parking spaces, at least one (1) which is ADA-compliant, must be available for use by the employees and guests of the subject property. The applicant or business owner must submit a notarized Parking Agreement with the Register of Deeds;
- 3) The applicant must comply with the respective site, parking, landscaping, and turning plans as submitted to Staff in this report, unless written conditions in this report and/or modifications made by the City Planning Commission, or the Board of Commissioners supersede the plans;
- 4) The landscaping plan shall continue to comply with Section 27-470(h): "All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Six-foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.";
- 5) There is a deteriorating sidewalk serving the subject property along South 25th Street. The sidewalk must be rehabilitated and restored along the frontage of the subject property and extended north to provide sufficient access to the off-site parking lot;
- 6) Per Section 27-673 (c), the City Planning Commission may require that a parking area be screened on any side where it may adversely affect adjacent property, by a wall, screen planting, or fence of a height that the commission deems adequate;
- 7) The stormwater runoff plan, demonstrating the changes in surface water runoff after the construction of the building and the steps taken to address such changes in runoff onto the adjacent properties and rights-of-way, must be provided to Staff by June 23, 2021.
- 8) Improve the alleyway for the entire length of the property to the east (1037 South 26th Street), and the area of the alley in between the two (2) related parcels (i.e., the subject property, 1032 South 25th Street, and 1037 South 26th Street and south to Argentine Boulevard);

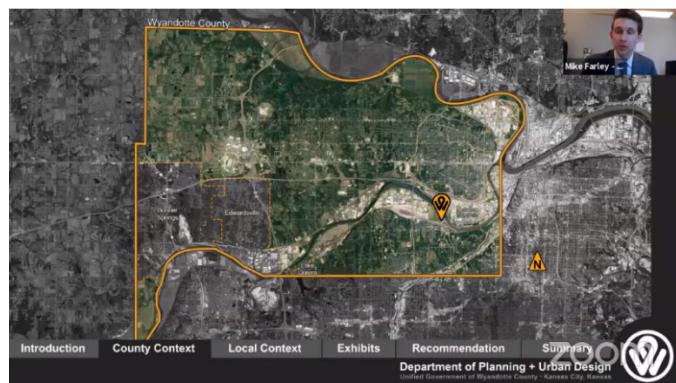
- 9) The perimeter gate at 1032 South 25th Street shall swing inward towards the property so when trucks are transferred to 1027 South 26th Street, the alley is not blocked;
- 10) According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, 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;
- 11) Per Section 27-673(a), any 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. 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. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
- 12) The applicant must file and maintain a current business occupation tax application and entertainment license;
- 13) A Right-of-Way permit is required for construction that requires either temporary use or alteration of the public right-of-way. Please contact the Public Works Department at (913) 573-5311 to begin that process;
- 14) 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 (Section 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;
- 15) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 16) The driveway and access to alleyways meet current codes.
- 17) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 18) 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; and,

- 19) 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.

Case	
SP2021-041	
Petitioner	Address
James Sullivan, with Sullivan Palmer Architects	1032 South 25 th Street Kansas City, Kansas 66106
Synopsis	
The applicant, James Sullivan with Sullivan Palmer Architects, is requesting a Special Use Permit to allow light automotive and truck maintenance at 1032 South 25th Street. The site plan proposes a building measuring 20' x 90', a total of 1,800 square feet. A paved driveway apron will allow vehicles to access the building from both South 25th Street and the alley. Employee vehicles will be served by an off-site parking lot at 1000 South 25th Street, consisting of eight (8) spaces, one (1) of which is ADA-compliant.	
Introduction County Context Local Context Exhibits Recommendation Summary Department of Planning + Urban Design Unified Government of Wyandotte County - Kansas City, Kansas	

Mike Farley, Department of Planning and Urban Design, said, staff recommends a hold over on this case. There is a water runoff plan that needs to be provided. The applicant did not provide that by the date stipulated. I believe that was June 23rd. That was a requirement stipulated by and passed by the City Planning Commission. I've spoken with the applicant, and they are requesting the hold over for 30 days in order to provide that water runoff plan.

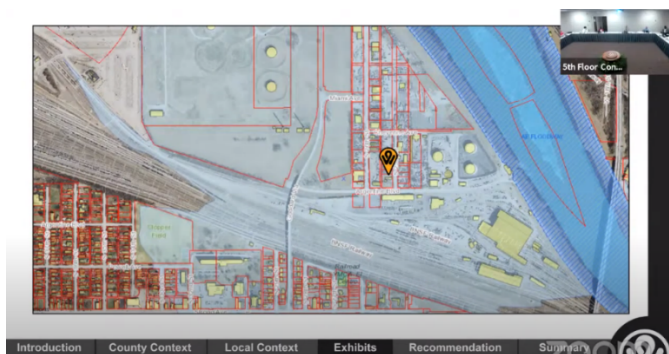


July 1, 2021



I would also like to note, this is currently a Land Bank property with an option to sell when the Special Use Permit has been approved.

Mayor Alvey asked, so, we're discussing all three of these items together? **Mr. Farley** said no. **Doug Bach, County Administrator**, said, Mayor, I do believe you need to discuss them individually and take a public hearing on each one individually with a vote. **Mayor Alvey** said, okay. Thank you.

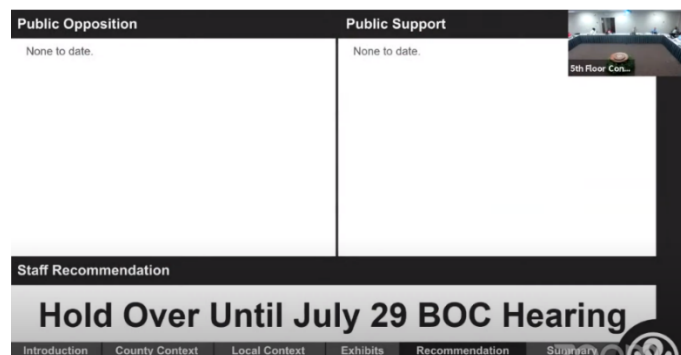


Mayor Alvey asked, does the developer have anything to add to this? Is he present, or she present?



July 1, 2021

Mayor Alvey said, okay, but they agreed, Mike, that they would like to send this back? **Mr. Farley** said yes, sir. I've discussed the holdover with them and yes, they've agreed that they will provide the water runoff plan for next month.

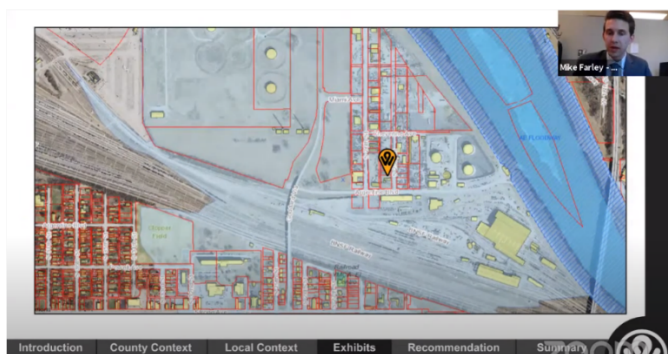


Mayor Alvey said, I'll now open the public hearing. Is there anyone who would like to speak in opposition to this?

Jim Sullivan, Sullivan Palmer Architects, said, actually, we've spoken with staff and this is a typical issue. If it were not in a Special Use Permit, this would be done in a typical way and submitted for building permit, a stormwater runoff plan. We have an 1,800 square-foot building. There's 15 feet of greenspace on each side. I think allowing us to waive this requirement until building permit time seems rational to us. It's not going to be a big issue. This is not a campus plan. We have a water retention pond, or something like this. This is an engineering issue that will be taken care of in an engineering way.

Had this not been a Special Use Permit, if this building would be used for a plumbing shop or landscape or something else, this would have never gone to Special Use Permit. Of course, with that, it would've just been taken care of as part of the building permit application. So, we ask that this stormwater runoff plan be waived until building permit time when we can have enough time. We only had nine days to do this study, and especially nowadays with as busy as everyone is, it's very difficult. I just see no reason to have this requirement at this time.

Mr. Farley said, my apologies to Mr. Sullivan. I didn't mean to misrepresent for that. When I was reading off my notes, I believe we had spoken about his other case that is coming up. So, I do apologize if I meant to say that you were okay with both of these.



Staff still would want to see the stormwater runoff plan submitted before final approval of the Special Use Permit, especially in part due to—just like in this map right here where the property is within a special floodway.

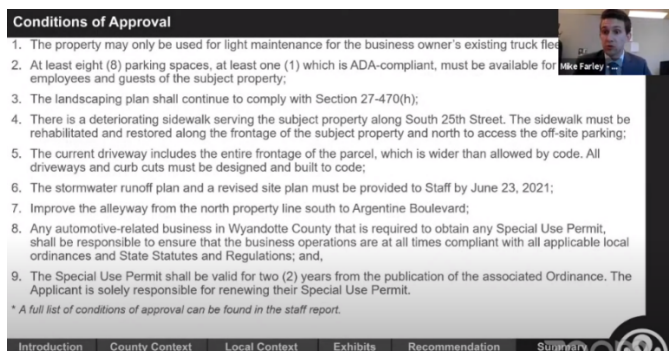
Additionally, it is a vacant property at the moment. There will be substantial impervious surface created both with the paved area as well as the building itself, which would be about 1,800 square feet. For that reason, we would like to see a water runoff plan so it does not affect the public right-of-way nor the two houses on either side of it to the north and south with additional water runoff created by the development.

Mayor Alvey asked, again, is there anyone present who would like to speak in opposition? The public. **Brett Deichler, Interim UG Clerk**, said, we are seeing none. **Mayor Alvey** asked, is there anyone would like to speak in support? **Mr. Deichler** said, seeing none, as well.

Mayor Alvey said, so, we have a recommendation to send this back to the—hold this over until July 29th Board of Commission hearing. We also heard from the applicant who is asking for something other. Any board discussion?

Commissioner Kane said, we're having a guy that's going to build something on a vacant lot. It's going to be something instead of nothing. I don't think we should make him jump through an extra hoop to get it done. He's going to bring it to us anyway. Why delay progress? That's my thought on it.

Mayor Alvey said, to that point, the question seems to be whether this is under a Special Use Permit or just a normal process, but because a Special Use Permit is being required, that's why the runoff study is required. Is that right, Mr. Farley?



Mr. Farley said, yes, this was a stipulation as part of the Special Use Permit conditions of approval.

Mayor Alvey said, so, because it came forward as a Special Use Permit, this is part of the requirement. **Commissioner Bynum** said, it was a stipulation. **Mayor Alvey** said, it was a stipulation. **Mr. Farley** said, correct, it was stipulated.

Commissioner Bynum said, I understand that Planning Commission says as a stipulation of our approval, we will have this water management plan, but our applicant has said that was only a nine-day period between then and now. If I understood what he said. I think that's fair to bring forward. That's a pretty tight timeline for asking for a plan prior to full approval, so I would be willing to move approval of the Special Use Permit item and bring the water management plan forward with the building permit as he said would happen.

Action: **Commissioner Bynum made a motion to approve Special Use Permit Application SP2021-041 and bring the water management plan forward with the building permit.**

Commissioner Ramirez said, Mr. Farley, what was the reasoning for the Planning Commission to add this stipulation?

Mr. Farley said, Commissioner, I want to clarify. This stipulation was included in the staff report. It was added by staff but approved by the City Planning Commission. If I may, while I'm speaking, I just want to clarify that the notice to the applicant about the stormwater runoff plan was provided in the draft staff report as well, which I don't have the exact date off the top of my

head when that was provided to the applicant, but that would've been in May, about mid-May. Mid-to-late, 20th, or so.

Commissioner Philbrook said, so, first off, I'm just wondering why it came through as a Special Use Permit. Can somebody tell me that?

Mr. Farley said, yes, ma'am. It's a Special Use Permit because there will be light truck maintenance there, which requires a Special Use Permit under any zoning district.

Commissioner Philbrook said, okay, because of their zoning there, and the size of the property or what's the deal?

Mr. Farley said, just because of the zoning. Light auto repairs allowed in some commercial and all industrial districts, but it does require a Special Use Permit regardless of the district that it's in.

Commissioner Philbrook said, and as I understand it, several other people have mentioned the fact that—like Commissioner Bynum—that they're going to be responsible to have to show that plan for the water drain-off before they can get approved again to do the building. Is that correct?

Mr. Farley said, that is my understanding, yes.

Commissioner Philbrook said okay, then I go along with the motion to move it forward.

Commissioner McKiernan said, the City Planning Commission met on June 14th, is that correct?

Mr. Farley said, yes, sir.

Commissioner McKiernan said, and the stipulation is Item No. 7 of the staff report. It says this plan must be provided to staff by June 23rd, 2021. That's a really tight turnaround and although this may have been provided to the applicant in the draft staff report, until this is acted on by the City Planning Commission, I'm not sure that this applicant should be required or expected to do anything in terms of following through with all of these staff recommendations. I have to agree with what else has been said here. I think that the runoff plan can be incorporated as a function of the building permit and shouldn't get in the way of the Special Use Permit. That's just me.

Mr. Bach said, just a point of clarification on the motion. Misty, this isn't a stipulation approved by the Planning Commission, so to change it, it does require eight votes, correct? **Misty Brown, Chief Counsel**, said, that's correct, Doug. **Mr. Bach** said, I just wanted to make sure that was clear before the commission voted.

Commissioner Ramirez said, and for clarification, Commissioner Bynum, your motion is to approve the Special Use Permit minus the stipulation of the drainage plan, correct?

Commissioner Bynum said, minus the stipulation of the deadline June 23rd. My amendment, I guess, is that they provide it with their building permit application.

Commissioner Ramirez said, okay, so we're just striking the date. **Commissioner Bynum** said, I think they still need it. **Commissioner Ramirez** said, yeah, so just striking the date. Okay, thank you.

Commissioner Burroughs said, the question I have is, Item No. 7, improve the alleyway. Is that public property that we're asking him to improve?

Mr. Farley said, yes. The alleyway is a public right-of-way. It is currently—I'll just jump away from the conditions of approval. We do have some site photos to get an idea of what the alleyway currently looks like. But it is unusable, and because the applicant had shown trucks using the alleyway, we determined that there was a nexus there for them to make it usable again.

Commissioner Burroughs asked, so are we in the habit of asking private investors to upgrade or to redo our public right-of-ways that we should be (inaudible) upkeep anyway?

Mr. Bach said, yes, that's standard procedure on streets and alleys. I mean, alleys, we don't have that many. A lot of times that they do things to impact the street, we will require them to come out and make changes there based on how they're going to change the use for the (inaudible).

Commissioner Burroughs said, well, under that requirement, I'm in strong support of moving forward with this so that one, we can get the alley redone, get the sidewalk replaced. It's obvious we haven't maintained those two areas, and all they're asking to do is make the cut into a sidewalk a more impervious area as another impervious area's going to be going in. So, I'm in support of the motion.

Commissioner Kane asked, do we need to second that motion, Mayor?

Action: **Commissioner Walters seconded the motion.**

Mayor Alvey said, we have a motion and a second. The applicant has an opportunity to speak again.

Mr. Sullivan said, thank you. I think we've said enough.

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

Item No. 3 – 21902...SPECIAL USE PERMIT APPLICATION SP2021-042 - BRYAN STOKES

Synopsis: Special Use Permit to keep farm animals at 734 South 76th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant is requesting a Special Use Permit to keep cows on a residential property at 374 South 76th Street, the applicant's primary residence. The applicant has stated that only two (2) cows will be on the property for the foreseeable future. The property has been previously cited by Code Enforcement: May 11, 2021-enforcement complaint, Sept. 11, 2013-weeds. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2021-042, for two (2) years, subject to:

- 1) While any and all livestock on the property require a Special Use Permit, six (6) chickens are allowed by right, so long as their coop is kept at least 10 feet from the property boundary line and at least 25 feet from any other habitable structure other than the applicant's structures. A conservation plan will be developed with the Conservation District defining the number of livestock allowed on the property;
- 2) This City Planning Commission case is being heard in conjunction with BOZA2021-012. The following are conditions for BOZA2021-012 and are stated here for reference only, as SP2021-042 is solely a Special Use Permit for keeping livestock on a property of less than five (5) acres:
 - a. The variance must meet the following conditions: No more than two (2) accessory structures may be standing at a time, only one (1) accessory structure may exceed 1,000 square feet of total floor space, and such accessory structure may exceed a total floor area of 2,400 square feet;
 - b. More than six (6) chickens requires a Special Use Permit;

- c. The subject property must be kept free of inoperable vehicles, scrap/junk, or other materials;
 - d. All vehicles must be parked on paved surfaces and all inoperable vehicles must be parked within a covered structure;
 - e. Any additional driveways must be constructed and/or updated to comply with Section 27-575(a). All new or updated portions of the driveways must be paved with two (2) inches of asphalt over six (6) inches of gravel, four (4) inches of concrete, or another alternative as approved by the UG Engineer;
 - f. The conditions of approval for any and all variances as allowed by this Board of Zoning Appeals case BOZA2021-012 will only go into effect when case SP2021-042 is recommended for approval by the City Planning Commission and ultimately adopted by the Board of Commissioners;
 - g. There are Conservation District comments incorporated herein by the May 18, 2021, Wyandotte County Conservation District letter;
 - h. A building permit is required for a permanent structure greater than 120 square feet;
 - i. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward; and,
 - j. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Code of Ordinances;
- 3) No sales will be conducted on the property without a Special Use Permit specifically for a home occupation or an annual agreement for a farmers' market;
 - 4) In order to create a suitable environment for the farm animals, the subject property must be kept free of inoperable vehicles, scrap/junk, or other materials;
 - 5) All vehicles must be parked on paved surfaces and all inoperable vehicles must be parked within a covered structure;
 - 6) Any additional driveways must be constructed and/or updated to comply with Section 27-575(a). All new or updated portions of the driveways must be paved with two (2) inches of asphalt over six (6) inches of gravel, four (4) inches of concrete, or another alternative as approved by the UG Engineer;
 - 7) The conditions of approval for any and all variances as allowed by this City Planning Commission case SP2021-042 will only go into effect when case BOZA2021-012 is recommended for approval by the Board of Zoning Appeals;
 - 8) There are Conservation District comments incorporated herein by the May 18, 2021, Wyandotte County Conservation District letter. For a full list of the Conservation District comments, see the Conservation District Letter in the "Attachments" section of this report;
 - 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. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
 - 10) Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing,

shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;

- 11) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 12) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit 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) 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.

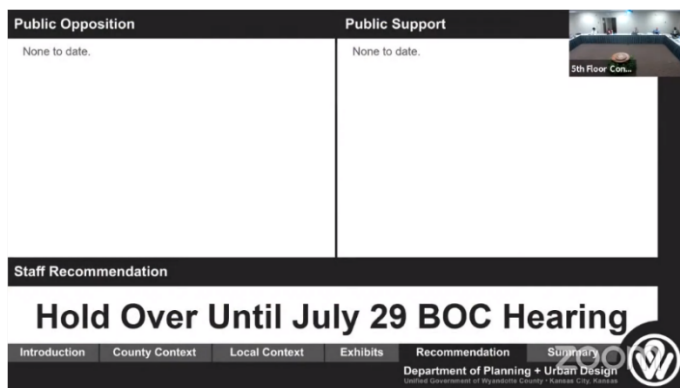
Case	
SP2021-042	
Petitioner	Address
Bryan Stokes	734 South 76 th Street Kansas City, Kansas 66111
Synopsis	
The applicant, Brian Stokes, is requesting a Special Use Permit to keep cows on a residential property at 374 South 76th Street, the applicant's primary residence. The applicant has stated that only two (2) cows will be on the property for the foreseeable future. BOZA 2021-012 for two accessory structures, one of which is larger than 1,000 square feet was approved by the Board of Zoning Appeals on June 14, 2021.	
Introduction County Context Local Context Exhibits Recommendation Summary Department of Planning + Urban Design Unified Government of Wyandotte County - Kansas City, Kansas	

Mike Farley, Department of Planning and Urban Design, said, this application, the applicant is on just under five acres. So, he is residential, but would like to have livestock on the property. Now, when this case went before the City Planning Commission, it was listed as two cows, as the applicant had stated. However, staff would like to request a holdover in order for the applicant to form a conservation plan with the Wyandotte County Conservation District, which would better

inform based on soil type, grazing area, and several other factors how many livestock and what types of livestock would be suitable for the maintenance and preservation of that land.



Mayor Alvey asked, so, what is the request of the...**Mr. Farley** said, the request is a holdover until the conservation plan can be produced by the applicant.



Mayor Alvey asked, is the applicant available? **Brett Deichler, Interim UG Clerk**, said, we're not seeing them, Mayor.

Mayor Alvey asked, is there anyone present who would like to speak in opposition to this from the public? **Mr. Deichler** said, seeing no one.

Mayor Alvey asked, anyone in support? **Mr. Deichler** said, no one, as well.

Mayor Alvey said, seeing none, I will close the public hearing.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Philbrook, to hold over Special Use Permit Application SP2021-042 for 30

July 1, 2021

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

Item No. 4 – 21903...SPECIAL USE PERMIT APPLICATION SP2021-045 - JAMES SULLIVAN WITH SULLIVAN PALMER ARCHITECTS

Synopsis: Special Use Permit for auto storage and maintenance building at 1037 South 26th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant is requesting a Special Use Permit to allow auto maintenance and auto storage at 1037 South 26th Street. The site plan proposes a building measuring 50’ x 50’, a total of 2,500 square feet. A paved driveway apron will allow vehicles to access the building from South 26th Street and vehicles will be served by a parking lot of ten (10) spaces, one (1) of which is ADA-compliant. The subject property has been previously cited by Code Enforcement: May 11, 2021-enforcement complaint, June 26, 2020-other multiple violations, Feb. 20, 2020-other multiple violations, Oct. 26, 2017-other multiple violations, Aug. 1, 2013-environmental: weeds, July 18, 2007-weeds & improper fencing. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2021-045, for two (2) years, subject to:

- 1) Per Section 27-470(b)(7), extended or dead storage of motor vehicles requires a Special Use Permit. The applicant has not identified extended or dead storage of motor vehicles in their Special Use Permit application. Therefore, all vehicles stored on the subject property must be operable;
- 2) The revised parking plan submitted by the applicant to Staff shows 15 total parking spaces, one (1) of which is ADA-compliant. This parking arrangement must be maintained;
- 3) The applicant must comply with the respective site, parking, landscaping, and turning plans as submitted to Staff in this report, unless written conditions in this report and/or modifications made by the City Planning Commission, or the Board of Commissioners supersede the plans;
- 4) Per Section 27-593(b)(20)c.1.ii, commercial uses in new buildings in industrial districts shall be subject to commercial design guidelines. Therefore, the proposed building must conform to the Commercial Development Guidelines Overlay District, Sections 27-573 through 27-578;
- 5) Per Section 27-593(b)(20)c.2, modifications shall be made to the existing building:
 - a) Restoring original brick,
 - b) Any necessary repair of the façade,
 - c) New doors or windows if existing fixtures are in disrepair,
 - d) Substantial effort beyond simply painting the building is necessary. Brick structures must be cleaned, paint removed, and tuck pointed, and
 - e) For non-brick buildings in addition to paint, additional architectural embellishments such as a brick wainscot may be required;

- 6) The landscaping plan shall continue to comply with Section 27-470(h): “All land area that is not covered by buildings or otherwise surfaced shall be brought to a finished grade and landscaped. Six-foot high architectural screening in combination with a buffer area is to be provided along all side and rear property lines common to or across an alley from residentially zoned property.”;
- 7) Per the submitted landscaping plan, a sidewalk must be installed along the frontage of the subject property;
- 8) Per Section 27-673 (c), the City Planning Commission may require that a parking area be screened on any side where it may adversely affect adjacent property, by a wall, screen planting, or fence of a height that the commission deems adequate;
- 9) The stormwater runoff plan, demonstrating the changes in surface water runoff after the construction of the building and the steps taken to address such changes in runoff onto the adjacent properties and rights-of-way, must be provided to Staff by June 23, 2021;
- 10) Improve the alleyway from the northern-most point adjacent to the subject property to the intersection with Argentine Boulevard;
- 11) Parking of the automobiles under heavy service, repair, or mechanics shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required in the M-3 Heavy Industrial Zoning District;
- 12) Parking shall be upgraded to current standards and regulations including medians, landscaping, and screening;
- 13) Each automobile shall be in a striped, designated parking space, trucks shall not be parking on the existing gravel surface. Please revise the area labeled truck storage to show paved surfaces. At a minimum all drive aisles must be paved, and asphalt millings provided for all storage areas;
- 14) All salvage, debris, and outdoor storage shall be removed from the site and the site shall be maintained in an orderly manner. The truck storage shall include only operable trucks and trailers;
- 15) 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;
- 16) Per Section 27-673(a), any 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. 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. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
- 17) The applicant must file and maintain a current business occupation tax application and entertainment license;
- 18) A Right-of-Way permit is required for construction that requires either temporary use or alteration of the public right-of-way. Please contact the Public Works Department at (913) 573-5311 to begin that process;
- 19) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations (Section 27-463 through 27- 470; 27-592 through 27-616) (KSA 65-3424, KAR 28-29-29

July 1, 2021

through 28-29-33). Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;

- 20) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 21) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 22) 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; and,
- 23) 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.

Case	
SP2021-045	
	
Petitioner	Address
James Sullivan, with Sullivan Palmer Architects	1037 South 26 th Street Kansas City, Kansas 66106
Synopsis	
The applicant, James Sullivan with Sullivan Palmer Architects, is requesting a Special Use Permit to allow auto maintenance and auto storage at 1037 South 26th Street. The site plan proposes a building measuring 50' x 50', a total of 2,500 square feet. A paved driveway apron will allow vehicles to access the building from South 26th Street and vehicles will be served by a parking lot of ten (10) spaces, one (1) of which is ADA-compliant.	
Introduction County Context Local Context Exhibits Recommendation Summary Department of Planning + Urban Design Unified Government of Wyandotte County - Kansas City, Kansas	

Mike Farley, Department of Planning and Urban Design, said, yes, my apologies again to Mr. Sullivan. This is the case I was thinking of when I mentioned that he was amenable for a holdover

July 1, 2021

here due to some conversations we had about a site redesign, which I will let him speak on more when he has a chance.

However, this property is preexisting. It has a building as well as it's almost exclusively paved. This also requires a Special Use Permit for the truck maintenance that's occurring on the property. This property is also within that same special floodway that staff has determined would require a stormwater runoff plan to be produced before approval. This was also provided in the draft staff report and passes a condition of approval by the City Planning Commission on June 14th.



Jim Sullivan, Sullivan Palmer Architects, said, I just wanted to mention that just a few days ago, the property owner did come to us and wish to redesign the property somewhat to move the building to the north of the property and toward the south and restructure some of the parking and drives and such. We have discussed this with Mr. Farley, and I think it would be good for all of us to step back a little bit, do some redesign and to hopefully meet the next available Planning Commission meeting.

Mayor Alvey asked, is there anyone present from the public who would like to speak in opposition to this? **Brett Deichler, Interim UG Clerk**, said, seeing none.

Mayor Alvey asked, anyone in support? **Mr. Deichler** said, seeing none, as well.

Commissioner Ramirez said, for my purposes for my brain, how is this Special Use Permit different from the other one, Mr. Farley?

Mr. Farley said, they are two separate properties owned by two different owners. In terms of the actual work being conducted, it's a little larger operation, but it still falls under that same truck

maintenance Special Use Permit. So, a Special Use Permit is required for any truck maintenance, regardless of zoning district.

Action: Commissioner Bynum made a motion, seconded by Commissioner Kane, to hold over Special Use Permit Application SP2021-045 for 30 days. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 5 – 21904...SPECIAL USE PERMIT APPLICATION SP2021-048 - JOANNE HANSON WITH SANDIFER PROPERTIES, LLC

Synopsis: Special Use Permit for grading and site preparation for future industrial development at 1705 - 1831 South 45th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant is requesting a Special Use Permit for a grading and site preparation for future industrial development at four (4) separate contiguous parcels. The subject property is identified as the four (4) following parcels (and respective addresses): Parcel #250310 (1705 South 45th Street), Parcel #250309 (1735 South 45th Street), Parcel #250308 (1811 South 45th Street), and Parcel #250307 (1831 South 45th Street). Four (4) grading permits will be issued, one (1) for each parcel. The applicant has not stated the specifics of the future development, other than that it will be industrial. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2021-048, for two (2) years, subject to:

- 1) Rumble strips and/or other mitigation measures must be installed at all entry/exit points from the subject properties to the public right-of-way in order to keep dirt and gravel from tracking onto the road;
- 2) Dust mitigation measures must be implemented throughout the grading process;
- 3) 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;
- 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. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
- 5) Contractors involved in this project will need to file and maintain a current business occupation tax application with the Business License Division;

- 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) Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Section 8-610 through Section 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
- 8) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 9) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 10) 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; and,
- 11) 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 Kane made a motion, seconded by Commissioner Ramirez, to approve Special Use Permit Application SP2021-048 for two years, subject to

July 1, 2021

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

VACATION APPLICATION

Item No. 1 – 21906...VACATION APPLICATION VAC2021-005 - RANDALL CHERRY WITH CAPITALPLEX PROPERTIES, LLC

Synopsis: Vacation of right-of-way at 5837 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant wants to vacate a portion of right-of-way along the east side of North 59th Street and south side of Leavenworth Road to build a convenience store at 5827 Leavenworth Road. Property Maintenance Compliance Division issued an abatement on May 12, 2021, for weeds and grass. The Planning Commission voted 7 to 0 to recommend approval of Vacation Application VAC2021-005, subject to:

1. 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;
2. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable; and,
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.

Action: **Commissioner Kane made a motion, seconded by Commissioner Ramirez to approve Vacation Application VAC2021-005, subject to the stipulations.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

PLAN REVIEW APPLICATION

Item No. 1 – 21907...PLAN REVIEW APPLICATION PR2021-013 - DAVID S. LOTZ, P.E. WITH CONTINENTAL CONSULTING ENGINEERS

Synopsis: Preliminary Plan for Wolcott Wastewater Treatment Plant Pump Station #50 for excess flow holding tank at 10525 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant filed a Preliminary Development Plan on behalf of the Unified Government, Public Works Department to build a 40-foot tall, 100-foot diameter holding tank for excess sanitary sewer flow. A force main will connect from an existing on-site lift station to the holding tank located on 9.62 acres at 10525 Donahoo Road. The Planning Commission voted 7 to 0 to recommend approval of Plan Review Application PR2021-013, subject to:

1. A double, staggered row of evergreens shall be planted along the western and northern side of tank;
2. The tank shall be painted a complimentary color that blends in with the surrounding topography and vegetation;
3. Odor control systems shall be added to the tank, so odors do not become noticeable rather than afterwards a significant wet weather event;
4. Construct a paved parking pad for employees to park their vehicles when servicing the tank;
5. Remove the stockpile from the regulatory floodway and floodplain (Zone AE) to get in compliance with the Floodplain Management Ordinance;
6. Review the Floodplain Management Ordinance;
7. Obtain the necessary local, State and Federal floodplain permits for constructing the tank in the floodplain prior to obtaining a building permit from the Development Review Committee; and,
8. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable.

Action: Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve Plan Review Application PR2021-013, subject to the stipulations. Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

MASTER PLAN AMENDMENT

Item No. 1 – 21919...MASTER PLAN AMENDMENT MPL2021-004 - DAVID S. LOTZ, P.E. WITH CONTINENTAL CONSULTING ENGINEERS

Synopsis: Master Plan Amendment from Mixed-Use to Industrial at 828 North 49th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously heard with Change of Zone Application No. 2 – 21898, COZ2021-015 – David S. Lotz with Continental Consulting Engineers, Inc.

MISCELLANEOUS AMENDMENT

Item No. 1 – 21920...A resolution establishing a moratorium on the enforcement of the prohibition of murals in residential districts and setting temporary standards for enforcement under Chapter 27, Article VIII, Division 11 of the Code of Ordinances.

Action: **RESOLUTION NO. R-43-21**, “A resolution establishing a moratorium on the enforcement of the prohibition of murals in residential districts and setting temporary standards for enforcement under Chapter 27, Article VIII, Division 11 of the Code of Ordinances.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

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

Item No. 1 – 21909...ORDINANCE

Synopsis: An ordinance rezoning property at 837 Central Avenue (COZ-0001) from R-1 Single Family District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-83-21**, “An ordinance rezoning property hereinafter described located at approximately 837 Central Avenue in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to CP-3 Planned Commercial District.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 2 – 21911...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-024) for the Temporary Use of Land for the existing commercial truck driving training facility at 6801 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design

Action: **ORDINANCE NO. O-84-21**, “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, for the temporary use of land for the existing commercial truck driving training facility at 6801 State Avenue.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 3 – 21912...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-025) for continuation of live entertainment in conjunction with restaurant at 151 South 18th Street, Suite A, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-85-21**, “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, for continuation of live entertainment in conjunction with restaurant at 151 South 19th Street, Suite A.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 4 – 21918...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-030) for continuation of an event venue with live entertainment at 3150 North 91st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-86-21**, “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, for continuation of an event venue with live entertainment at 3150 North 91st Street.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 5 – 21913...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-031) for continuation of a kennel for four (4) dogs at 334 North Thorpe, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-87-21**, “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, for continuation of a kennel for four (4) dogs at 334 North Thorpe Street.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 6 – 21914...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-032) for continuation of a commercial specialty shop at 3704 North 99th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-88-21**, “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, for continuation of a commercial specialty shop at 3704 North 99th Street.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 7 – 21915...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-033) for continuation of live entertainment at 701 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-89-21**, “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, for continuation of live entertainment at 701 Village West Parkway.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

Item No. 8 – 21916...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-036) to keep 20 chickens at 9350 Nelson Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-90-21**, “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, to keep 20 chickens at 9350 Nelson Lane.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and

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

Item No. 9 – 21917...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2021-037) for a Short-Term Rental/AirBnB at 2904 Eaton Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-91-21**, “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, for a Short-Term Rental/AirBnB at 2904 Eaton Street.” **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

PLANNING AND ZONING NON-CONSENT AGENDA

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 21900...SPECIAL USE PERMIT APPLICATION SP2021-039 - DAREC STOWELL

Synopsis: Special Use Permit for a Short-Term Rental/AirBnB at 4449 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicants are requesting a Special Use Permit for a short-term rental at 4449 Rainbow Boulevard. The applicant has stated that the short-term rental will host no more than four (4) guests and no more than two (2) vehicles per visit. The property is not owner-occupied; therefore, a Special Use Permit shall be granted for no more than one (1) year. There is one (1) outstanding violation recorded at this property. The subject was cited on May 13, 2021, for structural and cosmetic damage to the east (front) and south facades of the residence. The subject property has been previously cited by Code Enforcement: May 11, 2021-enforcement complaint, Oct. 26, 2016-environmental/weeds, Jan. 21, 2010-structural, Aug. 8, 2000-environmental. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application SP2021-039 for one (1) year, subject to:

July 1, 2021

- 1) The maximum number of guests shall be four (4);
- 2) Guest parking must be provided off-street. Maximum number of guest parking shall be two (2) vehicles;
- 3) The front porch steps and south façade shall be repaired prior to the Special Use Permit going into effect;
- 4) All required landscaping (one (1) row of Evergreens on the north and south side of the property) must be planted prior to the Special Use Permit going into effect;
- 5) Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
- 6) Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
- 7) The applicant 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. Include the contact information for Host Compliance 913-246-5133. www.hostcompliance.com/tips;
- 8) If issues arise with adjacent property owners and are brought to staff's attention during the term, this Special Use Permit can be submitted to the Board of Commissioners for revocation;
- 9) 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;
- 10) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
- 11) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 12) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 13) 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,

- 14) 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.

Case	
SP2021-039	
Petitioner	Address
Darec Stowell	4449 Rainbow Boulevard Kansas City, Kansas 66103
Synopsis	
The applicants, Darec and Megan Stowell, are requesting a Special Use Permit for a short-term rental at 4449 Rainbow Boulevard. The applicant has stated that the short-term rental will host no more than four (4) guests and no more than two (2) vehicles per visit. The property is not owner-occupied; therefore, a Special Use Permit shall be granted for no more than one (1) year.	
Introduction County Context Local Context Exhibits Recommendation Summary Department of Planning + Urban Design Unified Government of Platte County and Kansas City, Kansas	

Mike Farley, Department of Planning and Urban Design, said, as we said, this is a Special Use Permit for a short-term rental. It is not an owner-occupied property; therefore staff is recommending approval for one year, which is standard amongst non-owner-occupied properties.



Conditions of approval as passed by the City Planning Commission include landscaping that will need to be done. As you can see, it is very close to the house, especially to the south as well as to the north.



There is currently no landscaping over there, and so one of the major conditions of approval is to put landscaping in in order to keep car lights and noise from those cars when they're parking away from the other properties.



Darec Stowell said, this is an Airbnb for me and my wife. We are not allowing parties, a max of four guests. We will have—our family is the one who is going to be cleaning and maintaining the home. We all live in the area. That's all.

July 1, 2021

Mayor Alvey said, I'll now open the public hearing. Is there anyone present who would like to speak in opposition of this proposal? **Brett Deichler, Interim UG Clerk**, said, seeing none. Two hands are raised.

Mayor Alvey said, please identify yourself—your name and city of residency, please.

Erin Stryka, Rosedale Development Association, 1403 Southwest Blvd., said, speaking in opposition tonight in response to concerns from several nearby neighbors in the Spring Valley area. I understand a lot of those neighbors made contact with a lot of you and have printed up a protest petition as well.

I wanted to just talk a little bit about the cumulative effect of short-term rentals in this neighborhood. Over the last few years, we've seen a pretty quick increase of short-term rentals, particularly in Rosedale and in Strawberry Hill. There was one memorable night where there were eight short-term rentals on Planning Commission agenda just from Rosedale, and several others from other areas.

Spring Valley, because of that, has been able to be kind of a test case for how these types of rentals impact the neighborhood. They've got a handful in their area and they've kind of seen it play out with those responsible and less responsible owners. So, their testimony about this is really important, I think, for this specific proposal, but also as the city considers what we're going to do with short-term rentals over the long term. I know for awhile we've said we're going to address that in the new zoning code, and I know that's still in progress but I just wanted to kind of say as you're listening to neighbors talk about this tonight, and as you're reading their emails, I hope we can all be thinking about how, as a community, we can make policy around short-term rentals that preserves neighborhood connections, that preserves housing values, and that is workable for the surrounding neighbors. Thank you.

Mayor Alvey asked, anyone who would like to speak in support of this application? **Mr. Deichler** said, seeing none.

Mayor Alvey said, thank you. Close the public hearing. Mr. Stowell, anything you'd like to add?

Mr. Stowell said, I absolutely understand the neighbors' objections. We take really great care. We do own an Airbnb on the Missouri side, and we've taken a lot of care in how we maintain the

property, how we deal with guests, making sure that people really are welcomed and we're taking care of the neighborhood as well. So, I do understand. I don't really have a lot to say. Thank you.

Mr. Deichler said, Mayor, if I may. We did not see anyone here that was against, but we did receive three notices by email in the Clerk's Office. Do you want me to read those? **Mayor Alvey** said, yes, thank you.

Mr. Deichler said, the first one is by Kelly White. She resides at 4410 Francis Street, in the Spring Valley Neighborhood. She states:

It is my understanding the intention of the Planning and Zoning Committee is to conduct a study of the impact of short-term rentals from other communities and to have the study results by year end. It seems reasonable to delay issuing any special use permits until the data from the study has been reviewed.

There are currently a few short-term rentals in our neighborhood now and due to our proximity to KU Medical Center we have several rental properties as well. There are also two hotels within a 1-mile radius of our neighborhood. It seems as though we have adequate short-term lodging.

I respectfully request the Board to vote against the special permit mentioned above until an analysis can be completed. Sincerely, Kelly White.

Mr. Deichler said, the second one was by Jacob Hodson. He resides at 4448 Francis Street in Kansas City, Kansas. He is against the Special Use Permit SP2021-039. He states:

The current Rosedale master plan identifies the block that 4449 Rainbow Boulevard is as a 50% owner occupied neighborhood. The document recommends that neighborhoods that are majority owner occupied be protected as such. Without stronger regulations on short-term rentals areas like mine will continue to see more investors buying property for Airbnbs. These quasi-commercial uses in residential neighborhoods directly compete with hotels in the area. The prevalence of a short-term rental destabilizes hotel operators in the area. No one in our city wants two vacant hotels on Rainbow Boulevard. Please vote no on SP2021-039 and any other short-term rentals until new policies on the matter can be written.

Mr. Deichler said, the third one was from Jesse Dowell, residing at 4462 Cambridge Street in KCK.

I am against special use permit SP2021-039. My concern is that by allowing more short term rentals, especially short term non-owner occupied rentals such as Air B-n-B and other websites and apps, harm will be done to long term residents and the community at large. Turning Residential Zoned houses into money making ventures will increase the property taxes on the non-income generating properties shifting an undue burden on unsuspecting neighbors. More unnerving and disruptive to the community would be the removal of long-term housing sources if additional short-term rentals are granted special use permits in Kansas City, Kansas, like much of

Kansas City Metro Area, is experiencing a housing availability crisis, especially for rental properties. Allowing more of those properties to be removed from the market would only hurt Kansas City, Kansas residents. Please vote NO on SP2021-039 and any other short-term rentals until new policies on the matter can be written. Thank you.

Commissioner Ramirez said, I have one question, and it's from Mr. Farley. It's in the transcript of the Planning Commission where it says, Gunnar Hand says staff also has a condition of approval that the notice of violation will be rectified. What NOV is on the property, and is that due to the current ownership, or was that previous ownership that incurred the NOV?

Mr. Farley said, the notice of violation currently on the property was cited just May 13th of 2021 for structural and cosmetic damage to the east, which is the front, as well as the south facade. There were two small areas that were noted by property maintenance compliance. So, my presumption would be—I spoke to the applicant about this, and he noted that my presumption be that this occurred while the applicant owned the property since this was just noted a month and a half ago.

Commissioner Ramirez said, okay, thank you because I—that was the only place I had seen in the staff report about it, so I wanted to get more information on that. So, thank you.

Commissioner Bynum said, I have questions, I think, for staff and maybe for all of us. I can appreciate the comments of the neighbors, or the neighbors that reside in Spring Valley. It strikes me odd, though, that we would stop one person from a permit for the purpose of a policy discussion. That's what we're being asked to do, and that seems odd.

For staff, when we have a valid protest petition, are we identifying one of the factors to be considered, or is that entirely not in play when there's a valid protest petition on an item on the Planning Agenda?

Misty Brown, Chief Counsel, said, Mr. Farley, please feel free to add on to what I'm saying, but the protest petition does not consider the factors for consideration. It's just goes by the percentages of the neighbors in the area. So, through the discussion, if the commission was going to deny, I would recommend that you consider the golden factors and take that into consideration before you make a motion tonight.

Commissioner Bynum said, I think that's where I'm struggling because we already can see, good or bad, that in this area we do have a number of Airbnbs. So, clearly, they've passed the muster with the golden rules. I don't see a golden factor here to utilize a denial, and I don't believe that because we have enough of these already, or we need to stop and have a policy conversation about how many Airbnbs is too many, is an appropriate reason for denial of one.

Commissioner McKiernan said, I think I'm struggling similar to Commissioner Bynum in terms of a basis on which to overturn this, but just some thoughts. I don't have anybody that I can ask these questions of, so I'll ask them rhetorically to the group. First of all, an observation that the owners of short-term rental properties do make significant investment in improving those properties. They take properties that, in many cases, have been otherwise abandoned or blighted and in disrepair and they invest significantly in those properties. I've seen some pictures of this particular property from awhile back, and it is a remarkably different property today, both in terms of structure and landscaping, than it looks in those previous pictures.

A question that I would ask is, what negative effects have there been recorded from short-term rental properties? Now, I'm not asking for a list of those, but rhetorically, what negative effects have there been?

Then I'd ask this, don't we have remedies for code violations and behavior issues that already exist within our code of ordinances? Aren't there remedies for those problems? I'd ask a second question. Have not those same issues come up in long-term rental properties? If they have, then should we be considering a similar restriction on the number of long-term rental properties? I think not, because I think if we look city-wide, we'd find out that the greater percentage of our properties are rental rather than owner-occupied. I agree, the Rosedale Master Plan says that 50% of the properties would be owner-occupied. That's a great aspiration, but that's not where the market is today.

So, basically, those are my thoughts on this. I worry that there isn't a golden rule on which we deny this, and I also worry that we are setting short-term rentals apart from long-term rentals in terms of the scrutiny—oh, there was one more thing. There was one more thing. Certainly, since it is a Special Use Permit, if there are issues, if there are issues of code violations, if there are issues of tenant behavior, then there are remedies for that and the person who has the Special Use Permit can be brought back to us and can lose that Special Use Permit for not following the rules as

outlined for behavior of occupants and care of the structure. So, there are remedies there. That's all I have to say, thank you.



Commissioner Philbrook said, yes on Commissioner Bynum's statement, and yes on Brian's statement. Plus, I have a concern around—I'm looking at this map showing non-compliant STRs, the ones that have expired permits. If we have remedies, why do we have all these little red dots on here and what are we doing about that? You see what I'm saying? I can understand why the community would have a concern. I'm not siding with anybody on that, but I understand where their concern is. If I had some of those next to me and they were not compliant with even having their STR in place, what are we doing in remedy? That's for a future question, but that comes up and so that's all I have on that.

Commissioner McKiernan said, well, I just did have one follow-up, then. I completely and totally agree with you that it is our responsibility to enforce our rules upon the people who have these Special Use Permits, and maybe, Mr. Farley, you can help me answer this question. If you have an STR with an expired permit, does that mean that there are currently guests being booked into that STR and staying there?

Mr. Farley said, I do not work directly with the enforcement on this, but my understanding is yes, that any red dot that showed up on this map was noted as a short-term rental that had recent guests. Now, I don't know off the top of my head what recent means, but that was, I believe, the standard to which it may... **Commissioner McKiernan** said, so, by noncompliant, you mean does not have a Special Use Permit, and yet we can find listing of this online and we can find residents or guests staying in this structure? **Mr. Farley** said, that is correct. We do have online proof of both advertisement and guests leaving reviews.

Commissioner McKiernan said, then I agree with Commissioner Philbrook. I do understand the concern here. Why are those then allowed to continue operating if we know of them?

Mr. Farley said, my apologies, Commissioner. Was that a question? **Commissioner McKiernan** said, actually it is. I mean, if we have ordinances and those ordinances aren't being followed, there should be consequences. There should be follow-up. Otherwise, we've got the wild, wild west. So, how is it we're not following up on these? Where's our process falling apart?

Mr. Farley said, the short answer is as a planner who is acting as the Director of Planning for this meeting, I don't know if I have the department-wide policy or voice to identify areas.

Commissioner McKiernan said, Mr. Farley, you can stop right there. I have put you unfairly on the spot here because really, this is not your department's job. Your department's job is to go through the Special Use Permit issuance process, which you are doing, and so this is really not your problem. It is our collective problem that we need to make sure that our enforcement capabilities are being exercised to their fullest extent so that everyone who is operating is operating within the letter of our ordinance, and within the good neighbor policy that we should all operate under in terms of the folks around us. Thank you.

Commissioner Ramirez said, this is my district, this is my area. I know this area very well. I will say, and I'm going to be frank, I am conflicted on this. Personally, I am conflicted. I completely, 100% understand where my community is coming from. Their concerns, I understand that 100% because they are real concerns. This is something I encountered a lot when I was walking and door-knocking on these—in this area was that was a big concern was short-term rentals and the density of them. I hope that is something we are looking at as we're rewriting our zoning code, is looking at density as something part of it. But, I'll put a big but, there's a lot of red dots on this map. A lot who are not compliant, who are not following our rules, who are not following our code as they should be. We have very few green dots who are actually following the process and following the rules.

I'm the person where I—I don't want to—I can't think of the right phrasing to say, put someone's transgressions, the whole transgressions of these red dots on one property owner who's trying to do and follow the rules of receiving a short-term rental. Yes, we need to look at the code, making sure it's fair, safe, and conforms with the community and the character of the neighborhood, but I don't see, following what Commissioner Bynum said, where this application

goes against any of our golden rules that we consider. I am still conflicted. I'm going to stop there. I'm going to think, I want to hear from—I see Erin Stryka has her hand up, so I would like to hear her...**Mayor Alvey** said, actually, the public hearing has been closed, so we're in commission discussion.

Commissioner Ramirez said, never mind. Commissioner Bynum has her hand up, so I would like to hear what also she has to say. Thank you.

Commissioner Bynum said, I guess what I want to say is the red dots are apparently staff's work at looking at a VRBO site and identifying addresses where no Special Use Permit exists. This is a product of our staff report. So, question number one is, unrelated to this gentleman's request, have we mailed all of those addresses the proper notification and paperwork that says here's how to get yourself legal?

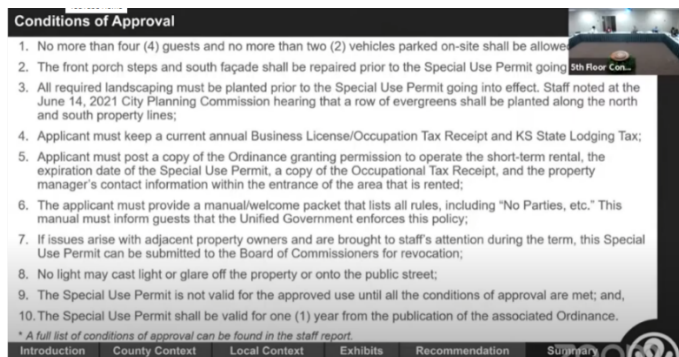
Number two, the yellow dots apparently have expired permits, so are they active Airbnbs or are they no longer in the business? I don't know what expired. I don't know the difference between yellow and red other than, apparently, yellow at one time had a permit and doesn't now. I don't know whether that means they're active or not. If they're active, they need the same notification from our Urban Planning Department that says here's how to get yourself legal.

None of that, in my opinion, has any bearing on a gentleman who's standing in front of us tonight following the rules. He's asking for his permit, and I'm going to go back to maintaining my position that if the red dots and the yellow dots are a concern for us, that's a policy conversation. It is outside the realm of deciding if one person, who's trying to follow our rules, should have his permit. We didn't hear any community members say that there are bad things happening here, that there are parties, that there are excessive people, that there's no place to park. We didn't hear any of that.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Kane, to approve Special Use Permit Application SP2021-039.**

Commissioner Ramirez said, Mr. Farley, I have a request and that might not be just on you, but the entire Planning Department. For all these yellow and red dots, if I could get a document that shows when they were out of compliance. I'm not sure if that's something possible, but just

seeing—I just would like to see how long they’ve been out of compliance, but yet still operating. If that is possible. Thank you.



Roll call was taken on the motion and there were nine “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum; and one “No,” Burroughs.

Item No. 2 – 21896...SPECIAL USE PERMIT APPLICATION SP2021-049 - JOHN L. PETERSON, P.A.

Synopsis: Renewal of a Special Use Permit (SP-2020-33 - expired 5/28/2021) for Performance Auto Service at 1110 Merriam Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant, John L. Peterson, representing the property owner in the renewal of a Special Use Permit for the purposes of operating an auto service performance shop at the address of 1110 Merriam Lane. The property owner anticipated relocating their business in 2020 given their one (1) year approval, but they are requesting a one (1) year extension. Two (2) citations have been issued by the Property Maintenance Compliance Division both for violations that disregarded the stipulations and conditions of the previous Special Use Permit in 2018. The first violation is for an excess of cars on the property and not in designated, striped spaces. The second violation was related to cars being parked in locations that block the driveway and drive aisles. The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application SP2021-049, for one (1) year, subject to:

1. Approved conditions of approval from 2020:
 - a. No more than 17 cars being parked in the parking lot and shall have striped parking spaces.
 - b. No parking on Stine Avenue or 11th Street.
 - c. No parking in the middle of the parking lot.
 - d. Noise level not to exceed 65 decibels with the doors closed.

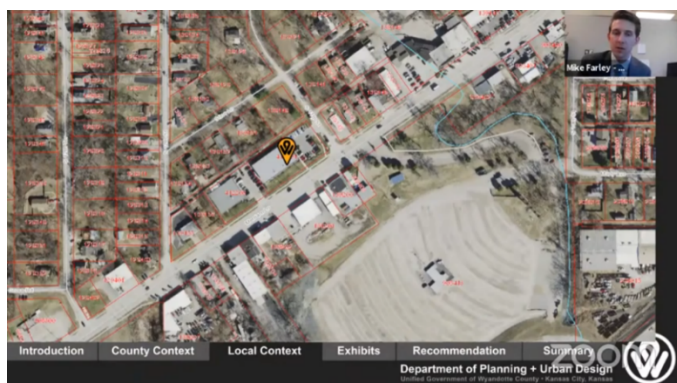
July 1, 2021

- e. No testing of vehicles on the side streets. Testing must be done from Merriam Lane onto Interstate 635;
- 2. Special Use Permits are non-transferrable;
- 3. Sec. 27-467(c)(2) Any making or assembly of products to be sold, including raw materials, and any servicing or repair activities shall be totally within an enclosed building;
- 4. Sec. 27-467(c)(4) No operation shall produce noise that exceeds 60dB(A) at repeated intervals for a sustained length of time measured at any point on the property line. No use shall cause the day-night noise level average to exceed 65dB(A) for any residence for a sustained period;
- 5. Per the Business License Division:
 - a. The business has filed and maintained a current occupation tax application;
- 6. If conditions are not adhered to, this Special Use Permit may be brought to the Unified Government Board of Commissioners for revocation;
- 7. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
- 8. 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;
- 9. 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;
- 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations; and,
- 11. 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.

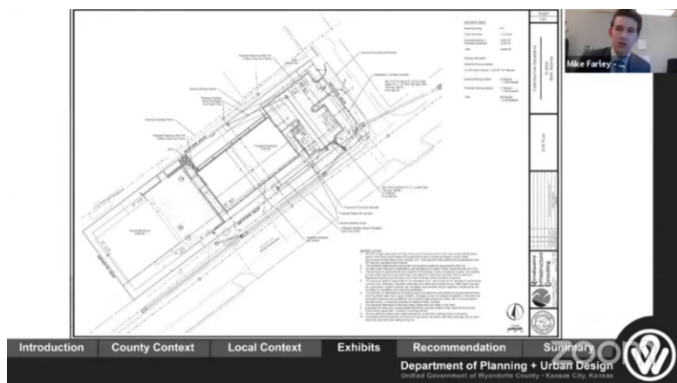
Case	
SP2021-049	
Petitioner	Address
John Peterson	1110 Merriam Lane
Synopsis	
To continue to operate an auto service performance shop.	
Introduction County Context Local Context Exhibits Recommendation Summary	
Department of Planning + Urban Design Unified Government of Wyandotte County - Kansas City, Kansas	

Mike Farley, Department of Planning and Urban Design, said, as mentioned, this is a renewal of an auto repair shop in the Rosedale neighborhood, just off of Merriam Lane, Southwest Boulevard.



The applicant had come a year ago requesting a Special Use Permit for the operation. It was granted the operation for one year. My understanding was that they had given the impression that they were looking to move, that's why it was only granted for one year. They are back, and the applicant can speak more on that about what their plans are going forward, but we wanted to understand why it was only a year-long permit when I understand that most of the time, they are two-year Special Use Permits.

July 1, 2021



I do want to note that there are notices of violation. There's a history of notices of violation on the property, as well as some ongoing citations right now that I believe are still outstanding. Given the question asked in the last case, I can tell you that they have been issued for stipulations in regard to the conditions from the previous Special Use Permit issued in 2018. So, I do not know when they were cited, but it dates back from conditions of approval from the 2018 Special Use Permit.



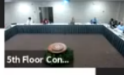
Mayor Alvey asked, is the applicant available or his legal representation?

Pete Peterson said, I'm a local attorney, 748 Ann Avenue, I represent the applicants. Most of you were here three years ago when we applied and got approved. Most of you were also here last year when we applied for a renewal just for a year because we were going to relocate. Well, we applied for renewal of our SUP in March of 2020 at the infancy of COVID, which made shopping for new locations nigh on impossible for pretty much at least six to seven months of the remainder of that year. The plan is still very much to relocate this business.

July 1, 2021

We're not aware, as I stated at the Planning Commission on June 14th, of any citations or complaints within the last year since it was renewed in 2020. I sent out 29 letters to the neighborhood pursuant to the local rule, and people had more than a month to contact me either by email, by phone, text, regular mail, whatever, and I heard nothing. So, as a consequence, we would simply, on behalf of my clients, like another year and we will, hopefully barring any other cataclysmic tragedy, be relocated from that location.

Public Opposition	Public Support
Opposition was expressed at the City Planning Commission meeting regarding not parking within designated parking spaces, increased traffic and testing on Merriam Lane, and noise saturating the neighborhood.	None to date.



Staff Recommendation

Approval

Introduction
County Context
Local Context
Exhibits
Recommendation
Summary

Department of Planning + Urban Design
 United Government of Escondido County - Rosedale City, Rosedale

Mayor Alvey said, I'll now open the public hearing. Is there anyone present in opposition? **Brett Deichler, Interim UG Clerk**, said, seeing none.

Mayor Alvey asked, is there anyone in support? **Mr. Deichler** said, seeing none, as well.

Mayor Alvey asked, did we receive any communication? **Mr. Deichler** said, we did not. **Mayor Alvey** said, thank you, I'll now close the public hearing. We do have one.

Erin Stryka, Rosedale Development Association, 1403 Southwest Blvd., said, RDA opposed this permit three years ago because we don't believe the site is appropriate for this use. I understand the applicant also no longer thinks the site is appropriate and is looking to relocate, and I certainly, certainly understand that COVID has disrupted many of our business plans.

I do want to raise the issues with the site with parking too many cars on the lot, parking on the surrounding streets, noise, and speeding have continued through the previous Special Use Permits with the exception of a couple of months after the Planning Department cited the business for not complying with the Special Use Permit the first time.

My understanding is that since the Planning Commission meeting a couple of weeks ago, a new notice of violation has been issued, again, for parking too many cars on the lot and blocking the surrounding streets.

I understand they're relocating which that's all for the best. I would just ask if this permit were granted tonight, that there be some assurance for the neighbors that this will be the last one, and we won't continue to extend the situation indefinitely. I appreciate the work the Planning Department's doing in enforcing the terms and the stipulations of the SUP, and I trust that they'll continue to do that until the applicant finds a location that works better for them. Thanks.

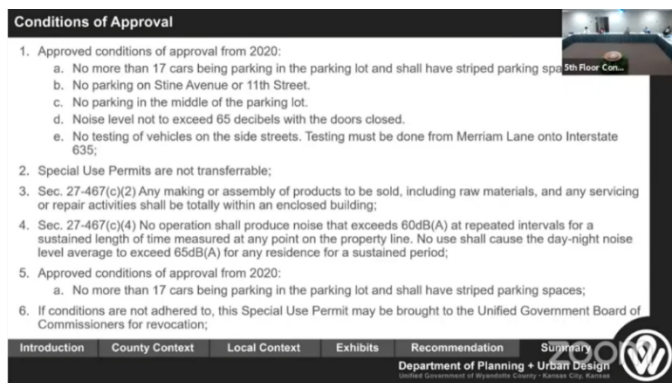
Mayor Alvey asked, is there anyone else present who would like to speak? **Mr. Deichler** said, seeing none.

Mayor Alvey said, I'll close the public hearing.

Mr. Peterson asked, am I allowed to respond, Mr. Mayor? **Mayor Alvey** said, yes. So, now I'll close the public hearing. The applicant.

Mr. Peterson said, briefly, and my client and I realize Erin's got a job to do. At the Planning Commission meeting, she stated that—and she used this word herself—it's all hearsay the last year that people have complained to her about excessive noise, parking, whatever. She said she has no firsthand knowledge of that, and Nathan Reasons on the Planning Commission said then, what basis is there? I agreed wholeheartedly with Nathan at the time that my client was sort of being harpooned with no harpoon. Anyway, we will do our darndest to stick by those stipulations.

With all due respect, Misty, I don't know—I would ask that Erin's request that it be the last. I don't know if that's even legal or permissible. I think these got to be taken one step at a time. I would not be here now if COVID hadn't have happened. They'd have been gone. I would simply ask that we get our one year. They've already got some site potentials and hopefully this will be the end of this, but not a finality type with a vote of such. Thank you.



Misty Brown, Chief Counsel, said, per Mr. Peterson's response, that is correct. We cannot take any action to bind future commissions. So, I'm glad Ms. Stryka spoke her desire, but the commission could not do that.

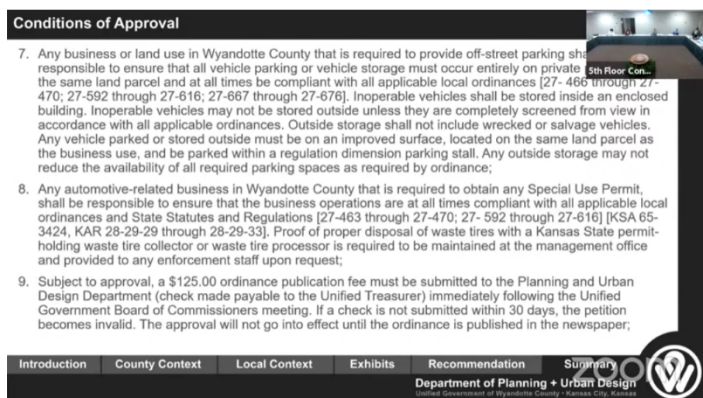
Commissioner Burroughs said, Mr. Peterson, you stated that the occupant is looking at moving. Will they be moving out of the county? **Mr. Peterson** asked, is that directed at me, Mr. Burroughs?

Commissioner Burroughs said, yes, Mr. Peterson.

Mr. Peterson said, in all honesty, I do not represent them, at least yet, on any type of relocation. I know they have looked at one location in Fairfax. I cannot say with any definite yes or no, but I certainly don't want to compromise any negotiations that are undergoing either with potential leases and/or purchases. They may even purchase a building, so I really can't, in short, answer that, Mr. Burroughs, with any finality.

Commissioner Burroughs said, thank you, Mr. Peterson. I would hate to think that we would lose a business to across the state line, but at the same time, I do appreciate your comments in reference to not compromising any negotiations.

Mr. Peterson said, and, Tom, I agree. It's four-to-seven thousand dollars a month in sales tax. I'll do my darndest.



Action: Commissioner Kane made a motion, seconded by Commissioner Walters, to approve Special Use Permit Application SP2021-049 for one year, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Burroughs; and one “No,” Bynum.

Item No. 3 – 21905...SPECIAL USE PERMIT APPLICATION SP2021-50 - RAYMOND KUSH

Synopsis: Special Use Permit for a parking lot (previous Special Use Permit SP-2018-89 expired 11/29/2020) at 1327 Minnesota Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. The applicant is requesting a Special Use Permit for a parking lot on a property located at 1327 Minnesota Avenue. The parking lot measures approximately 45’ x 110’ and approximately 12 striped parking spaces. The property has previously received a Special Use Permit for a parking lot, which has been expired for over six (6) months. There is one (1) outstanding violation recorded at this collective subject property. The subject property was cited on April 1, 2021, for operating a parking lot with an expired permit. The subject property has been previously cited by Code Enforcement: May 14, 2021-abatement: weeds & trash, May 11, 2021-enforcement complaint, June 10, 2019- 14-day trash abatement, March 14, 2019-structural issues, Nov. 20, 2018-code administrative citation, Oct. 1, 2019-code administrative citation, Sept. 4, 2018-code administrative citation, May 7, 2018-inoperable and/or unlicensed vehicles on property (seven [7] separate vehicles identified and cited), May 4, 2018-inoperable and/or unlicensed vehicles on property, April 13, 2018- 14-day trash abatement, April 13, 2018-inoperable and/or unlicensed vehicles on property, Oct. 3, 2016-environmental: debris, Sept. 24, 2014-inoperable

July 1, 2021

and/or unlicensed vehicles on property, July 12, 2012-stop work order: parking lot without permits, Jan. 24, 2012-inoperable and/or unlicensed vehicles on property, Oct. 1, 2010-other multiple violations, Feb. 20, 2009-inoperable and/or unlicensed vehicles on property, Aug. 1, 2008, other multiple violations, Sept. 28-2005-environmental: weeds. In the staff report for SP-2018-89, staff quotes a Code Enforcement Division note that states “the property is a constant and ongoing problem. There are vehicles that don’t have proper tags and are inoperable in various stages of body work almost all the time.” The Planning Commission voted 6 to 1 to recommend approval of Special Use Permit Application SP2021-049, for two (2) years, subject to:

- 1) All conditions here within must be completed no later than January 1, 2022, which is six (6) months after the earliest date that SP2021-050 can be heard by the Board of Commissioners. Failure to satisfactorily complete all conditions will result in revocation of the Special Use Permit;
- 2) The following conditions from previous Special Use Permits must be fulfilled and maintained:
 - a) A security camera is installed on their building on the north side of Minnesota Avenue. It is pointed towards the parking lot so they can see what is going on;
 - b) Keep a “No Parking” sign posted;
 - c) Continue to have the (unauthorized) cars towed; and,
 - d) Restore the landscaping according to the previous Special Use Permits SP-2013-38, SP-2016-42, and/or SP-2018-89. As previously stated in the staff report for SP-2018-89, all landscaping restoration must have occurred by April 1, 2019;
- 3) A landscape plan compliant with the Zoning Code must be submitted by June 23, 2021;
- 4) All inoperable vehicles must be removed from the subject property by June 23, 2021. Under SP2021-050, the subject property shall not be used as a parking lot for inoperable vehicles;
- 5) The parking lot must be in compliance with all relevant ordinances, specifically Sections 27-667 to 27-676;
- 6) The parking lot must be restriped subject to Section 27-667(a). With the existing dumpster in its current location, no more than 11 head-in parking spaces can fit within the arrangement;
- 7) Per Section 27-672, required off-street parking shall be within 100 feet, or in the case of employee parking within 300 feet, of the same lot. The parking lot may only provide required parking spaces for customers of businesses within 100 feet of the property or for employees of businesses within 300 feet of the property. Unless provided otherwise by a separate planning entitlement or parking agreement, the subject property may only provide required parking to the parcels which currently as of June 14, 2021 contain the following addresses:
 - a) 1300, 1300 H, & 1302 Minnesota Avenue (employees only);
 - b) 1301 Minnesota Avenue (employees only);
 - c) 1304 & 1306 Minnesota Avenue (employees only);
 - d) 1310 Minnesota Avenue (employees only);
 - e) 1311 Minnesota Avenue;
 - f) 1314, 1320, 1322, 1324, 1326, & 1328 Minnesota Avenue;
 - g) 1315 & 1327 State Avenue (employees only);
 - h) 1400 Minnesota Avenue (employees only);
 - i) 1401 Minnesota Avenue;

July 1, 2021

- j) 1403 Minnesota Avenue (employees only);
 - k) 1404 Minnesota Avenue (employees only);
 - l) 1406 Minnesota Avenue (employees only);
 - m) 1410 Minnesota Avenue (employees only);
 - n) 1413 Minnesota Avenue (employees only);
 - o) 1414 Minnesota Avenue (employees only);
 - p) 1416 Minnesota Avenue (employees only); and,
 - q) 1417 Minnesota Avenue (employees only);
- 8) The applicant must establish a Street Wall, as identified in the Downtown Area Master Plan, to run along the subject property's boundaries with the public right-of-way on Minnesota Avenue and on North 14th Street;
 - 9) Per Section 27-575(g)(3), the dumpster on site must be enclosed by a screening wall at least six (6) feet in height on all sides, have a designated gate facing away from streets or adjacent land uses, and must be constructed with masonry;
 - 10) The parking lot must be restriped in order to demonstrate designated parking spaces, thus ensuring compliance with the Zoning Code and safety to all drivers, passengers, and pedestrians;
 - 11) All existing prohibited signs on the property must receive a sign permit or be removed;
 - 12) The portion of the sidewalk on North 14th Street adjacent to the subject property must be restored and extended to connect to the sidewalk network along the south side of Minnesota Avenue;
 - 13) 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;
 - 14) All exterior lighting 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. Any illumination that results from use of the parking lot shall not be seen or otherwise impact adjacent residential uses;
 - 15) The applicant must file and maintain a current business occupation tax application and entertainment license;
 - 16) This Special Use Permit is for a temporary use of land for commercial or industrial uses. Per Section 27-593(a)(28), a permit for such a temporary use shall not be approved for more than two years maximum. As this Temporary Use of Land Special Use Permit (SUP) has been renewed multiple times in the past as a means for the continuance of the use, the Planning and Urban Design Department will honor that existing agreement in perpetuity but will not approve the SUP for more than two (2) years at a time. If the SUP is not renewed prior to the date of this permit's expiration, and/or if it is ever revoked for non-compliance, all similar requests in the future will only be allowed for the two (2) years maximum as per the Code in order to allow the applicant to find a permanent solution;
 - 17) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning

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

- 18) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 19) 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; and,
- 20) 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.

Case

SP2021-050

Petitioner
Raymond Kush, with Luke Kush Corporation

Address
1327 Minnesota Avenue
Kansas City, Kansas 66102

Synopsis

The applicant, Raymond Kush with Luke Kush Corporation, is requesting a Special Use Permit for a parking lot on a property located at 1327 Minnesota Avenue. The parking lot measures approximately 45' x 110' and approximately 12 striped parking spaces. The property has previously received a Special Use Permit for a parking lot, which has been expired for over six (6) months.

Introduction **County Context** **Local Context** **Exhibits** **Recommendation** **Summary**

Department of Planning + Urban Design
Unified Government of Wyandotte County and Kansas City, Kansas

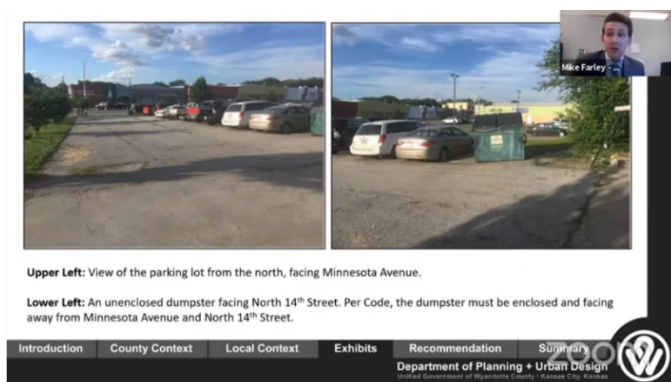
Mike Farley

Introduction **County Context** **Local Context** **Exhibits** **Recommendation** **Summary**

Department of Planning + Urban Design
Unified Government of Wyandotte County and Kansas City, Kansas

Mike Farley, Department of Planning and Urban Design, said, this parking lot is a new Special Use Permit for a preexisting parking lot at the corner of 14th and Minnesota Avenue, within the

Downtown Area Master Plan. Staff has noted several conditions of approval that the applicant would need to meet in order for—that was all passed by the City Planning Commission.

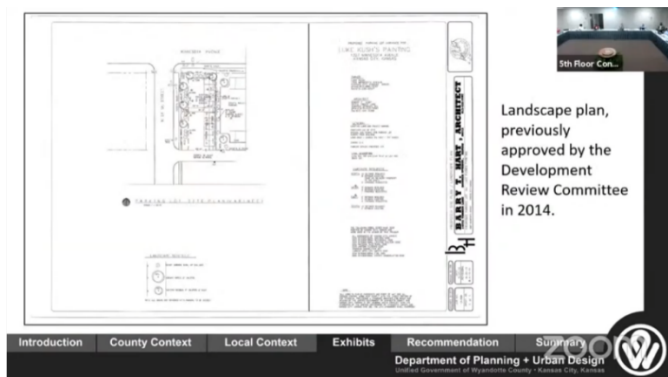


This would include restriping the parking lot, providing screening of the dumpster on the property that would be masonry with swingable gates.

There's also been a history of notice of violations on the property as well with everything from inoperable vehicles to trash and garbage.



Additionally, staff has stipulated that the sidewalk from the property down to the corner—so this will be along the west side of the parcel—be renovated in order to continue sidewalk connectivity that serves our downtown area.



Gracie Kush said, we are going to comply with everything that they need to get done, and we'll get that done. I've had issues with tenants and random people parking, but the cars are towed as often as I can do. Trash, a lot of times, is dumped there by neighboring people. We have a lock on the dumpster because if we don't, it gets overloaded, but if it's locked and they come down, they just throw it out so we have to pick it up and we try to keep that as clean as we can. We are planning to get everything taken care of that you need us to do on this Special Use Permit. Thank you.



Mayor Alvey asked, is there anyone present who would like to speak in opposition? **Brett Deichler, Interim UG Clerk**, said, seeing none.

Mayor Alvey asked, did we have any written communication? **Mr. Deichler** said, we received none.

Mayor Alvey asked, anyone would like to speak in support? **Mr. Deichler** said, seeing none.

Mayor Alvey said, I'll now close the public hearing.

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

5th Floor Con...

Staff Recommendation

Approval

Introduction County Context Local Context Exhibits Recommendation Summary

Department of Planning + Urban Design
United Government of Wyandotte County - Kansas City, Kansas

Commissioner McKiernan said, Ms. Kush, we appreciate your presence in the downtown on Minnesota Avenue for many years now, and I do ask that you please do comply with the stipulations that our Planning Commission put forward.

Conditions of Approval

1. All site improvements here within must be completed no later than January 1, 2022, which is subject to the earliest date that SP2021-050 can be heard by the Board of Commissioners. Failure to complete all conditions will result in revocation of the Special Use Permit;
2. All inoperable vehicles must be removed from the subject property by June 23, 2021. Under SP2021-050, the subject property shall not be used as a parking lot for inoperable vehicles;
3. The parking lot must be restriped subject to Section 27-667(a);
4. Per Section 27-672, required off-street parking shall be within 100 feet, or in the case of employee parking within 300 feet, of the same lot. The parking lot may only provide required parking spaces for customers of businesses within 100 feet of the property or for employees of businesses within 300 feet of the property;
5. The portion of the sidewalk on North 14th Street adjacent to the subject property must be restored and extended to connect to the sidewalk network along the south side of Minnesota Avenue;
6. Per Section 27-593(a)(28), a permit for a temporary use shall not be approved for more than two years; and,
7. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local.

* A full list of conditions of approval can be found in the staff report.

Introduction County Context Local Context Exhibits Recommendation Summary

Department of Planning + Urban Design
United Government of Wyandotte County - Kansas City, Kansas

That will make you an even better neighbor on Minnesota Avenue, and it will definitely help out your business and all the other businesses around you.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Walters, to approve Special Use Permit Application SP2021-050 for two years, subject to the stipulations.** Roll call was taken and there were ten “Ayes,” Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

July 1, 2021

REGULAR AGENDA

REGULAR CONSENT AGENDA

Mayor Alvey asked, does any member of staff or commission wish to set-aside any item on the Consent Agenda? Any item not removed will be voted on by a single vote.

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

Item No. 1 – 21881...GRANT: 2022 FISCAL YEAR VOCA

Synopsis: Request permission to submit an application for the FY2022 VOCA grant to help fund the Victim Services Unit, submitted by Wendy Medina, Police Department. The grant amount is for \$369,335 in federal funds with a required match by the KCKPD. On June 21, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

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

Item No. 2 – 21910...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations to Boards and Commissions:

Ollie Carroll to the Commission on Human Relations & Disability Issues, 7/1/21-12/13/21, submitted by Commissioner Philbrook

Marc Potter to the Wyandotte/Leavenworth Area Wide Advisory Council on Aging, 7/1/21-12/13/21, submitted by Commissioner Philbrook

Evelyn Hill to the Planning Commission & Board of Zoning Appeals, 7/1/21- 12/13/21, submitted by Commissioner Philbrook

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

July 1, 2021

Item No. 3 – 21923...PLAT: PIPER CREEK PUMP STATION

Synopsis: Plat of Piper Creek Estates located at Leavenworth Road and 138th Street and being developed by the Unified Government of Kansas City, Wyandotte County, Kansas, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

Item No. 4 – 21924...PLAT: PROJECT SUPERBOWL – LOGISTICS PARK

Synopsis: Plat of Project Superbowl - Logistics Park located at 99th and Leavenworth Road and being developed by SP Bennet Lake Development, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

Item No. 5 – MINUTES

Synopsis: Minutes from regular session of May 27, 2021, and special session of June 10, 2021.

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

Item No. 6 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated June 24, 2021.

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

PUBLIC HEARING AGENDA

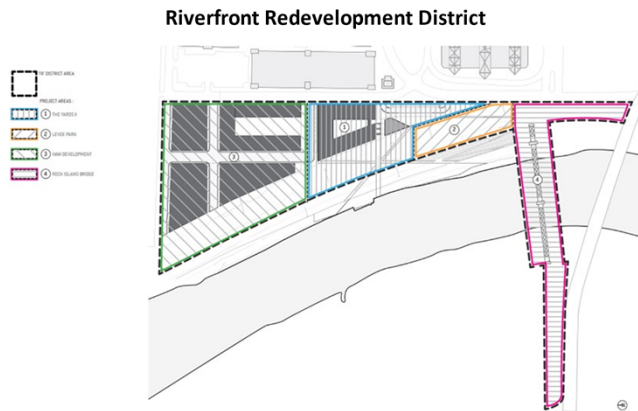
Item No. 1 – 21779...PUBLIC HEARING/ORDINANCE: ROCK ISLAND BRIDGE PROJECT

Synopsis: Conduct a public hearing to consider an ordinance to approve the Redevelopment Project Plan for Area 4 of Riverfront Redevelopment District. On May 27, 2021, the Commission unanimously adopted Resolution No. R-38-21 setting the public hearing.



Patrick Waters, Deputy Chief Counsel, said, this is the final step in the TIF process for the Rock Island Bridge. This presentation is very similar to the information that you heard last month. The TIF statute requires that we present this information to you, however, so I will give a brief presentation. You are officially being asked tonight to adopt the project plan for Project Area No. 4.

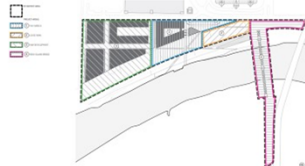
July 1, 2021



Here is a picture of the overall map of the Riverfront Redevelopment District, and there are four separate project areas within this district. The first is the Yards II Apartments, which has already been approved. You also have the Levee Park, future use. You have what's titled the Haw Property, which is contemplated to be either multi-family or commercial mixed-use. Finally, of course, you have Project Area No. 4, which is what we're here to talk about tonight.

The Riverfront Redevelopment District was approved August 13, 2020 and amended May 13, 2021.

- Four Project Areas:
 - Project Area #1— Yards II Apartments
 - Project Area #2— Levee Park
 - Project Area #3— Haw Development multi-family/commercial/mixed-use
 - Project Area #4— Rock Island Bridge



Again, the district was formerly approved on August 13th and the amended district, which added a little bit of extra property on each side of the river, was just approved on May 13th.

Rock Island Bridge

- 700 ft steel and concrete deck
- Public trail crossing
- Food Hall/Coffee shop
- Event Space
- Community spaces



July 1, 2021

So, Project Area 4 consists mostly of the Rock Island Bridge. As you know, it's a 700-foot-long steel and concrete structure. It will serve as a public trail crossing that will have restaurants, coffee shops. We'll have event space on the top deck, and it's contemplated to have community spaces for non-profits and other organizations.

Project Area #4 - Feasibility Study

The Feasibility Study found that the Rock Island Bridge project will provide significant economic activity for the Unified Government and that the benefits and revenues derived from the project will exceed the costs and will be sufficient to pay for the project.



In the bottom line of the feasibility study is that they found that the project will provide significant economic activity, and that the benefits and revenues that will come from the project will exceed the cost and will be sufficient to pay for the project.

TIF Revenue Projections

Riverfront TIF District - Project Area 4										
Projected Incremental Tax Revenues										
	Annual Value		Assessment	Base Value	Annual Sales		Sales Tax	Total Estimated TIF Revenues		
	Increase	Rate	Rate		Increase	Rate				
	2.0%	25.0%		\$ 50,517	3.0%	1.94%				
Year	Value of Property Tax TIF			Value of Sales Tax TIF			Total Estimated TIF Revenues			
	Estimated Actual Value	Estimated Assesed Value	Total Mill Levy	Estimated Incremental Property Tax Revenues	Estimated Taxable Sales	Estimated Sales Tax Revenues				
1	\$ 202,068	\$ 50,517	181.77	152.27	\$ (0)	\$ -	\$ (0)			
2	\$ 1,318,518	\$ 329,630	181.77	152.27	\$ 42,500	\$ 1,743,350	\$ 33,821		\$ 76,321	
3	\$ 1,344,888	\$ 336,222	181.77	152.27	\$ 43,504	\$ 1,795,651	\$ 34,836		\$ 78,340	
4	\$ 1,371,786	\$ 342,947	181.77	152.27	\$ 44,528	\$ 2,406,373	\$ 46,680		\$ 91,208	
5	\$ 1,399,222	\$ 349,805	181.77	152.27	\$ 45,573	\$ 2,478,358	\$ 48,080		\$ 93,653	
6	\$ 1,427,206	\$ 356,802	181.77	152.27	\$ 46,638	\$ 2,552,709	\$ 49,523		\$ 96,160	
7	\$ 1,455,750	\$ 363,938	181.77	152.27	\$ 47,725	\$ 2,629,290	\$ 51,008		\$ 98,733	
8	\$ 1,484,865	\$ 371,216	181.77	152.27	\$ 48,833	\$ 2,708,169	\$ 52,538		\$ 101,371	
9	\$ 1,514,563	\$ 378,641	181.77	152.27	\$ 49,963	\$ 2,789,414	\$ 54,115		\$ 104,078	
10	\$ 1,544,854	\$ 386,213	181.77	152.27	\$ 51,116	\$ 2,873,096	\$ 55,738		\$ 106,855	
11	\$ 1,575,751	\$ 393,938	181.77	152.27	\$ 52,293	\$ 2,959,289	\$ 57,410		\$ 109,703	
12	\$ 1,607,266	\$ 401,817	181.77	152.27	\$ 53,492	\$ 3,048,068	\$ 59,133		\$ 112,625	
13	\$ 1,639,411	\$ 409,853	181.77	152.27	\$ 54,716	\$ 3,139,510	\$ 60,906		\$ 115,623	
14	\$ 1,672,200	\$ 418,050	181.77	152.27	\$ 55,964	\$ 3,233,695	\$ 62,734		\$ 118,698	
15	\$ 1,705,644	\$ 426,411	181.77	152.27	\$ 57,237	\$ 3,330,706	\$ 64,616		\$ 121,853	
16	\$ 1,739,756	\$ 434,939	181.77	152.27	\$ 58,536	\$ 3,430,627	\$ 66,554		\$ 125,090	
17	\$ 1,774,552	\$ 443,638	181.77	152.27	\$ 59,860	\$ 3,533,546	\$ 68,551		\$ 128,411	
18	\$ 1,810,043	\$ 452,511	181.77	152.27	\$ 61,212	\$ 3,639,553	\$ 70,607		\$ 131,819	
19	\$ 1,846,244	\$ 461,561	181.77	152.27	\$ 62,590	\$ 3,748,759	\$ 72,726		\$ 135,315	
20	\$ 1,883,168	\$ 470,792	181.77	152.27	\$ 63,995	\$ 3,861,201	\$ 74,907	\$ 138,903		
Total Value					\$ 1,000,276		\$ 1,084,482	\$ 2,084,758		

* Excludes 21.5 mills for state school levy and 8 mills for school capital outlay.

Assume AV of \$135 psf for 8,270 sf of private space on bridge. Also assume property in Base AV retains its current \$202,068 value.

Sales Tax estimates based on HR&A Study, December 2020.

The feasibility study determined that from the increment in both property taxes and sales taxes alone would be sufficient to cover the \$2M contribution from the Unified Government. That's the number down here below over 20 years.

July 1, 2021



*Providing \$75,000 upfront with a one-to-one match for final design & construction documents.

**Remainder of funding would be transferred as the last money into the project.

However, when you take into account the fact that there will also be a CID, they estimated that it will actually be paid off in as early as 12 years.

- Annual Rent: \$9,300 annual with CPI inflation
 - Total over 20 years = \$249,894
- Revenue Share = \$300,571
- Sales Tax Revenue (post TIF termination) = \$556,554
- Property Tax Revenue (post TIF termination) = \$780,927
- Fiber Conduit Lease = \$25,000 annually
 - Total over 20 years = \$500,000

Total UG Financial Benefit over 20 years = \$2,387,946

In addition to those revenues, there will be an annual rent payment, there's a revenue sharing plan. We will receive the sales taxes and the property taxes. After the TIF terminates, there's also a fiber conduit that goes through the bridge, and once the Unified Government takes ownership, we would have the right to lease that out. So, those are all the potential revenues from this project. That is all I have for the presentation. Happy to answer any questions.

Mayor Alvey asked, Mr. LaSala, do you have anything to add? **Todd LaSala** said, no, Mayor. Patrick covered it very well tonight. Thank you.

Mayor Alvey said, I'll now open the public hearing. Ask the Clerk if we received any notification from the public who wished to speak on this item. **Brett Deichler, Interim UG Clerk**, said, none were received.

Mayor Alvey asked, is there anyone present who would like to speak in opposition? **Mr. Deichler** said, seeing none.

Mayor Alvey said, I'll now close the public hearing. Any comments, questions from the commission?

Action: **ORDINANCE NO. O-92-21**, "An ordinance of the Unified Government of Wyandotte County/Kansas City, Kansas, adopting a redevelopment project plan pursuant to K.S.A. 12-1770 et seq., and amendments thereto, for Project Area 4 within the Riverfront Redevelopment District." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance.** Roll call was taken and there were ten "Ayes," Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs.

ADMINISTRATOR'S AGENDA

Item No. 1 – 21925...COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE PERIOD ENDED 12/31/2020

Synopsis: Presentation of the Unified Government's Comprehensive Annual Financial Report for the Fiscal Year ended December 31, 2020, submitted by Kathleen VonAchen, Chief Financial Officer; Debbie Jonscher, Deputy Chief Financial Officer; and Pamela Kahao, Accounting Manager.

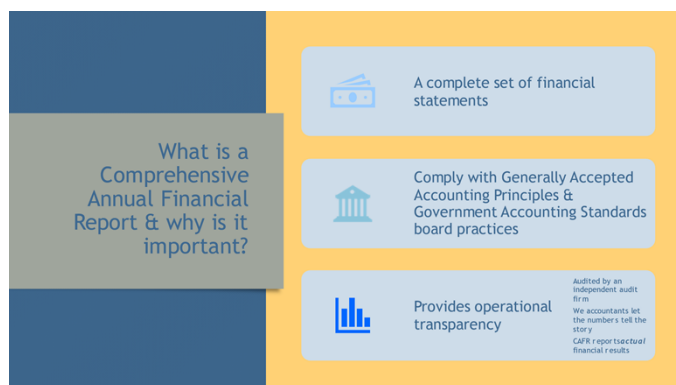
A full version of this report is available at:

<https://www.wycokck.org/files/assets/public/finance/documents/2020-cafr.pdf>

Debbie Jonscher, Deputy Chief Financial Officer, said tonight we are here to present the results of the Comprehensive Annual Financial Report.

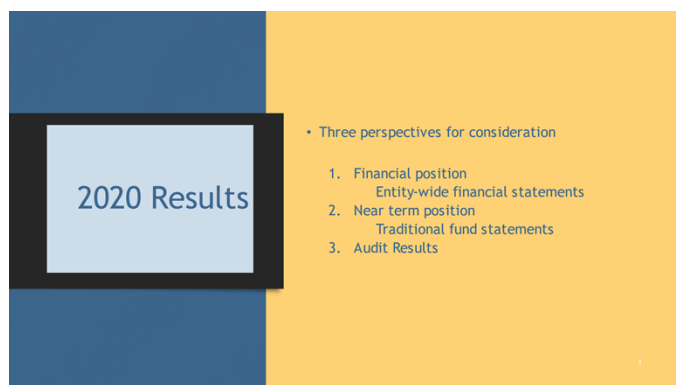


As I stated, we're here to present the results of the Comprehensive Annual Financial Report for the period ended December 31st, 2020.



The purpose of the Comprehensive Annual Financial Report is to provide accurate and meaningful information on the government's financial performance. It contains a complete set of financial statements. The statements comply with generally accepted accounting principles and governmental accounting standards board practices. It also provides operational transparency. The financial statements are audited by an independent audit firm. The Comprehensive Annual Financial Report reports actual financial reports, which is a little bit different than the budget, which is actually a financial plan for the future. So, I'm going to turn this over to Pam Kahao, our Accounting Manager, and she's going to present those results.

Pam Kahao, Accounting Manager, said, we're here to talk about the 2020 financial results for the 2020 audit.

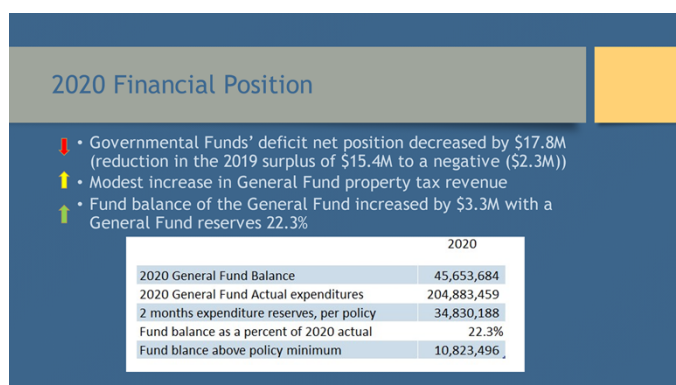


So, we have three perspectives for consideration. Our first perspective is our financial position. What that is on the government-wide, or entity-wide financial statement is our long-term liabilities, our assets, our depreciation on those assets, and the debt.

The second position is the net-term position, which are our fund financials or governmental fund financials. Those represent—they are traditional fund statements, and those are more of a near-term position, meaning things that are payable and receivable within the same calendar year. So, it really covers like the current period.

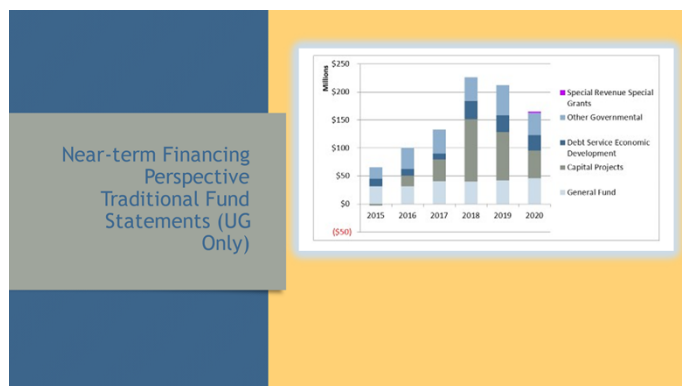
Then, the third perspective are our audit results.

This evening, Tara Laughlin, with AGH, will be speaking more about this, but we did have a good audit season, so we're really pleased about that.



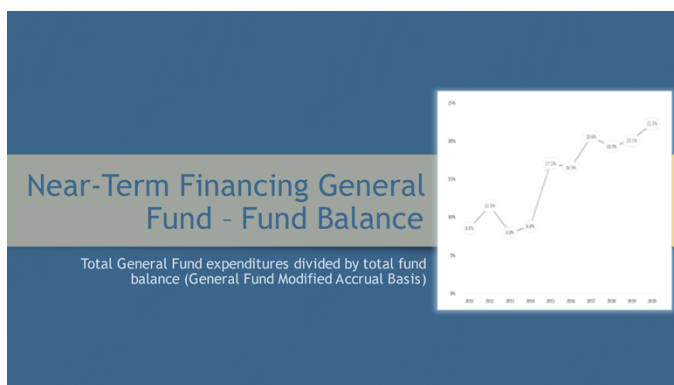
So, our 2020 financial position. Our government funds, deficit net position decreased by 17.8M. That was a reduction of our 2019 surplus of 15.4M, which resulted in a 2.3M negative position for 2020. We did have a modest increase in the General Fund property tax revenue, and the fund balance of the General Fund increased by 3.3M with a General Fund Reserve—our rainy-day fund, if you will—of 22.3, which is at two months of funds that we want to be able to cover expenditures in the event of a rainy day. That's presented here on this chart, and we have our fund balance, our

actual expenditures is calculated out to 22.3. Our fund balance above the policy minimum is \$10M.



Next, we'll speak to our near-term financing perspective on our traditional fund financials. Here, the government's financial position remains strong. We kind of suffered as a result of COVID-19, financially. The governmental fund's equity is presented as the fund balance here, and our special revenue—here on this statement, the financial statement for the governmental fund financials.

Typically, we have four columns, one for the General Fund, which is our bread and butter, Police and Fire, and some other administrative type services. Capital projects, which fund our projects and our infrastructure. Our debt service, which are our projects funded by our debt, and our other governmental, which are primarily our special revenue funds. This year, due to the funding we received as part of the COVID relief funds, or the CARES Act, we do have this tiny little pink piece that became its own column. It became a major fund in 2020. Typically, the special revenue, special grants, are presented in the other governmental. This year, this tiny little slice, 2.5M, that landed as a major fund due to the composition of the revenues and expenditures and assets and liabilities.



This is a perspective of a ten-year representation of our fund balance. As you can see, the last two years we've had increase in our fund balance after a debt in 2018, between '17 and '18. So, we're trending in the right direction. That still is representative of our rainy-day fund.

Financial Statement Audit Results

- As we present the 2020 Comprehensive Annual Financial Report tonight, the Unified Government has no financial statement findings.

So, our financial statement audit results. As we present the 2020 Comprehensive Annual Financial Report tonight, the Unified Government has no financial statement findings, which is really remarkable. We churned through a lot of work in 2020, primarily representative of the COVID relief funds. Tara will talk more on this later with AGH. She's the partner on our engagement.

GFOA Recognition



Unified Government Received:

Government Finance Officers Association

Certificate of Achievement for Excellence in Financial Reporting

20 Consecutive Years

The GFOA recognition, I see we have an error on this slide. That should be 21 consecutive years, so we shorted ourselves a year on this slide, but we did receive the Achievement for Excellence in Financial Reporting again for 2019. We only had a few couple of comments that were really insignificant.



Finally, that concludes my presentation this evening. I'd like to thank the Board of Commissioners; UG departmental staff, Doug Bach; Kathleen VonAchen, our Chief Financial Officer; Debra Jonscher, our Deputy Chief Financial Officer; the Accounting Division staff; Ron Green; Reginald Lindsey; Rick Mikesic; and last but not least, external audit team Allen, Gibbs, Houlik. They do a wonderful job for us every year, and we are really glad to have them aboard.



With that, I'm going—I do have one more point I want to make. So, our financial report is found on the public facing UG website. New for 2020, we were able to turn out the Popular Annual Financial Report, the PAFR, as of December 31st, 2020. What that is, is a community report that's kind of an abbreviated, or maybe the Cliff's Notes version of our Comprehensive Annual Financial Report for constituents in the community to be able to read results that aren't 235 pages long. So, this is more like 20. Breaks it down, has some good—it has a glossary in there, so forth. So, that

is available also on our public facing site this year, and that's a new addition in our report arsenal. With that, I'm going to turn it over to Tara Laughlin with AGH.

Tara Laughlin, Allen, Gibbs & Houlik, said, I am a vice president in our government assurance practice at Allen, Gibbs & Houlik, and we are the external financial statement auditors for the Unified Government. Before I get into the details of what I am required to report every year after the audit, I just want to thank Kathleen, Debbie, Pam, all the folks that assisted us throughout the Unified Government during the audit process. All of our requests and questions were answered timely, and it really made for a smooth audit this year.

I do want to touch briefly on the scope of services that we do provide at the Unified Government. So, of course, tonight we're discussing the financial statement audit. We do also perform the single audit, which is the audit over the Unified Government's federal expenditures. That is still in process, so we're not discussing results on that. That would be, for example, we'll be looking at the CARES expenditures and were they spent in line and used for allowable costs under that program. So, that is still in process. The third service we provide for the Unified Government relates to a required and agreed upon procedures under state statute for STAR bond expenditures. So, we select a sample of expenditures that are done with STAR bond monies and ensure that they are in compliance with statutes that govern those districts. We had no findings of those as well.

My primary purpose tonight is to discuss the financial statement audit. We did issue an unmodified opinion, or a clean opinion, on those financial statements which means that the financial statements materially reflect the books and records of the Unified Government for fiscal year 2020.

There are some communications under auditing standards we are required to go over with the governing board annually. You should have received a letter, and I'm going to kind of touch the highlights of that letter throughout my presentation tonight.

First off, if you are looking at last year's financial statement compared to this year's financial statement, there are two new standards that under government accounting standards, the Unified Government was required to implement this year.

The first relates to providing a clearer definition of what a fiduciary activity is. The importance of this is if an activity is fiduciary, where the Unified Government is holding money purely in a

custodial capacity where that money can't be used for the UG operations, you're holding it for a third party, while that information is presented within the financial statements, it's not part of the main financial statements because, again, that money can't be used for Unified Government activities. This standard was issued by the Accounting Board because there were inconsistencies in practice.

So, during this year, the Unified Government did have to evaluate all the activity that was in fiduciary activities in prior years to see if it was still in line with the new definition. There were three or four activities that were reported last year that did not meet the new definition of being fiduciary. These mostly relate to payroll clearing accounts. So, that is related to UG operations, not really a third party. So, for financial reporting purposes only at year end, the cash and the related liability is reported with the General Fund, but there is no net impact on General Fund activity. It just grosses up the cash with the related liability until those payroll taxes are paid. For operational purposes, everything is still being done the way it was in the prior year. It's a financial reporting item.

The second standard is a footnote disclosure item only, so it doesn't change how anything's accounted for. It's related to providing some additional information for debt and if there are any finance-related consequences of default for any of your debt, that is now disclosed in the financial statements as required by the standard. So, it just provides readers and users of the financials a little bit more information related to your debt issuances and what is in those debt agreements. So, both those standards were implemented this year by the Unified Government. Neither really had a significant dollar impact on the financial statements themselves, but the Unified Government did implement those as required by the Accounting Standards Board.

Next, I would just like to go over that there are significant accounting estimates within the financial statements. Not all numbers can be hard fast known numbers in these financials. The significant accounting estimates are the same as they have been in prior years. They are outlined and detailed within the letter, but these are items, for example, liabilities related to the Unified Government being self-insured for workers' compensation and health insurance. The Unified Government shared the net pension liability, the liability related to other post-employment benefits, so retirees being able to stay on the health plan, compensated absences, those kind of items is what's included in those significant estimates. Our requirements related to those estimates is to obtain an understanding of how management determines those estimates. We review the

input data, the calculations, the output for reasonableness. In all of those estimates that are listed in the letter, we did find that those estimates were being done reasonably by management.

As Pam mentioned, overall, we had a very clean audit this year. We did have four audit adjustments, which if you take into account the number of transactions processed in any given year, that's a pretty small number of audit adjustments. One of those adjustments had a net impact really of zero, it just was for reporting purposes had to be done. When the Public Building Commission issues bonds, that activity for operations purposes is processed one way, but for financial reporting purposes, we had to split it out. So, it just was moving to a different bucket. We did adjust accrued interest in the Sewer and Stormwater Funds to properly reflect the interest that was owed at year end. For accounts payable, we found one item in the Capital Projects Fund that needed to be recorded. Then, in the Self-insurance Fund, we found one item that was actually not owed at year end, so we removed that amount out of accounts payable. Last but not least, in the Sewer Fund, we had a duplicated asset, so we just removed the duplication of the asset. So, again, those four adjustments overall. Very clean audit.

We're also required to discuss any uncorrected misstatements with the governing board. Uncorrected misstatements are items that were identified during the audit, but unlike audit adjustments, aren't reflected within those financial statements. These are items that management has determined are not material to the financials or one of being misleading to users, and through all of our requirements, we've evaluated that and agreed with management that it wouldn't be. Uncorrected misstatements self-correct, so it's not an issue of the transactions never going to be recorded, it's a timing issue of it being recorded in a certain period. So, we only had two of those.

The first one actually related to a revenue accrual from the prior year. So, again, a timing issue. So, by the end of 2020, it was properly reflected.

Then, the last uncorrected misstatement is a common one for a lot of entities. During the audit process, an estimate is done for a potential legal liabilities from items that are out there that aren't completed yet. Then, towards the end of the audit, we get information from various attorneys on the probability of those items and we kind of compare that to the estimate that's done during the audit process. A lot of times, there is a variance there and if it's not significant, instead of flowing that all the way through the financials, we put it in the uncorrected misstatement bucket. So, that is the second item. It's just the difference between the estimate done earlier in the process versus at the end of the processing information we obtained on those potential legal items.

So, again, just to reiterate overall, a really clean audit process. In the middle of the letter, I like to point it out, it's under Other Disclosure header. We had no disagreements with management. As I mentioned, all of our requests were answered timely; support was provided timely. We still did a little bit of onsite and offsite auditing this year with COVID, and so the audit process went really smoothly with all of the issues that are still kind of going on related to those situations.

The remainder of the letter provides information on four, five different just general information we provide to all of our governing boards, whether it's a corporate, not-for-profit, or government industry; just information that's out there in the environment, risk areas, items for you to consider as you go throughout the year with your service on the governing board.

The main one I'm going to highlight relates to information security governance. As you all are aware, there's increases in cybersecurity threats. So, we do like to provide some detailed information on what's going on in that area, so that as you go throughout the year, you can consider those issues as it relates to the Unified Government. That is the end of my required communication, so I will open it up if anybody has any questions.

Mayor Alvey asked, any comments or questions? All right. Thank you so much. This item was for information only.

Mayor Alvey said, at this time, the commission will go into executive session for preliminary discussion of the acquisition of real property and for consultation with legal counsel regarding litigation.

Action: Commissioner Markley made a motion, seconded by Commissioner McKiernan, to go into executive session until 9:45 p.m. to consult with our attorneys and to discuss confidential matters related to pending claims and litigation and for preliminary discussions regarding purchase considerations related to the acquisition of real property for public improvements as permitted under the Kansas Open Meetings Act, and that staff designated by the County Administrator be present to participate in the discussion. Roll call was taken and there were eleven "Ayes," Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Walters, Philbrook, Bynum, Burroughs, Alvey.

**MAYOR ALVEY
ADJOURNED THE MEETING AT 9:50 P.M.
JULY 1, 2021**

Brett A. Deichler, PMP|CPM
Interim Unified Government Clerk

af

July 1, 2021